

10-7-14

August 19, 2014 BCC Minutes - Message (4/11/14)

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Send

To: Knox, Scott L. <Scott.Knox@brevardcountyclear.gov>

Cc: Vera, Sally A. <Sally.Vera@brevardcountyclear.gov>

Subject: August 19, 2014 BCC Minutes

Good afternoon:

Attached are the August 19, 2014 meeting minutes. The Board will consider the attached for approval at its October 7, 2014 Board meeting.

Thanks,

Tammy Etheridge  
Clerk to the Board  
Brevard County Clerk of Courts  
[Tammy.Etheridge@brevardclerk.us](mailto:Tammy.Etheridge@brevardclerk.us)  
321-637-2001 Extension 49056

See more about Knox, Scott L.

4:28 PM 9/29/2014

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 August 19, 2014 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

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

**INVOCATION**

The invocation was provided by Pastor Marty Braemer, Administrator, Temple Christian School and Youth Minister, Temple Baptist Church, Titusville.

**PLEDGE OF ALLEGIANCE**

Commissioner Infantini led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the July 10, 2014 and August 12, 2014 Special Meeting Minutes.

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

**ITEM I.A. RESOLUTION, RE: RECOGNIZING TRAVIS MCGOWEN ON RECEIVING THE 2014 FORESTRY FIREFIGHTER OF THE YEAR AWARD**

Commissioner Nelson read aloud, and the Board adopted Resolution No. 14-127, recognizing and congratulating Travis McGowen on receiving the 2014 Forestry Firefighter of the Year Award, and commended him for his outstanding work, tireless efforts, and his contributions and commitment to the citizens of Brevard County for this achievement.

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

August 19, 2014

**ITEM II.A.1., FINAL PLAT APPROVAL, RE: OAKS AT RIVERS EDGE - ATLANTIC HOME SOLUTIONS, INC.**

The Board granted final plat approval for Oaks at Rivers Edge, and authorized the Chairman to sign the final plat for the above referenced project, subject to minor changes, if necessary, and receipt of all documents required for recording.

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

**ITEM II.A.2., RESOLUTION AND EASEMENTS TO FLORIDA POWER AND LIGHT (FPL), RE: FOR USE IN SUPPORT OF THE INTELLIEGENT TRANSPORTATION SYSTEM (ITS) PROJECT ALONG INTERSTATE 95**

The Board adopted Resolution No. 14-128, and executed Easements with Florida Power & Light Company (FPL) for the installation and maintenance of overhead electric lines servicing the Intelligent Transportation System (ITS) facilities.

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

**ITEM II.A.3., PERMANENT SIDEWALK EASEMENTS WITH ADVENT LUTHERAN CHURCH OF MELBOURNE, INC., RE: ADDITION TO THE EXISTING BUILDING LOCATED AT 7550 N. WICKHAM ROAD IN MELBOURNE IN ACCORDANCE WITH 13AD-00689**

The Board accepted Permanent Sidewalk Easements from Advent Lutheran Church of Melbourne, Inc. for a sidewalk associated with a proposed building addition in accordance with 13AD-00689.

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

**ITEM II.A.4., QUIT CLAIM DEED WITH ATLANTIC HOME SOLUTIONS, INC. RE: RIGHT-OF-WAY AS PART OF INDIAN RIVER DRIVE (13SDM-00484)**

The Board accepted Quit Claim Deed from Atlantic Home Solutions, Inc., associated with the Oaks on Rivers Edge 13SDM-00484.

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

**ITEM II.A.5., PERMANENT SIDEWALK EASEMENT WITH CHICK-FIL-A, A GEORGIA CORPORATION, RE: REALIGNMENT AND CONSTRUCTION OF THE PUBLIC ACCESS SIDEWALK**

The Board accepted the Permanent Sidewalk Easement from Chick-Fil-A, for realignment and construction of the public access sidewalk.

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

**ITEM II.B.1., AGREEMENT AND SPECIALIZED TREATMENT, EDUCATION, AND PREVENTION SERVICES (STEPS), INC., RE: bREVARD ADULT DRUG COURT EXPANSION AND ENHANCEMENT OF SUBSTANCE ABUSE TREATMENT (EESAT) AND PRETRIAL INTERVENTION PROGRAM (PTI)**

The Board executed Agreement with Specialized Treatment, Education, and Prevention Services, Inc. (STEPS) for the Brevard Adult Drug Court Expansion and Enhancement of Substance Abuse Treatment and Pretrial Intervention Program; and authorized the Chairman, or designee, to execute future renewals of this Agreement and any subsequent modifications and amendments, contingent upon approval of the County Attorney and Risk Management.

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

**ITEM II.B.2., APPROVAL OF LETTER, RE: USAGE OF THE NEWS 13 TRADEMARK AND LOGO ON RIP CURRENT SIGNAGE FOR PUBLIC BEACH ACCESS**

The Board authorized the Chairman to execute a letter from Eric E. Gisolfi of the firm Sabin, Bermant, and Gould LLP, representing Bright House Networks, for usage of the News 13 Trademark and logo on Rip Current signage for public beach access.

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

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

The Board approved the Budget Change Requests, as submitted.

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

**ITEM II.C.2., REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN, RE: EDWIN VATEL AND GINETTE D. BAZILE, PALM BAY**

The Board approved the Special Magistrate's recommendation to reduce the accrued fine for the violation at 302 SW Tatum Road, Palm Bay, Case No. 09CE-02925 (08-0323), from \$5,575 to \$1,304; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

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

**ITEM III.A. RESOLUTION, RE: VACATING PUBLIC SEWER EASEMENT - LONDON TOWN ROAD - TITUSVILLE, DONAL S. MINNICK**

Chairman Bolin Lewis called for a public hearing to consider a resolution vacating a public sewer easement, located on London Town Road, as petitioned by Donald S. Minnick.

There being no comments or objections, the Board adopted Resolution No. 14-129, vacating a public sewer easement on London Town road, as petitioned by Donald S. Minnick.

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

August 19, 2014

**ITEM III.B., ORDINANCE, RE: AMENDMENT TO THE MERRITT ISLAND REDEVELOPMENT AGENCY'S REDEVELOPMENT PLAN PER RESOLUTION NO. 11-122**

Chairman Bolin Lewis called for a public hearing to consider an ordinance amending the MIRA redevelopment plan and ordinances which expands the MIRA District to include Lucas Road north to the Barge Canal and south to the Merritt Island Airport boundary area per attached Exhibits A & B.

Doug Robertson, Interim Director for MIRA, stated with him are three members of the MIRA Board, Andy Barber, Chris Cook, and Wayne Snyder. He went on to say Cheryl Hurren, Special Projects Coordinator, is present as well. He stated their purpose is to ask the Board to approve the MIRA plan update, which is an extensive document; it includes an interesting history of Merritt Island; a description of the Agency's accomplishments over the years; a complete inventory of zoning, land use, and aesthetic conditions within each of the sub areas; discussion of the infrastructure of the public facilities in each of the sub areas; and a discussion of remaining issues and concerns that need to still be addressed. He went on to say the plan also includes two new sub areas; the Board has talked extensively about these areas several months ago when it approved the Slum and Blight Study; the Cone Road sub area encompasses the seriously deteriorating industrial lands located south of Cone Road and north of the Merritt Island Airport; and this area was never intended to be an industrial area, it was platted years ago as a single family subdivision. He pointed out unfortunately with the density of those lots, the uses in those areas, heavy industrial, outside storage, and sprinkled in there are single family homes, it is an area that needs to be looked at seriously; this area has no stormwater drainage systems; and it is all on septic tanks. He noted Cone Road itself is a two-lane road with a dangerously deep ditch on the north side; this road is a school bus area, which is frightening; the map enclosed in the packet which was passed out to the Board is the entire Merritt Island Redevelopment area from north to south; the second sheet represents the Cone Road area; and the third sheet represents the Barge Canal area. He stated a big portion north of Cone Road actually encompasses the County's regional stormwater facility, the new state-of-the-art facility that was just constructed; and that area will capture all of the stormwater along State Road 520 corridor and route it to the stormwater facility for treatment as opposed to running directly into the Indian River as a pollution source. He noted the Barge Canal area includes SR 528, the lands north, the Barge Canal, and it extends to the Indian River Lagoon on the west, the Banana River Lagoon on the east, and this sub area is the gateway from Merritt Island Port bound visitors; and it is a strategically located industrial base in close proximity to the fast growing Port Canaveral. He went on to say at the east end of the Barge Canal area, is a concentration of boat and auto repair, as well as storage businesses with many deteriorating buildings located in close proximity to the Banana River. He stated the County will realize the benefits of these investments made within the MIRA district in the form of updated infrastructure, safer roads, improved stormwater treatment, environmental benefit to the Indian River and the Banana River Lagoons, as well as increased property values, which equate to higher ad valorem taxes and property values; the County will bank these benefits in the near future when MIRA sunsets; the Blight Study has been approved by the Board to include the sub areas; and he expressed his appreciation to the unpaid volunteers of the MIRA board for providing focus, vision, and planning for the most urbanized segment of unincorporated Brevard County.

Commissioner Infantini stated Mr. Robertson said the County will be benefiting, that the tax benefit increases on these properties when MIRA sunsets; and she inquired when MIRA does sunset. Mr. Robertson replied he has MIRA sunsetting within less than six years.

Eden Bentley, Deputy County Attorney, explained it was the adoption of the original Trust Fund in 1991 and it runs 30 years from that date. Commissioner Infantini inquired if in six years all of

August 19, 2014

MIRA, every element, all of the expansions, every bit will finally sunset. Ms. Bentley replied it can be extended, there is flexibility there.

Chris Cook stated he is a MIRA board member; he is present to support approval of the plan. He went on to say the District 3 Commissioner put out an email that the other Board Members have received; and he felt compelled to respond. He stated he believes the email was full of misrepresentations of who MIRA is and what it does; good people can disagree on issues; but when a person has to resort to tactics like that, in his experience, usually the argument is pretty weak. He pointed out he got involved with MIRA because he was reading the paper and hearing things, and he did not like what he heard or saw; instead of writing letters, he attended a couple of meetings; and he got roped into being on the MIRA board for his efforts. He noted it has been a great experience; they have done a lot of really good things; MIRA is a wonderful group of people who volunteer their time, talents, and skills to help make the community better; and they have done a lot of really good things. He advised MIRA as a group leverages their financing; with Griffith Park, MIRA bought that for \$380,000 and leveraged about \$2.3 million in other funds from other state and government grants; that is where the value of CRA's are; and if the Board wanted to do something like that, it would cost five times as much as MIRA did. He requested that the Board approve the plan.

Commissioner Nelson stated the MIRA board has done a great job; as citizen volunteers, they are the pulse of the community; they have been able to look at the community to see what the needs are; and another thing that redevelopment agencies are able to do is to look at the regulatory structure in the community, and through an overlay process, begin to make some changes. He went on to say the widening of some of the roads through Merritt Island has created a lack of parking for numerous businesses; they can never come into compliance with the new regulations; and that kind of condemns them to always be this non-functioning parcel. He pointed out by doing overlays, they are able to look at how to reduce that, and in some cases even acquiring parking; but they can make it fit, the development needs of whatever the circumstance is; he was taken aback of the reference to this being a mall project; it is clearly not a mall project; and the advantage of what they are doing is planning of the area around the mall to encourage the mall to improve. He noted one of the comments in the email that went out talked about a major facelift and complete redesign of significant property would go a long way towards the aesthetic enhancement; that is true; the mall is 50 years old; it needs a major facelift; but that will be done by the owners not by the County. He stated what the County and MIRA has done is create a stormwater facility that will foster redevelopment; the development community will pay its fair share to buy into that treatment program; and all in all it has been extremely beneficial. He went on to say with the sun setting potential in 2021, he would like to take a look at the CRA in Melbourne because they were created at the same time; and a person may find they are in the same boat as MIRA, and that needs to be addressed. He advised redevelopment agencies are so positive for the communities; the Melbourne redevelopment agency for instance, is spending a significant amount of money at 192 and Babcock with the intersection improvements there; this has increased a funding source and mechanism that gives guidance and control; and he thinks CRA's are extremely beneficial. He stated all of the redevelopment agencies should be supported by the Board instead of targeted by any individual or specific Board Member.

Motion by Commissioner Nelson, seconded by Commissioner Fisher, to adopt Ordinance No. 14-21, amending Resolution No. 11-122, the MIRA redevelopment plan and ordinances which expands the MIRA District to include Lucas Road north to the Barge Canal and south to the Merritt Island Airport boundary; and to adopt Ordinance No. 14-22, providing for the administration of a community redevelopment trust fund for the Merritt Island Redevelopment area.

August 19, 2014

Commissioner Infantini stated the reason she sent out the email, is she is opposed to all CRA's; if one is closed she hopes they are all closed to the extent legally allowed; CRA's are funded with taxpayer dollars; this Board has been elected to fund the tax dollars to the projects that are most needed and most beneficial to the taxpayers of Brevard County; and she does not think that CRA's should be managed by unelected individuals. She stated MIRA does fund a lot of really good projects; she thinks Merritt Island is a beautiful town; she calls it anything but blighted; and it is an insult to the residents of Merritt Island to think that is what the community is. She pointed out if there is a stormwater project the County needs to do, good; let the five Commissioners vote to allocate the funds necessary to do that project; and she is irritated and she does not think it is a good idea. She noted some of the areas encompassed in the new MIRA expansion includes vacant land; there is one expansion parcel that is owned 71 percent, is owned by the Port Authority; and she inquired why government vacant land is considered blighted. She advised MIRA has been in existence for the last 26 years; 26 years is long enough to get them on their feet; and she is not in support of expanding MIRA. She stated some of the ideas MIRA has come up with to incentivize projects along the borders where they are expanding to are things like permit fee reductions; she inquired if reductions in permit fees would be good for businesses along Courtenay Parkway and other roads, would they not be good for all of Brevard County; and why not just reduce the fees for permits for all businesses to spur growth throughout the County, not just along specific roads. She stated she is trying to get equity for all of Brevard County, not just certain pockets that are within CRA zones. She wants the public to understand where tax dollars are going and who is receiving benefits and who is not receiving benefits.

Commissioner Fisher stated he asked Troy Post to come today; and he inquired if Mr. Post can explain the misinformation on the Miracle City Mall. He stated CRA's have been in existence for a long time in this County; since 1996 there has been \$50 million to CRA's, 20 in particular; very little of that has been given to the North Brevard Economic Area; the NBEDZ is the most talked about CRA in recent times; and they have not received a penny yet. He stated about \$3.5 million is going to other parts of County Government because what has happened in the north end.

Troy Post, CEcD, NBEDZ Executive Director, provided the Board with a PowerPoint presentation. He stated a special dependent district is established under Florida Statutes 125 and 189; it is to facilitate job creation and capital investment; a response to economic conditions and structural employment issues; and it adheres to a County-approved Economic Development Plan. He went on to say the funds generated are only from tax on commercial properties, no residential property taxes go to the Zone; the first five years the funds to the Zone generated only on new commercial construction; and other special taxing districts, fire, Sheriff, mosquito control, and water management, are not affected. He pointed out a public-private partnership leverage public dollars to induct private capital investment, which raises tax values; it transfers risk of performance to private sector, and encourages efficient completion of a project; and it improves quality and quantity of the community's infrastructure through private sector funds. He noted regarding the Miracle City Mall Project, it is a vacant, blighted 30-acre parcel on U.S. 1; the property was purchased in January; the Master Plan was approved by the City of Titusville in June; lease negotiations were concluded with three anchor tenants; demolition activity is expected this fall; and the tentative opening date for Phase 1 is the summer of 2015. He stated the tenets of the project is public monies are directed toward public infrastructure elements; performance-based incentives, public monies are provided as reimbursement of dollars spent; no public dollars are provided until completion of Phase 1, which involves building Certificates of Occupancy; and the project will create jobs, and increase tax values. He concluded by saying currently, the mall parcel has property valuation of \$4 million, and it generates \$93,856 annually for the County, City of Titusville, and special districts; and once redeveloped, the site (with valuation of \$50 million) would generate \$1,173,210 in property taxes annually, a 1,150 percent increase to government.

August 19, 2014

Commissioner Nelson stated the whole purpose of redevelopment is to encourage reuse of property where infrastructure already exists; it is about the planning and renovation of those existing properties; and the purpose is so development is not driven into areas and leave behind the areas in bad shape. He stated he represents the entire County; the only CRA that this Board can take out is the one on Merritt Island; and that would leave everyone else's in place. He stated it would hardly seem fair to him, if Commissioner Infantini truly represents Brevard County, that she would either do all or none; but just to take out the only one the County can does not seem the entire County is being represented. He pointed the best things CRA's do is future planning; if there is no vision for Merritt Island, that is a weak place to be; and MIRA has done a great job. He stated the MIRA Members do not always agree, and that is the way it should be; but they will look at an issue and work through it; and at the end of the day, they are looking out for the best of that community. He advised the Board he supports MIRA, and looks forward to seeing this continue.

Commissioner Infantini stated she wants to commend Commissioner Nelson for saying he appreciates the fact the MIRA Members do not always agree, and that is as it should be; this Board does not always agree; and there should always be someone out there to ask questions. She inquired how much money in this upcoming budget will be diverted to CRA's economic zones; and she stated she is asking for approximately. Stockton Whitten, County Manager, replied approximately a little over \$6 million.

Commissioner Infantini inquired about how much money is the Board expected to bring in from the increase that the Board just assessed for people's stormwater taxes. She stated it is about \$2.3 million she thinks. Mr. Whitten stated he will take Commissioner Infantini's word for that. Commissioner Infantini stated if instead of funneling \$6 million to special projects the County was able to redirect some of that money to the projects that mean the most to the Board, such as the Lagoon, the stormwater rate would not have to have been increased. She pointed out the County has an Administrative Order No. 23, one of the rules the Board is supposed to follow, and it was just revised January 21, 2014, and it states all Agenda Reports shall contain a fiscal impact statement and all Agenda Reports should include the fiscal impact analysis; and this noted this Agenda Statement asking for the expansion of MIRA lacks a physical impact statement; it is not known how much it will actually cost; and she inquired how someone can vote on something if he or she does not have any idea how much it will cost. She does not believe the Board can vote on this item.

Commissioner Nelson stated Chapter eight of the report received has an entire section on the financial impact; he does not know if she did not read it or what; but it clearly says what the revenue projections are for beyond the life of the CRA. He pointed out it is on page 8.3.

Commissioner Infantini stated it was to be in her agenda packet.

Chairman Bolin Lewis said that was delivered as part of her package.

Commissioner Infantini stated she asked Mr. Whitten for the fiscal impact statement when they had a briefing last week.

Commissioner Nelson stated the Board has a book that details the entire study; it has a whole section on the financial impact; and for the Board to argue about it not being on the agenda it a little disingenuous.

Chairman Bolin Lewis called for a vote on the motion. Motion carried and ordered; Commissioner Infantini voted nay.

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

**ITEM IV.A., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE MODIFYING SECTION 62-1953 TOWERS AND ANTENNAS; A NEW ORDINANCE REGULATING COMMUNICATION FACILITIES AND ENACTING A WIRELESS TELECOMMUNICATIONS MASTER PLAN; AND BOARD APPROVAL FOR ADMINISTRATIVE REZONING PROCESS TO IMPLEMENT ON OVERLAY APPROVAL FOR POTENTIAL TOWER SITES ON COUNTY OWNED PROPERTIES**

Mel Scott, Assistant County Manager, stated the Board has had previous workshops and has come to understand that there is going to be a new wave of tower construction and antenna needs in this County; the Board has directed staff to come up with a tool, which is a proactive planning tool that will allow for the delivery of these new towers and antennas in a very efficient manner; and in this item staff is requesting a few things for the Board to consider. He went on to say one is to grant permission for staff to advertise public hearings that will be required to change the Zoning Code to allow for these additional towers and antennas to be constructed to meet the demands of society; the second is to direct staff to begin the administrative rezoning process for those properties located in unincorporated portions of the County; and third that the Board considers forwarding to the Local Planning Agency (LPA) the draft tower master plan, which has been crafted to establish this proactive planning tool for future tower construction and co-location of antennae.

Susan Rabold, CityScape Consultants, Inc., stated they have gotten to Task D of the project, which is the draft telecommunications master plan, the draft ordinance; when they were before the Board last, they had done the inventory of the existing towers and antennas, and they identified 188 locations Countywide; 89 of those were within the County; and 99 were just outside the County's zoning jurisdiction. She went on to say they did an estimate based on population density, traffic counts, and geographic locations around the County about how many new wireless facilities could be co-locations, attachments, new towers, and all of those combined the Board could expect over the next 10 to 12 years to provide complete Countywide coverage; and their estimates are shown on the slide, which is 350 to 400 proposed facilities is what it would take; they divided the geographic area of the County into three areas so they could be looked at more precisely; the next task was to look at the use of public land to fill the void of where future infrastructure is anticipated to be needed; they started with over 2,000 properties; and they reduced that number to 482. She pointed out 368 of those properties are within the County's jurisdiction and 114 are outside of the County's zoning jurisdiction; those 114 should be potential viable sites, but they are not within the County's zoning jurisdiction, which is another layer of review should a facility need to go on one of those properties; and each of those properties have been categorized as to what kind of need they will be fulfilling. She stated the maps she is showing the Board next show if the properties that are identified are developed with wireless infrastructure how they would fill an anticipated propagation gap; existing antenna, whether on water tanks, buildings, or towers, are shown with a black dot; and the propagation are shown from the yellow to blue. She pointed out antenna that are outside of the County's jurisdiction are shown in orange; and all the red dots and red propagation signals are showing the value of the public lands. She advised they took all this information and put together some policies into a draft zoning ordinance; the solutions they were trying to accomplish were to create harmony between the congressional, federal, and state regulations

August 19, 2014

on wireless telecommunications, consistency with definition between planning terms and industry, and specifically looking at heights, streamlining processes and developing design preferences, and including the inventory of the public properties into the public policy; all that has been accomplished; and she expressed her appreciation to County staff. She stated they have identified for height purposes three areas; the area of the barrier islands east of Banana and Indian Rivers is what they call a postal area where they feel the maximum height could be 80 feet; and in these areas they are trying to maximize rooftops and concealment facilities. She noted in the draft ordinance there are design preferences, which mean if a service provider comes in, the number one facility that the County would be looking to have installed would be a concealed antenna attachment; and if they would not do that, then a camouflage attachment. She stated she will let Anthony Lepore talk to the Board about the Notice of Public Rule Making.

Anthony Lepore, CityScape Consultants, Inc., stated the Federal Government has been re-evaluating its position of the citing of wireless facilities; the Federal Communications Commission (FCC), in September, issued a Notice of Proposed Rule Making at the request of the industry to try to define some of the terms congress set forth on recent legislation on the issue and did not bother to provide definitions or intent; and then to further clarify some rulemaking they made previously. He pointed out staff has done with drafting regulations with CityScape's input is made sure the County is compliant with State Law 365.172 and the Federal rules with respect to citing facilities both for co-locations and for new towers; what the FCC is proposing with this Notice of Proposed Rule Making is to further streamline the rules, further take regulatory approval from the Board to a certain extent for certain types of facilities; and what they have tried to do is anticipate that in the proposed regulations they have drafted so it recognizes as much jurisdiction. He pointed out there are things the Board may have to deal with down-the-road, but if it has a process in place, it will make a timely decision and never reach that issue.

Commissioner Nelson stated he is pleased with how far this has gone; it will simplify in the long run; it is moving in the right direction; and he expressed his appreciation to the consultants.

Commissioner Fisher stated he is supportive of the concept; as the Board goes through the public hearing side of it, he would like staff to identify four or five sites in unincorporated areas the County could get into a pool process; and to figure out how to finance the opportunity to get into that.

The Board granted legislative intent and permission to advertise an ordinance amending Chapter 62, Article VI., replacing the conditional use 'Towers and Antennas' with 'Wireless Telecommunication Facilities and Broadcast Towers'; amending Section 62-1953 'Towers and Antennas'; deleting Section 62-2124 'Television Dish Receivers and Antennas'; creating a new division of Code in Chapter 62, Article VI, Titled 'Division 7 - Communication Facilities'; and authorized the use of Administrative Rezoning process to approve an overlay of potential tower sites on County owned properties.

The Board directed staff to identify five sites that could have cell towers placed on them as soon as possible; and directed staff to identify the funding mechanism of how to afford to build the towers.

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

August 19, 2014

**ITEM IV.B., RESOLUTION AND LEASE AGREEMENT WITH DEVEREUX FLORIDA, RE: COUNTRY ACRES GROUNDS AND STRUCTURES**

Ian Golden, Housing and Human Services Director, stated the item before the Board is a resolution and lease agreement with Devereux Foundation for the Country Acres facility in Titusville; in March the facility shut down operations as of June 1st; in May the Board gave direction to move forward with the proposal from Devereux and created a negotiating committee to create this lease; it is a 10 year lease with options available for an additional 10 years; and Devereux will take over full operations, maintenance, and upkeep of the facility.

The Board adopted Resolution No. 14-130; and approved Lease Agreement with Devereux Florida for the non-competitive lease of Country Acres grounds and structures, to a not-for-profit organization, Devereux Florida.

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

**ITEM V.B.1., REAPPOINTMENTS, RE: ENVIRONMENTALLY ENDANGERED LAND PROGRAM'S SELECTION AND MANAGEMENT COMMITTEE**

The Board reappointed **Dr. Dave Breininger, Dr. Mark Bush, Susan Hann, Dr. C. Ross Hinkle, Dr. Paul Schmalzer, Laurilee Thompson, and Kim Zarillo** to the Environmentally Endangered Lands Selection and Management Committee, with terms expiring December 31, 2016.

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

**ITEM V.D.1., CONTINUATION, RE: FECR/ALL ABOARD FLORIDA REQUEST TO EXECUTE LETTER UNTIL SEPTEMBER 16, 2014**

The Board postponed consideration of FECR/All Aboard Florida's request to execute letter until the September 16, 2014, Board meeting.

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

August 19, 2014

**ITEM V.F.1., APPROVAL, RE: CHAIRMAN TO SEND LETTER OF RESPONSE TO DAVID WILLIAMSON, CENTRAL FLORIDA FREETHOUGHT COMMUNITY**

David Williamson expressed his appreciation to the Board for considering their request in public forum. He stated a few moments earlier, he heard Commissioner Nelson mention fairness and all or none; they heard Commissioner Infantini speak to the word equity; and he hopes others will feel similarly when they conclude this portion of the Agenda today. He went on to say the organization he represents is the Central Florida Freethought Community is one of nearly 100 freethought organizations across the State, including in Brevard County; these organizations are made up of citizens who simply affirm their ability and responsibility to lead ethical lives that aspire to the benefit to the whole of humanity and provide personal fulfillment; and how this could possibly conflict with the goals of the Board escapes his understanding. He noted everyone is part of the same community, along with the Board and everyone else it represents in the County; atheists, humanists, free thinkers, and non-believers of many labels are part of this community, part of the great American experiment, and have always been a part of it; Americans who have no religion, no claim to a house of worship, no particular faith tradition, they make up more than one-fifth of the Nation; and 100,000 of the constituents would be silenced by this. He stated if this was allowed across the State, more than three million Floridians would be affected, prohibited from having the same rights as everyone else; to deny anyone the right to offer an invocation at this meeting and relegate them to the public comment period would be seen by any reasonable observer as an endorsement of religion, something that is not permitted under the Constitution of the United States or Florida; the number of Americans who are not affiliated with any religion is growing faster than any segment of the population today; one-third of adults under 30 are in this category; and their future holds great promise and will be one that acknowledges their differences, celebrates diversity, and provides everyone the same opportunities and denying no one any rights based on religious beliefs or lack thereof. He pointed out he is not sure the case law could be any clearer; the Supreme Court identifies non-believers by name in its ruling in the Town of Greece v. Galloway, made it crystal clear that anyone could offer an invocation, yet the Board will consider today exactly how to abridge the rights of a religious minority, discriminating without citing any Statute or case law in the proposed letter; and this seems a weak position in which to mount an argument. He stated they brought transcripts offered in other cities and counties; he hopes the Board will consider these as an example of what their members can and have contributed to their communities already; it is their hope they can soon do the same at the meetings of this Board; and he expressed his appreciation to the Board or its time.

Joseph Richardson stated the draft letter proposes to deny humanist and atheists the opportunity to give invocation from what appears to be two main reasons; first the belief in a spiritual authority is necessary to provide the invocation; and second that humanists and atheists may be excluded because they may express their opinions during the public comment section of the meetings. He went on to say a belief held by a large segment of Brevard County's constituents is not a reason to exclude a small segment of the population; the claim that some kind of spiritual authority is required is clearly false as demonstrated by the numerous secular invocations that have been given in recent months by other localities such as Winter Park, Orlando, Volusia County, and others; and the invocations intends to lend gravity to the proceedings to meetings like this, but it does not require spiritual beliefs. He stated this lack of belief is simply not a valid reason to exclude humanists, atheists, or indeed any segment of the population no matter how small from full participation in governmental activities; if a government activity somehow requires such an exclusion, then that activity is patently unfair, unequal, unconstitutional, and should no longer be a part of the government; with respect to the second reason, this idea that because anyone may speak during the public comments, that it somehow justifies exclusion from presenting invocations, this more than anything else in your letter betrays your true attitude; and this can be seen by placing your claim in another context, such as saying a person may attend these schools but not those. He went on to say the response is

August 19, 2014

discrimination pure and simple; it is an offense to human dignity as well as to the Constitution; and it is in conflict with the Supreme Court of the United States. He urged the Board to reconsider the entire response and recognize the contents of this letter for what it is, offense, discriminatory, and illegal. He pointed out the Supreme Court has ordered equal access; he encourages the Board to respect that decision and provide equal access as other municipalities have correctly done; and to save the citizens of this County the tax money that might be otherwise spent defending the losing position in the letter.

David Kearns stated he is a candidate for State House District 53; agnostics are needed in government to play referee from all sides; to set aside a moment of silence during the invocation would be the best course of action; to the non-religious, the invocation is an uncomfortable process; and a person must wonder if the process is designed to all inclusive or by design to make some folks feel uncomfortable. He went on to say Fox News tells everyone that Christianity is under attack; Christianity is not under attack; religious encroachment of government is on the rise; the pretext is that Christianity is under attack; and that is not so. He advised he did some work in Hillsborough County on the elections; Hillsborough County has a long elaborate process; and it gets more long and involved at every meeting he has attended there. He pointed out there is only specific religions who offer the invocation; people stand there with their heads bowed, just physically uncomfortable by the process. He stated such comments throw the gauntlet down for people who are fighting religious encroachment such as the one that is here today; and he applauds them for their efforts. He noted the best course of action is to actually set aside a moment of silence so people can understand the governing is a process that needs to be revered; but people do not need to feel uncomfortable.

Commissioner Infantini stated he said there is only a specific suite of religions who are allowed to give their invocations here; and she inquired where Mr. Kearns got that information.

Mr. Kearns replied he gets the sense from the comments in the newspaper that only a specific group of faiths are invited.

Commissioner Infantini pointed out Mr. Kearns may want to do other research other than the newspaper; sometimes she found it to be a little bit less than accurate; and she does not have a specific religion.

Mr. Kearns stated it should be all or none.

Commissioner Anderson stated there is a little confusion on how the process works; the Commissioners are on a rotating calendar; each Commissioner goes within their District and selects a religious organization within the District; and he has invited tons of different faiths do the invocation. Mr. Kearns inquired what about the atheists and agnostics. Commissioner Anderson replied any Commissioner can choose them as their person to give that invocation. He stated it is not like the Board as a body is making that decision. He stated it is not an endorsement of religion, that is not what the Constitution says anyway; by picking a Catholic to come in, he is not establishing religion; that is what the Constitution says; and sometimes the atheist people try to skew that. He pointed out it says the establishment of a religion or the prohibition of a free exercise of; the Board has done neither in this Chambers; and as Chairman Bolin Lewis says, anyone can speak under the Constitution of the United States to do that. He stated for Mr. Kearns to say Christianity is not under attack, for him to look at Iraq now and let him know if Christianity is not under attack. He stated if anyone wants to give the invocation, he will look at it.

Dave Goshorn read aloud part of a speech by Bart D. Ehrman speaking about an area of America that he thought was the Bible Belt. He went on to say the next section is from a 1960 speech by John Fitzgerald Kennedy (JFK) on the separation of church and state with minor

August 19, 2014

changes by him for this situation. He quoted from Matthew 6, verses 5 and 6. He stated for fairness, it must be all or nothing.

Carol Buchert stated he applauds the Board; the vast majority of people who live in Brevard County would support the position the Board has taken in allowing this group to speak during the public comments; the nation was founded on the belief in God, specifically Jesus Christ, and she believes they are under assault; and thinks it should continue as it has been going.

Commissioner Anderson stated the original draft letter is fine with him; and he does not know how a person is offended by something that he or she does not believe exists.

Commissioner Fisher stated the Board is giving them opportunity to speak under the public comments section.

Commissioner Nelson inquired if the County Attorney has reviewed this and believes this is the option the Board has available to it. Scott Knox, County Attorney, replied he disagrees with the interpretation of the law that has been given; what he wrote on behalf of Chairman Bolin Lewis tracks what the case actually says.

The Board authorized the Chairman to sign and send a letter of response on behalf of the Board to David Williamson, Central Florida Freethought Community.

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

## ITEM VI. PUBLIC COMMENTS

Charles Tovey stated anywhere he gathers with someone else, he is a church. He noted he has launch pad plans. He provided the Board with vegetable seeds to give to the students at the elementary schools. He spoke to the Board about disabled Veterans.

## ITEM VII.A., REPORTS, RE: STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated a couple of weeks ago the Board approved financing for a portion of the health clinic being built on University Boulevard; what was proposed to the Board for its contribution was to utilize the rent savings from the current lease; he is requesting for the Board to approve application through the Community Development Block Grant (CDBG) Program for the Section 108 loan; if successful the future CDBG allocations will fund the Board's portion of the health clinic. He advised it meets the income requirements; it relieves the Board from having to utilize General Fund Revenues; and he is seeking approval of application for the Section 108 loan.

The Board approved applying for application through the CDBG Program Section 108 loan allowing for future CDBG allocations to fund the Board's portion of the Brevard County Health Facility at 601 East University Boulevard by meeting income requirements, and relieving the Board from having to utilize the General Fund Revenues.

August 19, 2014

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

**ITEM VII.C., REPORTS, RE: CHUCK NELSON, DISTRICT 2 COMMISSIONER**

Commissioner Nelson stated he was at a candidate forum last week and Michael Hartman, Housing Authority Member, indicated they have a \$4 million reserve; it was only a short time ago, they came before the Board and said they could not pay their taxes and asked the Board to relieve them of that responsibility; and an Agreement was signed and they are not paying their solid waste assessment. He went on to say he would like for staff to contact the Housing Authority and find out if they have the ability to pay their back taxes, which they did not pay, and find out why they are not paying for their garbage.

**ITEM VII.E., REPORTS, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER**

Commissioner Anderson advised the Board on August 26, 2014, he would be working with the Canvassing Board as it is election day. He stated there is something important to him on the Agenda, and to let him know if it will be pulled.

**ITEM VII.F., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER, VICE CHAIRMAN**

Commissioner Fisher advised the Board he is going to have a report at the next meeting regarding the Washington Nationals to see what the Board's feelings are regarding their talks, and what the next step is with them.

Upon consensus of the Board, the meeting adjourned at 10:32 a.m.

ATTEST:



SCOTT ELLIS, CLERK



MARY BOLIN LEWIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board on 10-7-2014