

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 November 5, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**COMMISSIONER'S ABSENT FROM MEETING**

\*Chairman Anderson and Commissioner Infantini's absence was noted at this time.

Vice Chairman Bolin Lewis advised that Chairman Anderson would be late for the meeting today; and Commissioner Infantini will not be attending the meeting.

**INVOCATION**

The Invocation was given by Pastor Jay Bergstresser, Lutheran Church of the Resurrection, Cocoa Beach.

**PLEDGE OF ALLEGIANCE**

Commissioner Fisher led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the September 10, 2013 Special Meeting Minutes, September 17, 2013 Regular Meeting Minutes, and the September 26, 2013 Special Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
<b>ABSENT:</b>	Trudie Infantini, Andy Anderson

**LORI SCOTT, SUPERVISOR OF ELECTIONS**

Lori Scott, Supervisor of Elections, stated today is November 5th, which also means it is Election Day in Brevard County; they have the possibility of having nine municipalities on this ballot; it ended up with two municipalities and one special district; and it is Melbourne Beach, Indianantic, and Barefoot Bay Water and Sewer District. She advised if voters go to

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www.votebrevard.com website, there is the ability, through the new election equipment, to give real time voter turnout; Barefoot Bay already has over 12 percent this morning; Melbourne Beach has 14.5 percent turnout; and Indialantic has a little over eight percent turnout. She noted the polls are open until 7:00 p.m. today; and advised people to get out and vote.

**ITEM I.A., RESOLUTION, RE: COMMENDING CARLTON H. HIBBARD FOR 35 YEARS OF SERVICE**

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-205, commending Carlton H. Hibbard for 35 years of dedicated and valued service to Brevard County citizens; and wished him good health and happiness during his retirement.

Carlton Hibbard expressed his appreciation to the Board for the Resolution. He stated his plans for retirement will be doing some more singing, yard work, church work, and some other volunteer work.

Vice Chairman Bolin Lewis stated it sounds like a lot of work going on with this retirement. Mr. Hibbard stated he understands that as church and volunteer work takes up a lot of time; and he acknowledged his Lord and Christ as being the provider, not only for him, but for his family.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
<b>ABSENT:</b>	Trudie Infantini, Andy Anderson

**ITEM I.B., RESOLUTION, RE: PROCLAIMING NOVEMBER 15, 2013, AS AMERICA RECYCLES DAY**

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 13-206, proclaiming November 15, 2013, as American Recycles Day.

Euri Rodriguez, Solid Waste Management Director, expressed his appreciation to the Board for its assistance through the years; stated they have made great progress, as they were stuck at 30 percent recycling for a very long time; right now it is much above that; and they expect recycling to increase. He expressed his appreciation to the citizens of Brevard County for helping them get to this goal.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
<b>ABSENT:</b>	Trudie Infantini, Andy Anderson

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**ITEM I.C., RESOLUTION, RE: PROCLAIMING NOVEMBER 10 - 16, 2013, AS INTERNATIONAL CARE AND KINDNESS WEEK**

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 13-207, proclaiming November 10 - 16, 2013, as International Care and Kindness Week; and encouraged everyone to seek opportunities to join Pilot International in serving the community through fellowship and service.

Robin Porta, President of Riverview Pilot Club in Titusville, expressed her appreciation to the Board for the Resolution. She went on to say Pilot International has been instrumental in establishing National Care and Kindness Week; and their club intends to celebrate the care givers of the Benton House facility in Titusville. She introduced Winnie Brewer, International Past President; Marcia Newell, President Elect; Sherry Vanbuskirk, Secretary; and Hillary Arena; and Jennifer Brewer and Shelly Bevel from the Benton House.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
<b>ABSENT:</b>	Trudie Infantini, Andy Anderson

**ITEM I.D., RESOLUTION, RE: CELEBRATING THE 50TH ANNIVERSARY OF THE LUTHERAN CHURCH OF THE RESURRECTION**

\*Chairman Anderson's presence was noted at this time.

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-208, celebrating the 50th Anniversary of the Lutheran Church of the Resurrection in Brevard County; and expressed appreciation to all the volunteers who have enabled people of all ages to improve their quality of life by offering a house of worship, community center, and beacon of hope to the community.

Pastor Jay Bergstresser, Lutheran Church of the Resurrection, expressed his appreciation to the Board for the Resolution. He stated they want to invite the Board to the 50th Anniversary celebration this Saturday from 12:00 p.m. to 3:00 p.m.; from 12:00 p.m. to 1:00 p.m. there will be kayaks out there for free use off of their new ramp and boat dock; he or she can come by boat if they would like; and they can also check out their many ministries.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

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**ITEM II.A., HOWARD TIPTON, COUNTY MANAGER**

Howard Tipton, County Manager, stated staff had scheduled the public hearing for the utility rate increase for December 3, 2013; they have had some challenges in getting the notice out in a timely and correct manner; and he requested the Board's permission to move that public hearing to December 17, 2013. He went on to say staff will make the change on the County's website and do all the other necessary things so everyone knows of the date change.

The Board approved moving the public hearing for the utility rate increase from December 3, 2013, to the December 17, 2013, Board meeting.

