

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on October 9, 2012 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Present	
Chuck Nelson	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Commissioner District 4	Present	
Andy Anderson	Vice Chairman/Commissioner District 5	Present	

**INVOCATION**

The invocation was given by Preacher Reeder Ward, Church of Christ at North Melbourne.

**PLEDGE OF ALLEGIANCE**

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the August 21, 2012, and September 4, 2012, Regular Meeting Minutes, and September 11, 2012, Special Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>SECONDER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.A., RESOLUTION, RE: PROCLAIMING OCTOBER 2012 AS DOMESTIC VIOLENCE AWARENESS MONTH**

Commissioner Fisher read aloud, and the Board adopted Resolution No. 12-212, proclaiming October 2012 as Domestic Violence Awareness Month, together with the Brevard County Domestic Violence Task Force; and urged citizens to speak out against domestic violence, support survivors efforts to live free from abuse, and hold perpetrators accountable.

Cindy Mitchell, Salvation Army Brevard County Domestic Violence Program, accepted the Resolution and expressed her appreciation to the Board.

Howard Tipton, County Manager, commented the United Way is using video campaigning to make strong points in the community about domestic violence.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Vice Chairman/Commissioner District 5  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.B., RESOLUTION, RE: PROCLAIMING THE WEEK OF OCTOBER 7 - 13, 2012, AS FIRE PREVENTION WEEK**

Chairman Nelson read aloud, and the Board adopted Resolution No. 12-213, proclaiming the week of October 7 - 13, 2012, as Fire Prevention Week, with the year's national theme as "Have 2 Ways Out"; and called upon the nation and the residents of Brevard County to participate in fire prevention activities at home, work, and school by taking steps needed to make their homes, workplaces, families, and friends safer from fire.

Frank Scates, Fire Marshall of Brevard County Fire Rescue, accepted the Resolution, expressed his appreciation to the Board, and urged residents to "Have 2 Ways Out".

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Vice Chairman/Commissioner District 5  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.C., RESOLUTION, RE: PROCLAIMING SEPTEMBER 15 - OCTOBER 15, 2012, AS HISPANIC HERITAGE MONTH**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 12-214, proclaiming the month of September 15 - October 15, 2012, as National Hispanic Heritage Month in Brevard County; invited all citizens to extend greetings and best wishes to all observing Hispanic Heritage Month; and invited all to attend the first annual VIVA BREVARD Festival.

Javier Molinares, Hispanic Heritage Commission Chairman, accepted the Resolution, expressed his appreciation to the Board, and invited all to join the VIVA BREVARD celebration on Saturday, October 13, 2012.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Vice Chairman/Commissioner District 5  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.D., RESOLUTION, RE: RECOGNIZING AND COMMENDING GREATER FEDERATION OF WOMEN'S CLUB**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 12-215, recognizing and commending the Greater Federation of Women's Club of Melbourne for their many contributions made to Brevard County for the past 100 years.

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Judy Chapman, Greater Federation of Women's Club of Melbourne President, accepted the Resolution, expressed her appreciation to the Board, and mentioned the Women's Club has a K-9 Companion Program available if anyone is needing assistance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.E., PRESENTATION BY NETA HARRIS, BREVARD NATURE ALLIANCE, RE: 2012 FESTIVAL REPORT AND UPDATE OF BNA TOURISM PROJECTS**

The Board acknowledged the presentation by Neta Harris, Brevard Nature Alliance, for 2012 Festival Report and update of Brevard Nature Alliance Tourism Projects.

**ITEM I.F., RESOLUTION, RE: RECOGNIZING AND CONGRATULATING GEORGE VAN STADEN FOR HIS YEARS OF SERVICE TO THE SENIOR CITIZENS OF NORTH BREVARD, AND THE NAMING OF THE LAKES IN HIS HONOR**

Commissioner Fisher stated he will be presenting the resolution to George Van Staden at a later date; and the Board adopted Resolution No. 12-216, congratulating George Van Staden upon his many years of dedicated service to the North Brevard Senior Center (NBSC), and congratulated him on the naming of George Van Staden Lakes, adjacent to NBSC.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.G., RESOLUTION, RE: PROCLAIMING THE WEEK OF OCTOBER 7 - 13, 2012, AS NATIONAL 4-H WEEK IN BREVARD COUNTY**

Chairman Nelson read aloud, and the Board adopted Resolution No. 12-217, proclaiming October 7 - 13, 2012, as National 4-H Week in Brevard County, and urged the citizens of the community to take advantage of the opportunity to become more aware of this special program that enhances young people's interest in their futures as part of Brevard County 4-H Youth Development.

Vanessa Spero-Swingle, University of Florida, Institute of Food and Agricultural Sciences, Brevard County Extension, 4-H Agent, excepted the Resolution; and stated 4-H is a Youth Development Program that teaches leadership, citizenship, and teamwork skills to use throughout the County; she introduced Abbie Delech and David Ryder who will tell the Board about their 4-H experiences.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>SECONDER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

### ITEMS PULLED FROM CONSENT AGENDA

Howard Tipton, County Manager, stated he needs to pull from the Agenda, Item III.B.7., Agreement with Brevard Community Partnership, Inc., Re: Construction of Affordable Housing; and Item III.B.13., Amendment to Agreement with MB Dogs, Inc., d/b/a North Beach Park, to be brought back to the Board at a later date.

Chairman Nelson stated he has a speaker card and needs to pull for discussion Item III.B.15., request for Proposal, Re: Vanpool Management Services for Space Coast Area Transit.

### ITEM III.A.1., GRANT CONTRACTS WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: CHAIN OF LAKES SOUTHERN EXPANSION AND FORTENBERRY (VETERANS PARK) STORMWATER IMPROVEMENTS

The Board approved executed contracts with Florida Department of Environmental Protection (FDEP) for cost-share grants for Board approved Capital Improvement Projects (CIP) projects, Chain of Lakes Southern Expansion and Fortenberry (Veteran's Park) Stormwater Improvements, subject to approval of the County Attorney's Office and Risk Management; approved legal venue as Leon County; authorized the Chairman to execute future contract amendments subject to the approval of the County Attorney's Office and Risk Management, and approved associated budget change requests.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

### ITEM III.A.2., RESOLUTION, RE: GRANTING VESTED RIGHTS APPLICATION OF ERIC AND COLLEEN LEE, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS OF LAW PROPOSED BY THE SPECIAL MAGISTRATE, AND REJECTING OTHER RECOMMENDATIONS OF THE SPECIAL MAGISTRATE

The Board Adopted Resolution No. 12-218, granted the Vested Rights application of Eric and Colleen Lee, adopting a portion of the Findings of Fact and Conclusions of Law proposed by the Special Magistrate, rejecting other findings and allowing vested rights to operate vacation rentals on two parcels in Merritt Island, with the vested rights being limited to the current owners.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.3., APPROVAL, RE: PERMISSION TO QUOTE MATERIALS AND SERVICES FOR ROAD AND BRIDGE CONSTRUCTION PROJECTS**

The Board approved utilizing written quotations to acquire construction materials or services on a job-by-job basis; and authorized the County Manager, or designee to award to the lowest responsive quotation through September 30, 2013, for materials and services on annual bid that contracted vendors are not able to provide during this time, or when market conditions prohibit formal bidding.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.4., ACCEPTANCE OF WARRANTY DEED FROM APPRAISAL SERVICE OF BREVARD, LLC, RE: EBER BOULEVARD RIGHT-OF-WAY**

The Board accepted the Warranty Deed from Appraisal Service of Brevard, LLC to Brevard County and waived the Phase I Environmental Assessment.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.5., BILL OF SALE WITH CITY OF TITUSVILLE, RE: POTABLE WATER INFRASTRUCTURE RELATED TO THE CHAIN OF LAKES TRAILHEAD FACILITY**

The Board authorized the Chairman to execute the Bill of Sale for Potable Water Infrastructure related to the Chain of Lakes Trailheads Facility Project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.6., CONTRACT FOR SALE AND PURCHASE WITH HELGA M. KOPP, RE: ACQUISITION OF A VACANT LOT LOCATED ON THE WEST SIDE OF HOLLYWOOD BOULEVARD, NORTH OF TREND AVENUE**

The Board executed the Contract for Sale and Purchase with Helga M. Kopp, for a .19 acre parcel located on the west side of Hollywood Boulevard, north of Trend Avenue, in the amount of \$20,500.00 for the Hollywood Boulevard Widening Project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.7., RIGHT-OF-WAY USE AGREEMENT WITH THE VIERA COMPANY, RE: CONSTRUCTION OF ILLUMINATED SIGNAGE, LANDSCAPING, SOD, IRRIGATION FACILITIES AND RELATED IMPROVEMENTS, AND MAINTENANCE ON STADIUM PARKWAY NORTH OF WATERSONG WAY**

The Board executed Right-of-Way Use Agreement with The Viera Company for construction of illuminated signage, landscaping, sod, irrigation facilities and related improvements, and maintenance on Stadium Parkway north of Watersong Way; and authorized the Chairman to execute the Agreement.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.8., ACCEPTANCE OF WARRANTY DEED FOR MARIGOLD AVENUE RIGHT-OF-WAY AND UTILITY EASEMENT FROM JFS HOLDINGS, LLC, RE: TRACTOR SUPPLY PROJECT**

The Board accepted Warranty Deed and Utility Easement from JFS Holdings, LLC in favor of Brevard County in connection with the Tractor Supply Project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.1., APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved Budget Change Requests, as submitted.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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**ITEM III.B.2., ACKNOWLEDGEMENT, RE: RECEIPT OF PARRISH MEDICAL CENTER FY 2012-2013 REVENUE AND EXPENSE BUDGET AND MILLAGE RESOLUTION**

The Board acknowledged receipt of Parrish Medical Center FY 2012-2013 Revenue and Expense Budget Millage Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.3., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN ATTACHED TO PREVIOUS OWNER'S PROPERTY (ERIC ADDINGTON), AT 4188 CINNAMON TEAL DRIVE, MIMS**

The Board approved Special Magistrate's recommendation to reduce the accrued fine for the violation at 4188 Cinnamon Teal Drive, Mims FL 32754 (Case: 11CE-00816 f/k/a 96-2463) from \$7,129.50 to \$900.00; and directed staff to prepare and execute the release and satisfaction of lien upon receipt of payment.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.4., PERMISSION TO REJECT ALL BIDS, RE: BID #B-4-12-63 - CONCRETE SIDEWALK, CURB, AND GUTTER**

The Board rejected all bids submitted for Bid #B-4-12-63, Concrete Sidewalk, Curb, and Gutter; and authorized staff to re-solicit bids under revised specifications.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.5., REVIEW AND REVISION, RE: POLICY BCC-75, COUNTY VEHICLE FLEET MANAGEMENT**

The Board approved revision of Board Policy BCC-75, County Vehicle Fleet Management to reference to Fleet Services as amended to Central Fleet Services throughout the policy to reflect the current program title; and approved in Section III.B.7, as each department/office has ownership of their respective vehicles, this section is revised to indicate that the Central Services Fleet Service Program has responsibility for making recommendations to departments for their consideration to surplus and dispose of vehicles.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.6., APPROVAL TO PROCEED, RE: SPACE COAST STADIUM 2012-2013 CAPITAL IMPROVEMENTS**

The Board authorized staff to proceed with design and construction of capital improvements at Space Coast Stadium; authorized the County Manager or designee to authorize bids and awards, or use continuing contracts for materials, services, and equipment necessary for the expeditious completion of these projects; and approve budget changes as required to complete approved Stadium capital projects.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.8., LOW INCOME POOL AGREEMENTS WITH FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, RE: HEALTH ADMINISTRATION FOR THE BREVARD HEALTH ALLIANCE**

The Board executed Agreements with the Florida Agency for Health Care Administration's Low Income Pool, for health care administration of the Brevard Health Alliance, upon approval of the County Attorney and Risk Management; accepted a cash donation; and approved an increase of \$336,740 in the Housing and Human Services Department's General Fund transfer for the required Low Income Pool match.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.9., AMENDED AGREEMENT WITH COMMUNITY HOUSING INITIATIVE, RE: FIRST TIME HOMEBUYER ASSISTANCE**

The Board approved an amendment to the Agreement with Community Housing Initiative, Inc., to award an additional \$300,000 for First Time Homebuyer Assistance; and authorized the Chairman to execute future contracts, modifications, and amendments contingent upon approval of the County Attorney and Risk Management.



**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.10., APPROVAL, RE: FY 2012-2013 COMMUNITY ACTION BOARD (CAB) RECOMMENDATIONS FOR COMMUNITY BASED ORGANIZATION (CBO) FUNDING**

The Board approved the recommendations of the Community Action Board (CAB) to provide \$510,200 in funding to 11 community-based organizations; and authorized the Chairman and/or County Manager or designee to execute subsequent modifications and amendments to the Agreements, upon review and approval by the County Attorney and Risk Management.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.11., LOW INCOME POOL AGREEMENTS WITH FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, RE: BREVARD COUNTY HEALTH DEPARTMENT**

The Board executed Agreements with the Florida Agency for Health Care Administration's Low Income Pool for Primary Care Enhancement at the Brevard County Health Department.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.12., FEE RESOLUTION AND FY 2012-2013 AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF HEALTH, RE: OPERATION OF BREVARD COUNTY HEALTH DEPARTMENT**

The Board executed the annual Agreement with the State of Florida Department of Health for operation of the Brevard County Health Department for FY 2012-2013; adopted Resolution No. 12-219, establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services; and authorized the Chairman to execute any future amendments or agreements contingent upon approval of Risk Management and the County Attorney.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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**ITEM III.B.14., AMENDMENT TO LEASE AGREEMENT WITH THE SCHOOL BOARD OF BREVARD COUNTY, RE: CHERIE DOWN PARK**

The Board executed an Amendment to Agreement with the School Board of Brevard County, for Cherie Down Park, allowing the County the ability to sublease the School Board-owned property within the Park to another appropriate body of local government or public agency for public recreational purposes, subject to approval by the School Board Superintendent.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.17., RESOLUTION, RE: SUPPORT OF L-3 IEC FOR THE STATE QUALIFIED TARGET INDUSTRY TAX REFUND (QTI) PROGRAM**

The Board adopted Qualified Targeted Industry Tax Refund Resolution No. 12-220, qualifying L-3 IEC as a qualified targeted industry business and providing for local financial support in the form of cash for the project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.1., AMENDMENT NO. 2 TO LEASE AGREEMENT WITH BREVARD CULTURAL ALLIANCE, INC., RE: CONTINUED USE OF COUNTY OFFICE SPACE AND COUNTY INTERNAL SERVICES**

The Board executed Amendment No. 2 to Lease Agreement with Brevard Cultural Alliance, Inc., for continued use of County office space and County internal services.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.2., APPROVAL, RE: LIABILITY AND WORKERS' COMPENSATION INSURANCE PROGRAMS FOR FISCAL YEAR 2012-2013**

The Board approved placement of the County's General Liability, Professional Liability, Airport & Aviation Liability, Automobile Liability, and Workers' Compensation insurance coverage at a cost of \$1,098,599; and authorized Gerard Visco, Insurance Director, to bind coverage effective October 1, 2012.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.3., APPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD**

The Board appointed/reappointed **Robert Bial, Laura Canady, Rose Harr, Mark Judge,** and **Amar Patel**, to the Brevard Workforce Development Board, with terms expiring June 30, 2015.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.4., APPROVAL, RE: REQUISITION FOR FISCAL YEAR 2013 BUDGET - BREVARD COUNTY SHERIFF'S OFFICE**

The Board approved the requisition of 1/12th of the Fiscal Year 2013 budgeted funds, and 1/6th of the budgeted funds in January 2013, and equipment (capital) budget.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.5., APPOINTMENTS, RE: VETERANS MEMORIAL PARK EXPANSION ADVISORY COMMITTEE**

The Board appointed/reappointed **Richard A. Desrocher, Sr., Donald Flammio, George Golden, Kimberly Koplak, Maury Meisner,** and **Ted Whitlock**, to the Veterans Memorial Park Expansion Advisory Committee, with terms expiring October 9, 2014.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.8., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder as submitted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM VII.E.1., AUTHORIZATION, RE: NAMING OF THE NEW SHERIFF'S NORTH PRECINCT AS THE "DEPUTY BARBARA A. PILL LAW ENFORCEMENT FACILITY"**

Sheriff Jack Parker, stated the citizens of Brevard County are extremely safe because of everything the Board has done with making public safety a priority; and today, he is making his most important request of the Board. He reminded the Board of the loss of Deputy Barbara A. Pill; stated a new building is being built in North Brevard County for the North Precinct; the new building should come to fruition next year; and on behalf of the 1,400 Members of the Brevard County Sheriff's Office and the entire Pill family, he is humbling requesting the Board name the North Precinct building officially the "Deputy Barbara A. Pill Law Enforcement Facility".

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

The Board recessed at 10:01 a.m. and reconvened at 10:16 a.m.

**ITEM III.B.15., REQUEST FOR PROPOSAL, RE: VANPOOL MANAGEMENT SERVICES FOR SPACE COAST AREA TRANSIT**

Fred McMillian stated he is aware of *Amtrak's* passenger rail service proposal of running through Brevard County and up the east coast of Florida, which is a plus with the many stops planned for the area; he expressed his concern about local public transportation needs in Brevard County and the lack of providing public transportation for the general public; and North Brevard County has no access to the beach, except through Cocoa, which consists of riding two buses and taking two hours just to get to the beach. He advised he knows the budget is a problem to provide more services, but the Board is proposing to spend \$1.3 million on landscape for S.R. 520. He remarked the \$1.3 million could be better spent and it should be diverted to public transportation, because the public need is transportation; landscaping is not a high priority for Brevard County, as the landscape is naturally beautiful here; and stated to improve upon it would mean destroying a lot of natural resources, and wildlife preserves could be at risk. He added, in North Brevard County, \$80 million to \$150 million is planned to be spent; the Commissioners need to expand on the monies, what is proposed to be spent, and how it can be diverted into public transportation improvements, because the money is important. He added, traffic on I-95 is horrendous; he rode the *Amtrak* from Georgia, he had to get off in Winter Park, and he paid \$70 for a cab ride back home to North Brevard County; and he loves to travel, but it is very inconvenient if a person lives in Brevard County. He stated this Commission has authority and needs to answer to its constituents about transportation issues; he is trying to get in touch with *Florida TODAY*, who is also encouraging this effort; in 2015, *Amtrak* and *Florida East-Coast Railway (FEC)* is going to start services and refurbish old train stations that have been vacant since the 1950's; and Brevard County needs to revitalize its transportation. He stated Governor Rick Scott has authorized 6.8 thousand jobs at Port Canaveral; and he inquired how all of those individuals are going to get around.

