

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 December 1, 2015 at 9:07 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Late	9:24 AM

**INVOCATION**

Reverend Drew Wales, St. Michael the Archangel Church, Rockledge, led the assembly in the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Curt Smith led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the September 1, 2015 and October 6, 2015 Regular meeting minutes.

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

**ITEM I.A., RESOLUTION, RE: RECOGNIZING AND COMMENDING SPACE COAST HONOR FLIGHT**

Commissioner Infantini provided the Board with a video presentation; and she read aloud, and the Board adopted, Resolution No. 15-227, recognizing Space Coast Honor Flight. Motion carried and ordered unanimously.

Bill Weltser, President of Space Coast Honor Flight, expressed his thanks for the Space Coast Honor Flight's recognition; he stated his group brings honor and dignity to Veterans; and he provided the Board with a challenge coin to always carry with them.

Chairman Barfield stated there is need to present at the end of resolutions, Item I.B., Resolution, Re: Recognizing and Commending Barefoot Bay Detachment 918 of the Marine Corps League.

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

**ITEM I.C., RESOLUTION, RE: PROCLAIMING DECEMBER 24, 2015, AS SURFING SANTA DAY IN BREVARD COUNTY**

Chairman Barfield read aloud, and the Board adopted, Resolution No. 15-228, proclaiming December 24, 2015, as Surfing Santa Day in Brevard County.

A Surfing Santa representative expressed his appreciation to the Board for the Resolution; and he provided the Board with a video presentation of 'Surf it Off' at Cocoa Beach.

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

**ITEM I.D., PRESENTATION BY NATIONAL WEATHER SERVICE, RE: EL NINO WINTER SEVERE STORM SEASON**

Kimberly Prosser, Emergency Management Director, stated yesterday was the last day of Hurricane Season; El Niño caused Brevard County to have an unscathed year; and she introduced Scott Spratt, Warning Coordination Meteorologist of National Weather Service.

Mr. Spratt provided the Board with a PowerPoint presentation to help the Board be aware of the potential for a strong tornado threat this winter due to the El Niño, that is anomalous warming of the Pacific Ocean waters; he stated the greater amount of warming there is in the Eastern Pacific Ocean the greater the amount of feedback is to the atmosphere across Florida and through most of the globe later on in the season; the storminess occur through the months of November through April; but the greatest impact tends to be the second-half of that time period. He suggested to the Board for its employees and resident acquire National Oceanic and Atmospheric Administration (NOAA) weather radios, and/or smartphone apps with tone alters for severe weather, to ensure that they would be awakened in time to take cover if a tornado approaches.

The Board acknowledged presentation by the National Weather Service regarding the upcoming El Niño winter severe storm season.

**ITEM I.E., RESOLUTION, RE: RECOGNIZING THE SHINE PROGRAM**

Lance Jarvis, SHINE Co-Area Coordinator, expressed his thanks to the Board for the Resolution; and he stated the SHINE Program provides free counseling services to help seniors and others who are on Medicare, to make good decisions about how they get their healthcare.

Chairman Barfield read aloud, and the Board adopted, Resolution No. 15-229, recognizing the SHINE Program.

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

**ITEM I.F., RESOLUTION, RE: RECOGNIZING AND COMMENDING MRS. ELLA WORKING ON HER 100TH BIRTHDAY**

Commissioner Anderson stated this is a resolution recognizing and commending Ella Working on her 100th birthday; he will be presenting the resolution at a later time; and the Board adopted, Resolution No. 15-230, recognizing and commending Mrs. Working.

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

Commissioner Anderson's absence is noted at 9:55 a.m.

**ITEM I.G., RESOLUTION, RE: RECOGNIZING INDIAN RIVER LODGE # 85 AND THE 125TH ANNIVERSARY CELEBRATION**

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 15-231, recognizing the Indian River Lodge #85 and the 125th Anniversary celebration.

Art Edwards expressed his thanks to the Board for the Resolution; he stated the Indian River Lodge is affiliated with Masonry; all the Masonry today is chartered out of England; they are committed and dedicated people of the community; and he invited the Board to attend a Christmas celebration on December 19 at St. James AME Church, Titusville.

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

Commissioner Anderson's presence is noted at 9:58 a.m.

**ITEM I.H., RESOLUTION, RE: RECOGNIZING NOVEMBER 19-25, 2015, AS FARM-CITY WEEK**

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 15-232, proclaiming November 19 - 25, 2015, as Farm-City Week.

Tom Schuller, President of Farm Bureau, expressed his thanks to the Board for the Resolution; he stated the importance of agriculture is \$1.4 billion to the State's economy; Florida agriculture has played a vitally important role in the development of this state; he asked for Linda Seals, UF/IFAS Extension Brevard County Extension Director, to come forward; and he expressed his

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thanks to Ms. Seals for what Brevard County Extension does for the agricultural community in Brevard County.

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

**ITEM I.B., RESOLUTION, RE: RECOGNIZING AND COMMENDING BAREFOOT BAY DETACHMENT 918 OF THE MARINE CORPS LEAGUE**

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 15-233, recognizing the Barefoot Bay Detachment #918 of the Marine Corps League.

A representative of the Marine Corps League expressed his thanks to the Board for the Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEMS PULLED FROM CONSENT AGENDA**

Chairman Barfield stated he is pulling Item II.A.4., Contract for Sale and Purchase with Florida Bank of Commerce, Re: Acquisition of 6.9 Acres Located Adjacent to Babcock Street for Purposes Related to the Proposed Widening Project, from the Agenda for discussion.

**ITEM II.A.1., BINDING DEVELOPMENT PLAN, RE: SOUTHEASTERN METRO SAVINGS, LLC**

The Board executed Binding Development Plan with Southwestern Metro Savings LLC, for property located on the south side of S.R. 520, west of Lake Poinsett Road.

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

**ITEM II.A.2., RESOLUTION AND MAINTENANCE MAP, RE: PORTION OF HOUSTON LANE IN SECTION 22, TOWNSHIP 24 SOUTH, RANGE 36 EAST**

The Board adopted Resolution No. 15-234, approving a road maintenance map for portion of Houston Lane in Section 22, Township 24 South, Range 36 East; authorized filing the Maintenance Map in a Road Plat Book; and authorized recording of the Resolution in the Public Records.

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

**ITEM II.A.3., SUBORDINATION OF UTILITY INTEREST CONVEYED FROM FLORIDA POWER AND LIGHT, RE: THE VIERA COMPANY TRANSONA AT ADDISON VILLAGES PHASES 1 AND 2**

The Board executed Subordination of Utility Interests from Florida Power and Light for The Viera Company related to Transona Village Phases 1 and 2.

