

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 April 16, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

9:00 AM Meeting called to order on April 16, 2013 at Board Room, Board Room, Viera, FL.

| Attendee Name | Title | Status | Arrived |
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| 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

Pastor Jeremy Coppock of Faith Baptist Church in Titusville provided the invocation.

PLEDGE OF ALLEGIANCE

Chairman Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved March 14, 2013 Special Meeting Minutes; and March 29, 2013, and April 2, 2013 Regular Meeting Minutes.

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| 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.A., RESOLUTION, RE: RECOGNIZING AND COMMENDING JOSEPH MICHAEL MAKO FOR ATTAINING THE RANK OF EAGLE SCOUT

The Board tabled consideration of Resolution recognizing and commending Joseph Michael Mako for attaining the rank of Eagle Scout to the April 30, 2013, Board meeting.

ITEM I.B., RESOLUTION, RE: PROCLAIMING APRIL 20 - 27, 2013, AS BREVARD COUNTY VOLUNTEER APPRECIATION WEEK

Howard Tipton, County Manager, stated staff is now recognizing National Volunteer Week, this continues to be sponsored by Points of Light, which was created in 1990 by former President George H. W. Bush; and it has grown exponentially each subsequent year with thousands of

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volunteer projects; National Volunteer Week is about taking action, encouraging individuals in their respective communities to be at the center of social change; National Volunteer week is not only one moment in time to celebrate the volunteers, but aims to enable all to share ideas, practices, and stories wherever they may happen; and the most recent Brevard County data says it had 7,187 individuals that served as regular volunteers on advisory boards throughout the County providing a total of 351,000 hours in volunteer time. He went on to say when Partners in Service are included throughout the Parks and Recreation Department, that number increases to 67,000 volunteers, for a total of over one million volunteer hours; and according to the independent sector's value of a volunteer hour for the State of Florida, that equates to a value of \$20,613,000. He pointed out recently a group of Brevard County staff members formed a volunteer advisory committee and created a plan to recognize volunteers throughout the year; through an innovative initiative named 'Volunteer Stars, Light up Brevard', they will recognize exceptional value that volunteers bring to the Brevard County team; as part of the "Volunteer Stars, Light Up Brevard", departments will recognize exceptional volunteers before the Board on a bi-monthly basis; during the recognition, the presenting department will provide an overview of the volunteers placement and their contributions to the community; the volunteer will be awarded a plaque and a star pin; and in addition, departments will report on their volunteer programs highlighting facts that may include the number of volunteers in their program, the type of volunteer positions available, the number of volunteer hours provided during the past year, and how these volunteers make a difference. He stated through all of this, staff is encouraging any other citizens who would like to volunteer certainly to become part of the Brevard County team.

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 13-049, proclaiming April 20-27, 2013, as Brevard County Volunteer Appreciation Week in recognition of the efforts and contributions of volunteers, and expresses its sincere gratitude to volunteers for their outstanding service.

Margie Collins, Brevard County Volunteer Coordinator, expressed her appreciation to the Board for the Resolution, and to all of the thousands of volunteers in Brevard County throughout all of the County departments. She stated the volunteers expand and enhance the services the County is able to provide, which is good for the County and its citizens. She expressed her appreciation to the volunteer with HR, Jerry Watson, and the staff who participated in the volunteer advisory committee that came up with the initiative to honor the volunteers.

Jennifer Kerr, Volunteer Coordinator for Animal Services and Enforcement Department, stated Ed Beck has gone above and beyond as a volunteer for Animal Services and Enforcement Department; he has extended his enthusiasm and love for the animals out into the community by spreading awareness through positive actions and words about Brevard County Animal Services and their need for more volunteers, fosters, and donations for food, money and supplies; Ed continues to promote Animal Services and Enforcement in a positive light; and involves the community and the movements to help homeless pets. She went on to say he coordinated and held an event on his own at Beat Side Dance Studios in Satellite Beach and raised approximately \$800 in cash donations and several hundred dollars in food donations; he purchased mason jars, which he and his wife made donation jars out of them, and received permission for local veterinarians offices to place the jars in their lobbies to help Brevard County Animal Shelters; he takes a dog from the animal shelters to Petco on Sundays and walks it for a few hours in an attempt to get it adopted; and he brings dogs to events and mingles with the citizens and talk about how wonderful the dogs are. She noted Ed has a great adoption success rate, not only with the dogs he brings to events, but with the dogs who stay behind at the shelter due to his ability to communicate with the public, and the time and energy he spends with the dogs to gain trust while walking and training them; he offers his time and energy selflessly; and this morning Ed is going to hand over gift certificates that were given to him for

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massages that he is giving to every employee at Animal Services and Enforcement, due to the stressful positions. She added, once again, Ed is thinking about everyone but himself; she cannot express how thankful they are to have Ed on their team; more volunteers are needed like Ed; and they are going to have him cloned. She advised they currently 611 volunteers at Animal Services and Enforcement who have provided over 27,779 hours in the past year; volunteer positions available include walking dogs, petting cats, cleaning cages, greeting customers, transporting animals going to events, and bathing and grooming animals; and if a person would like to volunteer with Brevard County, please visit the website at www.brevardcounty.us.

Ed Beck expressed his appreciation for the award; and stated he is doing his best to get all of the animals saved in Brevard County.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING THE MONTH OF MAY 2013 AS WATER SAFETY AND DROWNING PREVENTION MONTH

Jim Underwood, Rear Admiral, U.S. Coast Guard (Retired) introduced Chief Warrant Officer Charles "Bee" Perry, Commanding Officer of the Coast Guard Station; Executive Petty Officer Chief Marshburn; Missy Belford with Swim Safe Forever; Melissa Brock with the Health Department; and Cindy Lucky; Phil Phinney, President of Merritt Island Breakfast Club; and Josh the Otter. He stated Josh the Otter is becoming the national symbol for water safety and drowning prevention; they are fortunate to have started that in Merritt Island at the Merritt Island Breakfast and Rotary Club; they started with 550 kindergarten children; it is now in over 30 states, over 100,000 children, and 50 rotary clubs are doing this. He went on to say it is a great program; it takes everyone; and one day he would like to have everyone in this room introducing their part in it.

Commissioner Nelson stated Rear Admiral Underwood, the Rotary Club, the Coast Guard, the Health Department, and all of those involved in the safety of the children is so important; there is a lot of danger out there; in his neighborhood they had to put up sections of fence to prevent children from getting into an abandoned pool at a foreclosed home; and everything that can be done is appreciated.

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-050, recognizing the month of May 2013 as Water Safety and Drowning Prevention Month, and urged all residents and visitors to recognize the vital importance of water safety and drowning prevention education.

Chief Warrant Officer Charles "Bee" Perry, stated the Coast Guard conducts a radio show with American Warrior Radio on AM1300 every Saturday, and they try to get the word out that the Coast Guard Auxillary is a great organization for boating safety; the classes that these volunteers provide are worth a lot; and it does not cost that much to go. He advised the website is cgux.org; a person can go on and put a Zip Code in and it will tell he or she where the closest place is for a boating safety course; one of the important things he would like to get out there, is

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the life jacket; so many more lives could be saved just by wearing a life jacket; and to keep the life jackets ready and accessible.

Misty Belford, with Swim Safe Forever, a non-profit in Brevard County, stated their goal is to educate the community and raise awareness; they also provide scholarships for self-rescue swim instruction, so that families who normally could not have access to those programs can access them; dealing with drowning, the thing heard over and over again is layers of protection; and they have an event on May 4th at Wickham Park, a 5K and family fun feast. She distributed fliers to the Board.

Melissa Brock with the Health Department stated they are now called the Florida Department of Health of Brevard County; they were just awarded a \$5,000 grant for child drowning prevention services; they have partnered with Clear Channel Outdoors to display drowning prevention messaging all throughout the County; it should be seen when driving throughout Brevard County; drowning prevention is everyone's responsibility; and it is a silent catastrophe that happens in just a few minutes in the time it takes to run inside to grab a towel. She went on to say the layers of drowning prevention being displayed on the billboards through June of this year are active supervision, barriers, physical locks on gates, alarms, avoiding drain entrapments, not letting children play in or near drains or suction outlets, and the emergency preparedness; and encouraged everyone to learn CPR as it can mean the difference between life and death.

Commissioner Nelson expressed his appreciation to what is being done; and hopefully it will be a good summer for Brevard County.

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

ITEM I.D., PRESENTATION BY JACOB STUART, CENTRAL FLORIDA PARTNERSHIP, REGIONAL PRIORITIES

Jacob Stewart, Central Florida Partnership, stated he is present to update the Board on some things the Central Florida Partnership is doing. He went on to say Central Florida Partnership, for the last four or five years, tried to unify the Central Florida region; it consists of seven counties and 86 cities, with a total of 3.8 million people; and when they talk about it they talk about it as an economy. He stated it is no longer cities and counties but regions; the federal government is driving programs through regional priorities; this region, when put together as an economy, is the 19th largest region in the entire United States; of the seven counties being served, the second most powerful economy is Brevard County; and when he travel across the region, it should be known in common language but it is not. He pointed out the third most powerful economy is Polk County; when he talks about the region, he does not want to compete in terms of having one region more important than the other; and the real power is when the seven are measured together. He advised to the west of their region is the Tampa Bay region, and it happens to be eight counties it measures; it also includes Polk County; and it would be the 18th largest economy in America. He noted they have the 18th and 19th economies right up against each other; when they are put together, that becomes a super region, Tampa Bay to Brevard County; and those 15 counties become the 10th largest region in America, larger than Atlanta and Miami. He went on to say if Florida was a sovereign nation, would be the 19th

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largest economy in the world; if there were to be a G20 meeting, Governor Rick Scott would sit right next to President Obama with the other 18 leaders of the world talking about the economies; Florida in 2016 will become the third largest state in the United States; and there is a date when that will happen in Governor Scott's office. He stated Florida is the third largest state and the 19th largest economy, the 10th as a super region, and the 19th largest economy in the world. He stated with great excitement they are going to welcome Chairman Anderson at the Central Florida Congress of Regional Leaders, and they are being served there by the other seven county chairs; and municipal representatives from the seven counties and two school board members who represent the Central Florida School Board Coalition will be present as well. He pointed out those 16 members are going to accept opportunities to work together as a region; and all of the other Commissioners have been there and know of the work. He went on to say 'Open for Business' is one of the things that has come out of the seven counties working together; he is on Brevard County's website regularly; and it is wonderful to see the 'Open for Business' icon on the website. He stated they have the Central Florida Water Strategy that is moving ahead; MyRegion is the beginning of this all these years ago, and is continuing; there are regional priorities that Brevard County's team is part of; there is the Central Florida Conference of Regional Leaders; and there is also the Central Florida Legislative Delegation. He added, 10 senators and 26 house members represent one or more precincts in the counties; and they are blessed to have House Leader Steve Crisafulli from Brevard County, who is not only the Speaker Designee of the Florida House of Representatives, but would be the Chair of the delegation for the next few years in Central Florida. He stated the congress has come out of MyRegion, and from the congress has come another important meeting; the seven county managers meet on a regular basis, sharing best practices, good ideas, and congeniality; some would say these things do not matter; Mr. Tipton has been extraordinary in his faithfulness about leading these opportunities; and without any jurisdiction other than a power of a good idea. He stated unemployment is still hovering around eight percent; but the super region created 54 percent of all jobs in the State of Florida in the last 12 months.

The Board acknowledge presentation by Jacob Stuart, Central Florida Partnership, regarding regional priorities.

ITEM I.E., RESOLUTION, RE: RECOGNIZING APRIL 27, 2013, AS THE HELPING HANDS AND LINKING ARMS DAY OF SERVICE

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-051, recognizing April 27, 2013, as the Helping Hands and Linking Arms Day of Service.

A representative stated April 27th there are projects that will be at the YMCA of Central Florida in Titusville, the Brevard Achievement Center, Sally's House, Brevard Alzheimer's Foundation, Palm Bay Parks and Recreation, Space Coast Center for Women with Children, and are partnering with the AT&T Pioneers making pillows for heart and breast cancer patients; in Osceola County those at the Deseret Ranches have a project this coming Saturday relating to a community clean up with the City of St. Cloud; have donated numerous hours; and he expressed his appreciation to the Board for the recognition.

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

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ITEM I.F., RESOLUTION, RE: CONGRATULATING THE MELBOURNE HIGH SCHOOL LADY BULLDOG SOCCER TEAM ON THEIR THIRD STATE CHAMPIONSHIP

The Board adopted Resolution No. 13-052, congratulating the Melbourne High School Lady Bulldog Soccer Team on an amazing win, and expresses their wishes for successful future endeavors for all team members.

Commissioner Infantini advised the Board the Resolution will be presented to the team at a later event.

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

ITEM II.A., HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated on Sunday, April 7, 2013, he had the chance to attend, along with Commissioner Fisher, an event hosted by Keep Brevard Beautiful; it was an event in support of sustainability efforts around the community; Brevard County was recognized with a Government Sustainability Award for the sustainability and energy conservation measures that have been taken across the organization, from energy initiatives that really kick-started from the \$2.9 million energy efficiency block grant the County received, to the development of the County's energy reduction policies from the energy performance contracting that is currently looking at water uses at the Jail to thermal storage systems from reclaimed water and the inivated Viera wetlands to the gas to energy program at the landfill; and Brevard County was recognized as a leader in the effort to reduce demand on energy resources and for creating the opportunity for a better tomorrow with its natural resources. He went on to say Congressman Posey's office was participating in this event, and the County was presented with a Certificate of Special Congressional Recognition; it was a very nice and well-attended event; and he expressed his appreciation to Keep Brevard Beautiful, its Executive Director Tony Sasso, his team and its Board, for this recognition. He pointed out the Awards and the poster outlining the criteria are in the back of the room in case anyone is interested in taking a look at them.

ITEM II.B., SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated the Board probably received his email yesterday; they went before the Circuit Court Judge Maxwell yesterday with the School Board case; and he denied the temporary injunction. He went on to say the Judge left the case open under declaratory relief as to when the School Board violated the Contract, if the Board wants to pursue that; they also have to go through the mediations; that may be a moot point if the Board decides to negotiate with the School Board a modification to the Contract; and there is also an option of appealing the decision that the Judge rendered yesterday to the Fifth District Court of Appeals.

Commissioner Fisher stated he thinks the Judge ruled so he is not sure there is anything else the Board can do; there are some issues still out there other people are taking; and the Board will see how those pan out. He stated he is sorry to see that, but he respects their decision.

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Commissioner Nelson stated he was disappointed by the ruling; the thing he thinks has been most disappointing to him is the way this all happened; the School Board, to an extent, has gotten a free pass on its decision-making process; and it troubles him there is an agreement with the School Board that says it will communicate with the Board what is being done, and that did not happen. He went on to say it did not happen with the injunction, but it is troubling that the County is in an agreement with someone who basically says they will do what they want to do; what gets lost in the discussion is what the School Board does, does impact the County financially; the County has to make intersection improvements to do things when the School Board make these decisions; the relationship between the School Board and County has been damaged by this; and he would like to go through with the Conflict Resolution. He pointed out there has been a level of dishonesty with this that has been troubling to him; and he believes the decision was made well before the CSC meeting; the School Board was restricting students from transferring to Gardendale Elementary; he hopes the relationship can be repaired; and the County and School Board are two governmental agencies that need to be closely aligned.

ITEM II.G., ANDY ANDERSON, DISTRICT 5 COMMISSIONER, CHAIRMAN

Chairman Anderson stated there was an attack in Boston; there are a lot of Brevard County residents from Boston; the Board's hearts are with those people; and he requested the audience to take a moment to think about those people.

Chairman Anderson stated the Space Symposium that Commissioner Nelson, County Manager Howard Tipton, and he attended was really good from the standpoint of because of the sequester they did not have to compete with NASA and Air Force people, so they got to see a lot of the companies; Space Florida, Craig Technologies, EDC, and many other Brevard County businesses attended; and it was one of the most optimistic symposiums he had every been at. He went on to say a lot of companies, because of either sequester or just consolidation, find Brevard County an attractive place to expand in the future and maybe to relocate some other business entities.

Commissioner Fisher expressed his appreciation to Lynda Weatherman and her team on the Economic Development Commission (EDC) who did a great job in setting up meetings; they got to see the highest leadership from every company; and they got to meet with some important people making decisions on not only their companies, but possibly Brevard County's future.

Chairman Anderson stated the most productive thing is people the Board typically do not get to see, maybe thinking of locating in California or Alabama, he or she gets to talk about their future plans; and even though they may not visit here, they know where Brevard County is.

ITEM III.A.1., RESOLUTION AND JOINT PARTICIPATION AGREEMENT SUPPLEMENTAL AMENDMENT NUMBER 2 WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: ADVANCED TRAFFIC MANAGEMENT SYSTEMS OPERATIONS AND MAINTENANCE PROJECT

The Board adopted Resolution No. 13-053, and executed a Joint Participation Agreement (JPA) Supplemental Amendment Number 2 with the Florida Department of Transportation (FDOT) for the maintenance and operation of the Advanced Traffic Management System (ATMS) Expansion Project.

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

ITEM III.C.2., ACKNOWLEDGEMENT, RE: RECEIPT OF FY 2012 ANNUAL REPORTS FOR THE CITY OF TITUSVILLE DOWNTOWN COMMUNITY REDEVELOPMENT AGENCY AND THE US 1 CORRIDOR COMMUNITY REDEVELOPMENT AGENCY

The board acknowledged the receipt of the FY 2012 Annual Reports for the City of Titusville Downtown Community Redevelopment Agency and the U.S. 1 Corridor Community Redevelopment Agency.

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

ITEM III.C.3., ACKNOWLEDGEMENT, RE: RECEIPT OF FY 2012 AUDITED ANNUAL FINANCIAL STATEMENTS, ENDING MARCH 31, 2012, FOR THE HOUSING AUTHORITY OF BREVARD COUNTY

The Board acknowledged the receipt of the FY 2012 Audited Annual Financial Statements, ending March 31, 2012, for the Housing Authority of Brevard County.

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

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ITEM III.C.4., ACKNOWLEDGEMENT, RE: RECEIPT OF FY 2012 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND ANNUAL REPORT FOR COMMUNITY REDEVELOPMENT AGENCIES (CRAS) FOR THE CITY OF MELBOURNE

The Board acknowledged the receipt of the FY 2012 CAFR and the Annual Report for CRAs for the City of Melbourne.

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

ITEM III.D.2., RESOLUTION, RE: AD VALOREM TAX EXEMPTION FOR NORTHRUP GRUMMAN

The Board adopted Resolution No. 13-054, qualifying Northrup Grumman as an eligible business under the County's Tax Abatement Program; and approved authorized a public hearing to consider adopting an exemption ordinance.

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

ITEM III.D.3., RESOLUTION, RE: BROWNFIELD REDEVELOPMENT BONUS FOR NORTHRUP GRUMMAN

The Board adopted Resolution No. 13-055, qualifying a Brownfield Redevelopment Bonus (BRB) for Northrup Grumman as a Brownfield Business; affirmed the site is in a designated Brownfield area; and approved the request for a waiver of the local financial support.

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

ITEM III.D.4., AMENDMENT TO LEASE AGREEMENT WITH AMERICAN TOWER, L.P., RE: ANTENNA TOWER AT 2140 LANSING STREET MELBOURNE

The Board executed the Second Amendment to Colocation and License Agreement with American Tower, L.P., for a revision of the original Lease by Emergency Management on behalf of the 800 MHz Public Safety Radio Network at 2140 Lansing Street, Melbourne; and authorized

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the County Manager, or his designee, authorization to sign any documents associated with the Contract.

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

ITEM III.D.5., ACKNOWLEDGEMENT, RE: BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT TO FISCAL YEAR ENDED SEPTEMBER 30, 2012

The Board acknowledged the Brevard County Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2012.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Trudie Infantini, Commissioner District 3 |
| 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 **Debbie Harvey** to the Economic Development Commission of the Space Coast, with appointment expiring December 31, 2013.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Trudie Infantini, Commissioner District 3 |
| 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.

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

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ITEM III.D.1., AGREEMENT WITH TITUSVILLE CITY COUNCIL AND TITUSVILLE AREA CHAMBER OF COMMERCE, RE: CONTRIBUTION OF FUNDS, AND ADMINISTRATIVE AND SUPPORT SERVICES FOR THE GREATER TITUSVILLE RENAISSANCE (GTR)

Commissioner Infantini asked staff to explain what the item is about.

Scott Knox, County Attorney, stated this is an agreement between the City of Titusville, Titusville Area Chamber of Commerce, and the County Commission regarding a contribution of grant funds to the Chamber, which they will use for the economic development support services in Titusville.

Commissioner Infantini advised she is not in favor of this item; this is funds the County would be submitting to the Greater Titusville Renaissance for cultural advancement and improvements; right now the North Brevard area has the City of Titusville Economic Development Council, North Brevard Economic Development Zone, Space Coast Economic Development Commission, Economic Development Commission of Florida's Space Coast, and the Chambers, and she does not know how many organizations it takes to pile on to try to improve a community; and the organizations already in place have been doing a great job. She went on to say Commissioner Fisher credits Ms. Weatherman for doing an excellent job up there; the Economic Development Council in Titusville is doing a very good job; and she does not know what an additional layer needs to be added to the North Brevard area. She added, it is money that should be spent in other places when money is so tight; and for that reason, she is not supporting the item.

Howard Tipton, County Manager, stated as the Board knows, a number of economic initiatives have been supported by the County across the community; North Brevard, in particular, has been working on this Greater Titusville Renaissance program in conjunction with Brevard Cultural Alliance and a number of different organizations; and as this idea was approached last summer, in terms of budgeting, staff was confident this would be a program with a community benefit, and that is why staff supported it.

Chairman Anderson inquired what the total amount was for the grant. Mr. Tipton stated it is \$35,000 for the County's portion; the City of Titusville is putting in \$25,000; and the program will actually be managed by the Titusville Chamber of Commerce. Chairman Anderson inquired if that is out of the General Fund. Mr. Tipton responded affirmatively. Chairman Anderson stated \$1.8 million was spent out of the General Fund for Embraer with a lot of jobs; the Board just approved an incentive for Northrop Grumman for \$2 million; and that is \$3.8 million that went directly to his District.

Commissioner Fisher stated he is always ready to show what they are doing and why; GTR is a volunteer effort by the community to change the culture of North Brevard; a lot of effort has been put into the project; and he can spend 10 minutes to explain what is being done and why.

Commissioner Bolin Lewis stated she is surprised it is only \$35,000.

Chairman Anderson inquired if something came before the TDC relating to the Renaissance, and was that something separate from this item. Commissioner Fisher replied this whole effort has been done by volunteers; in his office alone, he has been using his staff up to this point to do that; Miracle City Mall was one of the efforts of GTR; they are trying to get people excited about that project; and there were 3,200 people came out for one event. He went on to say there is no one who will save North Brevard; the Zone has not gotten a penny yet because the Florida Power and Light Company does not even come online until 2014; there really needs to be someone to help coordinate these volunteers; and North Brevard would like to have thousands of new jobs.

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Commissioner Infantini stated a lot of funds have been going toward North Brevard; the Economic Zone just hired someone to the tune of \$100,000 out of Georgia, yet the Board is trying to create jobs in Florida and Brevard County; and inquired why they would hire someone from Georgia to head the North Brevard Economic Zone when there are so many wonderful qualified individuals in Brevard County alone. She pointed out there are a lot of people out there looking for work. She stated people need to ask themselves why there are so many businesses locating in Central Brevard County; she thinks it is a good hub; the Port is out there and generating a lot of buzz and commercial industry; but at some point, she does not know how many economic development engines are needed to create a positive environment. She added, the Economic Zone is going to get \$80 million plus; that person hired at \$100,000 could help do some of the work; she appreciates what Commissioner Fisher is trying to do for the community; but reiterated at \$100,000 a year, this gentleman could step up and do some of that work being looked for. She advised she knows it is only \$35,000; but if she could find that \$35,000 in every individual's budget, the Board would not always be coming back asking for more taxes.

Commissioner Nelson stated with the exception of Commissioner Fisher, all of the Commissioners are from somewhere else; he does not fault the NBEDZ as it went through a selection process and picked the person best suited for the job, which happened to be from Georgia; and the Commissioners ended up because Brevard County is a wonderful place. He went on to say there will always be a difficult area in the County to work with; Titusville happens to be that area for a variety of factors; and he does not think \$35,000 will in any way injure the County. He went on to say at some point in time there will be a re-evaluation; what is working will be continued and what is not working will be stopped; and that is just the logical process.

The Board executed Agreement with the Titusville City Council and the Titusville Area Chamber of Commerce wherein the County and the City agreed to contribute funds, and the Chamber agreed to provide administrative and support services for the GTR to assist in facilitating the cultural and economic revitalization of the GRT.

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

ITEM V.A., ORDINANCE, RE: AMENDING PART II, CODE OF ORDINANCES, ARTICLE II, ANIMAL CONTROL, CHAPTER 14, SECTION 14-60, PROVIDING FOR PUBLIC PARKS AND BEACHES TO ALLOW FOR A PORTION OF UNINCORPORATED

Chairman Anderson called for a public hearing to consider an Ordinance amending Part II, Code of Ordinances, Article II, Animal Control, Chapter 14, Section 14-60, providing for public parks and beaches to allow for a portion of unincorporated beaches to permit dogs.

There being no comments or objections, the Board adopted Ordinance No. 13-11, amending Part II, Code of Ordinances, Article II, Animal Control, Chapter 14, Section 14-60 of Brevard County, Florida, providing for public parks and beaches to allow for a portion of unincorporated beaches to permit dogs at geographically defined and Board approved locations; providing for conflicting provisions, severability, and an effective date.

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| 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 V.B., RESOLUTION, RE: 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.

Howard Tipton, County Manager, stated this is the annual budget adjustment as staff balances from the close of last year, bringing dollars forward; the supplemental amount of \$25,104,822; roughly the breakdown is, from a transportation perspective, approximately \$13 million; those are dollars that are savings for projects finished under budget; those are dollars that are recognized because they were able to get additional revenues from the State or federal government; and those are dollars rolling forward for projects not completed in the last year. He went on to state there are special revenues for \$9.5 million, including the EELS Program for \$3 million, Debt Service, and Enterprise Funds; within the Enterprise Funds there is \$2.8 million for utilities, and \$1.8 million came from the settlement of a lawsuit that was going for a long time; and those dollars will be rolled into Reserves for utilities, however staff will be coming back before the Board to talk about the utility needs. He added, while these dollars are not programmed today, there is a \$14 million capital program that has about half the amount of funds it needs going forward; that discussion will be had during the budget reviews in July; and in the last five years, this is the lowest amount staff has ever brought forward.

Commissioner Fisher stated staff did a great job with a very difficult situation.

Commissioner Infantini stated she is not in favor of increasing the budget by \$25 million; there is a report from the auditors that stated, "We recommend management focus more on historical actual spending rather than budgeted spending." She stated year after year the Board over budgets; last year the Transportation Department was over budgeted by \$52 million; she does not see any reason at this point in time to be transferring or increasing that budget by another \$11 million or \$12 million when last year the County was over budget by \$52 million. She went on to say she understands it is for projects the Board thought would be completed, they were not completed, and it is rolling forward; but these budgets year after year, as well as most of the County budgets, are over budgeted. She pointed out another thing she is opposition to is allocating \$3 million to the EELS Program; from her understanding and correspondence with the Clerk of Courts, these are Bond proceeds that are not supposed to be used for operations; and finally she inquired of the audience if they were buying a car that would last for five years would he or she take out a 10-year loan on it. She added, the Board is borrowing money for 30 years and making road improvements that will last for 20 years; at some point this will catch up; if it does not catch up to her, it will catch up to her children and her children's children; it is bad business; and it is part of what this budget includes.

Commissioner Nelson stated he finds it ironic because \$21 million of those dollars are associated with two projects carried forward and that is the Beltway and Babcock; just last Thursday in the TPO meeting, Commissioner Infantini said the word 'Babcock' he counted seven times in a single period of time about the importance of that road; a million dollars of this is for Babcock; and inquired if Commissioner Infantini did not want to do that project.

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Commissioner Infantini stated \$1 million out of \$25 million is to improve the intersection of the one single road that remains in Brevard County that is over-capacity; \$11 million is to do resurfacing and repaving of roads in District 2, Commissioner Nelson's District; she would give up \$1 million to save \$10 million; and the Board should not be using \$11 million of proceeds to repave and resurface. She stated Commissioner Nelson takes everything she says personally as a personal attack; and inquired why he tries to punish the residents of Brevard County, of which the entire Board represents.

Chairman Anderson advised the Board the State has in its work program, having public hearings and it is funded, the widening of the over capacity part of Malabar and Palm Bay Road to six lanes, so that is funded.

Commissioner Nelson stated fair has never entered into any of Commissioner Infantini's consideration; by looking at the County's road programs, in a single vote of the TPO, over \$30 million went to the Palm Bay Beltway, including the intersection at Micco Road and the Beltway, which will not be built for years; and Commissioner Infantini is whining over the fact he is resurfacing roads with LOGT, which is based on unincorporated population. He went on to say he has triple the unincorporated population that Commissioner Infantini does; she is probably getting more than her fair share when it comes to those dollars; the Board has made decisions throughout the budget, and he has highlighted all of the things in District 3; and he showed the audience all of the tabs that are projects Commissioner Infantini voted against that are in her District. He further inquired if Commissioner Infantini wants the Board to take all of those projects out that are associated with District 3.

Commissioner Fisher asked staff to explain that this is not a \$25 million increase in the budget.

Stockton Whitten, Deputy County Manager, explained these are supplemental reports; staff could have taken the criticism on the front end because what staff did in preparation for the current fiscal year's budget is not submit the supplements between the preliminary budget and the final budget approval; this is actually a requirement of State Statute; it is transparency in governmental accounting; if these were left outside of the budget, there would be some \$25 million floating in a bank account that is not represented in the Board's budget documents; and it is illegal to do that. He went on to say Bonds are simply meeting IRS requirements; so bonds cannot be issued that exceed the expected life of the project; and even if the County were at a mind to do that, it could not do it because IRS regulations does not allow it.

Commissioner Fisher stated Commissioner Infantini confuses the public with this; the County may start a road project in November, and it budgets \$10 million for it; they only get a certain percentage of it done between November and the following September; there is still money there to finish the project; and it has to be rolled over to the next year to ensure it is accounted for even though it has not been spent yet. He advised he understands why it is done.

Commissioner Infantini stated if it is illegal according to the IRS, then she guess she needs to contact them and tell them the Board is repaving roads with 30-year bond funds; she is not going to allow Commissioner Nelson to extort her vote like he did two years ago when he reversed a budget change amendment that the Board approved; and that is not appropriate behavior of an elected official. She stated on this one sheet of paper it referenced \$11 million that goes to District 1 or 2 for repaving; she would give up \$1 of road improvements; and the Board will pass this item as it has the number of votes it needs. She advised she tries to highlight the things that she feels is wrong with how the Board operates County government.

Mr. Tipton stated staff is required to do this; every government in the State of Florida is doing this; as Mr. Whitten indicated, staff did not make a change between the preliminary budget and

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the final budget; staff has been criticized in the past because the numbers change; and it happens because staff gets an updated forecast from the County Departments and the Constitutional Officers.

Commissioner Bolin Lewis stated what the Board has been able to show since it has less rolling over each year for the past five years is that the budget is being tightened up as far as projections of what is needed; and the statement of spend it or loose it is not happening in Brevard County.

Chairman Anderson stated Wickham Road is under construction; if the Board was not able to recognize the money, the contractor could not be paid; the construction would just stop; and everyone in West Melbourne would have to deal with a half paved road for the next 10 years.

Commissioner Nelson stated he would put his ethics against Commissioner Infantini's anytime; she voted against taking a \$1.8 million settlement the County got; and she wanted to pay the contractor to finish the project. He advised roads are going to be resurfaced that have not been resurfaced in 40 years; any future Commissioner will be lucky to be able to have these roads in the next 40 years because the County does not fund that; out of the \$100 million that was bonded, his District received \$10 million; and it is based on a funding source for unincorporated. He stated the Board spends money in cities and places where it should not be; he would like to see if LOGT can be spent in only unincorporated areas of the County because that is where the money is generated from; and Commissioner Infantini's District would get less money than it currently receives. He stated if Commissioner Infantini does not to fund some of these things, the Board can go through them one-by-one; and the bonds can be reduced on those projects as well.

Commissioner Infantini advised it is an all or nothing package; if the Board wants to go through them one-by-one, it can; she is prepared; and this is increasing the budget by \$25 million.

Chairman Anderson stated the County does not have the money if the Board does not recognize it. He inquired if the Board does not recognize the remainder of the Wickham Road Project what happens; if the projects are not recognized as required by State Law, can the money be obligated to the contractor at that point; and advised no, the Board cannot.

There being no further comments, the Board adopted Resolution No. 13-057, approving the supplemental budget for Fiscal 2012-2013; and approved the budget changes and such actions as are necessary to implement the adopted changes.

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

The Board recessed at 10:08 a.m. and reconvened at 10:22 a.m.

ITEM VI.A., RESOLUTION OF DENIAL AND FINDINGS OF FACT, RE: FRATERNAL ORDER OF THE EAGLES AERIE #4257 INC. (PZ nO. 12pz-00086) 1050 COURTENAY PARKWAY, MERRITT ISLAND (DISTRICT 2)

Kim Rezanka with the Law Firm of Dean Mead, on behalf of Clearview Tower Company, LLC, stated when she read the Findings of Fact, she was taken back to September 2006 when the Board issued a seven-page, single-spaced Findings of Fact and Conclusions of Law denying a rezoning of the South Banana River Marina; Pelican Bay Acquisitions asked for a rezoning of some acreage in Merritt Island; and in that it was very detailed, citations for the record, references to evidence, and documents. She stated this proposed resolution is lacking; she asked on April 4th that it be a very clear order, unlike the one that was done for Home Depot; and this resolution is minimalistic as to the evidence that was presented. She stated in paragraph 5 it says, "The general area surrounding the proposed site is limited to no more than two-story dwellings"; this is just an erroneous expression of what is there, the site they proposed; there is a high school to the north, commercial to the west and south, a five-lane State Road to the west, and multi-family apartments to the east; the single-family homes they seem to reference are outside of the setbacks they even had to meet, at least to the east side; and they were actually more than 1,000 feet away. She went on to say in paragraph 7 it talks about MetroPSC's engineer, but also the County Consultant, Rick Edwards, in his report agreed there was sufficient evidence of a signal void; paragraph 8 seems to indicate that Mr. Edwards did agree there was the need; and it talks about what Mr. Edwards said. She stated she does not know if it was in the report, in testimony, and to her it is conclusory and summary, it is not what he said; it also stated that Mr. Edwards defined the proposed height and monopole design would have a substantial negative effect visual impact in the surrounding area; she was at six hearings on this item; she does not remember him saying that; and she remembers him suggesting a low profile design, but not that it would have a substantial negative visual impact. She stated in paragraph 9, it says there was overwhelming testimony and evidence from neighboring residences and business owners; there were three individuals who testified; the lady that testified at the last hearing said, in her letter, she wanted a taller tower; one gentleman said he would accept a flagpole; and the other one who testified were people who had a vested, financial interest in the Circuit City Tower. She stated in paragraph 10 it said the applicant was asked to consider alternate tower locations; they were asked to consider Pine View Park, which they did; it was too small and too close to single-family; as to the flagpole, they did consider it; she spoke to each Commissioner indicating they would be willing to go with a flagpole, thought it would be brought up in discussion, but it was never discussed; and it is clear there was a miscommunications as to the willingness of the flagpole in this area. She went on to say in paragraph 11 it said the Planning and Zoning Advisory Board recommended approval of the proposed location but did not support the tower design; that is flat out false; she was there and that is not what they said at all; and there was one member that said to let the Commission decide what the design must be. She stated in paragraph 12, it says the proposed tower would have a substantial negative aesthetic impact that is not compatible with the surrounding area; they disagree there was substantial evidence regarding that; there was no evidence by a planner; and they believe it is discriminatory in the way it has been addressed, especially in light of Circuit City application was so much closer to single-family residences than they are, and it is also the exact same design. She stated it says they failed to provide substantial and competent evidence to justify a reasonable need for the proposed height, which is flat out false; they did provide substantial evidence; and there was rebuttal evidence according to the standards conditional use. She stated in paragraph 13 it says the MetroPCS witness testified the applicant is not the only possible site or design; it is true, but the consultant Charles Bernardo testified that he looked at over 80 sites, and this was the only one that could potentially meet the single-family residence setbacks, tower height, and that it was in a commercial zone where they needed it to be. She added, in paragraph 14 it indicates that there was testimony of interested parties; she believes they should be identified, because interested parties has a legal ramification if this should go to court on this particular issue; it is clear there was a

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miscommunication of the applicant's willingness to have a flagpole; and they had the design for the 150, 170, and 180 foot flagpole. She went on to say since this was denied on April 4th, they received information from AT&T on April 9th that wanted to co-locate at this location even though it was going on Circuit City it still had a gap; with that, she requested the Board rescind the denial, reset this for further hearing to allow the flagpole to be considered, and to allow AT&T to come forward with their propagation maps. She stated alternatively, she would request a more detailed Findings of Fact and Conclusions of Law.

County Attorney Scott Knox stated he was not present for the hearing, and he did not prepare the document, Christine Lepore did that; she is on vacation this week; he did talk with Christine about it, and she is confident that the order she prepared supports the Board's decision; and that is all he needs to hear from her.

Commissioner Infantini stated she does not recall the Board discussing the alternative for the applicant to go with the flagpole; it was briefly mentioned and it was dropped; and it was not considered as part of the discussion. She advised she would like to have this brought back to a hearing where the applicant can discuss the alternatives that are not as offensive, and if they are willing to work with the Board and meet it halfway, she thinks it is a better alternative.

Commissioner Nelson stated it was clear to him that a flag tower was always an option; the Board's decision was based on all the Findings of Fact; and it was not about whether or not the Board was considering a flag or not, it was always understood that could be one of the options.

The Board adopted Zoning Resolution No. 12PZ-00086, approving the Findings of Fact denying the Conditional Use Permit for a 150' monopole tower on property owned by the Fraternal Order of Eagles Aerie #4257, Inc. Located at 1050 N. Courtenay Parkway, Merritt Island.

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

ITEM VII.B.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: SECTION 14-64, FERAL ANIMALS AND FERAL CAT COLONIES

Karla Torpy, Animal Services and Enforcement Director, stated staff is here today at the Board's request from a meeting on May 15, 2012; the Board asked staff to review the feral cat issues and come back with modifications to the existing feral cat Ordinance that would require agreement from abutting property owners for a new colony to be established; and to request a report from Dr. Heshmati with the Health Department of potential health risks. She went on to say the Board established a moratorium for registration requests for new cat colonies at the time; it also asked the Animal Advisory Board to collect statistics from some of the local animal welfare groups regarding feral cat colonies; and staff provided that information to the Board today.

Amanda Novotny, Special Projects Manager at Alley Cat Allies, stated Brevard County has come a long way since last Spring when this topic was first discussed, and much positive progress has been made; Alley Cat Allies has been happy to assist with these changes; they provided a training session for Animal Services staff about feral cats, TNR, and colony care and

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community relations; they provided materials for Animal Services, including educational materials and humane deterrents; and they facilitated meetings and conversations between the leaders of local non-profit or animal organizations, citizens, and Animal Services staff. She went on to say BASE should also be credited for the work they have been doing to improve responses about outdoor cats; BASE dedicated an officer to these issues, Denise Carlton, and she has been doing a great job; she responds to both care givers of cats and those with complaints about cats; and this involvement, and her specific dedication to this issue, has greatly improved responses to calls from citizens about cats and the outcomes of the situations. She added, the Animal Advisory Board, for months, carefully considered what they heard from members of the public, those with experience with feral cats, and experts on TNR programs, including Alley Cat Allies, Rick DuCharme of First Coast No More Homeless Pets, and Jacksonville Feral Freedom Program, and local groups and individuals that are honestly too numerous to name in the allotted time. She pointed out a few members of the AAB and a few County staffers who visited Jacksonville to see in person how successful their pro TNR program is; the Animal Advisory Board's five recommendations are not a blanket endorsement of the status quo, rather these recommendations ask for improvements in several areas; there have already been many improvements in the past few months, such as increased outreach by BASE and flyers in public areas educating visitors about the outdoors cats they may or may not see; and much more can be accomplished. She added, Alley Cat Allies asks the Commissioners to adopt the Animal Advisory Board's recommendations; along with that, lift the moratorium on new registrations, and no changes to the Ordinance; all the moratorium does, and what further restrictions on registration would do, is make it more difficult to address cats in a proactive, positive manner; and adopting the AAB's recommendations, lifting the moratorium, and leaving the Ordinance as is will not create new cat colonies, the cats are already there. She explained, what the Board's support would do is make it easier to neuter, vaccinate, and care for those cats; registering cat colonies does not mean more cats, what that means is volunteers have stepped up and become involved in proactive neutering of those cats that call the outdoors their home; this puts their breeding and nuisance behaviors in check; a colony being registered means that not only is a care giver following the law, they are making a commitment to help those individual cats live healthier lives and stop the reproductive cycle, help their community by reducing the cats mating behaviors, and decreasing the vaccination rate, and help the County and local animal shelters in working to reduce the intake and euthanasia numbers; and this is quite a commitment and more people will step up to make with the Board's support.