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Commissioner Fisher stated the Board took the lead with Governor Scott to bring the high-speed rail to Orlando and having one leg of the rail running along S.R. 520, which would have really changed the speed of getting back and forth to Orlando, but it was not agreed upon by all the Commissioners; and the Board sent a letter to the Governor's Office asking for the federal project to be funded, because it is easier to fund with federal dollars rather than local general tax dollars, which would have changed the way people travel. He encouraged Mr. McMillian to speak with State Legislature because those are federal dollars being turned away from this area and other states are receiving the money. He added, he is not sure about Mr. McMillan's reference of Brevard County receiving \$80 million to \$150 million.

Mr. McMillian stated he is not sure either, but inquired if there are improvements the County is proposing to do.

Commissioner Infantini stated she can expand upon the monies in question; the North Brevard Economic Development Zone (NBEDZ) is a zone that has recently been created by a few Commissioners to provide all of the property tax revenue money that is coming from Florida Power & Light (FP&L) plant for the first year; and then for year six through 26, the \$3.5 million that is going to be generated from the FP&L plant will be diverted into the NBEDZ; and the NBEDZ will be able to use the money kind of like President Obama did with Solyndra, to entice businesses to come to Brevard County. She inquired if there is \$1.3 million planned for landscaping and irrigation on S.R. 520, would the County Manager tell the Board if the funds could be diverted and expanded to bus services; and stated it is something the Board has control over unlike federal dollars.

Chairman Nelson stated the funds in question are State funds that the Board has no control over; the landscaping project is part of a resurfacing and mast arm replacement safety project on Merritt Island; the Board does believe transportation is important; there is a great deal of resources committed to transportation; and it encourages and improves the taxable values of those properties, which means having access to more money, and is why those projects are done. He went on to say it is not as simple as just diverting money; it is a balancing act; and the Board tries its best to do those kinds of things.

Commissioner Fisher stated it is important to realize what could have helped with commute back and forth to Orlando is that Commissioner Infantini did not support Governor Scott's high-speed rail; he suggested Mr. McMillian have some private conversations with Commissioner Infantini to try and change her opinion of it; and he mentioned her wanting to increase the fees for bus services.

Mr. McMillian stated his main agenda is for local transportation; he believes the federal money will come through eventually; Brevard County does not have the resources that it is going to take to develop *Amtrak* and FEC; it does have the money and are more connected federally than locally; and asked that the Commission advocate Brevard County when the rail system from Miami to Jacksonville is started. He expressed his thanks to the Board for its support in this matter; the meeting today was very informative for him; and he has connected with the Greater Federation of Women's Club about their animal companionship.

Chairman Nelson suggested James Liesenfelt, Transit Services Director, is a good resource for any questions.

Commissioner Infantini stated she is glad to hear Commissioner Fisher being concerned about fees; she had suggested a modest increase for bus fares to enhance the distribution of buses so they are increased around the County; and people cannot go to work if it is going to take them two hours to get there and two hours to get home.

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Mr. McMillian stated he has had communications with the Council of Churches in Brevard County, especially St. James A.M.E. Church; the public is interested in hearing what the County has to offer; Route 1 did improve a little bit; there is still no access to the Greyhound bus station, and some other areas that have no access.

Commissioner Anderson opined it was not known at the time of high-speed rail communications who was going to pay for the operation and maintenance it in the future for Brevard County. He stated today is a Request for Proposal (RFP) of Vanpool Management Services; he supports it; and mentioned the term being up for current contract.

Chairman Nelson commented there is a road project for Hollywood Boulevard, which is money that could be put into transportation; and inquired if Commissioner Infantini would like to give up her money. Commissioner Infantini responded no; stated she wished she had 10 of the millions like Chairman Nelson and Commissioner Fisher had for repaving and resurfacing roads. Chairman Nelson stressed the millions got them halfway back to what had been spent in South Brevard over the last several years; it is trying to be balanced out; his District has approximately 300 miles; and about 100 miles will be paved, which is the first time in over 50 years that those roads have been paved; and he thinks that is not frivolous. He went on to say it is unfortunate that Commissioner Infantini chooses to go after individual Commissioners, which is what she does routinely, as opposed to him pulling the Item today, and telling everyone the County paid more for the assessed value, that Commissioner Infantini loves to point out, for property that was a road project, which was hers; and she routinely continues pointing that out. He mentioned if Commissioner Infantini wants to continue the bickering back and forth, it can be done, but otherwise, it would be helpful for her vote and move on.

Commissioner Infantini remarked she knows it would be helpful to vote, move on, and not have public comments or the public not be well informed; stated she is going to continue informing the public about what the Board is doing; and the truth can be twisted, but she is going to continue on, looking out for the people.

Chairman Nelson stated Commissioner Infantini is the expert at twisting the truth, because the budget has been reduced every year for the last six years, with less money coming in today than ever, and she continues to say the millage rate was raised; and somehow she saved money and the rest of Board raised the rate. He went on to say he does not understand how that happens, she has never been able to explain it; but if she would like to take a few moments to explain how raising the rates saved money, he is more than happy to help the public understand that.

Commissioner Infantini stated Chairman Nelson is one of the ones who raised the rate; she wanted to decrease it; unfortunately, because it was not decreased enough she will not vote for the budget; she will not vote for excessive spending; and the public knows, she has never voted for the budget because it has excessive spending in it.

Chairman Nelson stated if Commissioner Infantini wants to go after road projects, the list can be looked at, as there are some interesting projects.

The Board approved the advertisement, acceptance, and negotiation of proposal from qualified firms for the provision of vanpool fleet management service for Space Coast Area Transit (SCAT); and established a selection committee consisting of Transit Services Director or designee, SCAT Manager of Operations or designee, South Operations Manager or designee, and Purchasing Manager or designee as a non-voting member.

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Commissioner Fisher stated the challenge was being faced with building new roads but not being willing to maintain existing roads; Commissioners Anderson and Bolin Lewis, and Chairman Nelson supported repairs on existing roads on those 83 unpaved miles in his District where the road had not being paved for 20, 30, and 40 years; there was \$150 million worth of bond money; North Brevard received \$20 million of the \$150 million; and this Commission made a decision to start addressing some of the road conditions of roads that had not been paved. He added almost 300 roads have been paved; 50 miles were paved in 2011; 50 miles will be paved in 2012; and people are having asphalt in front of their homes for the first time; and he is not going to apologize for putting asphalt in front of people's homes that deserve it.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM II.D., REPORT, RE: TRUDIE INFANTINI, DISTRICT 3**

Commissioner Infantini mentioned the Town of Grant-Valkaria is having a groundbreaking ceremony for Community Park on Thursday, October 18, 2012, at 5:30 p.m. to 6:00 p.m.

**ITEM II.F., REPORT, RE: ANDY ANDERSON, DISTRICT 5**

Commissioner Anderson stated Wednesday, October 10, 2012, at his office located at 1515 Sarno Road, Melbourne, from 5:00 p.m. to 6:00 p.m., he will host a meet and greet for the new District Executive Director Stephanie Regalia; and anyone involved in scouting locally is invited.

Commissioner Anderson stated he sponsors Coats for Kids every year in his office; he expressed his thanks to Stockton Whitten, Assistant County Manager, and staff for helping coordinate through the Brevard County Library, instead of every school, because it became overwhelming; and he invited everyone to donate a new or slightly used jacket for local children, with donations accepted at his office or any Brevard County Library.

**ITEM II.G., REPORT, RE: CHUCK NELSON, DISTRICT 2**

Chairman Nelson stated he is going to have Space Coast Government Television show a picture of Brevard County's Veteran Center on Merritt Island; it has been re-roofed, due to a leak; he expressed his thanks to Stockton Whitten, Assistant County Manager and the staff in Facilities who were able to get a contractor to repair the roof; and there are items in the museum that are one of a kind.

**ITEM IV., PUBLIC COMMENTS**

Arthur Mobley stated he came to Florida 26 years ago, has lived in Port St. John for 21 years, and is retired from the United States Army. He went on to say he is a combat infantry disabled Veteran who has received three Army Brown Stars of Valor, five Purple Hearts, and the U.S. Army Combat Infantry Badge Tours Service Medals; he stated he is telling the Board about his honors because he wants to show that he is grounded in the Port St. John area; he has been married for 43 years, raised two sons, and has seven grand-children that all live in Port St. John; and is also retired from the Brevard County School Board. He stated there are some

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things in Port St. John that he does not agree with; there is an individual named Lucas K. Kammermann, who resides at 5010 Fay Boulevard, and runs a business of small engine repairs out of his home; Mr. Kammermann is not properly zoned, does not have a business license, and is not permitted; added, he has been to Code Enforcement with documentation and there are public records from early June in the Code Enforcement office; Code Enforcement took the issue to the District Attorney (DA); and the DA said it needs more witnesses and receipts. He stated Mr. Kammermann only takes cash for services; Mr. Mobley's initial statement was eight pages long, with statements of cash only transactions; his official statement was 18 pages long; and the DA had turned it all away. He stated on August 26, 2012, he reported Mr. Kammermann to the Tax Collector for not paying or charging sales tax; it was investigated; he was told there were no record of paying sales tax for two years by Mr. Kammermann; a letter was sent to Mr. Kammermann to make a sworn statement that he owns no business; and it was tossed out again. He stated to this day Mr. Kammermann is still running the small engine repair business continuously, taking cash only payments; and he had pictures, documentations, and license plate numbers.

Chairman Nelson stated the concern is a business being ran in a residential area; staff has been involved; and he inquired if staff will get in touch with Mr. Mobley and the district Commissioner for a resolution to the problem. Robin Sobrino, Planning and Development Director, responded affirmatively.

Commissioiner Fisher inquired where Mr. Mobley lives. Mr. Mobley responded 5601 Banos Avenue.

Vic Brungart stated in January 2013 he is going to file to run for Commissioner of District 4; he is going to persevere and thrive on adversity; and he will be physically stronger, mentally tougher, and emotionally stable to beat the competition. He mentioned a conversation recently with Commissioner Bolin Lewis, and she was telling him that she has a bunch of people who are wanting her endorsement; and stated he has no money, but will be knocking on every door to spread the word of his running for Commissioner in District 4.

**ITEM V.A., ORDINANCES, RE: COMPREHENSIVE PLAN PACKAGE 2012-1 PLAN AMENDMENTS**

Chairman Nelson called for a public hearing to consider Comprehensive Plan Package 2012-1 Plan Amendments.

Robin Sobrino, Planning and Development Director, stated this is the adoption hearing for the Comprehensive Plan Package 2012-1; it is the first amendment cycle of 2012; there are three amendments in this package; Comprehensive Plan amendment 2012-1.1 is a private amendment requested by Ag Ventures, LLC seeking a Future Land Use map change from Residential 4 to Community Commercial on 32.2 acres, located on the east side of U.S. 1 at the northeast intersection of U.S. 1 and Wiley Avenue in the Mims area, with the property having direct access to both U.S. 1 and Wiley Avenue; and added there have been nothing received regarding this amendment.

Chairman Nelson advised he has many speaker cards; and inquired if anyone is present to speak on section 2012-1.1.

There being no objections, the Board adopted Ordinance No. 12-31, an Ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan"; setting forth plan amendment 2012-1.1; amending Section 62-501, entitled "Contents of the Plan"; specifically amending Section 62-501, Part XI, entitled Future Land Use element and Future Land Use map series; providing for internal consistency with



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these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Ms. Sobrino stated the second Comprehensive Plan amendment, 2012-1.2, is a staff initiated amendment in the Port St. John area; it is a request to amend the Future Land Use designation for 18 platted single-family residential lots with existing residential dwelling from the adopted Planned Industrial Land Use designation; staff is seeking to change it from Residential 4 Future Land Use designation allowing for all existing dwellings that are not conforming with the Planned Industrial Land Use to have a conforming land use; and there has been no comments received regarding this amendment.

Chairman Nelson inquired if anyone is present to speak on 2012-1.2.

There being no objections, the Board adopted Ordinance No. 12-32, an Ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth plan amendment 2012-1.2; amending Section 62-501, entitled "Contents of the Plan"; specifically amending Section 62-501, Part XI, entitled Future Land Use element and Future Land Use map series; providing for internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Ms. Sobrini stated staff is withdrawing Comprehensive Plan Package 2012-1.3 prior to transmittal.

Ms. Sobrino stated Plan Amendment 2012-1.4 is a text amendment regarding the Conservation Element.

Ernie Brown, Natural Resources Management Office Director, stated he provided the Board with several handouts prepared last night to help guide the Board through this process; one is a highlighted version of the changes since transmittal; and two is a series of maps that will be discussed further as it relates to the proposed draft Mitigation Qualified Roadways (MQR). He stated in May 2010 the Board held a Workshop addressing a number of Comprehensive Plan Amendments; the Board gave direction in July 2010; and the Board initiated a Working Group that was tasked with developing recommendations related to the Commercial Industrial and Institutional Land Uses in wetlands and tended to identify options for policy flexibility through incentives of smart-growth principles and best management practices. He stated the direction given was a little over two years ago; at that point the Working Group was initiated for the

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remainder of 2010 and into August 25, 2011, which was the last Working Group meeting; recommendations were brought back to the Board; the Board made several modifications and held many discussions relating to what is the desired outcome through a series of public meetings; and a transmittal of the recommended changes was made in May 2012. He added at that same meeting, the Board commissioned a wetland study and the scope-of-work for that study was approved. He advised post-transmittal was May 29, 2012; staff met with a number of constituents and several State agencies that staff received comments from; those comments required staff to go to Tallahassee to meet with the agencies directly, and there has been several conference calls to try to massage some of the data and information that was originally transmitted to satisfy the concerns and questions that the State agencies had. He mentioned on July 10, 2012, staff brought back some major tenants of what the State had requested staff to change including changing commercial corridors language to a MQR to separate that from what could be confusing from zoning and other land use conversations; the identification was asked for in map and table form; and the Board staff direction to explore and come up with a draft for the Board's consideration. He went on to say since July 10, 2012, the changes have been pursued; the revisions have been reviewed and discussed with State agencies; last week the last meeting was held; and the Board has a strike-through copy in the Agenda package of two additional items that has been agreed to discuss with the Board today at the request of the State agencies. He stated the Local Planning Agency (LPA) did approve the draft on September 27, 2012; some of the major tenants of these Policy amendments will be highlighted for the Board before going into the actual document; the intent and goal of the changes is to retain the intent of the Board's original direction, which is to increase flexibility for the commercial, industrial, and institutional land uses relating to wetland. He stated the document today creates flexibility within the half mile radius of the I-95 interchanges; this is consistent with the intermodal commercial and industrial of smart growth principles; it is creating flexibility on major commercial and industrially viable road networks; redirecting commercial and industrial development along those existing roadways that have infrastructure; promoting infill of existing commercial and industrial areas, which is the abutting language; and allowing access across frontage wetlands to buildable uplands, which is the access language. He stated staff added clarifying information on applying the policy to institutionally zoned properties and how that unique set of zoning would be handled; flexibility has been created with Board direction on existing agricultural properties for the opportunity to expand their business diversification strategies; and a context for protecting highly functional inland wetland system within the County has been provided as well. He stated the requested action before the Board today is to either adopt, modify and adopt, to reject, or to table these proposed amendments; there are two major elements of this amendment; one is specific task elements, which is in the highlighted document; there is a series of maps that are referred to as the MQR; he reiterated this is draft information; and it is available and ready for the Board's review and modifications. He stated for the ease of reference the entirety of objective five and six are shown in the document; a lot of it was not changes; the additions to the objections are shown as underlined and were transmitted in May; the deletions are shown as stricken through; the yellow highlighted areas whether a deletion or addition is what has change since transmittal; pages one through four have no changes; and page five, starts with number three of commercial Industrial corridors that was replaced with the term MQR. He stated the term the County has deferred to State regulator process has been stricken, it was a redundant statement, and it defers the whole premise under certain conditions of regulatory processes. He stated it was asked by the State to restate impacts to wetlands are permitable for commercial and industrial land uses on property designated as commercial and industrial of Future Land Use Map, and is located within one-half mile; and this is the one-half mile I-95 language. He stated in 'B', which is actually the crust of MQR conversation, the commercial corridor language was removed and the MQR language was inserted; the highlight shows MQR's are depicted and identified on a table on Map eight and the implementing language for the Comprehensive Plan is the table itself; the Map itself is for illustrated purposes; and the Map is not the tool used to dictate what the MQR is, it is actually the table itself, and the Map illustrates. He stated the State was very uncomfortable

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with the definition of how to create MQR, showing concerns of quartered definition of existing commercial character, and the expansion quarts quarterly growth concern on ambiguity, specially asking for a list and how to get there. He stated language on page six was added because the State wanted to know how to go about adding a new roadway segment that would be mitigation qualified; and amendment to the Comprehensive Plan shall be required to a MQR to map eight and the associated table. He stated the issue of the study was clarified by high functioning wetlands and landscape level systems of connective wetlands being identified through a study; these wetlands shall be protected unless the proposed impacts are found to be in the public interest or overriding public benefit where the State does not require any mitigation for wetland impacts; and mitigation shall be provided to meet the County's no-net-loss Policy upon objective five. He explained the reason for the change is the previous language it said that those wetlands shall be considered for protection; that was a concern of the State and a number of constituents that it just said 'considered for protection'; a more definitive language was hoped for; and it relegated the MQR's to the land development regulations. He advised the clarification put the premise that those wetlands are going to be protected, but the only way to impact those wetlands is if the Board identifies them as in the public interest, which has three criteria to meet of economic, ecological or environmental, and social. He went on to say the abutting language, should a project have highly functioning landscape level systems, would have to go back through the same process with the Board; there are no changes in Item D and pages seven, eight, or nine, but on page nine, criteria of agricultural had been added to languages in F; and provided clarification on the States request for agricultural allowable uses where it is a residential use, then the residential policies currently in Comprehensive Plan would apply. Mr. Brown went to say the maps provided to the Board is a series of six maps; the overarching map will be included in the Comprehensive Plan that is used for illustrated purposes and the chart attached to that is the implementation tool; after public comment, if the Board would like him to go into further details, he will; and the process staff took was a fairly simplistic approach with arterial and collective roads, and other roads such as U.S. 1 that are can have a carrying capacity for commercial. He stated approximately four percent of the County is zoned land use Commercial Industrial, including Industrial Parks; there are a few outliers that do not meet the criteria; and staff married those up, and that four percent was identified as MQR's. He went on to say approximately 1.4 percent of the previously mentioned four percent of the County is vacant Commercial Industrial available for development. He mentioned there are two other elements for discussion after public comment addressing inclusion of the definitions of high functioning wetlands and landscape level systems back into the Comprehensive Plan, once defined though the study; once the study is done, LDR's are developed and in place can go back into the Comprehensive Plan; and without the definitions of a highly functioned wetland system and landscape level system, it is not an implementable tool, and the intent is to not implement that mechanism, which is bringing it to the Board to evaluate those high functioning systems and landscape level systems for impact until the LDR's are in place and the definitions are put back into the Comprehensive Plan. He added, the green-light doctrine is anticipating a six to 10-month time frame to have the study completed, the LDR's drafted for Board to review and evaluate projects that have potential impacts to highly functioning wetlands or landscape level system; and staff believes where the State determines it to be low functioning or low quality, it would never achieve staff's definition of high functioning; and if it is less than .1 acres of an isolated wetland system, with no mitigation required by the State, that that too would not meet either the landscape level system or the highly functioning system just by sire size. He stated the Board could authorize staff to move forward with projects, such as Devereux, to affect their development; the language is where the State identified regulatory functioning low quality wetland systems of less than five acres; those can come to the Board every time for approval or it can be done administratively if the Board so desires, or where there is an impact proposed that is less than .1 acre impact to an isolated wetland system where the State does not require mitigation.

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Commissioner Anderson inquired if the I-95 interchange language, as new interchanges, is brought on like a portion of Ellis Road has to readdress the Comprehensive plan or is it automatic. Mr. Brown responded no, that language is operative to address any interchange that is not a limited access highway. Commissioner Anderson inquired when the study is done will St. John's River Water Management District (SJRWMD) review it as well to ensure high functioning is high functioning. Mr. Brown responded absolutely; Osceola County uses the Uniformed Mitigation Assessment Method (UMAM) and identifies a number .64 that defaults strictly to the regulatory art of negotiation in the UMAM process; it is very risky as it relates to mixing regulatory framework and planning; UMAM is what SJRWMD uses the art of negotiation of .7 and .6 could be tens of thousands of dollars to a developer as it relates to mitigation costs; and it should not be the focus of Brevard County's evaluation, it should be focusing on the scientific evaluation of the functionality of that system, separate from the art of negotiation, as it relates to mitigation. He went on to say the foundation will be UMAM, with three basic parameters of hydrology, community, and vegetative layers of the landscape; regulation and planning process should not be mixed. Commissioner Anderson advised he still has concerns about the landscape level and the connectivity because some of those are subjective. Mr. Brown stated he will be bringing the findings of the study back to the Board; he assured the Board peer reviewed scientific methodologies will be used; no new methodologies will be used to piece together a creation of a more definitive, less subjective criteria that can be looked at, so anybody can use the tool to identify a highly functioning system.

Commissioner Infantini pointed out Mr. Brown has done an excellent job; stated paragraph three, refers to the proximity of a project in relation to I-95; it states on page 3 if a project is located within one-half mile of an intersection the half mile is a somewhat an arbitrary number; inquired if one-half mile be the primary language with, up to one mile, with Board approval language added so it does not have to go through many hoops; and stated she would like it to be extended because at some point if there was Board approval after receiving public input, determining if the number could be increase to one mile, might help elevate some situations that may arise.

Mr. Brown stated the one-half mile radius was utilized because it was existing language, in the existing Comprehensive Plan; the work staff did for the one-half mile radius is usually seen when the development trends are looked at, and businesses tend to get as close as they can for access to I-95; and when the aggregation of all the elements are looked at, the MQR's and the abutting language usually has elements aggregated to meet the one-half mile radius. He went on to say when looking towards the east of the 192 interchange, it is seen as an MQR and it abuts right up to the one-half mile radius; and on the other side, predominately freshwater marsh systems are seen, which are part of the SJRWMD watershed; and no commercial was identified to the west of that area because it is not economically viable to make the shift. He added, it could be extended but the information gathered did not show commercial wanting to go beyond that in those interchanges; and where it is was identified through the MQR process, such as S.R. 520 and S.R. 524, having the one-half mile radius, but the MQR is extended out to the west, capturing the commercial synergy there.

Commissioner Anderson stated he was concerned about the one-half mile radius as a constriction; people are not going to annex into Melbourne or West Melbourne when going commercial because the water supply is needed; and it would be outside of the County's jurisdiction if annexed.

Commissioner Bolin Lewis inquired if adjustments to the map has to be complete before the end of the meeting today. Mr. Brown responded affirmatively; he stated any changes made have to be made in the public hearing process; and it then will be identified to the State for the modifications made. Commissioner Bolin Lewis stated she has a change to make before the meeting is over.

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Commissioner Fisher inquired if Mr. Brown will tell the of the identified changes he has received. Mr. Brown responded the Board was provided with letters from Charles F. Moehle and 1,000 Friends of Florida, listing their identified changes; Mr. Moehle's letter explains a segment of properties located on South Street, which is parallel to I-95 between S.R. 50 and Fox Lake Road that appeared to be excluded; and he inquired if the Board would like to include that section in the MQR process, by adding it to Map 8, in the associated table.

There being no objections, the Board approved adding the segment of South Street between Highway 50 and Fox Lake Road to Map 8 (Mitigation Qualified Roadways/I-95 Interchange Areas) and to the associated MQR table.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>SECONDER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Mr. Brown stated the letter provided to the Board from 1,000 Friends of Florida, identifies areas that are currently listed as MQR's and 1,000 Friends of Florida is inquiring if all the areas listed need to be; the District 1 map shows a highlighted section of S.R. 520 showing it going all the way out to the County line; there are a few commercial properties around S.R. 524; and the identified segment in their map is asking the Board to considered the removal of that element from the MQR. He stated there are two linear strips on the north side of S.R. 520; it can be pulled all the way back to the S.R. 524 interchange, or remove that segment from the MQR, if the Board desires; and he mentioned staff has no objection.

Chairman Nelson pointed out it is future land use, not zoning.

Commissioner Fisher inquired what the reason is for 1,000 Friends of Florida wanting to remove the section. Mr. Brown responded the areas goes through some significant St. Johns river freshwater marsh systems; and there were concerns of the promoting commercial development in that area that is limited to impacts to those systems.

Commissioner Anderson inquired if those are privately owned lands that are already identified in the UMAM as commercial. Mr. Brown responded affirmatively. Commissioner Anderson inquired how many parcels are there involved. Mr. Brown responded there are two segments identified as commercial; it is important to recognize that there is no ability to impact wetlands in the current Comprehensive Plan; essentially any commercial activity would have been limited or excluded from wetland impacts currently; and these proposed amendments open those flexibility options. He went on to say if an individual wanted to build and it became an MQR again, the individual would have to go through the Comprehensive Plan amendment process for approval. Commissioner Anderson inquired if the study identifies high-functioning wetlands on a property that three criteria has to be proved; and stated he thought that was the purpose of doing the study to identify those high-functioning wetlands and let the property owner decide instead of just taking it out and doing a Comprehensive Plan amendment later. He advised it makes him feel very uncomfortable; the reason this started was private property rights; if somebody thinks it is valuable to save, he or she can make an offer to the owner; and he prefers to leave it.

Chairman Nelson stated there is a separate step of the zoning not matching up against the Future Land Use and if would commercial be wanted in the area.

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Commissioner Fisher inquired if 1,000 Friends of Florida owns the property and what are the property owner's comments. Mr. Brown responded 1,000 Friends of Florida do not own it; and he does not know of any property owner's comments. Commissioner Fisher opined developing the area would be very difficult from a mitigation standpoint.

Mr. Brown stated there are several options the Board can consider; it can modify the MQR up to, and abutting, those existing commercial land uses properties, which would pull it further away from the St. Johns River and still hold those properties as an MQR; it could be moved back to S.R. 524, or leave it as is; and it is only a question that was brought up, and requested to be entertained by the Board.

Commissioner Anderson advised he is okay with it because it can come back for another Comprehensive Plan amendment, in the future, and make it an MQR.

Commissioner Bolin Lewis suggested pulling it back from the St. Johns River to the western edge of the commercial future land use properties.