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

**ITEM II.B.1., AWARD OF \$75,000 GRANT OF TOURIST DEVELOPMENT TAX FROM THE CAPITAL FACILITIES RESERVES TO BREVARD COUNTY FIELD OF DREAMS, RE: ASSIST IN COMPLETING THE PARK WITH THE HIGHEST POSSIBLE LEVELS OF SAFETY AND QUALITY**

The Board approved a \$75,000 grant from Capital Facilities reserves from the Tourist Development Tax be awarded to the Brevard County Field of Dreams to assist in completing the park with the highest possible levels of safety and quality; and the approval would allow the necessary budget changes needed to complete the transaction, moving the funds out of the Capital Facilities Reserves into Operating Expenditures of the Capital Facilities Fund for the purpose of completing the payment of the grant award.

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

**ITEM II.B.2., RENEWAL OF CONTRACT WITH SIMPLEVIEW, RE: CONSOLIDATION OF WEBSITE SERVICES PROVIDED TO TOURISM DEVELOPMENT**

The Board approved the renewal and consolidation of Simpleview's contract that will align the main contract and all-agreements for all services currently provided to the Tourism Development Council.

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

**ITEM II.C.1., PERMISSION TO ISSUE REQUEST FOR PROPOSAL (RFP) AND NEGOTIATE COMPETITIVE AGREEMENTS FOR LICENSES TOWER CONSTRUCTION COMPANIES, RE: REPLACE TWO EXISTING TOWER STRUCTURES FOR THE COUNTYWIDE PUBLIC SAFETY RADIO NETWORK**

The Board granted permission for Purchasing and Emergency Management to solicit competitive proposals to replace two tower structures at existing sites for the Public Safety Radio Network, and establish a negotiation committee approved by the County Manager or designee and award contract to the best-ranked proposer; and authorized the County Manager, or his designee, to execute the contract, subject to approval by the County Attorney's Office and Risk Management, and sign any document needed during the development and construction period, subject to approval by the County Attorney's Office, on behalf of the Board of County Commissioners.

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

**ITEM II.C.2., PERMISSION TO ISSUE A REQUEST FOR PROPOSAL (RFP) AND NEGOTIATE COMPETITIVE AGREEMENTS TO SELECT A QUALIFIED VENDOR, RE: DESIGN AND PROVISION A BACKHAUL CONNECTIVITY SOLUTION TO SUPPORT THE BREVARD COUNTY 800 MHZ PUBLIC SAFETY RADIO SYSTEM**

The Board granted permission for Purchasing and Emergency Management to solicit competitive proposals to design and provision a backhaul connectivity solution to support the Brevard County 800 MHz Public Safety Radio System, and establish a negotiation committee approved by the County Manager or designee and award contract to the best-ranked proposer, and utilize the \$12.50 surcharge fund for the backbone implementation; and authorized the County Manager or designee to execute the contract, subject to approval by the County Attorney's Office and Risk Management.

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

**ITEM II.C.3., APPROVAL, RE: AWARD EMS TRUST FUND GRANTS FOR 2016**

The Board approved award EMS Trust funding to local EMS providers who submitted grant applications; and authorized the County Manager to approve all budget changes necessary for this process.

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

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

Commissioner Infantini stated she is voting Nay on this Item.

The Board approved the Budget Change Requests.

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

**ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: FY 2015-2016 PARRISH MEDICAL CENTER REVENUE AND EXPENSE BUDGET AND MILLAGE RESOLUTION**

The Board acknowledged receipt of the Fiscal Year 2015-2016 Revenue and Expense Budget and Millage Resolution for the Parrish Medical Center.

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

**ITEM II.D.3., RESOLUTION, RE: AUTHORIZING THE COUNTY ATTORNEY TO ACCEPT SERVICE OF PROCESS FOR LAWSUITS AGAINST THE COUNTY AND EMPLOYEES**

The Board adopted Resolution No. 15-235, authorizing the County Attorney to accept service of process for lawsuits against the County and employees.

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

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

The Board acknowledged reappointment of Timothy David Deratany to the Tourist Development Council, with said term of appointment expiring on November 30, 2019.

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

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**ITEM II.A.4., CONTRACT FOR SALE AND PURCHASE WITH FLORIDA BANK OF COMMERCE, RE: ACQUISITION OF 6.9 ACRES LOCATED ADJACENT TO BABCOCK STREET FOR PURPOSES RELATED TO THE PROPOSED WIDENING PROJECT**

Chairman Barfield asked John Denninghoff, Public Works Director, to provide the Board with some details on this Item.

Mr. Denninghoff stated in the funded and unfunded transportation improvements projects list there is the widening of the Babcock Street corridor included; there is a preliminary engineering report and some properties has been acquired for future widening of the road, including retention areas; there is a parcel of land that will be suitable for storm drainage fill of borrow material, and there is a strip on the front of Babcock Street and Sottile Canal; and there are some right-of-way issues associated with the Sottile Canal. He went on to say this acquisition would serve to help provide for multiple benefits associated with the Babcock widening, as well as current issues associated with storm drainage; this parcel has been on the market for quite some time at about \$350,000; and the County was approached about this parcel in the past with estimated value being substantially low of what the marketing effort was for the parcel by the owners. He advised that potential acquisition then was ignored a couple of years ago; recently the acquisition came back with another attempt to sell to the County at the appraised value; and is the basis of the contract before the Board today.

Chairman Barfield inquired where the funding is coming from. Mr. Denninghoff responded the funding is coming from a transportation pool of money that had been allocated by the Board for a variety of projects including the widening of Babcock; and he stated the source of revenue is Local Option Gas Tax and Constitutional Gas Tax proceeds.

Chairman Barfield advised he primarily has a problem with this because there had been meetings about what to do with the roads needing repaving; this is a capacity project where there is no funding yet to expand Babcock; the money is to spent on capacity, when it is not yet near capacity; and he thinks capacity is rated probably at 13,000 cars per day and it is probably less than 2,000 cars per day. He reiterated that he has a real problem with this when going to the voters and saying money is going to be put aside to expand when in reality, it is a long time before it needs to happen; and he stated there are immediate needs on the roads to be re-paved, and \$114,000 can go along ways in repaving.

Commissioner Anderson remarked it is not a long way away; he stated the reason there is not a lot of traffic is because it is the longest stretch on I-95 without an interchange; interchange starts construction in July or August 2016; it will be 12 to 18 months before completion; and Babcock Street will become a major problem at that point. He stated he partially agrees with Chairman Barfield about setting aside money for maintenance, but Mr. Denninghoff is really good about finding deals on things that has to be purchased; the City of Palm Bay is paying for the connector from Babcock to the interchange; he does not want to pass this up, because he knows there are Florida Department of Transportation grant funds being applied for by both the City and the County, which is money specific to this project; and then paying twice as much for property that can probably be stolen right now. He inquired if some purchased had been reimbursed when successful in grant funding. Mr. Denninghoff replied affirmatively; he advised that he is unsure if it will apply in this case; but he has been able to be reimbursed with subsequent funding from other sources, and in effect becomes a match. He added, he expects once things start to pop the land value will start to increase, which is why he brought it to the Board at this point. Commissioner

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Anderson stated that is a huge fear if there is a wait time that property is going to quadruple over the next 24 to 48 months.

Commissioner Infantini stated it is prudent to spend the money now to acquire at the appraised value now that the seller has come down in price; and she applauded Mr. Denninghoff for patiently waiting to get the properties at the best price possible. She went on to say if Chairman Barfield would like to wait, that is fine with her to pay the property owner later, to condemn the property, take it by condemnation, and pay a lot of attorney's fees. She advised that she wished the Board would buy at today's dollars instead of buying it with inflated costs.

Commissioner Smith stated he shares the concern about spending money on capacity when there is much need for maintenance; the phrase of mind your pennies and dollars will take care of themselves comes to mind here; there is an opportunity here and the Mr. Denninghoff has done a terrific job of finding another little diamond in the rough, this property right now is not going to cost the County that much in the scheme of things; and when the road is widened he is sure that the property will go up substantially in value, and could sell the remaining part for far more than being spent. He went on to say he thinks this is money well worth spending.

Commissioner Fisher stated because it is known that there is going to be a need, there is some value in purchasing it now; he is concerned of the appraised value being \$108,000; and there are typical fees a seller would have and it is not the County's responsibility to pay those fees.

Motion by Commissioner Fisher, seconded by Commissioner Smith, to approve.

Commissioner Barfield stated he would like further discussion; and he inquired where the funding source is coming from for the widening of Babcock. Mr. Denninghoff responded a portion of the roadway would be widened at the developer's expense that is south of the Waterstone area, which has an Elementary School there, and from there down to just about where this parcel is would be widened development interests; there is also a pursuit of a performance Project Development and Environmental (PD&E) for the project and a preliminary engineering study, which would then make it eligible for federal funding, if any federal funding is available; and the foundation groundwork had been laid allowing to take advantage of various funding sources. He advised the State comes up with transportation funding grants available, they come up frequently with little or no notice; if the County is not ready at the right time, it will not be able to take advantage of it; and there are four different grants and federal funding sources. Chairman Barfield inquired if this is something the developer could pay for. Mr. Denninghoff replied he supposes that they could, but it is a little outside of the area they would be widening themselves; and the County would be widening just a little further south.

Commissioner Infantini advised of what was done on Hollywood Boulevard, the County has purchased probably close to 15 houses along Hollywood Boulevard in planning; Hollywood Boulevard is a direct link from Palm Bay Road and that is the major intersection of Palm Bay Road, all the way up to U.S. 192; this planning had been in the works for a very long time; and every time she gets a little bit of money in the District 3 pile she makes one more purchase until eventually all of the properties along that roadway are purchased to help with the widening of the roadway. She stated now on Babcock she has two north/south

roadways that need to be widened; the funding is not in place but once the funding is in place, if all of the right-of-way has been purchased, millions will not be spent for purchases on Barnes; she is sure the Board is aware of the confidential sessions of the County buying up land on Barnes Road by inverse condemnation; and there has to be prioritization so there is funding when the money is available.

Chairman Barfield remarked he is prioritizing and this is prioritizing.

Commissioner Fisher advised he hears Chairman Barfield's concern of how building new roads when existing roads cannot be taken care of; and he stated it is a challenge this Commission has, and other Commissions will have in the future unless something is done about it. He advised there may be a possibility due to there being a stormwater pond if some of the surrounding developments could drain into that pond, some of the County's costs may be recouped by selling some of that pond capacity to surrounding developments; and at the same time, to not pay for something by eminent domain in the future for drainage.

Commissioner Infantini Called the Question.

The Board executed the Contract for Sale and Purchase with Florida Bank of Commerce for the acquisition of 6.9 acres located adjacent to Babcock Street for purposes related to the proposed widening project, subject to no reimbursement for the fees associated with transaction, and resulting in purchase price of \$108,000.

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

### ITEM III., PUBLIC COMMENTS

Pam LaSalle stated she continues to be concerned about the risk that free-roaming and feral cats pose to the community; toxoplasmosis gondii is a parasite that only comes from cats; it is a microscopic parasite that comes through their feces and into the community; it can be spread any number of ways and do not even need to be near a cat; there are many vectors that can move it about; and she came across some research that is very alarming. She advised the Board that cats are the only known host to shed environmentally resistant oocyst; these are microscopic little bits and a cat during an infection can spread hundreds of millions of these; and they are very viable, and can float in rain runoff. She went on to say the study she found was serological evidence of exposure to selected viral, bacterial, and protozoal pathogens in free-ranging Atlantic Bottlenose dolphins by Adam Shaffer, et al; they went to the Indian River Lagoon (IRL) and did testing of dolphins during 2003 to 2007 to establish a baseline; the alarming part is antibodies were found 15.2 percent of IRL dolphins, high rates of seropositivity among dolphins in the IRL; and she suggested that exposure could be the result of contamination of coastal estuaries with effluents containing oocyst. She added, these findings suggest that environmental contamination with toxoplasmosis gondii may also pose a public heart risk for humans in adjacent areas, and due to complications from infection during pregnancy. She stated she finds it appalling that there is an Ordinance in Brevard County that continues to infect member of the community, including the dolphins; and she cannot imagine a young woman of reproductive age getting in the IRL and being impacted by toxoplasmosis.

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Richard Charbonneau stated he just received an email from Scott Ellis, Clerk, who asked him to keep it short by asking Commissioner Smith to vote no, and to express thanks to Commissioner Infantini for the gas tax.

Charles Tovey stated he has not had a holiday, he does not have a family, and he does not have anything because he worked his tail off to buy a piece of property in Town of Palm Shores; and he passed on buying 1,000 acres on the side of a mountain in the Pacific. He stated he will go the extra mile for the needy not the greedy. He addressed the roads and the environment because of water being a big contributor; if the problems are fixed not as much money will have to spend for the repairs; and there is 70 percent increase of trucks tearing up the roads. He inquired if golf carts are paying any money for the usage of roads and for the tearing up of the bike paths. He stated he has a community program that he wants to give to the community to save small manufacturing environmentally friendly taxpayer savings for prior planning prevention of poor performance.

Commissioner Infantini stated perhaps there needs to be some research done because Ms. LaSalle is coming forward week after week to talk to the Board about her concerns; it may be because the Board does not have enough information; and she would like to direct staff to do a little research, because her concerns are a big threat. She asked Ms. LaSalle to send her the rest of her research to review; if it is a huge problem, maybe how this is handled should be tightened up; and it may be an even bigger issue than she first acknowledged.

Commissioner Fisher stated he thinks it is great that Ms. LaSalle has the passion; she could work with Commissioner Infantini's office to figure out what the issue is; and then bring it back to the Board.

Chairman Barfield recommended utilizing the Health Department.

**ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT - WEST CORAL WAY - "STUART TERRACE FIRST ADDITION" - JEFFRY AND LOIS KIRK**

Chairman Barfield called for a public hearing to consider vacating part of a public utility and drainage easement centered along the common line between Lots 9 and 10, "Stuart Terrace First Addition", petitioned by Jeffrey and Lois Kirk.

John Denninghoff, Public Works Director, stated this is a vacating petition to vacate side lot easements on two adjacent parcels that are owned by the common property owner; they have a house that is currently constructed over the top of those easements; they are petitioning that the Board vacate them to clear the title to their parcels; and no objections had been received to the petition.

There being no objections, the Board adopted Resolution No. 15-236, vacating a part of a public utility and drainage easement centered along the common line between Lots 9 and 10, "Stuart Terrace First Addition", in Section 14, Township 27 South, Range 37 East, as petitioned by Jeffrey and Louis Kirk.

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

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**ITEM IV.B., PUBLIC HEARING, RE: REQUEST FROM SWALLOWTAIL, LLC TO ESTABLISH THE FARMTON-BREVARD COMMUNITY DEVELOPMENT DISTRICT**

Chairman Barfield called for a public hearing to consider ordinance request from Swallowtail, LLC to establish the Farmton-Brevard Community Development District (CDD).

Robin Sobrino, Planning and Development Director, reiterated this is a public hearing on behalf of Swallowtail, LLC in order to establish a CDD in the name of Farmton-Brevard; and she stated it is located in the northwest corner of Brevard County.

Glenn Storch, Miami Corporation Representative, Swallowtail, LLC, stated this is project that has been worked on for some time now; the concept is to create an economic development center at the gateway to Brevard County; it is an existing interchange at the S.R. 5A, which is now called Deering Parkway; and the goal is to start the process of infrastructure. He advised in the Comprehensive Plan they will be paying for the infrastructure and they are looking into having a CDD to help pay for the infrastructure by making sure that is placed on the property; a CDD is basically a taxing district in which the landowner taxes themselves, as opposed to any government contribution; it is not a Community Redevelopment Agency (CRA) that impacts Brevard County's Certificate of Financial Responsibility (COFR); and CDD does allow for financing of the infrastructure road, water, and sewer to allow this to take place in a quicker manner at lower rates, and in a manner allowing Miami Corporation to pay for it themselves. He added, what it will do for Brevard County is allowing for the property values to increase, tax revenues to increase, and having higher tax revenues as a result from this proposal; this is a job creation proposal because everything done at this interchange is to create jobs; and he stated the first roadway segment application was submitted to Brevard County and to the Florida Department of Transportation (FDOT) that is getting ready to be constructed. He stated he is hopeful to receive those permits within the next couple of months and construction will begin within that time frame; he thinks this is something that all should be excited and happy about; and he introduced an expert in the field Mark Watts, Swallowtail LLC, who has prepared a number of CDD's across the State of Florida and is available for any questions. He stated he understands one of the concerns regarding a CDD is that there may be some authority to use eminent domain to acquire properties outside of that CDD, that is not true; Mr. Watts can explain that Miami Corporation has no authority to provide for any eminent domain, any condemnation outside of that CDD area unless specifically coming back to the Board and asking for it and the Board granted authority; and Miami Corporation does have authority to condemn within the CDD, but the only property within the CDD is property already owned by the landowner, and Miami Corporation has already acquired all of that land. He highlighted on the difficulty of road building; one thing done is Miami Corporation has acquired all of the pieces and parts of land, and will be donating that land to the County once this road is built; and he reiterated Miami Corporation will be donating the land, paying for the road, and Brevard County will have a roadway that has been built totally free of taxpayer funding. He concluded by saying that he wants to ensure that all of the residents are happy with what Miami Corporation is wanting to do.

Jabez Coggan IV stated he owns property adjacent to Miami Corporation, he has owned that property since 1980, and he owns about 78 acres; he has been working with Miami Corporation to get some things figured out but his concern is eminent domain; he does not understand it and he only found out about this over the past weekend; he is concerned of Miami Corporation taking their property because of the water and sewer needs; and he is not sure what Florida Statue 190 says. He added, his other concern is he has no information on the road hookup of how the existing Jabez Road is going to connect with the

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laneage; he wants to be ensured that the roadways will line up; he bought a \$100,000 lot to make sure that he has access onto Deering Parkway, so when the road comes in he would have enough to give ten feet back to the County to access his property; and he is wanting to see this happen but the sewer plant issue needs to be worked on. He advised the Board that he feels kind of like the little guy and he wants to be ensure that he has a say to work with everybody to come up with a beneficial outcome; he stated he would like to have water and sewer, but it is not up to Miami Corporation to decide it is up to the Public Service Commission, which if the plant was built too small then PSC would say that it could not be hooked into; and there is a lot of stuff that is beyond his scope and he wants to ensure his property rights are protected, he can eventually develop his prime real estate of 14 acres. He pointed out he owns most of the property down Jabez Road off of Deering Parkway.

Mr. Watts stated the concern relating to eminent domain is in attachment one of the Agenda package, it is a copy of the authority that is granted to CDD's by Florida Statue 190.011(11); a district has the authority to exercise eminent domain within its boundaries; 'Exhibit 3' to the petition is ensuring 100 percent of the property owners within the boundary of the district, consenting to the creation of the district; the concern he is hearing is what happens with property outside of the boundaries; and F.S. 190.011(11) says that a CDD can exercise eminent domain beyond the boundaries but only with prior approval by resolution of the governing body of the County. He added, if there was an instance to arise where that authority was requested, it has to come back to the Board for approval; and the CDD would not have that authority, unless granted by the Board on a case-by-case basis. He stated there are approximately 700 special districts like this in the State of Florida; he is aware of one that has successfully the authority under that Subsection for offsite eminent domain. He stated it is a very rarely used situation; he does not expect it to be used in this instance; and if it did, it would come back to the Board for approval. He mentioned with regards to sewer and roadway accesses, once a CDD invests capital in a Capital Improvement Plan, creating roads, sewer, and water those become public infrastructure elements and roadways have to be opened to the public; there may be other regulations needed to be complied with to tie into those things; but the roadway would be there and will work with the neighbors to figure out specifics of access.

Mr. Storch added, most concerns expressed were not CDD concerns, they were concerns regarding other issues; Miami Corporation is going to going working with the neighbor; it has done that for six years and will continue doing so; and for the record there is absolutely no intention and they will not go after the Coggan's land under a condemnation.

Mr. Coggan inquired if they could explain the special powers. Mr. Watts responded in F.S.190.012 special powers there are certain instances which are not contemplated at this point in time of where the owners of outside the boundary can elect an advisor to participate in discussions relating to activities the CDD may be taking. He stated Swallowtail, LLC has not used this F.S. in about a dozen of the CDD's that he works with; it relates to enforcement activities and actions, and comes into place when there is an interlocal agreement which would be something that would come back to the Board to create an advisory board that they may be able to appoint somebody to.

Commissioner Fisher inquired if Scott Knox, County Attorney, acknowledges that no eminent domain could be done without the Board's given authority. Attorney Knox responded affirmatively.

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Commissioner Fisher stated there seems to be a lot of concern by the surrounding property owners having to deal with more of a private development matter; he thinks Farmton is going to create value for the property owners; his concern was to ensure that the County did not find it putting roads and sewers in an area before its time; and as long as the developer understands it is their obligation, he is supportive of the project.

Ms. Sobrino inquired if approval is subject to the amended legal description that was submitted after the fact; it encumbers about 983 acres. Commissioner Fisher responded his motion will include that.

Mr. Storch replied the amended legal description specifically took out any right-of-ways or areas that were owned by the County or by the State that were included in the overall perimeter.

There being no further comments heard, the Board adopted Ordinance No. 15-30, establishing a Community Development District over the real property comprising approximately 983 acres; naming the initial Members of the Board of Supervisors of the District; establishing the name of the District as Farmton-Brevard Community Development District; designating the purpose of the District; designating the powers of the District; providing for severability; and providing for an effective date.

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

**ITEM IV.C., ORDINANCE, RE: HISTORIC PROPERTY TAX EXEMPTION FOR J.R. FIELD HOMESTEAD, ALSO KNOWN AS FIELD MANOR, LOCATED IN MERRITT ISLAND**

Chairman Barfield called for a public hearing to consider an ordinance for historic property tax exemption for J.R. Field Homestead, also known as Field Manor, located in Merritt Island.

Motion by Commissioner Fisher, seconded by Commissioner Smith.

Jane Templeton, Field Manor President, expressed her thanks to the Board for its act of helping this foundation to find some relief from some County property taxes because it is a 501(c)(3) organization; and she introduced Bud Crisafulli, Frank Sullivan, and Harry Carswell who are present in the room.

Commissioner Infantini stated there was an extensive conversation about distribution of roughly \$550,000 to non-profit organizations; there is a competitive process to apply for grant funding; the funds were allocated in a manner determined by the Board, to be fair; this is circumventing the process to ask for financial relief from the government; and she disagrees with it. She added, Chairman Barfield was concerned about the \$100,000 to be spent on the roadway; he is continually asking where the money is going to come from; and she inquired where he is going to replace the money that is not going to be coming in property taxes now, because there was not enough money give the other non-profit organization that was helping elderly do research with resources. She went on to say and now there is money; and she inquired how the Board prioritizes which non-profit gets money and which ones do not. Chairman Barfield replied every non-profit is individual just like any of the land is individual.

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Commissioner Smith stated there needs to be some money found in the budget; and of the 14 organizations given money, 12 received money from the United Way, and there are others helping, but there is no one to help fund Field Manor and its historic manner.

Commissioner Infantini stated she does not disagree that it is of historic manner, but when money was needed for the dinosaur museum it received \$100,000 from the Tourist Development Council (TDC); when helping the Field of Dreams they were given \$75,000; and this group is asking for far less than either of those, and she thinks that could come from the TDC because it is of historical significance versus giving General Fund monies. She added, she is not denying that is not a good site, she is just denying where the money should from.

Commissioner Fisher stated TDC usually makes a onetime dedication of money; to do a multi-year commitment would be a tough ask; the tax-exemption will help the Field Manor, as a non-profit; and he Called the Question.

There being no further objections, the Board adopted Ordinance No. 15-31, amending Chapter 58, Code of Ordinances of Brevard County, Florida; adding Article III "Historic Property Tax Exemption for J.R. Field Homestead ("Field Manor)"; specifically creating a new Article III, in Chapter 58 "Historic Property Tax Exemption for portions of Field Manor predominantly used for commercial or non-profit purposes and regularly open to the public"; providing for a historic property tax exemption of 50 percent of the assessed value of portions of Field Manor predominantly used for commercial or non-profit purposes and regularly open to the public; providing for conflicting provisions; providing for severability; and providing for inclusion in the code of Ordinances of Brevard County, Florida; and providing for an effective date.

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

#### **ITEM VI.C.1., BOARD DIRECTION, RE: AT&T RATE INCREASES**

Stockton Whitten, County Manager, asked the Board to delete this Item from the Agenda.

#### **ITEM VI.A.2., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS**

Stockton Whitten, County Manager, stated Commissioner Infantini wants to table her projects only to December 15, 2015.

#### **ITEM VI.A.1., WAIVER OF STORMWATER CRITERIA, RE: NANA'S HOUSE**

Bruce Moia, MBV Engineering, stated he is sorry to be present today, but he is trying to do Nana's House infrastructure improvements; he just found that in order to do so there is no room to put in a stormwater pond to meet the County standards; and in the past, the County stormwater used to be review through engineering and now he needs site plan approval, because of being hit full force by stormwater code for a 3,000 square foot parking lot, and he would have to sign it for 25-year 24 hour storm. He went on to explain what he use to get approval for was by doing one inch retention over the new area that would met the requirements for site plan approval. He stated that is not happening now because review is now being done

through Natural Resources Management Department and they are not applying that, which is staff discretion they have applied in the past; he is asking for that waiver, he believes there is a hardship because it is a very tight site to add the parking needed, to meet the minimum standards, and there is not a lot of room because of having existing septic system on the site with no sewer available; and there is just no room to comply full criteria of the stormwater requirement criteria. He stated he sent an email if going through St. Johns River Water Management District (SJRWMD), he would be exempt from doing stormwater permitting, exempt from City of Palm Bay, and exempt if in many municipalities within the area; the Brevard County has no exemption criteria; and he feels strongly that the County should adopt a standard stormwater exemption, as all the other agencies have, which is kind of a twofold reason why he is here.

Motion by Commissioner Infantini to approve.

Commissioner Anderson stated this building was used for a higher intensity use by the County for several years; and it needs to find a way to allow them to use it the same way the County used it for years.

Virginia Barker, Interim Natural Resources Management Director, agreed with Mr. Moia, that the way he has come here is a bit unfortunate; she stated when the transfer of responsibility for these reviews came to the County, the Code was read as written; there was immediate feedback that this was not the way it had been interpreted; in the past waivers had been issued under the waiver provisions of the Subdivision Code; the County Attorney was asked for an opinion as to whether that was legal to do; and they were advised that it was not because there are specific waiver conditions that apply to the stormwater criteria, the subdivision waiver criteria does not trump these criteria, and are following the Code as written. She stated if the Board would like to change the Code she will work to help change the Code, but at the moment there is current Code trying to be applied and has four conditions for when the Board, not staff can consider a waiver; what those four conditions boil down to are no adverse impacts to adjacent property owners in terms of flooding or to water bodies in terms of water quality damage; the one inch retention designed on site probably does meet the intent of the Code in terms of water quality protection, but it is the flood protection for the neighbors that remains an outstanding issue; and if it can be figured out how to work through that, she thinks there is no problem with the intended use of the site, and staff just needs to figure out how to protect the neighbors.

Commissioner Infantini stated this is good opportunity for dialogue about changing the permitting process and reevaluating the rules in place to be business friendly.

Commissioner Smith stated he is a little perplexed because he is a business guy and he is concerned for the neighbors; this is a temporary situation and it the property still belongs to the County; if the County decides it needs the property for a turn lane or something, Nana's House is out, and a turn lane is being built; this is not easy for him because it is a temporary situation; and he has a lot of concern in going forward for the neighbors.

Chairman Barfield suggested for Mr. Moia and staff gets together and work out a plan for this; he stated there are neighbors to be concerned about; it is the County's property; and he would like to see this come back to the Board after Mr. Moia has further discussions with staff.

Mr. Moia advised that he has the solution to protect the neighbors, there is going to be a solid block wall built between the neighbor, and this property; there is no way that any drainage from this property is going to enter the neighboring property to the west or to the north, and it would be impossible; there was an expense he was not expecting to build that block wall; the way the property is draining with that big building and all that pavement on the north side has always

gone wherever it has gone; and all he is proposing to do is to add a little bit of parking that meets requirements, slope that to a pond to meet water quality, and if still being reviewed by engineering he would be under construction. He added, the County requirement is a 25-year storm which is nine inches of rainfall; SJRWMD is an annual storm which is five inches of rainfall; but regardless of that, a block wall is going to prevent any water from getting to the neighboring property, so the problem is solved.

Commissioner Fisher inquired if staff has seen any of that yet. Mr. Moia responded it is on the plan. Commissioner Fisher inquired if he talked to staff about the wall and about the drainage is not going to go the way of the neighbors. Mr. Moia replied he did not bring that up. Commissioner Fisher stated he thinks that is a concern because of not getting with staff enough to show and to prove that there is not going to be any flooding of neighboring properties; and the Board does not want SJRWMD to be used as an example of the governing body for the County. Mr. Moia advised he specifically submitted to SJRWMD to get the exemption in writing to forward it to the County; they have to issue an exemption for many municipalities to determine, since it was exempt from SJRWMD they will now apply a separate set of criteria. Commissioner Fisher inquired if this is something that has to be gone through SJRWMD. Mr. Moia replied normally he would not if he did not have to provide that information to another entity in writing. Commissioner Fisher advised this too small for SJRWMD to even have to look at; it was decided a long time ago that the Board did not want to use SJRWMD as its governing agency for permitting; he thinks Mr. Moia can probably get there by working with staff to prove that he is not going to flood the neighboring property; and if there is a solution on putting a wall there, and showing the driveway slope of the water working towards Hield Road.

Commissioner Anderson stated this 25-year event is bit ridiculous; this is in his district and he spends a lot of time on Hield Road; Mr. Moia is making improvements that are not even existing; there are a lot of other issues on Hield Road that will cause issues; and he is actually making improvements for drainage which is helping the neighbors; he does not know why the Board is getting all tied up on all these technicalities of not affecting stormwater or water quality, not affecting the neighbors but actually improving the drainage system, and he does not know why the Board has to go through this for a non-profit that is providing a service to the community.

The Board granted a waiver of the Stormwater Criteria, Section 62-3751, Exhibit A, Sections (3.0(c), 4.1,4.2,4.3, and 4.4 that requires plan preparation, drainage calculations, treatment of a minimum design storm event, minimum retention volume, and pond flow calculations, contingent on the applicant meeting with Natural Resources Management Department staff, and providing evidence to satisfying criteria 4.2: that the "granting of the waiver will not be injurious to the other adjacent property."

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

**ITEM VI.A.2., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS CONTINUED**

Robin Sobrino, Planning and Development Director, stated there are two parts to this Agenda Report; one is for the appropriations for Central Mainland Benefit District; Commissioner Infantini was interested in those that touched her district, which was the South Mainland Benefit District; and there is a recommendation to re-appropriate unused monies from other projects in

the Viera area, and to allocate them to the Wickham Road at Interlachen Road intersection improvements project.

The Board approved the Transportation Impact Fee Technical Advisory Committee's recommendations for the Central Mainland Benefit District; authorized the Budget Office to execute budget change requests necessary to implement project recommendations; and tabled consideration of the Transportation Impact Fee Technical Advisory Committee's recommendations for the South Mainland Benefit District, and the Transportation Impact Fee Disbursement Agreements with the Town of Malabar and the Town of Grant/Valkaria to the December 15, 2015, Board meeting.