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

**ITEM II.C., ROBIN FISHER, DISTRICT 1 COMMISSIONER**

Commissioner Fisher stated the 50th Anniversary of Space Florida Wildlife Festival for the Merritt Island Refuge Visitors Center is November 9, 2013, from 10:00 a.m. to 3:00 p.m.; they are celebrating 50 years of providing space for wildlife; and he hopes everyone will be able to celebrate with them.

Commissioner Fisher stated he was challenged with dealing with the Washington Nationals, and potentially anyone else who may have interest in the Space Coast Stadium; Tourism Development Council put together a brochure; a letter has been sent to the Washington Nationals asking them to give the Board a response to the offer that was put on the table to them; and at the same time they mailed that brochure to the other 29 baseball teams advising them of that offer. He went on to say if for some reason the Washington Nationals do not think it is worthwhile, it is offered to any major league baseball team that may want to relocate.

Commissioner Fisher stated he received a special invitation on Thursday evening, so he needs to get out of the Zoning Meeting within about 50 minutes or so; there are a couple of items on there that may not be time sensitive that he would like to be part of the discussions; and he requested the Nana's House issue and the issues with Animal Control he would like to be moved to November 29, 2013.

Chairman Anderson stated he is fine with that if the other Commissioners are.

Commissioner Bolin Lewis stated November 19, 2013, is the meeting that she is concerned about the time element; she would like to go to the Regional Legislative Delegation meeting that is scheduled for that day; and she inquired if the meeting would be short enough if Nana's House and the Animal Control issues are added to that meeting that she may be able to attend the Regional legislative Delegation meeting.

Howard Tipton, County Manager, stated he is not sure; they have about two and one-half hours that morning; staff will try to limit the resolutions so it can be kept to business; and he thinks in order for Commissioner Bolin Lewis to attend, she will need to leave about 11:30 a.m.

Chairman Anderson stated he does not think the Nana's House will be a very long issue.

**ITEM II.D., CHUCK NELSON, DISTRICT 2 COMMISSIONER**

Commissioner Nelson stated the Veteran's Center will be having its annual Veterans Day function at 9:00 a.m. on November 11, 2013, which is a Monday; and if people have the opportunity to be out and about, to attend to help in the commemoration of the Veterans.

Commissioner Nelson stated he attended the annual meeting of the Savannahs Homeowners Association last week; he went over the state of the District with them; they are appreciative that the Board has upgraded the irrigation system and done some improvements to the golf course; and it has been a good relationship with that Homeowners Association.

**ITEM II.F., MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER, VICE CHAIRMAN**

Commissioner Bolin Lewis stated they had a wonderful time on Saturday at Satellite Beach Founders Day; the parade was well-attended; and the Lady's Club held the Flea Market.

**ITEM II.G., ANDY ANDERSON, DISTRICT 5 COMMISSIONER, CHAIRMAN**

Chairman Anderson stated there was a good turnout at the air show on the Beach; he expressed his appreciation to County staff; and stated hopefully there is a future for that air show on the beach.

Chairman Anderson stated they received the announcement from the Governor who was present for the expansion of Embraer, which will create 600 new jobs; the airport is amazing and things are taking off; and the Board will need to look at the incentive package when it comes before it.

**ITEMS PULLED FROM THE CONSENT AGENDA**

Commissioner Bolin Lewis stated she would like to pull Item III.D.1., Executive Session, Re: Brevard County, Florida v. Sumerset Florida, et al, Case No: 05-2011-CA-031229-XXXX-XX, from the Agenda for discussion.

**ITEM III.A.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMENDMENTS TO CHAPTER 62, ARTICLE XIII, DIVISION 2, "LANDSCAPING, LAND CLEARING, AND TREE PROTECTION"**

The Board approved legislative intent and permission to advertise amendments to Chapter 62, Article XIII, Division 2, "Landscaping, Land Clearing, and Tree Protection", to address performance requirements for small structures and buffers internal to subdivisions.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.A.2., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: ARRIVAS VILLAGE - THE VIERA COMPANY**

The Board granted preliminary plat and final engineering approval for Arrivas Village, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.A.3., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: MHW COMMERCIAL TWO - THE VIERA COMPANY**

The Board granted preliminary plat and final engineering approval for MHW Commercial Two, subject to minor engineering changes as applicable, and developer responsible for obtaining all other jurisdictional permits.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.A.4., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: ST. ANDREW MANOR - SAWGRASS LAND DEVELOPMENT COMPANY**

The Board granted preliminary plat and final engineering approval for St. Andrew Manor - Sawgrass land Development Company, subject minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.A.5., BINDING DEVELOPMENT PLAN, RE: GRAY BREWER, JR. (DANIELLE VANN)**

The Board executed Binding Development Plan Agreement with Ronald Gray Brewer, Jr., for property located on the northwest corner of Indian River Drive and Indian Trail in Cocoa.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.6., FINAL PLAT AND CONTRACT APPROVAL, RE: MORROW PLACE AT WALKABOUT - FLORIDA LAND AND CATTLE CORPORATION**

The Board granted final plat approval and executed Contract with Olen Development Corporation for Morrow Place at Walkabout, subject to minor changes, if necessary, receipt of all documents requested for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.7., TEMPORARY CONSTRUCTION EASEMENT AND RIGHT OF ENTRY WITH BAYTREE COMMUNITY DISTRICT AND TEMPORARY CONSTRUCTION EASEMENT WITH BAYTREE GOLF, LLC, RE; USE DURING CONSTRUCTION OF THE BREVARD ZOO LINEAR PARK**

The Board accepted and authorized the Chairman to execute the Temporary Construction Easements and Right of Entry documents from Baytree Community Development District; and accepted the Temporary Construction Easement from Baytree Golf, LLC related to the Brevard Zoo Linear Park Project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.8., ACCEPTANCE, RE: REUSE LINE EASEMENT FROM SHAMROCK TARANTO - VPD L MHP, LLC FOR VILLAGE OF PONCE DE LEON PROJECT**

The Board authorized the Chairman to accept the Reuse Line Easement from Shamrock Taranto - VPD L MHP, LLC for the Village of Ponce De Leon Project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.9., DEDICATION AND DONATION CONTRACT WITH MHC STAGECOACH, LLC FOR CONVEYANCE OF FEE SIMPLE RIGHT-OF-WAY PARCEL 106, PERMANENT EASEMENT PARCEL 834, AND TEMPORARY CONSTRUCTION EASEMENT PARCEL 750, RE: BARNES BOULEVARD IMPROVEMENT PROJECT**

The Board executed Dedication and Donation Contract with MHC Stagecoach, LLC; and authorized staff to process the Permanent Access, Drainage, and Utility Easement (834), and the Temporary Construction Easement for Parcel 750.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.10., DEDICATION AND DONATION CONTRACT WITH SPACE COAST RV LIMITED PARTNERSHIP FOR CONVEYANCE OF FEE SIMPLE RIGHT-OF-WAY PARCEL 100, AND TEMPORARY CONSTRUCTION EASEMENT PARCEL 751, RE: BARNES BOULEVARD IMPROVEMENT PROJECT**

The Board authorized the Chairman to execute the Dedication and Donation Contract between Space Coast RV Limited Partnership and Brevard County; and authorized staff to process the Temporary Construction Easement for Parcel 751.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.11., AUTHORIZATION, RE: COUNTY MANAGER (OR DESIGNEE) TO ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO bcc-24 RELATED TO THE SUNTREE OFFICE CENTRE PROJECT (#13SP-00220), LOCATED AT ASPINWALL AVENUE AND 3RD STREET**

The Board authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property pursuant to BCC-24, related to the Suntree Office Centre Project (#13SP-00220) located at Aspinwall Avenue and 3rd Street.



**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.12., RESOLUTION, LOCALLY FUNDED AGREEMENT, AND MEMORANDUM OF AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: CONSTRUCTION OF SPECIAL DESIGN TRUSS ASSEMBLY FOR SIGNALS AT THE INTERSECTION OF STATE ROAD 520 AND SYKES CREEK PARKWAY**

The Board adopted Resolution No. 13-209, and executed Locally Funded Agreement, and Memorandum of Agreement with Florida Department of Transportation (FDOT), construction of a special design assembly for signals at the intersection of State Road 520 and Sykes Creek Parkway; and authorized the Chairman to execute any necessary budget change requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.A.13., RESOLUTION AND EASEMENT WITH FLORIDA POWER & LIGHT COMPANY, RE: USE IN CONJUNCTION WITH THE BARBARA A. PILL FACILITY**

The Board adopted Resolution No. 13-210, and executed Easement in favor of Florida Power and Light Company for use in conjunction with the Barbara A. Pill Facility.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.B.1., APPOINTMENTS, RE: LOCAL HEALTH COUNCIL OF EAST CENTRAL FLORIDA**

The Board reappointed **Thomas M. Rozek, LFACHE** to the Local Health Council of East Central Florida, with term expiring December 31, 2015.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.B.3., ADOPTION, RE: FY2014 UPDATE TO SPACE COAST AREA TRANSIT - TRANSIT DEVELOPMENT PLAN**

The Board adopted FY2014 Update and Progress Report to the 2013-2022 Transit Development Plan for Space Coast Area Transit.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

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

The Board approved the Budget Change Requests, as submitted.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.C.3., SEWER SERVICE AGREEMENT WITH CITY OF TITUSVILLE, RE: BARBARA A. PILL LAW ENFORCEMENT FACILITY**

The Board approved the Sewer Service Agreement for the new Barbara A. Pill Law Enforcement Facility; and authorized the Chairman to sign said Agreement.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

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**ITEM III.C.5., PERMISSION TO AWARD CONTRACT TO L7 CONSTRUCTION, INC., RE: SOUTH BEACHES REGIONAL WATER RECLAMATION FACILITY HEADWORKS AND FILTER IMPROVEMENTS PROJECT**

