

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 7, 2016 at 5:00 PM 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	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Absent	

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

INVOCATION

The invocation was provided by Rob Medina, Community and Military Affairs Representative for Congressman Bill Posey.

PLEDGE OF ALLEGIANCE

Commissioner Infantini led the assembly in the Pledge of Allegiance.

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SAVE OUR LAGOON SPECIAL TAXING DISTRICT

Chairman Barfield stated the Indian River Lagoon has been a high priority; he has been working in the background to see how the Board can fund the cleanup of the Lagoon, what kind of action can be taken in the short-term to help take care of the long-term; and working with the legal staff, he has come up with the fact a Save Our Lagoon Special Taxing District can be done. He went on to say it would go to referendum; it would produce approximately \$27.5 million a year, with a \$1 million tax; and it will be left up to the community to make a decision. He stated the Board could bond this and get upwards of \$400 million to get work done on the Lagoon; the best part about this is it makes it where the County is not depending on the State or Federal Government, as the County would be taking care of its own; and that is important as it does not know what kind of funding could be received. He pointed out this will be for all aspects of the Lagoon, specifically dredging, septic tank replacement, stormwater, and all of those things; it is important that everyone know this is an action the Board can take that puts it back to the citizens to make a decision if they really want to do it; and it is the fairest thing that can be done. He noted he wants to see if staff can get working on this to see what can be done, and to bring it back to the Board to vote on; he would normally put it out there at another meeting, but it is such an important issue; and the public deserves to have this now.

Chairman Barfield passed the gavel to the Vice Chairman.

Motion by Chairman Barfield, seconded by Commissioner Fisher, for the Board to direct staff to develop the framework regarding a Save Our Lagoon Special Taxing District, and to bring it back to the Board for consideration before May 3, 2016.

Commissioner Infantini stated there was a poll taken in the *Florida TODAY* approximately four years ago; she thinks 78 percent of the respondents said they did not want to pay more taxes to clean up the Lagoon; they did not say they did not want a clean Lagoon; but they said they did not want to pay more tax to clean up the Lagoon. She went on to say if she knew this was coming on the Agenda, she would have gladly brought that to the Board, as she actually brought it to the prior meeting so the Board would have the statistics; the voters have already said they do not want more taxes; what the taxpayers want is responsible government; and they want the Board to show leadership in prioritizing the spending and the discretionary funds it has. She advised the Board she cannot say she is in favor of another tax until the Board prioritizes how it spends the money it currently has before it gets more money given to it.

Commissioner Fisher stated Chairman Barfield's request is to have this decided by the voters.

Chairman Barfield stated it will come back to the Board for its vote to put it on the ballot.

Commissioner Fisher stated the Lagoon needs a long-term, recurring funding source, so do roads and other stuff; he has been saying for years the County has a revenue problem, because comparing Brevard County to other counties, it does a very good job; and they do not have a public service tax, extra penny on the gas tax, or an extra half penny on the sales tax that other communities have, yet it seems to manage with what it has. He pointed out the reason he was pushing the sixth cent that is currently put there on the Tourist Tax that the County is not eligible, and to see if the County can get State Legislation to change the law there; and he feels like that still has some legs. He stated it was interesting reading Matt Reed's column today on Amendment 1 about how there is a huge fund there that is not being really used properly and tapped into; and he inquired if there is any ability to maybe

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grab some of those dollars sitting in Amendment 1, because it is definitely for the waterways.

Chairman Barfield noted it is tough to depend on that, and the Board saw what happened with Amendment 1; they started paying administrative costs and gave \$200 million to the Everglades, which is recurring; and the Board can keep trying, but so far it has not worked. He advised it is one of those things that are revolving; the Board may or may not get some funds. He pointed out the County needs something that is totally dedicated to the Lagoon where it cannot be used anywhere else.

Vice Chairman Smith advised the Board he received a call today from Governor Rick Scott's aid to talk about the \$200 million request the Board made last week; there are an awful lot of things going on; and he inquired if Drew Bartlett, Department of Environmental Protection, said the Everglades is getting \$200 million each year recurring funds from Amendment 1.

Stockton Whitten, County Manager, replied yes, he actually mentioned two large numbers, he is not sure if it was from Amendment 1 or just from general appropriations, but he mentioned \$300 million a year, and one was in the neighborhood of \$200 million a year for two separate projects down south somewhere.

Vice Chairman Smith stated he has a meeting tomorrow with the Indian River Lagoon Council, and he will bring this up at that meeting; and he will encourage each of the five counties, plus other things he is advocating for, to take it back to their Boards as well; and he is pitching to the Indian River Lagoon Council that they work together as unified body.

Vice Chairman Smith called for a vote on the motion. The Board directed staff to develop the framework regarding a Save Our lagoon Special Taxing District, and to bring it back to the Board for consideration before May 3, 2016.

Vice Chairman Smith passed the gavel back to Chairman Barfield.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Jim Barfield, Chairman/Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Jim Barfield, Curt Smith
NAYS:	Trudie Infantini
ABSENT:	Andy Anderson

ITEM III., PUBLIC COMMENTS

Pam LaSalle stated she has been upstairs at the Charter Review Commission meeting; for the people who do not know, they discuss what can be put on the ballot to amend the Charter; and she requested they consider ethics with an Inspector General to go on the ballot, which they are considering at this time. She went on to say she watched them discuss for an hour about fiscal impacts, and she wondered what criteria the Board considered when he or she elected citizens who are appointed to the Charter Review Commission; since these citizens have the authority to allow requests, she wondered if they have expectations of entering into a contract with the County or municipalities, or if they have companies or family members who due such; and she

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felt like she was possibly watching foxes in the hen house. She stated it entered her mind that if the individuals have the power to deny government oversight, but she has concerns.

Commissioner Infantini stated she looks for people who typically have views similar to her.

PUBLIC HEARINGS, RE: PLANNING AND ZONING RECOMMENDATIONS OF MARCH 7, 2016

Chairman Barfield called for a public hearing to consider the Planning and Zoning Recommendations of March 7, 2016.

ITEM IV.B.1., (15PZ00089) - WILLIAM R. JAMES - REQUESTS A SMALL SCALE PLAN AMENDMENT (15S.10) TO CHANGE THE FUTURE LAND USE FROM NC TO CC AND A CHANGE OF CLASSIFICATION FROM RU-2-10(6) TO BU-2, ON 1.05 ACRES, LOCATED ON THE EAST SIDE OF WAELTI DR., APPROX. 0.76 MILE NORTH OF NORTH WICKHAM RD. (7235 WAELTI DR., MELBOURNE)

Cynthia Fox, Planning and Zoning Director, stated this is a request to change the Future Land Use from Neighborhood Commercial to Community Commercial with a companion Rezoning request from RU-2-10 with a cap of six to BU-2 Zoning on 1.05 acres; it is in the Melbourne area; the Planning and Zoning Board recommended unanimous approval with a binding development plan prohibiting certain uses, limited free-standing signs to 10 feet in height, and limiting the gross floor area ratio to no more than .75; and the applicant is mimicking another binding development plan that was placed on the property that abuts this property to the north. She pointed out they do not have a draft of that binding development plan in the package; but basically the applicant wants to utilize the property as a pool contractor's storage yard.

William James stated Ms. Fox pretty much said it all; he is requesting changing from Residential to Commercial so he can park a couple of dump trucks there and run a pool company out of the house; it has been surrounded by development already; and it would be really hard to revert that to a residential home again with all of the traffic on the road.

There being no further comments, the Board adopted Ordinance No. 06-03, adopting Ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Tenth Small Scale Plan Amendment of 2015, 15S10, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Vice Chairman/Commissioner District 4
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

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There being no further comments, the Board approved a change of classification from RU-2-10(6) to BU-2, on 1.05 acres, located on the east side of Waelti Drive, north of North Wickham Road; and adopted Binding Development Plan, prohibiting certain uses, limiting freestanding signs to 10 feet in height, and limiting the gross floor area ratio (FAR) to no more than 0.75 .

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Vice Chairman/Commissioner District 4
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM IV.B.2., (16PZ00004) - WAYNE D. & LINDA L. SPRACKLIN, TRUSTEES - (TIM PICKLES, ESQ.) - REQUESTS A CHANGE OF CLASSIFICATION FROM AU TO RR-1 ON 1.3 ACRES, LOCATED ON THE WEST SIDE OF ROCKLEDGE DR., APPROX. 0.38 MILE NORTH OF COQUINA RD. (1907 ROCKLEDGE DR., ROCKLEDGE)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the Zoning Classification from AU to RR-1 on 1.3 acres; the applicant owns approximately three acres totally in this area; they are requesting on only a portion of the property; and the Planning and Zoning Board approved the request and added a binding development plan that captures a legal description of the entire piece of property under the same ownership. She went on to add the binding development plan will prohibit any development on the remnant piece until such a time that the applicant can rezone it to something that is appropriate for the future use of the property.

Tim Pickles, Attorney for the Applicant, stated this is a property in Unincorporated Rockledge where the applicant is seeking to sell the riverfront portion of the property, but to retain the Agricultural portion of the remainder of the property; in discussion with staff, they have submitted a binding development plan that would say the remainder portion would be subject to obviously any County rules and regulations regarding redevelopment; and the only issue tonight is whether or not the riverfront portion will be rezoned to RR-1 versus AU.

There being no further comments or objections, the Board approved a change of classification from AU to RR-1 on 1.3 acres, located on the west side of Rockledge Drive, north of Coquina Road; and approved a Binding Development Plan to include legal description encompassing entire ownership, precluding any development on the remainder until it is rezoned.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

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Upon consensus of the Board, the meeting adjourned at 5:25 p.m.

ATTEST:

JIM BARFIELD, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK