

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 3, 2013 at 9:15 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was given by Pastor Stephen Shelhamer, Northwest Baptist Church, Cocoa.

PLEDGE OF ALLEGIANCE

Commissioner Bolin Lewis led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the October 8, 2013, Regular Meeting Minutes, and the October 17, 2013 Special Meeting Minutes.

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

ITEM I.A., PRESENTATION, RE: FIRE OPERATIONS ORIENTATION PROGRAM (FIRE OPS 101) HELMETS

Chris Disciascio, Secretary/Treasurer, Brevard County Firefighters Local 2969, introduced President Steve Royer and Vice President Woody Sweet; and he provided a PowerPoint presentation to the Board.

The Board acknowledged presentation by Fire Rescue Representatives of helmets to Commissioner Fisher, District 1; Frank Abbate, Human Resources Director; Commissioner Fisher's Assistant Lydia Jackson; and Stockton Whitten, Deputy County Manager, for attending the Fire Operations Orientation Program (Fire Ops101) at the Brevard County Fire Rescue's training ground; and Commissioner Bolin Lewis was presented a helmet as she attended as an observer.

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ITEM I.B., RESOLUTION, RE: PROCLAIMING DECEMBER 7, 2013, AS BILLY HORSCHEL DAY

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-219, proclaiming December 7, 2013, as Billy Horschel Day.

Billy Horschel Sr. stated as parents they tried not to push their son.

Kathy Horschel stated he just sees Billy as her son; he has worked hard; and she is happy for him.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.C., RESOLUTION, RE: RECOGNIZING NOVEMBER 22-28, 2013, AS NATIONAL FARM WEEK

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 13-220, recognizing November 22 - 28, 2013, as Farm-City Week.

Tom Schuler, President of Brevard County Farm Bureau, introduced Frank Sullivan, his wife Laurie Schuler, Tom Hill, Bud Crisafulli, and Linda Seals, Director of University of Florida Brevard County Extension Service. He stated the numbers are staggering of what an important role agriculture plays on a national, State, and local level; they appreciate the Resolution; and it makes the public more aware of what a model agriculture plays, especially in the State of Florida's economy. He went on to say one of the best tools that really helps the agricultural community is the Extension Office; the Board supports and funds the Extension Office; and it is vital to all the farms and businesses. He pointed out the Board talked about the stress with the firefighters, and agriculture is a very stressful occupation; everything depends on the weather and other factors; and at the end of the day, they do not have a paycheck coming in the from the County, it is either make or break with that. He stated maybe the Board Members or County staff would come out to spend some time on the farms and ranches to see if he or she has a new perspective about the inner workings of the farms and ranches.

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

ITEM II.A., REPORT, RE: HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, noted when the Board gets to the Public Hearing, Item V.E., Ordinances Amending the Tax Increment Ordinance and the North Brevard Development Zone District Ordinance (Section 98-242), staff asks the Board to open that public hearing and to table it to the Zoning meeting on December 5, 2013; that has to do with the Miracle City Mall

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redevelopment project being brought forward; and at that Thursday hearing, staff will be asking the Board to consider agreements that have just been finalized.

ITEM II.C., REPORT, RE: COMMISSIONER CHUCK NELSON, DISTRICT 2

Commissioner Nelson stated it is the holiday seasons so there are holiday parades; Merritt Island is having its parade this weekend on Saturday at 10:00 a.m.; and after that Cocoa Beach has theirs at 1:00 p.m.

Commissioner Nelson stated he has gotten calls on the commercial rate structure for small businesses; what happened is when the Board approved the rate structure, it was set up for a 96-gallon can at the same rate; the problem is, is that some of the businesses had smaller cans; and there were smaller prices associated with that.

The Board directed staff to work with Waste Management to clarify the rate structure for trash cans used by commercial businesses; and for it to come back to the Board as an amendment to the Contract and Rate Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.E., REPORT, RE: COMMISSIONER ANDY ANDERSON, DISTRICT 5

Commissioner Anderson stated each year his office staff does the annual open house; this year it will be December 13, 2013, from 5:00 p.m. to 7:00 p.m.; they choose an organization to sponsor; this year it will be Hacienda Girls Ranch; and they are collecting donations for those young women who are going through tough times.

ITEM II.G., REPORT, RE: COMMISSIONER MARY BOLIN LEWIS, DISTRICT 4

Commissioner Bolin Lewis stated Item III.C.3., Resolution and Lease Agreement with Nana's House, Re: Property Located at 4090 Minton Road, Palm Bay, is pulled from the Agenda as it has to have a super majority vote.

She stated the Committee assignments have been issued; there are two that need to be voted upon; one person needs to be appointed to the Children's Services Council; and two people need to be appointed to the Value Adjustment Board.

The Board appointed Commissioner Infantini to serve on the Children's Services Council for 2014.

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

The Board appointed Commissioners Fisher and Nelson to the Value Adjustment Board for 2014.

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

ITEMS PULLED FROM THE CONSENT AGENDA

Commissioner Nelson stated he wants to pull Item III.A.2., Contract for Sale and Purchase and Addendum with Michael and Sharon Bross, Re: Acquisition of Property Located at 6794 Babcock Street for Babcock Road Widening Project, from the Agenda for discussion.

