

## Tammy Rowe

---

**To:** Knox, Scott L  
**Cc:** Lewis, Sally A  
**Subject:** March 15, 2016 Regular Meeting Minutes

Scott:

Attached please find the March 15, 2016 Regular Meeting Minutes for your review and recommendations. They will be considered for approval by the Board at its May 3, 2016 meeting.

Tammy Rowe, Supervisor  
Clerk to the Board  
Brevard County Clerk of Courts  
[tammy.rowe@brevardclerk.us](mailto:tammy.rowe@brevardclerk.us)  
321-637-2001 Ext. 49056

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 March 15, 2016 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	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	9:00 AM
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

The Invocation was given by Reverend Nathaniel Harris, Macedonia Missionary Baptist Church, Melbourne.

**PLEDGE OF ALLEGIANCE**

Commissioner Anderson led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the February 16, 2016, Regular Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Jim Barfield

**ITEM I.A., RESOLUTION, RE: RECOGNIZING AND CONGRATULATING BENJAMIN STERN, CEO AND FOUNDER OF NOHOB, LLC**

The Board adopted Resolution No. 16-025, recognizing and congratulating Benjamin Stern, Founder and CEO of Nohbo, LLC for his entrepreneurial creativity and vision to change the world "one Ball at a time" and wishes him the tremendous success with NOHBO, LLC and all future dreams and endeavors.

Benjamin Stern, Founder and CEO of Nohbo, LLC, stated going on Shark Tank was an amazing experience; he thanked the Board for recognizing Nohbo and its potential; and he stated he is trying to change the industry. He added the industry now uses plastic bottles and those plastic bottles last up to 1,000 years in the ecosystem; once they break down, they turn into microplastics, which end up killing the fish and wildlife; and it is vital that someone makes a

March 15, 2016

difference. He went on to say he hopes that others will follow along with him; and he appreciates the opportunity.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Jim Barfield

**ITEM I.B. RESOLUTION, RE: PROCLAIMING APRIL 2016 AS CHILD ABUSE PREVENTION MONTH IN BREVARD COUNTY**

The Board adopted Resolution No. 16-026, proclaiming April 2016 as Child Abuse Prevention Month, and urges all residents to engage in activities whose purpose is to strengthen families and communities to provide the optimal environment for healthy child development.

Tracey Little stated he is appreciative of the Board for the Resolution they receive every year; they have a host of events that they do during the month of April; starting with April 2 at Squid Lips, they are also going to have various pinwheel plantings; and a banquet recognizing some of the leaders in the County and their Child Abuse Prevention efforts. He went on to add the banquet will be on April 28, 2016, at the Crown Plaza; with him he has the Vice Chair of Task Forces, as well as the Executive Director for Brevard Cares, Pheobe Powell, and Dr. Patricia Nellius, CEO of Brevard Family Partnership.

Dr. Patricia Nellius, CEO of Brevard Family Partnership, expressed her appreciation to the Board for its support in recognizing that the pin wheels are the representation of a happy, healthy child; and that is what they want for the community.

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

**ITEM I.C. RESOLUTION, RE: RECOGNIZING MEALS ON WHEELS AND THE MARCH FOR MEALS CAMPAIGN**

The Board adopted Resolution No. 16-027, recognizing Meals on Wheels and the March for Meals Campaign.

Linda Wells stated she represents Meals on Wheels, a program of Aging Matters in Brevard County; they kindly thank the Board for recognizing Meals on Wheels for participation in the National March for Meals Campaign; and extend their sincere appreciation to more than 600 Meals on Wheels volunteers, as well as their staff. She added it is their privilege to serve Brevard County's aging population; she thanked the Board for supporting Community Champion's Week, where council members, mayors, and members of the Board will join Meals on Wheels volunteers to deliver meals to home-bound seniors; and thanked the Board for

March 15, 2016

partnering with Aging Matters and Meals on Wheels so no Senior goes hungry in Brevard County.

Commissioner Fisher stated they do some great work; he saw yesterday that he is on their calendar to help out in a couple weeks and he is looking forward to it.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM I.D. RESOLUTION, RE: PROCLAIMING MARCH 20 - 26, 2016, AS FLORIDA SURVEYORS AND MAPPERS WEEK IN BREVARD COUNTY**

The Board adopted Resolution No. 16-028, recognizing March 20-26, 2016, as Florida Surveyors and Mappers Week in Brevard County, and recognizes the many contributions and the ongoing dedication of our present day surveyors and mappers to the citizens of Brevard County.

Mike Sweeney stated on behalf of the Space Coast Chapter of the Florida Surveyors and Mappers Society and all the Surveyors in Brevard County, they would like to thank the Board of County Commissioners for this proclamation.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM I.E. RESOLUTION, RE: RECOGNIZING MARCH 2016 AS WOMEN'S HISTORY MONTH IN BREVARD COUNTY**

The Board adopted Resolution No. 16-029, recognizing March 2016 as Women's History Month in Brevard County, and urges the citizens of Brevard County to be mindful of the contributions of women and all of its citizens throughout the year.

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

March 15, 2016

**ITEM I.F. BOARD RECOGNITION OF ROAD AND BRIDGE EMPLOYEE GLEN DAVIS, RE: HEROIC EFFORTS IN HELPING TO RESCUE A CITIZEN FROM A BURNING HOUSE**

Stockton Whitten, County Manager, stated John Denninghoff, Public Works Director, and the rest of the Public Works team is present today because they are just as proud of Glen Davis as the Board is. He added he was so proud to actually be able to sign and give this recognition for Brevard's Best Excellence in Action Program Award; he also wanted the general public and the Board to understand how valuable the County employees are; the great things that happen in the community; and wanted to bring Mr. Davis before the Board to recognize him. He explained on the morning of October 19, 2015, Glen Davis went above and beyond his duties to help save a man's life; as he was grating one of his roads, he noticed smoke coming from a house down the street; three individuals ran from the burning house, but an elderly man had been left behind; and another good Samaritan broke the man's window but was unable to pull him out. He went on to explain that Mr. Davis rushed to help by running up the ramp of the home so he could reach into the home and help pull the man down to safety; the man was airlifted to the hospital and was able to make a recovery; and for those actions he is grateful to have such a heroic person on the team. He added he thought Mr. Davis was going to be a much bigger guy, but again this highlights the great work that is done here and the bravery of Mr. Davis on that particular day; and he is happy to have him as a County employee. He noted Chief Mark Schollmeyer also has a presentation to make to Mr. Davis.