The Board approved award of Bid No. B-4-14-05/South beaches Regional Water Reclamation Facility Headworks and Filter Improvements to L7 Construction, Inc. In the amount of \$913,000; and authorized the Chairman to execute the contract along with all associated budget changes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.C.6., AUTHORIZATION, RE: ADVERTISE REQUEST FOR PROPOSALS FOR TELECOMMUNICATIONS MAINTENANCE**

The Board authorized the advertisement of a Request for Proposals (RFP) for Telephone Maintenance from qualified firms; appointed a selection committee consisting of Jon Sellers, Information Technology Director, the Telecommunications Manager, the Network Administrator, and the Information Systems Manager, or designee of any aforementioned; appointed a negotiating committee consisting of Jon Sellers, Information Technology Director, the Telecommunications Manager, and a designee from the County Attorney's office; and authorized the Chairman to execute all resulting contracts.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.D.2., EXECUTIVE SESSION, RE: CATHLEEN SMILEY V. BREVARD COUNTY, CASE NO: 05-2000-CA-004291-XXXX-XX**

The Board approved the cost of advertising for, and the scheduling of a private session on December 3, 2013, at 11:30 a.m., or at the conclusion of the regular meeting of the Board of County Commissioners, whichever occurs earlier, pursuant to Section 283.011(8), Florida Statute, in the case of Cathleen Smiley v. Brevard County, Case No: 05-2000-CA-004291-XXXX-XX, pending in Brevard County Circuit Court for the purpose of discussing settlement negotiations or strategy sessions related to litigation expenditures.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM III.D.3., APPROVAL, RE: RENEWAL OPTION FOR INTERNAL AUDITING SERVICES**

The Board approved execution of a renewal option for Internal Auditing Services between the Board and McGladrey LLP & Pullen, LLP and Carr, Riggs & Ingram, LLC.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.D.4., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed **Vaughan Kimberling** to the Contractors' Licensing Board, with term expiring December 31, 2014; and appointed **Benjamin Samuele Robert DiBiase** to the Historical Commission, with term expiring December 31, 2014.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.D.5., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM III.D.1., EXECUTIVE SESSION, RE: BREVARD COUNTY, FLORIDA V. SUMERSET FLORICA, ET AL, CASE NO: 05-2011-CA-031229-XXXX-XX**

Commissioner Bolin Lewis stated this is a request by the County Attorney's office to have this closed session to discuss a case for November 19, 2013; she is trying to keep that meeting as short as possible; in discussing this with the County Attorney, it is not time sensitive; and she requested the Board that it do two sessions on December 3, 2013, back-to-back.

The Board approved the cost of advertising for, and the scheduling of a private session on December 3, 2013, at 11:30 a.m., or at the conclusion of the regular meeting of the Board of County Commissioners, whichever occurs earlier, pursuant to Section 283.011(8), Florida Statute, in the case of Brevard County, Florida v. Somerset Florida, et al, Case No: 05-2011-

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CA-031229-XXXX-XX, for the purpose of discussion settlement negotiations or strategy related to litigation expenditures.

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

## ITEM V., PUBLIC COMMENTS

Scott Ellis, Clerk of Courts, stated he was unable to attend the October 22, 2013, Board meeting; he had a water pump disintegrate on his way back; and he spent two days waiting for parts. He went on to say he would like to address some of the issues that came up at the October 22nd meeting, starting with the tape that was played; that was his voice and his comments; his comments are why were two dogs put down two days before an adoption event; and that was the third time he had asked the question. He pointed out he noticed at the meeting, the Board played his comments but not one comment from the Animal Advisory Board (AAB) or Animal Services; not one comment on the whole thing except how horrible it was that people were loud and upset because they ask the same questions over and over again; and a person basically gets the answer from the Shelter for Dummies textbook about shelter management. He noted the other thing that came up was a hostile work environment; he has asked twice for the public records on the hostile work environment issue; it was stated the AAB had created a hostile work environment in the shelters; he does not know how the County operates, but in the Clerk's Office, any employee who makes an allegation of a hostile work environment, there is an immediate investigation opened up by Human Resources; and he would expect the County does the same. He stated he does not see how a meeting once a month beginning at 6:30 p.m. creates a hostile work environment. He reiterated he would like to see the written complaints and the resolution to the issue. He stated Animal Control returned \$600,000 in three years, including \$150,000 in donations; there is no segregated account for the donations; the Board could set up a segregated account and carry that money forward; and that has not been done. He went on to say it is simply dumped into an operating fund; there were 700 budget change requests within the County; other departments know how to use this; BASE knows how to use this because it did a budget change request to created its position for Assistant Director; and they had no Assistant Director when Karla Torpy, Animal Services and Enforcement Director, was hired. He pointed out the County put Kathy Beatson in the job of Assistant Director at \$72,000 a year, which was clearly a budget change request; and when people donate money to the Shelter, it is turned back to the Board. He advised the Board a 2009 Agenda Item was where it paid \$600,000 for a ladder truck; five years later it paid \$900,000 for a ladder truck based on a 2009 Agenda Item; and he does not think that is proper. He stated if the Board does not want to buy things over \$100,000 that comes back to the Board, to just change its Policy where it does not come back to the Board. He noted with the road work, those are draws, and those do not come back to the Board every time; once the contract has been awarded, staff does not come back on the draws; it does not hold up the work because the contracts approved before the Board and the project starts; and it is not like it is going to start the next day. He stated there was an interesting comment regarding the BlueWare deal about the oversight of the Clerk's Office; people who put the deal together have been arrested, so he would think there is oversight somewhere; he sued the Clerk's Office for public records; the County never asked for them about anything that was going on; and he finds it hard to believe the Board is interested in anything that happened in the Clerk's office over those two years. He advised there was a court hearing with the Economic Development

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Commission (EDC) on Friday; the EDC claims they are not subject to public records laws; and the criminal defense never showed up at the hearing. He noted they will go back before Judge Moxley in about 30 days; each side has 15 days to prepare brief; and they did not expect the EDC to claim that they were not subject to public records laws.

Commissioner Fisher stated Mr. Ellis made the comment regarding BlueWare, and he is assuming he is directing that towards him because he made the comparison. Mr. Ellis replied Commissioner Fisher did make the initial comment; but his point is the Board never took any interest in anything that happened at the Clerk's Office. Commissioner Fisher stated the Board did not know it was even being considered for a proposal to go out for bid; the Board never had the privilege of allowing that whole purchasing procedure or RFP to come through the organization at all; but it is amazing to him that the former Clerk had that power, and had the same power Mr. Ellis has. Mr. Ellis stated that is correct. Commissioner Fisher stated one individual can sign a \$10 million contract and it does not go through near the scrutiny the Board puts a \$10 million contract through; it does not go through the Purchasing Department, the County Manager's, or the Board; and it ends up the Clerk making the call. Mr. Ellis stated if Commissioner Fisher assumes it was a lawful contract. Commissioner Fisher inquired if the Clerk can do a \$10 million contract in one year. Mr. Ellis replied it is hard when the Clerk gets \$2 million from the Board in a \$20 million office. Commissioner Fisher stated the former Clerk did it. Mr. Ellis pointed out he was arrested. Commissioner Fisher stated he believes Mr. Ellis' integrity is strong and he would never do that; Mr. Ellis scrutinizes the Board over \$100,000 and above; and that ought to be changed.

Mr. Ellis stated if he was on the Board, he would raise hell at every meeting about where this money is going; the Board appropriates the money; and it is in power to audit all of these offices. Commissioner Fisher inquired if the Board appropriates the Clerk's money. Mr. Ellis responded \$2 million of it. Commissioner Fisher stated but the Board does not see anything else other than the \$2 million it funds. Mr. Ellis advised that is correct. Commissioner Fisher stated so the Board cannot tell the Clerk how to spend its money. Mr. Ellis stated he disagreed with that; the Board sets the budget; if it does not agree with the budget of a Constitutional Officer, it has the right to deny that budget; and the Board has the right to audit that Constitutional Officer. He went on to say the Board has the right at the end of the Fiscal Year to ask the Sheriff, Clerk, Property Appraiser, and Tax Collector where its monies went; the Board does not do any of that; it does not exercise its oversight because it does not want oversight; but it does have the potential to do so. He added, he knew about the BlueWare Contract; the *Brevard Times* covered it all year long; no one on the Board made any effort to find out anything about it; he filed a suite for public records; and not one lick of help was received from the County. He stated if Mitch Needelman, former Clerk, had won the election again, things would still be trucking along. He noted he has always said as Clerk the Board can audit him as long as it pays for it; and the Board has the ability.

Commissioner Fisher inquired what about the issue that the Clerk can award a contract. Mr. Ellis stated he has asked many times for a Comptroller; the Board and the Constitutional Officers block that; every Constitutional Office should be on the same SAP system, the same financial system; the Board has the ability to impose that; and the Board has far more power than it thinks. Commissioner Fisher stated he does not have the ability to tell the Clerk whether or not to award an \$8 million contract; and he can do it without the Board approving it. Mr. Ellis stated actually he cannot award but maybe \$100,000 because he does not have \$8 million; the former Clerk signed an illegal loan with Hewlett Packard; and if the Board was concerned about what was going on, it should have questioned him.

Commissioner Fisher stated he did not know what the former Clerk was doing. Mr. Ellis pointed out by June 2013, everyone in this building knew what was going on in the Clerk's Office and no effort was taken to find out; he took the effort to find out; but the Board took no effort. He stated

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if the Board does not like what the Constitutional Officers are doing, it can cut off their money; the Board has far more control than it thinks; and it may audit, inspect, and keep track of the contracts.

Commissioner Fisher inquired how does the auditing department work as far as auditing the Constitutional Officers. Deputy County Manager Stockton Whitten stated the audit reports are consolidated; the Clerk has court funding and County funding; and Mr. Ellis is the Clerk to the Board and over County Finance, and then there is a Clerk's side of his position. Commissioner Fisher stated when outsourcing came up, some people asked why he was bothering the Clerk's Office as it was their business. Mr. Ellis stated he did not say that. Commissioner Fisher stated he was told the former Clerk was a Constitutional Officer and he can do anything he wants with his department; and reiterated he raised a fuss about it, because he thought something was strange about the deal.

