

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 December 3, 2015 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	Absent	
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 given by Rabbi Joel Fox, Temple Beth Sholom, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Anderson led the assembly in the Pledge of Allegiance.

PUBLIC HEARINGS

Chairman Barfield called for a public hearing to consider the Planning and Zoning recommendations of November 9, 2015 and the North Merritt Island recommendations of November 12, 2015.

ITEM III.B.1., (15PZ00058) - BAHAMAS FAMILY INVESTMENT PROPERTIES, LLC - (KELLYANN IVERSEN) - REQUESTS A CHANGE OF CLASSIFICATION FROM BU-1 (GENERAL RETAIL COMMERCIAL) TO BU-2 (RETAIL, WAREHOUSING, AND WHOLESALE COMMERCIAL), ON 0.97 ACRES, LOCATED ON THE WEST SIDE OF N. COURTENAY PKWY., APPROX. 0.19 MILE SOUTH OF N. TROPICAL TRAIL. (6141 N. COURTENAY PKWY., MERRITT ISLAND)

Cynthia Fox, Planning and Zoning Manager, stated this Item is a request to change the zoning classification from BU-1 to BU-2 for the purposes of adding a warehousing and wholesaling of imported wine.

There being no comments or objections, Board approved a request for a change of classification from BU-1 to BU-2 on 0.97 acres, located on the west side of North Courtenay Parkway.

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

ITEM III.B.2., (PZ00056) - IMPERIAL SOUTH, INC. - (WILL REYNOLDS) - REQUESTS A CHANGE OF CLASSIFICATION FROM PIP TO RU-2-15 ON 30.7 ACRES, LOCATED ON THE EAST SIDE OF WICKHAM ROAD., APPROX. 330 FT. SOUTH OF JORDAN BLASS DR. (2975 ALLEN HILL AVE., MELBOURNE (TAX PARCEL 253); 2600 PROMENADE DR., MELBOURNE (TAX PARCEL 254); 6375 N. WICKHAM RD. STE 107, MELBOURNE (TAX PARCEL 756); TAX PARCELS 265 AND 250 HAVE NO ASSIGNED ADDRESS AND ARE IN THE MELBOURNE AREA)

Cynthia Fox, Planning and Zoning Manager, asked that the Board table this Item to the February 4, 2016 Zoning Meeting.

There being no comments or objections, the Board tabled consideration of a request for change of classification from PIP to RU-2-15 on 30.7 acres, located on the east side of Wickham Road, to the February 4, 2016 Zoning Meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 2/4/2016 5:00 PM
MOVER:	Andy Anderson, Commissioner District 5	
SECONDER:	Robin Fisher, Commissioner District 1	
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Andy Anderson	
ABSENT:	Curt Smith	

ITEM III.B.3., (15PZ00051) - ROY WAYNE YATES - (DAVID AGEE) - REQUESTS A CUP FOR LAND ALTERATION IN AGR AND AU ZONING CLASSIFICATIONS ON 32.50 ACRES, LOCATED ON THE WEST SIDE OF BABCOCK ST., APPROX. .50 MILE SOUTH OF MICCO RD. (9400 BABCOCK ST., FELLSMERE)

Cynthia Fox, Planning and Zoning Manager, asked that the Board table this Item to the March 3, 2016 Zoning Meeting.

There being no comments or objections, the Board tabled consideration of a request for a CUP for Land Alteration in AGR and AU zoning classifications on 32.50 acres, located on the west side of Babcock Street, to the March 3, 2016 Zoning Meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 3/3/2016 5:00 PM
MOVER:	Andy Anderson, Commissioner District 5	
SECONDER:	Robin Fisher, Commissioner District 1	
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Andy Anderson	
ABSENT:	Curt Smith	

ITEM III.C., ORDINANCE, RE: ADOPTION OF COMPREHENSIVE PLAN PACKAGE 2015 -2 PLAN AMENDMENTS

Chairman Barfield called for a public hearing to consider an ordinance for adoption of Comprehensive Plan Package 2015-2 Plan Amendments.

Cynthia Fox, Planning and Zoning Manager, stated that this Item is related to Item III.B.2 and asked that it be tabled to the February 4, 2016 Zoning Meeting.

There being no comments or objections, the Board continued consideration of ordinance for adoption of the 2015 - 2 Comprehensive Plan Amendments to the February 4, 2016 meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 2/4/2016 5:00 PM
MOVER:	Andy Anderson, Commissioner District 5	
SECONDER:	Robin Fisher, Commissioner District 1	
AYES:	Robin Fisher, Jim Barfield, Trudie Infantini, Andy Anderson	
ABSENT:	Curt Smith	

ITEM III.D., PUBLIC HEARING, RE: KINGSMILL-AURORA STORMWATER IMPROVEMENTS - WICKHAM ROAD CULVERT CROSSING

Chairman Barfield called for a public hearing to consider Kingsmill-Aurora Stormwater Improvements – Wickham Road Culvert Crossing.

Virginia Barker, Natural Resources Management Interim Director, stated that this is a request for the Board to authorize Public Works to construct a portion of the Kingsmill-Aurora Stormwater Improvement Project; it is the portion of the project that goes under a large box culvert, to be added underneath Wickham Road; it is going to involve road closure, and Natural Resources Management wants to reduce the time of the road closure; they are expecting the unexpected when cutting through the road, there are always utilities and surprises to deal with; and being able to rely on Public Works to address those issues as they arise, and not have delays associated with negotiating change orders with a private contractor, would be most expeditious for the public.

James Teal, Treasurer of the Kingsmill HOA, stated that he has been before the Board on this particular Item many times; and he is encouraged that this project is moving along. He added that there is substantial savings with Road and Bridge doing this project in the \$700,000 range versus the \$900,000 that was originally estimated; and this was funded through a grant that has been extended twice. He noted he met with County staff at the project location and had high level of discussions of how it was going, and that construction would be in the February time frame. He added that he hopes with the savings from this project there will be a sidewalk addition made to the west side of John Road, north of Eau Gallie Causeway to be extended to the subdivision that lies just north of the drainage area along John Road. He stated that he is available for any questions.

Chairman Barfield thanked Mr. Teal for working and coordinating with the County on this because it prevents a lot of problems.

Commissioner Infantini stated that she really appreciated him mentioning the sidewalks, because that is something that she has wanted to have done for a long time; and often times the residents are not a big voting bloc, but there is a big need for a sidewalk in this area.

Mr. Teal noted that if a sidewalk is constructed, he hopes Space Coast Area Transit (SCAT) will then install a covered bus stop bench.

There being no further comments or objections, the Board authorized the Brevard County Public Works Department (Road and Bridge) to perform the services necessary to construct a new drainage culvert under Wickham Road as part of the FEMA cost-shared Kingsmill-Aurora Stormwater Improvements.

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

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

Commissioner Infantini pointed out in view of the recent, more public development that Oak Ridge is not paying the wages of their employees; this development was already highlighted when the Board approved a tax abatement back in July; and she knows the biggest talking point is the fact that it is not costing the Board anything, Oak Ridge is not going to receive a tax abatement if they do not pay the jobs. She added that she went ahead and printed out a chart of their stock valuations, and while the Board may not consider it a cost, she considers

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it a cost, because there are people in the stock market that rely on information, like municipalities voting to give tax abatements; she pointed out two big spikes of higher stock prices for this company, the first one occurred in July, when the Board of County Commissioners approve giving tax abatements to this company; and then the really big jump was when the Governor came and blessed their thousand jobs also, with some type of tax incentive. She went on to say that to think that there is not a cost to the public, there is, maybe the Brevard taxpayers are not paying it, but somebody is paying, because somebody believed that we had done some type of due diligence on this company, to verify in fact it had financial integrity, which it does not have; and in light of that, she asked the Board that it remove the funding of the Economic Development Commission (EDC) until such time as that they can produce proof that they qualify for tax abatements. She added that she has sent an email to Stockton Whitten, County Manager, asking what type of requirements a company has to have in order to be approved by the EDC for tax abatements, the EDC approved Blueware, and sanctioned them, Xun Energy, and Oak Ridge, clearly the EDC has virtually no financial acumen to determine a company's going concern ability. Commissioner Infantini stated that she makes the motion.

Chairman Barfield asked for clarification of what it is that she is motioned for.

Commissioner Infantini clarified that her motion is that the Board remove funding until there has been some type of analysis to determine what it takes for a company to be approved.

Chairman Barfield suggested she put this on the Agenda.

Commissioner Fisher inquired how much money the EDC has received.

Commissioner Infantini stated that the EDC receives \$1.14 million every year; she added that there is no accountability for the actions of the EDC, and it brings in every joke of a company, and Brevard County is being known as the laughing stalk, because it will give a tax abatement to the dog on the street.

Chairman Barfield stated that the motion failed due to lack of a second.

Commissioner Infantini confirmed that it did, and pointed out that the other Commissioners talk about being businessmen; and she asked if they would go in business partners with these companies that do not pay wages.

Commissioner Anderson suggested that Commissioner Infantini does not have the whole story. He went on to say that he has had discussions with the company, and she cannot base her findings off of the Governor and the Board's tax abatements, because investors do not look at that; it is based off of the company's quarterly reports; and he encouraged her to talk to their management to get more of an explanation rather than what she reads in the newspaper.

Commissioner Infantini remarked that she did not just read it in the paper, she spoke to the people that are suing the company for non-payment of wages, and she encouraged Commissioner Anderson to do the same before he sanctions and tells her that he has thoroughly researched a company; she suggested he do a little more research to find out if there are lawsuits pending. She added that this company had not even paid their property taxes until two days before the Board approved their tax abatement.

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Chairman Barfield suggested that next time, Commissioner Infantini put this on the Agenda, so the Board can have more people here to discuss it; and not put it in just a report, because it makes it a lot better for the public to be involved.

Commissioner Infantini pointed out that she believes Commissioner Fisher brings things up all of the time in his reports; she will continue to do it this way; and she went on to say that she does not need 350 EDC loyalists to pack the audience, she wanted to have a discussion with the Board.

Chairman Barfield suggested moving on from this discussion.

Upon consensus of the Board, the meeting adjourned at 5:21 p.m.

ATTEST:



A handwritten signature in cursive script that reads "Scott Ellis".

SCOTT ELLIS, CLERK



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

VERBATIM TRANSCRIPT ON ITEM VII.D., DECEMBER 3, 2015

- Infantini: Yes, I do have a report. In view of the recent, more public development that Oak Ridge is not paying the wages of their employees. This development was already highlighted when we approved their tax abatement back in July; and I know the biggest talking point is the fact that "well it's not costing us anything; they're not going to receive a tax abatement from us if they don't pay the jobs". Well I went ahead and printed out a chart of their stock valuations, and well, you may not consider it a cost, I consider it a cost because there's people in the stock market that rely on information, like municipalities voting to give tax abatements... if you'll take these... and you'll notice the two big bleeps of higher stock prices for this company the first one occurred in July, when the Board of County Commissioners approve giving tax abatements to this company; and then the really, really big jump was when the Governor came and said, and blessed their thousand jobs also, with some type of tax incentive. So, to think that there isn't a cost to the public, there is, maybe the Brevard taxpayers aren't paying it, but somebody's paying, because somebody believed that we had done some type of due diligence on this company, to verify in fact it had financial integrity, which it does not have. So, in light of that, I'd like to ask that we remove the funding of the EDC until such time as that they can produce... I've got an email into Mr. Whitten asking what type of requirements does a company have to pass in order to be approved by the EDC for tax abatements, they approved Blueware and sanctioned them, they approved Xun Energy, and they approved Oak Ridge, clearly they have virtually no financial acumen to determine a company's going concern ability... and that's my recommendation. I make the motion.
- Barfield: What's your motion?
- Infantini: My motion is that we remove funding until there has been some type of analysis to determine what it takes for a company to be approved, because right now there is no criteria, apparently.
- Barfield: I would suggest putting this on the Agenda.
- Fisher: How much money have they gotten?
- Infantini: They get \$1.14 million from us every year. The EDC, I'm not talking about Oak Ridge, I'm talking about the EDC. The EDC has, there is no accountability for their actions. They bring every joke of a company, and our County is being known as the laughing stalk... we'll give a tax abatement to the dog on the street.
- Barfield: Motion failed by lack of a second, so...
- Infantini: I guess it did. I wonder, sometimes you guys talk about being businessmen, would you guys go in business partners with these people, that don't pay wages? Would you Mr. Barfield, would you hire them to be a contractor of yours?

Anderson: I don't think you have the whole story, Commissioner Infantini. I've had discussion with them, and you can't base this off the Governor and our tax abatements, because investors don't look at that. The, based off their quarterly reports.... and you can easily pull up if you had your computer or an iPad... their third quarter report.... and I'd encourage you to go talk to their management to get more of an explanation than what you just read in the paper.

Infantini: I didn't just read it in the paper, I talked to the people that are suing the company for non-payment of wages, and I would encourage you to do so before you sanction....

Barfield: Commissioner Infantini....

Anderson: Can we move on?

Infantini: I'm sorry, I'm speaking. He just said something to me and I'm answering. Before you sanction and tell me that you thoroughly researched a company, I would suggest you do a little more research to find out if there's lawsuits pending. This company hadn't even paid their property taxes until two days before we approved their tax abatement.

Anderson: Okay.

Barfield: Okay, but I would suggest next time, put this on the Agenda, so we can have much more people, many more people here so we can discuss it; not put it in just a report, it makes it a lot better for the public to be involved.

Infantini: Oh, no, I didn't, I think that Commissioner Fisher brings things up all of the time in his reports; and so, I will continue to do it this way; I don't need 350....

Barfield: Alright, let's move on.

Infantini: I'm sorry... I don't need 350 EDC loyalists to pack my audience. I wanted to have a discussion....

Barfield: So you don't want the public participating?

Infantini: I'm sorry, I'm talking.... I wanted to have a discussion....

Barfield: Yeah, you are.

Infantini:with the County Commissioners. Would you please stop interrupting me? Do you have a problem with that?

Barfield: I have a problem with, we can just move on because you're repeating yourself.

Infantini: I am not repeating myself, I'm stating very clearly; and if you're not going to act as a chairman in a professional, dignified manner, I suggest you step down.

Barfield: I think I am.

Anderson: Okay, can we move on? I have no report by the way.

Fisher: I have no report either, sir.

Barfield: And Curt's not here and I have no report. Anything else?

Fisher: Meeting adjourned.

Barfield: Okay, meeting adjourned