

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 5, 2016 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

ZONING STATEMENT

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

INVOCATION

The invocation was provided by Rabbi Sanford Olshanky, University of Central Florida and Rollins College.

PLEDGE OF ALLEGIANCE

Commissioner Fisher led the assembly in the Pledge of Allegiance.

May 5, 2016

PUBLIC HEARINGS, RE: PLANNING AND ZONING AND PSJ RECOMMENDATIONS OF APRIL 11 & 13, 2016, AND LPA RECOMMENDATIONS OF APRIL 25, 2016

Chairman Barfield called for a public hearing to consider the Planning and Zoning and Port. St. John recommendations of April 11 & 13, 2016, and the Local Planning Agency recommendations of April 25, 2016.

ITEM IV.B.1. (16PZ00007) - SCOTT O. GREEN - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.01) TO CHANGE THE FUTURE LAND USE FROM RESIDENTIAL 8 TO CC, AND A CHANGE OF CLASSIFICATION FROM GU TO BU-2, ON 0.29 ACRES, LOCATED ON THE SOUTH SIDE OF KINGS HIGHWAY, APPROXIMATELY 167 FEET WEST OF CAPRON ROAD (3855 KINGS HIGHWAY, COCOA)

Cynthia Fox, Planning and Zoning Director, stated that this Item is a request for a Small Scale Plan Amendment to change a land use from Residential 8 to Community Commercial, and a change in classification from GU to BU-2. She added that this is located on the south side of Kings Highway in the Cocoa area, and the applicant has indicated that he plans to build a two to three bay buildings to house lawn mower equipment for his business, this is in the Port St. John area. She went on to say that the Port St. John Dependent Special District Board considered the Item and recommended approval and the Local Planning Agency (LPA) also heard the Item and approved.

There being no further comments or objections, the Board adopted Ordinance No. 16-05, adopting Ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Seventh Small Scale Plan Amendment of 2016, 16S.01, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the Future Land Use Map Appendix; and provision which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing and effective date.

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

ITEM IV.B.2., (16PZ00008) - BRAVEHEART PROPERTIES OF BREVARD, INC. - REQUESTS A CHANGE OF CLASSIFICATION FROM TR-3 TO AU, ON 5 PLUS OR MINUS ACRES, LOCATED ON THE WEST SIDE OF SANDPIPER DRIVE, APPROXIMATEY 0.11 MILE SOUTH OF TUCKER LANE (222 FLAMINGO DRIVE, COCOA)

Cynthia Fox, Planning and Zoning Director, stated that this Item is a request to change the classification from TR-3, which is a mobile home park type zoning, to AU, Agricultural, and this is located on the west side of Sandpiper Drive in the Cocoa area, and this is for the purposes of having agricultural pursuits. She added that the Planning and Zoning Board approved this with a Binding Development Plan and limited the applicant to four horses, the vote was unanimous.

There being no further comments or objections, the Board approve a change of classification from TR-3 to AU, on approximately 5 acres, located on the west side of Sandpiper Drive in Cocoa, with a Binding Development Plan limited to four horses.

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

ITEM IV.B.3., (16PZ00017) - RONALD W. AND WANDA F. MASEK, TRUSTEES - REQUEST A CHANGE OF CLASSIFICATION FROM RU-1-7 TO RR-1, ON ONE ACRE, LOCATED ON THE NORTH SIDE OF RICARD STREET, BETWEEN RAILROAD AVENUE AND KENTUCKY AVENUE (3180 RICARD STREET, MIMS)

Cynthia Fox, Planning and Zoning Director, stated that this Item is a request to change form RU-1-7 to RR-1, on one acre; this is located on the north side of Ricard Street, between Railroad Avenue and Kentucky Avenue, this is in the Mims area; she added that this re-zoning will right size the property, and the applicant's intention is to build an accessory structure; and Planning and Zoning recommended approval.

There being no further comments or objections, the Board approved a change of classification form RU-1-7 to RR-1, on one acre, located on the north side of Ricard Street, between Railroad Avenue and Kentucky Avenue

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

ITEM IV.B.4., (16PZ00018) - ROBERT G. MILLIKEN, TRUSTEE - (ANTHONY RUMBAUGH) - REQUESTS A CHANGE OF CLASSIFICATION FROM AU TO RR-1 ON 1.4 ACRES, LOCATED ON THE SOUTH SIDE OF NORTH TROPICAL TRAIL, APPROXIMATELY 0.17 MILE EAST OF TANGLEWOOD LANE (NO ASSIGNED ADDRESS. IN THE MERRITT ISLAND AREA)

Cynthia Fox, Planning and Zoning Director, stated that this Item is a request to change a classification from AU to RR-1 on 1.4 acres, located on the south side of North Tropical Trail in the Merritt Island area, and this is for the purposes of building a single family residence.

There being no further comments or objections, the Board approved a change of classification from AU to RR-1 on 1.4 acres, located on the south side of North Tropical Trail, approximately 0.17 mile east of Tanglewood Lane.

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

May 5, 2016

ITEM IV.B.5., (16PZ00019) - ELINOR R. GARRISON - (FATHER EDWARD SORIN REAL ESTATE TRUST) - REQUESTS A CHANGE OF CLASSIFICATION FROM RU-2-15 TO IN(L), ON 0.17 ACRE, LOCATED ON THE SOUTHWEST CORNER OF WINSLOW CIRCLE AND AZURE LANE (NO ASSIGNED ADDRESS. IN THE CAPE CANAVERAL AREA)

Cynthia Fox, Planning and Zoning Director, stated that this Item is a request of a change in classification from RU-2-15 IN (L) on 0.17 acre, and this is located in the unincorporated area between Cape Canaveral and Cocoa Beach. She added that Planning and Zoning recommended approval with a Binding Development Plan (BDP) that limits the use to a monastery for retired and/or semi-retired priests and brothers; and she believes there were also some additional items in the BDP agreed upon by Planning and Zoning and the applicant.

There being no further comments or objections, the Board approved a change of classification from RU-2-15 to IN (L), on 0.17 acre, located on the southwest corner of Winslow Circle and Azure Lane, with a Binding Development Plan limited to a monastery for retired and/or semi-retired priests and brothers.

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

ITEM IV.B.6., (16PZ00020) - MARK AND KATHLEEN NATHAN - REQUESTS A CHANGE OF CLASSIFICATION FROM SEU TO AU ON 2.56 ACRES, LOCATED ON THE WEST SIDE OF SOUTH TROPICAL TRAIL, APPROXIMATELY ONE MILE NORTH OF PINEDA CAUSEWAY (NO ASSIGNED ADDRESS. IN THE MERRITT ISLAND AREA)

Cynthia Fox, Planning and Zoning Director, stated that this Item is a request to change a classification from SEU to AU on 2.56 acres, this property is located on the south side of South Tropical Trail in the South Merritt Island area. She added that the request is for agricultural pursuits, specifically to grow mangroves and royal Poinciana Palms, and other plants; this was considered by the Planning and Zoning Board and it was denied, citing incompatibility issues.

Scott Widerman stated that he represents the surrounding families that were against this, and he expects the denial will be upheld. He added that since the applicant is not here he has nothing further to say, unless the Board had any questions for him.

Commissioner Fisher inquired about the reason Mr. Widerman and the surrounding families were against this.

Mr. Widerman stated that it is the area of State Road three, between Pineda Causeway and the gas station that is just near the Merritt Island airport, and the houses in that area very large. He added that the agricultural use that was given out to the Planning and Zoning Board was one that was also going to be retail sales at some point, multi buildings and some other issue that are not compatible with residential; it is also a zoning spot issue, the future land use is Residential one, it is SEU now, so the agricultural just simply was not going to fit; and there were concerns regarding the integrity of the neighborhood.

Commissioner Smith inquired that if the applicant wants to grow mangroves, could they not just grow them as long as they are not selling them.

May 5, 2016

Mr. Widerman responded that is certainly a question that could have been addressed, however it was not brought up. He added that he believes on some level a person can still have plants, no different than anyone else, but it was the level at which the applicant was discussing it; the applicant wanted to purchase the mangroves and other plants in large quantities to grow and sell.

Chairman Barfield stated that he believes this is totally incompatible with the location and it really does not need to happen. He expressed that he would like to pass the gavel to Commissioner Smith, and motion to deny this request and instruct the County Attorney's Office to provide Findings of Fact.

There being no further comments or objections, the Board denied a change of classification from SEU to AU on 2.56 acres, located on the west side of South Tropical Trail, approximately one mile north of Pineda Causeway; and approved Findings of Fact to come to the Board for consideration at the July 12, 2016, Board Meeting.

Vice Chairman Smith passed the gavel back to Chairman Barfield.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Jim Barfield, Chairman/Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.E.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE RESCINDING SELECT COMPANY ECONOMIC DEVELOPMENT TAX EXEMPTION ABATEMENTS

Stockton Whitten, County Manager, stated that this Item is the annual request to remove companies that no longer qualify under the Economic Development Tax Exemption Program.

The Board approved Legislative intent and granted permission to advertise for an ordinance rescinding select companies that no longer qualify for Economic Development Tax Exemption Abatements.

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

ITEM VI.F.2., REQUEST BY TOURIST DEVELOPMENT COUNCIL (TDC), RE: SUPPORT THE INDIAN RIVER LAGOON RESOLUTION

The Board approved the request made by TDC to support its Indian River Lagoon resolution.

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

ITEM VI.F.1., CITIZEN REQUEST BY COY CLARK, RE: NEW COURTHOUSE TASKFORCE

Jason Steele, representing Coy Clark, stated that he is the Director of Government Relations with Smith and Associates, and one of the duties that he had recently was to be on the Charter Review Committee; he added that he interviewed several individuals, including County Commissioners, City Council people, across the County to determine some of the things that might come before the committee; and he had some time to spend with judges, one of the judges being the head judge in Brevard County, Judge Dugan. He went on to say that he spent some time talking about some of the problems that the County had, and for years the problem of the Nieman Avenue Courthouse being too small, in a bad location, and potentially unsafe because of its proximity to a school; he pointed out that it is more of a Maybury type courthouse that is not going to be able to meet the growth needs of Brevard County; and everyone knows that 60 percent of the County's population is south of the Pineda Causeway. He noted that there is a courthouse in Melbourne now, it is the Nieman Avenue Courthouse, and he does not think it is properly in the right location, the parking is very bad and things of that nature; he added that there were some conversations regarding ways that the County might be able to take a look at maybe financing a courthouse, or have discussions with people in regards to what would need to be in the courthouse; and the County built a courthouse in Viera and it turned out alright, but it would be nice if, when the County built a new courthouse, everybody was involved with it, including the State Attorney's Office and the Sheriff's Department. He continued by saying several conversations turned out of these meetings and the Committee ended up with the meeting on April 20, with the State Attorney's Office, Public Defender, the Administrator, the Court, Judge Dugan, Judge Maxwell, Jeffrey Smith, and Curt Smith, to discuss potentially coming up with a taskforce that could at least address the issues of what would need to be in the courthouse, in the event that the Board decided that it would like to build one and where it would like to build one. He explained that Mr. Clark, who is a local developer, a very prominent developer, along with M.H. Williams, had suggested, and potentially offered, his property as a potential site for building a courthouse there, and using his money not the County's money, to finance that courthouse, which he believes gives the County a leg up. He added that is not here tonight to discuss whether or not a courthouse should be moved into Melbourne, but to discuss a formulation of a taskforce so that Mr. Clark can come to the board at a later date and know what the County wants, what its needs are; and the request is to form a taskforce for 90 days, at the sole cost of Mr. Clark, and it would include the Sheriff, Public Defender, the State Attorney, Clerk of Circuit Court, and anybody who wished to have any kind of input into this particular committee. He pointed out that the County is growing at a very fast rate, and he believe that the Judges need to be protected; he is concerned about the Judges parking in open parking lots, and about safety issues at some of these courthouses; he added that it is one of the things that came out of the Charter Review Committee, even though this was not specifically a Charter Review issue, this was one of the issues that came up. He concluded by saying the he is here today to request, for Mr. Clark, that a taskforce be put together, that would ultimately move the County into the new era and out of the Maybury era at Nieman Avenue, and potentially build a new courthouse that could be either leased back from Mr. Clark or in the event that the Board wants to go a different route then at least the research will have been done.

May 5, 2016

Commissioner Anderson stated that it is obvious that a new courthouse is needed, the Nieman Avenue courthouse is in really bad shape; he added that he believes Mr. Steele touched on some of the logistical issues just to maintain it, and Scott Ellis, Clerk of Court, could attest to that. He expressed that he does not mind the idea of having a taskforce but the Board has to make sure this is done independently, and he appreciates Mr. Clark's offer to fund the taskforce but from a fairness standpoint, he may not be the only one that would like to offer up a courthouse location, and if Mr. Clark is paying for it, then it may open the Board up to a liability issue on fairness. He went on to say that before it even got to the task force, the Board had the Blue Ribbon Panel for transportation and a lot of time was wasted with a lot of people and did not come up with a funding mechanism; he recommended to have staff look into it and show the Board if there is a possibility of a funding mechanism, and then people can be engaged without wasting time.

Commissioner Fisher stated that it seems to him that with any courthouse, the least he would expect would be for someone to offer up their land for free, because he believes that it has been proven in Viera that if a person gives free land to a courthouse and a school board, development will happen around it, and it would be in both the County's and the Developer's best interest if there was no cost to that. He added that the other thing is that he is unsure of what the primary function of the taskforce would be, because like Commissioner Anderson pointed out, if there is no funding it does not matter; another issue would be, in Viera at one time there was some additional space that was supposed to be an expansion and funding is always the issue, and those plans never got off the ground; he asked Stockton Whitten, County Manager, to clarify.

Mr. Whitten stated that the County has done one expansion to the courthouse, and the County still has plans for the original layout and expansion, a floor was added to the building.

Commissioner Fisher stated that another issue is that he assumes that the taskforce is going to look at court needs, and it will have to look at all of the court needs and that extends all the way from Palm Bay to Titusville; he added that Judges have come to him and complaining that they cannot breathe and that security is an issue; and there is a bigger issue than just the Melbourne issue, the population of Palm Bay would be addressed and the possibility to expand in Viera, which are all great ideas, but there needs to be funding.

Chairman Barfield stated for the task force, it sounds like Mr. Clark can do his own taskforce and does not need the Board to approve anything; he added that the County has a lot of other needs in building, there is an Emergency Operations center that was built in the late 1950s - early 1960s; but if Mr. Clark wants to do a taskforce it is up to him.

Commissioner Infantini stated that she does have some concerns about the safety, and when she first got into office she read a report that indicated that the inmates and the victims were coming too close in proximity to each other, and at that point in time she felt as though adjustments need to be made; she added that she is unsure if there is a need for a new courthouse or if the existing courthouses can be refitted, but she is concerned with the fact that there is a High School in very close proximity to a courthouse that sees people being charged with criminal offenses; she does believe that something needs to be done, and she agrees with Commissioners Anderson and Fisher and does not want to create false hope, but she also does not mind accepting someone else's money if they want to pay for a taskforce that is fine, as long as it is understood that a taskforce is there to determine need. She pointed out that since the County does not have the funding right now, the taskforce could be to determine if in fact there is a need and then it would still go out to open bid, it would not automatically mean that Mr. Clark would be the individual who would be the recipient of such award. She noted that the other Commissioners are opposed to building another courthouse unless there is funding, however she has seen Commissioners throw out the words 'tax referendum' like it was cool-aid;

May 5, 2016

she added that the County is said to have needs for roads and for the Lagoon, and suddenly if there actually is a need she is the first person to support funding that need and make sure that it is made a priority; and she would hate to think that the Board would not learn how to prioritize its spending so that if in fact a courthouse is needed that funding would be a problem.

Commissioner Fisher stated that safety is always a concern, but how is that measured and how safe can the County afford to pay for; he added taking a look at Viera, there is Viera Charter School within approximately 200 yards of a courthouse and Viera High School within approximately 300 yards, so it is very difficult if schools were the issue and several of them would have to be moved. He noted that Mr. Clark is more than welcome to do a task force, he just does not want to give anyone false hope; it could be a waste of time if there is no funding commitment; he pointed out that there is a revenue shortfall. He went on to say that there does not need to be a taskforce to determine if there is a need, he can say right now that the Nieman Avenue Courthouse has a problem, Titusville Historic Courthouse has a problem, Merritt Island has a problem, and Viera has a problem; there is a need, there is not any question about whether or not there is a need, it is a question of how it is going to be funded.

Commissioner Anderson stated that he does not mind if Mr. Clark is doing a task force, he believes that it is better if Mr. Clark does it on his own and the Board is not involved, because then there are no Sunshine considerations and then the taskforce can bring back a recommendation. He suggested that the taskforce not only look at courthouse, but also look at multi-use facilities, in order to consolidate a few of the scattered properties that the County has.

Commissioner Smith stated that he believes Mr. Clark's offer is very generous and he would be very interested in hearing what the taskforce came up with, but he agrees with the rest of the Commissioners; he added that the Board does not want Mr. Clark to spend money and lead him down a garden path that the Board might be interested in at a particular time; as he has looked into this, the South County is really growing, Emerald City in the south part of Palm Bay is really growing, and when Farmington grows the County will probably need a courthouse up there; and after it has been looked into by a taskforce he would love to know the points of view, however he does not want led Mr. Clark down a garden path and allow him to think that at the end of the study the Board will be anxious to jump into something.

Mr. Steele stated that he expected that answers that were given tonight, and he believes that the Board is astute in the area of this particular scenario. He went on to say that the financing would be handled by Mr. Clark in regards to this, and obviously the lease payments would need to be paid by the County and the Board would need to figure out where that is coming from; but he believes the overriding issue here is the Judicial System in Brevard County, all of the courthouses, and at some point in time, sooner rather than later, the County needs to address this issue; whether it is a taskforce for the Nieman Avenue Courthouse or a taskforce for the entire County, to determine where these locations should go and what kind of courthouse facilities need to be done; he expressed that he believes it is unfair to the Judges, Attorneys, and all of the people that put their lives out of a daily basis, to be put in substandard buildings, and the Nieman Avenue Courthouse is the worst. He pointed out at some point in time a taskforce appointed by the Board to address these issues would be appreciated by the general public; he added that he knows, from conversations with the Public Defender, State Attorney, Judges, and everybody else, that they would like to look at this issue; he added that there are so many different issues that need to be discussed and somebody needs to bring it to the forefront, and if this is the mechanism to bring it to the forefront, he is proud to bring it before the County. He asked the Board to address the issues that need to be addressed.

The Board acknowledged citizen request by Coy Clark for a new courthouse taskforce, but took no formal action.

ITEM VII., PUBLIC COMMENTS

Scott Ellis, Clerk of Court, stated that he has a lot of comments on the courthouse issue; number one, he likes Maybury and he went to Central Junior High School, he did not worry about criminals coming across the street and when the airplane went over everyone shut up, and when it was gone everyone went back to class. He pointed out that he was not at the unanimous meeting, and he asked if there was a formal vote.

Commissioner Smith replied, no.

Mr. Ellis inquired if there were materials distributed at that meeting.

Commissioner Smith noted none that he could recall.

Mr. Ellis inquired if any of the Commissioners had been visited by Mr. Steele or Mr. Clark on this issue.

Commissioner Smith responded that he had.

Mr. Ellis inquired again if any materials had been distributed.

Commissioner Smith replied, no.

Mr. Ellis asked if the Board has been given any information on this issue.

Commissioner Anderson stated just today's conversation, other than that, no, but he has received a brochure of the Babcock site.

Mr. Ellis stated that he knows the site, but there have been a lot of statements made about the Nieman Avenue Courthouse but he has not seen any backup at all. He added that the Agenda Report stated that it will take over \$1,000,000 to bring the courthouse up to proper standards; he questioned what the proper standards are and what the \$1,000,000 is for. He went on to say that he hates to put a burden on Stockton Whitten, County Manager, but he pointed out that County Facilities was not even involved in these meetings. He noted that Mr. Steele says it is a lease; and he believes from 2008 there is \$1,000,000 worth of plans for the Viera Courthouse expansion sitting in a box somewhere. He explained that this Item showed up as an add on last Friday and no one contacted him to discuss the condition of the Melbourne Courthouse; he asked if anyone had visited the Melbourne Courthouse; and he went on to say that the Melbourne Courthouse had new air conditioners installed last year, as part of the Westinghouse or General Electric deal. He noted that Commissioner Fisher indicated that the Melbourne Courthouse has a need, and asked him to identify that need.

Commissioner Fisher clarified that he said all of the county facilities have needs.

Mr. Ellis expressed that he does not disagree, he knows that every facility in the County has needs, however replacement is a big need, and that is not just replacing the carpet.

Commissioner Fisher clarified that he did not say that he was in favor of replacement.

Mr. Ellis recalled that there was a new, partial roof put on the courthouse in 2009; it is a two story, double roof building and the main roof does still need to be replaced at some point. He went on to say that the most likely thing to be done is the chiller piping in the walls, and according to the County Facilities Report, the roof is a couple hundred thousand dollars to replace; he added that the report also reflects that the rating of the Melbourne Courthouse

May 5, 2016

reflects minor defects. He reminded the Board, in dealing with Judge Chance in 1993, the County is only allowed to have three courthouses.

Commissioner Smith inquired about who made that determination. Mr. Ellis responded that it was Judge Chance. Commissioner Smith questioned a single Judge making the determination the future for the next 25 years.

Mr. Ellis explained that he advised Judge Chance that he could not, needless to say he did not get anywhere on that order; he added that he did not win that and that is whole reason the a courthouse sits in Viera; and had there not been that last intervention, his favorite location was the location of Central Junior High School right now; it was on the short list, however it was brought into court and the County was told to shut up or put up immediately, and Viera became the location of the courthouse. When noted that anyone who wanted something in Melbourne had their chance, but blew it when the sued the County. He reiterated that there can only be three courthouses, so there cannot be a Palm Bay Courthouse and a Melbourne Courthouse.

Commissioner Smith stated that he has never heard that before, and asked the Board if it has heard that. The Board replied, no.

Commissioner Anderson asked if the County Attorney's Office can look into that, because he would like to review that case because nothing is never not undoable in the Court of Law; he inquired if it was because Melbourne was suing the County.

Mr. Ellis explained that the suit began because Melbourne wanted a new centralized courthouse, and the County was forced to build the new centralized courthouse; he added that Judge Chance wanted to force some of the older Courthouses to be closed, so Rockledge went under the knife, Titusville and Melbourne were kept; and Judge Chance had no more than three courthouses, that was his rule. He noted that is has to be understood that if a Judicial facility is to be centralized there cannot be five or six courthouses, there is a centralized Judicial facility; branch courthouses were never meant to be anything more than small branches. He pointed out that Melbourne has no parking problem, and he does not know where that came from; he asked why anyone thinks that there is a parking problem.

Commissioner Smith stated that it is because the Judges say that there is a parking problem, and are concern about safety.

Mr. Ellis asked Commissioner Smith if he had been to the Judges parking area at the Viera Courthouse, and what it is surrounded by. Commissioner Smith replied that there is a fence around it. Mr. Ellis stated it is an open fence, and the same parking is available in Melbourne; there is a closed chain-link fence behind the Courthouse if the Judges wish to park there, it is a hassle so the Judges do not park there. He went on to say that is not a secure parking lot, it is a closed parking lot and that is what the Judges wanted when the Courthouse was being built back in 1994-1995.

Commissioner Smith stated that he is guessing that the Judges have changed since 1995, because that seems to be a perennial complaint that he has heard during his time as a Commissioner.

Mr. Ellis stated that what he does not understand is why the County plants hedges around the parking lot so hopefully people cannot see, and then the County cuts the hedges down every couple of months.

Stockton Whitten, County Manager, asked that there not be too much discussion regarding courthouse security issues.

May 5, 2016

Mr. Ellis pointed out that this issue stated there was a parking problem in Melbourne; he expressed that there is no parking problem in Melbourne, there are more than enough parking spaces in Melbourne; and there has been a problem getting asphalt put in the parking lot and getting rock put on the other side, but there is plenty of parking. He went on to say that Commissioner Fisher was correct about the school issue, and there are more students nearby at the Viera Courthouse than there has ever been at the Melbourne Courthouse; just last year the schools near Viera were placed on lockdown during an incident at the Courthouse; and he added that Viera has felons and Melbourne has Misdemeanors, and the Clerk of Courts has tried for years to get the Misdemeanors out of Melbourne and replace them with Circuit Civil and everyone has been on board every time, except the Judiciary. He noted that he does not know where the money would come from for the facility, that is something that the Board would have to figure out; and the customer service volume in Melbourne is triple the volume that is seen in Palm Bay; Palm Bay does see more people on Saturday and Sunday, however Monday-Friday Melbourne sees more people; 12 people staff Melbourne and three people staff Palm Bay. He concluded by saying that he has not seen anything to back up the claim that the Melbourne Courthouse is substandard, and he does not understand why a taskforce is needed, why anything is needed, or why this issue even came up; his belief is that the issue is a stalking horse to build the courthouse in Palm Bay, to get the Board to get the go ahead and admit that the Melbourne Courthouse needs to be replaced, and later on push that courthouse into Palm Bay; he added that he is very frustrated by the whole process that is going on behind the scenes and it is hard for him to believe that the Board would have discussions on the Courthouse and at least not involve County Facilities, who knows the Melbourne Courthouse; he has been available, yet no one has called him about this issue; and he did not get invited to the meeting, which he is sure is not an oversight because he is not in favor of the whole issue.

Chairman Barfield noted that it does not make sense that Mr. Ellis was not included. Mr. Ellis stated that it makes perfect sense if a unanimous decision, that says yes, is desired. Chairman Barfield stated that it does not make sense to him, and does not see it that way.

ITEM VIII.D., TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini stated that she would like to thank Scott Ellis, Clerk of Court, for coming forward. She added that Mr. Ellis filled her in on more information than she received in one phone call, she really appreciates it and it was an education, as she had no idea.

Upon consensus of the Board, the meeting adjourned at 5:43 p.m.

ATTEST:



A handwritten signature in black ink that reads "Scott Ellis".

SCOTT ELLIS, CLERK



A handwritten signature in black ink that reads "Jim Barfield".

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