Mr. Ellis reiterated the Board has every right to know where every nickel it appropriates goes. Commissioner Fisher inquired if Mr. Ellis thinks the Board should audit the Clerk. Mr. Ellis stated absolutely, the Board appropriates money, and it needs to know where it is going; he is in total agreement with that; and no one should fear an audit unless they have problems.

Commissioner Nelson stated most Clerk's offices in the State would not agree with what Mr. Ellis suggested in terms of the Board's ability to have oversight; and the Board does not see the Court side of the Clerk's budget. He went on to say he was against the outsourcing as well.

Mr. Ellis stated County Attorney Scott Knox and County Finance Director Steve Burdett were involved in something years back regarding a legal opinion about auditing the Charter Officers.

Attorney Knox stated it was several years ago, and he opined that the County Commission does have the right to audit the Constitutional Officers, and he agrees with Mr. Ellis; however, they asked for an Attorney General's Opinion; and when they sent it back its opinion was that the Board did not have the right. Mr. Ellis advised Attorney Knox is an attorney and the Attorney General is an attorney, and they have different opinions.

Commissioner Nelson stated he spoke with Animal Services' staff, and he believes staff can do a better job responding to the questions; but on those tapes, he heard a very dysfunctional group. Mr. Ellis pointed out he is beyond frustrated. Commissioner Nelson stated he is referring to this as a cooling down period; his frustration with the group is that the Board created the moratorium on feral cats because it was not working, and asked the group to come back with recommendations; what the group came back with is that it likes what is being done, and that was contrary to Board request as it wanted recommendations; and he became frustrated at that point. Mr. Ellis advised the group probably spent six months on that issue; nothing else was accomplished at that time; BASE Director was there the Assistant County Manager; and they were able to make small changes. Commissioner Nelson stated staff at that time did not understand what the Board had concerns with and they should have zeroed in on those, but they did not; what should have happened is that the director at the time should have come back to the Board asking for direction; but that did not happen. He went on to say it has been two years of the moratorium and people are still calling; he told Assistant County Manager Venetta Valdengo the clock is ticking; and this needs to move in a positive direction to start dealing with issues.

Mr. Ellis stated every meeting of the AAB they asked Animal Services staff about small expenditures; staff kept saying they had no money; there was \$600,000 in three years returned because the accountant does not know how to do a budget change request; and there are reasons why people are frustrated. He went on to say when people talk down to a person, he or she gets frustrated; and inquired if the Board is trying to do something.

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Commissioner Nelson advised they have had conversations; staff is going to try to move in positive directions; and if not, he or she will be back in front of the Board

Commissioner Fisher stated as an elected official, people respect Mr. Ellis; he thinks County staff is intimidated by him; it would be more effective if he could move forward and get along with staff, because it makes staff feel incompetent; he understands Mr. Ellis has deep concerns for these issues; and divorce is not an option and he should work with Animal Control. Mr. Ellis stated he agrees to disagree. Commissioner Fisher inquired if divorce is not an option, how will he work with staff. Mr. Ellis replied maybe murder/suicide; and he went through this for months at the beginning of the year.

Mr. Ellis reiterated that he has been working on this issue for six years; software has been purchased, but it is not used to its capabilities; there is no electronic record kept; and everything is done manually. He went on to say that other departments use software so they will know what is going on; Orange County Animal Services track its trucks, where they are located; and what animals have been picked up by which truck. He pointed out the Brevard County Zoo and SPCA use the software to keep track of volunteer's hours; the Board was told there were 27,000 volunteer hours last year, but there was nowhere near that many. He reiterated he is frustrated; and it never ends.

Chairman Anderson stated his staff has been collecting information as well; and Teresa Clifton and others say it is better than it was five years ago. Mr. Ellis advised they are. Chairman Anderson stated different animal activist groups cannot even get along in the community. Mr. Ellis stated they have not studied the software at the Shelter; he has studied both software packages at the Shelter; they are not used properly; and in some cases, they are not used at all. Chairman Anderson stated the Board is going to discuss the budget issue for Animal Services.

Ms. Valdengo stated she knows Mr. Ellis visited Orange County; as he knows, she was Director at Orange County's Animal Services, so she is familiar with the operation, and becoming more familiar with Brevard County's operation; Brevard County's live release rates beat Orange, Hillsborough, Pinellas, Seminole, Polk, and Marion Counties for the last year; the County should be proud of what it has been able to do with the amount of staff it has; and they cannot turn any animal away. She stated staff should do a better job; they are looking into how to correct things; and they will continue to work at that end.

Mr. Ellis advised there is a different demographic in Brevard County than in Orange County; and if Ms. Valdengo was really a hands on director at Orange County Animal Services, she would know how poorly Brevard County's Shelters are ran.

Commissioner Nelson stated Orange County far out spends Brevard County. Mr. Ellis stated he checked and Orange County's budget was double Brevard County's; and their population is double to Brevard County's.

Commissioner Fisher stated he wants County staff to work with Mr. Ellis; and calling them names is not going to get things done; and he will not support that approach. Mr. Ellis advised the Board has not supported any changes anyway. Commissioner Fisher stated he is trying to work with Mr. Ellis, not against him. Mr. Ellis pointed out he sent many emails to the Board, and received only one response. Commissioner Fisher stated if Mr. Ellis has issues with Animal Control to come to his office and have a serious conversation; if he wants his support, that is the kind of approach he wants; and Mr. Ellis sending 50 emails and calling everyone incompetent is not working with him.



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Mr. Ellis inquired when is this going to change. Commissioner Nelson responded it is being worked on; he has met with Ms. Valdengo and Ms. Torpy; and they are trying to move forward.

Chairman Anderson stated the budget issue will be discussed he guesses November 19th. Mr. Ellis stated if he had not beaten on this issue all year, it would not be where it is today or even looking at changes.

Charles Tovey stated if a person has problems with the cats, drop them off at his house; people come and chop their arms off and bear traps; and they kidnap his cats. He stated no one is protecting him and his household; his rights are destroyed thanks to the people who do not care; the Board is all involved; and he is a patriot American, he cares. He went on to say this is a government facade to cover its butts; the County has millions of dollars of budget but cannot do it; this is a government for the government; and the government is letting his life be destroyed to protect its friends. He inquired what are the Commissioners up there for; stated just because the Board does not like him does not mean he does not have something to help and benefit the whole community; and inquired if the Commissioners are in for its pocket. He pointed out the County gave money to the dinosaur museum; there are people in need; and the Board takes care of itself.

Pat Pasley stated she is always glad to follow Mr. Ellis because he follows a lot of the stuff. She went on to say on October 24<sup>th</sup> she sent the Board Members a letter; and she heard back from one person. She pointed out Karla Torpy could be an absolute hero in this County if she would address some of these issues; she hears from people that these issues are still remaining; she has been in management; and she wonders why and if any of these things are being addressed. She inquired is Ms. Torpy looking at the software package, is this being implemented. She stated she would sure like to get some answers to these questions; the money budgeted is going to be addressed on December 17<sup>th</sup>; inquired why an Assistant Director was created when there could have maybe had an IT Director that would have put in this software; are there any written procedures or checklists within the Shelters so that when people come in that the volunteers know what they are doing; and what are the actual number of volunteers. She stated it is the Board's responsibility to find out what the truth is; she inquired if there is a plan to ensure that these animals are being taken out of the cages; are they receiving the proper medical care; stated the website asks for toys for the cats and dogs, yet nothing seems to be in their cages; and inquired why is the food not being properly distributed. She went on to say since the last time she was here, she had a heartbreak; she read about an animal called Duke; Duke had a microchip in him; for four years this animal was taken care of by someone; and they took the time and effort to make sure Duke was transferred into the system called Home Again. She stated every year a person pays \$25 to make sure the dogs chip is valid; that means someone cared enough that they transferred the chip and information; unfortunately, what happened was the information that got transferred was incorrect; and Duke was put down. She stated the clock is ticking; the frustration she is hearing is because animals are being put down; Duke was never even put up for adoption; and he should have been given that chance.

Lori Scott, Supervisor of Elections, stated she wanted to take a moment to clarify some comments made earlier. She went on to say all Constitutional Officers are audited every year; it is important to clarify that for the public; her office is audited; and it is a public audit by the audit company selected by the Board every year. She pointed out her books are open and transparent; her entire budget is ran through the County Payroll and Budgeting Office; she did not want to leave the impression that Constitutional Officers receive budget dollars that are not accounted for, because that is not the case. She stated their books are open and can be seen by the public at any time; she is billed \$10,000 out of her budget for the audit; Constitutional Officers are elected officials; when she worked in the legislature she received a lot of calls; and a lot of times a Constitutional Officer does something inappropriate, the public call and say they

should be told what to do. She pointed out the reality is the Constitutional Officer's answer to the voter; that is why it is important to get out and vote on election day to make the elected officials accountable to the people; and the Governor has the ability to remove a Constitutional Officer who is doing something inappropriate.

**ITEM V.A., PUBLIC HEARING, RE: ORDINANCE AMENDING THE BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARY**

Chairman Anderson called for a public hearing to consider an ordinance amending the Barefoot Bay Water and Sewer District Boundary.

There being no objections or comments, the Board adopted Ordinance No. 13-037, modifying the boundary of the Barefoot Bay Water and Sewer District to include a parcel by Atlantic Coast Paladin Estates, LLC.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

**ITEM V.B., PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE RIGHT-OF-WAY ON NEBRASKA AVENUE IN JUNE PARK SUBDIVISION - JOSEPH AND SAUNDRA CLARK**

Chairman Anderson called for a public hearing to consider a resolution to vacate right of way on Nebraska Avenue.

There being no comments or objections, the Board adopted Resolution No. 13-211, vacating the right of way on Nebraska Avenue.

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

**ITEM V.C., PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE PUBLIC UTILITY EASEMENTS ON CHIPEWA DRIVE IN BAREFOOT BAY MOBILE HOME, UNIT 2, PART 10 - HOWARD AND ROSALIND SMITH**

Chairman Anderson called for a public hearing to consider a resolution vacating a public utility easement on Chipewa Drive.

There being no comments or objections, the Board adopted Resolution No. 13-212, vacating a public utility easement on Chipewa Drive.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM VII.A.1., AUTHORIZATION, RE: ISSUE REQUEST OF PROPOSALS FOR IMPACT FEE UPDATE STUDY**

The Board authorized staff to advertise a Request for Proposals to update the Correctional, Educational, Emergency Medical Services, Fire/Rescue, Library, Solid Waste Disposal, and Transportation Impact Fee rate schedules; appointed a selection committee composed of Robin Sobrino, Planning and Development Director, John Denninghoff, Public Works Director, and Eden Bentley, Deputy County Attorney; and authorized the Budget Office to execute any budget changes required to implement this project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM VII.A.2., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMEND ZONING REGULATIONS TO PROVIDE FOR OVER HEIGHT SCOREBOARDS AND OTHER SIMILAR OR ASSOCIATED OUTDOOR VIDEO DISPLAYS**

Commissioner Nelson advised the Board when this Item comes back, he will be supporting no higher than the highest piece of the structure in these stadiums; and he worries about these things suddenly becoming airborne and higher than the stadium itself.

The Board approved legislative intent and granted permission to advertise an ordinance that will provide for and regulate scoreboards and other similar or associated outdoor video displays.

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

**ITEM VII.A.3., MEMORANDUM OF AGREEMENT WITH CITY OF SATELLITE BEACH, RE: MID REACH BEACH PROJECT EASEMENTS**

The Board executed Memorandum of Agreement with City of Satellite Beach to clarify issues associated with Mid Reach Beach Project easements.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**SECONDER:** Chuck Nelson, Commissioner District 2  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM VII.D.1., STIPULATED FINAL JUDGMENT IN THE AMOUNT OF \$140,000, RE: BREVARD COUNTY V. SUMERSET FLORIDA, LLC, ET AL (PARCELS 135, 829, AND 722) CASE NO: 05-2011-CA-31229-XXXX-XX**

Scott Knox, County Attorney, stated this is the public suit, which the Board heard in executive Session; and it came in within the range the Board approved.

The Board approved Stipulated Final Judgment in the amount of \$140,000, less the amount previously deposited, for Brevard County v. Sumerset Florida, LLC et al (Parcels 135, 829, and 722), Case No: 05-2011-CA-031229-XXXX-XX.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson  
**ABSENT:** Trudie Infantini

**ITEM VII.E.1., APPROVAL, RE: 2014 LEGISLATIVE PROGRAM, AND IDENTIFY PRORITIES FOR THE NOVEMBER 12, 2013, LEGISLATIVE DELEGATION MEETING**

Howard Tipton, County Manager, stated the Legislative Delegation meeting is November 12th; and the package before the Board is the proposed Legislative priority package for the upcoming session.

Chairman Anderson stated Commissioner Nelson is going to continue to attend those Indian River Lagoon consortium; there was some discussion at the Estuary meeting where he filled in for Commissioner Bolin Lewis, and they are going to try through that consortium and Florida Association of Counties, like a top three priority for the Lagoon; and they are going to try to get all of the counties singing on the same sheet of music.

Commissioner Nelson stated he has a meeting this Friday with the group, and he will bring back a report of where that is going.

Commissioner Fisher advised the Board he received an email from Eddie Pauley, Brevard County Lobbyist, that there is a Bill in Congress that got passed that is looking at a possible inlet cut, some kind of water infrastructure project; and it is huge dollars if it passes through Washington, D.C.

Commissioner Nelson inquired if the Board can get a staff report to see if the six-county area qualifies for an area of critical concern regarding the Lagoon issues; stated there was a State designation placed on the Florida Keys a few years ago because the locals were not able to adequately manage the issues associated with the Keys in terms of growth, water, and all those

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things; he would like to know if that may be a possibility and could have some benefit to the issues, pending a State perspective included in it; and inquired if there is a State Law that implements it.

Commissioner Bolin Lewis stated there is an Ethics class at the end of the month to be held in Daytona by the League of Counties, and she is going to be attending that; and she did not know how many Commissioners were going to attend. Chairman Anderson stated he will be there; they have a program that has been approved online for all of the elected officials that he or she can take the four hour course online; and it is under the Commission on Ethics web page.

The Board approved the 2014 Legislative Program, and identified top priority areas for the November 12, 2013, Legislative meeting as follows: Oppose Unfunded Mandates; Support Amendment to Tourist Development Tax Language; Support Indian River Lagoon and Public Infrastructure Projects; Support Space, Technology, and Workforce Initiatives; Support Baker Act Beds; Support Beach Re-nourishment; and directed staff to come back with a report to see if the six-county area qualifies for an area of critical concern regarding the Lagoon issues, and if it does, to approach the State with the request.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSENT:</b>	Trudie Infantini

Upon consensus of the Board, the meeting adjourned at 10:22 a.m.

ATTEST:

\_\_\_\_\_  
ANDY ANDERSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
SCOTT ELLIS, CLERK