

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 December 20, 2016 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
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Absent	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

INVOCATION

The invocation was provided by Pastor Larry Linkous, New Life Christian Fellowship, Titusville.

PLEDGE OF ALLEGIANCE

Chairman Smith led the assembly in the Pledge of Allegiance.

PRESENTATION, RE: SANTA CLAUS

Santa Claus stated he was surprised to be invited to the Board meeting; he expressed his appreciation to the Board; he stated he hopes everyone has a Merry Christmas; and he presented gifts to the Commissioners.

APPROVAL, RE: SEPTEMBER 13, 2016, SPECIAL MEETING MINUTES

The Board approved the September 13, 2016, Special Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

APPROVAL, RE: NOVEMBER 1, 2016, REGULAR MEETING MINUTES

The Board approved the November 1, 2016, Regular Meeting Minutes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kristine Isnardi, Commissioner District 5
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.1., PERMISSION TO ACCEPT A GRANT FROM FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, RE: SUPPLEMENT ARTIFICIAL REEF FUNDING

The Board executed Artificial Reef Construction Grant Agreement with Florida Fish and Wildlife Conservation Commission (FWC), with County Attorney and Risk Management approval; accepted FWC funds for this project; approved the matching fund donations; authorized any necessary budget change requests; approved legal venue as Leon County; and authorized staff to competitively negotiate, and for the Chairman to execute, a construction contract with the lowest responsive and qualified bidder.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.2., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: BREVARD OAKS SKILLED NURSING FACILITY - THE VIERA COMPANY

The Board granted preliminary plat and final engineering approval for Brevard Oaks Skilled Nursing Facility, The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.3., FINAL PLAT AND CONTRACT APPROVAL, RE: EGRETS LANDING PHASE 1 OPEN SPACE SUBDIVISION - COURTENAY PARKWAY PROPERTIES

The Board granted final plat approval for Egrets Landing Phase 1 Open Space Subdivision - Courtenay Parkway Properties, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and executed Subdivision Infrastructure Contract with Egrets Landing MI, LLC.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.4., FINAL PLAT AND CONTRACT APPROVAL, RE: ADELAIDE PHASE 3 SUBDIVISION - THE VIERA COMPANY

The Board granted final plat approval for Adelaide Phase 3 Subdivision - The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits; and executed Subdivision Infrastructure Contract with The Viera Company.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.5., BINDING DEVELOPMENT PLAN, RE: FJM MERCO, LLC

The Board executed Binding Development Plan with RJM Merco, LLC, for property located on the northeast corner of Elkcam Boulevard and Manth Avenue, west of U.S. Highway 1.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.6., BINDING DEVELOPMENT PLAN, RE: SEASONS IN THE SUN, LLC

The Board executed Binding Development Plan with Seasons in the Sun, LLC, for property located on the south side of S.R. 46, west of North Carpenter Road.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.A.7., RESOLUTION AND AMENDMENT TO TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT FM#413019-1-88-01 WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS LOCATED ON STATE ROADS WITHIN UNINCORPORATED PORTION OF BREVARD COUNTY AND WITHIN THE MUNICIPALITIES

The Board adopted Resolution No. 16-221, and executed Amendment to Traffic Signal Maintenance and Compensation Agreement FM#413019-1-88-01 with Florida Department of Transportation (FDOT) for operation and maintenance of traffic signals located on State Roads within unincorporated portion of Brevard County and within the municipalities; and approved Budget Change Requests associated with this request.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM II.A.8., APPROVAL, RE: WAIVER OF THE BIDDING PROCESS AND APPROVAL OF PURCHASE ORDER FOR NUTERRA SE. FL. ORGANICS, LLC

The Board approved a waiver of the bidding process and to proceed to use a purchase order with Nu Terra Se. Fl. Organics LLC, based on three quotes for the disposal of hurricane related mulch generated in the south end of the County; and Federal Emergency Management Agency (FEMA) should contribute about 75 percent of the cost of disposal.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM II.B.1., RESOLUTION, RE: DISSOLUTION OF THE VETERANS MEMORIAL PARK EXPANSION ADVISORY COMMITTEE

The Board adopted Resolution No. 16-222, for dissolution of the Veterans Memorail Park Expansion Advisory Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM II.C.1., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA), MELBOURNE

The Board approved the Special Magistrate's recommendation to reduce the accrued fine for the violation of Federal National Mortgage Association (FNMA) for property located at 8552 Winder Way, Melbourne, Case No. 13CE-00604, from \$12,075 to \$3,762; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM II.C.2., AMENDMENT TO EXTEND EXISTING CONTRACTS WITH STEWART B. CAPPS AND JOSEPH MINICLIER, RE: SPECIAL MAGISTRATE SERVICES

The Board executed Amendment to Extend Existing Contracts with Stewart B. Capps and Joseph Miniclier for Special Magistrate services.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM II.C.4., APPROVAL AND RENEWAL OF STOP LOSS INSURANCE WITH SYMETRA FINANCIAL, RE: SELF-INSURED GROUP HEALTH INSURANCE PROGRAM

The Board approved the renewal of Stop Loss Insurance with Symetra Financial for the self-insured group health insurance program; and authorized the Human Resources Director to execute all documents necessary to bind this coverage effective January 1, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM II.C.5., BOARD DIRECTION, RE: INDIAN RIVER LAGOON COUNCIL'S (IRLC) REQUEST TO PARTICIPATE IN THE BREVARD COUNTY GROUP HEALTH PLAN

The Board executed Group Health Plan Agreement with Indian River Lagoon Council to participate in the Brevard County Group Health Plan.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: THE VIERA EAST COMMUNITY DEVELOPMENT DISTRICT RECORDS OF PROCEEDINGS OF SEPTEMBER 28, 2016, MEETING

The Board acknowledged receipt of the Viera East Community Development District Records of Proceedings of the Board of Supervisors meeting held on September 28, 2016.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.3., RESOLUTIONS, RE: APPROVAL OF FINDINGS OF FACT FOR BANANA RIVERFRONT, LLC, UPHOLDING DENIAL OF SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, REZONING REQUEST FROM RU-2-15 TO BU-1, AND REQUEST FOR CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION

The Board adopted Resolution Nos. 16-223, 16-224, and 16-225, approving Findings of Fact for Banana Riverfront, LLC, upholding denial of Small Scale Comprehensive Plan Amendment, rezoning request from RU-2-15 to BU-1, and request for Conditional Use Permit for the sale of alcoholic beverages for on premises consumption.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.4., RESOLUTION, RE: APPROVAL OF FINDINGS OF FACT FOR JANICE RENK, UPHOLDING DENIAL REQUEST FOR REZONING 1.89 ACRES FROM AU AND GU TO RU-2-8 ON SOUTH TROPICAL TRAIL, 200 FEET SOUTH OF RIVER CLIFF LANE

The Board adopted Resolution No. 16-226, approving Findings of Fact for Janice Renk, upholding denial of request for rezoning of 1.89 acres from AU and GU to RU-2-8 on South Tropical, south of River Cliff Lane.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.5., CONFIRMATION, RE: TAD CALKINS AS PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR

The Board confirmed the appointment of Tad Calkins as Director of Planning and Development Department.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.6., APPROVAL, RE: BAD DEBT WRITE-OFF OF VARIOUS UNCOLLECTIBLE RECEIVABLES IDENTIFIED BY BOARD DEPARTMENTS

The Board approved the write-off of various uncollectible receivables identified by Board Departments.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM II.D.8., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Bridget (Buck) Geiger, Darleen Hunt, Nancy Mitts, and Robbyn Spratt** to Art in Public Places Advisory Committee, with terms expiring December 31, 2017; **Scott Carswell, R. J. Durham, and Bruce Moia** to Building and Construction Advisory Committee, with terms expiring December 31, 2017; **Doug Baker, Peter Fusscas, and Dale Young** to Citizens Budget Review Committee, with terms expiring December 31, 2017; **Pastor Jerome Dukes, Preston Hopkins, Mark LaRusso, and Ed Witt** to Community Action Board, with terms expiring December 31, 2017; **Leonard Beckett, Jeri Blanco, Art Edwards, Brenda Fox, and Luella King** to Community Development Block Grant (CDBG) Advisory Board, with terms expiring December 31, 2017; **Leartis H. Brothers, Izeal Battle, and Betty Wells** to Cocoa West Community Center Advisory Committee, with terms expiring December 31, 2017; **Clifford Barber, Bud Crisafulli, Roger Drabek, R. J. Durham, David Foley, Kerry Gardner, Gerald Hirt, Albert Underwood, and Nick Witek** to Contractors Licensing Board, with terms expiring December 31, 2017; **Holly Carver, Wayne Cooper, and Peter Fusscas** to Economic Development Commission of the Space Coast, with terms expiring December 31, 2017; **Bob Champaigne, Rick Follett, Murray Hann, Karen MacArthur, Doug A. Sphar, and Suzanne Valencia** to the EEL Program Recreation and Education Advisory Committee, with terms expiring December 31, 2017; **Thomas Patrick "Pat" O'Neill** to Emergency Medical Services Review Committee, with term expiring December 31, 2017; **Liz Alward, Marcia Newell, and Danielle Stern** to Employee Benefits Advisory Committee, with terms expiring December 31, 2017; **Linda Behret, Vince Lamb, Rocky Randels, Leanne Saylor-Milucky, Diane Stees, Leesa Souto, and Kim Zarillo** to Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2017; **Alan Coward, Jennifer Hill, and Billy Kempfer** to Extension Advisory Council, with terms expiring December 31, 2017; **Peter Fusscas** to Health Facilities Authority, with term expiring December 31, 2020; **Jane Beach, Nancy Carswell, Roz Foster, David Paterno, Louis R. Pernice, Dan Reiter, Bob Swenson, Molly Thomas, John Tice, and Walter Young** to Historical Commission, with terms expiring December 31, 2017; **Mary Louise E. Young** to Internal Audit Committee, with term expiring December 31, 2017; **Bob DiBella, Peter Fusscas, Todd Starkey, and Kathy Wall** to Investment Committee, with terms expiring December 31, 2017; **Mark Broms, Shelby Love, and Tom McGill** to Library Board, with terms expiring December 31, 2017; **Mike Cunningham, Dan Daniels, Kelly Haugh, John Mongioi, John Reisert, John Stone, and John "Jay" Woltering** to Marine Advisory Council, with terms expiring December 31, 2017; **Drew Powshok** to Melbourne-Tillman Water Control District, with term expiring September 30, 2019; **Sean Anderson, John Campbell, Martin (Marty) Casleton, John Ells, Cathy Jarrell, and Ralph Williams** to Merritt Island/Beaches Advisory Board, with terms expiring December 31, 2018; **Theresa "Terry" Brissette, Karin Mansfield, Maxine Zieman, Brian McEachran, and Myrna New** to Mims/Scotts Moor Public Library Advisory Board, with terms expiring December 31, 2017; **Arnold Benson, Randy Rodriguez, and Gail Ratliff** to North Brevard Library District Board, with terms expiring December 31, 2018; **Carol Mascellino and John Stone** to Onsite Sewage Disposal Variance Board, with terms expiring December 31, 2017; **Marcia Booth, Roger Gangitano, Mary Goelz, Bill Klein, and Ted Whitlock** to Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2017; **Mike Cicerella, Johnny Albert Diggs, Cleve Frink, and Bonnie Venable** to Personnel Council, with terms expiring December 31, 2017; **Ron Bartcher, Bill Cannon, Susan R. Hammerling, Scott Langston, Rochelle Lawandales, Robert J. LaMarr, Ronnie McClellan, Henry Minneboo, Bruce Moia, and Harry Smith** to Planning and Zoning Board, with terms expiring December 31, 2017; **Carmella Chinaris and Christine Jenkins** to Port St. John Public Library Advisory Board, with terms expiring December 31, 2017; **William Bancroft and George Geletko** to Public Golf Advisory Board, with terms expiring December 31, 2017; **Jennifer Allgood, Lois Katzin, and Dr. Rochelle Kenyon** to Suntree/Viera Public Library Advisory Board, with terms expiring December 31, 2017; **Bob Baugher, George Bovell, Rodney Honeycutt, Tony Sasso, Leanne Saylor, Rik Venerable, and Bill Vollmer** to Transportation Planning Organization

(TPO) Citizens Advisory Committee, with terms expiring December 31, 2017; **Nelle Ayres** and **Julia Derrick** to West Melbourne Public Library Advisory Board, with terms expiring December 31, 2017; and **George Bovell**, **Francis Clifford**, **Britta Hawkins**, **Wayne Snyder**, and **Dale Young** to Zoning Board of Adjustment, with terms expiring December 31, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM III., PUBLIC COMMENTS

Charles Tovey provided to the Board cards from the community, his church, sponsors, and from him for all of the Commissioners. He stated he put on his card about help; and not only does he need help, but Brevard County, America, and the world need help. He went on to say he is a street minister and he goes out and he gives people what they do not normally afford or have; he is trying to organize everything; and he will try to provide information he has about the Lagoon, his situation, and trying to get his website. He stated the CRA flags are his tax money, and it is being thrown down the road; he is going to keep this flag; and they will need a warrant to take it back, and not to come on his property and help themselves. He went on to add the flag is from the Town of Palm Shores, which surrounds him; he helps the community; and he bought his property for the community. He advised the Board he has been addressed about his living conditions, his property, and the things he possesses as a person; differences can be put aside, and to work towards helping the people of the community; and people will be living on the streets during the holidays. He stated people need a safe place to stay temporarily; he is trying to set up in the County a designated environmental recharge area; this will also include temporary housing for homeless; and they come in, do their chores, work, and have a safe environment. He stated it helps people get their driver's license back, to get off probation, and to help with their lives; instead of wasting money on advertisement to bolster other people's lives and their things, money needs to be spent to help each other; and he is part of the family, whether the Board likes him not. He stated God Bless and Merry Christmas to the Board.