Howard Tipton, County Manager, stated he wants to pull Item III.C.4., Permission to Advertise, Re: Request for Proposals (RFP) for Fire Station Alerting System; and staff will be bringing that back to the Board on December 17, 2013.

Commissioner Infantini stated she wants to vote 'no' on Item III.C.1., Approval, Re: Budget Change Requests, and Item III.D.6., Approval, Re: Billfolder; and she wants to pull III.C.5., Amendment to Agreement with The Buchanan Company, Inc., Re: Tourism Sports Promotion and Development Services, from the Agenda for discussion.

ITEM III.A.1., AMENDMENT TO MEMORANDUM OF AGREEMENT (MOA) WITH BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) AND U.S. ARMY CORPS OF ENGINEERS, RE: USE OF OUTER CONTINENTAL SHELF SAND RESOURCES FOR SHORE PROTECTION RESTORATION

The Board executed Amendment to Memorandum of Agreement (MOA) with the Bureau of Ocean Energy Management (BOEM) and U.S. Army Corps of Engineers regarding the Use of Outer Continental Shelf Sand Resources for Shore Protection and Restoration.

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

ITEM III.B.1., PERMISSION TO ADVERTISE, RE: ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM SELECTION AND MANAGEMENT COMMITTEE MEMBER

The Board granted permission to advertise for a replacement member to the Environmentally Endangered Lands (EEL) Program Selection and Management Committee (SMC).

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

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

The Board approved the Budget Change Requests, as submitted.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM III.C.2., APPROVAL, RE: TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY (TRDA) TO KEEP BANK ACCOUNT OPEN UNTIL AFTER DISSOLUTION DATE

The Board granted permission for the Technological Research and Development Authority (TRDA) to keep its TD Bank account open until after the dissolution date, allowing TRDA to continue to pay expenses while winding down operations.

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

ITEM III.C.4., PERMISSION TO ADVERTISE, RE: REQUEST FOR PROPOSALS (RFP) FOR FIRE STATION ALERTING SYSTEMS

The Board reached consensus to move consideration of permission to advertise Request for Proposals (RFP) for a fire station alerting system, to the December 17, 2013, Board meeting.

ITEM III.D.2., INTERLOCAL AGREEMENT WITH U.S. FISH AND WILDLIFE SERVICE - MERRITT ISLAND NATIONAL WILDLIFE REFUGE, RE: ESTABLISHING EMERGENCY RESPONSE, MUTUAL ASSISTANCE RESPONSIBILITY, AND PROCEDURES IN FIRE EMERGENCIES ARISING ON LANDS WITHIN THE BOUNDARIES OF THE MERRITT ISLAND AND ST. JOHNS WILDLIFE REFUGE, AND LANDS PROTECTED BY BREVARD COUNTY FIRE RESCUE (BCFR)

The Board executed Interlocal Agreement with U.S. Fish and Wildlife Service - Merritt Island National Wildlife Refuge for establishing emergency response, mutual assistance, responsibility, and procedures in fire emergencies arising on lands within the boundaries of the Merritt Island and St. Johns Wildlife Refuge, and lands protected by Brevard County Fire Rescue.

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

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ITEM III.D.3., DONATION AND CAPITAL CONTRIBUTION FRONT-ENDING REIMBURSEMENT AGREEMENT WITH THE VIERA COMPANY (TVC), RE: MINI-PUMPER TRUCK

The Board approved the Capital Contribution from TVC for the Town Center District Mini-Pumper Truck as provided for in the Central Viera PUD Amendment #10, paragraph 25, previously approved by the Board November 5, 2009; and authorized the County Manager to approve all invoices submitted and final purchases, and process any budget changes necessary to implement these actions.

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

ITEM III.D.4., APPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board appointed **Frances Heaston, President, Everest University**, to the Brevard Workforce Development Board, with term expiring June 30, 2016.

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

ITEM III.D.5., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Peggy Nolan** to the Art in Public Places Advisory Board, with term expiring December 31, 2014; **Mike Cunningham** to the Building and Construction Advisory Committee, with term expiring December 31, 2014; **Izeal Battle, Leartis Brothers, Melvin Chatman, Jimmy Jackson, and Betty Wells** to the Cocoa West Community Center Advisory Committee, with terms expiring December 31, 2014; **Leartis Brothers** to the Community Development Block Grant (CDBG) Advisory Board, with term expiring December 31, 2014; **Brian Trumble and Gerald Hirt** to the Contractors' Licensing Board, with terms expiring December 31, 2014; **Tara Edginton** to the Country Acres Advisory Board, with term expiring December 31, 2014; **Bob Champaigne** to the EEL Program Recreation and Education Advisory Committee, with term expiring December 31, 2014; **Barbara Borman** to the Emergency Medical Services Review Committee, with term expiring December 31, 2014; **Diane Stees and Kim Zarillo** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2014; **Lydia Jackson** to the Employee Benefits Advisory Committee, with term expiring December 31, 2014; **George Mikitarian** to the Health Facilities Authority, with term expiring December 31, 2017; and **Carmella Chinaris, Constantine Daniel, Vaughan Kimberling, Christine Jenkins, and Maureen Rupe** to the Port St. John Public Library Advisory Board, with terms expiring December 31, 2014.

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

ITEM III.D.6., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM III.A.2., CONTRACT FOR SALE AND PURCHASE AND ADDENDUM WITH MICHAEL AND SHARON BROSS, RE: ACQUISITION OF PROPERTY LOCATED 6794 BABCOCK STREET FOR BABCOCK STREET WIDENING

Commissioner Nelson requested that staff give the Board a brief explanation as this Item is a little unique.

John Denninghoff, Public Works Director, stated this particular parcel that is the subject of the Item is one which the County has a property it has targeted for an acquisition as it relates to future expansion of Babcock Street from two lanes to four lanes; staff has a preliminary engineering report that has been performed; and it has been identified a retention pond is needed in that vicinity. He went on to say the property had been listed previously at \$250,000 for the entire acquisition; it had been marked down at one point to \$190,000; more recently it was back up to \$250,000; there was some discussions between the property owner and staff, and there was a certain degree of concern that staff expend a lot of effort in the acquisition and perhaps the seller would not agree to sell at the appraised value; and as a result they retained an appraisal. He went on to say staff already received an executed contract with them at the appraised value of \$185,000; they are in the process of starting the design of the first segment of the widening project; and this will become an important element of that effort.

The Board executed Contract for Sale and Purchase and Addendum with Michael and Sharon Bross for acquisition of property located at 6794 Babcock Street, in the amount of \$185,000, and approved reimbursing the Seller the \$1,650 appraisal fee.

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

ITEM III.C.3., RESOLUTION AND LEASE AGREEMENT WITH NANA'S HOUSE, RE: PROPERTY LOCATED AT 4090 MINTON ROAD, PALM BAY

Commissioner Infantini stated the Item up for discussion is a leasing of a piece of property to be used for Nana's House, which is a very worthy cause; the problem is the County did not go out to bid to see if there were any other organizations that would also need this property; so many not-for-profit organizations are out there that need locations for their causes; and to randomly pick one cause over the other does not seem prudent. She stated this one is located on Minton Road, which is prime real estate; the Board has donated a whole park on that road; and now is not the time to be donating parcels.

Commissioner Nelson stated he struggled a little bit with this, but it puts the Board in a difficult position deciding who has the best or most worthy charity; this organization came to the Board; if the Board wants to seek funds for this purpose, it should be looking at open market for any use to maximize revenue; if it is not going to do that, Nana's House is as good as any of them; and he reiterated they have come to the Board requesting the Lease.

Commissioner Anderson stated it cannot be sold because it is part of a right-of-way project; it is not suitable for any commercial activities because it is on septic; and there is only four or five spaces to park there. He pointed out Nana's House is going to take the maintenance costs away from the Board so it does not have to mow or maintain the property; and there will be children put in there who are in emergency situations.

The Board adopted Resolution No. 2013-221, and approved the Lease Agreement allowing for not-for-profit organization, Nana's House, the non-competitive lease of County property at 4090 Minton Road, Palm Bay.

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

ITEM III.C.5., AMENDMENT TO AGREEMENT WITH THE BUCHANAN COMPANY, INC., RE: TOURISM SPORTS PROMOTION AND DEVELOPMENT SERVICES

Commissioner Infantini stated it involves extending a contract with The Buchanan Company for the Tourism Development Council (TDC) advertising; right now the Board pays them \$16,500 a month to promote the tourist development around Brevard County; it pays travel expense in addition to the \$16,500 per month; it is time to go out to bid; and it is her understanding they have had this contract with them since 1991. She stated there are benefits to be received by organizations switching processes, because if a person stays with the same processes all of the time, it is not as creative as it could be; and she is encouraging the Board to go out to bid on this project, rather than to issue it to the same company it has had for the last 20 years.

The Board executed Amendment to Agreement with The Buchanan Company, for a two-year extension for tourism sports promotion and development services at the same monthly retainer fee of \$16,500 per month, and the same penalty and bonus system.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV., PUBLIC COMMENTS

Debbie Rich stated she has a bandana for each of the Board Members that say, 'Love is just a dog away, adopt'. She stated she knows the budget item has been put off until January, but there have been a few articles in the newspaper, and one of which was Matt Reed's article, *Can Brevard Save 63 More Dogs and Cats*. She stated it can be done if there was some accountability and focus; the numbers should be focused on; a lot of improvements have been made; and more can be done. She went on to say SPCA opened their cat adoption facility on Black Friday; as of Sunday afternoon they had adopted out 22 cats; that is in three days; and the County shelter was closed on Wednesday, Thanksgiving, and Black Friday. She pointed out they had volunteers show up at the south animal shelter more than had signed up online; a memorandum was sent out to all of the active volunteers saying if they were not signed up online, not to show up, and they would be sent home; inquired what kind of attitude is that; and does that want to make more people sign up as volunteers or is that sending the current volunteers to other organizations. She noted too many animals are being killed at the shelters; this conversation had been ongoing for over six years; there have been upper management over those six years; and maybe it should be looked at as to why he or she is still there if the numbers are not getting better.

Jack Stoffel stated he wanted to be certain to tell the County its monitoring system is not working properly; the Waste Management exchange program for containers is not working; for two months now he has been waiting for the situation to change and to have them exchanged; and it said after December 1st there would be a change for that. He inquired if they have intentionally done it and delayed it; as of yesterday, the advice was to continue to put them out twice a week, and wait until after 6:00 p.m. and then take them back if they are not exchanged; and he does not think that system is right.

Pat Pasley stated after the November 19th County Commission meeting, several people met with Deputy County Manager Stockton Whitten, Assistant County Manager Venetta Valdengo, and Animal Services and Enforcement Director Karla Torpy; Mr. Whitten was correct when he predicted that she would not be happy with the answers; she was promised by email the answers to remaining questions; but she still has not received those answers. She went on to say she is disgusted the Agenda Item to discuss the shelter, especially the funding issue, keeps getting pushed off the Agenda like a meaningless issue; and she requested the Board please stop the non-sense and set the date for the Agenda Item for December 17th meeting as this has been put off long enough. She noted at the previous meeting they talked about volunteers being the backbone of the animal shelter operation; yet she sees the respect they deserve is shamefully lacking; this is a problem that needs to be corrected immediately; and she read the memorandum aloud from Jennifer Kerr to the volunteers. She inquired why a volunteer would be turned away, especially on a holiday; stated the shelter closed at 11:30 a.m. on Thanksgiving; and inquired with over 40 dogs to be walked if it would have made sense to get those extra volunteers to get the job done and give the dogs a little extra time. She inquired if there were no other duties that could have been done such as cleaning cat cages, rabbit hutches, dishes, and laundry; stated rather than admonishing people for showing up, the Volunteer Coordinator should do a little scheduling or coordinating; and inquired why the animal

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shelter was closed on Friday when other counties took advantage of the day. She stated the reason Herbie the cat was put down was because the interested party left a message on Saturday night that was not picked up until Tuesday morning because the employee had time off; inquired why is a Department phone being taken home with no responsibility to monitor messages; stated in some Department's this is not a problem; but when it comes to the animal shelter that deals with life and death, this is definitely a process problem that needs to be corrected immediately. She went on to say unfortunately Mr. Whitten's predictions were true, as the meeting left her feeling there is no sense of urgency to get anything done at the shelter; she was asked to give them time; but it is not her time she is concerned about, it is the time that is attached to the animals death sentences; this department continues to have problems; and just in case you missed them, she has copies of the comment section from Sunday's *Florida TODAY*; there were 75 comments; and 910 followers and still counting.

Commissioner Infantini inquired if the shelter was really closed on Friday. Ms. Valdengo responded it was a Board holiday. Commissioner Infantini inquired how the scheduling can be changed so it coincides when people have time off to be able to do that; there are fire fighters and others working on Board holiday; and inquired why the shelter staff was not working on that holiday so animals could be adopted out. Ms. Valdengo responded there was staff working that day, but they were not open to the public; it would have required a large amount of overtime to do that; but they can look at that for next year. Commissioner Infantini stated budget money has been turned back for salaries, and that money could be used for Fridays; and she knows people would like to get overtime pay. Ms. Valdengo pointed out she cannot speak for the past, but she only has one vacancy; and there will not be surplus money for salaries this year. She stated the shelter transferred 18 cats to the SPCA on Friday for their opening; and many of the 23 cats that were adopted were the County's.

Peter Fusscas stated he does not take great pleasure coming before the Board and talking about the killing of animals; and he appreciated staff for giving them a couple of hours of their time and to exchange views. He stated he wrote an email to Ms. Torpy stating his understanding about animals under the County's control is either returned to their owners, adopted out, or killed; every animal that is not returned to its owner or adopted out is killed; and he asked where her adoption plan is. He advised he was told there is no adoption plan; he was told no county has adoption plans for their animals; he finds that incredible; and he reiterated, if the animal is not adopted it is killed. He inquired what the problem is with saving animals lives; stated he does not understand; and apparently it has been going on for a long time. He advised the Board the citizens are going to be coming to the meetings constantly to remind it that animals do have a voice; the humane treatment of animals is a priority in this County; and the citizens will hold the Board accountable.

Kathy Bird stated the Chairman requested the workshop on August 15th, which was the Ethics Workshop; she would like to get status on that Workshop; she inquired what the status of the framework by Roper, Bell, & Roper formulated; and inquired if they will get to see someone who is not under the Board or an appointed Board committee. She inquired if the procedure of citizens making complaints is going to be on the County's website; it says the person who is complaining has to have a complaint in front of the Board but not under public stage; and many people are complaining about the ethics of what is going on in the County. She went on to say there is a rude awakening as to what is coming; the system needs to be cleansed and ethically fit; there has not been an inkling of gesture; and staff is afraid to speak out.

Katherine McCoy, founder of People Underwriting the Rescue and Rehab of Strays (PURRS), stated their goal is to spay and neuter the most needy animals in the County; she is happy to report as of the beginning of November of this year, 1,000 spay/neuters were done in 2013; and that is without any paid staff, only volunteers. She stated they tapped into the kind hearts of the citizens of Brevard County. She stated she read about the mega adoption events; they are

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great but do not solve the pet overpopulation; without more spay/neuter, just adopting animals is like a bigger bucket to bail out a sinking ship; hold a mega spay event; and one event had 500 animals spayed for free, and it could possibly prevent the births of over 2,000 animals. She went on to say PURRS is celebrating World Spay Day on February 25, 2014, by trying to see it does 500 spay/neuter/vaccination packages; it is a well-known event; and they are hoping to partner with at least nine other organizations to give a total of 500 spay/neuter packages.

Lisa McDermott stated the end of the Wickham Road Widening Project is almost over; it has been a mess; one of the biggest problems she did see was the contractors; and no one spoke English. She went on to say Public Works did a fantastic job; it is a violation of Section 274 to have unauthorized aliens; the job took 20 months; and it could have been done a long time ago. She stated thank goodness she is a penny saver; she has watched businesses up and down that strip close because they just could not make it; and she hopes in the future someone does their homework and instead of taking the lowest bid, the lowest qualified would be okay as well.

John Pilley stated he attended the North Brevard Economic Development Zone (NBEDZ) meeting in Titusville; there is a lot of disagreement about philosophy and the actual practical details of the Miracle City Mall; he was surprised and happy with the way George Mikitarian ran the meeting; and he was respectful, calm, and took very tough questions from folks. He advised he has some disagreements about the project; the adjustments made to the grant application came in at the last minute; and the general public needs to see what that really is before it gets voted on Thursday. He stated they can disagree but still be respectful of each other.

Commissioner Infantini inquired if the NBEDZ was modifying the grant agreement that was handed to the Board for the Agenda packages for today. Mr. Pilley responded it was brought into yesterday's meeting and read to the NBEDZ Members; and the public had no knowledge of that agreement.

Scott Knox, County Attorney, stated the document the Board has was changed yesterday by the developer's attorney; he read those changes to the NBEDZ board; and they voted to approve those changes, subject to Board approval on Thursday; and the Board will get a copy of that before the meeting. Commissioner Infantini inquired if all of the people at the NBEDZ meeting did not review the document so he or she could ask intelligent questions; and should it not be represented to the NBEDZ so the individuals who attended that meeting would have the opportunity to vet their questions. Attorney Knox reiterated it will be brought back to this Board Thursday night, and the public will have every opportunity to ask the same questions. He added, there were questions and discussion at the NEBDZ meeting regarding the amendments; it will be made available for everyone who wants to have a copy of it before Thursday night; and the public can ask questions at that time. Commissioner Infantini inquired when the Board would have amended copies. Attorney Knox responded today the Board will receive the amended document today.

ITEM V.A., PUBLIC HEARING, RE: RESOLUTION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT ON BRIDGE ROAD IN PORT ST. JOHN, UNIT 4 - SHERRY L. LESTER

Chairman Bolin Lewis called for a public hearing to consider a resolution to vacate a public utility and drainage easement on Bridge Road in Port St. John, Unit 4.

There being no comments or objections, the Board adopted Resolution No. 13-222, vacating public utility and drainage easement on Bridge Road in Port St. John, Unit 4, as petitioned by Sherry L. Lester.

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

ITEM V.B., PUBLIC HEARING, RE: RESOLUTION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT IN SIX MILE CREEK SUBDIVISION, PHASE III - COREY LANCASTER

Chairman Bolin Lewis called for a public hearing to consider a resolution to vacate public utility and drainage easement in Six Mile Creek Subdivision, Phase III.

There being no comments or objections, the Board adopted Resolution No. 13-223, vacating public utility and drainage easement in six Mile Creek Subdivision, Phase III, as petitioned by Corey Lancaster.

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

ITEM V.C., PUBLIC HEARING, RE: ORDINANCE AMENDING ZONING REGULATIONS TO PROVIDE FOR OVER HEIGHT SCOREBOARDS AND OTHER SIMILAR OR ASSOCIATED OUTDOOR VIDEO DISPLAYS

Chairman Bolin Lewis called for a public hearing to consider an ordinance amending Zoning Regulations to provide for over height scoreboards and other similar associated outdoor activities.

Robin Sobrino, Planning and Development Director, stated this is bringing back an ordinance to address scoreboards and the Zoning Regulations; currently the Zoning Regulations are silent on them; the proposed changes would create a section in the Commercial Entertainment and Amusement Enterprise Section of the Zoning Regulations; and it would stipulate that scoreboards could not any taller than the tallest structure on the property, excluding towers. She went on to say it would require that the scoreboard meet the setback requirements that the other structures are subject to; it would require they be subject to the performance standards related to lighting and glare; and it would provide a waiver provision from any of the stipulations in this section.

There being no further comments, the Board adopted Ordinance No. 13-039, Amending Zoning Regulations to provide for over height scoreboards and other similar associated outdoor activities.

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

ITEM V.D., PUBLIC HEARING, RE: ORDINANCE FOR CODE REVISIONS TO CHAPTER 62, ARTICLE VIII - SITE PLANS

Chairman Bolin Lewis called for a public hearing to consider an ordinance revising Chapter 62, Article VIII, Site Plans, as related to the elimination of Section 62-3208, Upgrade of Developed Sites for a Change of Use, and approved modifications to streamline the site plan review process.

Mark Scime stated he is in support of the site plan changes to the Zoning Code; and they are here if there is any input that they can give the Board.

Kathryn Bird stated based on her summer she has problems with site plan submittal's; having just had a conversation with Robin Sobrino, Planning and Development Director, she did get an explanation that this Code revision will not change when site plans are being submitted, because her concern is she does not want to see another site plan submitted after approval; it is hard enough when the adjacent neighbors are quashed by not having a site plan; and they have nothing to argue about when it is based on facts in a quasi judicial system. She went on to say they are experts in their neighborhood because they can point out ecological and historical; and she hopes in the future that site plans are available to the public and everyone gets to see it who are impacted. She inquired why the wall was removed from the language.

Ms. Sobrino stated that is an issue staff will bring to the Board for additional discussion.

Ms. Bird talked about Palm Trees and the Rugose Whitefly and how it affects the trees; stated when just putting the landscape buffer and no wall, a person should have a choice; holding only to landscape, there is no enforcement; and reiterated no Palm Tree is safe.

Commissioner Fisher stated one of the things as a County is to stay competitive with the cities; on the proposed one and one-half space per 100 square feet, it takes it above the Cities of Melbourne, Palm Bay, Titusville, and West Melbourne requirements; there are two projects he knows of that the new requirement would not have allowed them to build on those sites; and he thinks the Board should stay with the 100 feet. He stated he was concerned about the time frame of permitting stuff; the County took great pride in Simplified, Nimble, Accelerated Permitting (SNAP), and it is nine days; and he thinks the Board should stay with SNAP requirements.

Commissioner Infantini stated she would like to revert the Code to the original way for parking space requirements for restaurants; if the County wants to be business friendly, it should keep the Code it has rather than converting to the new process; and if there is a better way to discourage business, it is with this new provision.

Commissioner Nelson expressed his appreciation to staff for working on this. He went on to say he agrees the existing parking Code is adequate; people park on the right-of-way in some areas; and he will support the existing Code. He inquired if staff would discuss with the Board what they are proposing for the wall.

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Ms. Sobrino stated originally there was a provision in the site plan Code that provided for a wall between commercial and residential; there is also a provision in the Landscaping Code that provides for landscape buffer between properties that are commercial and residentially developed; staff was attempting to eliminate the duplication and defer to the Landscape Code; and the idea of making a hard end improvement such as a wall is understandable and staff is proposing to add in a Section on Page 28 of the strike through version of the ordinance to add in Section 62-3202(8)(j), putting in the statement, "Site Plans within BU-1 and BU-2 or Industrial shall construct a minimum of a six-foot high masonry or solid wall, including but not limited to concrete block, pre-cast solid walls, or foam core steel support with stucco finish when the subject property abuts a residential zoning classification." She went on to say she thinks that will address the comment by Ms. Bird, as well as some of the comments of the Board.

Commissioner Fisher stated he would like to get support on that nine-day thing; he would make a motion to approve subject to those changes. He inquired what the Section is dealing with 10 days.

Ms. Sobrino advised the Board that is Section 62-3203(4)(b)(1.a); staff is getting that page for the Board now; the current Code provides for the 15 calendar days whereas the SNAP certification measures in business days as opposed to calendar days; and the time includes weekends, whereas the other does not. She stated it is page 30 on the strike through version of the ordinance.

Commissioner Fisher stated SNAP requirement is 10 business days; staff is proposing 15 calendar days, which makes it 11 business days. He stated he hates to see a Code change to take them out of the requirement with SNAP.

Ms. Sobrino stated one of staff's reservations with making that change as part of the Site Plan Code is that in SNAP there are requirements for the subdivision processing; staff thought it would be best to make the changes with both of those sections of the Code at the same time rather than just doing one and not the other; and also since there is a multi-agency review that gets involved, staff thought it appropriate that they are able to sit down with their partners in the review process to ensure that they would be able to make that Code requirement of the 10 days for SNAP. She went on to say in theory staff attempts to make that time frame, they work hard towards it, but there may be circumstances where they may not be able to make the 10 days, and when it is codified it is a different story than if it is not in Code by rather Policy.

Commissioner Nelson stated his concern is it is a goal, but if it is codified it, it becomes an absolute, and there may be vested interest in terms of approval that they did not intend; it also puts the County under the burden of funding them adequately to meet that; and if there is a big up surge in permits, will the Board ramp up the number of personnel to do the review to get it in, in time; and the Board may be shooting itself in the foot from a funding perspective and not be able to meet it. He pointed out he agrees with trying meet the SNAP and that would be the measure, but if it is in Code it locks the County down to a point where it will not be able to match.

Commissioner Anderson stated the SNAP committee reviewed the changes; and inquired if they talked anything about the day requirement. Ms. Sobrino responded they did not address that Section of the Code. Commissioner Anderson stated he is fine with making the change on the Residential and Industrial separation using a wall; the Board will have to revisit the whole landscaping and tree Ordinance; the County is pushing for the Indian River Lagoon clean up and is requiring businesses to put in a mess of vegetation that they have to fertilize and water; and that needs to be brought back to the Board for revisions.

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Commissioner Fisher stated if there is no support for it and he would be creating a funding nightmare for the County; and he does not know if one day kills the process. He noted he had more heartburn with the parking portion.

Ms. Sobrino stated staff has received feedback regarding the parking and have done a closer analysis of it, but the thing staff was trying to accomplish was to create a common denominator so all restaurants would go in knowing exactly what the Code is requiring; and square footage is the best way to do this. She stated square footage is a better way to measure parking as opposed to seating and there is never a certainty about it; staff's proposed one and one-half spaces per 100 square feet might be overly restrictive, so staff suggested it go to one space per 100 square feet; and they have found that one space per three seats and one space per 100 square feet are virtually a wash out and not more restrictive.

Commissioner Infantini stated she would like to do the numbers; and she provided the Board with scenarios. She went on to say Brevard County is doing its best to attract businesses; and if it wants businesses to come, the Board has to quit putting the roadblocks in front of people. She stated her disagreement is with basing the parking on square footage.

Commissioner Fisher stated he thinks the square footage makes sense.

Commissioner Anderson stated to include the patron area in square footage he understands; somehow the Board needs to find a way to eliminate the work areas; and it does not seem right to do total square footage.

Commissioner Nelson stated the County is not dictating the parking for convenience, it is for public safety and impact to neighborhoods; one of biggest issues is a strip mall that has multiple spaces; and by the time the second restaurant in there, it is a nightmare because they exceed the original design parking. He went on to say to leave the existing Code alone; the Board went back and forth over square footage for some of the other; and it is all about public safety. He stated maybe the solution is this part is not ready to go yet and it needs to come back to the Board specifically as a discussion.

Commissioner Fisher stated he is fine staying with the existing Code, but he was not happy with the one and one half spaces.

Ms. Sobrino stated staff had one more thing for the Board to consider relating to parking spaces; there was a provision in the Code that through the extensive strike through process, it dropped out; and staff believes it should be reinserted. She stated it relates to section 62-3206(3)(a), "Parking spaces may incorporate a permeable area within the front two feet of each space, provided secured wheel barriers are in place at the termination of the parking space pavement."

Commissioner Fisher inquired why staff went through the exercise regarding using square footage. Ms. Sobrino stated right now the parking is based on how many seats in the restaurant and staff will tell them what their parking requirements are; if a restaurant is retrofitting it to an older site and only have 'Y' number of parking spaces, staff would ask how many seats are in the restaurant to determine if their parking is sufficient; they would ask how many seats could they have with existing parking; and they will manufacture a number that is a match where it really does not bear semblance to what they estimate their customer base to be.

Commissioner Nelson stated for today's purposes, the Board does not need to identify exactly how to get there; and requested staff to continue to fine tune that.

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There being no further comments or objections, the Board adopted Ordinance No. 13-040, revising Chapter 62, Article VIII, Site Plans, as related to the elimination of Section 62-3208, Upgrade of Developed Sites for a Change of Use, and approved modifications to streamline the site plan review process, with the following amendments: 1.) Adding in Section 62-3202(8)(j), Site Plans within BU-1 and BU-2 or Industrial shall construct a minimum of a six-foot high masonry or solid wall, including but not limited to concrete block, pre-case solid walls, or foam core steel support with stucco finish when the subject property abuts a residential zoning classification; 2.) Reinserted into the Section 62-3206(3)(a), Parking spaces may incorporate a permeable area within the front two feet of each space, provided secured wheel barriers are in place at the termination of the parking space pavement; and 3.) and Leave the Parking Space Requirements the way it is presently in Code Section 62-3206(d)(2)bb at one parking space per three seats and one space per four employees.

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

The Board directed staff to continue to look at the parking issue and try to move it to a square footage calculation based on whatever seems to be appropriate.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.E., PUBLIC HEARING, RE: ORDINANCES AMENDING THE TAX INCREMENT ORDINANCE AND THE NORTH BREVARD DEVELOPMENT ZONE DISTRICT ORDINANCE (SECTION 98-242)

The Board continued public hearing to consider ordinances which amend certain definitions, provides added clarification, and corrects scrivener's errors within the North Brevard Economic Development Zone Tax Increment Ordinance, and incorporates those changes in the North Brevard Economic Development Zone District Ordinance, to the December 5, 2013, Board meeting.

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

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ITEM VII.D.1., BOARD CONSIDERATION, RE: WATERS MARK DEVELOPMENT ENTERPRISES, LC NOTICE OF BERT HARRIS ACT CLAIM

County Attorney Scott Knox stated this is a Bert Harris claim submitted to the Board through the County Attorney's office a couple of weeks ago; in essence, the claim is saying that they were denied four units of development on a piece of property; because of the land use change they were restricted to one unit per acre; and that was approximately five years ago. He went on to say it is staff's opinion they were given notice of that claim at the time it occurred; and based upon that fact, the time for them to file a Bert Harris claim has expired.

Robin Sobrino, Planning and Development Director, stated this property is located in Merritt Island; as a result of the North Tropical Trail Small Area Study, the subject property did have a reduction in density; the density reduction was recommended and approved by the Board in September 2007; staff brought in a Comprehensive Plan amendment in 2009 changing the density on this property; and they now received notice from the property owners that they wish to file the Bert Harris claim.

The Board approved Option 1, to take no action and allow the 180-day period to elapse, relating to Water Mark Development Enterprises, LC's notice of Bert Harris Act Claim.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.E.1., APPOINTMENTS, RE: NORTH BREVARD HOSPITAL DISTRICT BOARD MEMBERS

The Board reappointed **Maureen Rupe** as its representative to the North Brevard Hospital District Board, with term expiring December 31, 2017; and reappointed **Billie Fitzgerald** as a dual appointee to the North Brevard Hospital District Board, with term expiring December 31, 2017, subject confirmation by the City Council of Titusville.

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

ITEM VII.F.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE AMENDING SECTION 62-2117 FOR PARKING AND STORAGE REQUIREMENTS FOR COMMERCIAL VEHICLES

Chuck Frazier stated he was out of town when the last vote was taken of 3:2 to not allow more commercial vehicles in residential areas; and inquired what the two Commissioners' voting rationale is.

Commissioner Anderson stated he represents areas of Brevard County where there are blue collar workers, and to preclude them of their properties because someone in the other part of the County finds it unpleasing is not fair to those folks trying to make a living to feed their family;

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it is a much different climate in some parts of the County than it is in other parts; and the Board is letting a certain residential nature dictate how Mims, West Melbourne, and Scottsmeer should look.

Mr. Frazier inquired if Commissioner Anderson considered the size of the residential lots. Commissioner Anderson stated in June Park, there are quarter-acre lots; and none of the neighbors there care.

Commissioner Infantini stated she feels the same.

Mr. Frazier stated he does not want anyone to fail or have a hard time parking their vehicle and make a living; the problem is there are older neighborhoods put in before deed restrictions; and if there is a commercial vehicle in a neighborhood like that, it is precluded by definition. He stated commercial vehicles are not compatible with residential neighborhoods. He stated he does not think it was a good idea.

Commissioner Nelson stated prior to 2005, these vehicles could not be parked in residential neighborhoods; the Board did make the decision not to allow the expansion to include box trucks; this item is to fix the wrong that occurred back then which was the parking of panel and box trucks; and that is excessive in residential neighborhoods.

Commissioner Fisher inquired if there is a way to put a time line as it goes along, such as cleaning it up in six to nine months.

Commissioner Infantini stated she is opposed to legislative intent and permission to advertise this item; and government should not create rules for everything she did not want to happen.

Commissioner Nelson stated none of the cities allow these vehicles to be parked in the neighborhoods; he does not have that protection for many of his community; often the communities with deed restrictions use the County Code; and this is undoing something that was done in 2005.

Commissioner Anderson stated there has not been a legitimate health and safety claim that the Board should be messing with this Ordinance again; the Board is elected for health and safety not aesthetics; and his neighbor has a huge boat that blocks the sun.

The Board approved legislative intent and granted permission to advertise an ordinance amending Section 62-2117 of the County Code to prohibit parking of step vans at residentially-zoned lots, with a 180-day effective date once the ordinance is approved by the Board.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS:	Trudie Infantini, Andy Anderson

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**11:30 EXECUTIVE SESSIONS - BREVARD COUNTY V. SUMERSET FLORIDA LLC, et al,
CASE NO: 05-2011-CA-031229-XXXX-XX; AND CATHLEEN SMILEY V. BREVARD
COUNTY, CASE NO: 05-2000-CA-004291-XXXX-XX**

Chairman Bolin Lewis read aloud, "As authorized Section 286.0118, Florida Statutes, the Brevard County Board of County Commissioners now commence a private attorney/client meeting for the purpose of discussing settlement negotiations and/or strategy relating to litigation expenditures in Brevard County vs. Somerset LLC and Cathleen Smiley vs. Brevard County. The names of the people attending this attorney/client private meeting will be Commissioner Robin Fisher, Commissioner Chuck Nelson, Commissioner Trudie Infantini, Commissioner Mary Bolin Lewis, Commissioner Andy Anderson, Scott Knox, County Attorney, Deputy County Attorney Eden Bentley, Deputy County Attorney Shannon Wilson, and King Reporting Services Margaret Sheffield. The attorney/client private session will be held in the County Manager's conference room on the 3rd floor of Building C, Brevard County Government Operations Center, 2725 Judge Fran Jamieson Way, Viera, Florida. The estimated length of the attorney/client session is one hour or less.

Chairman Bolin Lewis requested a motion to temporarily adjourn and reconvene in the County Manager's conference room.

The Board adjourned to reconvene in the County Manager's conference room for the executive sessions.

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

By consensus of the Board, the meeting adjourned at 11:15 a.m.

ATTEST:

MARY BOLIN LEWIS
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK