

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on October 8, 2013 at 9:01 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	Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Chairman/Commissioner District 5	Present	

**INVOCATION**

The invocation was given by Pastor Stanley Patton, Jr., Metropolitan Missionary Baptist Church, Cocoa.

**PLEDGE OF ALLEGIANCE**

Commissioner Bolin Lewis led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the August 15, 2013, Workshop Meeting Minutes and the August 20, 2013, Regular Meeting Minutes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.A., RESOLUTION, RE: PROCLAIMING OCTOBER 13TH - 19TH AS SPACE COAST AUDIO VISUAL COMMUNICATIONS WEEK**

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 13-184, proclaiming October 13-19, 2013, as Space Coast Audio Visual Communications Week.

Christopher Lacuesta, President and Co-Founder of Space Coast AV Communications, accepted the Resolution, and expressed his thanks to the Board for recognizing the industry and Space Coast Audio Visual for the work that they do.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.B., RESOLUTION, RE: RECOGNIZING SEPTEMBER 15 - OCTOBER 15, 2013, AS HISPANIC HERITAGE MONTH**

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-185, recognizing September 15 - October 15, 2013, as Hispanic Heritage Month.

Javier Molinares, Hispanic Heritage Commission Chairman, accepted the Resolution, expressed his appreciation to the Board, and invited all to join the VIVA BREVARD Festival celebration October 12, 2013.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.C., RESOLUTION, RE: RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH**

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-186, recognizing the Month of October as Domestic Violence Awareness Month,

Cynthia Young, Brevard County Sheriff Office, and the Brevard County Domestic Violence Task Force, accepted the Resolution, and she expressed her thanks to the Board for the recognition.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.D., RESOLUTION, RE: CONGRATULATING BRIANNA MARIA SMITH ON WINNING THE TITLE OF MISS FLORIDA PRE-TEEN**

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-187, congratulating Brianna Maria Smith on Winning the Miss Florida Pre-Teen Pageant.

Ms. Smith accepted the Resolution, expressed her thanks to the Board for the recognition, and shared her introduction with the Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.E., RESOLUTION, RE: PROCLAIMING NOVEMBER 2013 AS PUERTO RICAN HERITAGE MONTH**

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-188, proclaiming November 2013 as Puerto Rican Heritage Month.

Erick Diaz accepted the Resolution, and expressed his thanks to the Board for recognizing Puerto Rican Heritage; and he invited the Board to attend the 17th annual Brevard County Puerto Rican Day Parade November 3, 2013, in Palm Bay.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.F., RESOLUTION, RE: RECOGNIZING OCTOBER 6-12, 2013, AS NATIONAL 4-H WEEK**

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-189, recognizing and supporting October 6-12, as National 4-H Week.

Vanessa Spero-Swingle, University of Florida, Institute of Food and Agricultural Sciences, Brevard County Extension, 4-H Agent, accepted the Resolution; stated 4-H is a Youth Development Program that teaches leadership, citizenship, and teamwork skills to use throughout the County; and she introduced Lynne Vayda and Steven Swingle who will tell the Board about their 4-H experiences.

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

Commissioner Fisher invited the Board to attend the Art & Algorithms Festival in Titusville this weekend.

Commissioner Bolin Lewis advised she has been to the Art & Algorithms Festival in Titusville; and stated it is a sight of technology that all should see.

**ITEM II.D., VIDEO PRESENTATION, RE: KEEP BREVARD BEAUTIFUL**

Tony Sasso, Keep Brevard Beautiful Executive Director, provided the Board with video presentation of Keep Brevard Beautiful (KBB); he expressed his thanks to the Board for its support over the years; and stated KBB understands the importance of the partnership to the environmental and economic viability of the community in Brevard County. He stated the new logo reflects the serious nature of KBB's business; it complements the fun and whimsical

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campaign planned for the next couple of years; in 2012 KBB hosted 2,653 clean-ups with 8,319 volunteers, that accounts for 24,000 volunteer hours; KBB staff and volunteers collected 637,000 pounds of trash, which is over 318 tons of trash, and stopped an equal amount of trash through its educational programs; and with that clean-up, it costs the County for every budget dollar received \$18.66 worth of work. He stated this year the first annual sustainability award was given at a River Fest event by recognizing businesses, organizations, and governments for leading the way to sustainability, including protecting the Indian River Lagoon; and he congratulated Brevard County for being the first government awarded that sustainability award. He indicated Keep America Beautiful has 14,000 affiliates and partners nationwide; KBB ranks in the top three in every category measured, including events, volunteers, and affectedness; and of those 14,000 affiliates KBB held more individual events than any of the other affiliates in the United States. He provided the Board with tools, consisting of buckets, grabbers, shirts, cookies, and gloves to help keep Brevard County beautiful; and he recognized and presented Chairman Anderson with a plaque for being the first island adopter.

Commissioner Nelson expressed his thanks to all the volunteers; stated he has participated in several Trash Bash events; there is an incredible amount of time and effort that goes into it; and he does not want to think about what things could look like if KBB was not doing what it is doing.

The Board acknowledged the video presentation of Keep Brevard Beautiful.

**ITEM II.E., REPORT, RE: TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER**

Commissioner Infantini stated she prepared a resolution regarding the Indian River Lagoon (IRL); and she read aloud the resolution.

Motion by Commissioner Infantini, seconded by Commissioner Nelson to adopt the resolution.

Commissioner Fisher advised there is a Workshop schedule October 17; there will be a resolution to be considered for adoption there; and he suggested waiting until hearing input from the other agencies involved at the Workshop.

Chairman Anderson suggested bringing this resolution to the Workshop.

Commissioner Infantini advised she has a second from Commissioner Nelson.

Commissioner Infantini stated there can be two resolution; the reason she brought this forward today is the Board will be discussing a lot of spending and financing issues; it is important to start prioritizing where financial resources are needed to go; this resolution is different than what is going to be presented on the 17th; and this is declaring the IRL as one of the highest projects in Brevard County. She stated there is fear of water quality; people are afraid to get into the water with an opened wound; if people are going to start enjoying the IRL, now is the time to make a decision whether or not it is going to be the highest priority, or the second highest priority; and she inquired where is the IRL going to be prioritized. She pointed out this is an important time to make sure the public knows the IRL is a priority for the Board, and that it is the highest priority.

Commissioner Nelson advised he is withdrawing his second.

Commissioner Bolin Lewis stated the IRL will be a priority at the Workshop; and she suggested anyone who is interested in the IRL to attend the Workshop.

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Chairman Anderson revealed the bacteria going near the inlet does not exist, because of higher solidity, and it is safe to go to the sandbar.

**ITEM II.G., REPORT, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER**

Chairman Anderson advised under new Legislature he has to place an alternate on the Canvassing Board; Commissioner Infantini has a conflict with one date; and he will appoint himself as the alternate to attend in her place.

**ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Nelson stated he would like to vote no on Item III.A.3., Resolution, Re: Installation of a "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." Sign to be Posted at the Entrance Into Suntree Subdivision; and he is still working on the list of projects for his District that will be added to Item III.A.8., Acknowledgement, Re: Unfunded Transportation Projects for Consideration by Blue Ribbon Transportation Committee.

Commissioner Infantini stated he would like to pull Item III.A.3., Resolution, Re: Installation of a "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." Sign to be Posted at the Entrance Into Suntree Subdivision; Item III.A.7., Resolution and Joint Participation Agreement Supplemental Amendment No. 1 with Florida Department of Transportation (FDOT), Re: Pineda Causeway Grade Separation Overpass Over Florida East Coast Railway; Item III.A.9., Permission to Purchase Using Existing State or Other Florida Governmental Contract, Re: Heavy Equipment Budgeted for Purchase in FY 13/14; Item III.C.4., Agreement for Assignment and Assumption with Technological Research and Development Authority (TRDA), Re: Accepting Assets and Liabilities; Item III.C.5., Authorization, Re: Space Coast Stadium 2013-2014 Capital Improvements; Item III.D.2., Amendment No. 3 to Lease Agreement with Brevard Cultural Alliance, Inc., Re: Property Located at 2725 Judge Fran Jamieson Way, Building C, Room 307, Viera, Florida; and Item III.D.3., Approval of Signature Authorizations, Re: Documents Related to the Enhancement of the 800 MHz Public Safety Radio.

**ITEM III.A.1., CONFORMATION OF APPOINTMENT OF GINA LINDHORST, RE: NORTH MERRITT ISLAND SPECIAL DISTRICT BOARD**

The Board approved confirmation of the appointment of Gina Linhorst to the North Merritt Island Special District Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.2., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS**

The Board approved the project funding recommendations as prepared by the Technical Advisory Committee for the Merritt Island/North Beaches Benefit District September 5, 2013; and authorized the Budget Office to execute any budget changes required to implement project appropriations.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.4., RESOLUTION AND COUNTY DEED WITH CITY OF MELBOURNE, RE: TRANSFER EAU GALLIE BOULEVARD LAND PARCEL TO CITY OF MELBOURNE**

The Board adopted Resolution No. 13-190, and executed County Deed with City of Melbourne for the transfer of a County-owned Eau Gallie Boulevard land parcel to the City.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.5., INTERLOCAL AGREEMENT WITH CITY OF PALM BAY, RE: CITY IMPROVEMENTS AT TROUTMAN BOULEVARD AND CLEARMONT STREET**

The Board executed Interlocal Agreement with City of Palm Bay pertaining to City improvements at Troutman Boulevard and Clearmont Street.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.6., INTERLOCAL AGREEMENT WITH CITY OF PALM BAY, RE: CITY IMPROVEMENTS AT INTERSECTION OF MALABAR ROAD AND PALM BAY PARKWAY**

The Board executed Interlocal Agreement with City of Palm Bay for improvements by the City at the intersection of City-owned Palm Bay Parkway and County-owned Malabar Road.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.8., ACKNOWLEDGEMENT, RE: UNFUNDED TRANSPORTATION PROJECTS FOR CONSIDERATION BY BLUE RIBBON TRANSPORTATION COMMITTEE**

The Board acknowledged the unfunded transportation projects and recommended the listed projects for consideration by the Blue Ribbon Transportation Committee in the formulation of the Committee's recommendations to the Commission regarding funding transportation needs.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.10., AMENDMENT TO SETTLEMENT AGREEMENT WITH RIVER PALMS MOBILE HOME PARK, RE: EXTENDING FIVE-YEAR COMPLETION DATE FOR SEWER CONNECTION TO OCTOBER 31, 2013**

The Board executed Amendment to Settlement Agreement with River Palms Mobile Home Park and State of Florida, Department of Health, extending the five-year completion date for sewer connection to October 31, 2013.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.11., AUTHORIZATION TO PIGGYBACK PALM BEACH COUNTY'S TERM CONTRACT #KMA WUD-12-001. RE: REHABILITATION OF SANITARY SEWER CONCRETE STRUCTURES AND LIFT STATIONS**

The Board authorized Purchase Order in the amount of \$158,777 with Hinterland Group, Inc., under Palm Beach County's Term Contract #KMA WUD-12-001, for rehabilitation of sanitary sewer concrete structures and lift stations.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.1., APPROVAL, RE: FY 2013-2014 COMMUNITY ACTION BOARD RECOMMENDATIONS FOR COMMUNITY BASED ORGANIZATIONS (CBO)**

The Board approved the recommendations of the Community Action Board (CAB) to provide \$510,200 in funding to eight Community-Based Organizations (BCO); and authorized the Chairman and/or County Manager, or his designee, to execute subsequent modifications and amendments to the agreements, upon review and approval by the County Attorney and Risk Management.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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**ITEM III.B.2., AGREEMENT WITH SPECIALIZED TREATMENT, EDUCATION, AND PREVENTION SERVICES, INC. (S.T.E.P.S.), AND AGREEMENT WITH REYNOLDS CONSULTING, RE: BREVARD JUVENILE DRUG PROGRAM**

The Board executed Agreements with Specialized Treatment, Education, and Prevention Services, Inc. (S.T.E.P.S.) and Reynolds Consulting for Brevard Juvenile Drug Program; and authorized the Chairman or designee to execute future renewals of these agreements and subsequent modification and amendments, contingent upon approval of the County Attorney and Risk Management.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.3., AGREEMENT WITH COMMUNITY TREATMENT CENTER, INC., (C.T.C.), RE: ADULT DRUG COURT EXPANSION AND ENHANCEMENT OF SUBSTANCE ABUSE TREATMENT AND PRETRIAL INTERVENTION PROGRAM**

The Board executed Agreement with Community Treatment Center, Inc. (C.T.C.) for Adult Drug Court Expansion and Enhancement of Substance Abuse Treatment and Pretrial Intervention Program; and authorized the Chairman or designee to execute future renewals of this agreement and subsequent modifications and amendments, contingent upon approval of the County Attorney and Risk Management.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.4., RESOLUTION AUTHORIZING FEES AND CHARGES, AND AGREEMENT WITH STATE OF FLORIDA, DEPARTMENT OF HEALTH, AND BREVARD COUNTY HEALTH DEPARTMENT, RE: 2013/2014 OPERATION OF THE BREVARD COUNTY HEALTH DEPARTMENT**

The Board adopted Resolution No. 13-191, authorizing fees and charges, and executed Agreement with State of Florida, Department of Health, and Brevard County Health Department for operation of the Brevard County Health Department for FY 2013/2014; and authorized the Chairman, and/or County Manager or designee, to execute any future amendments or agreements, contingent upon approval of Risk Management and the County Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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**ITEM III.B.5., AGREEMENTS WITH STATE OF FLORIDA, AGENCY FOR HEALTH CARE ADMINISTRATION, RE: HEALTH SERVICES/MEDICAID LOW INCOME POOL (LIP) FOR BREVARD COUNTY HEALTH DEPARTMENT**

The Board executed Agreements with State of Florida, Agency for Health Care Administration, for Health Services/Medicaid Low Income Pool (LIP) for Primary Care Enhancement at Brevard County Health Department; and authorized the Chairman or designee to execute subsequent modifications to the agreements, upon review and approval by the County Attorney and Risk Management.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.6., RESOLUTION, RE: ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM LAND ACQUISITION MANUAL (LAM) ADDITION OF THE ACQUISITION PROCESS SUMMARY AND THE ACQUISITION PROCESS CHART**

The Board adopted Resolution No. 13-192, adding the Acquisition Process Summary to the Environmental Endangered Lands (EEL) Program Land Acquisition Manual (LAM), and the Acquisition Process Summary as a companion document to the LAM.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.7., SOVEREIGNTY SUBMERGED LANDS FEE WAIVER LEASE RENEWAL WITH BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, RE: CHRISTENSON'S LANDING**

The Board executed Sovereignty Submerged Lands Fee Waiver Lease Renewal with the Board of Trustees of the Internal Improvement Fund of the State of Florida for public boat ramp facilities at Christenson's Landing.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.B.8., BILLBOARD LEASE AGREEMENT #13728 WITH CLEAR CHANNEL OUTDOOR, INC., RE: SCOTTSMOOR FLATWOODS SANCTUARY**

The Board executed Billboard Lease Agreement #13728 with Clear Channel Outdoor, Inc. For Scottsmoor Flatwoods Sanctuary.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved the Budget Change Requests, as submitted.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.2., APPROVAL, RE: POLICY BCC-28, PRE-QUALIFICATION OF CONSTRUCTION BIDDERS PRIOR TO AWARD**

The Board executed Policy BCC-28, Pre-Qualification of Construction Bidders Prior to Award.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.3., PERMISSION TO REJECT ALL BIDS, RE-SOLICIT BIDS, AND AWARD TO LOWEST, RESPONSIVE BIDDER, RE: BID #B-3-13-51, HOLLYWOOD BOULEVARD AND FELL ROAD INTERSECTION IMPROVEMENTS**

The Board granted permission to reject all bids submitted for B-3-13-51, re-solicit bids, and award to the lowest, responsive bidder for Hollywood Boulevard and Fell Road intersection improvements.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.1., AUTHORIZATION, RE: CODE ENFORCEMENT MANAGER TO EXECUTE RELEASE OF CODE ENFORCEMENT LIENS AFTER A PROPERTY ESCHEATS TO THE COUNTY**

The Board authorized the Manager of Code Enforcement to execute the release of Code Enforcement liens after a property escheat's to the County.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.4., APPROVAL, RE: REQUISITION OF FISCAL YEAR 2014 BUDGET - BREVARD COUNTY SHERIFF'S OFFICE**

The Board approved to requisition one-twelfth of Fiscal Year 2014 budgeted funds at the first Board meeting in October 2013, one-sixth budget in January 2014, and equipment (capital) budget.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.5., AMENDMENT TO CONTRACT, RE: BANKING SERVICES WITH SUNTRUST BANK**

The Board executed Amendment to Contract with Suntrust Bank for Banking Services.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.6., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Dan Daniels, Kelly Haugh, Jay Longway, Richard Main, Gordon Mark, Ralph Ware,** and **Jeff Vayda** to the District 2 Canal Dredging Committ, with terms expiring December 31, 2017.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Chuck Nelson, Commissioner District 2  
**SECONDER:** Mary Bolin Lewis, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.7., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.A.3., RESOLUTION, RE: INSTALLATION OF A “NO PARKING ON STREETS BETWEEN 12:00 MIDNIGHT AND 7:00 A.M.” SIGN TO BE POSTED AT THE ENTRANCE INTO SUNTREE SUBDIVISION**

Commissioner Infantini advised this Item involves no parking on streets between midnight and 7:00 a.m. in Sunrise Subdivision; she has been looking for the petition being circulated; there were seven residents at the meeting when they voted to prohibit parking; the problem is there is 150 households in the area; it does not seem like a good idea having seven residents making a decision for 150 homeowners; and it appears the majority of homeowners do not want to restrict the parking.

Commissioner Bolin Lewis inquired who the seven people are. John Denninghoff, Public Works Director, responded the seven people are the Homeowners Association Board of Directors. Commissioner Bolin Lewis advised it is the same as five County Commissioners representing the people.

Commissioner Infantini disagreed; stated when a rule is going to be implemented as a binding rule to an entire community, often times the community is not aware of what is being voted on; and maybe these seven individuals did not publicize it within all the other homeowners.

Commissioner Bolin Lewis stated Commissioner Infantini is assuming the homeowners elected officials did not do their job; and she thinks that is not a valid statement. She went on to say that she has no proof that Commissioner Infantini is correct.

Commissioner Fisher noted he was led to believe the homeowners all ready signed a deed that is a part of the Homeowners Association, that there will be no parking on streets, which was signed when property was purchased; originally, he had some concerns, but then he realized the homeowners actually signed a deed that says they would not park on the streets; and when law enforcement was asked to reinforce it, is when he became comfortable with this Item.

Commissioner Nelson advised the issue he has with the Item is there was not a safety issue identified; it is a homeowner document issue; and he has been consistent in not wanting to place law enforcement in the position of enforcing homeowner association rules.

Chairman Anderson agreed with Commissioner Nelson.

The Board denied request for a resolution for the installation of a "No Parking on Streets Between 12:00 Midnight and 7:00 A.M." sign, to be posted at the entrance into Sunrise Subdivision.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Mary Bolin Lewis
<b>NAYS:</b>	Chuck Nelson, Trudie Infantini, Andy Anderson

**ITEM III.A.7., RESOLUTION AND JOINT PARTICIPATION AGREEMENT SUPPLEMENT AMENDMENT NO. 1 WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: PINEDA CAUSEWAY GRADE SEPARATION OVERPASS OVER FLORIDA EAST COAST RAILWAY**

Commissioner Infantini stated this Item deals with a joint participation agreement with Brevard County and the Florida Department of Transportation (FDOT); it is concerning a flyover to be constructed over the Florida East Coast Railway (FECR); originally the cost was going to be \$325,000; there is no fiscal impact on the Agenda Report; it says FDOT will not reimburse any costs that include fair market value or purchase price exceeding the amount of land needing to be purchased; and she is not in favor of it.

John Denninghoff, Public Works Director, stated this Item is modifying the existing agreement, which limited the Right-of-Way (ROW) acquisition to \$325,000 based on a very early cost estimate associated with this project; the design is underway now and at about 40 percent complete; and the ROW acquisition cost is expected to exceed \$325,000. He explained the agreement does not restrict the amount for ROW to the \$325,000, but does restrict the amount that can be had for the total amount for the project, which is approximately \$27 million, which is coming from the State, and no local funds are used; the concern about the limitation on ROW there is that if property is purchased that is not strictly required for the project itself then the County would have to make up the difference between what is strictly required for the project versus what could be acquired otherwise; and the way that would happen is if there were a voluntary negotiation with a property owner that wanted to sell more property than needed for some reason, or if there was a decision to acquire more property than originally had for this project for any reason. He went on to say if that were the case, it would come back to the Board for consideration, and the County would have to make up that difference in the cost of the ROW, if going beyond what the project needed.

Chairman Anderson inquired if the State has leverage to tell the County what it is going to do on its crossing. Scott Knox, County Attorney, responded the State Legislation gives FECR the leverage to; and FECR was tough negotiating this particular deal.

Commissioner Bolin Lewis explained this is actually giving leeway of flexibility when the ROW is being purchased; and stated if the Board finds a need for the County to have more land, there is an option available to purchase through negotiations also.

Mr. Denninghoff advised Commissioner Bolin Lewis is correct; stated FDOT would reimburse the County for the amount that would have been charged to the projects; he emphasized the estimate for the project is still significantly below \$27 million, and he is not expecting the project to go above the budget on this project; and it is a State Railroad Improvement Fund that is paying for this.

The Board adopted Resolution No. 13-195, and executed Joint Participation Agreement Supplemental Amendment No. 1 with Florida Department of Transportation (FDOT) for Pineda Causeway Grade Separation Overpass over the Florida East Coast Railway.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM III.A.9., PERMISSION TO PURCHASE USING EXISTING STATE OR OTHER FLORIDA GOVERNMENTAL CONTRACT, RE: HEAVY EQUIPMENT BUDGETED FOR PURCHASE IN FY2013/2014**

Commissioner Infantini stated this Item deals with the Solid Waste Department purchasing \$3.5 million worth of more equipment; they had a similar Item last year; and she has a problem with these Items not coming back to the Board. She went on to say she likes to have Items purchasing something over \$100,000 be brought to the Board for approval; and stated it looks like the Board is going to piggyback onto another contract without it coming back to the Board. She is requesting each individual purchase over \$100,000 come back to the Board then she would be supportive of the Item; but if it is not going to come back before the Board, she will not be supporting it.

Motion by Commissioner Infantini to have Items in excess of \$100,000 to be brought back to the Board for further approval. Motion failed due to the lack of a second.

Commissioner Nelson mentioned it goes through the bidding process of the lowest and best bids; and he does not have an issue with it.

The Board granted permission to purchase, using an existing State or other Florida governmental contract, any heavy equipment budgeted for purchase in FY2013-2014, consisting of two mechanic's service trucks, eight transfer trailers, one grader, one compactor, one tractor with mower, one loader, and two off-road dump trucks.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM III.C.4., AGREEMENT FOR ASSIGNMENT AND ASSUMPTION WITH TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY (TRDA), RE: ACCEPTING ASSETS AND LIABILITIES**

Commissioner Infantini stated this Item is dealing with Technological Research and Development Authority (TRDA) assets and liabilities; Florida Institute of Technology purchased the building; and inquired if it is a conflict of interest. Scott Knox, County Attorney, responded no; stated when the property ownership was searched, the property was owned by somebody other than TRDA.

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Commissioner Infantini advised she is not comfortable with taking over the assets and liabilities of TRDA; there are some entities involved that are owed money; she does not want to be part of the process that may be under investigation; and she thinks it is not a good idea for the County to be involved in this transfer of assets and liabilities, and she will not be supporting this moving forward.

Attorney Knox advised the investigation is closed; there was a settlement reached; and the County does not have much of a choice in this, because the resolution of the settlement was for Legislature to pass a law, saying the County has to take the assets and liabilities.

The Board executed Agreement for Assignment and Assumption with Technological Research and Development Authority accepting TRDA assets and liabilities.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM III.C.5., AUTHORIZATION, RE: SPACE COAST STADIUM 2013-2014 CAPITAL IMPROVEMENTS**

Commissioner Infantini stated this Item is regarding improvements to the Space Coast Stadium; and inquired if there are \$1 million worth of improvements that the Nationals' would like the County to make; and the County is limiting its improvements to roughly \$325,000 this year. Stockton Whitten, Deputy County Manager, responded he does not know what the value of the Nationals' request is because they did not put any numbers onto it, but each year the County submits to the Board a combined listing of improvements; the total listing of the near-term need totals \$1.7 million; and the County is undertaking \$325,000 for Fiscal Year 2013-2014.

The Board authorized staff to proceed with design and construction of capital improvements at Space Coast Stadium; authorized the County Manager or designee to authorize bids and awards or use continuing contracts for materials, services, and equipment necessary for the expeditious completion of these projects; and approved budget changes as required to complete approved Stadium capital projects.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.2., AMENDMENT NO. 3 TO LEASE AGREEMENT WITH BREVARD CULTURAL ALLIANCE, INC., RE: PROPERTY LOCATED AT 2725 JUDGE FRAN JAMIESON WAY, BUILDING C, ROOM 307, VIERA, FLORIDA**

Commissioner Infantini stated this Item is a lease agreement with the Brevard Cultural Alliance; they occupy space within a Brevard County building; there is a limit of how much funding can be provided to a community based organization; and she inquired how long does the Board want to subsidize its rent.

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Chairman Anderson advised he thought there was a solution with the Eau Gallie deal, but the deal had gone bad.