Mr. Brown clarified the motion is allowing the western edge up to the commercial properties to stay in the MQR and from the commercial to the County line the western edge comes out of the MQR; stated for the record, he will have to get the segment demarcation put; and it will be consistent with the line drawn on the provided map. Commissioner Bolin Lewis stated that is correct.

There being no further comments, the Board approved moving the segment of S.R. 520 from St. Johns River to the western edge of the commercial future land use properties (Penny Lane) from the MQR

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Chuck Nelson

Chairman Nelson inquired what are the impacts of the properties not on a State Road. Mr. Brown explained the MQR process establishes the baseline so that the community has flexibility provisions; and anyone that is outside of those roadways systems, which is not on MQR would have to go through the process of coming to the Board. Chairman Nelson stated he prefers to take it out rather than to put it in; he stated there is no need for commercial in the location and there are no services for commercial there; and he feels like he has not taken any rights away from a person because they are at a higher level of restrictions already and not placing something on them that they did not have. He stated he prefers to take it back to S.R. 524, which makes more sense to him from a land use perspective.

Mr. Brown stated the next set of photographs submitted to the Board for consideration is in the Mims area; 1,000 Friends of Florida, has identified the intersection of S.R. 46 and U.S. 1; the intersection was closely looked at; there is not a great deal of wetlands in the area and a lot of it is County owned; and it is suggested to move the segment of Parrish Road back to Singleton Avenue and having a segment from Singleton Avenue to U.S. 1.

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Commissioner Fisher stated cutting anything west of Singleton Avenue makes sense to him; there is already commercial on that northwest corner of Parrish Road and U.S. 1; he thinks pulling back, or cutting everything west makes sense; but he does not see anything going in west of that area and recommends pulling it back to Singleton Avenue.

Mr. Brown mentioned if the land use is wanted for commercial, it has to come to the Board for approval of a Future Land Use change request.

Commissioner Anderson inquired if Commissioner Fisher would like to make any changes to the S.R. 46 and U.S.1. Commissioner Fisher responded he does see any advantages changing anything, and he preferred to leave it.

There being no objections, the Board approved on Parrish Road moving the western boundary east to Singleton Avenue, having a segment from Singleton Avenue to U.S. 1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

Mr. Brown stated the next segment is a throughway with the Arthur Dunn Airport located to the south; a large industrial area in color on the map can be seen; staff has incorporated the airport and that large industrial area, extending it up, but not beyond the existing commercial areas; there are wetlands in those areas anecdotally; and it was extended out to the commercial properties or where land uses ended; and the rest of that roadway is not identified as an MQR.

Commissioner Fisher inquired if Barna Avenue is the ending point of the MQR. Mr. Brown responded affirmatively.

Mr. Brown stated the last MQR request is located on North Merritt Island where S.R. 3 makes a bend; a lot of those properties are identified as commercial/industrial, or either sand/gravel pits that are part of the solar fields that were specifically identified the area north of the bend; and an area further south.

Chairman Nelson opined it does not need to go west of the existing commercial; it is an area that has flooded before; and he would like to remove that segment to Pine Island Road.

Mr. Brown stated he will modify the segment to extend it and terminate it at Pine Island Road.

There being no objections, the Board approved modifying the North Courtenay Parkway MQR segment to have a northern terminus at Pine Island Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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Chairman Nelson stated the other segment runs along S.R. 3, between Sunset Lakes and the backside of other subdivision, almost up to Porcher Road; Hall Road is about mid-way; the wetland area is behind the existing commercial that is zoned by the County, which is part of Mitchell Ellington Park; the corner on the northwest is high and dry for the most part; and he would like to take no action.

Mr. Brown mentioned another segment at Babcock Street and Micco Road; it appears to be an isolated MQR; there is existing future land use of industrial and commercial at the corner of the intersection; attempts were made to identify the crossroad's commercial properties; and it is only being added because it is a crossroad where commercial and industrial existed. He went on to say by following Micco Road down to where the MQR is located on U.S. 1, there is an element of the MQR that goes on Micco Road that is a hub; from Micco Road to Babcock Road is not an MQR; and he inquired if there needs to be any action amending, modifying, or removing this segment.

Commissioner Infantini responded there is no reason to modify or removed the Micco Road and Babcock Street segment that because of the adjacent district.

Chairman Nelson stated he received correspondence from the Micco Homeowners Association (MHA) and Citizens Coalition of South Mainland, both requesting to remove the four road segments in Micco from the MQR list, because Micco Road is an important part of the Scenic Highway System (SHS).

Commissioner Anderson mentioned there is possibility of someone annexing into the area if it is not an MQR.

Commissioner Bolin Lewis inquired how Micco Road affects the SHS. Mr. Brown responded he is not familiar how Micco Road integrates into the SHS.

Chairman Nelson clarified he thinks the MHA is referring to the U.S. 1 corridor. Mr. Brown advised he is aware of the U.S. 1 corridor.

Commissioner Fisher inquired if MHA is asking to Board to take the roads of the MQR list of identified roadways or just the Micco Road and Babcock Street intersection. Mr. Brown responded he believes the MHA is asking for everything; what specifically came to him was the Micco Road and Babcock Street intersection because it is an outlier as to why it is identified as an MQR. Commissioner Fiser stated U.S. 1 and Micco Road already has commercial. Mr. Brown stated the segment in unincorporated that has been identified is marine-related and other service-related commercial up and down the roadway.

Chairman Nelson advised there is no motion for any changes.

Chairman Nelson inquired if there are any other areas to discuss. Mr. Brown responded he there may be others from each Commissioner.

Commissioner Bolin Lewis stated the area from Post Road to Pineda Causeway on Wickham Road; most of Wickham Road is a MQR, except for one parcel; and inquired the reason for the parcel being eliminated from the MQR. Mr. Brown responded the parcel being referred to has some city activity around it but the connection can be made.

Chairman Nelson expressed concerned of the Board just now receiving the map; the public has not had a chance to see the map; there has been some comment from a group; he has concern about approving the map and not having the public know what the map looks like; and the



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Board will hear from the public about not seeing it. He advised at the end of the item, there needs to be discussion about the transparency of this process.

Mr. Brown mentioned there was a tweak made in the map by the Local Planning Agency (LPA); the map has been available and publicly noticed, in accordance with the process of LPA, for the public to view; and LPA had made a few recommendations that were captured in the changes.

There being no objections, the Board approved adding the area from Post Road to Pienda Causeway on Wickham Road as part of the MQR segment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Mason Blake, The Viera Company, stated The Viera Company would like to have two wording clarifications to sub-sections 5.2.F.2.b and 5.2.F.2.e, relating to Agriculture Future Land Use designation; sub-section 5.2.F.2.b should be 'The property shall have Agriculture Future Land Use designation or DRI Future Land Use designation and the proposed use is consistent with the defined agricultural uses under an approved DRI Development Order'; and sub-section 5.2.F.2.e should be 'The property shall have an agricultural zoning classification or be zoned PUD and the proposed use is consistent with the defined agricultural uses in the PUD zoning resolution or approved Preliminary Development Plan'. He went on to say this has been reviewed by the Mel Scott, Assistant County Manager; Robin Sobrino, Planning and Development Director; and staff had no objections.

Chairman Nelson inquired if staff had reviewed the suggested sub-section change. Mr. Brown responded it has been reviewed and the DRI does drive what can and cannot be done; and the wording provides clarification for unique situations where there is no Future Land Use Agriculture; and it is believed to not be entitled more or less than what The Viera Company has under the current provisions of the DRI.

There being no further comments, the Board approved wording clarifications to sub-sections 5.2.F.2.b and 5.2.F.2.e, relating to Agriculture Future Land Use designation; sub-section 5.2.F.2.b, 'The property shall have Agriculture Future Land Use designation or DRI Future Land Use designation and the proposed use is consistent with the defined agricultural uses under an approved DRI Development Order'; and sub-section 5.2.F.2.e, 'The property shall have an agricultural zoning classification or be zoned PUD and the proposed use is consistent with the defined agricultural uses in the PUD zoning resolution or approved Preliminary Development Plan'.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Commissioner District 4
<b>SECONDER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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Mike Mochle stated property owners in Brevard County who have commercial and industrial owned lands should be able to use their lands as zoned; the current provisions of the Charter preclude those property owners from being able to use their properties if there are any wetlands at all on the properties, regardless of mitigation and quality of the wetlands criteria; and he thinks it is wise of the Board to encourage future development growth in Brevard County.

Don Simms, Homebuilders and Contractors Association, stated he would like to see the Board approve the Comprehensive Plan Package 2012-1.

Nancy Higgs stated she continues having concern regarding the County's reliance on a wetland study and subsequent Land Development Regulations (LDR) that will be used later and are not before the public today; LDR's can be modified at any time without subject to a Comprehensive Plan amendment; she and 1,000 Friends of Florida believes there are no sufficient details included in the Comprehensive Plan that can appropriately guide the development of this regulation, such that future decisions are consistently made in meaningful and predictable standards; and similarly no basis has been provided for guiding the Board in deliberations when it must make judgments regarding that, which is in the public's interest, or demonstrating overriding public benefit. She went on to say there seems to be limited definitions provided in the plan as to exactly what an MQR's is, how MQR's would be appropriately applied in future situations, and standards not being in the plan. She suggested the Board table this item until it has the available wetlands study to determine what high functioning wetlands there are; if there are specific amendments needed, she wants the Board to have those precisely defined and brought to the Board for consideration; and she added, the MQR list is now broader than the public believed it to be, and the public has the right, as Chairman Nelson suggested, to see that in a graphic way for comments.

Bruce Moia stated he is in favor of the Comprehensive Plan Package and the changes to the MQR's; good compromises have been made; it is time to move forward with other orders of business; and it is time to adopt it.

Mary Sphar, Sierra Club, stated at the transmittal hearing the Board decided to add language about a wetland study of high functioning wetlands and landscape levels systems of connected wetlands shall be identified through a study; at the Local Planning Agency hearing, she started getting facts that the wetlands study will not identify any high functioning wetlands on private lands; and the study would only produce a methodology for identifying how a functioning wetland and landscape levels systems. She mentioned she requested slides from the firm who won the contract; from the slides shown, the chosen firm is capable of producing a map showing where the high functioning wetlands are; and an immense amount of work had been done previously for the Water Management District in mapping wetlands; and they gave an educated guess of the number of wetlands on private lands and in unincorporated Brevard County, and that is 73,848 acres of wetlands. She stated a baseline map was shown of the wetlands in unincorporated Brevard County; she further requested the audio tapes from the August 27th meeting after she reviewed the previously requested slides; and one of the selected company presenters stated they would produce a map of high-functioning wetlands; and there now is a substitution of methodology to be used at the same time a St. Johns permit is being sought. She went on to say Conservation Element Policy 5.3 states Brevard County only does land use planning, not permitting; the County will not have a land use planning map or a tool, but will have a methodology to identify the wetlands, which will be applied during the permitting time frame. She opined Brevard County needs a land planning aid because the study is not producing; what is being produced is an internal comprehensive plan inconsistency, in violation of Florida Statute 163. She went on to say if the County determines there is a high-functioning wetland on a property, the applicant can get out of protecting the wetland by demonstrating to the Board that the project is in the public's interest, determine the wetland is not high-functioning, or using the takings language from the Comprehensive Plan that is the only

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language acceptable recourse the applicant should have if it is determined the property contains high-functioning wetlands. She added, Sierra Club remains opposed to the amendments mitigation qualified roadway section and the new agricultural provision; it is believed that the language fails to comply with the requirements; and Sierra Club urges the Board to table the amendments until the problems can be satisfactorily addressed.

Commissioner Bolin Lewis inquired if Ms. Sphar has found anything on the maps objectionable, as of what has been done today. Ms. Sphar responded she did not know any of the provisions discussed today were going to be discussed today; it is hard to digest all of the changes; she is not prepared to comment, but thinks the problem is the public is not prepared to comment on what raised today; and she advised the Board to request an extension from the State.

Maureen Rupe, Partnership of a Sustainable Future President, stated Sandra Clinger is the representative on the task force for the wetlands; and what Ms. Clinger will be telling the Board is agreed upon by the Partnership of Sustainable Future. She mentioned she thought there was going to be a high-functioning wetland study done; and she inquired when the planners were hired what the scope of work was. Mr. Brown responded on May 29, 2012, the Board approved the transmittal package and on that same Agenda was the Request for Proposals (RFP), which were approved as well; conversations originally had the cost at \$150,000; the Board moved it to \$50,000; and in the request the scope of work explained what the Board approved for the scope of work. He read aloud the Agenda Report of May 29, 2012, "Task 1, create a Brevard specific method to quantify and qualify high-functioning wetlands within unincorporated Brevard County; the method may incorporate, but not exclusively rely upon current regulatory tools. Task 2, provide reference examples of each type of high-functioning wetland within unincorporated Brevard County; only federal, State, and local lands within Brevard County shall be utilized for reference examples". He stated Ms. Sphar referenced a map that shows high-functioning systems on public lands as reference examples, as per Task 2, consultants shall request the usage of these lands through the managing entity; and it is expected that this process shall include GIS and ground tooting on public lands. He stated Task 3, map landscape level systems of connected wetlands within unincorporated Brevard County; it is expected that this will be a GIS-based task utilizing current aerials and lidar map; Brevard County will supply these tools to the consultant, upon award of contract. He advised, Task 4, the consultant shall provide Brevard County with a training toolbox, to include a reproducible manual that gives clear and concise instructions on use of the Brevard County specific methodology". He stated the date of transmittal was May 29, 2012; the Board approved the four tasks to be delivered to the consultant through the RFP process; the tasks were reviewed by the bidders; and this is not a change of direction given from Board actions on May 29, 2012.

Ms. Rupe inquired if the Board thought the \$50,000 would give a more advanced study involving high-functioning wetlands. Commissioner Anderson responded one concern he had with the proposal was using GIS and County ariel data because he is not in favor of having a government contractor walking on private lands without permission; but stated he is okay with it.

Ms. Rupe mentioned she is concerned about the Indian River Lagoon dying from the runoff into the Lagoon; the more wetlands destroyed the dirtier the runoff is; it has been proven in the urban brings more phosphorous into the Indian River than the wetlands do; and she mentioned she does not like mitigation because it does not work. She stressed when the Lagoon is dead, it will take hundreds of years to bring it back.

Chairman Nelson commented he did not understand the landscape level and high functioning wetlands were separate kinds of thought process; he thought the Board would see a map that gave a 10,000 level with indications of where they may exist and understand where it happens; and he is disappointed that critical information will not be.

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Mike Daniel stated insurance is high in Florida because of high-risk properties; the risk continues to be increased by actions such as with this today; and if there is a preponderance of natural wetlands in an area, it might be considered high-risk, and building at low elevations in a floodplain is not a good idea. He stated free market conservatives like Congressman Tom Feeney, are very concerned about high-risk development; it is the very thing that is overloading precarious State-ran insurance programs; the shortfall would be made up from charging assessment fees on every type of Floridians insurance policies; and many do not know they are still paying on assessments from 2004 and 2005 hurricanes. He went on to say this kind of risk environment and the continued thoughtless expansion of this risk is a large impediment to the kind of companies that Congressman Feeney represents locating and doing business with in Florida; and there is an organization called Stronger Safer Florida. He stated if the Board is wanting to permit development on flooded lands, it should not be expecting the community to subsidize their insurance; it is not fair to pay for the doomed infrastructure; and it should be expecting a federal bailout from Federal Emergency Management Agency (FEMA) or the National Flood Insurance Program (NFIP) unless the Board is wanting to put the country further in to debt. He added, this type of development privatizes the profits and it socializes the risk; and he suggested the Board table the item until the Board understand the economic cost to all Floridians and taxpayers.

Deborah Longman-Marien, Space Coast Audubon Society President, stated she tries following the development of areas where there might be birds of interest to the group; while reviewing documents that have been changed, she has become leery about some of the changes made, and is concerned about phrasing of the public interest and that it has an economic element to it; and Audubon Society has fought some battles to preserve lands that have economic benefit. She stated growth is wanted, but only in the right places; she is leery about developing on high-functioning wetlands; not only are there birds present, but the creatures they feed upon also are part of the wetland habitat; the problem is wetlands are integrated with the water system; there is algae showing up in the Indian River Lagoon, which is directly related to runoff; and the more the wetlands, which are the purifiers, are paved over, the more problems arise. She mentioned the language seem to be leaving the door open for future Commissioners to be duly influenced when there is economic interest that may get overrode for the good of the public; she would like more time for her group to look things over, especially the changes in the maps; and she is requesting the Board table the item, so it can be done right. She mentioned Ms. Rupe, forgetting to tell the Board the Partnership of a Sustainable Future group would like to see it tabled as well.

Linda Behret stated she has been following the wetlands study because she has concern of there not being a map included, she thought there would be a map showing all of the high-functioning wetlands; and the wording is 'shall be identified through a study, and these wetlands shall be protected unless the proposed impacts are found to be in the public interest or overriding public benefit'; and she was surprised to hear the study was just a methodology with certain reference examples of each type of wetlands. She went on to say she thought there was going to be a map with intersections and wetlands being shown on the same map to show where to and not to build; one reason she is so concerned is because at the present time, she does not have flood insurance; and allowing commercial to build on a high-functioning wetland is going to change the floodplain's and causing more flooding in the future. She stated she would like the study to be continued and expanded to show areas that are high-functioning wetlands and landscape level systems are connected wetlands so the Board can make a more informed decision about whether to move forward; and she requested the Board table the item for a more thorough study to be done.

Sandra Clinger stated she has great concerns and objectives to the proposed amendment Policies because the Policies do not include measurable and predictable standards, procedures, and guidelines to ensure consistent application; they do not direct incompatible development

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away from wetlands, or protect the functional value of wetlands, and do not meet the requirements of Florida Statute Chapter 163.3177; and under the proposed Policies, it is not clear to her what wetlands will be protected from development impacts in Brevard County. She stated 5.2.E.3.b uses the term high-functioning, which is a language of a glossary term that is being determined to use, but will have to wait to see if it will be used; and it was asked to be included by the Local Planning Agency, but she was told by staff it was inappropriate at that time for it to be included. She stated the Policy provides for two mechanisms to circumvent protection that could potentially be defined as high-functioning or landscape level wetlands, but fails to include any criteria to guide the Board's deliberations ensuring consistent application; and she inquired what level or economic is enough. She went on to say there is no criteria for adding new segments or definition of the MQR's; there is no criteria to define how the MQR's the Board has were put in there; she inquired what criteria will be used when new one come in; and mentioned they are not explained and there is only a map to depict from. She went on to say there is no prioritization on MQR's in urbanized areas, which can promote sprawl; the redeeming part of these Policies is the study, to identify high-functioning wetlands and landscape levels assistance of wetlands has been twisted for high-quality wetlands for a land use planning tool to a permitting tool, which is totally different than what was expected; there is a monumental and fundamental difference between planning and permitting; site-specific permitting does not provide big-picture long-range ecosystem protection planning or consideration of cumulative development patterns, which is at the heart of why there is a conservation element in the Comprehensive Plan. She stated she is has serious objections to the proposed Policy amendments; the planning approach the County has used to date are encouraging sprawl and leap-frog development that substantially weaken the wetlands and their functional values, and fail to establish meaningful and predictable standards for the use and development of land; Brevard County needs to adopt measurable and predictable policies that facilitate smart-growth techniques, allow for sustainable growth patterns while protecting the natural ecosystems and green infrastructure; and the green infrastructure is more critical to the sustainability and livability, and economic recovery and stability of the community than any other type of infrastructure. She urged the Board to use caution; without measurable and predictable policies, and a true study to identify existing high-functioning and landscape levels systems of wetlands the Board cannot understand the impacts to these Policies; and she is requesting the Board table the item until measurable and predictable standards can be incorporated.

Commissioner Fisher stated he has come to the conclusion that these two groups are never going to come together and see eye-to-eye; he thinks the Board needs to move some forward and he never intended for the study to identify high-functioning wetlands on private property; the limitation of \$50,000 was clear of what was being spent on the study; it has been talked about for two and one-half years; and he has some concern with the changes made and it not being totally viewed by the public, but he is not interested in taking another 10 months to make a decision on wetlands.

Commissioner Infantini expressed her appreciation to the public for their comments; she stated she understands once a wetland is destroyed, it cannot go back to way it was; however, regulation has completely stifled the economy, and the community from development; that is the reason why so many are annexing into cities because they cannot develop in Brevard County; and if the restrictions are not reduced on wetlands responsively, there will not be growth that is needed.

Chairman Nelson inquired what Commissioner Infantini is approving. Commissioner Infantini responded the Comprehensive Plan amendment. Chairman Nelson stated there are several pieces to it. Commissioner Infantini stated she is approving, with the modified changes.

Commissioner Anderson advised Mr. Brown, will need to go over them one by one, along with the addition items as well.

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Mr. Brown stated the text amendments and the map are as modified by the Board, could be voted upon in its totality; staff can capture all the modifications by the votes that were made separately; the inclusion of definitions needs addressing and the Green Light Doctrine, should the Board vote to move forward.

Commissioner Anderson inquired if Commissioner Infantini's vote was for the text amendment changes and the map. Commissioner Infantini responded affirmatively.

Commissioner Bolin Lewis reiterated the Green Light Doctrine will be discussed in detail; and inquired if the Board needs to do so before or after the vote. Mr. Brown responded it is at the pleasure of the Board; he stated if it is voted to adopt, there is a 10-month period of time pending on the LDR process of having the ability to act on high-functioning landscape level wetland systems, or any wetlands system without the prodigal in place; and it would be at a standstill without the Green Light Doctrine, or the Board accepting a waiting period.

The Board approved inclusion of Definition of High Functioning Wetlands and Landscape Level System into LDR's and Comprehensive Plan by amendment once the Wetlands Study is complete and prior to implementation.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Chairman Nelson stated the difficult part for him is this started out as a positive process; there is still opportunity to get there, but the problem from his perspective is a lot of the information he was hoping to achieve as part of the decision making process is now held in abeyance until a later date; and he still does not have the definition of a highly-functioning wetland or the mapping indication of those locations. He mentioned there are some pressing projects with Devereux; there are some other isolated wetlands that are not significant and will never trigger the high-functioning areas; he has some suggestions to make; and it is clear to him that it is going to move forward. He stressed he wants the Green Light Doctrine to come back on a specific case-by-case basis; since there is not enough detail, it is only fair that the Board gets to see those instead of staff making the ultimate decision; staff can make the recommendation; but each one need to come back to the Board until the final document is in place.

Mr. Brown inquired how Chairman Nelson would like the forum. Chairman Nelson responded to place them on the Agenda for approval or denial, whatever the case may be; Mr. Brown and he had a discussion about the criteria that the St. Johns River Water Management uses for their low functioning designation; and the Board will only see low-functioning wetlands and will get the chance to agree that it is indeed low-functioning. Mr. Brown stated there are two elements low-functioning or low-quality and the 0.1 acre element. Chairman Nelson inquired if Mr. Brown will go over the criteria elements again for clarity. Mr. Brown responded he has tried to capsule it in writing and he will provide it to the Clerk; he stated he is requesting permission to process submittal's where the applicant proposes to impact wetlands defined by the State, as low-functioning or low-quality with a total cumulative impact of less than five acres, or less than 0.1 acre of impact to isolated wetlands where the State does not require mitigation; and should the Board form that in a motion, it could be brought back to the Board each time.

Commissioner Infantini inquired if the motion could be clarified; stated she prefers allowing it to move forward administratively for the next ten months until this gets done; it continues placing

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an incredible burden on the development community; and rather than creating extra two weeks burden on top of another two weeks burden, she does not understand the purpose.

Chairman Nelson responded the purpose is letting the public decide to have an opportunity to weigh in; Commissioner Infantini continuously to talks about transparency, but she is wanting, without definitions or mapping, to move it forward; and he does not understand how that is transparent. He went on to say there will be a moment in time when this all will come together with the study and the approval.

Commissioner Anderson stated he looks at it the other way, such as the ones who might have been denied administratively, he will now gets to look at those.

Commissioner Infantini felt there needed to be some discussion, without rushing this through; and she is okay with it, now that she has heard all of Commissioner Anderson's intent for his motion.

The Board approved Green Light Doctrine for certain development applications prior to LDR development but after adoption; and authorized processing submittal's where the applicant proposes to impact wetlands defined by State (FDEP or SJRWMD) as: 1) low quality or low functioning with a total cumulative impact of less than five acres; or 2) less than 0.1 acre of impact to isolated wetlands where the State does not require mitigation, with all submittal's being approved by the Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Chairman Nelson stated he believes there is still some level of high-functioning wetland mapping that needs to occur, as part of this process; he would like for staff to come back to the Board with a report of what it would potentially look like to begin developing that information; and directed staff to report back and update the Board on October 23, 2012, on the available information giving high-functioning wetland details.

Mr. Brown confirmed he will meet with the current consultant this week to make the inquiry of how high-functioning wetlands are actually determined.

Commissioner Anderson inquired if the glossary needs discussing. Mr. Brown responded once the study is complete, the product is presented to the Board with descriptive definitions of high-functioning and landscape level systems; the next step is to incorporate those into LDR's; the State has requested those be incorporated into the glossary of the Comprehensive Plan; and if that is the desire of the Board, he will bring those back to the Board, and with approval, then he will incorporate those into the glossary of the Comprehensive Plan.

The Board directed staff to bring back to the Board the descriptive definitions of High-Functioning and Landscape Level Systems at a later date, to incorporate the definitions in the Comprehensive Plan.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Robin Fisher, Commissioner District 1  
**SECONDER:**   Andy Anderson, Vice Chairman/Commissioner District 5  
**AYES:**        Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM V.B., PUBLIC COMMENTS, RE: SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED ACTION PLAN FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 3**

The Board heard public comments, approved the Consolidation Action Plan for the Neighborhood Stabilization Program 3, and authorized the Chairman to execute the Substantial Amendment (SF424) certifications.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Mary Bolin Lewis, Commissioner District 4  
**SECONDER:**   Andy Anderson, Vice Chairman/Commissioner District 5  
**AYES:**        Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM VI.A., RESOLUTION, RE: LOCAL BUSINESS PREFERENCE PURCHASING POLICY**

The Board adopted Resolution No. 12-221, continuing a local business preference in Purchasing Policy.

**RESULT:**       **ADOPTED [4 TO 1]**  
**MOVER:**       Andy Anderson, Vice Chairman/Commissioner District 5  
**SECONDER:**   Mary Bolin Lewis, Commissioner District 4  
**AYES:**        Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**NAYS:**        Trudie Infantini

**ITEM VII.D.1., CANCELLATION, RE: OCTOBER 18, 2012 WORKSHOP**

The Board approved cancelling the October 18, 2012 Workshop.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Andy Anderson, Vice Chairman/Commissioner District 5  
**SECONDER:**   Chuck Nelson, Chairman/Commissioner District 2  
**AYES:**        Fisher, Nelson, Infantini, Bolin Lewis, Anderson



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Upon consensus of the Board, the meeting adjourned at 12:59 p.m.

ATTEST:

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CHUCK NELSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

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MITCH NEEDELMAN, CLERK