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

**ITEM VI.B.1., AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS (RFP), RE: LEASING OF THE RIVER'S EDGE EVENT CENTER AT TOM STATHAM PARK**

Commissioner Infantini stated this about a Community Center that recently had improvements done; now that there has been improvements it is wanted to go out for an Request for Proposals (RFP) and leasing it out; and she suggested hiring an event planner to work all of the facilities, because she thinks a lot of facilities are underutilized.

Chairman Barfield suggested seeing how the pilot process works.

The Board approved the advertisement of a Request for Proposals (RFP) for Event Management and Operation of the River's Edge Event Center at Tom Statham Park; appointed Selection and Negotiation Committees consisting of Venetta Valdengo, Assistant County Manager, Hector Lopez, Assistant Parks and Recreation Director, and Jeff Davis, North Area Parks Operations Manager; and authorized the Chairman to execute the resulting contract.

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

**ITEM VI.D.1., PERMISSION TO RETAIN OUTSIDE COUNSEL, RE: MASCI V. BREVARD COUNTY SUIT RELATING TO SOUTH WICKHAM ROAD CONSTRUCTION**

Scott Knox, County Attorney, stated this is a request for permission to hire outside counsel to represent the County in Masci v. Brevard County suit relating to the construction of South Wickham Road where the Masci's are asking for \$3.7 million.

Commissioner Infantini inquired how much was spent in attorney fees in the successful litigation against RKT construction company that put in a deficient product down in the South Beaches. Attorney Knox responded \$806,000 and the County recovered \$806,000 from the surety. Commissioner Infantini stated she thinks hiring a construction attorney specialist costs a lot less than employing an outside attorney at the rate of \$250 to \$350 per hour; she thinks any of the attorney's on staff receives that much per hour; and maybe hiring them for \$100,000 per year

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which would be a good bit of savings. She went on to say what if the County does not win this; and she inquired there is a staff of how many attorney's. Attorney Knox responded seven. Commissioner Infantini recommending having eight attorney's on staff with one being a construction specialist.

Commissioner Smith stated he likes Commissioner Infantini's idea; and he inquired if it is something to pursue going forward. Attorney Knox responded Morris Richardson was actually doing this, but he left to go work at the City of West Melbourne; and he stated it is not beyond the realm of a possibility.

Commissioner Fisher stated going with a \$100,000 employee has a cost if having a career in Brevard County; out of the seven attorney's, one should become construction knowledgeable; but committing to a \$100,000 person today, for one project that could end up not costing the County anything.

Attorney Knox advised the Board that there is a lot of construction road work done in Brevard County; it is not bad to have somebody who knows about it; the County Attorney generally has to help administer contracts if there is a legal issue; there is someone in training right now to do that; but it does take time.

Commissioner Fisher inquired who is training. Attorney Knox responded Matthew Soss was working with Mr. Richardson and he is picking up on that training.

Commissioner Smith likes the idea to pursue having the expertise in house.

Commissioner Infantini stated since she has been on the Board, there has been three big lawsuits gone through; and had the Board not prevailed, that \$806,000 would of been out of pocket the \$806,000, so the money was paid out, and recovered in the settlement; and putting upfront \$100,000 promise to be employed she thinks is more logical in the long run. She went on to say there has been continual construction issues in the County; it is negligent and shortsighted to not have a construction attorney on staff; and may reallocating the qualification of staffing would help. She stated she cannot support going forward at the cost of the legal rates this way.

Commissioner Anderson stated that is fine for the future; but he thinks the Board should not wait to get someone trained; he would like to get outside counsel specifically for this; and in the future look into construction attorney on staff.

Commissioner Fisher stated he thinks Commissioner Anderson and he are saying the same thing that one of the seven on staff could train to become the construction attorney.

Commissioner Smith inquired if Attorney Knox thinks this is something that has to be done today or can it be done one month from now; and if the thought is to bring some one along to follow in Mr. Richardson's footsteps, would they be ready to go by the time this is ready to go to court, or is outside counsel really need hiring. Attorney Knox replied outside counsel needs to be hired, because it is already in court. Commissioner Smith Called the Question.

The Board granted permission to retain a construction law expert to represent the County in the case of Masci v. Brevard County, relating to South Wickham Road construction.

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

**ITEM VI.F.1., CITIZEN REQUEST BY PAUL DAVIS, RE: ISSUE A BUILDING PERMIT FOR A SINGLE-FAMILY RESIDENCE AT 450 HELEN STREET, MELBOURNE**

Robin Sobrino, Planning and Development Director, stated this is a citizens request for relief from the zoning regulations that require the construction of the T-Turnaround, when at the end of a dead end street in order to receive a building permit for a single-family residence.

Paul Davis stated he has a parcel of land located at 450 Helen Street that he wants to sell; there has never been any turnarounds on that street; in order to make the sale, the purchaser wants him to pay for more road because it ends right where his mailbox is for some reason; he spoke with Commissioner Smith; and he introduced Michael Cobb.

Mr. Cobb stated he has been looking into this for several months now; it was brought to his attention about a similar situation on Vermont Street in the June Park area where it was allowed to build two homes without doing the same conditions that he is being asked to do by design of a civil engineer, to meet the County specs; and there was no turnaround put in at of any sort and they built the road out of asphalt milling. He stated he prepared the Agenda package with pictures, letters, and a survey; two homes were built at the end of Vermont Street and they are about 105 feet short of the existing pavement on the property; and the parcel on Helen Street is 43 feet short of the property. He inquired how many sets of rules is there to address this type of situation; he stated Vermont Street wrote a letter saying in the future they will be responsible where deemed necessary; but he wants to know why that set of rules does not apply to him.

Commissioner Fisher stated probably because it was not granted the first time correctly.

Commissioner Anderson stated none of those roads in West Melbourne barely have any turnaround, especially the ones close to I-95; and it is in his district and he is fine with it.

Commissioner Smith inquired the cost is to build a T-Turnaround. Mr. Cobb responded it is not only the T-Turnaround but the extension of the roadway; it is 43 feet in length and there will have to be an easement due to the right-of-way on Helen Street; it is not wide enough to build a T-Turnaround; and there will have to be an easement on Mr. Davis' property of five feet to even accommodate that, if that is enough to do so. Commissioner Smith inquired a ballpark number of what the costs would be to survey and for the build. Mr. Cobb replied approximately \$20,000; and he reiterated he would like to play by the same rules that have been applied to other people with the exact same conditions.

Commissioner Smith inquired if the Board does not object and allows this to go forward who is responsible if emergency crews cannot get it in because there is no turnaround. Scott Knox, County Attorney, responded the County has sovereign immunity so it would be protected.

The Board approved citizen request by Paul Davis for a waiver provision of Zoning Regulations that require the construction of a T-Turnaround when at the end of a dead end street in order to receive a building permit for a single-family residence, for property located at 450 Helen Street, Melbourne, and to waive the roadway extension of 43 feet; and directed staff to bring back to

the Board legislative intent regarding a waiver provision in the Code for others who may seek relief in the future.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

Ms. Sobrino stated since there is no waiver provision in the Code, anticipating that there might be others who would like to seek relief; she inquired if the Board is directing staff to develop a waiver provision in the Code for this. Chairman Barfield responded affirmatively. Ms. Sobrino inquired if it is to be a staff function or a Board related decision on a case by case basis; and she stated she will come back with legislative intent and the Board can discuss it at that time.

Commissioner Infantini inquired if there should be creation of a waiver function regarding the stormwater. Ms. Sobrino responded she is deferring to Natural Resources Management.

#### **ITEM VII., PUBLIC COMMENTS**

Pam LaSalle stated while she was researching last night she found one set of minutes referring to toxoplasmosis in July 2012 and "She stated toxoplasmosis is the third most common form of death is eating undercooked foods; and since it has to be ingested, it is not from feral cats." She went on to say she can provide the Board with a stack of data contradicting that; she pointed out that she had mentioned it July 2014; the minutes did not reflect her stating toxoplasmosis concerns; and she feels like the record is incomplete and she is suspicious of bias. She added, she is trying to find out how much money has been spent on post-exposure prophylaxis for rabies; she cannot get that amount; and she feels like Oz behind the curtain, because she does not know who is controlling things.

Charles Tovey stated he has not privacy and he wants everyone to know who and what he represents, and what he is about; he is a street minister; the people on the streets are the sick ones; and the people that are health do not need a doctor. He stated his citizenship and his right to live at 2555 Roberts Road, Melbourne since going to Town of Palm Shores, he has spent 38 percent of his life at Roberts Road; and it has been the worst part of his life instead of the happiest part. He stated he purchased his property to retire and to live in peace; to have privacy and to have the rights to protect himself; all of that has been neglected in his opinion; and he develops things by watching what is happening in the environment. He stated he has a minimal remedy for the T-Turnaround; he suggested instead of giving full tax abatement relief, try giving them partial relief with time a requirement; and the problem is having a dependent society that cannot do anything for themselves because all they do is just come to the government for help, but they need to be taught.

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

Stockton Whitten, County Manager, stated for Item II.A.4., Subordination of Utility Interest Conveyed from Florida Power and Light, Re: The Viera Company Transona at Addison Villages Phases 1 and 2, is needing to include that the Contract would be struck through with a price of \$108,000 which is what the Board approved; and he is asking for the Chairman to initial the strike through for submission to the seller.

Commissioner Fisher advised the Board that he made the Motion; and stated he is okay with that being struck with the price of \$108,000.

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Commissioner Smith agreed due to being the seconder.

**ITEM VIII.B., REPORT, RE: SCOTT KNOX, COUNTY ATTORNEY**

Scott Knox, County Attorney, stated an offer was received from the attorney of Walter E. Platt on a pending case; he would like to discuss that offer at a private attorney-client meeting on December 15.

The Board approved Attorney-Client Private Meeting for the purpose of discussing settlement negotiations and litigation strategy in the case of Brevard County v. Walter E. Platt, et al, Case No. 05-2013-CA-072132-XXXX-XX, on December 15, 2015, at 9:00 a.m., or at the conclusion of the regular Board meeting.

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

**ITEM VIII.C., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER**

Commissioner Fisher expressed appreciation to Parrish Medical Center for continuing over the past several years for not being on the tax roll; and he expressed appreciation for the service it is providing to North Brevard County.

**ITEM VIII.E., REPORT, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER**

Commissioner Anderson advised the Board of his last holiday open house event at his office on December 18; and his office is benefiting the Elves for Elders and collecting supply items for University Park Elementary.

**ITEM VIII.F., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/VICE CHAIRMAN**

Commissioner Smith expressed his thanks to all the gentleman who participated in the 'No Shave November'; and he expressed his thanks to staff for its diligence and helpfulness for helping him during his first year on the Commission.

**ITEM VIII.G., REPORT OF APPOINTMENTS/REAPPOINTMENTS CITIZEN ADVISORY BOARDS, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER/CHAIRMAN**

The Board appointed/reappointed **Commissioner Fisher** and **Commissioner Anderson** to the 2016 Value Adjustment Board; **Commissioner Fisher** as 2016 Commissioner Liaison to the Aerospace Career Development Council, Florida Association of Counties, MyRegion.Org, Space Florida Board of Directors Legislative Committee, and Transportation Planning Organization Contractors' Licensing Board; **Commissioner Infantini** as 2016 Commissioner Liaison to the Case Flow Working Group, Florida Association of Counties, Together in Partnership, and Transportation Planning Organization; **Commissioner Smith** as 2016 Commissioner Liaison to the East Central Florida Regional Planning Council, Extension Advisory Council, Florida Association of Counties, Indian River Lagoon Council, St. Johns River Alliance, Transportation Planning Organization, and Water Supply Working Group; **Commissioner Anderson** as 2016 Commissioner Liaison to the Children Services Council, East Central Florida Corridor Task Force, East Central Florida Regional Planning Council, Florida Association of Counties, Public Safety Coordinating Council, and Transportation Planning Organization; **Commissioner Barfield** to the Election Canvassing Board and

December 1, 2015

Economic Development Commission for 2016; **Ian Golden** on the Public Safety Coordinating Council for 2016; **Jim Helmer** on the Water Supply Working Group for 2016; Commissioner; and Eric Garvey on the Tourism Development Council for 2016.

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

Upon consensus of the Board, the meeting adjourned at 11:45 a.m.

ATTEST:



*Scott Ellis*  
SCOTT ELLIS, CLERK

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

## Donna Scott

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**From:** Donna Scott  
**Sent:** Friday, January 29, 2016 4:36 PM  
**To:** Sally Lewis; Scott Knox  
**Subject:** 12-01-15 Regular minutes  
**Attachments:** 12-01-15 Regular.doc

Attached are the minutes of December 1, 2015, which will be considered by the Board on February 9, 2016.

Donna Scott  
Assistant Clerk to the Board  
(321) 637-2001 / Ext. 49120

