

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 October 6, 2015 at 9:00 AM 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	Vice Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Absent	

INVOCATION

Pastor Jarvis Wash, The REAL Church, Cocoa, provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board reach consensus to approve the August 28, 2015, Regular Meeting Minutes.

ITEM I.A., RESOLUTION, RE: RECOGNIZING AND CONGRATULATING 2015 LAUNCH THE VOTE STUDENT ART CONTEST 1ST, 2ND, AND 3RD PLACE WINNERS

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-187, recognizing the winners of the 2015 Launch the Vote Student Art Contest.

Commissioner Smith stated the first place winner is Sarah Biesack of Viera Charter School, second place winner is Shelby Petracco of Ralph Williams Elementary, and third place is Cheyenne Twiss of Westside Elementary; and the Honorable Mentions is Keith Santos, Brianna Firkel, and Collin Acker.

Lori Scott, Supervisor of Elections, expressed her appreciation to the Board for the Resolution; and she thanked Chick-fil-A their community partners.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

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ITEM I.B., PRESENTATION, RE: VOLUNTEER RECOGNITION INITIATIVE: VOLUNTEER STARS LIGHT UP BREVARD

The Board acknowledged presentation by Allison Matteson, B.R.A.V.E. Volunteer Coordinator, who recognized Debra Wynne, a volunteer with the Brevard County Libraries.

ITEM I.C., RESOLUTION, RE: PROCLAIMING OCTOBER 2015 AS DOMESTIC VIOLENCE AWARENESS MONTH

Chairman Fisher read aloud, and the Board adopted Resolution No. 15-188, proclaiming October 2015 as Domestic Violence Awareness Month.

Michelle Flowers, Victim Advocate for Titusville Police Department and Brevard County Victims Task Force Chair, expressed her appreciation to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM I.D., RESOLUTION, RE: PROCLAIMING THE WEEK OF OCTOBER 4-10, 2015, AS NATIONAL 4-H WEEK IN BREVARD COUNTY

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-189, proclaiming October 4-10, 2015, as National 4-H Week in Brevard County.

Andy Thompson, 4-H Agent, introduced Vanessa Sparrow-Swingle, 4-H Agent, Linda Seals, University of Florida Brevard County Extension Service Director, and Keegan McNeer, Island Riders 4-H Group in Merritt Island to the Board; and he expressed his appreciation to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM I.E., RESOLUTION, RE: PROCLAIMING THE WEEK OF OCTOBER 4-10, 2015, AS FIRE PREVENTION WEEK

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-190, proclaiming October 4-10, 2015, as Fire Prevention Week.

Chief Mark Schollmeyer, Fire Rescue Director, expressed his appreciation to the Board for the Resolution.

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER: Curt Smith, Commissioner District 4
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM I.F., RESOLUTION, RE: CELEBRATING THE 40TH ANNIVERSARY OF THE BREVARD CULTURAL ALLIANCE

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-191, celebrating the 40th Anniversary of the Brevard Cultural Alliance.

Neal Levine, Brevard Cultural Alliance Director, expressed his appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER: Curt Smith, Commissioner District 4
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM I.G., RESOLUTION, RE: PROCLAIMING OCTOBER 2015 AS MANUFACTURING MONTH IN BREVARD COUNTY

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-192, proclaiming October 2015 as Manufacturing Month in Brevard County.

Mike Lenis, Harris Government Communications, expressed his appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM I.H., RESOLUTION, RE: RECOGNIZING OCTOBER 2015 AS FLORIDA NATIVE PLANT MONTH

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-193, proclaiming October 2015 as Florida Native Plant Month in Brevard County.

Suzanne Valencia expressed her appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM I.I., RESOLUTION, RE: PROCLAIMING OCTOBER 15, 2015, AS "WHITE CANE DAY" IN BREVARD COUNTY

Commissioner Infantini read aloud, and the Board adopted Resolution No. 15-194, proclaiming October 15, 2015, as "White Cane Safety Day" in Brevard County.

Marilyn Womble, Retired Founder/Director of the Florida Center for the Blind, expressed her appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM I.J., RESOLUTION, RE: RECOGNIZING SEPTEMBER 11, 2015, AS DAY OF REMEMBRANCE IN BREVARD COUNTY

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-195, proclaiming September 11, 2015, as a Day of Remembrance in Brevard County.

Kim Kohn expressed her appreciation to the Board for the Resolution.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM I.K., PRESENTATION BY SCOTT CHANDLER, FLORIDA SPORTS FISHING ASSOCIATION, RE: ARTIFICIAL REEF LOCATED NORTHEAST OF PORT CANAVERAL

Scott Chandler, Florida Sport Fishing Association Club, stated they are a 47-year old organization in Brevard County, the largest recreational sports fishing organization on the East Coast of Central Florida, with an excess of 200 members. He went on to say the funding comes from activities such as tournaments and fund raising activities; some of that money comes to giving back to the actual resources they use when they are off-shore fishing; and someone has to take the opportunity to create new habitat to continue to grow the species. He stated he has been working with Matt Culvert, Natural Resources Management Department, and they want to help the County create an artificial reef program; and the County now has its own program. He

provided a picture to the Board. He stated they were looking to survey a site one mile wide and two miles long, 15 miles out of Canaveral Harbor; they had funding but they were short a little bit of money; and Brevard County Tourism Development kicked in \$5,000 towards the project. He noted matching funds are important when a grant is written; they put the reef 15 and one-half miles due east of Port Canaveral in a barren area to begin to fill the area in; and it was an extremely well done reef. He presented a plaque to the Board in appreciation for the County's assistance.

The Board acknowledged presentation by Scott Chandler, Florida Sport Fishing Association Club and Artificial Reef Director, for expressing his appreciation to the Board and staff for its partnership in creating an artificial reef located 17 miles northeast of Port Canaveral.

ITEM II.A.1., PRELIMINARY PLAT AND FINAL PLAT APPROVAL, RE: PINEDA LANDINGS - FMKT MEL OWNER, LLC

The Board granted preliminary plat and final engineering approval for Pineda Landings, subject to minor changes, if necessary, and developer responsible for obtaining all other necessary jurisdictional permits.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.A.3., PRELIMINARY PLAT/FINAL ENGINEERING APPROVAL, RE: KERRINGTON SUBDIVISION - THE VIERA COMPANY

The Board granted preliminary plat and final engineering approval for Kerrington Subdivision, subject to minor engineering changes, if necessary, and developer responsible for obtaining all other necessary jurisdictional permits.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.A.4., APPROVAL, RE: DONATION TO BREVARD COUNTY BY 192 ASSOCIATES FOR ST. JOHNS HERITAGE PARKWAY RELATING TO CONSTRUCTION

The Board approved and accepted two Deeds (Parcels 103 E and F); one Easement (811B) as donations from 192 Associates; and waived the requirement for an environmental assessment.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM II.A.5., CONTRACT FOR SALE AND PURCHASE WITH EMMANUEL AND MARIE ROMAIN, RE: ACQUISITION OF PROPERTY LOCATED AT 1681 SE WYOMING DRIVE, PALM BAY, AS PART OF THE BABCOCK, WYOMING, AND VALKARIA INTERSECTION IMPROVEMENTS PROJECT

The Board executed Sale and Purchase for property located at 1681 SE Wyoming Drive, Palm Bay, as part of the Babcock, Wyoming, and Valkaria Intersection Improvements Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM II.A.6., RESOLUTION, SUBDIVISION INFRASTRUCTURE CONTRACT, AND RELEASE PERFORMANCE BOND, RE: STROM PARK, PHASE 4 - THE VIERA COMPANY

The Board adopted Resolution 15-196, releasing the Contract and Surety Performance Bond for Strom Park, Phase 4, back to The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM II.A.7., AGREEMENT WITH CITY OF MELBOURNE, RE: UTILITY BILLING SERVICES

The Board executed Agreement with the City of Melbourne for collection of monthly sewer and reclaimed water service fees.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

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ITEM II.B.1., RESOLUTION AND FY 2015-2016 AGREEMENT WITH STATE OF FLORIDA, DEPARTMENT OF HEALTH, RE: OPERATION OF BREVARD COUNTY HEALTH DEPARTMENT

The Board adopted Resolution No. 15-197, establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services; approved Agreement with State of Florida, Department of Health, for operation of the Brevard County Health Department for FY 2015-2016; and authorized the Chairman, and/or County Manager or designee to execute any further amendments or agreements contingent upon approval of Risk Management and the County Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.B.3., APPROVAL, DEATH BENEFIT FORM TO RECEIVE A DONATION TO THE TITUSVILLE LIBRARY

The Board authorized the Chairman to sign Death Benefit Form for the proceeds of a donation to the Titusville Library of approximately \$860,000.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.B.4., PERMISSION TO ADVERTISE, RE: VETERANS MEMORIAL PARK EXPANSION PHASE II CONSTRUCTION

The Board authorized the advertisement of a public notice to determine whether it is in the public interest for Brevard County Public Works Department (Road and Bridge Program) to perform the services necessary for the construction of the Phase II development of the Veterans Memorial Park Expansion for the Brevard County Parks and Recreation Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

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ITEM II.B.5., BILLBOARD LEASE AGREEMENT #13728 WITH CLEAR CHANNEL OUTDOOR, INC., RE: BILLBOARD LOCATED AT SCOTTSMOOR FLATWOODS SANCTUARY

The Board executed Billboard Lease Agreement #13728 with Clear Channel, Inc. for billboard lease at Scottsmoor Flatwoods Sanctuary.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.C.1., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR GEORGE J. HAGAL, IV, MERRITT ISLAND

The Board approved consideration for Request for Reduction of Fine and Release of Code Enforcement Lien for George J. Hagal, IV, for property at 1845 South Tropical Trail, Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.C.2., AGREEMENT WITH COASTAL HEALTH SYSTEMS OF BREVARD, INC., RE: INTER-FACILITY AND MARCHMAN/BAKER TRANSPORT SERVICES

The Board executed an Agreement with Coastal Health Systems of Brevard, Inc. for Inter-Facility and Marchman/Baker Transport Services.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.C.3., INTERLOCAL AGREEMENT WITH CITY OF TITUSVILLE, RE: AUTOMATIC AID

The executed an Interlocal Agreement between the County and the City of Titusville for Automatic Aid.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests as submitted.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: FY 2016 ADOPTED BUDGET AND MEETING SCHEDULE FOR HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt of the Fiscal Year 2016 Final Adopted Budget and meeting schedule for Heritage Isle at Viera Community Development District.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM II.D.3., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 MEETING SCHEDULE AND RECORDS OF PROCEEDINGS OF THE BOARD OF SUPERVISORS MEETING FOR THE WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt for the Fiscal Year 2015-2016 meeting schedule and Records of proceedings of the Board of Supervisors Meeting held on March 6, 2015, for the Willow Creek Community Development District.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

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ITEM II.D.4., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 MEETING SCHEDULE FOR THE MAYFAIR COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged receipt of the Fiscal Year 2016 meeting schedule for the Mayfair Community Development District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM II.D.5., ACCEPTANCE, RE: FIRE RESCUE FINANCIAL CONDITION REVIEW AND THE PUBLIC WORKS-ROAD CONSTRUCTION MONITORING ASSISTANCE AUDIT REPORT

The Board accepted the Audit Committee's Fire Rescue Financial Condition Review and the Public Works-Road Construction Monitoring Assistance Audit Report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM III., PUBLIC COMMENTS

David Kearns, Candidate for District 53 Representative Florida House, stated he is present to talk about school buses; yesterday at 9:00 a.m., four children were injured after a bus crashed in Cocoa; the school buses are getting beyond retirement age; and there does not seem to be anything in site to help them. He went on to state there is one school bus that is 23 years old; and many buses are going bad all at once. He stated in 2014, \$3.5 million per year was alleviated for Northrup Grumman which was denied to Brevard County Schools that may have helped fix this problem; the one-half cent sales tax cannot be used for the bus problem; and in 2013, the average age of the school buses will be 16 years old. He asked the Board to approach companies like Northrup Grumman who have enjoyed tax relief to donate for the Brevard County School buses. He stated if he is elected to the Florida House, he will not sit by while companies take monies from schools.

Charles Tovey stated Palm Shores is important to the balance of the Indian River Lagoon and the environment for the County; the County is a keystone to the environment; and he talked to the Board about a woman who is living underground for her life. He pointed out his information that he provided to the County has been ignored. He asked the Board to dismiss his fines and fees; and he would like to meet with each community leader so he can give them his information.

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ITEM IV.A., PUBLIC HEARING, RE: CONSIDERATION OF WETLAND IMPACTS FOR COMMERCIAL ACTIVITY AT CDS PLUMBING TO BE IN THE PUBLIC INTEREST

Chairman Fisher called for a public hearing to consider wetland impacts for commercial activity at CDS Plumbing to be in the public interest.

Virginia Barker, Interim Natural Resources Management Director, stated this is a public interest determination that would allow a very small wetland impact for a commercial expansion; it is construction of a two-story commercial building, associated parking, and stormwater management; the Board would be finding a public interest in allowing the expansion of an impact of .055 acres; and the size of the impact is so small it meets the minimal requirements of the Water Management District. She went on to add according to County Code, they need to mitigate and provide public interest for this Item. She pointed out the expansion supports a local business and jobs in the area.

Bruce Moia, MBV Engineering, advised the Board he is present to answer any questions. He stated the impact was already made by the previous owner of the property; and the new owner wants to expand the business and employ more people.

There being no further comments, the Board approved consideration of the wetland impact for commercial activity at CDS Plumbing, to be in the public's interest.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM IV.B., ORDINANCE, RE: EDUCATIONAL FACILITIES IMPACT FEE

Chairman Fisher called for a public hearing to consider an Educational Facilities Impact Fee ordinance.

Commissioner Barfield stated last night he was contacted by one of the School Board Members who requested the Board not make a decision on the Impact Fee yet; the reason being they have a new Superintendent now; and the School Board has not actually approved all of this yet. He went on to say he would like to table the Item for 90 days.

Chairman Fisher stated he also had a conversation with two of the School Board Members who had a concern; this was brought before the Board when the former Superintendent was here; and it is one of the last things he wanted to do. He advised the Board he has concerns that this may be the cart before the horse; and he is not comfortable with it. He stated it is more than a 90-day decision in his opinion.

Commissioner Infantini stated she would support a motion that was more than 90 days; and she would like to put it out 12 months.

Tim Harber, President of Timothy Lane Harber PA, stated he is a commercial real estate broker; and his comments are going to echo what the Board Members have already said.

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Patti Wiltshire stated she represents a home builder who builds modest homes; their biggest concern with impact fees is there is no easy way to keep adding them on to lower homes; their lowest end home sells for \$125,900; and they are really struggling to keep it there. She stated the impact fee is the same for a high dollar house as it is for a lower cost home; and it is a huge burden for the lower income people.

There being no further comments, the Board continued the public hearing to consider the Educational Facilities Impact Fee ordinance for one year.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM IV.C., RESOLUTION, RE: ESTABLISHING WATER RATE CLASS FOR OAKWOOD AND KINGSWOOD MOBILE HOME COMMUNITIES

Chairman Fisher called for a public hearing to consider a rate resolution establishing a rate class for the Oakwood and Kingswood Mobile Home Communities in Mims.

Jim Helmer, Utility Services Director, stated they have rates in Mims that encourage conservation; the more a single customer uses, the higher the rate they are billed at; the Oakwood/Kingswood customers are averaging about 3,000 gallons of water; and this action would allow Utility Services to bill the Oakwood/Kingswood utilities for the same rate they would the Mims customers. He pointed out it is a fairness issue.

There being no further comments, the Board adopted Resolution No. 15-198, establishing a rate class for the Oakwood and Kingswood Mobile Home Communities in Mims.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM V.A., BINDING DEVELOPMENT PLAN, RE: LINDA E. SPAIN, TRUSTEE

Robin Sobrino, Planning and Development Director, stated this Item is regarding a rezoning of a property that went to Agricultural use at a public hearing; there were concerns regarding buffering or impacts to adjacent residential areas; and the applicant represented at the meeting there would be a limitation in the scope of the Agricultural activities of the property. She went on to say this binding development plan memorializes those representations.

The Board executed Binding Development Plan Agreement with Linda E. and David W. Spain, Trustees, for property located at 2105 North Tropical Trail, Merritt Island.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

ITEM V.B., CITIZEN REQUEST BY GEOFF SMITH AND JASON STEELE, SMITH AND ASSOCIATES, RE: EXTENDING CURRENT AGREEMENT WITH COCOA EXPO UNTIL THE NEXT SCHEDULED BOARD MEETING

Commissioner Infantini stated there is a possibility she may not be present to the next meeting, and she would like to move it to the November 3, 2015, Board meeting.

Chairman Fisher stated this would not be acceptable to him; and he wants to know where staff is on this.

Geoff Smith, Cocoa Expo, stated is happy to report they are at the finish line; they have had a very positive discussion with staff; and he expressed his appreciation to staff for working with his team to help get them where they are. He went on to say the stipulation today would be they are in agreement there are a few mop up items; there are minor issues and drawings that need to be submitted; there is an issue regarding landscaping, which they have agreed that they will bond them into the next phase of the development; and it seems to him they have some agreement to that.

Stockton Whitten, County Manager, stated what they talked about as a staff with the applicant is a continuance for 60 days with the temporary Certificate of Occupancy (CO); the site plan has to be submitted within 14 days; and the improvements not completed will be bonded out.

John Denninghoff, Public Works Director, stated Phase I was originally Phase 1A, 1B, and 1C; at the current time there is a site plan submitted that staff has issued comments on; it is evolving as construction is taking place; and it has been set up to create the maximum flexibility for the owner to be able to grow his site business in going forward and not get crosswise with any of the regulatory practices. He pointed out those future phases would be where the bond issue would kick in; within 14 days there would be a site plan submittal; within 60 days they would have a modified site plan approval; and they would post a bond for any issues that would still exist for Phase 1A. He added staff has issues with some of the drainage issues; the applicant may get that resolved within 60 days, so it would not be included in any bonding issue; but if they still have a landscaping issue, that would be included in a bond. He noted they then would be able to move forward before getting the next CO; there are three significant buildings that have not been constructed yet; and before the applicant can get another CO, they would have to get the bond issues resolved. He pointed out this is not the same bond that would be required for the offsite work associated with Friday Road, SR 520, and SR 524. He stated that bond is part of the Binding Development Plan; they have 18 months to get started on that construction activity in the road right-of-way, and that would still exist; they would have 24 months to get it completed; and they would have to start within 18 months and get it finished within six months after that. He advised the Board the landscaping is probably the single largest issue that remains; many of the trees originally included in the landscape plan have been removed; and it calls into question the ability to comply with the landscape plan as it exists in the currently approved site plan. He stated the Binding Development Plan has landscaping requirements built into it that were included in the public hearing process; and they would need to modify those. He went on to state there are two different types, a residential buffer area, and

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the rest of the landscaping plan that is required for the Project. He explained staff does not think it will take a long time to get a landscape plan prepared, they just do not know what it will look like at this point.

Mr. Smith stated he is not sure there is a desire to change the landscaping plan; if it is not complete, there are dead trees and things, but that would be part of what is bonded into the next Phase; and they would like to leave the plan as is.

Mr. Whitten stated he was under the understanding the applicant has not submitted the landscaping plan or that it needed to be modified.

Mr. Denninghoff stated staff has not received an alternative landscaping plan to reflect the current condition of the site; many of the trees included in the current site plan are no longer there as they have been removed; and there are no existing trees there anymore.

Robin Sobrino, Planning and Development Director, stated a lot of the landscaping that was part of the approved landscape plan was driven by the zoning request to minimize their distance from adjacent residential areas; the Board waived buffer requirements of 300 feet and 75 feet; it allowed development virtually up to their property lines; and it was looking at the landscape buffering to protect those residential properties adjacent to the complex. She went on to say there is some concern regarding the ongoing use of the ball fields if the landscaping is not in place to buffer those residential areas; during the Memorandum of Understanding (MOU) process, the Board stipulated giving the applicant 45 days to complete that phase of the work in order to protect the residential area; and this would allow a more protracted use of the property without protection to the single-family homes.

Mr. Smith stated as to the buffering, there are two areas of residential property; there is the Young's property that has an eight foot tall PVC fence around it, which serves as a buffer; and outside of that fence, there is some additional scrubs.

Chairman Fisher inquired if it is the plan originally submitted with the buffering. Mr. Smith responded the plan he is suggesting is if they have to modify trees that need to be replaced, they can do that in 14 days.

Amanda Elmore, Natural Resources Management Department, stated she did a brief inspection, and the engineer of record was there; along the north side, the majority of the vegetation does belong to the neighbors as it is not on Cocoa Expo's property; and along the Young's property, the Board has pictures that shows from inside the property it can see the fence and dead trees surrounding the fence.

Mr. Whitten stated it is 14 days submittal of the site plan, which includes the landscaping plan; staff is telling the Board the applicant is not in compliance with the plan; maybe the more flexible way is to modify the applicant's plan and move on from there; and if the applicant walks away today under the old plan, staff is saying they do not meet that plan. He stated in 14 days staff is saying the applicant will have submitted a site plan which includes a modified landscape plan; in 60 days there will be approval of the site plan; and then the bonding of improvements that are not completed moving on to the next sub-phases.

Chairman Fisher inquired if the applicant has not done something and they bond it, what it means to the Board. Mr. Smith replied it means the Board has money posted in a bond that says it is not completed, the money can be drawn on to perform.

Scott Knox, County Attorney, stated there is one other issue that is pending; there is an application for Alcoholic Beverages License that requires compliance with the zoning; and the

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question will be what the zoning compliance looks like under the scenario being looked at today. He inquired if the posting of the bond is enough to satisfy the zoning requirement for the landscaping, because he thinks that is still a problem with the zoning issue, or is the Board going to keep issuing approval for the zoning because the landscaping is not finished without the bond.

Commissioner Infantini stated the bond protects the County's interest in making sure the landscaping takes place, and if it does not, there are funds to make it take place; and it should not be a hurdle to the zoning application.

Ms. Sobrino stated as a clarification for staff since they are looking to extend the MOU for 60 days, she wants to point out the MOU does provide for no use of the south ball field complex until the landscaping is in place around the Young's property; it prohibits night time use of the fields and lighting of the property until the landscaping is in place; and there is that disconnect right now.

Attorney Knox noted he still does not have a clear answer about the zoning issue. He inquired what is going to make Ms. Sobrino sign the zoning application for the Alcoholic Beverages. Ms. Sobrino replied compliance with the terms of the Conditional Use Permit (CUP), which also does include the proper buffering, adequate parking on the property in accordance with the parking study, and those would be essential to being consistent with the zoning approval. Attorney Knox inquired if until the buffer is up, she will not sign the application. Ms. Sobrino replied that is standard with any CUP.

Commissioner Smith inquired how much buffering will go on this side of the residence's fence. Mr. Smith replied 20 feet. Ms. Elmore stated there are various distances; and even the reduced buffers have not had trees planted to replace the dead trees.

Commissioner Infantini stated the Young's have had a significant number of objections; and if buffering took place, the buffering on the Young's property should be put in place. She stated she has not had any complaints regarding the north side buffer.

Mr. Whitten stated if the Board approves this, staff still will judge compliance against the Code; and he is not suggesting the Board change that.

Jason Steele, Cocoa Expo, expressed his appreciation to the Board and County staff.

The Board approved existing Memorandum of Understanding (MOU) to be extended for 60 days based upon the following requirements: applicant to submit the revised site plan including Alternative Landscape Enhancement Plan (ALEP) within 14 days; that the applicant obtain approval of the revised site plan within 60 days; that the landscape buffering of residential areas be completed in accordance with the Binding Development Plan (BDP) within 60 days; that any other remaining items for Phase 1A be completed within 60 days or that the applicant post a bond covering the incomplete work to guarantee that such work will be completed within that 18-month time period; and that CO's for additional buildings will not be issued until all work is completed.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Curt Smith, Commissioner District 4
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM V.C., BINDING DEVELOPMENT PLAN, RE: 1322 CLEARLAKE, LLC

The Board executed Binding Development Plan Agreement with 1322 Clearlake, LLC for property located at 1322 Clearlake Road, Cocoa.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM VI.A.,2., COMMITTEE APPOINTMENT, RE: PUBLIC SCHOOL FACILITY PLANNING AND CONCURRENCY INTERLOCAL AGREEMENT

Robin Sobrino, Planning and Development Director, stated this is a request to appoint Cynthia Fox as her alternate on the School Board COC Committee.

The Board appointed Cynthia Fox, Planning and Zoning Manager, as the County's Alternate representative to the Capital Outlay Committee (COC).

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM VI.C.1., EXISTING CONTRACT WITH RONALD L. BOOK, P.A./SPEARMAN MANAGEMENT, INC., RE: ONE-YEAR RENEWAL

Stockton Whitten, County Manager, stated this Item is a request for a one-year renewal of the Contract for lobbying services with Ronald L. Book, P.A./Spearman Management, Inc.

The Board authorized One-Year Renewal of the existing Contract with Ronald L. Book, P.A./Spearman Management, Inc., for lobbying services representing Brevard County during the State of Florida Legislative Session.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Trudie Infantini, Commissioner District 3
SECONDER: Curt Smith, Commissioner District 4
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM VI.D.1., APPROVAL, RE: PROPOSED REVISIONS TO BCC-22 - RECORDS MANAGEMENT PROGRAM

Scott Knox, County Attorney, stated this Item and Item VI.D.2. are clean up of the existing Resolutions and Administrative Orders.

The Board executed revised Policy BCC-22, entitled "Records Management Program".

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM VI.D.2., APPROVAL, RE: PUBLIC RECORDS REQUEST FEE AND COST SCHEDULES TO BE ATTACHED TO AO-47, ENTITLED COORDINATION OF PUBLIC RECORDS REQUESTS

The Board executed Public Records Request Fee and Cost Schedules that will be attached to the revised AO-47, which is entitled "Coordination of Public Records Requests".

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Jim Barfield, Vice Chairman/Commissioner District 2
AYES: Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT: Andy Anderson

ITEM VI.F.1., APPROVAL, RE: REQUISITION OF FISCAL YEAR 2016 BUDGET

Stockton Whitten, County Manager, stated per the Florida Statutes, the Sheriff is allowed to requisition one-twelfth of his operating funds at the first meeting in October, and one-sixth of his capital budget in January; and that is what this request is.

The Board approved the requisition of one-twelfth of the Sheriff's Fiscal Year 2016 budgeted funds at the first Board of County Commissioners' meeting in October 2015, and one-sixth of the budget in January 2016, and equipment (capital budget).

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Curt Smith
ABSENT:	Andy Anderson

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

Stockton Whitten, County Manager, stated he believes the October 15, 2015, workshop was scheduled for the landfill issue; staff is not ready to present that topic to the Board; and staff will probably present it to the Board after the calendar year. He asked the Board to cancel the October 15, 2015, Workshop.

The Board reached consensus to cancel the October 15, 2015, Workshop.

ITEM VIII.C., REPORT, RE: TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini provided a picture to the Board regarding the puppy that was running up and down Eau Gallie Boulevard on September 10, 2015; she rescued him; and he has now been adopted.

ITEM VIII.D., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER

Commissioner Smith stated he wants to recognize October as being Breast Cancer Awareness Month; and it is not just women who get breast cancer.

ITEM VIII.F., REPORT, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER/VICE CHAIRMAN

Commissioner Barfield expressed his congratulations to Lockheed Martin Space Systems Company and its team that works with the U.S. Navy's Strategic Systems Programs organization and the Naval ordinance Test Unit on the 60th Anniversary of America's Fleet Ballistic Missile Program.

ITEM VIII.G., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER/CHAIRMAN

Chairman Fisher advised the Board of the Digital Art Festival is this Friday, Saturday, and Sunday; and he asked everyone to come to Titusville and help support that.

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Upon consensus of the Board, the meeting adjourned at 11:00 a.m.

ATTEST:

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

SCOTT ELLIS, CLERK