Commissioner Nelson stated he thinks the Brevard Cultural Alliance has been a good partner; there may be opportunities in the future to see a change; but right now, it is continuing the historic partnership it had.

The Board executed Amendment No. 3 to Lease Agreement with Brevard Cultural Alliance, Inc. For continued use of County office space located at 2725 Judge Fran Jamieson Way, Building C, Room 307, Viera.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.D.3., APPROVAL OF SIGNATURE AUTHORIZATIONS, RE: DOCUMENTS RELATED TO THE ENHANCEMENT OF THE 800 MHz PUBLIC SAFETY RADIO**

Commissioner Infantini stated this Item deals with the 800MHz Public Safety Radio Network; it is a \$5.8 million purchase, but there is no fiscal impact statement; and she inquired if it could come back to the Board once there is a fiscal impact statement made. She explained each Item on the Agenda is required to have the fiscal impact statement showing how much it is going to cost the County and what the impact is financially; this one does not have that; it appears to be a blanket approval which is not the case but does appear so; and she thinks it is not a time sensitive acquisition. Howard Tipton, County Manager, responded this Item is referencing approval of staff to sign the documents; he stated zoning applications, St. Johns River Water Management District permits, and other site permits need to be done to keep the \$15 million project moving forward; he advised any delays within trying to bring this back would extend the project; there is really no fiscal impact; and it is all contained within the projects cost that has all ready been approved by the Board.

Chairman Anderson inquired if it is authorizing the County Manager to sign the permits for a previously approved Capital Improvement Program project. Mr. Tipton replied yes.

The Board authorized the County or his designee to sign any related project documents, subject to approval by the County Attorney's Office, on behalf of the Board of County Commissioners, during the various development and construction phases of the expansion and upgrade of the Public Safety Radio Network.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

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**ITEM III.B.6., RESOLUTION, RE: ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM LAND ACQUISITION MANUAL (LAM) ADDITION OF THE ACQUISITION PROCESS SUMMARY AND THE ACQUISITION PROCESS CHART (CONTINUED)**

Chairman Anderson advised he received a late speaker card from Dave Pasley, for Item III.B.6., Resolution, Re: Environmentally Endangered Lands (EEL) Program Land Acquisition Manual (LAM) Addition of the Acquisition Process Summary and the Acquisition Process Chart; and he inquired if the Board would like to make a motion to reconsider the Item.

Motion by Commissioner Infantini to reconsider Item III.B.6., Resolution, Re: Environmentally Endangered Lands (EEL) Program Land Acquisition Manual (LAM) Addition of the Acquisition Process Summary and the Acquisition Process Chart. Motion failed due to the lack of a second.

**ITEM IV., PUBLIC COMMENTS**

Keri Giddings stated on Tuesday, October 1st she and her husband visited the Brevard County Animal Shelter at 5100 Eau Gallie Boulevard; that day they met a handsome Rat Terrier named Polly that had a charming personality and a beautiful spirit; Polly was on a five-day stray hold and would not be available for adoption until that Friday, October 4th; they filled out all the necessary paperwork to adopt Polly and was told they were the first in line to adopt him, but had to wait until the stay hold was complete; and they had to provide proof of rabies vaccine and tag information of their current dog Ellie. She went on to say Ellie's tag was unable to be found in the County's computer; they had to drive home to get the requested documents; on Wednesday they went to visit Polly, but discovered the shelter was closed; on Thursday they again went back to the shelter to visit Polly, but was told he was in surgery, and could not visit him that day; and confirmed that Polly could be adopted Friday, the application had been approved, Polly was on hold for them, and could be picked up Friday after 12:00 p.m. She advised she received a phone call around noon from the Brevard County Animal Shelter telling her that there has been an accident; Polly had been adopted by another couple that morning; and she inquired how that could be because the facility does not open until noon, it takes days to adopt, but another couple walked in and in a matter of minutes had Polly. She stated she was told the person who did the adoption procedures for the other couple did not find her paperwork, and did not know Polly was on a hold status; she and her husband are disheartened by the entire process; and were left with the question of how something like this could have happened. She inquired why the application was not logged into the computer, but rather thrown in a stack of papers to be discovered later. She inquired why the County is not using computers to log and track dog tags; why is there not a consistent and standardized adoption process that every employee knows how to follow; and stated if the basic details of a job is not being done right how can they be trusted to what is right, decent, and acceptable when it comes to the care of the animals. She stated the entire adoption process through the Brevard County Animal Shelter has been frustrating and saddening; when the system fails, the animals are the ones who suffer; it is the shelters responsibility to earn and keep the trust of the public; the animals need loving homes and when the job is not done right people lose trust, which may ultimately cost animals lives; and she asked for corrective action be taken, so makes like this, or worse cases can be avoided in the future.

Scott Ellis stated Ms. Giddings would be a good member for the Animal Advisory Board (AAB), if the AAB still existed; maybe someone understands the same frustrations being dealt with for the last six years; there are computers and software's not being used; and he inquired about the volunteer Judy Weaver being disruptive and banned, or trespassed. He advised he has the AAB meeting minutes and there are situations of volunteers being disruptive that needs to be handled; stepping back and looking at the value of the interactions with all the people involved with the AAB; and inquired how it rolled into that being wiped out. He added, it was not under

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discussion or on the Agenda; at one point Chairman Anderson advised placing it on the Agenda in a few weeks, but he was steam rolled; the Item was not on the Agenda; and he believes three Commissioners were briefed by Venetta Valdengo, Assistant County Manager, and by Karla Torpy, Animal Services and Enforcement Director, between Monday and Friday. He went on to say all of the sudden the AAB gets wiped out; and he believes that discussion was about wiping out the AAB, which was in the newspaper about briefing County Commissioners and staff about concerns of confrontations at recent AAB meetings. He advised fundamentally Ms. Torpy was a conduit to three Commission Offices; the Board has its meeting and Commissioner Bolin Lewis wipes out the AAB; he think it was a plan; there was a meeting in September at 6:30 p.m.; and Ms. Torpy said she has to leave by 7:30 p.m. to attend another meeting; and she left at 7:30 p.m., but did not have another meeting because the plan was all ready in place to get rid of the AAB. He stated excerpts from tapes were heard; Commissioner Nelson's comments were heard about stupid Commissioners and TZI; and inquired if Commissioner Nelson knew that that speaker was a member of the public, not a member of the AAB.

Commissioner Nelson advised there were also abusive comments made by AAB members during that meeting; he asked for those tapes two weeks before that issue came up; he is not sure what the Commissioners are doing; and he asked for it because he had concerns from some of the emails that he has received. Mr. Ellis stated there were abusive comments made before it was his turn to speak. Commissioner Nelson stated those comments made were not abusive. Mr. Ellis stated it is abusive; and Commissioner Nelson should see the abuse that happens over and over again. Commissioner Nelson stated Ms. Giddings was straightforward and laid out what had happened; and there are concerns with what happened. Mr. Ellis stated she was straightforward the first time, but if it happens five, six, or seven times in a row a person gets tired of being straightforward; he has sent many comments but and he gets nothing back from the Board or staff; surplus computers can be picked up, or a new one could be purchased for \$500; and he inquired why is the hold on a piece of paper on the other side of the counter. He went on to say he does not hold the counter person at fault; the information should have been put into the computer system because the system is fully-capable of taking that data. He inquired how the issue of abolishing AAB came up, because the issue was Judy Weaver being trespassed or banned; it was her issue and he wants to know it turned into the AAB being wiped out; and he would like Commissioner Bolin Lewis to tell him how one rolls into the other.

Commissioner Infantini stated she would like to know how one rolled into the other.

Chairman Anderson advised individual Commissioners are not going to be called out. Commissioner Infantini advised she was called out at the last meeting by Commissioner Bolin Lewis by saying, "Commissioner, did you fire him"; and inquired why there is two sets of rules.

Mr. Ellis stated this is the same thing over and over again; the Board refused to take action and abolished the AAB, the bearer of bad news; he has been a Commissioner and the Board has the prerogative to abolish AAB; but it should have been put on the Agenda for discussion. He went on to say it should have not popped up out of nowhere and been voted on because that is a conduit with no previous meeting taking place or notice to anyone involved.

Chairman Anderson advised it can still be put on the Agenda for discussion; and he is willing to schedule a meeting in his office with Mr. Ellis, to have further discussions about the item and what happened. Mr. Ellis stated that was Chairman Anderson's idea until he was steamrolled during the meeting; and he stated if the video is looked at, it shows Chairman Anderson being right about it not being the item under discussion; and suggested it needed to be on the Agenda in two weeks. He went on to say Chairman Anderson was freight trained because both he and Commissioner Infantini did not have the briefing by Ms. Valdengo and Ms. Torpy that the other three Commissioners did. Chairman Anderson advised they met with him only to provide him with the tape; and he did not have the time then to listen to it. He advised he will Agenda the

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item for discussion, with all the members. Mr. Ellis expressed his thanks to Chairman Anderson for doing so.

Commissioner Infantini inquired why Commissioner Bolin Lewis was able to go after her two times during a meeting, but when she says something to her, Chairman Anderson says they are not going to talk about that; and inquired why the rules keep changing when Commissioner Bolin Lewis says something to her. Chairman Anderson inquired if they could get through this meeting. Commissioner Infantini stated Chairman Anderson did not want to get through the other meeting when Commissioner Bolin Lewis was attacking her. Chairman Anderson replied next time he will stop her from doing so.

Pat Pasley advised she runs a website called [www.eyeonbrevard.org](http://www.eyeonbrevard.org); she received anonymous comments saying the Animal Shelter needs looking into; animal abuse of any kind is the lowest form of human behavior; after finding that Brevard Animal Services and Enforcement (BASE) has given back to the General Fund over \$600,000, rather than humanly caring for animals; and it has been reported to her that BASE does not properly care for the dogs, to the point that they are inhuman treatment in specific incidents. She went on to say the staff does not walk the dogs and it has become too much for the volunteers; there may be a roster of over 600 volunteers but very few are active because they have been ran off; if a dog is housebroken it will not defecate in its cage and it brings stress upon the dog; and there has been serious sanitation problems in the shelter, including dogs having surgery without baths. She stated staff is to perform routine inspections daily, but it's skeptical that that is being done; she inquired what is happening to the toys that are donated for the dogs because toys are asked for through the BASE website, and the dogs do not have any toys; *The Florida TODAY* ran had an article about BASE; it had 96 comments; and she read a few of the comments. She stated BASE deliberately fails to maintain electronic records although there are software packages owned by the agency, most record keeping is handwritten and in paper logs, whoever got away with spending funds without some sort of plan no matter how small the enterprise accountability is in order; somebody needs to do their job and do an audit and be investigating the way this is being run, and someone took \$157 worth of food and things they needed, but was told to put it on the floor, is 67 years old with a muscle disorder, and was not offered any help. She went on to say the animals are suffering and the Brevard County public should be outraged that money is being donated to the animals and has gone to the County's General Fund, this is flatly obscene; how on God's green earth can BASE justify over \$600,000 returned to the County; they have absolutely no business returning funds that are clearly designated for these dogs; why are digitized systems not provided; and it is clearly a symptomatic failure by the Board of County Commission and appropriations afforded to some of the most vulnerable population. She stated there is no issue that hurts her more is when animals are mistreated; and she cannot sleep right at night because she is worrying about the animals being in cages. She stressed that this was all happening under the watch of Howard Tipton, County Manager; she inquired why money was coming back to the County when it was designated for the animals, and the well treatment of them; and why was the volunteer organization at BASE dissolved.

Chairman Anderson advised he is directing staff to Agenda the AAB and the returning of money for discussion.

Commissioner Fisher commented that after listening to the tape and being briefed by staff, he mentioned he would not be meeting with them anymore until a solution is found, and the AAB is made stronger; stated when Ms. Weaver came before the Board she was vocal, upset, and chastising to staff; with a combination of the tape, her attitude, and the passion she came with he knew then that AAB had a problem; and when the motion came to suspend the AAB, he was comfortable with it because he thought it needed some cooling off time.

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Chairman Anderson stated he desired the Agenda Item be to discuss what to do with the AAB's mission and how the Board selects its members.

Commissioner Infantini inquired when it will be coming back before the Board. Chairman Anderson responded the next two meetings.

The Board directed staff to prepare an Agenda Report pertaining to the mission, selection of members, and any concerns of the Animal Advisory Board (AAB) at the October 22, 2013, Board meeting; and directed staff to prepare an Agenda Report returning General Fund dollars entitled taking donations at the November 5, 2013, Board meeting.

The Board recessed at 10:22 a.m. and reconvened at 10:36 a.m.

**ITEM VII.C.1. INTERLOCAL AGREEMENT WITH CITY OF TITUSVILLE AND NORTH BREVARD DEVELOPMENT DISTRICT (A/K/A NORTH BREVARD ECONOMIC DEVELOPMENT ZONE OR NBEDZ), RE: INDUCE THE REDEVELOPMENT OF BLIGHTED PROPERTY IN TITUSVILLE (FORMER MIRACLE CITY MALL SITE)**

Troy Post, CEcD, NBEDZ Executive Director, stated the North Brevard Economic Development Zone (NBEDZ) is a Special Dependent District; it was created by Ordinance in July 2001; and due to a stipulation in the Ordinance, anytime there is a consideration of outlying Zone dollars for use in economic development projects exceeding \$500,000, it requires Board approval before proceeding. He advised he is before the Board today seeking approval for a Interlocal Agreement with the NBEDZ, City of Titusville, and Brevard County to induce a private sector project to redevelop the Miracle City Mall site; and he provided the Board with a PowerPoint Presentation to highlight findings done on a study with assistance to the developer from the Zone, to determine whether the use of public money is warranted. He stated the Miracle City Mall site is an enclosed mall built in 1969; it is currently vacant and considered blighted property; the land has value because it is a prominent parcel, located on U.S. 1, and is a major corridor in downtown Titusville; and due to the blighted state of the building, there is significant health and safety risks to the community. He mentioned being inside the building one time and detecting strong odors and water coming inside; the integrity of building poses risk; and the Zone is interested in the project because it represents the ability to create jobs, private investment, and is a redevelopment project addressing apparent blight in the community which is a disincentive to creating investments to the community. He advised the concept is redevelopment of a vacant, blighted retail site; there is a developer who entered into an option to purchase the site; they do not have site control at this point and that is required before any public dollars would be put into this project; they are going through the diligence period now; the concept is being a Lifestyle center, with approximately four to five anchors occupying anywhere from 20,000 to 40,000 square feet, having 15 to 20 specialty retail stores ranging in sizes of 1,000 to 3,000 square feet; and causing investment to be \$50 to \$60 million in private sector money. He advised there were upfront assumptions made, such as figures and estimates that were provided by the developer in good faith; other economic modeling sources were looked at to determine whether the kind of development that the developer is considering to undertake would actually create the number of jobs talked about; and that the Titusville Trade Area continuing to grow slightly over the next few years. He added, as an economic development agency it is required to determine what the retail potential is that exists within the area; in dealings with real estate brokers, a comment has come to him as to whether or not the market where they actually have existing stores is served sufficiently; showing that a separate trade area exists that is underserved in certain categories; and a polygon was created showing the area for which is believed to have certain income profiles meeting the characteristics of some retailers that would be the kind to go into this mall development. He went on to say the assumer

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of the population in the trade area will slightly increase and there will not be any great changes to the national economy jeopardizing the forecast; and there are tangible benefits by creating jobs, capital investment of private sector capital, and possible inducement of other investments in the area. He noted the study found shoppers are wanting an experience, not only with shopping, but entertainment and open-air gathering places; the big box stores are getting smaller, with some smaller box stores getting larger; this concept would have medical office components; the Titusville Trade Area is approximately 132 square miles with 95,000 to 125,000 people, including unincorporated North Brevard; and in the Environmental Systems Research Institute (ESRI) report it shows Market Potential Index (MPI) of categories being underserved. He stated there is significant retail leakage that occurs within the trade area that helps support the views of the markets there are underserved, because shoppers that live in the trade area are going outside the trade area to satisfy needs for retail services; the retail pull factor is comparing area per capita sales by the States per capita sales; and the trade area is significantly lower than surrounding counties are actually pulling higher pull factors, so one can infer that some additional retail sales achieved are from attracting shopper from outside its trade area. He advised there are a lot of public/private partnerships that take place throughout the nation and Florida; it is a joint-partnership using public dollars to help support private investment; there has to be a certain understanding when going into these types of projects of what success means; there has to be an expectation that the ratio of public dollars to private dollars is reasonable; the provided report has examples noting where the amount of public money used in the project is almost as equal to the amount of money being invested in the private sector, meaning the ratio is not that strong; and the Ordinance set forth there would be an Economic Development Plan approved by the NBEDZ Board, City of Titusville, and Brevard County to have a certain minimum ratio of \$5 private sector to every \$1 of public sector money invested. He pointed out at times, it is hard to quantify every aspect of a project like this, particularly in a redevelopment project because it is hard to put a money value on eliminating a potential area that could pose safety and health hazards to the community; and the disincentive for investment if continuing to let a vacant, blighted piece of property languish. He advised the developer who has the option is currently proposing to build the Miracle City Towne Center and create 536 direct full-time retail positions, including a movie theater component; it is estimated 220 jobs created with the medical portion over time; the current plan calls for a grocery store component with up to 100 positions, with some being part-time positions; and the multiplier effect was conservatively calculated for creating 428 additional jobs. He stated there will be Ad Valorem tax impact of assessed property value of \$55 million; the analysis generated \$1.3 million annually in property taxes; some personal property tax would be generated at approximately \$60,000, plus other incomes that would come into the City of Titusville through building permits and business licenses; and there is Sales Tax impact in local and State Sales Tax revenues generated at approximately \$1.8 million. He stated to determine good use of money a Net Present Value (NPV) analysis was done with time, value, and money to appraise the long-term value of a project; the cash outflow is up to \$6.5 million of public infrastructure improvements that would be done and what kind of cash inflow there is for the use of that cash outflow; and with the assumed discount rate and number of years analysis, the NPV is \$17.7 million, which is a good indicator that things look well with the scope that has been presented to the Zone. He noted this will be public dollars used for public improvements, with activities such as working on the utilities, the demolition, the creation of a scenic easement and a roadway going into the development that will be flanked by retail, and being an open-air center. He advised in approving the interlocal agreement, it moves forward tying to create the development agreement that will have some of the controls in place to help move this project forward; there will be performance measures implemented; they would have to do certain things, with assurance of no public dollars flowing before private dollars in this project; and it has the requirements for a performance bond that will also be contained within the development agreement. He explained that the Ordinance establishing the Zone refers to this as a performance grant agreement, but in his nomenclature, the developer agreement and the performance grant agreement are the same kind of animal. He stated the ratio of private dollars

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to public dollars in this project and the \$51 million in private capital being induced in this project, compared to the \$6.5 million in the public sector has a ratio of 7.8 to 1, and is in excess of what the ratio is stipulated in the Zone's Economic Development Plan. He advised the study information was presented to the NBEDZ Board and it was approved with a 9:0 vote; the City of Titusville City Council approved it with a 5:0 vote; the use of public monies is warranted, based upon a need to create a regional shopping destination in the area and having North Brevard County continue to be a retail center, without further erosion of its retail base; it improves blighted property and creates a significant new tax base; and it creates sizable new job opportunities. He advised the developer had exercised an extension of their option to purchase the property, to determine whether or not that assistance will be able to be provided from the public sector, and it is one of their requirements before going forward; they hope to take possession prior to December 16th; preliminary activities would begin soon after that to set for the demolition to do the required parking; and be in a position to have the tenants opened for the Christmas shopping season of 2014. He advised it is likely that existing retail centers could lose in the realm of specialty stores and may gravitate to a newer development; the larger stores represent anchors that are being targeted because they are not all ready represented in the trade area; this project differs in scope from The Avenue in Viera, or Merritt Square Mall over on Merritt Island, and this would be smaller and a different compliment of stores; but there still could be some specialty retail that will gravitate. He stated one way to aid future economic development projects with Zone dollars is a financial arrangement, in which the City of Titusville would take out the debt instrument because the Zone has a short financial history, and cannot do this project in its entirety and has to use another party to use its financial credit rating; and the Zone's intent is not to use all of its money for this one project to minimize cash outflow. He advised there is ability to run financial ratios on the Zone, based on the amount of income coming in versus what kind of debt paid out; there will be a development agreement acquired with stipulations of reimbursement schedule of how public dollars are to be delivered to the development; and the main focus is to ensure no public dollars go ahead of private dollars. He talked about needing to emphasize on the roll of an organization like the Zone, by it having the ability to provide incentives to induce private development using public dollars in support of private investment, creating jobs, adding to the tax base, and better use of blighted property. He stated the last picture is of an event held earlier in the year at the Miracle City Mall site by the Greater Titusville Renaissance when the developer was in town to show the community's support. He reminded the Board this project has a lot of local support and merits from economic and redevelopment standpoints.

Scott Ellis inquired who holds the option. Mr. Post responded the developers name is Alan Gowans of AG Development Company; Mr. Gowans is supported by the investment group EXXCEL Project Management; and AG Development Company holds the option. Mr. Ellis inquired if it will be flipped over to another entity. Mr. Post responded he is not privy to that information. Mr. Ellis inquired why a lien of \$6.5 million has not been placed on this property to protect the County's investment in this project. Mr. Post explained the kind of improvement discussed are not the kind of improvements that a developer could carry away from the site; these are public infrastructure improvements; whoever uses the site is going to have to deal with the building that sits there; and there will be a performance bond and agreement by the parties that would protect the County's position. Mr. Ellis remarked that those to be meaningless; he explained an issue with Garden Park Apartments 20 years ago and him being the only Commissioner who voted against refurbishing apartments; a citizen get \$500,000 from the Board to refurbish the apartments; and one year later it gets foreclosed and the lien is gone. He went on to say everything Mr. Post is saying is with a corporate entity; he is talking about placing \$6.5 lien on the property so there is no flipping going on; there should be a lien on that property for what the County's investment is; and he inquired if the developer will have to competitively bid the work since County funds are being used. Mr. Post replied he is deferring to legal counsel; and he advised there will be stipulations covered in the development agreement. Mr. Ellis inquired if any Commissioner has seen the firm's record and three years of

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financial history; and he inquired why all the records are confidential. Commissioner Infantini responded no. Mr. Ellis inquired why all the records are confidential; and he stated that every question asked should be answered today, not after a vote is taken; he inquired what has been the involvement of the Economic Development Commission and what happens if the new County Commission folds up the Zone. Scott Knox, County Attorney, responded if the Board approves this agreement today and the deal is moved forward to consummate the loan, and it moves forward to begin making the improvements, the Ordinance cannot be repealed at that point. Mr. Ellis inquired which Ordinance cannot be repealed. Attorney Knox responded the Ordinance that created the Zone. Mr. Ellis inquired why the Ordinance cannot be repealed. Attorney Knox replied it would be impairing the obligation of the contract with the bank that loaned the money. Mr. Ellis inquired if the Zone's value could be reduced to the amount of debt service and then abolish it. Attorney Knox responded it could. Mr. Ellis advised once this is voted on, the Zone is here until the end of the 12-year period of the loan; and what is being voted for is a 12 years extension to the Zone no matter what. He inquired what happened to the critical County capital needs he heard about during budget of vehicles, ambulances, roofs, pipes, and roads, etcetera, because there is \$6.5 million for a private developer, but there are alleged capital needs. He mentioned the County is building one different project after another; inquired why not have a Port St. John Community Redevelopment Agency (CRA) because they are who has had the ash off the power plant on its windshields for 30 years; and stated this was set up to take the money out of Port St. John and move it into Titusville. He advised he would like the answers to his questions before this is voted on.

Richard Greco stated he is a retired builder/developer; the Board is being asked to sign an agreement today; the NBEDZ needs approval to exceed its \$500,000 authorization limit for the redevelopment of the Miracle City Mall; and he is asking the Board to defer the vote today until an appropriate later time. He stated the developer, according the agreement, is EXXCEL Project Management; this company has not been vetted by the NBEDZ; and he provided the Board with pertinent documents for the use of public funds for the economic potential impact of redeveloping the Miracle City Mall property. He advised on page 32 of the provided documents it lists the requirements for grant application; from his understandings with Mr. Post, the application recently received is being reviewed; the public has not had an opportunity to review the application; and he has requested a copy of the grant application, but Mr. Post refused to release the document. He advised he provided the Board his interpretation of the legal issue; he believes the public has the right to review the financial statements of the applicant developer; and all of the grant applications cannot be considered confidential information, per F.S. 288.075(2). He stated certain things can be redacted; and the Statute makes it clear that unless these things are trade secrets or internal audit reports, the information must be available to the public. He asked the Board to have Attorney Knox to contact the Florida Attorney General for a ruling on this matter; and stated the Attorney General's public record Government Mediation Program can be contacted at (850) 245-0140. He stated at the Titusville City Council meeting it was made clear that they did not approve the site plan, which was attached to the interlocal agreement; it directed the developer to proceed with the process of the City's procedures for site plan approval; and to return to the City Council for its final approval. He went on to say it would be prudent for the Board to defer a vote on this interlocal agreement until the developer has been properly vetted; the issue of confidentiality from public inspection has been resolved with the Attorney General; and the site has been approved by the Titusville City Council.

Commissioner Infantini inquired if Mr. Greco was refused any financial documents; and have the financial documents been presented by the developer. Mr. Post responded an application form has been received, along with some material, and it is in the process of being reviewed; and he is deferring to Attorney Knox as to whether or not all of that can be kept confidential, or if it is the financial information. Commissioner Infantini inquired if three years of tax returns or audited financial statements were received. Mr. Post responded submitted information is being gone through. Commissioner Infantini inquired if the application has Form 1120 and audited financial

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statement attached. Mr. Post advised he means no disrespect, but the focus has been up to this point to move forward with the interlocal agreement; there have been meetings; the next phase will be with the developer agreement; and there may be further meetings for information that may be needed from the developer. Commissioner Infantini inquired how this can be voted on if there is not a complete application, which is to include the financial statements.

Chairman Anderson advised after public comments are heard it can be discussed by the Board.

Mr. Greco advised one minute of his time was taken up by during the Board's question and answer period; and he inquired if he could have one minute of his time back. Chairman Anderson responded affirmatively. Mr. Greco stated the reason why this vote is important and he is asking for deferral of the vote to a later appropriate time is, if this vote is taken today in the affirmative, the NBEDZ can do whatever it wants; and he is asking the Board to protect the residents of Titusville, the taxpayers of the County to refrain from voting on this until all the information available for all to get behind this project. He advised a successful development is wanted, but it is wanted done right.

Milton Farrow provided the Board with a handout; he stated everyone wants the redevelopment of the Miracle City Mall property to be a success; there should be a clear expectation of project success; the project concept of all previous developer proposals, consulting recommendations, and strategic plans by the City of Titusville recommended a mixed-use development including residential, commercial, and retail components is heavily retail and there is no residential; and two commercial buildings being reserved for the Parrish medial offices is inconsistent with what the initial plans were. He stated the proposed developer has admitted difficulty obtaining lease commitments from retail anchor stores; the proposed developer moved 86 percent of the proposed anchor stores to phase two; in the NBEDZ meeting minutes dated August 9, 2013, it states that Mr. Post is going around trying to find tenants for the proposed developer. He stated the proposed developer in public representation said, "The crown jewel of this project design is the town square, and this concept creates essential space for hosting concerts, festivals, art shows, dance and fitness classes, performing arts, food events, and any community event;" and the town square has been reduced to a small area in the parking lot. He stated in his handout is an email from a Titusville citizen asking the developer to rethink the concept and participate with a citizen's group to rezone the site plan; and there has been no reply as of yet. He went on to say everyone is wanting the efforts to redevelop the Miracle City Mall site to be a redounding success; it appears the project is not going in the right direction; and he is asking the Board to defer the interlocal agreement vote until the City Council approves a proper site plan. He added, he thinks there has been insufficiency in the presentation; and that there has been a movement to refurbish being forthright when asked questions. He asked the Board to defer its decision until there are proper answers to questions.

Jim Tulley, City of Titusville Mayor, stated he thinks the Board should approve the interlocal agreement; the Miracle City Mall is a stain on the landscape; it has been in decline for years; and the decline was accelerated by the end of the Shuttle Program. He stated when the NBEDZ was set in place, this day became inevitable; it strikes him as somewhat illogical not to use the Zone for the purpose for which it was set up, to improve the economic benefit of North Brevard County; and he is seeing this project as being an analogist to building roads because there is no doubt that the property owners on either side of the road are benefiting from the public dollars that is, in effect, a public/private partnership that is benefiting to all. He stated he believes when investing \$6.5 million of public money and get \$50 million plus of private investment, is a pretty substantial return on public investment; and by making the investment the property values increase all around the mall, jobs are created, and enhance the economic value in North Brevard County. He went on to say the economic return is worth the investment; the City Council of Titusville thought it was worth the investment; and he is asking the Board to support it as well.

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Matt Barringer stated he is present today as a citizen and is not connected to the project; he lives five minutes away from Miracle City Mall and has a family he is raising in the City of Titusville; the efforts have taken 10 years to get this far with developing Titusville to a better state with this particular property; he shared that he and his wife tried opening a small business in Titusville and reached out to the Mall many years ago, but it was not an option; and he ended up opening businesses in Merritt Island and Rockledge. He suggested for the Board welcome opportunities to help support the community; he thinks for years ideas have been welcomed to support North Brevard County; a great accomplishment the Board has made is telling that it may not have the exact answer but the answers from a citizen body will be supported; that support was made by the creation of the Zone; there are citizens who need the expertise of Mr. Post and the developer, because it is outside-of-scope; as a citizen he has tried to learn; and he is hopeful that the Board will continue support to pursue the project. He mentioned when new people come into Titusville from an area and see the huge blight, it is not a community one feels comfortable in, because it is not like the community they came from.

George Mikitarian stated two years ago he and eight other members of the community were honored by the support given to them by both the Board and Titusville's City Council to serve as volunteer board members on the NBEDZ; he is the NBEDZ Chairman; and he explained the reason why he accepted the nomination to Chair that board, and why he is honor to serve in that capacity. He advised he and the other members of the Zone have taken duties and responsibilities chartered by the Board in a variety of Ordinances and Resolutions to be the checks and balances for Brevard County, so that things are done right; a strategic plan has been developed and presented to the Board; the NBEDZ has met for over two years in making sure to be good stewards of the dollars; there have been countless meetings over the last two years; and he had to drive all the way down to Viera, to hear concerns from citizens who live a stone's throw away from the project being discussed today. He advised part of the governing structure is to hold meetings under the Sunshine Law; all comments, questions, and concerns are welcomed; and they will entertain them in any way, shape, or form. He went on to say the more questions and concerns that come to the Zone, the more the Zone can better serve the community; it wants the input and this is a work in progress; the Board approved the strategic plan, which required the NBEDZ to come before the Board; and he is surprised to hear what he is hearing today because every step of the plan is being followed. He advised questions and comments are not reasons for a delay or a 'no' vote; they are things that NBEDZ will undertake and respond to; nine people were put on the NBEDZ board, which is a symbolic demonstration of support and confidence in those people; for two years there have been open and public meetings to attend; these are serious people doing serious work on behalf of the community; and he urged the Board to not let questions or concerns be the reason to stop a work in progress. He reiterated it is no surprise the NBEDZ is present and requesting the Board's approval of an interlocal agreement, to help this great project help turn around a part of Brevard County where people the Board representatives reside.

Commissioner Infantini stated Mr. Greco asked for a copy of the application, which is a public document; and she inquired if the financial records have been reviewed, because in part of the application it states that the NBEDZ is going to review the financial statements and tax returns. Mr. Mikitarian responded that he has not reviewed those. Commissioner Infantini replied that is why the public is asking for the Board to hold back on its vote until all the documents have been reviewed, that are required to be presented in the application; and inquired how can a decision be made that is going to bind this Board for the next 12 years without having all the documents available. She mentioned the documents have not yet been offered and she is considering this not being a full application; she advised to hold off until the application is complete; and she is not questioning anyone's creditably or judgment, she wants thoroughness done within the research. Mr. Mikitarian acknowledged Commissioner Infantini's concern.

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Pat Pasley provided the Board with a list of questions being shown on the overhead projector that she feels needs to be answered; stated when the government, including agencies and government bureaucracy are not accountable to the people, opportunity knocks for abuse; the Board is being asked to act with prudence by making decisions after understanding all of the facts; and the public has a right to know what the government is doing with its monies being spent. She stated the developer for the Mall Project is asking for a grant of \$6.5 million; she inquired does the proposed developer own and operate shopping centers and mixed use developments; does the developer have a successful track record buying blighted property and redeveloping into successful shopping centers and mixed use developments; and does the developer have a track record borrowing up to \$50 million for a project. She inquired does the developer have enough cash equity to put into a project the size of the Miracle City Mall for redevelopment; and is this project plan consistent with the what the people of Titusville want. She stated transparency is needed; the NBEDZ was formed with the requirement that it can conform to Sunshine Law and Public Records Law; and inquired since there is power to form and dissolve the Special District, does the Board not have ability to make sure business is being done under the Sunshine Plan. She referred to page 22 of the NBEDZ Economic Plan, Section 4.7, required information of applicants to provide a full company description, an overview outlining experience, financial capacity and capabilities, last three years of reviewed financial statements and federal corporate tax returns, plus the most recent financial statements for their current fiscal year available, or in some other manner demonstrate financial capability or capacity, whereas detailed planned including two-bid cast proposals. She went on to say this is her tax dollars being forwarded into the NBEDZ to a developer that she does not see has a proven track record; she has concern for every District; this is a good project; and she inquired why there are not other developers lined up to do this great project.

Attorney Knox advised the developer invoked the confidentiality provisions of F.S. 288.075, which trumps the Public Records Law and Sunshine Law; they have to recognize in the exemptions that Legislature imposes on public records production; once a written request is made to make those documents confidential, they are confidential; if the confidentiality is broken, there are criminal penalties; so the Legislature is serious about people interested in economic development to have financial interest's protected until the project is finalized; and there is a way to handle that, which he will be proposing to the Board after the discussion.

Commissioner Infantini inquired how are people supposed to evaluate a project if its records are confidential and are part of the application. Attorney Knox responded he does not know what to tell Commissioner Infantini; stated Legislature says they are exempt from being revealed, unless someone is confident to use them as part of the review process, and there is a committee appointed that works with the Zone to review those kinds of things, and as long as they are confidential and they abide by the confidentiality, it is one way to handle that.

Donn Mount stated he is a member of the NBEDZ Board; he is in support of the interlocal agreement; after listening to everything said today, there seems to be disconnect over this; there is a timing issue with the developer and certain things have to happen for it all to come together; the NBEDZ is looking for approval to move forward with looking at financials; and there is a whole lot of work to be done before \$6.5 million would ever be committed. He advised the vote today is not final approval; there is still a lot of work, review, and confirmation before the project happens; and he supports the projects moving forward.

Louis Sanders stated he is a member of the NBEDZ Board; he was reluctant before joining the NBEDZ Board because he is not a politician; and after raising two sons in North Brevard and seeing lack of jobs, careers, and opportunities leave North Brevard County, it was time to find opportunities for those to stay. He mentioned owning a small restaurant in Mims for over 30 years; stated he has seen the economy rise and fall; things need to be turned around in North Brevard County; and this opportunity may come along once in a lifetime. He added, borrowing

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money, investing in projects, and speculating or take a chance leaves only a few people willing to that anymore; there were questions asked that need to be answered, but that's the job NBEDZ has at hand, and nobody is going to write a check and hand it to somebody today; and today is only to move forward and answer those questions about the financials and a lien against the property, which he is all for. He went on to say he wants to make sure taxpayer dollars, which are his dollars too, are invested properly; nobody is going to sell this out and leave here with a big cash return, if he has a vote on it; the project needs to move forward; and the members of the NBEDZ are legitimate businessmen and businesswomen who have the interests in North Brevard County and the entire County. He stated people are looking for places to shop; he has watched a lot of growth happen in Viera and South Brevard County; people seem to be against doing something positive for North Brevard County; and residents are tired of being not deserving of a mall and a theater. He pointed out the Miracle City Mall needs to be torn down and redeveloped; if the developer proves to be legitimate, they need to be supported; and the Zone needs acknowledging because it is not going to do something that is not straight up than any citizen of Brevard County that the right to come and hear every word said.

Commissioner Bolin Lewis remarked Mr. Sanders' speech was the best speech she has heard in a long time; he showed that he really cares and has compassion; she trusts him 100 percent with any decision she has to make; and she allowed him to take a moment to advertise his restaurant because she is driving up there and going to it. Mr. Sanders expressed his thanks; and stated his restaurant is Louis's BBQ Shack.

Walt Johnson agreed Mr. Sanders represents North Brevard County and its citizens far better than anybody in politics can do. He assured the Board there will be no loan without all of the information that is mandated coming in and reviewed; stated this is not a given until those things happen; the site plan is inappropriate to have at that point, and until different tenants are in place; there is no need to put a lot of money into a site plan until final; drawings and representations had been provided of what is going to be done but it was not that it was ignored, it is inappropriate because there no possession taken yet; and is too early but there will be a time before the loan is made that a site plan will be approved. He stated a previous developer came in six years ago with residential interest, but abandoned the project due the changing economy; and the proposed developer has a different perspective. He stated there are risks in many things, as well as with this project being a valid risk receiving money from the NBEDZ with parts coming from Ad Valorem taxes, and a majority of money coming from Florida Power and Light; once this is approved, the Board could say that the NBEDZ is abolished, but the interlocal agreement would have to be retained; the City of Titusville feels it to be a good risk to take, and the citizens of North Brevard County feel the same; and he asked the Board to give its support.

Commissioner Infantini inquired what credentials from AG Development made the deciding factor for it to be the developer for the project. Mr. Johnson advised credentials were given to NBEDZ, not him; and he is not privy to the information either because he is not a part of the NBEDZ. He advised he has a close friend who is a developer and discussed business backgrounds with the developer, Alan Gowans; and after those conversations, his friend came to him telling that Mr. Gowans knows what he is doing because they both knew all of the same people in their line of work.

Mike Werner stated he is representing the Space Coast Economic Development Commission and he is Vice President of Knight's Armament Company; this is a vital project for the area; and he is the Chairman for the Citizen Budget Advisory Commission. He stated businesses coming to the are a needed to be given more tax base and people moving into the empty houses; the businesses that are around the Miracle City Mall right now are not investing in their properties because they are waiting to find out what is going to happen with the redevelopment of the Miracle City Towne Center; and many business owners say when they see the redevelopment

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happen is when they will begin fixing up their buildings. He urged the Board to move forward and approve the interlocal agreement today.

Dave Pasley inquired what Florida Statue governs the NBEDZ. Attorney Knox responded Chapter 200.065 is the authority. Mr. Pasley stated this is going to be a grant request; the site plan has not been seen; he has reviewed the business plan; all estimates seen have been provided by the developer and no one has vetted those numbers; no private study has been done; and the Board's taking the developer's word to give him \$6.5 million. He inquired if the building is in bad shape why the owner is not held responsible for tearing it down or fixing the problems; stated someone will be paying for the land with all of it problems; but he does not understand why the owner is not being held responsible for it or the City of Titusville taking over eminent domain, which leads to impact fees. He advised if it were his private company coming in he would be hit with all kinds of impact fees; and he inquired if impact fees will be waived. He stated if the parties involved defaults, then the Board owns it for \$6.5 million; there is no way out because Attorney Knox said, the only way to get out of this once it is approved is to pay off the debt, and get rid of the NBEDZ; and he would not write a check to buy a piece of this action. He suggested having a private study done; and this is a classic example of pump-and-dump because the developer can walk out the door with money in hand.

Mark Ryan, City Manager City of Titusville, stated the City of Titusville City Council on September 24th approved this interlocal agreement; they asked a lot of similar questions being asked today; they recognized the confidentiality agreements that are in place and vetting the firm; the submitted application and financial documents will be validated; this is the first step of a process in a performance-based program that says if the criteria of the Zone is met with application, financial issues, the developer gets the contracts initiated on the property, and proof of evidence for anchor tenants will move it to the next step of getting the money; and if the milestones are met, incentives are given for the project. He went on to add this request implements what was contemplated in the Ordinances that created the NBEDZ, as well as the Economic Development Plan which was adopted by the City, Brevard County, and the NBEDZ; and he reiterated it is a performance-based program, not a welfare program of handing out money. He went on to say the discussion centers around why has the mall site not been taken care of; he calls the mall a Tired Old Mall (TOM); the TOM has been under the ownership of a difficult property owner that has gone through four attempts of sale of the property; and now fruition is close to being sold and redeveloped. He agreed there is an ability to get redevelopment of the property and get public dollars for public improvements invested into the property; stated this is a municipal loan by the City; the NBEDZ dollars will be for the primary pledge for that loan, but the City will be on the hook as well, in terms of a secondary pledge covenant to budget and appropriation, so that in the event FP&L goes away, or all the other dollars that are going to go into the Zone, including \$350,000 from mall redevelopment of \$50 million to construct. He advised the City of Titusville supports the project; they understand the concerns voices; the City of Titusville will vet the company and will recognize that as part of the process; and he urged the Board to proceed as planned.

Marcia Gaedcke, President of Titusville Area Chamber of Commerce, stated she has lived in Titusville her entire life; in the 1980's when she was a teenager, the Miracle City Mall was where she went to gather and go to the movies; there is not a place like that any longer for kids to gather; and she is seeing that opportunity in this project. She advised fast forwarding to now with a vacant mall and blighted piece of property; the dollars from North Brevard County for shopping are going to The Pavilion at Port Orange and Waterford Lakes Towne Center in Orlando, and paying sales tax in other counties; yes, there is The Avenue in Viera; but on average more people go out of Brevard County to shop than they do coming south because of being more of an east/west community than a north/south community. She mentioned attending the International Council of Shopping Centers (ICSO) in support of this project and to talk with retailers and developers; those individuals were telling her that they heard about AG

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Development doing a project in Titusville; and every person said they would love to talk with Mr. Gowans and Titusville is in good hands. She noted it was a sign to her that the developer is well respected in the community; and she had the opportunity of witnessing it first-hand. She advised she has not seen any financial statements or track records because that is not her position in this role; what this does to other retail establishments in North Brevard County is there is a synergy that exists; Searstown Mall is 95 percent occupied right now; and they are welcoming this opportunity in North Brevard County and are not opposed because there is synergy created within the retail sector to stay local. She urged the Board to let this happen; there will be no public dollars spent before private dollars are invested; and the totality of this project is \$55 to \$56 million, which is a whole lot of private development dollars that AG Development is risking, with some public dollars at risk as well. She encouraged the Board to support the project.

Rodney Honeycutt stated this project is a game changer for Titusville; this is a project that will help begin to attract businesses needed and to help the community grow; this is not an unusual thing to induce the development, it is something that is normal; he knows there are people in Brevard County that could care less if this happens for North Brevard County; and a good way to stop the project is to keep delaying it. He asked the Board to support the interlocal agreement and vote to approve it today.

Commissioner Infantini stated there were a lot of questions asked and in the past it was said, that the Board would answer all the questions; and she wrote down two pages of questions. She stated questions from Mr. Ellis are will a lien be place on the property to secure the \$6.5 million investment; and inquired if none of this is planned she would like to get Board approval to place a lien on the property to secure the investment.

Attorney Knox suggested before going through the list of questions, the likelihood of this is it is going to be a private loan from a bank; he is doubtful that a loan to any property owner where there is a lien on the property, that is either prior to theirs in time, or equal to theirs; and if a lien is required, the deal will probably be forfeited before the deal gets off the ground. He suggested the Board do similar things like what was done with Embrarer, such as the Board coming up with a grant agreement between the Zone and the developer, that answers all the questions that has been raised today, and either before the agreement is entered into, including claw back provisions or if there is a possibility for lien; and then the Board would approve or consent to the grant agreement before anything goes forward from the County. He added, this interlocal agreement is then contingent upon that happening; the Board and the Zone would have opportunity to vet it entirely, and come back with provisions to protect the County's and the Zone's investment; and the agreement today allows the developer to move forward to getting the financing needed for \$55 million to build this project. He went on to say the developer is waiting for the County and City to do something so that he knows that he can go forward in good faith to start doing what he needs to do to get the money; several hundred thousand dollars has all ready been invested in option money that he is not going to get back if this project does not go forward; and the best way for the Board to be comfortable with this being a good project is to do something like what was done with Embrarer, come up with a grant agreement that sets forth the terms under which the grant will be received, and the County is guaranteed that if there is an attempt to flip it, the County gets paid back.

Commissioner Infantini disagreed; she advised that she likes the lien idea and thinks a subordinated lien would be the best way to go; financial institutions are constantly loaning money out; if the County is not taking first rights then the developer would have first rights because they have the loan; and the loan is coming out on the City of Titusville.

Chairman Anderson stated that is the issue, the lien would have to be issued by the City, not the County. Commissioner Infantini advised it is General Fund money. Chairman Anderson stated

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the bank has to be shown the actual investment; and it is the City putting up its collateral, not the County.

Commissioner Fisher stated today he feels business owners like himself are saying why do this project; after listening to the many speakers today, he realized why; two and one-half years ago he made a comment to a bunch of community leaders and citizens in Titusville; Washington, D.C. is not going to come save the community; and dictating the outcome of the future may not be liked and has concerns, and he is not interested in handing the developer \$6.5 million and is why it is tied to public improvement and reimbursement. He stated there are not a lot of people out there who want to do redevelopment and invest \$60 million in his District right now; hard work has been built to have a relationship with a developer who the City is willing to take a loan; and after putting all of that together, the developer agreement and the interlocal agreement has to go back to the City, and come back to the Board to address any concerns.

Motion by Commissioner Fisher to approve the interlocal agreement, subject to a developer agreement being brought back and agreed upon by the City and the County.

Chairman Anderson stated when West Melbourne developed Hammock Landings, the developer put in money, and now when a person shops there there is a continuation tax on top of sales tax that, in effect, until all the infrastructure improvements that the developer put into the ground are paid off. He inquired if continuation tax has been investigated. Mr. Post responded no; and stated he would research that example.

Commissioner Infantini commented about a property owner who came to her office because their property is needed to build the St. Johns Heritage Parkway; she was told the property is worth paying extra for because the property has a lot of extra dirt that could be used to reinforce the Parkway; and the deal fell through because the property owner did not want soil samples taken. She pointed out there are a lot of questions; stated all residents and speaker's were told to let the Board jot down the questions the Board will go through them, and answer them; and inquired if the speakers should come back to the podium with their questions; stated due to expediency, she jotted the questions down as best as she could; and stated as it stands now, no lien will be placed on the property. She inquired how credentials can be examined if the are confidential. Mr. Post replied examining those credentials and vetting process is the role of the Zone. Commissioner Infantini advised it was stated that Mr. Post had not evaluated the financial records or seen them; and Mr. Mikitarian has stated that he had not yet reviewed them. Mr. Post advised he is still in the process of vetting. She inquired if the project will follow the County Bidding Policy since it is using County dollars. Chairman Anderson replied that would actually be in the City's policy because the County is not doing the loan.

Mr. Post advised some of these questions will probable be answered by what is going to be contained inside the development agreement, such as the reimbursement schedule, and what has to be done to draw down the public funds. Commissioner Infantini stated even though it is being built in the City of Titusville, it can follow County rules because it is using County General Fund dollars; she inquired if the \$6.5 million that Mr. Ellis cited is the highest and best use of County funds because there was a huge presentation done by staff enumerating all of the things that are falling apart, such as parks, Solid Waste things, infrastructures, and stormwater things. She inquired if the highest priority now for this Board is the Miracle City Mall, not the Indian River Lagoon.

Chairman Anderson advised Commissioner Infantini that the County does not have that money anyway because of the Tax Increment Financing with the NBEDZ is money that the County will not see unless NBEDZ is abolished. Commissioner Infantini remarked exactly. Chairman Anderson advised Commissioner Infantini that she does not have three votes to do that and she needs to move on to her next question.

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Chairman Anderson inquired if Attorney Knox would explain this again for Commissioner Infantini because he thinks that she does not understand what will happen with these questions. Commissioner Infantini advised that she understands; the speakers were told their questions would be answered today, not all these people want to come back before the Board.

Attorney Knox advised his suggestion was a grant agreement, which is a good idea because the County is giving money out to a private party; and there were provisions with Embrarer that answered most of the questions heard today. Chairman Anderson agreed; advised all those questions are on record and will be addressed as an Agenda item, be listed on the Agenda Report and covered in the grant agreement.

Commissioner Nelson stated earlier he seconded Commissioner Infantini's resolution; and he did not realize that it was all about politics, instead of concerns for the Lagoon. He stated he does not mind the questions because he has a lot of questions himself; he came in today with more questions, some have been generated; but in his briefing, he was told, in effect, it was an all or nothing today. He stated he was inclined to not move forward; what has evolved out of this is the opportunity to get the answers to all the questions; and as long as he has assurance that there is one more opportunity to say the questions are answered and the concerns are covered, he would be okay with that.

Attorney Knox stated there are two things coming down the road that would be in order for the Board to take a look at; the City is going to develop a developers agreement with the private party, because they are the ones that have control of the development process since it is in the City; as far as the County's concerned, the control that the County has is through the Zone, which is actually the source of the grant that this developer is going to get, so it would not be unusual, and is, in fact should be expected that it would be a grant agreement, which again would come back to this Board for its review; and between the grant agreement and developer agreement is where he thinks many of the questions will be covered.

Chairman Anderson clarified Commissioner Fisher's motion was to approve the interlocal agreement contingent on a grant agreement that will come back to the Board once stipulations are placed in the grant agreement.

Commissioner Fisher advised he said, developer agreement, but the City of Titusville will do the development agreement, and the County will do the grant agreement and workout some of the issues and concerns.

Chairman Anderson inquired if this is requiring interlocal agreement because of the County's formation of the NBEDZ, with the actual risk for this money being born upon Titusville and its residents; and the County is not on the hook. Attorney Knox responded as part of this agreement, the Zone is going to repay this loan from the Zone's fund; and the Zone is on the hook.

Chairman Anderson stated the Board is not making a decision to approve any money today; it is approving to go on with the grant agreement to put those stipulations in; and for the Board to have its ability to vet. He advised he is not 100 percent comfortable with this because he wished that model of West Hammock Landings was looked at; but this is just informal right now until the agreement comes back.

Attorney Knox stated the agreement being approved today will be contingent upon the two conditions that Commissioner Fisher added.

Commissioner Infantini stated it is interesting to her that every time she stands up for the taxpayers, Commissioner Nelson calls politics; and she calls it being the voice of the taxpayers.

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She noted since November 2008 she has been consistent at every meeting, has not changed what she does, and in spite of the opposition, she is not going to stop being the voice.

Commissioner Nelson pointed out that Commissioner Infantini could have easily given her resolution of support for the Lagoon to the Board in advance; she did the sneak attack, which is consistent to what she has always done; and to bring it up out of the blue during this discussion is structured.

Commissioner Infantini advised it was not out of the blue and was well thought out. Commissioner Nelson stated it was intended to be a sneak attack; and he suggested for her to not do that so she is not called out when she does do it.

The Board approved Interlocal Agreement with the City of Titusville and North Brevard Development District (a/k/a North Brevard Economic Development Zone or NBEDZ) to induce the redevelopment of blighted property in Titusville at the former Miracle City Mall site, contingent upon creation of a grant agreement and a developer agreement to come back to the Board for approval; and directed staff to list the public's questions to be addressed on the Agenda Report when the issue comes back before the Board.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.A., PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT IN PORT ST. JOHN, UNIT 8 - THOMAS B. WALLS**

Chairman Anderson called for a public hearing to petition to vacate public utility and drainage easement in Port St. John, Unit 8, as petitioned by Thomas B. Walls.

There being no comments or objections heard, the Board adopted Resolution No. 13-193, vacating a public utility and drainage easement on Briggs Avenue in Port St. John, as petitioned by Thomas B. Walls.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM V.B., PUBLIC HEARING, RE: RESOLUTION FOR FOURTH QUARTER SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2012-2013**

Chairman Anderson called for a public hearing to consider a resolution approving the Supplemental Budget for Fiscal Year 2012-2013.

Commissioner Infantini advised the Board she is not in favor of the item.

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There being no further comments, the Board adopted Resolution No. 13-194, approving the Supplemental Budget for the Fourth Quarter of Fiscal Year 2012-2013; and approved the budget changes necessary to implement the adopted changes.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.C., ORDINANCE, RE: ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION FOR ANUVA MANUFACTURING SERVICES, INC.**

Chairman Anderson called a public hearing to consider adopting an Economic Development Ad Valorem Exemption Ordinance for Anuva Manufacturing Services, Inc.

County Manager, Howard Tipton, stated this is an expansion of an existing business creating 30 new jobs; it is light manufacturing with \$1.7 million in new capital; the average salary is just under \$25,000; they received the points based on an existing business more than doubling their workforce; and the tax abatement proposed is for 60 percent for six years, equating to about \$6,000 per year.

Commissioner Infantini stated based on the way the individual explained this to her is that they are increasing the number of jobs they had on hand by 100 percent, then they were entitled to eight points or something; if she started out with one employee called herself and doubled to two employ; there is a flaw in the application of the point system or his logic is wrong; and she cannot imagine increasing their employees by 100 percent is enough to get you all of those points. She stated they do not meet the qualification standards.

Chairman Anderson inquired if Anuva Manufacturing were in the scope of what Brevard County citizens voted in favor of for the Ad Valorem tax program.

Stockton Whitten, Deputy County Manager, advised the guidelines are set up internally; he asked the Board to remember there are three criteria, the number of employees, the pay, and the capital investment, and if they double employees they get the maximum number of points, which are 10; and then they get additional points for the salary and capital investments.

Commissioner Infantini inquired if she went from two to four employees if she would not be doubling her number of employees. Mr. Whitten responded if she went from two to four she would not be in the abatement program.

Chairman Anderson asked Mr. Whitten if they are following the guidelines voted on by the citizens of Brevard County. Mr. Whitten responded affirmatively.

There being no further comments, the Board adopted Ordinance No. 13-035, granting economic development Ad Valorem Tax Exemption for Anuva Manufacturing Services, Inc.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Robin Fisher, Commissioner District 1
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM VI.A., REPORT AND LEGISLATIVE INTENT, RE: AMEND SECTION 62-1572 TO CREATE ZONING CLASSIFICATION FOR GOVERNMENT MANAGED CONSERVATION LANDS (GML(C))**

Robin Sobrino, Planning and Development Director, stated this item is unfinished business that was presented to the Board legislative intent for a new zoning classification at the last meeting; and it was requested by the Board for staff to come back with a little bit of clarification as to what the GML(C) would entail. She went on to say as an explanation they currently have a zoning classification called GML(P), which provides for Parks and Recreation, preservation and wildlife management, public golf courses, and towers and antennas; the concern of creating a new GML(C) classification was in order for anyone who would be seeing that the County was intending to confer zoning on a preservation or wildlife management property, currently staff would be advertising GML(P), which might give rise to the question whether the property could ultimately be used for active recreational purposes; and by creating a GML(C) classification, it would clearly indicate to the reader that the land would be limited to conservation purposes to be consistent with the conservation element of the Comprehensive Plan and to ensure the proper preservation of natural resources.

Motion by Commissioner Bolin Lewis, seconded by Commissioner Nelson, to approve the item.

Commissioner Fisher inquired if he could make sure that in either one of the classes that cell towers could still be allowed.

Chairman Anderson called for a vote on the motion. The Board directed staff to prepare a draft amendment to Section 62-1572 of the County Code to add a Zoning Classification that distinguishes government-managed lands used for "active" recreation (GML(P)) from government owned lands used for "conservation (GML(C)); and approved to allow all towers in either classification.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM VI.B., AMENDMENT TO ZONING ORDINANCE, RE: ALLOW LIMITED HEIGHT EXCEPTION FOR SCOREBOARDS**

Robin Sobrino, Planning and Development Director, stated this is a request by an applicant for the Board to consider a change to its zoning regulations, which currently place height limitations on all structures; currently the maximum height allowance in any zoning classification would be 60 feet; the property in which this structure gave rise to the question is limited to 35 feet; it is the applicant's request that the Board consider a change in the zoning regulations to allow

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scoreboards to exceed those height limitations, specifically in this case it would be a 69 foot scoreboard.

Commissioner Bolin Lewis inquired if staff got an estimate of how large the scoreboard is at the Space Coast Stadium. Stockton Whitten, Deputy County Manager, stated approximately 39 feet above grade. Commissioner Bolin Lewis stated a professional team has a 39 foot; she feels it is too big and will not approve it at that size.

Commissioner Nelson inquired what zoning category the 60 foot height limitation is. Ms. Sobrino stated the most intensive uses are in business and industrial classifications; and those are for properties that are adjacent to similarly zoned properties. Commissioner Nelson inquired if it is visible from the road, how to differentiate it between this and a billboard; and further inquired if there was no game, could they do advertising. Ms. Sobrino advised staff would be treating it as a scoreboard; and if there is no game going on, there should not be any activity on the scoreboard face.

Commissioner Fisher inquired why they want the height of 69 feet.

Jeff Unnerstall stated they did architectural on site-line view; by looking at the middle section at SR 520, just the very top of the scoreboard is visible from the road; and the lower section is a view from Friday Road at the first property coming down Friday Road. He went on to say 80 to 90 percent is not viewable from either SR 520 or Friday Road. He stated what they are doing is a little different than what it at Viera, which is a video scoreboard; when the kids come to the complex they take their picture and get their statistics; and when they come up to bat they are going to put their pictures and statistics on the scoreboard.

Commissioner Fisher inquired if it cannot be done at the heights that are there at this point. Mr. Unnerstall stated the problem with lowering it will obstruct the view from the fielders throwing the ball back and forth; and because of the background of the screen, it could be dangerous. Commissioner Fisher inquired if it is a safety issue. Mr. Unnerstall stated by looking at major leagues a lot of times they are in center field and very high; if the screen was lower, the batter could not see the ball coming at them at all; and it is definitely a safety issue.

Commissioner Nelson stated he understands the logic, but he does not know if the height matches up with the discussion.

Commissioner Infantini stated the last time he was here the only objection voiced was if he talked to the neighboring property owner; and it is Mr. Erdman who owns a car dealership.

Commissioner Fisher inquired if they were going to use the scoreboard when the games are not in session, and it would not be a billboard. Mr. Unnerstall responded no, they do not plan to do that. Commissioner Fisher inquired where the project is at the Cocoa Expo project. Mr. Unnerstall advised the Board they are moving quickly now that they have all the approvals and permits; they are probably about 70 percent complete; they are going vertical with a lot of the buildings; most of the infrastructure is in the ground; and the stadium is about 90 percent done. He stated he really needs to get the scoreboard ordered; it takes about 120 days to get the thing; and it is coming from overseas.

Vice Chairman Bolin inquired if it is the height is what the Board is determining. Mr. Unnerstall advised there really is not ordinance for scoreboards, and one needs to be created.

The Board directed staff to return to the Board with legislative intent and permission to advertise an ordinance amending the current Zoning Code to allow Scoreboards to exceed current structure height allowances which would allow a scoreboard to be 69' in height.

Commissioner Nelson stated he really would like to see some industry information on that issue of how it comes into play from home plate to the pitcher. Mr. Unnerstall advised he will try to put some information together; but looking at any major league, the scoreboards are very elevated.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Chairman/Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>NAYS:</b>	Mary Bolin Lewis

**ITEM VII.A.1., APPROVAL, RE: DISBURSEMENT OF EDUCATIONAL FACILITIES IMPACT FEES**

Commissioner Nelson stated he thought the Board was going to see some typing of the debt side to the eligible projects, because that is what was talked about during the joint meeting with the School Board, and he does not see that in here. He stated they had talked about typing the debt retirement to eligible projects; and inquired if the School Board is able to do that.

Dane Theodore, School Board representative, replied yes, they have been working with the County's auditors, meeting several times a week, as late as yesterday; they have been given enough information to do what the Board requested and tie the debt payments to specific projects; and that information will be forthcoming.

The Board authorized disbursement of educational facilities impact fees in the amount of \$8,300,400.09 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 change requests required to implement this disbursement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Mary Bolin Lewis, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM VII.F.1., CITIZEN REQUEST BY BRIAN K. HAMILTON, PRESIDENT OF MAGRUDER-SMITH FARMS, INC. AND SPACEWALK GROVES, INC., RE: AMENDMENTS TO CHAPTER 82, ARTICLE XIII, DIVISION 4, SECTION 62-4433, EXEMPTIONS**

Brian Hamilton, representing Magruder-Smith Farms, Inc. and Spacewalk Groves, Inc., stated both have projects permitted under Chapter 62, Article XIII, Division 4, for land alteration; both have Conditional Use Permits (CUPs) and active Land Alteration Permits (LAPs); his complaint is he is having trouble with the uniformity of the enforcement of this Ordinance, specifically is large quantities of fill material; and it really constitutes commercial sites and storefront operations that are popping as a result of these large stormwater projects. He went on to say he is complaining today about the Hurricane Sandy Beach Berm Project and the apparent conflict of interest that Ernest Brown, Natural Resources Director, has; he looked at Mr. Brown and his Department for compliance of this Ordinance, because he has done so; the apparent low bidder of the Hurricane Sandy Project was Donovan Construction who wants to excavate the material in Rockledge, which he is doing now; and they are spending quite a bit of money.

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He stated Huntington Lakes, LLC owns the property; they do not have an LAP; Exhibit B is prohibited activities; a person does not receive or haul from a site that does not have an LAP; and it says anything that is not exempt previously these apply. He stated he gets this invoked every time he complains. He stated he likes Mr. Brown, and did not mean to offend him; he did come in and fill out paperwork that amends the exemptions that appear to allow him to take material from this borrow area that does not have a LAP; and the premise that if a person lives in another town or county that he or she is indemnified of some ordinance, and he has a problem with that. He stated Mr. Brown works for Brevard County and they should have the opportunity to market their products; he is having a problem with Mr. Brown negotiating the contracts, and one the other hand he is attempting to circumvent an ordinance so he is in compliance and not in violation; and he said that in the last meeting in May when Commissioner Infantini voiced the item should be tabled. He stated there are large amounts of materials being moved around with no enforcement on it; the only Department that controls large quantities of fill materials is the Natural Resources Management Office; and he is offended by that Ordinance being amended. He added this is an Ordinance that he spent thousands of dollars complying with; it appears to him that Mr. Brown amended it so he could do business with this contractor; and the assumption is if a person lives in another town or county, he or she is indemnified of complying with the ordinances. He pointed out they were putting beach compatible sand on the beach in March of this year; the other one is Central Sands at the TICO Airport; they have a viable permit; and they put sand on it three or four times in the past. He stated this is about large quantities of fill material and money; Mr. Brown may be able to justify this action, because he is saving money for Brevard County residents; and he is appalled that Brevard County property owners who spend thousands of dollars complying with the County standards, and the Director of Natural Resources Office, would rather do business with a loophole company. He advised Mr. Brown is not working within the Ordinance trying to make it better; he is working outside about it.

Commissioner Infantini stated it seems like Mr. Hamilton is saying that the County is allowing the developer of a project to sell sand that they should not be allowed to sell, or it is buying sand from an entity that does not have an LAP. Mr. Hamilton read the section referring to that. Commissioner Infantini inquired if he is saying the property in Rockledge does not have a LAP. Mr. Hamilton responded they are in the municipality of Rockledge and they have no dog in the fight, and they have no way to get a permit.

The Board recessed at 12:58 p.m. and reconvened at 1:06 p.m.

Ernie Brown, Natural Resources Director, stated the question was asked whether or not staff was using fill from an illegal pit, and the answer is no. He went on to say the first question was if the County has the authority to regulate land alternation or borrowing activities, Rockledge, Cocoa, and Palm Bay; the land alteration Ordinance is expressly and exclusively limited to the unincorporated areas of Brevard County; and the application of that Ordinance is limited to unincorporated Brevard County. He pointed out the statements that were made by Mr. Hamilton as it relates to the prohibitions only applies to those land alteration activities that are occurring within the unincorporated Brevard County; unless this Board changes the Code to allow it to be a Countywide Code, it does not have the authority to apply those restrictions on activities outside the County or within the municipalities; that is staff's understanding of the Code; and Mr. Hamilton disagrees with that element. He stated unless this Board chooses to take action to the contrary and go out for an amendment to the Code that would require staff to apply the Code to the entire County, including all of the jurisdictions, which has another Statutory criteria to apply, at this time the County's Code only applies to those activities occurring in the unincorporated Brevard County.

Chairman Anderson stated the only way to do it is to push the County on to the cities to enforce it; and he is not willing to do that. He stated if something like that needs to be done, the State

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Legislature can change it. Mr. Brown read from the Code, "Section 62-4395, and knowingly receiving fill material derived from a site for which a valid Land Alteration Permit does not exist." He went on to say if there is an activity say to receive 100,000 cubic yards of fill, if it is receiving it from a location within the unincorporated, that location has to have an active LAP; that is what that prohibition talks about; it does not prohibit a recipient of fill to obtain fill from Indian River County, Volusia County, Orange County, City of Rockledge, or City of Palm Bay; and its prohibition does not prohibit receiving fills from those areas, it only refers to those activities that are delivering the fill or receiving fill from those areas in unincorporated Brevard County. He stated the assertion Mr. Hamilton is making is that if a person as a developer in unincorporated Brevard County desires to get fill from Reed Pit in Rockledge, he or she would be breaking the law; and that was not what this law was designed for.

Chairman Anderson stated the intent was to ensure that any pits within unincorporated Brevard County or following its land use and having an LAP; and it has nothing to do with what goes on inside cities with their codes.

Mr. Brown stated that is a foundation pillar of Mr. Hamilton's assertions; and while they disagree on that, he feels the Code is clear as it relates to that. He went on to say the second assertion Mr. Hamilton makes is staff made a modification back in May to the Code; it is in Section 62-4422, and it is the exemptions; it is from the exemptions of obtaining a Land Alteration Permit; there were currently exemptions and staff added a 13th; and it was for public and maintenance projects approved by the County Manager or designee to be determined in the best public interest. He pointed out it refers to receiving fill, modifying, or excavating for ditches, stormwater ponds, and in this particular case he is bringing up, beach renourishment projects; it allows the actual activities, the beach activity, to not be required to get a LAP; it does not change the requirement to get the fill from a permitted site if it is in the unincorporated Brevard County; and if staff used Mr. Hamilton's pit in unincorporated Brevard County, even though the sand placement on the beach does not require a permit, the location it was received from would still require a permit. He added, it does not exempt the project from receiving fill from a permitted site if it is in unincorporated Brevard County.

Commissioner Infantini stated her concern was that the County was not using the fill for another project that it was needed for, but that the individual was permitted to sell it; and if that is the case, they could sell below market value.

The Board acknowledged citizen request by Brian K. Hamilton regarding amendments to Chapter 62, Article XIII, Division 4, Section 62-4433, Exemptions, but took no formal action.

**ITEM VII.F.2., CITIZEN REQUEST BY JUDITH MCKENNA, RE: CHANGE OR MODIFY CURRENT CODE REGARDING AGRICULTURAL ZONES PROPERTY AND SELLING FARM GOODS AT COCOA GREEN MARKET**

Judith McKenna read a prepared statement as follows, "We are a cooperative of small farms and small local agriculture-related businesses who work together at one location, 12 Palms Farm in Cocoa, Florida. We are open three days a week and are a small family farm, zoned agricultural. Unlike a Farmers' Market or Flea Market, our farm business is not made up of open vendors, temporary sales or individual booths. We don't sell jewelry, clothing, prepared meals, or other merchandise. We don't charge fees, rent spaces, or take consignments. As a cooperative, we share nominal administrative costs for electricity, water, and supplies. We also share responsibilities for managing and operating the Cocoa Green Market. We are not a commercial or retail operation; we are an authentic working farm selling organic produce, locally produced farm products and homemade products in accordance with Florida Statutes. Like all working family farms, Cocoa Green Market is a business and contributes to the economy of Brevard County. It seems that we are more closely related to the definition of a farm stand with

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the exception that some of our agriculture products are not produced at 12 Palms Farm. However, the current Code does not address our type of operation and there are many other farms in Brevard County that operate in a similar manner. These small farm businesses operate with the constant fear of being discovered and shut down because of the current outdated Code. We would like to see this Brevard County Code adjusted or redefined to support the business model that is exemplified by Cocoa Green Market and many other small farms that don't meet the criteria of either a farm stand or a farmers market. We cite the following as justification for our request: 1) The Agritourism Bill, which unanimously passed in the Florida Senate in July, and the Florida Right to Farm Act demonstrate that the Florida Legislature believes family farms are an integral part of our Florida economy and way of life. There is a desire in Tallahassee to help family farms to succeed. Brevard County should likewise rally behind our family farms and seek to make a Code that is workable and encourages the development and sustainability of family farms. 2) At \$64 million (2007 figures), agriculture is one of the agricultural engines of Brevard County's economy and small farms are a growing part of this. Our farm cooperative currently generates approximately \$10,000 a month in gross sales in Brevard County. By enabling small farms like us to operate cooperatively, we will all be contributing even more to the Brevard County economy. 3) Agritourism is an important and growing segment of the tourism industry, and we all know how important tourism is to Brevard County. With our beloved Indian River Lagoon currently making national headlines for all the wrong reasons, it seems important to emphasize other, more positive aspects of our area's tourism potential. With our commitment to sustainable agricultural practices and environmental stewardship, Cocoa Green Market is in a unique position to do exactly that. We have an ever increasing number of visitors from not only Brevard County and Florida, but other countries; and in fact, have been contacted by a professional tour company wishing to bring visitors to the farm for a real Florida farm experience. We are a desirable destination because of the unique things that each member of our cooperative brings to the business. A farm cooperative like ours allows several small farms and agricultural-related small businesses to be able to not only survive, but thrive in these precarious economic times. Individually, the businesses that comprise Cocoa Green Market might not survive. Collectively, they can support one another's efforts, remain in business and provide one location for patrons to come for a variety of farm goods and thus more business is generated. We are an excellent example of the whole being greater than the sum of its parts. 4) By providing a central farm location for customers, neighborhood traffic and fuel consumption are greatly reduced, compared to what it would be if each partner in our cooperative maintained their own individual farm stand. It would not be feasible or reasonable for customers to travel to six separate locations, possibly on different days of the week, for the farm products we offer at the Cocoa Green Market. The additional traffic, noise, dust, etc., generated by six individual farm stands, stuffed into quiet (and often unpaved) country lanes is more likely to be viewed as a nuisance by their neighbors than our single location, which is located on a paved and well marked main artery into the neighborhood. 5) The Cocoa Green Market provides education and supports environmental stewardship. Through ongoing field trips, classes, and day-to-day interaction with customers we continually provide valuable information and a connection to Farm Team Members who are knowledgeable in their fields. In summary, The Cocoa Green Market is a valuable asset to Brevard County's economy and quality of life in the growing area of small farms and agriculture-related businesses. We ask for your support in allowing us to continue doing business as we currently are and to work with us to make corrections to the current Code to allow other small farms the same opportunity."

Commissioner Bolin Lewis stated the farm experience is wonderful and she wants them to be able to sell their products to the public; the hitch is the extra things that are not the pure selling of their own products; and inquired to bring the other non-produced items on their land into a selling location, what does Cocoa Green Market have to do to currently become legal.

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Robin Sobrino, Planning and Development Director, replied the AU Zoning classification allows a farmer to have a farm stand and to sell the goods and products that they grow on their own property without restriction; the problem is that there are other farmers coming to her property in order to sell their goods from her property; and that is where it gets into the context of it being treated as a farmers market, similar to markets popping up in the communities. She went on to say in order for her to legalize the activity currently going on, the Code does provide for a Conditional Use Permit (CUP) in the AU Zoning Classification where she can request the Board consider to allow a farmers market on the property; some of the issues is there are some standards that are associated with being able to ask for a CUP for a farmers market; recognizing a farmers market as a CUP is in an agricultural residential area, so they need proper buffering, ability to control egress and ingress into the property, to provide for parking on site, and setbacks from adjacent properties; and although the applicant is willing to go through the application process, she is unable to meet the standards that are set forth in the CUP section as they relate to minimum setbacks from the street and the location of the display area. She advised the Board she is not able to ask for the Board for the CUP, although this is what she would need; there is one mechanism the Board may want to consider, and that would be do a Code Amendment that would allow for the Board to waive standards in the CUP section; as part of the public hearing process, the Board could consider each application on its merits and each applications ability to properly demonstrate buffering and compatibility to the neighborhood; and that would allow her to come before the Board to ask for that rezoning.

Commissioner Bolin Lewis inquired in the requirements that Ms. McKenna is not currently meeting, is there anything not being met that could be a safety issue, such as egress and ingress of the property. Ms. Sobrino replied potentially the parking is tempting on the right-of-way for people driving by and they end up backing out in the right-of-way, which is in unsafe condition, particularly on this stretch of roadway that is located between two dog legs of the street; and there is a possibility of potential traffic issues there. Commissioner Bolin Lewis inquired what Ms. McKenna's hours are. Ms. McKenna responded they are open Tuesday's and Friday's from 10:00 a.m. until 5:00 p.m., and Saturday's from 10:00 a.m. to 2:00 p.m. Commissioner Bolin Lewis inquired if there are trucks running up and down the road on Saturdays, because the landfill is across the street. Ms. Sobrino responded she believes that is a continual thing.

Ms. McKenna stated there is a very large and wide median along all of the properties there; what is good about theirs is their driveway is ingress and egress is quite easy to come in and out of as the driveway is very long way into the property; and there is plenty of parking around the farm. She went on to say she thinks to solve the issue of the potential of someone parking on the right-of-way, which rarely happens, is to supply her with 'No Parking' signs; and a simple signage would solve that problem totally.

Chairman Anderson stated she can run her own stand theoretically for seven days a week and the Board could not say anything, but because the other people are added, it is all of a sudden a worry; and he believes there has to be an easy fix. Ms. McKenna stated they should come to the farm.

Jessica Croft stated she is a Farm Team Member; she makes soy candles and natural products; and she is zoned as a cottage industry, so she can produce the products in her home but she cannot sell them from her home. She stated she needs a place like this to sell her products to survive and feed her family. She stated they are not a farmers market, they are a cooperative Farm Team; there is no zoning in place and no rules in black and white; and there should be rules. The Board Members should see how well their situation is working and see how happy their customers are. She advised she also participates in two farmers markets each week; at those markets, she goes each week, pays her fee, sits and mans her table, and then she leaves; as a Farm Team cooperative, they are all members of the Team; they all take turns

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working at the Farm; they sell each other's products; and they work as a unit. She stated asking for the CUP would mean they want to become a farmers market and that is not what they are; and there should be something put into the Codes.

Chairman Anderson inquired if it is not just individual stands but one big stand that they take turns working. Ms. Croft replied Ms. McKenna's farm is the 12 Palms Farm; their Team collectively is the Cocoa Green Market when she is open those three days; and the rest of the days of the week, Ms. McKenna is a farmer. Chairman Anderson inquired if it says in the Code they have to sell the items produced on their property. Ms. Sobrino responded affirmatively. Chairman Anderson inquired if that is the easiest tweak that the Board can make; and how does the Board know what is produced on the property.

Commissioner Nelson stated he believes Option 2 is to create a definition of a farmers' cooperative and develop a modified CUP is the direction to go; and the CUP process also gives the Board the ability to have the neighbors weigh in.

Ms. Croft advised the Board there are other farms that want to do this in other parts of the County; there is nothing like this in Titusville and Mims; and people ask them to help set up a cooperative in other parts of the County.

Heather Orenczak stated her daughter is a bread maker and part of the Farm Cooperative; she started going to the Cocoa Green Market as a customer; she appreciates being able to get fresh items like vegetables, bread and eggs; and she appreciates being able to bring her children to a beautiful farm to experience the animals that some of their food come from.

The Board approved an amendment to the Code, Section 62-1929, to create a definition for a 'farmers cooperative' and develop modified CUP criteria for same; and to hold the Code Enforcement complaint in abatement until such time as there is an outcome to an amendment.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

By consensus of the Board, the meeting adjourned at 1:40 p.m.

ATTEST:

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ANDY ANDERSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

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SCOTT ELLIS, CLERK