Commissioner Nelson inquired what the goal is of Alley Cat Allies. Ms. Novotny responded to make TNR more widespread and get more people involved doing it, thereby neutering more cats and reducing the cats in shelters that are being killed. Commissioner Nelson inquired what about getting to the point that there are no cats outdoors. Ms. Novotny replied if she did not have a job that would be great, but she does not think they are there yet; and right now their goal is to really educate people about cat neuter return and make resources available and more widespread. Commissioner Nelson inquired if the ultimate goal of TNR is not to reduce the numbers to the point where there are none. Ms. Novotny advised spay or neutering they will not have kittens; and those cats that are TNR will not be reproducing and increasing the outdoor cat population. Commissioner Nelson inquired if there is any community where TNR has actually got to the point where there is no need for Alley Cat Allies. Ms. Novotny stated she does not believe there are any communities that have gotten there yet, but there are communities that have started along that process and showing great results, like Jacksonville. Commissioner Nelson inquired who does the monitoring to determine that really is happening. Ms. Novotny replied Jacksonville monitors themselves; and they are providing great data that supports TNR in other communities. Commissioner Nelson inquired Jacksonville the government or the program. Ms. Novotny advised the Feral Freedom Program.

Commissioner Bolin Lewis inquired if staff is familiar with the Feral Freedom that is being done in Jacksonville; when she had the discussion with staff about the project, Feral Freedom that is

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going on in Jacksonville, is that supported financially through the County Government or strictly by volunteers. Ms. Torpy replied it is through private funding. Commissioner Bolin Lewis stated this is something that can be done in Brevard County, but it will have to be a coordination of all of the different agencies; and she would like to see the County move towards that.

Ms. Novotny stated it is great cooperation between the government and these private groups already doing TNR and applying for grants; there is grant money out there to do this; and more support from everyone can only increase the positive of trapped neutered.

Howard Tipton, County Manager, stated the deputies are asking due to what happened up north to not leave bags and purses unattended in the Board room to make sure everyone is safe.

Katherine McCoy, with People Underwriting the Rescue and Rehab of Strays (PURRS), stated it has been almost a year since the moratorium of registering feral cat colonies was imposed; at last there are recommendations from the Animal Advisory Board; and she wanted to give the Board some feedback she has recently received from the path Indian Harbour Beach has gone down with some of the recommendations of banning cats in public places. She went on to say recently she sat down for a few hours with the Mayor of Indian Harbour Beach and the City Manager to discuss the recent ban; she discovered in her view, the entire Ordinance was directed at one troublesome care giver; they have many well-managed colonies in that city; but they decided to enact an Ordinance designed to penalize one person. She went on to say she hears the AAB wants to ban the formation of new colonies in public parks and buildings; even more alarming is they have no plan for carrying it out; she asked them exactly how they are going to execute this and if they have done a feasibility study to see who would do it, where the money would come from, and how they would keep cats out once they were banished; and their plan was they want a rescue to come and relocate all of the cats. She pointed out this is not workable program; she does not think the Animal Advisory Board has done a study of how to keep them out of public beaches, parks, and buildings; and asked the Board to be cautious in adopting any recommendations without understanding how they will be done. She stated she wants the Board to think about them as first responders in animal disasters because that is what they are; when the County prevents any of them from coming into an area that needs help, it is like telling a fireman they can only fight fires in certain areas of the County; and they are very capable volunteers. She advised they have rescued over 1,000 animals since last May. She noted if altering these cats prevented only one litter of four kittens, that means about 5,000 cats prevented from burdening the shelter system; this is about the same number being killed in the two County shelters annually; and the County has rescue to thank that it has not doubled the workload in the County shelters, because rescue keeps doing what it does. She added, well-managed feral colonies are the cornerstone of the solution; she asked the Board not to tie their hands; no ban on properties should be placed because that means they cannot help; no consent from neighbors should be imposed; and she has never lived in a neighborhood where a person could get five neighbors to agree. She stated Rick DuCharme wants to help Brevard County both by mentoring and physically; this could probably be done without County money; but they have to be as aggressive in their practices as he is. She went on to state in their county feral cats are trapped, fixed, and returned to their communities where they came from and that is that; if one rare citizen complaints, that person is educated in ways to humanely discourage cats from living where they are not wanted; after the first year, there were very few people who complained; and it is handled like squirrels and raccoons, they tell people how to live with animals, and they learn this is a better way than trapping and killing them. She asked the Board to let the first responders work the miracles they have been working without artificial barriers.

Carol Fournier, President of the Space Coast Feline Network, stated since she came before the Board last, so much has happened; they have a very positive momentum in the County that they would like to see carried forward; they are on the national radar; Brevard County is on the

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national radar as being very humane-friendly, and a place where it is working with the animals and people. She went on to say the petition submitted with 2,000 signatures, those people all wanted this to stay as it was and to keep moving forward with it; in the meantime, they have gotten a new director of BASE; BASE has a totally new direction; they have a new officer who is going out on these calls; and Space Coast Feline Network has currently gotten money together, are launching their mobile neuter/spay clinic, shopping for their vehicle, and they have numerous programs going on they feel need to continue. She pointed out neutering and spaying the animals is the answer because it is successful; they have never found a pregnant, spayed cat; so they are reducing the numbers; the cat is already out there; they are not creating colonies; and they are just taking care of what is there. She added, things can always improve, but they need to improve in the positive directions; with the Jacksonville involvement, Brevard County has a wonderful opportunity for mentoring from a program that has been highly successful; by looking at their rate of intake in the shelters, which is a mirror of what is still out in the community, a person will see it has gone down so drastically over the years; and it is known that in well-managed colonies the numbers do go down. She stated if there are all kinds of restrictions put on people, it is hard to keep the colonies well-managed because people have to hide from it; people can just go out and grab all the cats in the area and neuter and spay them; and that is what is reducing the population and reducing the problems.

Chairman Anderson inquired when there is a colony in Jacksonville and the neighbors are being annoyed by the cats, how is that handled and who pays for that. Ms. Fournier responded the Jacksonville organization does help with those, and they are 100 percent privately funded; they work on grants and donations from individuals; what they do is go into the shelters and take the animals that are coming in, take them for the neuter/spay, get them ear tipped, and vaccinated and take them back out; and it is a tremendous savings to the county because all of that money that would be spent dealing with those animals is avoided. Chairman Anderson inquired when a complaint comes in, if it is a cat colony issue, does the animal control in that county defer the problem to the program. Ms. Fournier advised she knows they have a partnership but she does not know exactly where each line ends; and the county and that organization deal with that complaint together.

Laura Siemers stated she is not an expert on cats, but she wanted to speak as a citizen and encourage the Board to make an educated decision based on the facts; any complaints that do happen are very few and far between; there has been a bit of hysteria in the past about some possibilities of health concerns and things like that, without any proof that any of that exists; the Animal Advisory Board considered this for many months; and she asked the Board not to make further restrictions than what the board has asked for. She stated she is in favor of leaving the Ordinance the way it is; it works if it is enforced; and these groups are very willing to help with this.

Robert Allen, President of Daphne Foundation, stated the handwriting is on the wall about no-kill; some people are now estimating that within 15 years, this will be a no-kill nation; at the present time there are 17 no-kill counties; and none are located in Florida. He pointed out that Brevard County could actually be the first no-kill county in Florida; this is the way the whole country is moving; there are predictions that Virginia may be the first no-kill state; and with this movement towards no-kill, the animal rights issues will become more prominent. He advised a few years ago he brought Nathan Winograd into the County; the turn out for his seminar was poor both by County representatives and shelter workers; the County Commissioners made a trip to Jacksonville; and he was impressed by that. He stated he is appalled of how cats are demonized by a small group of people; on his property he has a feral pig who was routing up his lawn quite badly; he made an agreement with the pig that he would feed the pig if he would stop routing up his lawn; and it worked. He added, he has had cats all of his life; and he cannot believe the condemnation of cats from the cat haters.

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Nancy Allen, Representative of the Animal Advisory Board, stated on June 11th at the Animal Advisory Board meeting, Mel Scott, Assistant County Manager, asked the AAB to take time to review the current Ordinance and make note of any questions or suggestions they may have regarding the potential re-write of the Ordinance; and that is what they did. She went on to say at that time they had a 10-member board; the veterinarian has left so she could work more on spay and neuter; but they have animal advocates, trainers, breeders, former law enforcement officers, shelter manager, teacher, and at that time a veterinarian; and they are a very diverse group of people. She pointed out they took into account the rights of the colony care givers, public, private residents, and the cats; the recommendation took into account everything that would be good for everyone; they spent six months working on the issue, including three workshops; all of the meetings were opened to the public, so there was public input; and she asked the Board approve the AAB's recommendations. She stated Commissioner Nelson has given her an enormous challenge, because she would like to see no more feral cats outside; she will be doing research to see if there are any communities where people through vigorous TNR and other things they are diligently working on have actually eliminated feral cats; and that is their goal.

Teresa Clifton, with Central Brevard Humane Society in Cocoa, stated she is happy to talk about feral cats now because it has been 10 long years of struggles with these types of things; she would like for the Board to know they have made great progress through AAB; these people really care and have put a lot of effort in the recommendations; and they are a good foundation. She stated Rick DuCharme is the Founder and Executive Director of First Coast No More Homeless Pets; he has become so successful in Jacksonville; he has started a new foundation called Target Zero; and it is his intent is to make Florida zero deaths for homeless animals. She stated this topic is not just about feral cats, it is about all homeless animals; it affects the humane society, as well as County shelters, the feral cat care givers, dogs, and everything; it all goes together and all has to do with spay/neuter; and Mr. DuCharme has a private funder with apparently a significant amount of private funding. She added, Mr. DuCharme's purpose for visiting Brevard County was because such great interest was shown to what he was doing in Jacksonville; and Jacksonville will probably be zero population of animals killed before Brevard County is. She stated if they continue the way they are going now, the Board will see less cats out there because there will be less being born out there; their shelter alone never have taken cats from the County shelters; they have taken dogs, but not cats; and they just opened their free-roaming cat rooms in February and have taken 36 cats since February from the County shelters, which is history. She stated the root of the matter is the property owner; they have a right to not have pets on their property; and they should be promoting spaying and neutering because that is what will tie it together and end it. She stated First Coast No More Homeless Pets works hand-in-hand with Animal Services in Jacksonville and with the animal shelters, kind of like they are all now doing in Brevard County; Karla Torpy is great to work with and is a benefit to the animal world; and they have broken ground on innovative thinking. Mr. DuCharme's Target Zero Foundation is going to select Brevard and one other county in Florida and mentor them; they are going to help Brevard County to get where it wants to be, which is no more homeless pets and to have a zero death rate; and it will affect feral cats in particular. She advised the Board of the ribbon cutting ceremony on Thursday at the shelter.

Commissioner Nelson stated he still has concerns with parks in particular; it is a mixed message that the parks are managed wildlife, yet they allow, in effect, a predator to be there; there have been specific instances with Lori Wilson and Kiwanis Island where the feeding of the animals have encouraged raccoons; and then the raccoons had to be trapped and euthanized. He stated there is no way he will ever support allowing colonies in parks; he has raised cats and taken in strays, some living as long as 20 years; he loves animals; but he also does not like the concept of allowing that impact to neighborhoods. He went on to say there has to be limits to it; there has to be monitoring to it; he wants to be able to say that progress has been seen; and right now, there is no ability to understand, other than antidotal indications, that there are

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declines. He pointed out they got a call from a woman who has a colony with 30 cats in a residential neighborhood, and she is distraught; her outdoor furniture is being destroyed, her car top destroyed, and all of those things that go on when they are out of control; education can be talked about, but there has to be limits on it; and 30 cats on a single-family residential lot cannot be controlled. He added, he wants to move forward with something, but he cannot accept cats in the parks; it is exposing citizens to issues they do not need to be exposed to; it is a person's choice to do it on their property; but in the public setting, particularly with a park, it exposes the County with additional liability issues. He stated the property rights of neighbors need to be addressed; the subset is, this is a County Agency; there needs to be an opt-in section so each city gets to choose if they want to be a participant in this as opposed to an opt-out; that gives the choice is whether to participate with the program the Board agrees to; and there has to be a monitoring component. He pointed out if the County is going to spend dollars, there needs to be a monitoring component to see if there is a beneficial impact.

Commissioner Fisher stated as he went through the briefing yesterday, at the end he came to the conclusion that this problem will not be solved unless the County funds it; there was no funding solution at the end of the conversation; and long-term, the neutering is what is going to bring the population down. He advised he has the same concern as Commissioner Nelson with the park problem; the County may need to be self-insured due to the liability concerns of the cats and raccoons that could be looked at; staff to look at some sort of funding mechanism; and doing nothing, and expecting something to get better without a funding source, is unrealistic.

Commissioner Bolin Lewis stated the Board agrees with the TNR program, it is a good thing; she agrees with Commissioner Nelson as far as the parks; she is leaning strongly towards consent of the property owners; and the neighbors should also give approval for a cat colony. She stated she would like to know if a colony was going to be starting next to her in a residential area; and with those stipulations, she would move forward with the ability to start new colonies.

Chairman Anderson inquired if Commissioner Bolin Lewis would expect colonies on unimproved properties to have consent of the property owners. Commissioner Bolin Lewis stated if it is feasible to have it or if they had plans for that unimproved property, they would need consent.

Howard Tipton, County Manager, stated several Board Members mentioned parks; from an operations perspective, staff has those concerns as far as liability; if the Board said for the active parks, that colonies will not be allowed, staff could look at potential reduction of liability and explore the idea of using insurance dollars, because there would be savings, for purchasing signage, as well as funding for a couple of years the spay/neuter costs; he does not know what that dollar amount might be; but at least for the active parks, to look at no colonies and no new colonies in all other parks.

Chairman Anderson inquired if the County has had claims related directly to the parks. Mr. Tipton advised there was a bite in Kiwanis Island from a raccoon.

Commissioner Infantini inquired how staff is going to enforce no cats in parks.

Mel Scott, Assistant County Manager, stated this is something the Board just put out; saying there will be no cats in a park will not happen overnight; he would be interested in ideas the Board may have; they could follow Indian Harbour Beach's approach; there would have to be a time frame; but staff does not have an answer to that at this moment until they collaborate and find out how to do that.

Commissioner Infantini inquired if she had a few feral cats, will Animal Control come into her yard and pick up the cats; stated she is concerned about the enforcement; and inquired how they will be tracked. She is concerned the County is going to pick up people's pets under the

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guise that it is a feral cat; the County does not have the financial resources to do it; and she does not support it. She stated she thinks the ban needs to be lifted on the registration of feral cat colonies; when something is made so restrictive, what ends up happening is asking people not to comply with the law.

Chairman Anderson inquired if a pet cat is trapped and claimed, the owner receives an animal-at-large citation; and if a feral cat is trapped, there is no citation issued; and the cat is released. Kathy Beatson, Animal Services Assistant Director, replied if a pet cat is out in a neighborhood a neighbor could trap it; stated traps are not given to people anymore, due to the lack of funds available; if it is trapped, an Animal Control Officer will come out and remove the cat from the trap; and if the cat is not ear tipped, it will be taken to the shelter. She added, if the cat is ear tipped, and a registered colony cannot be found, that feral cat would be released on-scene; and if a pet cat is trapped and claimed, fees will be paid, and no citation will be issued. She mentioned those pets cannot stay at the shelter; a license tag has to be purchased; and enforcement of a rabies vaccination certificate has to be shown, or a vaccination would need to take place. She pointed out that all cats that leave the shelter are micro chipped; stated if a feral cat needs to be brought into the shelter staff is sending out the photos, a lot of the people that have been seen today are the ones who receive the pictures. She added if it is a problem colony, the cat cannot go back to that location; and Animal Services has done a lot over the last year to enforce the Ordinance that is in place. She advised Animal Control goes out to a neighborhood, Denise Carlton has educated people, there are officers giving information out about feral cats. She added Alley Cat Allies gave Animal Services a grant; is providing them with deterrents for citizens can use; and while the Board states there are no complaints, Animal Services has been monitoring the complaints since putting Denise into effect. She went on to say she handles fifteen calls a week, a lot of calls say they are feral cats, but in reality they are stray cats; there have been maybe five cases that all of these people have been involved in; the rest have been resolved; and there has been one instance where one citation was written on the feral cat Ordinance. She stated progress is being made; they cannot go and round up all the cats, but instead took the steps needed to resolve that situation; and in any park that has the same problem, they will contact the caregiver, if there is one. She advised in the instance of Lori Wilson Park, the caregiver was aware of what was going on, and was contacted every time a cat was taken off of the property; she took the cats and relocated them to another area; in this County, a lot of people have not registered because they think that the County is out to get them; and they need that information is to know who to contact when there is an issue in that area.

Commissioner Infantini stated the problem with registration is that the Board put a moratorium on registration and told everyone they cannot register, that the cats would be trapped, and not returned to them; and it created an awful cycle. Ms. Beatson stated even when the moratorium was added, staff did not put them on the register, but citizens that did call were able to give their information just in case there was a problem; and if the board looks at the live release rate, that is all of those things they are doing to keep the animals out of the shelter, they are at 68 percent this month, which is huge, because there is more effort in the field with officers, lost and found reports, owner surrenders making appointments or people with spay and neuter needs are getting the help they need, including the feral cat people. Commissioner Infantini inquired if the spay and neuter surgery, performed by the County Veterinarian, has increased; and her statistics were low in the past by comparison to any other spay/neuter veterinarian. Ms. Beatson advised they do not provide spay and neuter to the public; there was a citizen that came in that had a cat that had kittens and wanted her spayed; and they spayed that cat for her at the shelter. She stated the County Veterinarian is not a spay/neuter clinic, they are a veterinary service; and the County Veterinarian has to do spay neuter services on all of the strays that are picked up in this County; she travels one day a week to the North Shelter to see all of those animals; she sees all of the foster animals; and she handles all of the emergencies that come in. She advised she averages 80 surgeries a week, so in addition to all of her other

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duties, that is a lot of surgery for one person to perform. Commissioner Infantini stated past statistics reflected that it was not very high, and the service may be offered one day a week to the residents.

Commissioner Nelson stated the Board talked about education on the feral cat's side as to how to run the colonies, but people who let their cats run out doors, that is the bigger issue. He added that is how they become strays and feral, because they roam up to a neighbor and like the new place better; and that happens a lot. He advised people cannot have the schizophrenic approach to it, the cats are supposed to be left indoors, and if it is outdoors, it should be on a leash. He added the reality is, if his cats got out, he was in a panic and would literally go look for them; the education not only extends to feral cat colonies but to residents as well; and that coyotes are going to start taking out the cats. He advised as Commissioner Fisher stated, the Board needs to put some money into it, but also needs to look at if the money is being spent wisely. He went on to say it was interesting to talk about the period of time when colonies were not being registered, and the County is not that good and was not out picking up cats; it was an unwarranted fear; the County does not have the resources; and it has undertaken that as a responsibility; and he would like to hear from the Board.

Commissioner Fisher inquired if the Board decided to go through a process of removing the cats, he is assuming staff will try to find a colony or someplace for the cats. Ms. Torpy responded euthanasia is the most likely outcome for those cats; there may be some efforts, there are places and some people, but they cannot take every cat.

Commissioner Bolin Lewis stated in response to Commissioner Nelson in looking at Section 14-64 (d), she is in favor of being able to register the colonies; proof of consent to abutting property owners; and in reading this section she does not see where it states moving forward with the removal of feral cats colonies in parks; and inquired if that needs to be added should that be the direction of the Board. Mr. Scott stated that is the desire of the Board, staff will react to a motion and direction in that regard. Commissioner Bolin Lewis stated she would be in favor of section 14-64 with the addition of the consent of abutting neighbors; and would support the spay, neuter, and release program as well.

Commissioner Infantini inquired what staff direction is regarding cats in the parks. Chairman Anderson responded the section would be added to the Ordinance to keep cats out of parks. Commissioner Infantini inquired if the direction to staff in order to implement this would be immediately at the end of one year, because she would like to give staff exact direction; added sometimes the direction conflicts with what she thought was designed and discussed at the Commission meeting. She went on to say, staff will post a sign that would state cat colonies should be removed as of such and such date; stated she is looking for a little guidance, because otherwise staff is left to their own devices, someone calls them states they saw a cat, then the circle goes on. Commissioner Nelson stated in the instance of Lori Wilson Park, there was a conversation with the people that were feeding the cats, that it was a registered colony, it matters not if it is a registered colony or not to him, if there is a caregiver that can be identified and worked with to continue the relocation; he is not inclined to do it overnight, or even use parks people to do it. He added someone is feeding them, and when that person is identified, staff will work with them in order to relocate the cats; and that is really the intent. Commissioner Infantini stated if the Ordinance states feral cat colonies are not allowed in parks, and someone receives a complaint, there are rules, and the rules need to be followed; she is being clear and specific, so there is no question when the meeting is over, to give Animal Services proper direction for what to do when calls are received about feral cat colonies; and inquired how long does staff have to wait before the cats can be removed. Chairman Anderson advised he believes it needs to be phased in; and the organizations out there need to be worked with to give them an opportunity to relocate the cats; he does not want to euthanize the cats; and there has to be a way. Commissioner Nelson stated there has to be a way if there is no caregiver, so

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that means there will always be someone that staff can work with; the caregiver may say they do not want to do anything, but they only continue to be there because someone is feeding them. He added Commissioner Infantini is being more stringent that he and it needs to happen as it evolves, not on a given timeline. Commissioner Infantini advised once there is a rule in the books, that says no cats are permitted in parks, then there should not be any cats in the parks; somebody has the right to complain, then a Commissioner will complain to staff and ask that it be taken care of; stated she does not want to create rules the Board cannot enforce; and if the Board is not going to enforce them, what is the drop dead date so there are no more cats in the parks. She went on to say people will feed these animals; it is not always an organized structure. Commissioner Nelson inquired what time frame she recommends. Commissioner Infantini responded she does not recommend a time frame, she is not the one who wants them gone, but if they need to be removed, she asks that it be specific so citizens know what the expectation is.

Commissioner Fisher advised it would be fair for staff to come back with some sort of recommendation as to how they plan on complying with the Board's wishes; direction is to move toward that issue; inquired if the motion will contain funding and have staff explore where funding will come from; and he is fine with committing \$20,000-\$25,000 over the next couple years to help with it. Commissioner Nelson stated there are two steps, first is to move forward with the legislative intent, and second to direct the County Manager to identify some funding for TNR. Chairman Anderson inquired about opt-in, and where that would be located. Commissioner Nelson responded the cities adopt the County's Ordinance for the most part, and are required to opt-out; and he believes the cities need to opt-in, in other words, give them a program they may or may not like that forces them to opt-out. Commissioner Infantini inquired if staff will come back with a report on how they will implement this legislative intent before it is officially enacted. Mr. Tipton responded there will be another hearing in order to enact it. Chairman Anderson inquired how Mr. Tipton plans to communicate the opt-in to the cities. Mr. Tipton stated Space Coast League of Cities has a vehicle for that discussion.

The Board directed staff to bring back to the Board legislative intent and permission to advertise amendments to Section 14-64, Feral Animals and Feral Cat Colonies Ordinance, as follows: 1) Require new feral cat colony registration applicants (care givers) to receive consent from abutting property owners, and from the property owner or their agent where the colony is to be maintained, prior to the approval of the new colony; 2) Develop a process/schedule to remove cat colonies from County Parks and prohibit establishment of new cat colonies in County Parks; 3) Provide an opt-in provision for municipalities; 4) Staff to address a monitoring component; and 5) Identify funding sources for spay and neuter services.

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

By consensus of the Board, the meeting adjourned at 11:34 a.m.

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ATTEST:

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

SCOTT ELLIS, CLERK