Chief Mark Schollmeyer, Fire Rescue Director, stated he does not condone anyone running into a building to save someone's life without protective equipment, sometimes being at the right place at the right time has positive impacts; and in this case it saved a man's life. He added they also know that sometimes one has to do what they have to do to get things done and that is exactly what Mr. Davis did; and he would like to present Mr. Davis with a helmet. He added it does not mean he can run into burning buildings all the time, but he is an honorary member from his office to Mr. Davis; and in token of their appreciation as an Honorary Firefighter, he has a BCFR Challenge Coin, with a Chief's award of excellence; and he would like him to keep those.

Glen Davis stated he would just like to thank the County Board for recognizing him; and hopefully they run into the other two good Samaritans that helped out and did their job.

John Denninghoff, Public Works Director, stated he was on the job working, he saw the smoke, was curious, and have enough gumption to take a look to see what was going on; he heard their screams for help, and he responded; and this is a County employee doing a great thing.

The Board recognized Glen Davis for his efforts in rescuing a man from a burning home in Mims, Florida, on October 15, 2015.

**ITEM I.G. PRESENTATION, RE: CHECK TO UNITED WAY OF BREVARD**

Jack Masson, Parks and Recreation Director, stated it is his honor today to present a check from the fifth annual golf tournament to the United Way Co-Chairs; and he presented the Board with a video from the Golf Tournament. He added this generally comes at the very end of the campaign for the Brevard County employees for United Way; he would like to thank County staff, particularly Steve, Claire, Vicki, Hector, and Jennifer for their involvement; and would like to shout out to Integrity, they took over the operation of the golf courses on February 1, 2016, and the tournament was on February 6, 2016; they assisted greatly with the operation; and it is his pleasure to present a check to Jeff Thompson and Mark Schollmeyer. He went on to say they did not have the numbers that they have had in the past, but he guarantees they had more fun this year than ever before.

March 15, 2016

Chief Mark Schollmeyer, Fire Rescue Director, stated that check was half of the good news, the United Way does so many good things for the community, it supports so many great programs; and when Jeff Thompson, Library Services Director, and he were asked to be the co-chairs from this year's campaign, they were very honored. He went on to say it was a very successful campaign; that total for the golf tournament helped the total of the campaign to reach \$105,066; and he would like to present that to Alicia with the United Way. He noted there were so many people that made this happen, all of the coordinators of different departments made it happen; the very beginning kicked off with Blue Jeans and Barbecue event, in which a lot of people attended; it ended with the golf tournament; but there was a lot of fundraising in between with gift baskets and employee donations. He went on to say he would like to thank everyone especially the employees that gave so much in these difficult times.

Stockton Whitten, County Manager, stated he would like to personally thank Chief Schollmeyer and Mr. Thompson, they did an excellent job in chairing the campaign, it was a very soft ask in the beginning for them to be co-chairs, and they did a great job in raising the \$105,066; and he is very proud of their efforts.

The Board acknowledged presentation of a check to the United Way of Brevard in the amount of \$105,066.

**ITEM II.A.1. RESOLUTION AND EASEMENT CONVEYANCE, RE: FLORIDA POWER AND LIGHT COMPANY**

The Board adopted Resolution No. 16-030, and executed Easement with Florida Power and Light Company to provide upgraded electrical service capacity for the purposes of lighting the fields at Satellite Beach Sports and Recreation Park.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Jim Barfield

**ITEM II.A.2. CONSENT TO EASEMENT AGREEMENT WITH THE DEPARTMENT OF THE ARMY, RE: USE OF ARMY CORPS OF ENGINEERS RIGHT-OF-WAY FOR INSTALLATION OF A FORCE MAIN UNDER THE CANAVERAL PORT AUTHORITY BARGE CANAL**

The Board executed Department of Army Consent to Easement with the United States of America, Department of Army, to use the Corps of Engineers right-of-way related to the construction of a force main under the Canaveral Port Authority Barge Canal.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Jim Barfield

March 15, 2016

**ITEM II.B.1. DESIGNATION OF AUTHORITY TO ASSISTANCE COUNTY MANAGER, VENETTA VALDENGO, RE: SIGNATURE OF MODIFICATIONS FOR DEPARTMENT OF ECONOMIC OPPORTUNITIES (DEO) CONTRACTS**

The Board approved designating authority to the Assistant County Manager for Community Services, or her designee, as the signatory for modifications of DEO contracts, leaving the Chairman the signatory for execution of contracts and amendments, contingent upon the approval of Risk Management and the County Attorney.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM II.B.2. APPOINTMENTS, RE: COMMUNITY ACTION BOARD (CAB)**

The Board acknowledged the appointment of **Latonya Hubbard**, and **Tauheedah Hamilton**, to the Community Action Board with said terms expiring March 15, 2019.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM II.C.1. PERMISSION TO EXECUTE INTEGRATED SUPPLY AGREEMENT WITH NATIONAL JOINT PURCHASING ALLIANCE (NJPA) CONTRACT #061015-GPC, RE: ESTABLISHING A SOURCE OF SUPPLY FOR CERTAIN AUTO AND TRUCK PARTS, AND TO PROVIDE AN INTEGRATED BUSINESS SOLUTIONS SERVICES**

The Board authorized Central Services/Fleet Services to enter into an Agreement with Genuine Parts Company d/b/a/ NAPA Auto Parts, to establish a source of supply for certain auto and truck parts; approved providing an Integrated Business Solutions services; and authorized the Chairman to execute resulting contract, amendments, and contract renewals, upon approval by the County Attorney's Office and Risk Management.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

March 15, 2016

**ITEM II.D.2. ACKNOWLEDGE, RE: RECEIPT OF AUDITED FINANCIAL STATEMENTS FOR THE ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST, INC.**

The Board acknowledged receipt of the Audited Financial Statements for the Economic Development Commission of Florida's Space Coast, Inc.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM II.D.3. ACKNOWLEDGE, RE: RECEIPT OF SATELLITE BEACH COMMUNITY REDEVELOPMENT PLAN AMENDMENT FEBRUARY 2016**

The Board acknowledged receipt of the Satellite Beach Community Redevelopment Plan Amendment February 2016.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM II.D.4. APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board acknowledged appointment of **Michael Hartman** to the Economic Development Commission of the Space Coast, with term expiring December 31, 2016.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson  
**ABSENT:** Jim Barfield

**ITEM III. PUBLIC COMMENTS (30 MINUTES)**

Charles Tovey stated he would still like to speak more than once at meetings; if there is Public Comment spaces on the Agenda twice, and there is no one else talking, he should be able to speak during both; and addressing the laughter, it bothers him when people laugh at him or mock him. He added the day of the fire his family was waiting to get into his house from the arson and they heard laughter; they turned around and the CRA beneficiaries, the EDC beneficiaries, and the Mayor was sitting there laughing while the fire in his house was being put out. He went on to say it was arson; all of things that happen to him are nefarious; and he would like to get beyond that for now. He noted he has his tax money; he inquired why he is paying taxes; he stated because he is an American, he has money; he does not work for money. He

March 15, 2016

stated his life is not about making money; his life is about his property, family and community; the Lagoon and the rest of it; and it is all gone. He went on to say he will pay his taxes, but inquired what for; he stated the garbage men steal his brand new stuff; he has it on video, witnesses and everything; and they steal his stuff then leave his garbage there. He added there are people burning down his house, and it is not a problem; the Sheriff's Department has let people shoot at him; it went right over his cats, burn down his house, beat on him, and he has to pay his taxes; and he does not know why. He advised he has no police, no garbage, they ripped out his water line, but it was okay, before that it was three hours before they saved his house; he is glad that every one of them has a job; and it is not civil. He pointed out they left it for him to take everybody to court now because no one did anything, they watched and laughed, and let it all happen; and now the time differential. He mentioned he does not know if it is Corporeal Day or Field Training Officer Day, but Commissioner Bolin Lewis came out to his property and said they would look into it, and nothing ever happened; he went back into the Sheriff's Department and after two years, the arson case had already reached the Statute of Limitations; and he has it on video, and has witnesses, and he guesses he needs depositions like Scott Knox, County Attorney is always busy doing. He went on to say he does not have the money for that, but that is what assistance is for, and if nobody else can do it, he can do it; he needs more time to speak; that is why the District Court of Appeals was setting up hearing dates for all of this; he is being stifled; and three minutes at a time is not enough. He noted no one allows him access; no one cares, not the Sheriff's Department, not anybody; he inquired where he is supposed to go; he will do it; and he has to do it.

Loretta Dozier stated she is present to say thank you to the Board for its service, time and sacrifice that it makes; it makes the decisions for the County; and she wanted to say thanks and God bless to the Board.

**ITEM IV.A. PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE A PORTION OF A 10.0 FT. WIDE PUBLIC UTILITY EASEMENT OVER THE EAST 10.0 FT. OF THE WEST 97.0 FT OF LOT 3 - STONEBRIDGE IN SECTION 35, TOWNSHIP 25 SOUTH, RANGE 36 EAST, ROCKLEDGE - VALERIE MILA**

Vice Chairman Smith called for a public hearing on the petition to vacate a portion of a 10.0 foot wide public utility easement over the east 10.0 feet of the west 97.0 feet of Lot 3 - Stonebridge in Section 35, Township 25 South, Range 36 East, Rockledge.

John Denninghoff, Public Works Director, stated this is a straightforward petition to vacate an easement; there have been no objections to it, there just needed to be some title clean-up on the property.

There being no further comments or objections, the Board adopted Resolution No. 16-031, vacating a portion of a 10.0 foot wide public utility easement over the east 10.0 feet of the west 97.0 feet of Lot 3 - Stonebridge, in Section 35, Township 25 South, Range 36 East, Rockledge.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Jim Barfield

March 15, 2016

**ITEM IV.B. RESOLUTION, RE: PETITION TO VACATE A PORTION OF A 10.0 FT. WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT AT THE EAST/REAR LINE OF LOT 132 - WINDOVER FARMS OF MELBOURNE P.U.D. PHASE ONE, IN SECTION 35, TOWNSHIP 26 SOUTH, RANGE 36 EAST, MELBOURNE - NATHAN FOWLER**

Vice Chairman Smith called for a public hearing on a resolution for petition to vacate a portion of a 10.0 Feet wide public utility and drainage easement at the east/rear line of Lot 132 - Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne.

John Denninghoff, Public Works Director, stated this is a petition to vacate an easement in the Windover Farms Subdivision, along the rear property boundary of a home, also to clear up a title issue; and there have been no objections.

There being no further comments or objections, the Board adopted Resolution No. 16-032, vacating a 10.0 feet wide public utility and drainage easement at the east/rear line of Lot 132 - Windover Farms of Melbourne P.U.D. Phase One, in Section 35, Township 26 South, Range 36 East, Melbourne.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>ABSENT:</b>	Jim Barfield

**ITEM IV.C. RESOLUTION, RE: PETITION TO VACATE AN UNIMPROVED 60.00 FT. PUBLIC RIGHT-OF-WAY AT THE NORTHWEST CORNER OF STATE ROAD 520 AND INTERSTATE 95, IN SECTION 26, TOWNSHIP 24 SOUTH, RANGE 35 EAST - EAST FLORIDA MOTOR SALES, INC. AND NATIONAL RETAIL PROPERTIES, INC.**

Vice Chairman Smith called for a public hearing to consider a resolution to vacate a right-of-way in the West Cocoa area on the north side of S.R. 520, and west of I-95, as petitioned by East Florida Motor Sales, Inc. And National Retail Properties, Inc.

John Denninghoff, Public Works Director, stated this is a petition to vacate for a right-of-way in West Cocoa area, on the north side of S.R. 520, and west of I-95; it is a right-of-way which does not have a public purpose at this point; and the petitioners requested that it be vacated. He added there have been no objections.

Robert Beals stated he is the attorney for the petitioner; East Florida Motor Sales is better known to the Board as Mike Erdman Toyota; he has no official authority, but this overall parcel will probably eventually be developed as a new dealership; and in the process of preparing preliminary site plans, they came across a rouge right-of-way. He advised it was historically created in 1964 when there were only two tracts of land out there on S.R. 520; it is impossible to even guess what it might have been, but it obviously never came to fruition, because it has been there for 60 years doing nothing; what it does to their property is the frontage on the property has enough frontage on S.R. 520 To access the rear larger part, where the dealership would go; when looking at the survey or the tax appraisers map, this little right-of-way pinches as it goes northbound; and the entrance down to approximately 80 feet, and if that were vacated, then they could make a more attractive and accessible entrance into the northerly parcel. He went on to say for six months he has tried to get the owner of the parcel to the west to cooperate; after a

March 15, 2016

month of discussion he was sent to the tenant to discuss this with them; he just about reached an agreement with their regional director in Chicago; and he received an email a month ago from the owner saying he was taking the property over. He advised he called the owner, and stated that it had been a friendly and non-adversarial matter, the resolution simply abandons the property, it does not give title to anyone; it essentially says the right-of-way is quit claimed to the public; and the owner replied that he needed to get local council, get an engineer, and so on; he has not heard a word since then; and staff has not either. He pointed out he does not know what they have in mind, they would not join in the petition, though they have had it to review for six months; they have not contacted him; and they are here as a sole petitioner, not as a joinder of two property owners. He stated this little 60 foot strip serves no purpose for anyone; he asked the Board to simply pass the standard resolution abandoning it; there was one wrinkle, there is a ditch, presumably made by the western property owner at some point, but it does provide some drainage along the very western edge of this right-of-way and the western property owners property; and staff has advised that it should be addressed in the site plan process. He added he has not made any provisions or quests to do anything about that at this point, it is for a later date.

Commissioner Infantini stated the Board has paid a lot of money to buy right-of-way; this is the one thing she is concerned about giving away, 60 feet by 30 feet is a half of an acre of right-of-way; and staff advised there was not a need right now. She inquired if right now includes right now and the next 50 years, because she does not want to give this right-of-way only to have to buy it back at a later date; there has been a lot of interaction with another property owner with regard to access getting off of S.R. 520; and further inquired if this right-of-way would be needed for drainage, a deceleration lane, or anything of that nature. Mr. Denninghoff responded he does not know of any reason why it would be needed for a road purpose or drainage purpose in this particular case; the drainage that the petitioner representative referred to is for private purposes, not for public purposes; therefore they do not recognize any public purpose for it; and that is why staff did not object to this petition.

Commissioner Infantini inquired why staff was not selling it rather than giving it away; there was a whole discussion about selling 100 acres in the Viera area, right behind some property owners and a whole bunch of chaos ensued because the Board did not want to sell that property; and she does not understand why staff is giving this right-of-way away rather than asking for compensation for it. Mr. Denninghoff replied the right-of-way when it was acquired was by donation rather than by purchase; ordinarily when the County acquires right-of-way that way it is donated by the adjacent property owner; and when a vacating request comes through, it is also the adjacent property owners that typically hold the right to acquire the deed to the property. He advised the other major way the County gets right-of-way, other than purchase, is by dedication in the form of a plat, which is not the case in this property.

Commissioner Infantini inquired if there was a reason why the Board would not table this to negotiate with the property owner to buy it, rather than give it away; she is completely okay with the petitioner having the property, but the County pays a lot of money for right-of-way, so for the Board to be giving away property, she questions its judgment. She added the Board is always looking for revenue streams and things like that; she does have to question the action.

Commissioner Fisher stated there is always right-of-way that has been deeded to adjacent property owners when the County had no need or use for it; he could think of doing it at least 50 times since he has been a Commissioner; the Board will buy a right-of-way when it comes to widening roads, this is not the case; and he hopes Mr. Erdman does develop that piece, because once it is developed, it is a new tax revenue for the County.

Commissioner Infantini agreed the Board does vacate property all of the time; she is not opposed to Mr. Erdman taking it over; she is just saying it is a half of an acre of prime real

March 15, 2016

estate on S.R. 520, just before I-95; and the Board does not typically vacate a half of an acre, it is usually 10 feet by 20 feet or something like that. She advised many of the homeowners do not have a house on a piece of property that large; that is a really big vacating of property; she thinks the County should be enumerated for that; and that is her only point.

Mr. Beals pointed out the 1964 grant of this right-of-way, which was for no considerate reason, sold for \$10; back then \$1, provided if it was not used for right-of-way within five years; it would revert to the owner. He advised they are the owner of the parent parcel that donated that right-of-way, so legally, in his humble opinion, they are entitled to enforce the reversionary rights in the right-of-way deed.

Commissioner Infantini inquired if Mr. Erdman donated that piece of property; and further inquired if he owned it 60 years ago. Mr. Beals stated no, by chain of title; he has done the title work; he went back to 1964, and traced it all the way forward; and it is part of the parent parcel that donated the right-of-way with the right of reversion. He suggested under those circumstances, requesting compensation for a donation that had a reversionary clause contained in the deed, would be inappropriate.

Commissioner Infantini stated she believed if looking at it legally, she thinks what would have happened if it had reverted back to the owner, and when the owner subsequently sold it the very first time when they were original donating owners sold it, he would have gotten more money for it because it would have been an unencumbered, not kind of sort of land locked; and he would have been able to see an extra half of an acre. She went on to say if he was going back that far, and it had reverted back, but the fact that it did not revert back to the proper owner, she is not a lawyer and does not pretend to be one, but she was looking at it from a logical standpoint; and she is completely in favor of him owning it and improving it, because it is one of the County's gateways.

Commissioner Anderson stated he agrees with the reversionary clause it falls with chain of title, and that is kind of the rule with State Law. He added even if it did not have a reversionary clause, it is a half of an acre, which would be commercial; and by the time the setbacks, and stormwater was done, they would not be able to fit a Dunkin Donuts on it at that point in time. He added this property has no commercial value that he would be able to see with his background in real estate.

Commissioner Infantini stated there is property in West Melbourne on 192 that is on less than half of an acre that is commercially used; and if he would like to justify it that way she is okay with that.

\*Chairman Barfield's presence was noted at 9:58 a.m.

The Board adopted Resolution No. 16-033, vacating an unimproved 60.00 foot public right-of-way at the northwest corner of State Road 520 and Interstate 95, in Section 26, Township 24 South, Range 35 East, Cocoa.

Vice Chairman Smith passed the gavel to Chairman Barfield.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM IV.D. PERMISSION TO ADVERTISE LEGISLATIVE INTENT, RE: ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY**

Philip Stasik stated he is speaking on behalf of the Space Coast Progressive Alliance; he thanked the Board for protecting the land, water, and the air of Brevard County; and thanked the Board for the Resolution that was passed, and the wording in the proposed ordinance. He noted he believes what the Board is proposing is the right thing to do; it is very important to protect the health of the citizens; and he would like to encourage the Board to think about what has happened in other places where fracking is taking place. He added many times when fracking takes place, the waste water that is brought up is transported away from the fracking site; sometimes it is carried across state lines, or county lines; and something the Board could consider in the wording is a prohibition of the dumping of that waste water within the boundaries of this County. He indicated it is something to think about, and he is not sure if the Board had thought of that yet or not, but it does happen in other places where fracking takes place; so the Board may ban fracking within Brevard County's boundaries, but someone in adjacent county may bring that water and dump it here. He went on to say offshore oil exploration and drilling could potentially come here, it does not apply to this ordinance, or the Resolution however, he suspects it is something the Board has thought about. He thanked the Board again for the Resolution; and the Commissioners are each individuals with their own viewpoints, and to see all of them come together is remarkable; and they look forward to the final wording of the ordinance.

Terry La Plante thanked the Board for the great work that it is doing with working with them on the ordinance; she stated they very much appreciate the protection it is providing to the community; she has read the ordinance and there is a fair amount of comments regarding some of the nationwide problems of the disposal of the toxic waste water; and New York has even banned fracking in their state, and they are having problems with this water being trucked over into their state for disposal. She added she would like the Board to consider that be added to the ordinance; there are over 400 natural gas storage facilities in the United States, most of those are underground; currently, to her knowledge, there is only one here in the State of Florida, and that is in Indian Town, in Martin County; and that one is above ground, it is a very large facility. She went on to say it is a rather new development to store natural gas above ground in that huge facility; Florida Power and Light (FPL), which needed access to the natural gas, they were refused to allow that storage facility to be on their property. She added it hung up the development of that project for quite some time; she does not know what it tells them when FPL does not want a natural gas storage facility on their own property. She indicated while natural gas disasters are not that common, Texas, Kansas, and California have all experienced disasters; recently Aliso/Los Angeles County had a natural gas leak that lasted over four months; it forced over 2,000 residents to be evacuated, a long list of health problems associated with that; and there are a lot of dangers to a community, to the air pollution, and the health of citizens regarding storage of natural gas. She pointed out that is not to mention the dangers of having the natural gas trucked around and on the freight rails; the County is particularly vulnerable and at risk due

March 15, 2016

to Port Canaveral's Port Authority Progressive Plans to industrialize pushing for freight rails, cargo business, and pipelines; now that the community has agreed to say no to fracking, and hopefully some of the auxiliary businesses, there is an extraordinary opportunity to say yes to a booming industry; a booming industry of recreational tourism; and there is an extraordinary opportunity to say yes to green energy, and bring solar power to Florida, which is now becoming more and more cost effective. She added there are 76 million baby boomers in the process of retiring; one-third of them are headed to the State of Florida; 80 percent of them have a plan to travel, they want to travel as a retirement plan; consumer spending is well known, it is a major economic growth engine to the local and nationwide industries; and tourism is extremely important for Brevard County. She stated it is important to her to keep Port Canaveral open for private boats and yachting; that the Port stay open for residences, which means keeping out all of this dangerous industrial oil and gas business. She pointed out they can further define themselves as a world class tourism destination. She added the County can further provide a very high quality standard of living to the residents by expanding the recreational tourism and making that the engine of economic growth.

John Saathoff stated he is a member of the Citizens Combating Climate Change Organization; he will be coordinating the nee Space Coast Chapter of the Citizens Climate Lobby; he thanked the Board for stepping up with a unanimous decision for the fracking Resolution; and he stated the message that sent to Tallahassee was loud and clear. He added he does not think it is a coincidence that on that same day Senate Bill 318 was withdrawn from the appropriations committee agenda; that was a narrowly escaped disaster because that was only one vote short of getting to the full Senate; and from there on, to the Governor's desk for signature. He noted March 1, 2016, was a milestone, and today they ask the Board to follow through on the ordinance to ban fracking in Brevard; as was discussed last time, the science, economics, and ethics are all on the Board's side on this issue, and of those that would like to safeguard the ecology, health, and safety of Brevard County citizens. He went on to say his purpose this morning is to add one more point of argument against fracking for natural gas, and that is to set the record straight on the role of natural gas and the energy and dependence of the United States; as the Board knows, energy companies have an objective in fracking, and that is to develop further production and reserves of this fossil fuel. He advised he has personal experience in this field, having worked for Aamco to develop computer models to optimize their exploration and production activity; fracking is led to an oversupply of gas that drove domestic prices to a seventeen year low at the end of February; and the United States is now facing a glut of oil and natural gas, leading congress recently to lift the ban on gas exports. He added US producers are now looking for customers in a saturated global marketplace; he has a nearby example, in the Sabine Pass liquid natural gas terminal in Louisiana, in the swamp; a decade ago, Sabine Pass was planned as a gas import terminal. He informed the Board when fracking took off, the project reversed directions, and now it is set up for exports; Cheniere Energy, the operator of Sabine Pass, has signed 20 year contracts with a number of European gas companies; and many of them in countries which have banned fracking. He went on to state the first major exports of natural gas left a port in Louisiana of February 24, 2016, so it is underway; with all due respect, he suggests that the Board ask the question if fracking for energy self-sufficiency another phony argument. He indicated looking ahead it gets worse, about 90 million metric tons of new gas per year will hit the markets over the next three years; this is equal to about one-third of the current demand, so the flood gates are open. He added the bottom line is there is no way energy security is dependent on fracking to get at Florida's marginal reserves of oil and natural gas, it just does not connect; the Board should be worried about the worsening big picture around climate change. He went on to

March 15, 2016

say Senator Marco Rubio is fond of saying America is not a planet, that is true, just as Florida is not a nation, and Brevard is not a State; but as the most developed country in the world, the United States has pumped more greenhouse gasses into the atmosphere than anyone else. He pointed out this past year in Paris, together with 195 other nations, committed to limit the increase in global average temperatures to two degrees centigrade above pre industrial levels; which gives them a chance to save the planet; if one were an energy company, the inconvenient fact is that existing fossil fuel reserves amount to over 5,000 gigatons of carbon; and the world cannot afford to extract and burn this much if it is to stay below the two degrees centigrade goal. He added climate physics tells them there is a carbon budget of about 20 percent of that, so if they are not going to drill for the vast majority the current reserve, why would anyone want to explore and drill for more; even if Florida and Brevard did have substantial viable natural gas potential, it should be left in the ground; and he asked the Board to join the dozens of sister counties in Florida who have already banned fracking once and for all.

Melissa Martin stated she would also like to thank the Board for its deliberate consideration, view, and support of this issue; it has inspired hope throughout the County; and every person she has met or talked to after March 1, 2016, has regained a certain trust and confidence in the local government. She noted something that happened last week that spurred an afterthought in the recommendation to add a few provisions perhaps, in the ordinance language that was eluded to earlier regarding wastewater disposal storage and transportation. She went on to say Wednesday, March 9, 2016, a truck hauling drilling wastewater overturned in Eastern Ohio, sending thousands of gallons of toxic water into a nearby creek and contaminating a reservoir in Barnesville, Belmont County; they found that the oil and gas wastewater typically is loaded with salt, but can contain sand and toxic chemicals; it has spilled into a field, then a creek, and finally into one of Barnesville's three reservoirs; and that caught her attention. She explained that one would think the predominant danger from fracking activities would be the actual fracking itself, but to think that someone in an adjacent county could be hauling through Brevard County's jurisdiction and happen to spill into one of its very precious water sources was eye opening; and she thinks the Board should consider expanding the language in the ordinance itself to further and properly protect its interests. She read aloud from her notes, Whereas government bodies and peer reviewed science pulled that the transportation, storage, and disposal of hydraulic fracking wastewater can pose and has caused significant risk of harm to humans and ecosystems"; and not to add to it, but the fact that trucks of wastewater can spill at any moment, but also referring a couple other issues regarding wastewater treatment plants failing to account for the halides, but there are plenty of chemicals that still seep into the system wherever the treated wastewater is dumped. She went on to say it does eventually get into the drinking water resources; the fact that the government of Oklahoma admits that the injection of wastewater from fracking activities has caused their earthquake issues; and what the County does with the wastewater after fracking is definitely something that should be considered. She stated in addition to the extra wording, she recommends that the ordinance is titled to include ordinance prohibiting oil and gas well stimulation activities to include the definition of activities as descriptively used in well stimulation operations activities includes the transportation on roads with County jurisdiction, storage, ground injection, or treatment disposal of wastewater produced by such well stimulation operations; and that is for the Board's consideration.

Fran Baer stated she is a proud resident of Brevard County for the past 50 years; she is co-president of the Space Coast League of Women Voters, a non-partisan political organization, whose member's female and male study and encourage informed and active

March 15, 2016

participation in government at all levels. She added two weeks ago, the League of Women Voters spoke to the Board regarding the adoption of a resolution opposing Senate Bill 318, which, had it passed, would have permitted the practice of allowing hydraulic fracking, acid fracking, and well stimulation in order to extract petroleum and natural gas, while at the same time, restricting the ability of the Board to make land use compatibility decisions for Brevard County; the Board not only listened, it acted and adopted unanimously the Resolution, and took the necessary steps to begin the process of presenting to the public, the ordinance before it this morning. She added for that the League thanks the Board, for its willingness to protect the environment and the residents voices in adopting its Home Rule Charter in November 1994, Brevard voters dedicated themselves to the guiding principal that government closest to the people is the appropriate authority to serve the needs and requirements of the community; in the Board's elected good hands, it has done just that. She added the proposed ordinance has been read, and all of its sections; and she believes it thoughtfully and adequately compliments the Resolution of March 1, 2016, and offers further reasons why the practice commonly known as fracking poses significant risks to health, safety, and the environment. She went on to say it further protects the Board's ability to act on the residents behalf as good stewards of the community; they urge the approval of the wording of the ordinance, and the consideration of the tweaks suggested by pervious speakers so that it may proceed further for adoption. She noted they further recognize the complexities of every issue and assure the Board that the League supports economic growth and wants to work with the Board to bring green energy to this community to provide jobs, decrease pollution, enhance the quality of life, and create a sustainable future for the children, citizens, guests, and flora and fauna. She noted she would also like to echo the message from the Supervisor of Elections, Lori Scott, in the interest of good government, which the League is committed to, she urges everybody to be sure to vote today.

David Kearns stated his thanks to the Board; Senate Bill 318 died, the vote standing at 10:9, against the Bill; and the Board did that. He added he was in the room in a subcommittee hearing in the audience prepared to speak a third time; he turned to speak to a reporter during the session for the *Tallahassee Democrat*; he got up and started making the rounds; and within an hour or two, Senator Garrett Richter pulled his measure and gave up the fight. He went on to say the work is not finished, Senator David Simons vowed on March 1, Senate Bill 318, or its likeness would return and fracking would be a thing in Florida; and every single Legislator from Brevard, who could vote for fracking, voted for it. He pointed out they should be asked why, what made them do that with so much at stake; it may not surprise anyone to learn that all of them are seeking re-election again; he added at risk especially are the cities, Senate Bill 318, for some unknown reason, has sought to strike out protections for cities; so someone wants to frack in cities; and he does not know who would want to put this activity in cities, but they need re-education. He noted he does not know what tweaks the Board could make; he read in the newspaper yesterday that there was an opt-out for cities; he believes the Board has enough information at its disposal that an opt-out for cities is really not good; and it is not good to let this in a municipal area, if at all.

Commissioner Infantini stated she believes the opt-out says that all the cities will agree to be bound by the County's regulations, unless they have a conscientious vote to opt-out of the ordinance; and it is very good what the Board has done; otherwise they are agreeing to be bound by it unless they so state they do not want to be bound by it; and the Board does not want to take over jurisdiction of cities, this prevents them from having to have a vote. She went on to say she does not think there are any elected city officials that would vote for fracking.

March 15, 2016

Joyce Wasserman stated she is a transplant, she came here from New York; she is delighted to be here; and when she lived in New York, it was going through a similar process as Brevard County is today. She added they ultimately decided to ban fracking for very good reasons; the Board has heard many of them; she added she is here on behalf of Citizens Combating Climate Change; she is also a member of the Sierra Club, and a person who has grandchildren, and wants them to have a good life. She went on to say she would talk about this from two positions; one is something her father told her, a person can rely on two things, death and taxes; she will add a third, accidents; and in the diagram she provided to the Board, it shows a lot of accidents in Texas due to fracking. She added she does not care how many controls that are dictated, accidents happen; some of them are minor, some of them are not; some of them relate to people turning their tap water on at home and having the water be flammable and having their daughter pass out while doing dishes; others relate to methane leaks, methane leaks that get into the atmosphere, will help make the climate warmer, and change every ecosystem here in Florida. She advised fracking is not safe, not on a personal level, environmental level, drinking water, and there are multiple instances in that Texas chart that show water contamination; and the water that is drank today is of limited supply, it is the same water that the dinosaurs drank; it is just recycled. She added once it is contaminated, that is it, it is contaminated; and she asks the Board to look favorably on the ordinance to vote down fracking in the area, and to promote things that are healthy for the population; and to make the Sunshine State wonderful.

Judy McCluney stated she would like to thank the Board again for being concerned; one of her sons that was born and raised here, but moved to Colorado, and he lives in a small town where the representative was not so sure about fracking until one day he woke up and looked a little beyond the town limits and saw a big fracking operation. She went on to say he was adamantly opposed; she does not want any kind of nightmare like that in her town where she lives; Florida is a carsed topography; geologically, carsed means a landscape formed from the dissolution of soluble rocks, it is characterized by underground drainage systems with sinkholes and caves, it is not especially stable, it is inter-connected, it can be broken, it is the Board and the citizens' job to make sure that other than the natural disasters like sinkholes, which occur naturally, that the ground is not further weakened or further lower the water table. She went on to say that makes sinkholes and collapses more likely; they certainly do not want to weaken the structure of this; also water runs through artesian wells and the upwell of water to the surface; that only happens when the natural barriers are respected, made and left intact; and if they are not left intact, that would destroy the artisan well system, which is vital to the springs. She noted there is also the matter of earthquakes, which seem to be happening a lot, and have been connected to where there are fracking practices; and one could say that would not happen in Florida, and it has in 2006 in the middle of the Gulf of Mexico that sent shock waves through Tampa and Fort Meyers. She mentioned it thankfully did not trigger a tsunami, and if it had been closer and Florida had more earthquakes, it would be in danger of that.

Richard Charbeneau stated at the last meeting, Scott Knox, County Attorney stated if the State would like to overturn this, they could if they wanted to; and whatever the Board did was a feel good kind of thing. He inquired if anyone knows where FPL gets 98 percent of its power from; he stated they get it from natural gas; if natural gas is done away with, then FPL will be gone; and the other thing was there was a big push for FPL to do clean natural gas, they converted all of their power plants to natural gas, and all of a sudden natural gas went from great, clean fuel to bad. He went on to state carbon monoxide (CO<sub>2</sub>) is not a greenhouse gas, the weight of CO<sub>2</sub> is 1.33 times the weight of the atmosphere, and unless one was to put the CO<sub>2</sub> in a rocket ship and blast it into the atmosphere, it will not go. He

March 15, 2016

added if natural gas is the worry, methane is 100 times worse than anything; his father-in-law designed a system where methane gas is trapped and converted to power; it powers 25,000 people; and Brevard County does not do anything like that. He went on to say methane gas happens when food and things like that decay; to the naysayers of natural gas, let one person, this is a typical liberals, they do not like this, they do not like that, but when asking them what they do like, and let one person in this room tell him what they want to power the world by if natural gas, coal, and oil are eliminated; and he inquired what would everyone use for power. He advised there is nothing else to use, and the idea of solar is nonsense; he has done the biggest solar installation in the State of Florida himself, solar only works because of the angle of the sun, not by heat, it works by light; it depends on the time of year, but from about 9:00 a.m. until 3:00 or 4:00 p.m. then it goes off, and what would everyone use then; it would have to be natural gas or something else; and when fracking happens, they would go down two to four miles, and the depth of the tectonic plates are hundreds of miles down, not two of three miles, there is no possible way that a hole could be drilled far enough down to cause an earthquake. He added there is no alternative right now for power; and there is only one thing that has zero emissions and it does not work either.

Commissioner Infantini stated she realizes that the Board's resolution to the Legislature has no final impact on them, but it does give them the will of Brevard County, and it is a very big voting block; it lets the Legislature know that the Board and its citizens are not behind them on fracking; they can do what they want, and do it at their own risk, but they need to understand that the will of the people are not behind the State. She went on to say that was the purpose of the Resolution; and to the extent that it was effective, because the Bill was repealed; and she feels that they thought they better regroup to find something different. She added she is not against fracking, she is against fracking in Brevard County and in Florida; there are things she does in her backyard that others cannot do in theirs in other states; and just because she does not want certain things here, does not mean she is opposed to them. She explained she is not against it; she is just against it being here.

Mr. Charbeneau inquired if there was oil in Brevard County. Commissioner Infantini responded, if the County does not have it, does the Board need to allow fracking.

Chairman Barfield stated that is a main issue for him when the State starts taking away Home Rule; when they take that away, that is going too far; and the Board has the right to make that decision for the County.

Terry Mott stated she was not going to say anything today because everything has been said, however, she could not sit back there after Commissioner Infantini's comments. She added she thanked the Board for their comments and proposal to put this ordinance in play; but those comments were especially important to her because as this gentleman has asked, what is the risk and what is being considered, are there reserves; that question was asked a couple of weeks ago; and she checked to find out. She advised she went on the Cal Tech website and in their report, that a senior of the school prepared, showed a shale play chart, that chart was prepared by the Department of the Interior, the Bureau of Land Management, and in that chart, Florida showed nothing; she contacted the Department of the Interior, and got the 2015 map, which also showed no shale. She went on to say she could not understand why there was nothing on the shale map for Florida; the answer is that in order to get on that map, there has to be seismic testing done, and it is called air gun testing; when she researched the seismic testing, again she came up with a series of resolutions against seismic testing; and in order to find out whether or not Florida has any oil reserves,

March 15, 2016

seismic testing would have to be done. She noted it is extensive, there are number of cities and counties that have flat out said no; they do not want to risk their substrates, environment, or the health of the people just to find out if by chance there may be something in the ground worth risking fracking for.

Commissioner Anderson stated this is legislative intent is for a land use ordinance; he thinks the Board needs to keep it that way; he does not want to subject the Board to political stuff regarding energy and climate change because that would not be appropriate in a land use ordinance; and the transportation tweak is not something the Board can enforce, that is a State and Federal issue. He added deputies have no idea of what is in any container driving down any county street, unless they were to have probable cause to pull them over to run a test; and he can guarantee the Sheriff does not have the resources. He added he just wants to keep it at land use, transportation is not part of the land use code; and keep it as is.

Chairman Barfield stated he would like to direct staff to look at the resource conservation recovery act, and the NEEPA act, and flows down through the state; there are some others for transportation of hazardous materials, just to verify that is covered; and he would like to see that to make sure.

Commissioner Anderson stated there is an equal treatment of different things; if the Board said the wastewater was illegal, there was a spill in Palm Bay not too long ago that was cruise ship sludge, and there is nowhere to stop; and he thinks the Board is out of that business.

Commissioner Fisher stated it would be very difficult with Federal Highways and such to try and determine what is traveling where.

The Board granted permission to advertise for legislative intent for an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.A. LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE PROVIDING ADMINISTRATIVE PROCEDURE FOR DIVISION OF LAND INTO A MAXIMUM OF TWO FLAG LOTS**

Robin Sobrino, Planning and Development Director, stated the Board of County Commissioners had directed staff last July to come back with a draft ordinance in order to reinstate the flag lot process as an administrative procedure.

Priscilla Anderson stated she is glad to see this is being addressed, the flag lot changes in Chapter 62, this change has affected a lot of people who have purchased property and were told by the County what they were allowed to do; they were allowed one unit using the actual flag lot, and a second unit using and ingress/egress over the flag lot, with the zoning being correct for two units. She went on to say the County changed that, and that was not

March 15, 2016

right; 25 feet is wide enough for a driveway, a two-lane, public highway is maybe 15 feet wide; and she thanked the Board for re-visiting this.

The Board granted legislative intent and permission to advertise an ordinance amending Section 62-102(b) of the Land Development Regulations to provide an administrative procedure for the division of land into a maximum of two flag lots.

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

**ITEM VI.A.1. WAIVER REQUEST OF BLOCK WALL, RE: NANA'S HOUSE THRIFT STORE - MBV ENGINEERING, INC.**

Robin Sobrino, Planning and Development Director, stated this is an application to waive the required masonry wall on a partial piece of property; as part of this process, abutting neighbors were notified that there was a request to waive the wall; and she has nothing in writing, but there was a call received from the property owner to the west expressing her inability to be here today. She added she had concerns about the wall; her point was that a fence did not have the durability of a wall; and it may either blow over, or being that it is adjacent to a parking area, that cars backing into the fence may compromise the fence and cause it to fall down.

Bruce Moia stated he apologizes for being here so late in the game, they have asked for some concessions on this property already; and he wishes they could have lumped it together. He added it was not made up until the site plan review process, they did not realize the wall was a requirement, that would be a great expense, and when looking at the property around there, there is a small enclave of the County that is run between where the new road to the mall goes to Minton Road, and to Palm Bay Road; and that one section on the west side of the road is pretty much commercial on that whole frontage, and every single one of those commercial properties either has a six-foot wooden fence, or no fence at all where it butts up to residential. He presented a small map that shows property, and they all have six-foot wooden fence; and he stated they would like to do a fence rather than a wall. He reiterated the wall is a great expense for a not-for-profit organization; there is currently no wall there; there was no wall when this was built and used as a County office; and they would be happy to do a six-foot opaque fence, whether it be vinyl or wood. He went on to say it would be well maintained, they would have curb stops along the parking lot to prevent any type of vehicular incident where it would damage the fence; and it used to be an allowance in the Code, but he believes the Code changed to a wall.

The Board granted waiver to Section 62-3202(h)(10) of the requirement to construct a six-foot masonry or solid wall along the north and west property lines which abut residentially zoned property; and approved the proposal for a six-foot high opaque wood and vinyl fence in lieu of the wall.

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

**ITEM VI.A.2. FINAL PLAT AND CONTRACT APPROVAL, RE: HERITAGE ISLE TRACT E - LENNAR HOMES, LLC**

Robin Sobrino, Planning and Development Director, stated this is a Final Plat and Contract approval for Heritage Isle, Tract E; this is the second to last tract in the project; and it contains 22 single-family homes.

The Board executed contract with Lennar Homes, LLC, and granted final plat approval, subject to minor engineering changes as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VI.D.2. REQUEST FOR SCHEDULE EXECUTIVE SESSION ON APRIL 5, 2016, RE: MASCI GENERAL CONTRACTOR, INC. V. BREVARD COUNTY, CASE NO. 05-2015-CA-46973**

Scott Knox, County Attorney, stated this is a request for an Executive Session on Masci General Contractor, Inc. v. Brevard County, Case No. 05-2015-CA-46973.

The Board approved scheduling a closed Executive Session with the County Manager and appropriate staff to discuss settlement negotiations or strategy session, to be held at the end of the Board of County Commissioners meeting on April 5, 2016.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robin Fisher, Commissioner District 1  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VIII.A. BOARD REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER**

Stockton Whitten, County Manager, stated as a reminder, a part of the outreach, and in conjunction with Women's History Month, there is a lunch and learn event scheduled to take place in the Chambers here on March 24, 2016, from 11:30 a.m. to 1:00 p.m. He added Mayor Carol McCormick, of Town of Palm Shores, Cornita Riley, Orange County Corrections, and Misty Belford, School Board Member, are confirmed presenters. He went on to state that is a brown bag lunch, the cost is \$10; seating is limited to 270 people; and he encourages Brevard County residents to attend.

March 15, 2016

**ITEM VIII.A. BOARD REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER**

Stockton Whitten, County Manager, presented a picture to the Board; and he gave a shout out to a couple at the last meeting. He added he met another couple from Chattanooga, Tennessee, Roger and Nancy Welsh, who have been coming to Brevard for six years, and they absolutely love it; he added he is always happy to hear good things about Brevard County; and he just wanted to say hello to them and give a shout out.

**ITEM VIII.G. BOARD REPORTS, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER/CHAIRMAN**

Chairman Barfield stated the Legislature has completed as everyone knows; but they need to be vigilant on this Home Rule thing; and he does not know if anyone remembers, but Styrofoam in the last few days it was put into another bill that took away Home Rule. He added cities and counties have no right now to make any rules concerning Styrofoam.

Commissioner Anderson stated there is a trend in Tallahassee now with doing this thing with amendments; there was one that he and Commissioner Fisher were working on where they tried to put in a growth bill in at the last minute that devastated Florida's ability to do Economic Development; and it was just put in at the end. He agreed they need to watch that.

Upon consensus of the Board, the meeting was adjourned at 10:55 a.m.

ATTEST:



SCOTT ELLIS, CLERK

  
\_\_\_\_\_  
JIM BARFIELD, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA