

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 May 12, 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	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	Present	

INVOCATION

Commissioner Infantini provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the February 19, 2015 Special Meeting Minutes.

ITEM I.A., RESOLUTION, RE: PROCLAIMING MAY 17-23, 2015, AS EMERGENCY MEDICAL SERVICES WEEK

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-058, proclaiming the week of May 17-23, 2015, as Emergency Medical Services Week.

Chief Mark Schollmeyer, Fire Rescue Director, expressed thanks to the Board on behalf of the men and women of the Brevard County Fire Rescue.

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

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ITEM I.B., RESOLUTION, RE: PROCLAIMING MAY 17-23, 2015, AS NATIONAL PUBLIC WORKS WEEK

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-059, proclaiming the week of May 17-23, 2015, as National Public Works Week.

John Denninghoff, Public Works Director, expressed his thanks to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.D., RESOLUTION, RE: PROCLAIMING MAY 15TH AS PEACE OFFICER'S MEMORIAL DAY AND THE WEEK OF MAY 10-16, 2015, AS NATIONAL POLICE WEEK IN BREVARD COUNTY

Commissioner Infantini read aloud, and the Board adopted Resolution No. 15-060, proclaiming May 15, 2015 as Peace Officers Memorial Day and the week of May 10-16, 2015, as National Police Week.

Sheriff Wayne Ivey expressed thanks to the Board for the Resolution.

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

ITEM I.E., RESOLUTION, RE: CELEBRATING THE 50TH AND GOLDEN ANNIVERSARY OF MERRITT ISLAND HIGH SCHOOL

Commissioner Barfield read aloud, and the Board adopted Resolution No. 15-061, celebrating The 50th and Golden Anniversary of Merritt Island High School.

Denise Walter, Merritt Island High School Representative, expressed thanks to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Vice Chairman/Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM I.F., RESOLUTION, RE: RECOGNIZING AND CONGRATULATING HEALTH FIRST'S VIERA HOSPITAL FOR EARNING A FIVE-STAR DESIGNATION

Commissioner Smith read aloud, and the Board adopted Resolution No. 15-062, recognizing and congratulating Health First's Viera Hospital for Earning a Five-Star Designation.

Bill Calhone, Community Hospitals President for Health First, expressed thanks to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.1., INTERLOCAL AGREEMENT WITH TOWN OF GRANT/VALKARIA, RE: TRANSPORTATION IMPACT FEE PROGRAM

The Board executed Interlocal Agreement with the Town of Grant/Valkaria providing for participation in the Brevard County Transportation Impact Fee Program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.2., FINAL PLAT APPROVAL, RE: STROM PARK PHASE 7 SUBDIVISION - THE VIERA COMPANY

The Board granted final plat approval for Strom Park Phase 7 Subdivision, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to execute the final plat.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.3., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS

The Board approved the project funding recommendations as prepared by the Technical Advisory Committees for the North Mainland, Merritt Island/North Beaches, and the South Beaches Benefit Districts on April 21, 2015; authorized the Budget Office to execute any budget

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changes required to implement project appropriations; and authorized the Chairman to execute Disbursement Agreements with Titusville, Cocoa Beach, Indialantic, Indian Harbour Beach, and Satellite Beach.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.4., APPROVAL, RE: DISBURSEMENT OF EDUCATIONAL FACILITIES IMPACT FEES

The Board authorized the disbursement of educational facilities impact fees in the amount of \$4,706,010.12 to the School Board of Brevard County in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any budget changes required to implement this disbursement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.5., WAIVER, RE: MEADOW LAKES ESTATES SUBDIVISION - 15WV00004 - JM BROTHERS, LLC

The Board approved the wavier of Section 62-2809(c) to extend the time limit of a construction permit for Meadow Lakes Estates Subdivision.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.6., WAIVER, RE: ANGLERS SUBDIVISION - 15WV00005 - JM BROTHERS, LLC

The Board approved the waiver of Section 62-2809(c) to extend the time limit of a construction permit for Anglers Subdivision.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.6A., FINAL PLAT AND SUBDIVISION INFRASTRUCTURE CONTRACT WITH THE VIERA COMPANY, RE: ARRIVAS VILLAGE PHASE 2

The Board granted final plat approval; approved Subdivision Infrastructure Contract with The Viera Company for Arrivas Village Phase 2, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to execute the Contract.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.7., RESOLUTION, TEMPORARY CONSTRUCTION EASEMENT, AND DONAITON LETTER WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: ACTIVITIES RELATED TO PROPOSED INTERSECTION IMPROVEMENTS AT STATE ROAD 406 AND SINGLETON AVENUE

The Board adopted Resolution No. 15-063, for the purpose of a turn lane at State Road 406 and Singleton Avenue; executed Temporary Easement for construction; adopted Resolution No. 15-064, granting construction improvement activities at State Road 406 and Singleton Avenue; and authorized Chairman to execute Donation Letter.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.A.8., CONTRACT FOR PURCHASE OF EASEMENT RIGHTS AND ACCEPTANCE OF A PERPETUAL LIFT STATION EASEMENT FROM THE CITY OF SATELLITE BEACH, RE: USE IN IMPROVING AND/OR MODIFYING AN EXISTING LIFT STATION

The Board executed Contract for Purchase of Easement Rights and Addendum with City of Satellite Beach for perpetual lift station easement from the City to improve and/or modify an existing lift station.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.1., AGREEMENT WITH SCHOOL BOARD OF BRVARD COUNTY, RE: SUMMER FOOD SERVICE PROGRAM

The Board executed Agreement with the School Board of Brevard County to provide summer food service at several summer camp sites, in accordance with the Sponsor Agreement between the County and Florida Department of Agriculture and Consumer Services Division of Food, Nutrition, and Wellness.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.2., MEMORANDUM OF AGREEMENT WITH GLENRIDGE EAST, LLC, RE: SCRUB RESTORATION WORK AT MALABAR SCRUB SANCTUARY

The Board executed Memorandum of Agreement with Glenridge East, LLC, to allow the developer to complete scrub restoration work on the Malabar Scrub Sanctuary to satisfy the developer's mitigation permit conditions.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.3., RESOLUTION AND JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: DESIGN, PERMITTING, AND BIDDING OF AIRPORT ADMINISTRATION AND FLIGHT SERVICES FACILITY, FM NO. 435319-1-94-01

The Board adopted Resolution No. 15-065, and executed Joint Participation Agreement with FDOT for design, permitting, and bidding services for a new Airport Administration and Flight Services Facility at the Valkaria Airport; and authorized the County Manager, or his designee, the Authority to execute renewal Options or amendments as outlined in the Agreement.

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.B.4., RESOLUTION AND JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: DESIGN, PERMITTING, AND BIDDING SERVICES OF NEW HANGER-F BUILDING, FM NO. 437022-1-94-01

The Board adopted Resolution No. 15-066, and executed Joint Participation Agreement with FDOT for design, permitting, and bidding services of new "Hangar-F Building" at Valkaria Airport; and authorized the County Manager, or his designee, the authority to execute renewal Options or amendments as outlined in the Agreement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

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

The Board approved the Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.C.2., ACKNOWLEDGE RECEIPT, RE: 2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND FY 2014 ANNUAL REPORTS FOR THE CITY OF TITUSVILLE DOWNTOWN COMMUNITY REDEVELOPMENT AGENCY

The Board acknowledged receipt of the 2014 Comprehensive Annual Financial Report and FY 2014 Annual Reports for the City of Titusville Downtown Community Redevelopment Agency.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

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ITEM II.C.3., ACKNOWLEDGE RECEIPT, RE: FY 2014 ANNUAL REPORT, FOR THE YEAR ENDING SEPTEMBER 30, 2014, FOR THE CITY OF ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY

The Board acknowledged receipt of the FY 2014 Annual Report, for the year ending September 30, 2014, for the City of Rockledge Community Redevelopment Agency.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.C.4., ACKNOWLEDGE RECEIPT, RE: FY 2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND ANNUAL REPORT FOR COMMUNITY REDEVELOPMENT AGENCIES (CRAS) FOR THE CITY OF MELBOURNE

The Board acknowledged receipt of the 2014 Comprehensive Annual Financial Report (CAFR) and the Annual Report for Community Redevelopment Agencies (CRAS) for the City of Melbourne.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.C.5., APPROVAL, RE: POLICY BCC-60, DISPLAYING FLAGS AT COUNTY FACILITIES

The Board approved Policy BCC-60 establishing the criteria for displaying flags at County facilities.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.1., RESOLUTION, RE: AD VALOREM TAX ABATEMENT FOR PARAGON PLASTICS

The Board of adopted Resolution No. 15-067, qualifying Paragon Plastics as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

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

ITEM II.D.2., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed **Amelia Gilmore** to the North Brevard Commission on Parks and Recreation, with term expiring December 31, 2017; and **Jill Bakken** to the Transportation Planning Organization Advisory Board as Alternate, with term expiring December 31, 2015.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM II.D.3., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Curt Smith, Commissioner District 4
AYES: Fisher, Barfield, Infantini, Smith, Anderson

ITEM III., PUBLIC COMMENTS

Anita Unrath stated she lives in a neighborhood called Springs of Suntree; she thanked Commissioner Infantini for responding to the email sent to all the Commissioners expressing her concern of the proposed sale of the 114 acres of surplus land that is directly behind her house; she also thanked Marcia Newell, District 1 Legislative Aide, for responding to the email; and she wished the other Commissioners would have responded, she is a retired Brevard County teacher and they were always instructed to respond to emails. She added the 114 acres was purchased long time ago in 1984 and 1994 for a total cost of \$468,000, and the purpose was government managed land, it had rapid infiltration basin drainage; and the land is now occupied by approximately 400 gopher tortoise's. She informed the Board the appraisal said it is now worth \$1.6 million and would include relocating the gopher tortoises; when she called the Fish and Wildlife Administration they said it would probably cost about \$1.5 million to relocate the tortoises; and whereas the County appraisal said \$300,000. She noted that she hopes no one will turn in a bid that is due on May 19th, understanding that they are going to have to relocate all of the gopher tortoises. She went on to say the main concern is that there is a little road

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called Blue Springs Road, it is between two houses on Rock Springs Road; and she urged the Commissioners, before the bids are open on May 19th, to go over to Rock Springs Road in the Springs of Suntree to see that there is hardly any access for the community.

Charles Tovey thanked all the moms for Mother's Day.

Richard Charbonneau stated he is a member of the Children's Hunger Project and there was a golf tournament this weekend which raised \$50,000; and he informed the Board the Nelson family donated a building to the Children's Hunger Project. He informed the Board that every morning he goes to the website www.officerdownmemorial and it searches the whole Country for any officer that has been killed in the line of duty; and he emails the report to the Sheriff and every Chief in the County.

Stephanie Austin stated in the past couple of years not enough has been said about the damage that All Aboard Florida will bring to the many cultural events on the Treasure and Space Coast; when she was at the Melbourne Art Festival last year there were guards protecting the tracks next to the music stage; and All Aboard Florida hopes to bring through 32 high speed passenger trains and approximately 22 freight trains with unknown chemical content barreling through and all of this in close proximity to homes and business. She added the decisions made in the Commission Room effect the quality of life for thousands of citizens here and in other counties; due to congestion, safety and noise there will be no point to having music at any festival along the tracks; and these important cultural events now face total extinction.

Phyllis Frey stated certain members of the Board and constituents are going to be facing the consequences of the decision to support All Aboard Florida; and All Aboard Florida's proposal to send 32, 110-mile per hour trains, sharing the track with Florida East Coast Railway (FEC) freight trains simultaneously that transport hazmat, or hazardous material with closure rates of over two hundred miles per hour transiting the 41 densely populated towns, over 342 crossings increases the likelihood for accidents and death. She noted in 2014 there was a total of 2,380 train collisions in the United States, resulting in 267 deaths; and the Department of Transportation (DOT) predicts 15 derailments in 2015, there have already been eight since February. She asked the Board to get together and examine the issue because people's lives are in danger.

Susan Mehiel stated there are three freight companies in the Country that are trying to stop all of high speed rail from being added to their freight; not Florida East Coast, but Union Pacific, Conrail, and CSX Transportation, all in an environmental impact statements have said that this should not be done; and all the while the volunteer engineers were uncovering reams of material about the real threats to Treasure Coast residents. She asked the Board to consider all the facts about All Aboard Florida.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT - TORTOISE VIEW CIRCLE - TORTOISE VIEW ESTATES - DAVID AND VELVA COONS

Chairman Fisher called for a public hearing to consider vacating a public utility and drainage easement at Tortoise View Circle, Tortoise View Estates as petitioned by David Coons

There being no comments, the Board adopted Resolution No. 15-068, vacating a part of public utility and drainage easement at Lot 5, Tortoise View Estates, in Section 27, Township 26 South, Range 37 East.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Jim Barfield, Vice Chairman/Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.B., TEMPORARY USE AGREEMENT WITH GARY D. COBB AND CONCEPT CONSTRUCTION AND DEMOLITION, LLC, RE: UTILIZE A 0.64 ACRE VACANT PARCEL ZONED RU-1-13 FOR TEMPORARY PLACEMENT OF FILL MATERIAL, PIPING, CONCRETE DRAINAGE STRUCTURES, AND TEMPORARY HEAVY EQUIPMENT PARKING TO ASSIST IN THE RE-CONSTRUCTION OF SIDEWALKS AND DRAINAGE STRUCTURES FOR THE CITY OF COCOA BEACH

Chairman Fisher called for a public hearing to consider a Temporary Use Agreement with Gary D. Cobb and Concept Construction and Demolition to utilize a 0.64 acre vacant parcel zoned RU-1-13 for temporary placement of fill material, piping, concrete drainage structures, and temporary heavy equipment parking to assist in the reconstruction of sidewalks and drainage structures for the City of Cocoa Beach.

Robin Sobrino, Planning and Development Director, stated this is a request for temporary use agreement in order to use residentially zoned property outside of the jurisdiction of the City of Cocoa Beach for a construction staging area; the temporary use agreement was necessary, as the property was originally in violation, and the temporary use agreement is a provision that allows the Board to grant uses on a property for which it is not properly zoned if there is a public purpose involved; and accordingly the applicant has come in to request approval, approximately a week ago the construction activity ceased and the applicant vacated the site.

Chairman Fisher inquired about the applicant no longer occupying the site, and that they have no intention of returning based on this approval.

Ms. Sobrino confirmed Chairman Fisher's inquiry.

Dara Kilpi stated that the vacant lot is located directly behind her property, and she has lived there for 11 years. She went on to say that the noise is a nuisance and there are privacy, safety, and security issues beginning in January of this year; it became a problem when her dogs began barking and she heard a lot of noise, at which point she called the City of Cocoa Beach Police, someone was trying to steal gravel a couple of times, and the Police came out the first time; the second time she called the Police she was told that it was not their jurisdiction, at that point Ms. Kilpi called the Sheriff's Office, and was told that this lot is private property so she would have to take the issue to code enforcement. She added that there were kids climbing on the equipment and there was a lot of criminal activity, houses and cars were being broken into. She stated that she spoke with Mrs. Cobb, who stated that it was in the hands of her husband, Mr. Cobb. Ms. Kilpi explained that she spoke to Mr. Cobb and he expressed that he did not understand what the problem was, and she felt as though he did not want to hear what she had to say; she explained that all she was asking was for the equipment to be moved away from her fence and spread throughout the vacant lot. She added that at this point she called Code Enforcement.

Chairman Fisher asked if the occupants were still there or if they had vacated.

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Ms. Kilpi replied that they had vacated, and that she was confused as to why because it looked like they were requesting to extend their permit; and questioned why they would request to extend their permit if they do not want to return.

Ms. Sobrino answered, stating that originally when Staff gained knowledge of the Code Enforcement problem and explained to the occupants that they either had to vacate the site or obtain a temporary use agreement in order to legalize the use on the property, they offered to obtain the temporary use agreement, however, it took a couple of months to persuade them to bring in the paperwork and then Staff calendared this for today's agenda; and since that time they have vacated the site and they say that their work is complete.

Chairman Fisher asked if there was any reason why this has to be a 49 day agreement.

Ms. Sobrino replied that it does not have to be a 49 day agreement.

Louise Bannon stated that she also lives directly behind that vacant lot and that the reason she is here is because of the Code Enforcement threat towards the property owner because of the illegal use of the property. She went on to say that she works from home, and it is very difficult to concentrate with the constant noise of the construction. She remarked that the property owner is not considerate of the neighbors. She also stated that although the temporary use agreement is just that, temporary, the projects are back to back that last for a year; and neighbors have already endured other projects and they feel that enough is enough. She explained that the property is not located within Cocoa Beach, yet the projects benefit the City of Cocoa Beach, and there are vacant lots within the City of Cocoa Beach which could be used; and she questions why areas outside the City limits are being impacted. She asked that the Board consider the request to deny this application.

Chairman Fisher stated that it is his understanding that the property owner has vacated the site.

Ms. Sobrino confirmed Chairman Fisher's understanding by stating that the property owner has vacated the site and relocated to a property within the City of Cocoa Beach.

Chairman Fisher commented that the temporary use agreement is only a formality due to the fact that the property owner was in Code violation and that it does not have to be 49 days.

Ms. Sobrino confirmed Chairman Fisher's comment.

Chairman Fisher questioned if it was okay due the fact that they were in violation.

Ms. Sobrino stated that at this point they were in violation, so the they will go back to the Special Magistrate and the property owner will go through the magistrate process, and he would accordingly come up with the appropriate remedies to the property owner for the violation, because clearly they were in violation, and continued to be in violation after notification and he will take that under consideration.

There being no further comments, the Board denied request for a 49-day Temporary Use Agreement with Gary D. Cobb, property owner, and Concept Construction and Demolition, LLC, contractor, to utilize a 0.64 acre vacant parcel zoned RU-1-13 for the temporary placement of fill material, piping, concrete drainage structures, and temporary heavy equipment parking to assist in the re-construction of sidewalks and drainage structures for the City of Cocoa Beach.

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ITEM IV.C., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR ANUVA MANUFACTURING SERVICES, INC.

Chairman Fisher called for a public hearing to consider an Ordinance for Economic Development Tax Exemption for Anuva Manufacturing Services, Inc.

Stockton Whitten, County Manager, stated this is a correction of a tax abatement Ordinance for Anuva Manufacturing, the original 2013 Ordinance had the incorrect address, and are asking that the Board retroactively correct that Ordinance with the correct address.

There being no further comments the Board, adopted Ordinance No. 15-13, amending Ordinance No. 13-35, by substituting the correct address upon which an Economic Development Ad Valorem Exemption was granted to Anuva Manufacturing Services, Inc.; providing for ratification; providing for an effective date and retroactive application of correction.

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

ITEM V.A., ACKNOWLEDGE RECEIPT, RE: ANNUAL AUDITED FINANCIAL STATEMENTS OF THE HOUSING AUTHORITY OF BREVARD COUNTY FOR THE FY ENDING MARCH 31, 2014

Tom Rosenberg, Budget Office Director, gave background that at the February 17th Board meeting staff presented the Housing Authority's financial statements, and the Board raised a couple of questions relative to the two items. He stated that with respect to item number one, non-operating revenues, it was indicated that non-operating revenues would increase \$93,103 mainly due to a settlement with Suntrust Bank; there was a question regarding current liabilities, which increased by \$37,382 mainly due to an increase in accrued liabilities; so he contacted the Housing Authority and spoke with Jenny Freeman, Chief Financial Officer, she provided the following explanations; Suntrust, for debt settlement payments would sweep their various accounts, and a number of years ago they swept \$153,000 from an account, but included in that sweep was a \$98,000 security deposit that was returned during 13/14 to the Housing Authority, so they recorded it as non-operating revenue it was just the return of a security deposit; and the current liability issue relates to a dispute between the Housing Authority and the County, regarding actual Waste Management billings as opposed to payments in lieu of taxes (PILT), and Housing Authority believes that they should only be making PILT payments, and this dispute has been turned over to the respective attorneys for the County and the Housing Authority.

Commissioner Barfield directed a question to Scott Knox, County Attorney, asking if he could get an update on the status of the dispute.

Attorney Knox replied that he believes the last thing that happened was that Waste Management was going to put together a report to find out if there was any discrepancy in the way they billed the Housing Authority versus other similar projects, which they have completed and the results came back, and the County Attorneys have gone back to the Housing Authority

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with the letters telling them what their position is, which is the Housing Authority still owes approximately \$300,000.

The Board reached consensus to accept the annual audit for the Housing Authority of Brevard County for the Fiscal Year ending March 31, 2014.

ITEM VI.C.1., AUTHORIZAITON, RE: MUNICIPAL REVIEW OF LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS

The Board directed the Clerk to the Board to mail a copy of the Local Option Gas Tax (LOGT) percentage allocations to each municipality for review; and approved the Board conducting the final review of the allocations at the July 7, 2015, Board meeting.

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

ITEM VI.E.1., AUTHORIZATION, RE: BIND AND SECURE PLACEMENT OF THE COUNTY'S PROPERTY INSURANCE COVERAGE WITH AN EFFECTIVE DATE OF JUNE 1, 2015

The Board authorized Gerard Visco, Insurance Director, to bind and secure placement of the County's property insurance coverage with an effective date of June 1, 2015.

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

ITEM VI.E.2., APPOINTMENTS, RE: PRIMARY AND ALTERNATE RETIREE REPRESENTATIVES TO EMPLOYEE BENEFITS INSURANCE ADVISORY COMMITTEE (EBIAC)

Gerard Visco, Insurance Director, stated that according to the Interlocal Agreement that exists for the operation of the group health plan, there are several members appointed to the Employee Benefits Insurance Advisory Committee, one of which is a representative for the retirees and the Board has been tasked to make that appointment. He added that on April 28th, the current retiree representative resigned, the committee then sent out letters to retirees, seeking volunteers to participate on this committee, and eight responses were received. He asked for the Board's authorization for this particular selection process, the Board has been provided with scoring sheets with the names of the eight volunteers; the Board was asked to select candidates with a ranking of 1, 2, or 3; points will be awarded for first, second, and third place; and he will total those points and report them to the Board then ask the Board for a motion and an appointment for a retiree representative. He added that the highest ranked choice will be the primary and the second ranked choice will be the alternate. Mr. Visco calculated the points from the score sheets and presented the results; the first choice candidate

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was former County Manager Tom Jenkins, and for the second choice candidate there was a tie between Dee Dee Causey and Ed Washburn, who could both serve as alternates.

The Board appointed **Tom Jenkins** to the Employee Benefits and Insurance Advisory Committee as their Retiree Representative; and **Dee Dee Causey** and **Ed Washburn** as Alternate Retiree Representatives for the Employee Benefits and Insurance Advisory Committee.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM VI.E.3., APPOINTMENT, RE: COMMUNITY BASED CARE OF BREVARD, INC. D/B/A BREVARD FAMILY PARTNERSHIP

The Board appointed Greg Howes to the Board of Directors for the Community Based Care of Brevard, Inc. d/b/a Brevard Family Partnership.

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., CITIZEN REQUEST BY GEOFF SMITH AND JASON STEELE, SMITH AND ASSOCIATES, RE: COCOA EXPO AGREEMENT MODIFICATION REQUEST

Jim Garrison, Garrison Construction, stated that he has been a general contractor in the State of Florida, and in Brevard County, for 44 years; and it pains him to see this project fight with so many troubles and problems; and he recognizes that these troubles and problems have been on both sides, that is the management and the owner, and also due to a strict adherence to codes and issues. He referenced an issue with the sprinkler heads not being installed in the dorm and explained that it was due to the fact that they go in the refrigerator and the freezer and neither of those units are in place yet because they are not needed. He asked the Board why the minutia is being allowed to hold back the utilization of the dorm. He went on to say that basically this facility is built, the present status is that all of the buildings have received pre-power inspection, one structure that is the north concession and the four adjacent ball fields building finals and fire finals, and the other buildings have or are close to receiving building finals, but have not received any fire finals, that he is aware of. He mentioned a disagreement between the owner and the fire department, requiring a full evacuation system on the seating area of the stadium; he talked about an issue with slope ramps that were 5/16 of an inch off from where they should be, and asked why this minutia is holding back the project. He ended by saying that he would like to see this project completed and knows the Board would as well.

Geoffrey Smith, Attorney, stated he is requesting an extension on the suspension of the enforcement on CUP and Binding Development Plan requirements, while the site is being completed, to allow tournaments to be held. He went on to state the since the last time he was

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in front of the Board his view and the view of his client, Mr. Unnerstall, is that they are almost complete on all buildings, and there are a couple of issues that they are working through. He continued stating that there are five buildings, the north concession stand building is complete, code compliant, fire compliant, and temporary Certificate of Occupancy (CO) issued through May 18th; he believes there is a final inspection of the training center building taking place this morning; he spoke with his Mr. Unnerstall and he believes everything has been completed on the office building; the final inspection has been called in for the dormitory, he spoke about the previously mentioned sprinkler heads and stated he did not think it was a big deal and perhaps Mr. Garrison would know more about it; finally, and Mr. Unnerstall has reached an impasse with the stadium regarding the evacuation system, however correspondence with Doug Carter, Assistant Fire Marshal, has allowed for progress to be made, and once this system is in place the stadium will be completed. He continued, discussing what he and Mr. Unnerstall believe to be outstanding in Phase 1a in the Binding Development Plan (BDP) is the landscaping requirements and the offsite improvements: he believes everything, with the exception of the landscape buffering items, will be completed by July 7th. He stated that he believes the facility is in a condition where it can be used during the summer for baseball tournaments and he believes everything they need is in place.

Chairman Fisher asked Mr. Smith what he is requesting.

Mr. Smith replied the request is for a 45-day extension of the suspension of enforcement that was previously approved, with the following modifications; that the number of people allowed be set at 1,500 people; to allow buildings that have received final inspections and approval be issued temporary COs and be allow to be used; they will continue to follow a plan to segregate population from ongoing construction; and they will continue to provide a fire watchman.

Stockton Whitten, County Manager, stated for clarification, that the request is outlined in the contents of the Board packet from Friday, that it is the complete request and wanted to make sure the Board had that document.

Chairman Fisher stated that he believed there was a document that came in late and asked Morris Richardson, Assistant County Attorney, if there was another document that contained other requests.

Morris Richardson, Assistant County Attorney, responded by stating that he received an email from Mr. Smith that outlined the request; he stated that for the most part the email and his presentation are the same with one difference being that Mr. Smith is asking for an extension of 45 days, but in the email states that by July 7th, which is actually 50 days, they are hopeful that the north concession, training center, office dormitories, and stadium will have temporary COs; he added that these are the same buildings that were reported to be virtually completed back on March 31st and again in April; he mentioned that the email also stated that at the July 7th meeting an update will be provided, and assuming that all buildings are complete an additional extension may be requested to allow for an application to re-phase or modify the BDP and/or CUP. He stated that his concern is that status that is currently being presented is no different than what was presented in March, and that the suspension that is being requested is from the enforcement of the BDP and CUP conditions, and nowhere in the request is it mentioned about when these things will be completed and these are the things that were going to take 45 days to complete back in March and the progress has not been on the site work. He expressed that there does not seem to be a commitment to when the buildings, landscaping, bonds, and the cleaning up of the violations will be completed.

Mr. Smith responded that rather than making it 45 days, he suggested taking it until the next available Board meeting which he understood to be July 7th, but if the Board wished for it to remain 45 days it would be acceptable. He went on to state that as far as the concerns on the

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site work, it is a misconception to say that no work has been done and Mr. Smith is confident that the only thing his client will ask to re-phase is a portion of the landscaping work, and the rest of the work in Phase 1a will be completed during the 45 day extension. He also mentioned being blindsided by the Matrix that was handed out.

Commissioner Anderson stated that he understands the request to re-phase, but his concern is that there are neighbors who will be impacted without the landscape buffering; and he asked Mr. Smith if there was anything that can be done to protect the neighbors. Mr. Smith responded by stating the if that is the will of the Board, this could absolutely be accomplished.

Mr. Whitten stated that he met with Mr. Smith and Mr. Unnerstall and they spoke about where the project is at with regards to the requirements; and that the Matrix is simply a representation of the status of the issues. He went on to state that he believed everyone walked away from that meeting with the understanding that there are still issues outstanding, which are the site plan and the BDP, and where the buildings are concerned, he agrees with the request that says nothing happens inside the buildings until they have been inspected and temporary COs are issued. In response to Mr. Smith's comment regarding being blindsided, he states that there is no attempt to blindside, and there is no new information on the Matrix. He expressed that the core issue is the status of the project in 45 days; inquired where is it at in terms of completing the site plan and complying with the BDP; and he stated he believes this has to be the question.

Commissioner Infantini stated she is very concerned that the Board could be holding up a \$25-40 million project because of a site plan and landscaping; and she appreciates that there are neighbors and that they need some sort of buffering; and she suggested that perhaps a temporary fix could be fencing, but to plant and irrigate trees, she believes, would be very time consuming. She went on to state that she remembers the previous facility at the Cocoa Expo, and is shocked to know that the Board is not allowing people to go into the new facility when compared to the old facility, and suggested that the Board is getting hung up on minor details; she encouraged the Board to really listen to all of the benefits, such as hotel business being increased; she expressed that she would like to see the buildings completed and inspected; and she is not sure that the issues that are being allowed the hold up of this project are critical for safety issues.

Commissioner Anderson stated that the BDP is a contract that was signed and agreed upon and if the Board modified it, Mr. Unnerstall would be receiving special treatment and that would not be fair to all of the other applicants who did not. He also mentioned that in the past no one has violated their BDP and if they did they got sanctioned for it; and he asked why should Mr. Unnerstall receive special privilege that no one else received.

Mr. Smith responded that he believes that this project predates the current BDP and previous BDPs got rolled into the current plan; and that it is not uncommon at all for long term projects, such as this one, to received changes and modifications.

Commissioner Infantini commented that on the BDP, she would like to take a great deal of responsibility on getting it signed by Mr. Unnerstall by telling him that it would be possible to get it amended at a later date; and this was simply an effort to get the project moving.

Mr. Whitten clarified that the Board is not approving buildings; the buildings have to be ready for the final inspections and pass that inspection and then can receive COs; and he believes that Mr. Smith understands that. He stated that the project is not being held up for the minor issues; and if the buildings are ready for final inspection, that will be made a priority for staff.

Chairman Fisher stated that his issue with this project is that he has not heard a commitment to when everything will be completed and he does not believe it is fair to allow the operation of this

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site without first completing the same process and requirements that others before were required to complete.

Jason Steele, Attorney, stated that in the beginning he and Mr. Smith spent hours with Mr. Unnerstall and there is a great deal of passion involved with this project because it means a great deal to him and to this community. He went on to state that this stadium has been in existence since 1964, this is not a new facility. He added that he believes Mr. Unnerstall made a mistake in trying to improve the conditions of the facility instead of opening it as is. He offered thanks to Mr. Whitten and staff for their meeting and believes that the project is on the right track. He explained that the reasons the development of this project has taken so long are that the Department of Natural Resources forced Mr. Unnerstall to complete an entire flood basin study that cost \$200,000 and took nine months; the Fire Department insisted that soffit be removed from the dormitory building which cost an additional \$100,000 and took three months; the forced removal of a storm pipe cost hundreds of thousands of dollars and a great deal of time; and seven versions of traffic studies totaled to \$70,000. He asked that the Board take into consideration that this is not something that is new, that this building has been there for years, and to approve the 45-day extension.

Susan Young stated that nothing has been done to protect her privacy from this commercial property; she understands that in the grand scheme of things, these are minute details but for the quality of life for her and her renter it is a big deal. She stated that all she is asking for is the landscaping buffer that was granted to her through the Zoning and Commission process; and she added that it has been three long years and she has endured a number of issues. She concluded by stating that she would like to know when her issues with this project will be addressed.

Rick Dee stated that he owns the Days Inn; he went on to state that this project has been going on for the past four years; and accused Chairman Fisher of being in opposition of this project since the beginning. He mentioned the benefits of increased job openings and revenue that this business would create. He continued by stating that he believes it is ridiculous to delay the opening of this business because of landscaping issues. He suggested that if this business does not open for the summer, a number of hotels could possibly close.

Sean Koch, representing Holiday Inn Express, stated that with the loss of the Nationals leaving the Viera Complex and the Runaway County Concerts leaving, it has taken a toll on the hotel industry in this area. He added that this business would increase the revenue for not only the hotels, but for the restaurants and shopping as well.

Chairman Fisher asked staff to give a report on the status of the project and what needs to be done to move forward.

John Denninghoff, Public Works Director, stated that with respect to the flood study, staff absolutely did not require the flood study; in accordance with Federal and State laws, staff had established a base flood elevation, which Mr. Unnerstall disagreed with, which left him with the option to perform a study to try to develop better information than what staff had been able to utilize in developing the base flood elevation and Mr. Unnerstall chose to undertake take a flood study. He added that staff disagreed with the flood study results and ultimately performed another flood study, in which staff stands by, and Mr. Unnerstall and his engineering team has been informed of those results and how they were obtained. He continued by stating that the flood study has no impact on the improvements in the site plan and site plan construction in Phase 1a, but it does have a impact on Phase 2. He stated in regards to the drainage pipe that had to be reconstructed because it was not constructed to standard, it was not in a straight line which is required, and compaction could not be properly performed around the pipe; and without proper compaction, the sidewalk that would be placed on top of the pipe would form cracks and

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lead to safety hazards. He stated the initial traffic study did not meet the standards that are necessary to be accepted by staff, and in addition to that, many factors changed on the site as to how many seats and parking spaces might be required, leading to the traffic study needing to be revised, updated, and corrected so that it would reflect the actual conditions that will exist; the updated study reflected a need for offsite work in the form of turn lanes and storage lanes. He explained that the phasing was proposed by staff as a way to facilitate Mr. Unnerstall's developments so that things could get moving more quickly on the east side of Friday Road; and phase one was split into three parts and subsequent to that, additional property was acquired, which would require additional phasing on the site plan, but an approved site plan modification has not been submitted. He stated that one of the major concerns of the changes that would come from this additional property is the drainage that was relocated and is now adjacent to the Young's property, which approval for the relocation was not obtained. He explained that phasing and the modification of phasing is something that staff would entertain, and would be agreeable to if given a submittal that reflected the change, however staff has not received that. He stated that it has never been said that no site work has been done, however he would say that a lot of site work has been done but little of it has been brought to completion. He added that in addition to all of the site work that has not been done, he is unsure how to direct his staff on how to behave regarding the continued extraordinary efforts to try and help Mr. Unnerstall, and how to direct staff with respect to the bonds that are necessary for the offsite work before phase two can start and after Mr. Unnerstall receives COs. He referenced a photo that showed a sidewalk with trunk-headed domes, which are specific requirements from an American with Disabilities Act (ADA) perspective that are possibly placed incorrectly. He mentioned that staff has gone out of their way to advise Mr. Unnerstall of the various problems that have presented over the last 45 days, and very few of them have been addressed.

Commissioner Barfield stated that this project has been going on so long and so many different things have happened; he is a business man and understands that aspect; what is happening now is the Board is being asked to approve things under a temporary situation, which has been known about for a long time, and to do that would cause trouble in the future; and he added that the Board cannot keep bending the rules. He suggested that if there were an accident and something went wrong there, it would receive national publications and tourism will decrease. He also stated that the neighbors are not being taken care of and that should be one of the first things that was done; and he does not feel that things are getting done, and he does not see how he could support this.

Chairman Fisher stated that his idea of a temporary CO is that the project is 99 percent complete, and he asked Mr. Smith when the project will be in that state.

Mr. Smith responded that Phase 1a could be completed in 45 days, but Phase 1b will need to be re-phased because it includes items that have not been started. He added that Mr. Unnerstall would like additional time to complete the landscaping, and the additional time is needed due to a financial situation.

Chairman Fisher asked staff what are the items contained in Phase 1a. Mr. Denninghoff responded by asking the Board to refer to the handout given to them outlining Phase 1a; he pointed out that the lot that was added is not identified on Phase 1a, it is a phasing issue and it is a site plan issue; it was never approved as far as site plan, and it is currently shown as an out parcel; and it is immediately adjacent to the Young's property. He stated he does not know where to put the lot in terms of phasing; he does have ideas on what should be done, but he can tell the Board from a drainage perspective the Young's property supposed to be isolated from a drainage prospective, but it is not; and the berms that used to exist there that were constructed on a temporary basis, were not durable and are no longer effective as far as isolating the rest of the site from the Young's property. He noted, staff does not know how it is supposed to be built, simply because their engineer record has not provided staff with plans that

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they have be able to review and approve that would tell staff how Mr. Unnerstall is supposed to deal with that.

Mr. Whitten asked if the landscaping a part of Phase 1a, and does landscaping also cover the buffer for the Young's; with Ms. Sobrino responding yes is does, a portion the buffer; looking at Phase 1a and the out parcel one will see a crosshats strip that appears to abut the out parcel, that was the buffer that was supposed to be constructed as part of Phase 1a; and the reason only a portion of the buffer was included in Phase 1a is because one can see the south ball fields were not going to be built until Phase 1c, at which time the remainder of the buffer was supposed to be in place to protect the Young's. Mr. Whitten asked in order to have the Young's protected staff would be talking about Phase 1a and also Phase 1c. Ms. Sobrino replied that is correct, and also the engineering revision to include that additional property next to the Young's that was added into Cocoa Expo holdings, that is currently being utilized for some drainage, there is also a ball field light on the property already and part of the outfield is utilizing that property.

Mr. Whitten pointed out to Mr. Smith that as the Board talks about phases he initially said Phase 1a needs 45 days, and then he stated with the landscaping 120 days; the consideration has to be it is 120 days for Phase 1a, but it should also be noted that the buffer for the Young's is also included in Phase 1c.

Commissioner Infantini stated she has a list of the 15 material issues, one of them is parking striping; parking striping is supposed to be nine feet wide, some of the parking is at eight feet, and some of it is 10 feet; and that is one of the 15 important issues. She continued to say another one is the drainage outfalls; some of the elevations are miss-marked on the engineering and staff needs the engineering corrected; and she has selectively chosen two of the 15 to be fair, and most of the items do not appear to be big issues. She pointed out the Board is always saying how it is pro-business and it voted to give \$2.5 million to a business to located in Brevard County; if the Board would just throw that \$2.5 million toward Cocoa Expo she thinks his financial hurdles would be gone; and she thinks they are talking about way more then a 120 jobs. She noted maybe these are not high tech jobs, but to the people who hold these jobs they are just as important as the high tech job is to that person, who is likely going to be commuting out of Orlando; and these are people that actually reside in Brevard County that could really benefit from the jobs. She appealed to the Board in that capacity, and she really thinks it could make it happen.

Commissioner Anderson asked Mr. Smith if he was asking for a 120 days from the landscaping offering for the Young's, he is concerned that all summer long the Young's are going to be distributed while the tournaments are going on; and it should not be open to begin with. Mr. Smith replied if they need to do something to protect the Young's property from the site, but he could not look at that to be a deal breaker, he would say to make that happen someway. Commissioner Anderson asked if Mr. Smith was aware the Board waived the 300-foot buffer requirement to make it less stringent for Mr. Unnerstall; and he stated he thought they were doing a good thing at the time to just use landscape buffers; and now the neighbors are impacted. Mr. Smith remarked lets not say this is a deal breaker thing that is going to keep the project going forward; and there has got to be a way to say he can sit down and make it work with the protection from the site. He advised there is a center at Florida State University (FSU) called the Conflict Resolution Consortium for Growth Management; at some point, maybe it makes sense that if everyone cannot; and these things to him look like everyone can sit down and knock out the 15 items on the list. He reiterated he thinks these all issues that can be addressed, and the time he is asking for is Phase 1A will get it done in the next 45 days; and he would like to have some time on some of the additional landscaping items.

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Chairman Fisher stated there is a buffer issue, final inspection issue, and overall safety issues; and asked how the Board moves the project forward addressing all the concerns. Mr. Richardson responded there are a number of ways, for one thing any of the amendments that was talked about to the BDP; he wants to make clear that the Board cannot amend that today; Florida Statute Chapter 163, requires the Quasi-Judicial dually notice hearing process; and Cocoa Expo can apply for that. He added there are ways to change the phasing plan as far back as a year; Ms. Sobrino has suggested a new phase plan for the applicant, and has never received one to date; and with his first involvement, in early March, it was one of the first things he recommended to the attorney when he asked how to move the Cocoa Expo forward was apply to an amendment to the BDP, and submit the phase plan. He noted, instead the applicant came under a citizen request to the Board and they have been operating without making the changes; they have made some progress on the site work, but those are the things they need to do, the minor things they are complaining of the technicalities. He stated if they would just finish those, that is how they get to green light, done, certificate of completion, final CO's; he pointed out Mr. Denninghoff spoke out his shops particular issues, there are other issues that were not discussed and itemized, so he does not want to mislead the Commission and think those are the only issues that need to be resolved; and his concern is someone who represents the Board's interest and tries to make people honor the commitments and agreements they make with the County is that back on March 31, 2015, that is what the 45 days was for, knocking out the items on the current list. He pointed out the items have not been completed.

Chairman Fisher asked when the Cocoa Expo can come before the Board and say all items are complete. Mr. Smith replied for Phase 1a, except for some of the landscaping, he thinks it will all be done in 45 days, a 45 -day extension from May 18, 2015. He added, the list of 15 items with a little bit of wanting on both sides to come to the conclusion of those things, he thinks the buildings will all be done. Chairman Fisher asked about the stadium EVAC System, and to just give him a date. Mr. Smith replied 45 days. Chairman Fisher confirmed that in 45 days the applicant will be able to get Phase 1a and the buffering. Mr. Smith responded the landscaping on the list he would like to get 120 days; and if they need to do something around the Young's property, they will take it on and do something about the Young's property.

Mr. Whitten stated his hope for the Young's is that the applicant would take Phase 1a and Phase 1c together; under Phase 1a are the buildings; the stadium issue is the EVAC System; he wants to make sure Mr. Smith understands that a minimum requirement to operate the stadium in the EVAC System; and the Board can give him an extension and he walks away, and if he does not clear the EVAC System with the fire inspectors, he cannot operate the stadium. He noted he wants to make that perfectly clear. He stated the County does have a EVAC System plan for the stadium; when they changed the system there are options; one, the fire alarm alerts the announcers booth, the Fire Marshall has said that is not acceptable for Space Coast Stadium, it is not acceptable for Cocoa Expo; and second is to purchase a new amplifier to hook into the existing Public Address (PA) system.

Mr. Smith stated he does not see the stadium as being a problem to get done in 45 days; he thinks there has been positive discussion on how to get the EVAC System done with strobe lighting. Chief Mark Schollmeyer, Fire Rescue Director, stated the fire alarm system has to be done before one can occupy the building, it is a minimum Code in Florida; and it should be simple to get done. He noted he has talked with the contractor several times. Mr. Smith remarked the Code prevision gives some discretion in what is going to be satisfactory by the Fire Enforcement for the jurisdiction. Fire Chief Schollmeyer replied to a point yes, but to say one can occupy a building with a 1,000 people when he or she should have a system, that is not acceptable. Mr Smith advised Cocoa Expo is not going to operate indefinitely without a system that does not exist.

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Commissioner Infantini stated Cocoa Expo cannot occupy the stadium without some type of fire notification; the Board cannot even give the applicant the 45 days exception; and there are two things riding here, one is some type of amplifier and visual system in the stadium, and a buffer for the Young's, both Phases 1a and 1c.

Commissioner Anderson stated the County has a standing waiver of requirements under the last injunction that the Board said it was going to waive enforcement of, that is still in place; and asked if it had to be revisited that in order to do anything. Attorney Knox replied the County has a stipulated injunction in place and some of the things that were covered in the injunction have been resolved, but some of them are still outstanding. He stated he used to, for 10 years, represent clients like Mr. Unnerstall, and never in his 35 years of practice has he ever seen a Board spend as much time babysitting a project like this one has; this has been bent over backwards times three as far as projects are concerned; generally speaking staff has to do the review to make sure that things are done accordance with plans that are submitted and approved; and those plans have to follow rules, the rules are set forth in ordinances, they are set forth in laws, set forth in Fire Codes, set forth in Building Codes, set forth in every kind of Code imaginable from State and from the County. He added one has to follow the Code, and staff purpose is not to design a project for a developer, or for a contractor or builder; their purpose is to review to make sure it has been done right; and staff has spent hours and hours going through this project in details telling these guys what they need to do. He noted that should not be the way it works, and it is not the way it works for most developers. He advised his view would be to set a deadline and say, it has to do done by this time, if it is not done by that time, all bets are off, one cannot operate the business.

Commissioner Anderson stated the Board has to give the applicant a deadline; he has had conversations with Mr. Smith and Mr. Steel at first and did not want to discuss this any further, because he has sat on the Board for four years with Mr. Unnerstall's project; he is willing to give him more time but he is going to ask Mr. Smith this, whatever time the Commission grants, he does not ever want to see Mr. Unnerstall before the Board again; and if so, he is going to go ahead and ask the attorney to file the contempt of court and be done with it.

Mr. Whitten stated he wants to make it perfectly clear that at Space Coast Stadium there is a sound system, EVAC System, that will alert the tenants that there is a fire, that was in place under the Code provisions when the stadium was built; the Code provisions have changed, so if the County changes the system, it will have to do sound and a visual alert, which they will do; and so the stadium does have a system of notification.

Chairman Fisher asked is there a way to physically have someone there that can get around the Code; can he or she man people so someone can be watching for fires; and stated he is asking the question because he does not believe they not are going to put people in the place and not use the stadium. Fire Chief Schollmeyer replied under limited circumstances yes one can do that; there were 99 people at the site last time; and he could live with 99 people in the stands on a temporary basis. He noted it is called a fire watchman. Chairman Fisher pointed out if they had a fire watchman that can get around it for 45 days if the Board decides to give them that option. Fire Chief Schollmeyer responded if the Board limits the number of people, and he thinks 99 people is a good number to limit it to.

Commissioner Anderson asked Mr. Smith if the applicant can do Phase 1a in 120 days; with Mr. Smith responding affirmatively.

The Board took action on citizen request by Geoff Smith and Jason Steel, Smith and Associates, to be documented in a Memorandum of Understanding between Cocoa Expo and Brevard County prepared by the County Attorney, as follows: 1) The Board suspension of enforcement of Binding Development Plan, CUP, Zoning Resolution and specified Code

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requirements Is extended until September 9, 2015; 2) On or before September 9, 2015, a) all improvements and actions required to obtain a certificate of completion for Phase 1A; b) request and pass all necessary inspections; and c) request and obtain final certificates of occupancy on all structures within Phase 1A; 3) On or before June 26, 2015: a) satisfy all building and fire codes applicable to the stadium and complete permitting and construction; b) request and pass final inspections, including fire; and c) request a temporary certificate of occupancy for the stadium building; 4) Prior to receipt of certificate of occupancy for the stadium building, Cocoa Expo may occupy the outside seating area and outdoor portion of stadium subject: a) at all times at least two (2) fire watchmen must be on duty and continuously patrolling the entire stadium on separate routes; and b) no more than 299 people total, may occupy the outside seating area and outdoor portion of the stadium at any time; 5) Cocoa Expo may request and obtain a temporary certificate of occupancy for any building in Phase 1A only which has passed final building and fire inspections; 6) The prohibition against baseball games after daylight hours shall be lifted upon completion, inspection, and approval of the landscape buffering adjacent to residential properties; any nighttime games and lighting shall be subject to applicable performance standards; and existing Code violations regarding lighting must be cured prior to nighttime play and used of ball field lighting; 7) No more than 1,500 total people may be present on the Property at any one time; 8) On or before June 26, 2015, Cocoa Expo shall provide complete, install and maintain all landscape buffers required in Phases 1a and 1c which are adjacent to residential property; 9) Cocoa Expo may use the south ball fields only after all landscape buffers have been completed; 10) Cocoa Expo shall indemnify and hold harmless the County; 11) Cocoa Expo shall maintain insurance and liability policies shall provide that the County be an additional insured; 12) No further extensions shall be granted; 13) County staff may enter the property and conduct inspections; 14) Active construction, construction equipment, and construction materials are to be isolated from the public; and 15) In the event that Cocoa Expo fails to comply with any condition the suspension of enforcement shall terminate immediately and the County Attorney is authorized to seek injunctive relief automatically without further action of the Board.

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

ITEM VII., PUBLIC COMMENTS

Susan Olson, Micco Homeowner Association, stated that she was following up on an email that was sent to the Board asking for information on All Aboard Florida's engineering plans; her organization had asked to participate and she had spoken with Commissioner Infantini regarding this and was given the impression that Commissioner Infantini would support the idea; and her organization has yet to receive a response regarding whether or not the Board had met with All Aboard Florida, if the updated plan had been presented, and if her organization would be able to participate in that plan. She added that three different property owners in Micco had joined a Lawsuit and she thought the Board should be aware of that. She asked that her organization be present when the engineering plans are presented to the County, if they have not already been presented.

Chairman Fisher asked if anyone knew if the plans had been submitted to the County; and he added that he had not seen them.

Stockton Whitten, County Manager, stated that he was not sure there is a requirement to do so, but that he could ask the question.

Ms. Olson added that she is sure there is no requirement that individuals participate and she does not think there is any prohibition either; and she does know that All Aboard Florida have been presenting their updated plans to other counties; and her organization is only asking to be present during the presentation.

Chairman Fisher stated that the Board would look into this for her.

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

Commissioner Infantini stated that she spoke with the gentleman that runs Runaway County, and asked him why he was leaving Brevard County; she commented that he had the kindest remarks about staff, Wickham Park and the people who run it, the Parks Department, and all of the people on the facility there; and he needed a larger venue and that the rodeo arena satisfied that need. She added that she wanted to commend County staff on his comments. She also stated that she and Commissioner Barfield attended a great homeowners meeting with the residents of Savannah, and put out a lot of information about Savannah's Golf Course, and she thanked all of the residents for attending.

ITEM VIII.D.1., RESOLUTION, RE: OPPOSITION OF ESTABLISHING THE EUBALAENA Oculina NATIONAL MARINE SANCTUARY

Commissioner Smith read aloud a Resolution in opposition of establishing the Eubalaena Oculina National Marine Sanctuary.

The Board adopted Resolution No. 15-069, in opposition of the establishment of the Eubalaena Oculina National Marine Sanctuary off the coast of Central and Northeast Florida.

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

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

Chairman Fisher handed out a report from the National Symposium in Colorado Springs, that he and Commissioner Barfield attended, on who they met with. He also requested that the Budget Workshop for May 28, 2015, be rescheduled to May 26, 2015, to take place after the Regular Meeting.

Stockton Whitten, County Manager, stated the Workshop is on tourism, and added that he could take direction at the Board and agenda the budget topic as an Item for the Board meeting; and Chairman Fisher could give him direction going into the June preparation of the 2015-2016 budget.

Commissioner Infantini asked the Board if they needed to have a workshop in that case.

May 12, 2015

Commissioner Anderson stated that if the Board could discuss the Budget topic as an Agenda item during the regular meeting that would be easier.

Mr. Whitten stated the Board could put off the Tourism Workshop until the Fall.

The Board approved canceling the Budget Workshop and discussing it as an Agenda item during the May 26, 2015, regular meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

EXECUTIVE SESSION, RE: BREVARD COUNTY, FLORIDA V. WALTER E PLATT, ET AL, CASE NO. 05-2013-CA-072132-XXXX-XX

Chairman Fisher read aloud the Executive Session Statement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ADJOURNED

Upon consensus of the Board, the meeting adjourned at 12:47 p.m.

ATTEST:


SCOTT ELLIS, CLERK



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

As approved by the Board 7-7-2015