

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 3, 2012 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

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

INTRODUCTION TO ZONING PROCEDURE

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

INVOCATION

The invocation was given by Pastor John Lewinson, The Greater Palm Bay Church of God.

PLEDGE OF ALLEGIANCE

Commissioner Robin Fisher led the assembly in the Pledge of Allegiance.

May 3, 2012

ITEM I.A. RESOLUTION, RE: "SUPPORT OUR TROOPS RALLY"

The Board adopted Resolution No. 12-102, expressing support and appreciation for the Support Our Troops Rally, to be held May 12, 2012, at Veterans Memorial Park, Palm Bay.

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

ITEM II.A. MEL SCOTT, ASSISTANT COUNTY MANAGER

The Board rescheduled the Commission on Aging Workshop from May 17, 2012, to August 16, 2012.

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

ITEM II.E. MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER

Commissioner Bolin Lewis acknowledged the day as the 61st Anniversary of National Prayer Day. She further reported that based on comments by a citizen at the May 1st Board meeting, she has reviewed the predictions by Property Appraiser Jim Ford, and would like to ask the County Manager to consider moving the budget forward with the need to not have a rollback.

ITEM II.G. CHUCK NELSON, DISTRICT 2 COMMISSIONER, CHAIRMAN

Chairman Nelson advised he met with several key persons in the banking industry and discussed the foreclosure registry; it was recognized that there are things the banking industry can do to help the Board in making the registry more manageable; and one of the suggestions was a sunset clause, based on a concern that it would go on for an indefinite period of time. He suggested the Board continue to work with staff, the banking industry, and local realtors, to see if there are modifications that would be beneficial.

Commissioner Anderson agreed, and expressed his concern that the smaller local banks will be in compliance, whereas the larger banks would be more difficult. Chairman Nelson noted the banking industry understands that foreclosures are having an impact on the community; and advised one of the suggestions was that a judge participate in the discussions.

The Board reached consensus to continue discussions on the foreclosure registry with staff, the banking industry, local realtors, and a County or Circuit Court Judge, to seek modifications to the foreclosure registry that would be beneficial to all parties.

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ITEM V. PUBLIC HEARING, RE: PLANNING AND ZONING BOARD RECOMMENDATIONS OF APRIL 9, 2012, AND PORT ST. JOHN SPECIAL DISTRICT BOARD RECOMMENDATIONS OF APRIL 11, 2012

Chairman Nelson called for a public hearing to consider Planning and Zoning Board recommendations of April 9, 2012, and Port St. John Special District Board of April 11, 2012.

ITEM V.B.1. (12PZ-00008) - CURTIS DORMAN, JR. AND KATHLEEN F. DUERR - request a change from RR-1 to AU on 3.28 acres. Located on the south side of Lake Washington Road, approximately 634 feet west of Turtle Mound Road. (3941 Lake Washington Road, Melbourne)

Chairman Nelson inquired of the applicant what he would like to have on his property. Curtis Dorman replied he would like to raise bees. Chairman Nelson explained if the Board approves Mr. Dorman's request and then he sells the property, the next owner could do many other things; but the Board can give Mr. Dorman what he has requested as opposed to all the things that the zoning category allows, such as hog farms. He inquired if Mr. Dorman would like to do anything on his property other than beekeeping; with Mr. Dorman responding some of the other allowable uses might make his property easier to sell.

Commissioner Anderson mentioned in the past the Board has approved a change in zoning with no commercial agricultural use. Mr. Dorman stated he has no interest in selling anything from his property.

There being no further comments or objections, the Board approved the request by Curtis Dorman, Jr. And Kathleen F. Duerr, with the restriction of no commercial agricultural pursuits.

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

ITEM V.B.2. (12PZ-00009) - TGO CAMPSITE, LLC - (Lynn R. Hansel) - requests a change from GU to RVP on 12.07 +/- acres. Located on the east side of Plantation Drive, approximately 1.25 miles south of S.R. 50 and opposite of the eastern terminus of Ambleside Drive.

There being no comments or objections, the Board approved the request by TGO Campsite, LLC (Lynn R. Hansel), as recommended by the Planning and Zoning Board.

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

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ITEM V.B.3. (12PZ-00007) - BRANKO & VALERIA PEJIC - request a change from RU-1-9 to RP, with a Binding Development Plan, on 0.26 acre, located on the northeast corner of Fay Boulevard and Pleasant Avenue. (6305 Pleasant Avenue, Port St. John).

There being no comments, the Board approved the request by Branko & Valeria Pejic, as recommended by the Port St. John Special District Board.

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

ITEM V.B.4. (12PZ-00011) - CC MERRITT ISLAND, LLC - (H. Lee Chapman, III) - requests a CUP for a Tower and Antenna in a BU-2 zoning classification on 0.116 acre, +/- . Located approximately 420' north of Merritt Island Causeway (S.R. 520) and approximately 230' east of Plumosa Avenue (Part of 450 E. Merritt Island Causeway, Merritt Island)

There being no comments, the Board tabled the request by CC Merritt Island, LLC, to the May 31, 2012, Zoning meeting, as recommended by the Planning and Zoning Board.

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

ITEM II.E. MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER

Commissioner Bolin Lewis suggested combining the zoning meetings with regular meetings. Commissioner Anderson stated he does not have an issue with that, unless there is an applicant that is going to be delayed by going to a regular Board meeting; and pointed out other jurisdictions conduct their zoning meetings with their regular meetings.

Chairman Nelson inquired if there is a requirement to hold zoning meetings after 5:00 p.m. Robin Sobrino, Planning and Development Director, responded no, it has just been Board policy.

Commissioner Anderson stated if the Board knows there is a lot of public comment in relation to an item, it can still meet in the evening to allow the opportunity for the residents to speak, but if it is a simpler request he does not see a problem with combining.

Cindy Fox, Planning and Zoning Enforcement Manager, pointed out that the applicants spend money to be on the zoning agendas, whereas people who speak at a regular Board meeting have not spent money; and noted the Board may want to consider where it places zoning items on a regular agenda. Commissioner Anderson inquired if certain requests could be expedited if they were on a regular agenda; with Ms. Fox replying yes, as long as there was enough time for the recommending body to make a recommendation.

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Ms. Sobrino noted after May 31st, the next scheduled zoning meeting is in August. Chairman Nelson pointed out that the August agenda might be full; and suggested the Board monitor what happens with the August agenda.

Commissioner Anderson suggested placing the discussion on the August agenda for Board discussion.

ADJOURNMENT

Upon Board consensus, the meeting was adjourned at 5:23 p.m.

ATTEST:

MITCH NEEDELMAN, CLERK

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