John Buscemi stated he wants to talk about the Brightline Rail Service going to be in Florida; the title of this is to move people not cars; they want to move from South Florida to Orlando with a train service that has already been approved; and a lot of the tracks have already been laid. He pointed out there is not going to currently be a stop in Brevard County; he thinks that would be a disservice to the community to not have a stop in the County; and it would be a big mistake not to have a stop in the County. He went on to say Brightline is the name of the rail project; the chief marketing officer stated that it is exciting and it will revolutionize how people get around in the State of Florida; and it opens up the community to a lot of possibilities in South Florida. He noted the cruise business is not going away; people need to get from Orlando to Port Canaveral; and this will be a means of doing that. He stated Governor Rick Scott just mentioned a week or so ago there are 200,000 jobs created in the State of Florida with the ports because of some of the expansion in the cruise business; megaships will bring economic infusion into the area; and there are a lot of benefits of having a stop in Brevard County. He stated Port Canaveral's new state-of-the-art terminal brings hope and a fresh injection of tourism dollars and an influx of jobs in the ever-growing cruise industry; by offering a Brevard stop in Cocoa, tourists can visit local attractions in the County; and it is not just for businesses, it would be for the residents of the County to avail themselves of things that are available in South

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Florida as well as Orlando. He stated they have already approved the trains coming through the County; and he inquired why not to make a stop.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT ON SPINAKE DRIVE, SOUTH INDIAN RIVER ISLE THIRD ADDITION, ROCKLEDGE - THIRREL AND ROBERTA ALTMAN

Chairman Smith called for a public hearing to consider a resolution to vacate a public utility and drainage easement on Spinaker Drive, South Indian River Isle, Third Addition, Rockledge.

Mike Sweeney, Brevard County Surveyor, stated this is a public hearing on a request to vacate a 10-foot wide public utility and drainage easement along the common line between lots 33 and 34, South Indian River Isles, Section 12, Township 26 South, Range 36 East; and if approved it is requested that the Board authorize the Chairman to sign the attached resolution approving the vacating.

There being no further comments, the Board adopted Resolution No. 16-227, vacating public utility and drainage easement on Spinaker Drive, South Indian River Isle, Third Addition, Rockledge, as petitioned by Thirrel and Roberta Altman.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM VI.A.1., WAIVER REQUEST OF BLOCK WALL, RE: BAYTREE RETAIL - KIMLEY HORN

Tad Calkins, Planning and Development Department, stated the proposed development will consist of 24,000 square foot of retail and restaurant with a 950 square foot outdoor seating area; the applicant is requesting to postpone the construction of a six-foot masonry wall required by the Site Plan Code; and they will be building a landscape buffer, which is required by the Landscape Code. He went on to say the development site is 7.5 acres; and most of the development is along Wickham Road, so there is a large portion of the site which will not be developed at this time. He added one of the things the Board may consider is postponing the wall requirement at this time until the future development piece comes in to have a better assessment of what the impacts will be to the adjacent residents.

James Bartow, representing the applicant, stated this request was done during their Site Plan approval process with staff; the shopping center sets back from the residential portion of the property; and there is also a large retention pond that will buffer a majority of the remaining land that can be developed. He went on to say they are not asking to eliminate a buffer, they are asking it be a landscape buffer in lieu of a wall; there is already a fence there and landscaping; staff and his designers thought it would be prettier to have four rows of scrubs to get the required six-foot opaque buffer instead of less landscaping and then a wall that has to be maintained; and it is not a money issue. He stated he does not want to hold up the Site Plan approval; and if he tables it, he does not want to fall into a crack of delay.

Michael Flannery, Hampton Park Lakeside Homeowners Association, stated he was able to speak with quite a few of the homeowners, and they are all opposed to anything but a six-foot

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wall on the property. He added there are 40 units backing onto that property line, some of them within yards of the property line; there is a wooden fence there now; they are continuously repairing the fence; and people are using their property as a cut through to other properties on Spyglass. He stated they already have enough overgrowth there; and a solid wall buffer is needed.

Kim Rezanka, representing Hampton Park Lakeside Homeowners Association, stated they have 134 townhomes in three phases in 23 separate common elements, including the property on the east side of this, which is abutting this property; the developer plans to develop 24,000 retail center with three restaurants, two of which will be quick service, high turnover restaurants; there have been no staff recommendation on this matter; and this has been sent to the Board because staff was not comfortable making a waiver on its own. She went on to say the addenda material does not include quite a few things that the Board needs to consider; one, it does not include what the County's waiver is requesting; Section 62-3202(h)(10) is mandatory, they shall construct a wall unless a waiver is given; the second page in the Agenda Packet she provided to the Board is 62-4346, which is the waiver criteria; and these waivers are very specific as they are for adverse site conditions, safety concerns, or if the adverse site conditions in compliance with the buffer requirement unduly impairs the intended use of the property. She pointed out there is no evidence of these things that would be sufficient to have the waiver under these circumstances. She stated she provided 62-4342, which is the Type A compatibility buffer, which requires a minimum 20-foot vegetative buffer and also can use a wall, wood fence, earth berm, planted or vegetation; the impacts are presumed when having commercial against residential; and that is why the County has this Ordinance for the Type A compatibility buffer. She added it is stunning how much other information has not been provided to the Board; there is no Site Plan in the Board's packet, so it does not even know what the site looks like; it does not know where the parking is going to be, the dumpsters, or the traffic pattern of the trucks and loading zones; there has been no demolition plan provided to the Board, that is the last page she provided to it; and that shows the extent of the construction area. She noted this construction will take some time as far as digging that big of a retention pond; this area takes almost 80 percent of the entire site, so there will be impacts during construction as well; and that construction fence does not stop it at all. She pointed out they do not know how long this will take to construct; they do not know the trip generation; with the high turnover restaurants there will be substantial amounts of traffic in and out of that site from 8:00 a.m. possibly to midnight; for 160 parking spaces, she has reviewed the construction plans and Site Plans; there will be deliveries in the early morning hours, the loading zones are on the back which are facing the residences; and the truck route is in the back and goes through to Baytree Drive. She advised the Board there is going to be a lot of noise impacts on the back side of this property, and that retention pond will not buffer it. She stated the residents and HOA concerns are safety, they want the wall to keep out trespassers and troublemakers; the noise, the dumpsters, parking, traffic, and loading zone, this is not a credit union where people are going to park in the back; this will be used by all people using the shopping center; the aesthetics, the wall maintenance, is not subjective; and landscape maintenance is highly subjective. She went on to say the opaque description is also highly subjective; they do not know what the developer will consider to be a landscape buffer completely opaque; the HOA does not want the developer to determine when it must be opaque; the Board's Code is not clear on that; and she inquired is it six months, three years, or five years. She stated the residents and HOA want the developers to build a wall, a solid masonry wall, not a wood fence, not a chain link with green slats; if they want to postpone it, when will it be postponed to; and there is no way to control that. She stated by looking at Criteria 1-7 that is in the packet, this is a hardship criteria for a variance; as the Board knows, the variance is the hardest developer order to obtain; the residents disagree that the buffer is more appealing; the landscape buffer is not preferred by the residents or the HOA; and there are no special conditions on this property, and this is solely the result of the actions of the applicant. She noted the waiver is not consistent with the intent and purpose of the Type A compatibility buffer; and more importantly, there is no undue hardship to the developer, which is

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one of the criteria. She stated it must be a cost saving measure; and she inquired if not, why they would not just put it up and do it now. She asked the Board to do what the Code requires, and not to grant the waiver.

Commissioner Isnardi stated when she was with the City of Palm Bay, they always allowed the applicant to respond if he or she has any additional information to provide. She inquired the distance between the proposed option for landscape buffer to the nearest property; and she stated the property lines may be right there.

Mr. Bartow responded the development will be over 250 feet away from the residents; this was brought up during staff approval, the option instead of a wall; the landscaping is not a cost-saving measure; the landscaping is doubled; and they are not diminishing the width of the buffer area, but instead of two rows of hedges, there will be four. He went on to say they thought they were giving the residents a better look, but if the residents do not want that look, they would certainly rather have the waiver denied and allow their plan to be approved. He noted they did not come to the meeting with an agenda; with his life in development, landscaping buffers get better with time; they will not stop someone from walking to the properties; and he did not realize that would be a concern. He pointed out they want to be a good neighbor; the Code is kind of vague in that area according to County staff; and they submitted the waiver based on staff recommendation to them in how to proceed. He advised it is no problem to withdraw their waiver request or have this denied so his Site Plan can be approved with a wall.

Commissioner Isnardi inquired if he was to install the landscape buffer, how high would that buffer be.

Mr. Bartow replied there is a very well defined six-foot opaque landscape buffer in the Code; their landscape architect complied in designing that, which has operated on other projects within the County; and it would be part of his Certificate of Occupancy (CO) requirements. He stated they are not asking for this buffer to save money, it is just over time the landscape buffer would look better. He stated they have added to their plan the wall buffer as he heard there was some descendant on it.

Commissioner Isnardi stated she understands the concerns with the Devereux facility that the resident addressed, but that is not really on the developer; and it is probably more of a condition of that business.

Commissioner Barfield inquired what Chairman Smith thinks since it is in his District.

Chairman Smith advised he is inclined to go with the homeowners, they do not want an opaque buffer they want a wall; Mr. Bartow seems amenable to that; and he inquired if Mr. Bartow withdraws his request, can the Board approve the Item.

Scott Knox, County Attorney, replied he thinks the Board should vote to deny the landscape buffer so it is clear they have to have a wall, and staff has their direction.

Commissioner Pritchett inquired if Mr. Bartow had the opportunity to speak with the homeowners to explain what he was imagining.

Mr. Bartow replied he did not think it would be a political issue.

Commissioner Pritchett inquired if the Board allowed a little time, it would matter.

Mr. Bartow replied no, he does not have time; the County has a moratorium that will be lifted on impact fees; and he has a shopping center that needs a permit as soon as possible.

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Commissioner Isnardi stated she is sort of torn on this because she understands the benefits of a landscape buffer, not just to the water and appearance; and she inquired how much response was received from the public.

Commissioner Pritchett stated during her briefing there was a recommendation to postpone the requirement; she inquired if that would stop the building process right now so maybe there could be a possibility to negotiate this; and she stated landscape buffers are so much nicer, but she does not want to concern the residents that they may not have their privacy protected. She inquired if the Board postponed the requirement how it hinders the process.

Mr. Calkins replied postponing the requirement to install the wall would allow staff to approve the Site Plan and for them to move forward with this 24,000 square foot development.

Commissioner Pritchett stated what was considered in the beginning would kind of take care of the situation and give a little time for the homeowners to sit down, and if they did not like it, the wall could be done instead.

Robin DiFabio, Planning and Development Director, stated the Board can make a motion to accept the waiver for Phase One, and then when they come back to develop the remaining portion of the property, at that time they would be required to install it if that is what the Board wants to do, or to revisit it then; but this would allow the applicant to proceed with the construction of the first Phase without the wall.

Commissioner Pritchett inquired if there is a time table of when the applicant has to put the wall up or is it part of the overall construction.

Mr. Calkins replied the wall would be part of the Site Plan improvements and it would have to be installed prior to the CO being issued.

Chairman Smith stated there has been an awful lot of contention with the landscape buffer; one person's definition of what an opaque buffer is may not be the same as what someone thinks; homeowners get very upset because they thought they were getting one thing, and the developer had another thing in mind; and it can be very contentious.

Commissioner Barfield stated if the Board makes a motion to go Phase One without the wall, but after Phase One the applicant would come back before the Board, he wants to be sure it does come back to the Board and that Mr. Bartow is not impacted.

Mr. Calkins stated the motion can say that the Board will postpone the installation of the wall and approve the request to install the landscaping at this time with Phase One; and then the Board would review the wall waiver at the time of future development.

Attorney Knox inquired if the Board does what staff just suggested, will that allow Mr. Bartow to get a CO on his first Phase without a delimitative decision on what type of buffer he is going to have.

Mr. Calkins replied he does believe it will allow the CO to be issued without the wall, because the wall is associated with the second Phase of the development.

Mr. Bartow noted they would prefer to have a hard answer, and either build the wall or not, because he does not know when the second Phase would be done; it is their intention to break ground the first of the year and get the CO for the project in June or July; and he really does not want to pick that fight. He stated in order to avoid the issue, he would rather the waiver be denied and he will build a wall with less landscaping.

The Board denied the waiver request of a block wall for Baytree Retail by Kimley Horn.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM VI.A.2., GRANT PERMISSION, RE: FUND 4011 (SOLID WASTE CIP) TO LEND FUND 4110 (SOLID WASTE COLLECTION) UP TO \$10,000,000

Euri Rodriguez, Solid Waste Management Director, stated as far as the cleanup from the Hurricane, there is money that has to be paid in advance in order to get the reimbursement from Federal Emergency Management Association (FEMA); some years ago the Board determined the collection would have a \$4 million Reserve, which is part of what is being used right now; that should be enough at this time to cover the local share, but it will not cover the entire number of bills that will be outstanding; the idea is for the disposal CIP reserve to lend to the collection \$10 million as a temporary loan in order to upfront the money, pay the bills, and seek reimbursement from FEMA; and at that point in time, the disposal will be reimbursed and see what is left over of the local share.

The Board granted permission for Solid Waste Management Department to lend up to \$10,000,000 from the Capital Improvements Plan (CIP) reserves as a short-term loan to the Solid Waste Collection Fund.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM VI.C.1., LEASE AGREEMENT WITH TITUSVILLE AREA CHAMBER OF COMMERCE, RE: LEASE OF 2,442 SQUARE FEET AT 2000 SOUTH WASHINGTON AVENUE, TITUSVILLE

Teresa Camarata, Central Services Director, stated this Item is a lease to move the District 1 Commission Office from its current location to the Titusville Area Chamber of Commerce building on U.S. Highway 1; the Titusville Area Chamber of Commerce has offered a gross lease of \$1,150 per month; and data and telephone will be provided by the County. She went on to say there are some modest improvements required; the first-year expense for this project would be roughly \$24,000, and \$17,000 every year thereafter; and she will be happy to answer any questions the Board may have.

The Board approved a Lease Agreement with Titusville Area Chamber of Commerce for lease of 2,442 square feet at 2000 South Washington Avenue, Titusville, to the District 1 Commissioner.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kristine Isnardi, Commissioner District 5
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM VI.C.2., LEASE AGREEMENT WITH 1ST CENTRE, LLC, RE: LEASE OF 1,812 SQUARE FEET AT 490 CENTRE LAKE DRIVE NE, SUITE 175, PALM BAY

Teresa Camarata, Central Services Director, stated this is a request to approve a lease to move District 5 Commission Office from the most northern border of the Commission District to a central location near the intersection of I-95 and Palm Bay Road; the lease if offered below market rate; the first year expense for this is estimated at \$18,000; this includes rent, electric, and data; and thereafter, the annual rate for this lease would be \$30,600.

The Board approved a Lease Agreement with 1st Centre, LLC, for lease of 1,812 square feet at 490 Centre lake Drive NE, Suite 175, Palm Bay, to the District 5 Commissioner.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM VI.D.1., REQUEST FOR EXECUTIVE SESSION, RE: BREVARD COUNTY V. B WEST TOWNHOUSES, ET AL, CASE NO.: 05-2013-CA-025677

Scott Knox, County Attorney, stated this is just a request to get the Executive Session before the Board.

The Board approved the cost of advertising for, and the scheduling of an Executive Session pursuant to Section 286.011(8), Florida Statute, in the Case of Brevard County v. B West Townhouses, et al, Case No.: 05-2013-CA-025677 for the purpose of discussing strategy and granting authorization, to be held on January 24, 2017.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM VI.E.1., FIRST AMENDMENT TO INCENTIVE AGREEMENT WITH NORTH BREVARD DEVELOPMENT DISTRICT AND LOCKHEED MARTIN CORPORATION D/B/A LOCKHEED MARTAIN SPACE SYSTEMS COMPANY, RE: PROJECT LANDMARK TO ALTER THE SCHEDULE FOR THE CREATION OF NEW JOBS

Troy Post, Executive Director for North Brevard Economic Development Zone (NBEDZ), stated he looks forward to working with the Board as a body for the next four years; they have a project he would like the Board to consider today; it is a deal approved by the Board in 2015; it is an incentive package for a project they continue to call Project Landmark; it is a major aerospace company that came into the area looking for a site; and a compelling case was made for Florida, specifically for the Titusville area. He went on to say the company wanted to come in and create up to 300 new jobs; these jobs will be paying at \$89,000 a year as an annual average; the company entered into an agreement with NBEDZ; the Board of County Commissioners had to approve that because of the dollar amount of the incentive; it had to come back before the Board to be confirmed; and the agreement specified certain deadlines for the company to do what it wanted to do. He pointed out one of those deadlines was to create a minimum number of jobs, 25 jobs, by the end of December 2016; the company, due to some internal organizational challenges, has requested that the schedule be pushed out a couple of years, which they do not find unreasonable given the complexability of the project; they have asked for the minimum number of jobs to be created to be pushed out to December 2018; and there was a bonus provision as part of this agreement, if the company agreed to create 150 jobs by December 2018 they would qualify for a \$250,000 bonus on top of that. He noted the total incentive package, if they created all of the jobs that they said they were going to create, would be \$1.75 million; at a meeting of the NBEDZ this month, the board did unanimously agree to extend that minimum job creation clause out two years to December 2018; but on the bonus, it only agreed to extend that out for one year to 2019; it raised the bar to qualify for the incentive; under the original deal the company had to create 150 jobs by 2018, now the NBEDZ wanted to make that requirement 250 new jobs be created by 2019; they think it is a very good project, it is what they seek to do in economic development; and these high value-added jobs will increase the living standards for the residents in the northern end of the County. He stated he has Greg Weiner with the Economic Development Commission (EDC).

Greg Weiner, EDC, stated he does not have anything to add as Mr. Post outlined it very well; but he is present to answer any questions the Board may have.

Commissioner Pritchett stated this is a great project for the County and her District; the Board is not paying out any incentives unless they bring in what they are promising to do; and it will greatly impact the community in a positive way. She noted she is excited about the project, and she looks forward to the company moving in very shortly with the new jobs and new families.

Commissioner Barfield stated if there are 250 jobs at say \$100,000 that would be \$25 million a year to the economy; if that is multiplied by 10 times that is \$250 million to the economy; and this is high-tech, matches up to what the Space Program is doing. He stated it puts moms and dads to work, and that is important.

Commissioner Isnardi stated she is all for economic development; she knows the voters approved tax abatements; she thinks this is a little too generous with the County's tax dollars; she knows the intentions are good, and she understands why the Board is supporting this; but she has an issue with paying a company grant money for creating jobs and then giving them a bonus. She noted she takes real issue with that; she did not support this when she saw this project before; and she cannot support it now.

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Mr. Weiner stated he understands the sentiment, but it is important to recognize a couple of things; and these transactions were not gifts, they are community investments designed to make an investment to get a return.

Commissioner Isnardi stated she respects Mr. Weiner's opinion, but she does not agree with it.

Mr. Weiner stated some of these things are opinions and some are facts; the fact is if the company hit the 300 jobs, the cost would be \$5,833 a job, the direct cost; this would be put into the economy on an annual basis at the tune of \$104,000; the chief beneficiaries to that are the small businesses that do business with this company; it is a major economic impact; and they work in a competitive environment, if these things are not done, companies are happy to go to Georgia. He noted they are getting way more.

Commissioner Isnardi stated while she appreciates the debate, if those jobs are there, the company is still going to move forward and create the jobs; Mr. Weiner is assuming that without the incentive they will not create the jobs, so if the jobs do not exist, there would not be that influx into the economy; and if the jobs are created, there still will be the influx into the economy. She pointed out she understand how economic development works because she has done this before and she has been in negotiations with other projects; and she just does not like the details of this one. She advised she is not going to support the Item.

The Board approved the First Amendment to the Economic Incentive Agreement with North Brevard Economic Development District and Lockheed Martin Corporation d/b/a/ Lockheed Martin Space Systems Company for Project Landmark, to permit Project Landmark to alter the schedule for the creation of new jobs.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia

ITEM VI.F.1., CITIZEN REQUEST BY REVEREND JOHNNIE B. DENNIS, RE: REMOVAL OR CLOSURE OF SHERIFF'S GUN RANGE

Reverend Johnnie B. Dennis stated he is a retired Navy Veteran and President of the National Action Network; their mission will be to improve the political education, social and economic status of African Americans to eliminate racial prejudice to make the community safer; and they will use all lawful means to end discrimination under State and Federal Law. He went on to say the Brevard County Sheriff's Office and covenants training ranges, under this class action complaint, located in the District 1 at Pluckebaum and Barnett Roads, and is also known as a public nuisance. He stated they are willfully and maliciously violating 600 residents civil rights under the 14th Amendment where they have no time to enjoy their property they are paying for; the Sheriff's Office at one of these meetings came in and asked the Board to move them to another location and build them a new indoor range; no action has been taken; under the former Commissioner Robin Fisher, no action was directed by the complaint; and their petition has been taken. He stated if money was a problem that would be a perfect place for a flea market, and the Sheriff's gun range could be closed in. He noted on July 1st, Governor Rick Scott signed into law no backyard ranges in a residential community; the Sheriff's range is not an asset to the community; they are a 99 percent black community; and the people in this community who are taxpayers, homeowners, and retired Veterans want it moved or closed in.

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He pointed out it is not an asset to them in any way. He stated they are being treated as if they are inferior; the Board should take a look at the brand new sidewalk from S.R. 520 to Pluckebaum Road; and if it does not matter, the County is not doing anything to keep that up. He stated he provided pictures once before about this area, a brand new sidewalk, looks like it is a better neighborhood. He stated they refuse to compromise their Constitutional rights; the owner of the property needs to rectify this nuisance; they overlooked this fact when they took the Sheriff to court; the County will be amended into this civil rights violation if it is not rectified; they will not be moved on this action; and they paid too much money for peace and quiet to be annoyed by the Sheriff's Department gun range. He stated there is a compromise now, since they filed a hate crime, the U.S. Justice Department has it and there is no night shooting and no Sunday shooting; but they still want it moved or closed in; and it is the right thing to do.

The Board acknowledged citizen request by Reverend Johnnie B. Dennis to remove or close the Sheriff's Gun Range, but took no action.

ITEM VIII.C., REPORT, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER

Commissioner Barfield stated in the Consent Agenda the Board promoted Tad Calkins to the Planning and Development Director position; he wants to congratulate Mr. Calkins; and he wants to express his appreciation to Robin DiFabio for all she has done.

ITEM VIII.E., REPORT, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi expressed her appreciation to staff for being wonderful and patient as she mulls through the office and new people; and she personally thanks Stockton Whitten, County Manager, for being so helpful. She stated she wishes everyone a Merry Christmas and a safe holiday; she is blessed to have her family; she is grateful to God and her community for making her feel so good; and she loves her job, and she is grateful to be a part of it.

ITEM VIII.F., REPORT, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMAN

Commissioner Pritchett stated she wishes everyone Merry Christmas; she expressed her appreciation to staff; she stated County staff is professional and kind; and she hopes Brevard County is blessed in 2017.

EXECUTIVE SESSION: LOUIS C MOREHEAD, III V. BREVARD COUNTY, CASE NO. 05-2007-CA-006126

The Board temporarily adjourned for Executive Session to be held in the County Manager's Office in the case of Louis C. Morehead, III v. Brevard County, Case No. 05-2007-CA-006126.

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Upon consensus of the Board, the meeting adjourned at 10:07 a.m.

ATTEST:

SCOTT ELLIS, CLERK

CURT SMITH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA