

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 9, 2014 at 9:02 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1/Chairman	Present	
Jim Barfield	Commissioner District 2/Vice Chairman	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Commissioner Anderson led the assembly in the Pledge of Allegiance.

**ITEM I.A., PRESENTATION, RE: LEGISLATIVE UPDATE**

Eddy Pauley, Brevard County Legislative Lobbyist, stated he would like to update the Board on some of the actions Congress has taken since last year; and some of the things could be happening today, next week, and into the next Congress after the first of the year. He went on to say one of the major pieces of legislation that was passed early summer was the Water Resources Development Act; it provided good language that hopefully will do some good things for the Indian River Lagoon; it is an authorizing piece of language; there are no appropriations tied to it; and it gives the chance to get appropriation, hopefully in the FY 15 Energy and Water Appropriations Bill in Congress. He noted Congress had a lot of mid-term elections this fall; not a lot took place; right now things are jumping; and they have been ever since the elections. He pointed out there are still 12 appropriation bills to pass that fund the federal agencies; that will be rolled into an omnibus; as of last night, it was looking like 12 appropriation bills were moved forward; and perhaps later this week or early next week, the one bill that would not move forward is probably Homeland Security, and that may go under a continuing resolution to be worked on sometime in the new year. He stated another big piece of legislation that affects Brevard County that is still pending is the defense authorization bill; there are a lot of small and medium size defense companies in the County; the County also has its fair share of the larger firms as well; this National Defense Authorization Act (NDAA) and the defense appropriations bill really do affect not just the big companies, but the small ones; and the sooner those bills are passed, the better it will be for Brevard County's businesses and economy. He explained to the Board that NASA is in the same boat as well; they are waiting to get their appropriations bill passed; there are two versions that comes up with appropriations bills; it is what happens on the House side and then the Senate version; and both versions have considerably more money, about \$400,000 more, in them than what was in the President's budget request. He stated the

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current CR expires on Thursday; under the current CR, NASA would be losing about \$1.9 million over this time frame, which is not much when there is a \$17 billion budget; but the FY 2015 numbers look like it will come in right under \$18 billion for them. He went on to say there would be a NASA authorization bill this year; there should also be a commercial space launch act; and that would be important for a number of companies in the County to get that bill signed and passed. He noted they have had a lot of success in the County in pursuing grants and grant programs; the County has great staff that get out and hustle; and County Manager Stockton Whitten emails him at 10:00 p.m. on Sunday nights making sure everything is going smoothly. He stated there are three areas, homeland security as far as grant programs that are good for counties; there is the Department of Transportation; and there is the Department of Commerce; within transportation there is a Transportation Investment Generating Economic Recovery (TIGER) grant program; there are two funding cycles of TIGER grants this year; the first Request for Proposals (RFP) should come out late February or early March; and there will be another round of TIGER grants later in the year. He noted with Homeland Security, there is the Homeland Security Grant Program, Non-Profit Security Grant, Inter-City Passenger Rail Program, Port Security Grant Program, and Transit Security Grant Program; that is information he has passed along to Mr. Whitten so staff can pursue those that are appropriate; there is one grant program in particular through Economic Development Administration (EDA); and there have been several entities that have benefited through this program. He stated Speaker of the United States House of Representatives John Boehner on the House side made an announcement after the elections a few weeks ago that there would be no earmarks immediately; he thinks he did that in part because of the 12 Appropriation Bills out there; and he thinks earmarks may come back in play later in the year. He stated the Board, Congressman Posey, and his peers know what projects should move forward with Florida Department of Transportation (FDOT) funding; and he will keep the Board updated on that. He went on to say on the Mid-Reach Beaches, which he spoke to the Board quite a bit about the last time he was there, the North Beaches and South Beaches are doing well, they still need to get the general evaluation and review signed by Assistant Secretary Jo Ellen Darcy; Secretary Darcy did sign the Disaster Risk Reduction (DRR) a few months ago now; and they are now in the planning, design, and engineering phase. He pointed out the County has been really great with this issue; they currently need \$406,000 of federal funds to match the local match to do the planning, design, and engineering for the Mid-Reach; he hopes that money will be gotten before the end of the year; and if it has to be gotten within the President's budget request, that is just what they have to do. He stated they think they have \$20 million at the State level for cleanup on the Lagoon; that will need sign offs from US Fish and Wildlife Service; he will work with Natural Resources Management to try to push that through; and then finally start the cleanup on the Lagoon as soon as possible. He advised they have HR-5117 that was passed on the House side a little over a month ago; that was to re-prioritize the National Estuary Program funding so it would go to estuaries with critical needs like the Indian River Lagoon; and he thinks that will get passed and signed into law soon. He explained to the Board the Water Resources Development Act will offer some opportunities moving forward to assist with additional funding for the Indian River Lagoon. He noted another project is the Ellis Road Interchange; he thought there was an agreement in place with all the different entities back in February, in fact there was a Memorandum of Understanding; it would appear in the last month or so the Federal Highway Administration did not like some of the forms the US Fish and Wildlife Service was using; he read some emails, and quite frankly he was confused; he asked last week to do a conference call getting everyone together at 3:00 p.m. on Friday; and FDOT, Senator Nelson's Office, Congressman Posey's Office was there, and he has worked with Senator Rubio's Office as well. He went on to say the agreement that was in place it looked like US Fish and Wildlife Service was using different forms compared to what they are using now; the forms they are using now showed up at the Federal Highway Administration; and the Federal Highway Administration said they did not like that. He noted FDOT told them last week they would get contact information to Bob Kahm, and he will share the information with him and Senator Nelson, Senator Rubio, and Congressman Posey; and they will follow up on that. He stated he thinks FDOT has a work

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plan for construction in 2017; and the design, planning, and engineering should be taken care of in 2015. He stated back in October Mr. Richey gave an excellent tour; Kimberly Prosser, Emergency Management Office Supervisor, worked with them as well; they did a tour of the facility; and he is in the process of bringing several decision makers through the Emergency Operations Center (EOC). He stated there are a lot of vested parties interested in what happens with the EOC; it is his goal this year to bring those different parties together; this is not just a Brevard County resident issue; and it should be a national issue and be addressed that way. He went on to say a Department of Defense (DOD) program that has been in the County for a long time is Northrup Grumman's Joint Surveillance and Target Attack Radar System (JSTARS) Program; DOD loves the Program; and they want to make sure the Program stays alive and healthy moving forward in Brevard County. He stated right now there is an address for the Merritt Island National Wildlife Refuge; the address is Orlando, Florida; if FedEx and UPS is trying to deliver packages there, they will drive around a long time in Orlando before they will ever find it; he is trying to get an address change for that; and it should be easy to do, but it has not been. He stated one of the main economic engines in Brevard County is Port Canaveral; through the Water Resources Development Act Bill they inserted some legislation that enabled the deepening and widening project with the channel to move forward, not only the channel itself, but it needs to be maintained; and the language inserted the federal government will maintain the depths and width of the channel. He noted after this one there will be another 21st Century deepening and widening project; that will be geared toward trying to bring more cargo through there; and there has been negotiations with Volkswagen to bring all of their cars to North America through there, including everything under the Volkswagen brand. He stated they should take advantage of the railhead that exists in Titusville; and it is a big project with the Port.

Commissioner Barfield inquired if Mr. Pauley has heard anything about a potential base realignment. Mr. Pauley advised the Board it was an issue he addressed in the spring; he does not think it will be discussed again for another few years; it is a very controversial issue; and he thinks Patrick Air Force Base is in good shape as well, as there has been quite a bit of growth on the base in the past few years.

Commissioner Smith inquired if they had gotten to the point where they are talking to people about grants or funding for the EOC. Mr. Pauley replied they have looked at some grant programs through Homeland Security; he worked with Ms. Prosser on that; it is matching funds; but it is for very small amounts; and there are not any grant programs out there to address that issue. He stated it is either going to have to wind its way up to the President's budget request in the Department of Homeland Security or through appropriations on the hill. Commissioner Smith stated he did a tour of the EOC, and he thinks it is something that is desperately needed. Mr. Pauley stated it is the busiest in the State of Florida; from research and working on this issue, he thinks there is only one other EOC in the entire nation that has as many activations and that is in California; and this is a national issue with national concerns.

Chairman Fisher inquired if the EOC funding could be earmarked. Mr. Pauley responded affirmatively; he stated it is a good story; and it is a dire need. Chairman Fisher stated anything Mr. Pauley can do with the Senators and Congressmen to let them know that this Board would ask them to consider if something is earmarked that the EOC be one of those items they considered.

**ITEM I.B., RESOLUTION, RE: RECOGNIZING DECEMBER 20, 2014, AS THE HOUSE AT PALM BAY AND THEIR CHRISTMAS EXTRAVAGANZA EVENT**

Commissioner Anderson read aloud, and the Board adopted Resolution No. 14-209, recognizing and supporting December 20, 2014, as The House at Palm Bay and their Christmas Extravaganza Event.

Robert Medina expressed his appreciation for the Resolution. He stated he wants to commend County staff at Brevard County Parks and Recreation; this is the sixth annual Christmas Extravaganza; Jack Masson, Greg Minor, Fred Poppy, and Dave McGovern have partnered; and because of their efforts, they are able to go out into the community so the free event can be provided. He provided a short video regarding the Event.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.1., APPROVAL OF GRANT APPLICATION, RE: FY2015, SECTION 5339 FEDERAL TRANSIT ADMINISTRATION BUS AND BUS FACILITIES FORMULA PROGRAM**

The Board authorized the following actions for the FY 2015 Section 5339 Federal Transit Administration Bus and Bus Facilities Capital Grant Application to the Department of Transportation in the amount of \$150,542; and executed the Federal Assistance, SF424, Certification and Assurances to Florida Department of Transportation, Exhibit G, executed the Standard Lobbying Certification Form, Exhibit J, and the Federal Transit Administration Section 5333(b) Assurance, Exhibit K.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.2., APPROVAL, RE: FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES**

The Board executed the Fiscal Year 2015 Certifications and Assurances for Federal Transit Administration (FTA) Grants; and authorized the Transit Services Director to execute and submit the Certification and Assurances electronically.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.2., APPROVAL, RE: AWARD OF BID B-4-15-13 TO LOWEST BIDDER, HINTERLAND GROUP, FOR LIFT STATION M-06 REPLACEMENT**

The Board confirmed the award of Bid B-4-15-13, to Hinterland Group for lift station M-06 replacement; and authorized the Chairman to execute contract and approve all associated budget changes.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.1., EXECUTIVE SESSION, RE: STATUS OF COLLECTIVE BARGAINING NEGOTIATIONS WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) RANK AND FILE UNIT**

The Board scheduled an executive (closed) session with the County Manager and appropriate staff to discuss ongoing collective bargaining negotiations for Rank and File Agreement with the International Association of Fire Fighters (IAFF) Local 2969, to be held at the end of the regular Board meeting on December 16, 2014.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.2., APPOINTMENT, RE: BREVARD WORKFORCE DEVELOPMENT BOARD**

The Board appointed **Dr. Linda Miedema** to the Brevard Workforce Development Board, with term expiring June 30, 2017.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.3., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Josiah Snodgrass-Neal** to the Art in Public Places Advisory Committee, with term expiring December 31, 2015; **Brian Reed** to EEL Program Recreation and Education Advisory Committee, with term expiring December 31, 2015; **Linda Mannier** to the Employee Benefits and Insurance Advisory Committee, with term expiring December 31, 2015; **Sil Crespo** and **Patrick Reed** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2015; **Tom Schuler** to the Extension Advisory Council, with term expiring December 31, 2015; **Benjamin Samuele, Robert DiBiase,** and **Brad Logsdon** to the Historical Commission, with terms expiring December 31, 2015; **James Rosasco** and **Ron Rincones** to the Marine Advisory Council, with terms expiring December 31, 2015; **John N. Kendrick** and **Pat Langiotti** to the Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2015; **Carol Joseph, Judith Ramsey,** and **Raymond Spencer** to the South Mainland Library Advisory Board, with terms expiring December 31, 2015; **Pat Pasley** to the Personnel Council, with term expiring December 31, 2015; **Hal Rose** and **Mark Broms** to the West Melbourne Public Library Board, with terms

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expiring December 31, 2015; and **James Rosasco** and **Dave Pasley** to the Zoning Board of Adjustment, with terms expiring December 31, 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.1., FINAL PLAT AND CONTRACT APPROVAL, RE: STROM PARK PHASE 2A SUBDIVISION - THE VIERA COMPANY**

Scott Knox, County Attorney, stated this is an Item dealing with Phase 1 and Phase 2 of the Strom Park Subdivision; The Viera Company is seeking approval of those plats; they have had an issue with some weaving roads out in this area; and as a consequence, The Viera Company has agreed to a roadway remediation agreement, which will ensure that there is no problem going forward in the future. He went on to say the current agreement, as drafted, provided for a two-year extension; The Viera Company has now agreed to a five-year evaluation period instead of the two years; that would be for the first phase of the subdivision; and the other two would go forward as they had planned and proposed at this point.

Chairman Fisher inquired if Attorney Knox will be changing the two years clause in this agreement to five years on Section 1. Attorney Knox responded affirmatively.

Commissioner Smith expressed his appreciation to The Viera Company.

The Board granted final plat and Contract approval with The Viera Company, subject to minor changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and approved a change in Section 1 of the Roadway Remediation Action Agreement allow for a five-year evaluation period instead of a two-year evaluation period.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.2., FINAL PLAT AND CONTRACT APPROVAL, RE: STROM PARK PHASE 3 SUBDIVISION - THE VIERA COMPANY**

The Board granted final plat and Contract approval with The Viera Company, subject to minor engineering changes, as applicable; and developer responsible for obtaining all other necessary jurisdictional permits.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**EFFECTIVE DATE FOR ADDITIONAL PUBLIC COMMENTS SECTION**

Stockton Whitten, County Manager, stated he wanted to remind the Board on Thursday the Board made the changes to the Public Comments Section; this Agenda was already set; and those changes are effective for the Tuesday, December 16, 2014 Agenda.

**ITEM III.A., APPROVAL, RE: CITY OF ROCKLEDGE JOINT PLANNING AGREEMENT (JPA)**

Chairman Fisher called for a public hearing to consider a five year Joint Planning Agreement (JPA) with the City of Rockledge.

Robin Sobrino, Planning and Development Director, stated staff is withdrawing this application at this time; they are still working with the City of Rockledge on a couple of provisions; they anticipate being able to wrap them up after the holiday season; and staff will come back to the Board and have it re-advertised.

There being no further comments, the Board withdrew consideration of the joint planning agreement with the City of Rockledge, from the Agenda.

**ITEM IV.A., PRIVATE ATTORNEY-CLIENT SESSION, RE: LOUIS C. MOREHEAD III V. BREVARD COUNTY LITIGATION STRATEGY**

Scott Knox, County Attorney, stated this is a request for an executive session.

The Board approved the scheduling of, and the cost of advertising for, a private attorney-client session on December 16, 2014, at 11:30 a.m., or at the conclusion of the regular meeting of the Board, whichever occurs earlier, pursuant to Section 286.011(8), Florida Statutes, in the case of Louis C. Morehead III v. Brevard County, Case No. 05-2007-CA-006126, for the purpose of discussing settlement negotiations or strategy related to litigation expenditures.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2/Vice Chairman
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.D.1., ATTORNEY-CLIENT PRIVATE SESSION, RE: TILLMAN, LENNEAR, ET AL V. BREVARD COUNTY ET AL**

The Board approved the scheduling of, and the cost of advertising for, a private attorney-client session on December 16, 2014, at 11:30 a.m., or at the conclusion of the regular meeting of the Board, whichever occurs earlier, pursuant to Section 286.011(8), Florida Statutes, in the case of Tillman, Lennear, et. al., Case Nos. 83-199-CV-ORL-22 and 83-285-CV-ORL-22, pending in the United States District Court, Middle District, Orlando Division, for the purpose of discussing settlement negotiations or strategy sessions related to litigation expenditures.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2/Vice Chairman
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.E.1., APPROVAL, RE: BREVARD COUNTY 2015 LEGISLATIVE PROGRAM**

Stockton Whitten, County Manager, stated this Item presents to the Board for its consideration the 2015 Legislative Program for submission to the legislative delegation at their December 18th meeting; a lot of these items are repeated; the Juvenile Justice issue is new; and under Central Services the reuse of 108 acres formerly the Brevard Correctional Institute is also a new item. He went on to say the County now has that property back from the State with some not so nice buildings on there; and as an appropriation, the State has given the County \$950,000 to knock down the dormitory, which is hopefully going to cover the cost. He noted the 108 acres was given to the State back in the 1970's as raw land. He advised the Board staff is present to answer any questions.

Commissioner Anderson stated there is one thing he would like the Board to consider as an addition to this package; Seminole County has been added to the Expressway Authority to have a member; Brevard County has been left out of; Senator Thad Altman has said he would be willing to sponsor that legislation on the senate side, the County would have to find someone in the house so that Brevard County would be represented on the Central Florida Expressway Authority; there are a lot of other issues, especially in District 1; and the only way to address those is having someone on that board.

Commissioner Infantini stated under the Emergency Operations Center (EOC) building, she understands it is a little bit outdated and small, but one of the things she was concerned about was going from 5,500 square feet to 57,000 square feet to make accommodations for sleeping arrangements; the last time people had to sleep there during storms was in 2004; and she hates to overbuild. She went on to say she would rather see the Board scale back; and to maybe cut it back to 11,000 square feet, which will cut the price in half, helping to get there faster. She asked the Board to make that modification to the EOC building.

Mr. Whitten stated Ms. Prosser can give the Board the fine details. He went on to say obviously when activated and the space is not adequate, that is the worst time not to have the space; part of the issue is the condition of the facility; it is worn out; if a person has been in the building when activated full scale, he or she would understand the issues; the number was created by a consultant through some grant funds received a number of years ago; and that is the proposal in terms of square footage considering the size of the County and the magnitude of the responsibility. He pointed out it is being able to accommodate all of those federal, State, and local agencies when being activated; and it is a significant issue for the County. He added, also as part of that square footage is consolidated dispatch; there are some economies that can be achieved by consolidating the dispatching function for the County, cities included; and the thought process is that space accommodates all of those concerns and issues.

Commissioner Infantini stated she agrees the facility needs to be updated; originally it was done based on square feet per person in the County; it worked out there was one square foot for every 50 people; and now there will be one square foot for every nine people. She noted that is a little excessive; it should be based on a need of how much space is needed; she knows it is being expanded to include dispatch; but the Board should not be providing for sleeping

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arrangements for every single person who is going to be there during that one state of emergency.

Mr. Whitten stated when activated with a Category 4 Hurricane, people cannot go home; that is the lifeline of the County when being under an emergency declaration; consistent with other EOC's, people are quarantined there; and he will let Ms. Prosser speak to the Board

Kimberly Prosser, Emergency Management Director, stated there are no plans to build any space specifically for sleeping; any modern EOC that has space for sleeping, that is dual purpose space; it is used the rest of the time for training and meetings; and they have regular training classes that take place that would use those places. She went on to say it is currently 11,000 square feet, not 5,500; and it was originally built at 5,500.

Commissioner Infantini stated she thought it was originally built at 3,400 square feet in 1964.

Ms. Prosser stated she thinks there is confusion about the size of the EOC floor and the size of the entire building; they currently have offices throughout the County for different employees of the facility and Emergency Management; and they would want to put all of those people in the same place. She pointed out when they are activated for a hurricane, Brevard is the only County that does not have space within its EOC for representation from cities; and every other county allows representatives from their cities to be in the EOC to help make those decisions.

Chairman Fisher inquired what the current square footage of the dispatch service. Ms. Prosser responded she could not say off the top of her head, but currently in the facility there is just space for Brevard County Fire Rescue Dispatch; the Brevard County Sheriff's Dispatch is located in Titusville; and both of those would be accommodated with a new facility as well as space for the cities.

Commissioner Infantini stated there is 400 square feet in Cocoa Beach, and that is for their dispatch for 11,000 residents; and they have 197 square feet for dispatch in Indian Harbour Beach for 8,300 residents.

Commissioner Smith stated he did so a tour of that building; it smells like an open sewer; and to think the County employees were required to work in such conditions is appalling. He stated he hopes that situation is rectified. He stated it is established this building is needed; it would be nice when eyes are focused on Brevard County to have a facility that measures with the talent; and he inquired how it was arrived at the size of the building.

Ms. Prosser replied the County received a grant from the State of Florida in 2010 or 2011 to have some architects go through and do a study of the building; they did a special needs analysis; and they put together some drawings that would accommodate all of the needs. She went on to say they later found out that the National Weather Service is doing an initiative across the country where they are co-locating their local weather forecast offices with local EOC's.

Mr. Whitten inquired if Ms. Prosser has a listing of the agencies that occupy the EOC when it is activated. Ms. Prosser responded Florida Highway Patrol (FHP), Florida Department of Transportation (FDOT), Port Canaveral, Kennedy Space Center (KSC), National Aeronautics and Space Administration (NASA), Patrick Air Force Base, and any State or federal agency that has a presence in the County has a seat in the EOC.

Chairman Fisher stated he does not think the building has been designed yet; as the funding opportunities become available, the Board will take that report and try to get as close as it can to

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the recommendation of the consultant; and there is not an architect building designed ready to go.

Commissioner Smith stated at this point the 5,700 square feet or whatever it is, is just a concept. Ms. Prosser stated it is on paper because that is the number the consultant came up with. She stated people think the EOC only activates for hurricanes, and that is not the case; and they have activated over 100 times in the past five years.

The Board approved the 2015 Legislative Program of identified priorities for the December 18, 2014, Legislative Delegation meeting; and approved the addition of representation of Brevard County on the Central Florida Expressway Authority board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.E.2., APPROVAL, RE: 2015 BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULE**

Stockton Whitten, County Manager, stated he thought the Board had gotten some feedback on the January schedule; January 15, 2015, is the annual Agriculture Luncheon; the proposal is to shorten that workshop to a morning budget workshop; and then to add on January 29, 2015, another 9:00 a.m. budget workshop. He went on to say they are going to workshop on the foundations of the Brevard County budget; and the Board will need all of that time to go from start to finish on the budget. He asked the Board accept those changes.

The Board approved the 2015 Board of County Commissioners meeting Schedule.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**FIRMING UP THE BOARD SCHEDULE EO THE SPACE SYMPOSIUM**

Mr. Whitten stated getting closer to April, the Space Symposium is the week of the 13th; as the Board firms up its schedule, there may be an issue with the April 14, 2015, meeting; and the Board can address that as it gets closer.

Commissioner Anderson stated he will be absent from the January 22, 2015, workshop; and he inquired what Mr. Whitten was going to cover at that workshop. Mr. Whitten replied he will cover everything. Commissioner Anderson stated he will be out of town, but he can watch online.

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**ITEM V.F.1., CITIZEN REQUEST BY CAROL ANN WILLIAMS, RE: RESORT DWELLING IN UNINCORPORATED BREVARD COUNTY**

Carol Ann Williams stated her property is on 109 Via De La Reina on Merritt Island; and she also lives in South Carolina. She expressed her appreciation to the Board and its staff for listening to her over the years; and she further thanked the Planning and Development's Code Enforcement Office. She asked the Board to consider allowing short-term resort dwellings on Merritt Island in residential neighborhoods; there are quite a few homes that have been doing this for quite a long time; an Ordinance was adopted in 2005 to disallow them based on some properties in the south part of the County causing quite a nuisance; and if they are allowed, they will be compliant. She advised the Board when they received their tourism tax receipt, she was told the County does not enforce this rule unless a neighbor complains; before they purchased their home they inquired and spoke to the neighbors telling them what they were planning to do; they come to the house five months out of the year at different times, her family uses the house, and she has friends who use the house; but they also wanted to rent it for a time to help cover the additional costs. She stated they are careful in selecting who is allowed to stay in the home; they do not rent to college students; most of the guests are families visiting families who already live here; and they do not have room to house their out of town guests. She pointed out their neighbors needed emergency housing and stayed in their home for three months. She stated short-term rentals bring a huge economic impact to the area; they will not go away; and 30 of them were reported by anonymous letters to Code Enforcement.

Commissioner Smith inquired how Ms. Williams advertises. Ms. Williams responded on the internet sites for vacation rentals. Commissioner Smith inquired how Ms. Williams screens the people who apply for the rental. Ms. Williams replied she speaks with them personally and asks them a list of questions. Commissioner Smith inquired how many properties Ms. Williams has. Ms. Williams responded one, their second home. Commissioner Smith inquired if it is in a residential neighborhood.

John Japp stated her thesis of the whole story he is going to tell is money; his wife and he live in Orlando; they decided to buy a canal front home in Brevard County; and they put a ton of money into the home so they could rent it. He went on to say it was put on line; and they rent the house out of 35 weeks, 28 weeks it is rented. He stated he and his wife personally talk to each person interested in renting; they have turned down people who want to have more than seven people; and they are renting to middle to middle upper class renting the house. He pointed out these people who were renting short-term were spending a lot of money in the community; and after each person he gets a maid service to clean the house. He advised it is a win/win for everyone.

Terry Rhodside stated she has lived in Merritt Island for almost 15 years; she does think everyone who visits the County want to be on the beach; and they have been renting their condos with agreements, leases, and eviction processes. She pointed out eviction can be extremely long. She noted she and her husband bought a second home; she does not understand why unincorporated areas of the County are not allowed short-term rentals; they had to do a lot of work on the home; and would be so much nicer to rent it as a short-term rental.

Tom Williamson, Member of the Cocoa Beach Hotel and Lodging Association, Current Tourist Development Council (TDC) Board member, and President of the Space Coast Chapter of the Florida Restaurant and Lodging Association, stated there are places where they are legally allowed to rent short-term; there are hotels, condominiums, and homes; if a person does want to get into that business, buy a home where it is legal; and he is also a resident of Merritt Island. He went on to say he purchased his home knowing that area would not allow short-term rentals; and he is now hearing people intend to break the law. He encourages the Board not to let this

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happen. He stated he heard there were a ton of violations; and he suggested the County do a better job enforcing the law.

Chairman Fisher stated Mr. Williamson said it was important for him to purchase in a neighborhood that did not have short-term rentals; and he inquired what the concern he had with those. Mr. Williamson replied every week someone new comes in; not everyone screens their clientele; and he does not want to worry who will be across the street or down the road from him.

Commissioner Anderson stated he can see both sides of the argument; it would be hard to sell a home on a canal next to a short-term rental; it depresses the value of that home; and a real estate agent has to disclose that. He stated the other side is there are short-term rentals where they will tell their clients if anyone shows up say they are cousins; he thinks maybe the County is missing out on some bed taxes that would not be otherwise collected.

Mr. Williamson stated there are plenty of legal places where they could do that; he does not think the County would lose out either on sales tax or resort tax; and he reiterated there are plenty of legal and illegal places.

Robin Sobrino, Planning and Development Director, stated the vacation rental issue has been something that has deliberated by the Board for an extended period of time back in 2004 and 2005; the current regulations pertaining to vacation rentals, they do not prevent or preclude them in the unincorporated area; there are certain zoning classifications where they are permitted, particularly the multi-family, commercial, and transient commercial areas; the area the Board had great concerns about was locating them in single-family residential areas; and the Board came up with locational standards that it felt would be the most appropriate for at least setting the table for potential discussion of having resort dwellings. She pointed out the Board felt the A1A corridor was probably the most logical place to consider that single-family homes might be a reasonable setting for a resort dwelling; at the same time the Board said they should be considered on a case-by-case basis; and they made it a Conditional Use Permit (CUP), where there is a zoning hearing associated with it. She noted the history of this Ordinance was that it was one year of grueling testimony from both sides; and this section of the Code is probably up there with opening up the RV and Commercial Vehicle Parking Ordinance.

Chairman Fisher stated if a person is multi-family, commercial, or transit commercial in the unincorporated area it is permitted to have a vacation home and it can be rented short-term; the Ordinance does not say family members cannot use the home.

Ms. Sobrino stated there is terminology that is inter-mixed here; the County's Zoning Regulations regulate what is called a resort dwelling; the definition of a resort dwelling is a unit that is used for occupancy less than 90 days or three months; and this is different than a vacation rental, which is a State terminology and also Tax Collector terminology for rental of six months or less. She stated the resort dwelling the County regulates is a vacation rental, but not all vacation rentals are resort dwellings; the Board was concerned with not regulating what they thought might be occupied for three or more months because they recognize the demand of the snow bird season; but they felt units that would be occupied for less than three months, it became a platform for a transient usage and repetitive turnover.

Commissioner Infantini stated individuals can apply for a CUP. Ms. Sobrino clarified by saying provided that they met the locational criteria. Commissioner Infantini stated because a person has a property in a residential neighborhood, he or she is not eligible for the zoning permit. Ms. Sobrino advised he or she is not. Commissioner Infantini stated she supports the individuals request; when she and her family travel, she needed a rental property; and she had to move the venue of her daughter's wedding because there were no neighborhood rentals that families

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could stay in to Amelia Island. She stated the County is locking itself out of a lot of sales putting this restriction on the market; and the Board may want to reconsider some of the regulations and see if there is a way to have a CUP even in a residential area.

Chairman Fisher stated there are properties in the County that can be rented; and in a subdivision where there would be a new tenant every day would be different.

Commissioner Barfield stated his son and his family came down and they would rent a condo on the beach for a week or ten days; that is multi-family use vacation; he would have a problem not knowing who would be next to him at any time; and the Board cannot be guaranteed everyone would do a good job. He stated he wants the Ordinance to stay as is.

Commissioner Smith stated he understands Commissioner Infantini being sympathetic to these folks; if a person wants to rent by the week, a person needs to buy a place that it is legal; people's neighbors may not be appreciative; and it is problematic to change this ruling and he defers to the previous Board. He stated he is in favor of keeping the restrictions the way they are.

Commissioner Anderson stated he still has concerns with the detrimental effect that short-term rentals would have in a neighborhood; legitimate lodging facilities spend a lot of money and time on many things, that creates almost an unfair advantage for a short-term residential unit; if the Board did look at the residential use aspect and make it CUP situation, every time one comes it, there will be 50 neighbors come before the Board opposed to it; and he doubts neighbors would ever be in favor of it.

The Board acknowledged the citizen request of Carol Ann Williams regarding changes to the Resort Dwelling Ordinance, but took no formal action.

#### **ITEM V.F.2., LETTER OF AGREEMENT, RE: CRIME STOPPERS TRUST FUND GRANT**

Barb Bergin, Executive Director of Central Florida Crimeline Program, Inc., and stated she is present to answer any questions.

The Board authorized the Chairman to send a Letter of Agreement for the Crime Stoppers Trust Fund Grant designating the Central Florida Crimeline Program, Inc. to act as Brevard County's agent for the purpose of applying for and receiving funds from Crime Stoppers Trust Fund.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

#### **ITEM VI., PUBLIC COMMENTS**

Pam LaSalle stated she understands the Board moved the Public Comments. She stated for the two new Commissioners, her husband was a volunteer at the Animal Shelter; he served over 1,000 being a dog walker; they are both very committed to animal welfare issues; they both have careers at the federal government; and they appreciate all the good that government can do in the right circumstances. She went on to say there is still a dire need for volunteers at Animal Services; there are many types of jobs people can do; the transition to the Sheriff's Office has not gone smoothly; and frankly the animals need your help. She noted it is her

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understanding that changes are being made to make the volunteer application process earlier; the Sheriff is making a good effort to try to get his program adjusted to fit with Animal Services; even though she has made inquiries about the sanitation and clearing of bacterial pathogens, she understands after her first inquiry his new Vet quit; and she hopes the Sheriff stays committed to keeping quality employees. She stated it is her belief transparency of operations and community involvement would end the repeated crisis; the shelters belong to the citizens, and it is their responsibility to the animals to participate in their care; volunteerism can help families grow in ways that are not expected; until she saw the need in the shelters, she was only passively concerned about the actions of her elected officials; and now she is even joining political clubs to help share their experiences and bring awareness to animal welfare issues. She asked everyone to consider making time in their lives to volunteer at Animal Services to bring comfort to displaced animals and help them find permanent homes; anyone can find the volunteer application online at [brevardsheriff.com](http://brevardsheriff.com); the south shelter is at 5100 West Eau Gallie Boulevard, just west of I-95; and the north shelter in Titusville is at 2605 Flake Road, which is north of the airport off of Garden Street. She pointed out this is a difficult time of year at the shelters; a lot of people turn their pets in for various reasons; and if anyone is considering a shelter pet, the south shelter has a huge supply of ready to go family pets.

Commissioner Smith stated obviously pets are a strong passion for Ms. LaSalle; and he inquired what the Board can do to help. Ms. LaSalle responded to bring awareness at this point, since it was handed off to the Sheriff; she does not understand why the Sheriff will not talk to people; she stated she has written many times with no response; and there needs to be an Animal Advisory Board. She went on to say there needs to be a platform where the people who control the shelters and Animal Services can disseminate accurate information; animals affect so many people, and people have questions; and she reiterated there needs to be a platform to interact. She stated she is hoping for the best; but awareness and encouraging cooperation will be the short answer.

Chairman Fisher stated the Sheriff is 70 days into the job of the Animal Shelter; and he is quite sure trying to figure out what the best system is and the way to run that.

Charles Tovey stated the people can do a better job; the more they are inter-related with the government, the more input the Board considers, the better everyone can live together. He went on to say he is American Indian; people are prejudiced of what he does for a living; just because he does not wear certain clothes like other people wear, people look down on him; and people have a right to live. He stated he read a brief to the Board he had written.

#### **ITEM VII.E., REPORT, RE: ANDY ANDERSON, DISTRICT 3 COMMISSIONER**

Commissioner Anderson expressed his appreciation to the Brevard County Library staff for helping his office with the Coats for Kids drive this year; they collected over 100 coats for children that need them, specifically toddlers and infants; he stated he wanted to invite everyone to come to the District 5 Open House Friday from 5:00 p.m. to 7:00 p.m.; and the beneficiary of the Open House is Project Suds, so anything that a person could bring to help homeless Veterans wash their clothes would be appreciated.

#### **EXECUTIVE SESSION STATEMENT**


The Board of County Commissioners does now temporarily adjourn the public meeting for the purpose of discussing settlement negotiations and/or strategy related to litigation expenditures in the case of Stately Contractors v. Brevard County, and Brevard County v. Stately Contractors and United Fire and Casualty Company. Person's attending the attorney/client private meeting will be: Robin Fisher, Commissioner District 1, Jim Barfield, Commissioner District 2, Trudie Infantini, Commissioner District 3, Curt Smith, Commissioner District 4, Andy Anderson,

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Commissioner District 5, Stockton Whitten, County Manager, Scott Knox, County Attorney, Morris Richardson, Assistant County Attorney, and Margaret Sheffield, Brevard Associated Services, Inc. The attorney/client private session will be held in the County Manager's conference room, Third Floor of Building C of the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida 32940. The estimated length of the attorney/client session is one hour or less. At the conclusion of the private attorney/client session, the public meeting shall be reopened and the Chairman shall announce the termination of the private session.

Upon consensus of the Board, the meeting adjourned at 10:50 a.m.

ATTEST:

  
SCOTT ELLIS, CLERK

  
ROBIN FISHER, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA