

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 29, 2012 at 9:01 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Present	
Chuck Nelson	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Commissioner District 4	Present	
Andy Anderson	Vice Chairman/Commissioner District 5	Present	

INVOCATION

The invocation was given by Pastor Jay Bergstresser, Lutheran Church of the Resurrection, Cocoa Beach.

PLEDGE OF ALLEGIANCE

Commissioner Trudie Infantini led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the May 3, 2012 Zoning Minutes, May 1, 2012, and May 15, 2012 Regular Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.B., PRESENTATION BY ROBERT CHRISTIANSON, DIRECTOR OF ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) DIVISION OF OPERATIONS AND LAND RESOURCES, RE: 2012 PUBLIC LANDS ASSESSMENT

Robert Christianson, Director of St. Johns River Water Management District (SJRWMD), Division of Operations and Land Resources, stated he has a PowerPoint presentation on 2012 Lands Assessment. He stated the Water Management Districts in Florida have been acquiring land for three and one-half decades; the purposes for those acquisitions of property are flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resources and water supply development, and preservation of wetlands, streams, and lakes; and \$1.2 billion has been spent and over 705,000 acres has been put into conservation during the decades of time. He stated about one-third of the funding sources for District Land Acquisitions comes from partners like Brevard County, with most of the rest of the

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funding coming from the State of Florida, such as Florida Forever and Preservation 2000; and less than five percent of the funding has come from Ad Valorem taxes. He highlighted a list of County by County ownerships of the SJRWMD who share ownership in property with several other counties within the 18-County area of the SJRWMD; Brevard County has over 150,000 total acres of property; it shares 871 acres with SJRWMD; and 17,000 of the total acreage is shared with the State. He went on to say as a matter of courtesy and going forward looking at properties, the partners deserve knowing what SJRWMD is going to do this year; over \$1.2 billion worth of investment and public funds are in a bit of an hiatus, with the economy downturn property is not being bought; he is working with SJRWMD Governing Board to answer the question, are the properties still needed; and SJRWMD feels it is the prudent to look acre-by-acre, to make sure the properties still belong in the inventory. He stated in the event there are any properties identified, which are surplus to the needs of the SJRWMD, and there are some processes set out in Statute; SJRWMD is authorized to dispose of properties which are surplus, but there are guidelines, such as the sales price has to be greater than appraised value, noticing and advertisement requirements, conservation lands requires a super-majority vote, that those lands are no longer needed for conservation purposes, and any revenue derived from the sale of these lands must go back into buying additional Conservation Lands. He went on to say land management Statutorily tells how to care for the properties by balancing public access, recreation, restoration, and protection of the natural resources; the properties need to be available for multiple purposes, such as sustainable agriculture and silviculture, water resource development, water supply, stormwater management, and compatible recreation; SJRWMD is directed to open the properties for general public recreational purposes; and are encouraged to lease the properties to private concerns for compatible activities. He stated just over half of the properties SJRWMD is the Lead Manager; private and public agencies help provide lead management for some of the remaining properties. He mentioned about 10 percent of the property inventory is under private lease for cattle grazing; a fair amount of revenue is generated; and about 20 percent of the Program costs are from lease revenues. He pointed out the Lands Assessment is a one-year long initiative finishing in December 2012; the final action will come before the SJRWMD Board, with action on a modified five-year plan for District lands; and if properties are found that are surplus, that plan will identify those properties specifically, with direction given to go forward with some means of disposition, similarly with alternative uses. He added SJRWMD will have four public meetings in late June and early July; and the Land Assessment Project has been summarized on the website www.floridaswater.com/landassessment.

Chairman Nelson inquired if any lands have been identified with flood control. Mr. Christianson responded given the flood protection characteristics that so many of properties in inventory have, are the first properties to be screened out.

The Board acknowledged presentation by Mr. Robert Christianson, Director of St. Johns Water Management District, Division of Operations and Land Resources, on the District's 2012 Public Lands Assessment.

ITEM I.C., PRESENTATION BY TOURISM DEVELOPMENT OFFICE (TDO), RE: BREVARD COUNTY TOURISM ANNUAL UPDATE

The Board postponed presentation on the status of Tourism Development Office activities, including advertising, public relations, sports event development, special events, and the County's hotel occupancy and average daily rate to the July 24, 2012, Board meeting.

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ITEM I.D., RESOLUTION, RE: RECOGNIZING NAOMI SOMMER FOR EARNING THE GIRL SCOUT GOLD AWARD (DISTRICT 5)

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 12-114, recognizing Naomi Sommer for her outstanding efforts in earning her Girl Scout Gold Award, and offered congratulations and best wishes for a successful future.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Vice Chairman/Commissioner District 5
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.E., RESOLUTION, RE: SUPPORT FOR MEMORIAL DESIGNATION OF THREE ROADS WITHIN BREVARD COUNTY (DISTRICT 1)

The Board adopted Resolution No. 12-115, supporting the memorial designation of three roads in Brevard County.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.F., RESOLUTION, RE: CONGRATULATING EAU GALLIE HIGH SCHOOL STUDENTS ON WINNING JEFFERSON AWARD FOR COMMUNITY SERVICE

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-116, congratulating Eau Gallie High School Students for the distinguished honor of Central Florida Recipient for Outstanding Service and wished them well at the National Ceremony.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Commissioner District 4
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.A., RESOLUTION, RE: RECOGNIZING THE LIFE AND LEGACY OF BARBARA D. GRAY

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-118, recognizing the life and legacy of Barbara D. Gray.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

Vice Chairman Anderson passed the gavel back to Chairman Nelson.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Chairman/Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.G., PRESENTATION, RE: U.S. COAST GUARD'S APPRECIATION AND RECOGNITION OF OUTSTANDING PARTNERSHIP WITH BREVARD COUNTY, AND INTRODUCTION OF NEW COMMANDING OFFICER

Chief Warrant Officer Jim Dubea, introduced his replacement Chief Warrant Officer Charles Perry; he expressed his thanks to the Board for its support to the United States Coast Guard over the past three years; and stated he has a framed photograph to present the Board in appreciation of its support.

The Board acknowledged the recognition of Chief Warrant Officer Charles Perry as the incoming Commanding Officer at the Coast Guard Station Port Canaveral.

ITEM I.H., RESOLUTION, RE: PROCLAIMING JUNE 18, 2012, AS "BE A HERO DAY"

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 12-117, proclaiming June 18, 2012, as "Be a Hero Day" in Brevard County, and encouraging the promotion of and support for these events within the community; and urges the citizens of Brevard County to participate in "Be a Hero Day", and donate blood for the benefit of those in need.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

PRESENTATION, RE: FLORIDA HEALTHCARE COALITION

Karen Van Caulil, Florida Healthcare Coalition President, stated the Florida Healthcare Coalition is a partnership of private and public sector large employees; it has been partners with Brevard County for many years; last month at its annual meeting the Brevard County Commissioners, Brevard County Medical Society, and Brevard County Health Department were all recognized for their dedication, commitment, and hard work supporting the Primary Access to Health (PATH) Program.

Dr. Hesmati, Brevard County Health Director, stated this award is one of the most prestigious awards available; and he is happy to present the Board with the award today.

Chairman Nelson accepted the award on behalf of the Board of County Commissioners.

ITEM II.A., REPORT, RE: HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated he has a short video to show; the University of Florida Brevard County Extension Office partnered with the Space Coast Office of Tourism and Florida

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Sea Grant to develop an EcoTourism Program for local boat Captains promoting economic development; the Program is designed to introduce boat Captains to EcoTourism in Florida; and use on-hand learning classes to educate the Captains about the ecology of the local area.

ITEM II.G., REPORT, RE: CHUCK NELSON, DISTRICT 2 COMMISSIONER, CHAIRMAN

Chairman Nelson stated Frank Skarvelis has been conducting community presentations on the new Federal Emergency Management Agency (FEMA) maps; there have been significant issues on Merritt Island and West Cocoa; the North Merritt Island Homeowners Association sent a nice letter commending Mr. Skarvelis for his presentations being very informative; and he expressed his thanks, as well, for a well done job.

ITEM III.A.1., CONTRACT MODIFICATION NO. 4 WITH FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT (FDEM) FOR STATE AND LOCAL COST-SHARE, RE: SARNO LAKES PHASE II DRAINAGE PROJECT GRANT AGREEMENT

The Board executed Modification #4 to Grant Agreement with Florida Department of Emergency Management (FDEM) for Sarno Lakes Phase II Drainage Project; approved legal venue as Leon County; authorized the Chairman to execute future contract amendments subject to approval of the County Attorney's Office and Risk Management; and approved associated budget change requests.

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

ITEM III.A.2., APPROVAL OF GOALS IA, IVA, AND VIA, RE: BREVARD COUNTY COMPREHENSIVE MARITIME MANAGEMENT MASTER PLAN (CM3P)

The Board approved Goals IA, IVA, and VIA of the Brevard County Comprehensive Maritime Management Master Plan (CM3P).

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

ITEM III.A.3., RESOLUTION AND EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT, RE: PINE ISLANE CONSERVATION AREA STORMWATER IMPROVEMENTS, PHASE 1

The Board adopted Resolution No. 12-119, and executed Easement with St. Johns River Management District to Florida Power & Light Company for installation of power utilities needed for the Pine Island Conservation Area Stormwater Improvements on North Merritt Island.

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

ITEM III.A.4., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS FOR BARNES BOULEVARD WIDENING PROJECT - FISKE BOULEVARD TO MURRELL ROAD

The Board adopted Resolution of Necessity No. 12-120, for parcels for the Barnes Boulevard widening Project from Fiske Boulevard to Murrell Road in Section 21 & 22, Township 25 South, Range 36 East; and directed the County Attorney's Office and staff to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74 Florida Statutes, applicable to "quick-take" proceedings.

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

ITEM III.A.5., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS FOR WEST COCOA WATERSHED, SERVICE AREA 1, A-LANE CHANNEL IMPROVEMENTS; AND SERVICE AREA 2, LAKE DRIVE CHANNEL IMPROVEMENTS PROJECTS

The Board adopted Resolution No. 12-121, for the acquisition of parcels for the West Cocoa Watershed Service Area 1, A-Land Channel Improvements, and the Service Area 2, Lake Drive Channel Improvements Projects; and authorized the County Attorney's Office and staff to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74 Florida Statutes applicable to "quick-take" proceedings.

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

ITEM III.A.6., AUTHORIZATION FOR STAFF TO ENTER INTO NEGOTIATIONS AND FOR CHAIRMAN TO EXECUTE CONTRACT FOR SALE AND PURCHASE WITH YARDMAN LANDSCAPING LLC, RE: ACQUISITION OF A 17.67-ACRE PARCEL FOR WEST COCOA MASTER WATERSHED IMPROVEMENTS PLAN

The Board authorized staff to enter into negotiations to purchase the referenced 17.67-acre property owned by Yardman Landscaping, LLC, for the West Cocoa Master Watershed Improvements Plan, not to exceed \$350,000 or the average of the fair market value from two independent appraisals, whichever is less; and authorized the Chairman to sign a Contract for Sale and Purchase should these conditions be met.

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

ITEM III.A.7., ACCEPTANCE OF DRAINAGE AND MAINTENANCE EASEMENT FROM KATHLEEN ALEMAN, RE: FLORA BEACH ESTATES SUBDIVISION

The Board accepted the Drainage and Maintenance Easement from Kathleen Aleman for the property located in Indialantic north of and adjacent to Harris Drive and within Flora Beach Estates Subdivision.

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

ITEM III.A.8., RESOLUTION AND EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT, RE: ELECTRICAL SERVICE TO CENTRAL BREVARD SOLID WASTE DESPOSAL FACILITY, WEST COCOA

The Board adopted Resolution No. 12-122, and executed the Easement in Favor of Florida Power and Light Company.

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

ITEM III.A.9., APPROVAL, RE: BREVARD COUNTY TOURIST DEVELOPMENT COUNCIL CATEGORY B - BY 2012/2017 BEACH CLEAN-UP GRANT CRITERIA HANDBOOK

The Board approved the FY 2012-2017 TDC Category B Beach Clean-Up Grant Handbook, which includes eligibility requirements, review process, criteria for evaluation, instructions, and application forms.

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

ITEM III.B.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved Budget Change Requests, as submitted.

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

ITEM III.B.2., APPROVAL, RE: FY 2012-2014 NEIGHBORHOOD STABILIZATION PROGRAM 3 AD-HOC SELECTION COMMITTEE AND PROTEST COMMITTEE RECOMMENDATION (NSP3)

The Board approved the recommendations of the Neighborhood Stabilization Program 3 Selection Committee and Protest Committee; authorized the Chairman to execute agreements with the selected developers; and authorized the Chairman to execute subsequent modifications and amendments to the agreements, upon review and approval by the County Attorney and Risk Management.

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

ITEM III.B.3., APPROVAL, RE: URBAN COUNTY AGREEMENTS AND RE-QUALIFICATION FOR BY 2013, 2014, AND 2015

The Board approved the application for an Urban County Agreement re-qualification with the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant (CDBG) and HOME funds; authorized the continuance of Cooperative Agreements with the cities/towns for Fiscal Years 2012, 2014, and 2015; and authorized the County Attorney to sign the mandatory letter for submittal to HUD.

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

ITEM III.B.4., COUNTY MANAGER SUBMISSION OF MEMORANDUM OF AGREEMENT WITH FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (FDCF), RE: MEDICAID BILLING VERIFICATION

The Board authorized the County Manager to sign and submit a Memorandum of Agreement with Florida Department of Children and Families to allow County staff limited access to the Florida Online Recipient Integrated Data Access System, upon approval of the County Attorney and Risk Management.

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

ITEM III.B.5., MEMORANDUM OF UNDERSTANDING WITH U.S. FISH AND WILDLIFE SERVICE, RE: PELICAN ISLAND NATIONAL WILDLIFE REFUGE COMPLEX AND BREVARD COUNTY PARKS & RECREATION ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM

The Board executed a Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service, Pelican Island National Wildlife Refuge Complex, to provide mutual and reciprocal assistance for land management activities such as prescribed fire, sharing personnel, information dissemination, and equipment within the Pelican Island National Wildlife Refuge Complex.

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

ITEM III.B.6., MEMORANDUM OF AGREEMENT WITH U.S. FISH AND WILDLIFE SERVICE, RE: MERRITT ISLAND NATIONAL WILDLIFE REFUGE AND BREVARD COUNTY

The Board executed a Memorandum of Agreement (MOA) with the U.S. Fish and Wildlife Service, Merritt Island National Wildlife Refuge Complex (MINWRC), to establish a cooperative effort for prescribed burning and other land management activities, and to ensure persistence of natural communities adjacent to the MINWRC, specifically lands managed by the County's environmental Endangered Lands (EEL) Program.

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

ITEM III.B.7., AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS (RFP), RE: OPERATION OF CONCESSION SERVICES FOR TOUR BOATS, INCLUDING KAYAKS AND CANOES, AT MANATEE COVE, KIWANIS ISLAND PARK, AND KELLY PARK EAST

The Board authorized advertisement for acceptance of proposals from qualified vendors for operation of concession services for Eco-Tour Boats, including Kayaks and Canoes; established a Selection Committee consisting of Parks and Recreation Director Jack Masson, South Area Parks Operations Manager Greg Minor, Central Area Recreation Superintendent Hector Lopez, and Environmental Program Supervisor Susan Boorse; established a Negotiating Committee consisting of Jack Masson Parks and Recreation Director, Assistant County Attorney Christine

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Lepore, and Parks and Recreation Finance Manager Larry Wojciechowski; authorized staff to award contract to the best qualified proposal; authorized the Chairman to execute the negotiated agreement and delegate to the County Manager or his designee the authority to execute renewal options and amendments as will be outlined in the agreement, contingent upon County Attorney and Risk Management approval; and authorized the Department to include in the contract any future Board approved contract clauses.

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

ITEM III.B.8., APPROVAL, RE: AGREEMENT WITH BREVARD ALZHEIMER'S FOUNDATION FOR NEW FREEDOM PROGRAM FUNDING

The Board executed the Agreement with Brevard Alzheimer's Foundation, Inc., for transportation services in Brevard County.

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

ITEM III.B.9., APPROVAL, RE: INTERGOVERNMENTAL COORDINATION AND REVIEW (ICAR) AND PUBLIC TRANSPORTATION COORDINATION JOINT PARTICIPATION AGREEMENT WITH SPACE COAST TRANSPORTATION PLANNING ORGANIZATION (TPO)

The Board authorized the Chairman to sign the Intergovernmental Coordination and Review (ICAR) and Public Transportation Coordination Joint Participation Agreement with the Space Coast Transportation Planning Organization (TPO), for Transit Services and the Valkaria Airport.

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

ITEM III.B.10., AGREEMENT AND AUTHORIZING RESOLUTION WITH FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED, RE: TRIP AND EQUIPMENT GRANT AGREEMENT

The Board executed Grant Agreement and adopted Resolution No. 12-123, for submittal to the Florida Commission for the Transportation Disadvantaged (CTD) for \$1,163,376 in CTD Funds; and authorized the Chairman to sign any amendments or addendums contingent upon County Attorney and Risk Management approval.

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

ITEM III.B.11., RESOLUTION TO CONSIDER ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION APPLICATION, RE: OXYSONIX CORPORATION

The Board adopted Resolution No. 12-124, granting an Economic Development Ad Valorem Tax Exemption qualifying Oxysonix Corporation as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an ordinance.

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

ITEM III.B.12., RESOLUTION, RE: QUALIFYING OXYSONIX CORPORATION AS A QUALIFIED TARGETED INDUSTRY BUSINESS

The Board adopted Resolution No. 12-125, qualifying Oxysonix Corporation as a Qualified Targeted Industry.

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

ITEM III.B.13., RESOLUTION TO CONSIDER ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION APPLICATION, RE: THOR RENEWABLE ENERGY, INC.

The Board adopted Resolution No. 12-126, granting an Economic Development Ad Valorem Tax Exemption qualifying Thor Renewable Energy, Inc., as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

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

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ITEM III.C.1., RESOLUTION, RE: SUPPORTING THE EXPANSION OF THE SOLAR AND ENERGY LOAN FUND (SELF) INTO BREVARD COUNTY

The Board adopted Resolution No. 12-127, endorsing the expansion of SELF into Brevard County to help residents and small businesses save on their energy bills and help create jobs.

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

ITEM III.C.2., APPROVAL, RE: CONTINUING POLICY BCC-17, EMERGENCY/DISASTER LEAVE

The Board continued Policy BCC-17 - Emergency/Disaster Leave, which provides an emergency/disaster leave bank for employees who volunteer to provide defined emergency services during official declarations of State and/or national disasters.

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

ITEM III.C.3., APPROVAL, RE: PROPERTY INSURANCE PROGRAM EFFECTIVE 6/1/12

The Board authorized Insurance Director Jerry Visco to bind/secure placement of the County's Property Insurance coverage with an effective date of June 1, 2012.

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

ITEM III.C.4., RESOLUTION, RE: PROCLAIMING JUNE 3 - 9, 2012, AS MANAGEMENT WEEK

The Board adopted Resolution No. 12-124, proclaiming June 3 - 9, 2012, as Management Week; and extended its congratulations to the FSCC (Florida Space Coast Chapter) upon celebration of its 30th anniversary this year.

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

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ITEM III.C.5., APPROVAL, RE: VOTING PRECINCTS FROM DECENNIAL REAPPORTIONMENT AND REDISTRICTING PROCESS

The Board adopted Resolution No. 12-129, approving a list of precincts from the decennial reappointment and redistricting process.

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

ITEM III.C.8., APPROVAL, RE: BILLFOLDER

The Board approved the billfolder, as recommended.

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

ITEM IV., PUBLIC COMMENTS

William Luty suggested the Board get Senators Bill Nelson and Marco Rubio to work with Congressmen Bill Posey and Sandy Addams because they have voted against Veterans. He went on to say Governor Rick Scott vetoed the bill for the homeless; and stated it is time to stand up for the Veterans. He mentioned asking the federal government for a \$600 million 300-bed local hospital, with 65-beds for Post-traumatic Stress Disorder (PTSD), and 235-beds remaining, which is not enough; a 1,000-bed hospital and a woman's center is needed; and by having a center for people who are sick is needed. He spoke about Veterans suffering from PTSD and disabilities; and he urged the Board to get money to help the Veterans.

Joe Ivison discussed with the Board his safety concerns with a gigantic Ficus tree located in his neighbors yard threatening his property, family, and other neighboring properties; he has done everything that he knows to resolve the issue; Code Enforcement told him the Code says the tree can be trimmed up to the fence line; they did not explain how to get 60 to 70 feet up or how he is expected to pay for the removal of it; and it was suggested that it may be a civil matter. He informed the Board an attorney researched it, and there would be no standing in court; there needs to be cooperation; and it was recommended the issue be brought to his Commissioners attention. He stated Commissioner Infantini told his wife that there was not anything that she could do, but she was going to try to get all parties together for arbitration; but the homeowner with the Ficus would not cooperate, which is the reason he is present today. He mentioned he attended the Town Hall meeting in Cocoa Beach; he brought three letters from surrounding homeowners and his research from his attorney, and he was told it would be looked into, but he has not heard a word; and he feels the situation is getting worse with the tree growing six to eight feet a year. He stated he is willing to transport the Board to his house, to see the tree; and he inquired what he can do.

Chairman Nelson explained the Board has no ability to go onto anyone's property and take a tree down.

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Chairman Nelson advised Mr. Ivison that Commissioner Infantini and Attorney Knox will continue looking into finding a legal mechanism.

Commissioner Infantini advised she did visit the property; she spoke with the individual who planted the tree; and he does not want the tree cut down. She went on to say Code allows cutting branches hanging over onto another person's property.

Commissioner Fisher suggested if Mr. Ivison could figure out who his neighbor's insurance carrier is he could notify the carrier; once the carrier is notified the tree is a liability to surrounding neighbors it could force something be done with the tree. Mr. Ivison stated he notified the previous owner and his insurance carrier of possible damages to come from this tree; and after one storm, he had \$12,000 worth of damages to his pool enclosure from the tree. Commissioner Fisher inquired if he has notified the carrier. Mr. Ivison responded he does not know who it is. Commissioner Fisher stated once the carrier is notified, they might require an inspection of the property and require the homeowner to do something about the tree.

Chairman Nelson stated the best alternative is for the County Attorney to do some research and report back to the Board to see if there is any way to be of assistance.

The Board directed Attorney Knox to bring a report back to the Board regarding how to deal with the tree.

George Taylor stated he is present today to show support for Keith Edwards, under Agenda Item III.B.2., Approval of FY 2012-2014 Neighborhood Stabilization Program 3 Ad-Hoc Selection Committee and Protest Committee Recommendations (NSP3); and he inquired if he could follow Mr. Edwards after he addresses the Board.

The Board agreed to reconsider Item III.B.2.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.2., APPROVAL, RE: BY2012-2014 NEIGHBORHOOD STABILIZATION PROGRAM 3 AD-HOC SELECTION COMMITTEE AND PROTEST COMMITTEE RECOMMENDATIONS (NSP3) (CONTINUED)

Keith Edwards stated he is protesting the Neighborhood Stabilization Program 1 (NSP1); the Protest Committee approved Edwards Construction; he has previously been before the Board in the past, explaining he wanted to do re-sales and rentals for Edwards Construction and the National Veterans Homeless Support (NVHS); and the Board unanimously approved this. He stated Ian Golden, Housing and Human Services Director, had removed the rentals from the NSP because Mr. Edwards did not ask for rentals; he advised he did request rentals and suggested the Board watch the meeting; there was no Contract offered; and the only person who can change the Contract is the Board. He went on to say Housing and Urban Development (HUD) guidelines have not been followed in NSP1; HUD suggested contractors and inspectors meet at the properties to calculate the cost of rehab to determine if the properties are viable; and under the Request for Proposals (RFP), developers must get three bids from contractors if the developer does not use the listed ones on the packet. He discussed Edwards Construction

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has been the only ones not to get a fair share as others have received four and five properties Edwards Construction's one property. He went on to say with NSP3 low-income businesses get priority over large companies. He mentioned filing for a Notice by Protest with the rules of Request for Qualification (RFQ); his rights under set procedures were violated; and he received an e-mail stating HHS and the County Attorney decided that he had no legal cause to protest. He talked about HHS double-dealing; he was told that Mr. Golden did not trust George Taylor; he needs the Board's help with property on Homestead Avenue. He told the Board he has been trying to get this matter resolved; and he has requested to speak with Howard Tipton, County Manager; he did speak about terms with Stockton Whitten, Assistant County Manager, and needs to do something with the Homestead Avenue property. He spoke of not being reimbursed for the cost of the utilities, water, lawn care, and the money invested in the property.

Mr. Whitten stated Mr. Golden's response to the property on Homestead Avenue was whether the property would be managed by Mr. Taylor's organization or another one; Mr. Golden never said he did not trust Mr. Taylor; Mr. Golden's comments were HUD has certain expertise requirements with companies that are managing the properties; and HUD would not allow the assignment of that property to Mr. Taylor. He went on to say there needs to be a separation between Mr. Edwards compliance issues under NSP1, which is an on-going program, and the approval of a contractors for NSP3. He stated the issue regarding NSP1, is a first come, first serve basis; the contracts or developers acquire properties, they are reviewed, and approved on a first come, first serve basis according to HUD rules; and if the rules by HUD are not met, staff or the Board has no recourse but to deny. He stated the only solution now is Mr. Golden will be the final review for those projects of NSP1. He stated NSP3 is outlined in the Agenda Report of three organizations that filled protest; two were ruled not valid and one was added to the list of contractors; and staff is only enforcing the rules that are outlined as a requirement of this grant from HUD.

Mr. Edwards stated he had 14 properties on record; Mr. Golden told him in the following year he would balance the books, and not to worry; and he believes he was purposely left out.

Chairman Nelson inquired what action is needed from the Board today relating to NSP3 versus NSP1. Mr. Edwards responded he is asking for help from the Board to bring light to the problem; he feels he should be a member of NSP3 because NSP1 has almost put him out of business. Chairman Nelson inquired if Mr. Edwards applied for NSP3 but was not selected and is he protesting the non-selection for that purpose. Mr. Edwards responded affirmatively; stated he did the protest within the term period, as the rules state; he was supposed to have a protest committee formed; it never happened in the allotted time frame; and the next day he was notified by e-mail that the Protest Committee met with the County Attorney and it found there was no legal cause for a protest and that he would not be heard.

George Taylor, National Veterans Homeless Support President and Founder, stated he was given approval by the Housing Commission to receive rentals for Veterans; and on March 22, 2011, the Board approved him to receive housing through NSP. He stated the community does not have enough programs installed; and he spoke to the Board about the present Veterans Programs in the County. He mentioned being partnered with the United Way who has made a recommendation to pay per diem, as it is being paid for out of pocket; the program was approved by Governor Rick Scott in appropriation of the budget for 2011-2013 awarding \$1 million to expand housing needs to Brevard, Orange, and Volusia Counties.

Chairman Nelson stated Mr. Taylor does a good job; but programs available within the housing are not a requirement of NSP1.

Mr. Taylor discussed the Veteran housing guidelines in Tallahassee; and it is a shame that NVHS has declined to house Veterans. He added he inquired though HHS if it would be more

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beneficial for NVHS to buy the house on Homestead Avenue; the money in NSP3 can be put back into Housing Programs like it was designed, to purchase other houses; and he was told NVHS cannot purchase the house.

Chairman Nelson advised he does not know if the Zoning would be approved for an outreach service center in a neighborhood. Mr. Taylor stressed it is not an impact to the neighborhood. Chairman Nelson inquired if it is multiple, single, or family Veteran living in the home. Mr. Taylor responded family Veteran with housing or a couple of Veterans.

Mr. Whitten clarified when Mr. Edwards and Mr. Taylor refer to they, it is not County staff; staff may agree with their programs, but it is County staff complying with rules of HUD; the property that was awarded to another agency still has a stipulation it has to be used to house Veterans; and HUD has said that Mr. Taylor does not qualify to manage the property at this point in time. He went on to say there was a solution offered to Mr. Taylor by another agency for mentoring, but it was not a viable solution for him.

Commissioner Anderson stated the grant is bound by HUD rules; and inquired who the point of contact for HUD to communicate with Mr. Taylor and Mr. Edwards of what the County is bound by with administering properties. Mr. Whitten responded the communication can be facilitated; stated NSP1 still has dollars; the County administers by applying the HUD rules; and Mr. Edwards has an opportunity to still receive from NSP1.

Commissioner Infantini inquired if the item can be put on the next meeting.

Mr. Whitten responded the issue is really in NSP1; stated today NSP3 is on the Agenda and work done by contracts and developers in NSP3 is time sensitive; and once grant money is received the clock starts ticking in terms of compliance encumbering the monies.

Commissioner Fisher inquired what NSP3 is being protested for. Chuck Mays, Housing and Human Services Construction and Contracts Manager, responded a protest was submitted; the reason for disqualification is the guidelines of the RFQ were not followed with certain criteria within the RFQ of reasons; the reasons were not submitted; and the Assistant County Attorney who reviewed it deemed there was no cause for a protest, therefore causing it to be denied.

Commissioner Fisher inquired if the property qualified. Mr. Whitten responded it is a submission of proposal to provide the service; NSP3 is a little different that NSP1, with NSP1 being first come first served to a pot of money to all developer contracts; NSP3's pot of money is to be divided between those developer contracts; and there has to be some rational basis for protest, which it was not presented.

Eden Bentley, Deputy County Attorney, informed the Board that Morris Richardson, Assistant County Attorney, is who originally handled this item; but Mr. Richardson is unavailable at this time.

Commissioner Infantini stated since Mr. Richardson is unavailable, she is concerned because it appears the award is about \$5.2 million; it seems more review is needed; and potentially the protest was valid, but not given full consideration.

Chairman Nelson inquired if this can be continued to the Zoning meeting on Thursday, May 31, 2011, at 5:00 p.m.

The Board continued the FY 2012-2014 Neighborhood Stabilization Program 3 Ad-Hoc Selection Committee and Protest Committee Recommendation (NSP3), to the May 31, 2012, Board meeting.

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The Board recessed at 10:37 a.m. and reconvened at 10:52 a.m.

ITEM VII.B.1., APPROVAL, RE: RE-BID OF FOX LAKE SANCTUARY PRESCRIBED FIRE PREPARATION AND SCRUB HABITAT RESTORATION PROJECT

Mike Knight, Environmentally Endangered Lands Program Manager, provided the Board with a brief overview of Fox Lake Sanctuary Scrub Restoration Project, located on 2,568 acres in Titusville, and acquired in 2007.

Vince Lamb talked about using his time to learn about natural Florida, completing the Florida Naturalist Program, and attending many conferences and seminars to increase his knowledge; he volunteers working thousands of hours; and supporting the scrub restoration moving forward.

Tom Schuller discussed working on the rewrite of the Landscaping and Tree Ordinance for the County; how certain specimen trees were important; spoke about the \$63,000 mentioned by Mr. Knight belonging to all of the citizens of the County; of massive amounts of Pine trees per acre that are going to be wasted; and that he is not in support of this project.

Daphne McCann, Florida Fish and Wildlife Commission Gopher Tortoise Biologist, spoke about Gopher Tortoises depending on open, sunny areas, with plenty of grass; how prescribed fires create that open needed area allowing grass to grow providing the food for the Tortoises; how Tortoises are good at taking cover in their burrows, which protect them from the fire; and how any temporary impacts from restoration activities is far out weighted by long-term benefits. She stated she strongly supports the proposed project.

Craig Faulhaber, Florida Fish and Wildlife Commission Scrub Jay Conservation Coordinator, stated he strongly supports the proposed restoration at Fox Lake Sanctuary; and he believes it will help species that are characteristically of scrub and scrubby flatwoods.

Doug Sphar stated his support for the proposed forest restoration at Fox Lake Sanctuary; spoke about being trail maintenance volunteer at Tosohatchee Wildlife Management Area in east Orange County; and how the forest canopy at Tosohatchee was just as dense as Fox Lake Sanctuary is now.

Ron Weis, Division of Forestry Retired Forest Area Supervisor, stated Fox Lake Sanctuary is a key piece of property; the reason there has been no fire on that property is because that is what the landowner wanted; fire and controlled fires were kept away from that property for as long as he was employed; and the reason for the density is nobody could convince the land owner that burning and proper forestry practices were appropriate for that area. He talked about supporting this project; the timber value being of minimal according to the landowner; the road being damaged; and harvesting timber. He encourages the Board to use aerial ignition, not ground ignition because it is cheaper, easier, and safer with a more efficient product.

Kim Zarillo, Selection and Management Committee (SMC) representative, stated the Board has a letter from the SMC Chair; for almost over 20 years the SMC has visited Fox Lake for research or recreational purposes; and they have identified the decline in conditions of the site for fire adapted scrub species. She stated SMC would have liked to sell the timber, however, it did want to recommend spending \$100,000 to do so; the property does benefit from burning; and after the burn they provide food and habitat for other species. She stated SMC would like for the Board to allow staff to move forward with managing the plan according to the approved management plan, which is in concert with State and national plans for maintaining and restoring scrub and the species that live there.

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Laurilee Thompson stated she recently visited South Lake Wildlife Management Area and upon reaching the border of Fox Lake Sanctuary she noticed a profound difference; there were no open vistas to view because Fox Lake is so overgrown and dense that the vegetation was actually pushing down a barbed wire fence; there are no openings for Gopher Tortoise's, no deer running through the area, and no wildflower's growing; she does not care what is done with the timber; and she fully supports the prescribed fire burn because the property is key to connecting trails along the St. Johns River.

Deborah Longman-Marien read aloud a letter from Dr. Mark Bush, Conservation and Ecology Program Chairman, Professor at Florida Institute of Technology, and EEL appointee since 1998. She agreed with Dr. Bush's statement.

Linda Behret stated she is in favor of the Fox Lake Sanctuary restoration project; she toured Fox Lake and she noticed that it is very overgrown; it is a great danger if there were a wildfire; and added, she visits Crookshank Sanctuary often because it is closer to her home.

Maureen Rupe, Partnership for Sustainable Future President, stated the Partnership for Sustainable Future supports the restoration of the scrub; stated this land was purchased as part of the Eco-Scrub system; and inquired if the land is not going to be used for its intent what will the impacts be if the mission is not followed through. Mr. Knight responded there was not a partnership purchase related to Fox Lake Sanctuary.

Commissioner Fisher stated when the timbering question came up, he received many calls from concerned citizens who said the land is being destroyed and taken off the tax roll; and it caused him to make inquires to staff about the timbering process. He stated previously he did not understand the role of EEL, with prescribed burns and why burns are done, because he always thought a wooded area was a good thing compared to a burned area; but since then, he has been educated on what happens with habitat and how it grows because of burns. He stated if the timbering is done, it will create financial costs with the roads and possibly a cost to his Municipal Servicing Taxing Unit (MSTU) somewhere if Fox Lake Road has to be rebuilt; and he would like to move on with the restoration project.

Commissioner Anderson inquired what methodology was used to come up with the \$206,000 figure. John Denninghoff, Public Works Director, responded under most of the road it has a very degraded base material; the overpass has a reasonably thin base of about six inches, which is far below the 10 inches requirement of a major roadway; the road was never really constructed the way it would need to be; and to reconstruct to the local road standard, which is the \$206,000 amount a new base material of eight inches of soil cement would need to be created, as opposed to lime rock which costs more. He went on to say if it needed to brought up major roadway standards to 10 inches, it would cost approximately \$230,000 to \$240,000. He added, the payload of a truck removing Pine trees is approximately 45,000 pounds; the payload of truck removing Palms is approximately 7,000 pounds; and the assumed volume of Pines needing to be removed is approximately 250 to 350 loads.

Commissioner Anderson stated it basically comes down to the economics received from the trees; he would like to sell the timber, but not at the cost of the taxpayers having to build a new road.

Chairman Nelson stated this portion of the road was given to the County by the State in the 1970's; there is a section next to Fox Lake Park that was associated to the Park construction; it was never intended to handle the load of traffic for timbering; and the State had showed some deficiency with the road back in the 1960's.

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Mr. Denninghoff stated a geotechnical firm drilled 15 cores on the roadway to try and identify what is there; the drills verified Florida Department of Transportation (FDOT) did not build the road to be a road used for major transportation; it was designed as a haul-road for FDOT for a period of time; and it was given to the County who is utilizing it to its advantage.

The Board approved re-bidding of the prescribed fire preparation at Fox Lake Sanctuary as a preferred method for the Scrub Habitat Restoration Project.

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

ITEM V.A., ORDINANCE, RE: RESCINDING SELECT COMPANY ECONOMIC DEVELOPMENT TAX EXEMPTION ABATEMENTS

Chairman Nelson called for a public hearing to consider ordinance for rescinding select company economic development tax exemption abatements.

There being no objections, the Board adopted Ordinance No. 12-15, an Ordinance repealing ordinances granting certain Ad Valorem tax exemptions for failure to continue to meet the criteria for such exemptions; repealing Ordinance No. 08-38, relating to the economic development Ad Valorem exemption granted HMD Biomedical, LLC, 1400 White Drive, Titusville, Florida; repealing Ordinance No. 06-08, relating to the economic development Ad Valorem exemption granted Designer's Choice Cabinetry, Inc., 1940 Murrell Road, Rockledge, Florida; repealing Ordinance No. 06-19, relating to the economic development Ad Valorem exemption granted Lanier Worldwide, Inc./Ricoh Americas Corporation, 755 west Nasa Boulevard, Melbourne, Florida; and providing an effective date.

Chairman Nelson noted if a company does not meet its goals for tax abatement, the tax abatement is lost.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Vice Chairman/Commissioner District 5
SECONDER:	Mary Bolin Lewis, Commissioner District 4
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.B., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR THOR RENEWABLE ENERGY, INC.

Chairman Nelson called for a public hearing to consider ordinance for economic development tax exemption for Thor Renewable Energy, Inc.

There being no objections, the Board adopted Ordinance No. 12-16, an Ordinance granting an economic development Ad Valorem exemption to Thor Renewable Energy, Inc.; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012, Florida Statute; providing for proof of eligibility for exemption; Thor Renewable Energy, Inc; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VI.A., RESOLUTION, RE: LOCAL BUSINESS PREFERENCE IN PURCHASING POLICY

Steve Stultz, Central Services Office Director, presented a short PowerPoint presentation to the Board based on direction given at its last Board meeting; and he stated he has a revised resolution reflecting that direction.

Commissioner Fisher stated the goals of Local Preference when it originally started was focusing on helping local small businesses trying to get more County work; and he is wondering how this new rule will apply and affect big contracts. He suggested limiting the smaller contracts to \$2 million and under; other contracts will exceed that; and there needs to be some realization that some out of area preference could be there; and best value for the dollar is something that is a pure-contract type of bid process. He stated he does not know if the RFP is detailed enough for apple to apple comparison, so the best value is getting played in there too and not just priced.

Mr. Stultz stated the RFP's price is only one of the evaluation criteria; most commonly it is the experience, experience of the staff, references, and financial resources are commonly used in the evaluation; and more commonly price is about one-third of the consideration, to determine a value base. He stated there is a pre-qualification process after a relatively low threshold value; prior to the award to the low bidder, the bidder submits a qualification statement; and an assigned committee reviews the qualification statement to determine qualification to perform the project.

Commissioner Fisher inquired if extra value is given for the additional money. Mr. Stultz responded it cannot be considered in the process.

Chairman Nelson inquired if Consultant's Competitive Negotiation Act (CCNA) has value as a consideration. Shannon Wilson, Deputy County Attorney, responded talking about price is prohibited in the initial RFP process when looking for architectural and engineering services, that is what is negotiated with the first ranked initially; if it is not successful, it can be terminated; and then it moves on to the second ranked firm.

Commissioner Anderson inquired when actual construction is being bid is price the determining factor. Ms. Wilson responded affirmatively. Commissioner Anderson stated he thinks the original intent was to help small businesses; the big projects are actually hurting the taxpayers; and he would like to see a cap on it somewhere between \$1 million and \$2 million so the small businesses benefit because they need the contracts more than the large projects.

Commissioner Bolin Lewis stated she concurs with Commissioners Fisher and Anderson, that the intent was to assist the small businesses of Brevard County; and she suggested amending it to \$1 million or \$2 million.

Chairman Nelson stated with architect and engineering local firms the criteria is for local ability, nature of the business, and receiving points just for the evaluation process; after scoring, there

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is a second preference given; it then moves to presentation giving a third preference; Local Preference is geared heavily giving local preference; and it is hard for others outside of Brevard County to compete.

Commissioner Bolin Lewis stated it is a sound project that assists Brevard County; reports can be given to the Board on a regular basis from staff; and it can be monitored because Local Preference did not get enough local business back to work.

Commissioner Infantini stated she has concerns with giving eight points to someone who is bidding \$100,000 on a project, but someone else comes in and bids it \$92,000, an extra \$8,000 will be paid because it is a local company versus someone who is not; and at some point it gets rid of the free-market competition and will cost the taxpayers extra money.

Commissioner Fisher stated last year through Local Preference \$10,000 was spent; it may get to a point where it is a huge amount; but he feels the Local Preference has given a huge return on investment.

Commissioner Anderson stated he likes the idea of helping smaller and medium size businesses; it has an edge to it with the money staying in Brevard County; but the Board needs to figure the cap amount of when it is no longer a benefit for the taxpayers of Brevard County.

Chairman Nelson agreed giving some Local Preference is reasonable; stated he thinks the number is reasonable compared to the amount of projects bided out; when the new number is talked about, he starts to feel uncomfortable about moving the gap up from five percent to eight percent, and three percent to five percent; and he is okay with the numbers the way they were and a cap being placed on it to keep its original intent. He stated he would prefer giving additional points based on a lack of success than to over succeed and suddenly be looking at some larger numbers; and his preference is to keep the current spread, put a cap on it, but not increase the cap.

Commissioner Infantini agreed with Chairman Nelson.

Commissioner Bolin Lewis stated she thinks it is not strong enough, but if the Board feels the eight percent is too much than there can be a compromise to drop it down; and she did not find the results wanted out of the five, three, and two percents.

Ms. Wilson stated the current Local Preference Policy stays in place through July 13, 2012; there was some discussion about waving the past Local Preference Policy in respect to a recent RFP; and it may need to be looked at to see how it may affect other cases going forward.

Howard Tipton, County Manager, stated from staff perspective, if the Board is going to consider a cap, he is recommending that it be at the \$1 million threshold.

Stephanie Hansford stated she works for a company that has a very strong Local Preference; when the Local Preference Policy was put into place a stipulation was added on Drivers Licenses; but after speaking with staff, it has been removed; and she expressed her thanks to the Board for doing so. She advised the Board should be confident in Mr. Stultz's teams ability to make sure he is getting the best value on the ITB side; and the ITB's are clearly written with value specifics. She stated she agrees that there should be a cap on the amount and percentage. Commissioner Bolin Lewis inquired what Ms. Hansford feels the percentage to be, if eight percent is too much. Ms. Hansford responded she deals with 24 different counties; the majority of those 24 counties take advantage of Local Preference; the range is closer to the original starting level of five, three, and two percents; some counties give a little lower percentage; but the locals should be receiving the most.

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Glenn Storch stated he is pleased to hear the Board's comments today because he believes in capitalism to be able to survive, especially with government contracts; the bidding process fairness is the key of getting the best price and services for everything; and he is most concerned with the Waste Disposal Contract, which is potentially a \$100 million Contract. He stated he encourages competition; the places where competition is not encouraged will have a much higher cost for providing that service; if companies do not believe the bid process is fair, they will not bid; and if the companies do not bid, then the capitalism does not work, the citizens do not get the best service and the best price. He stated he understands trying to encourage the small businesses; the numbers that have to be decided is how much is wanted to be subsidized for those small businesses; and once the big contracts come into play, the citizens of Brevard County cannot afford to subsidize millions and millions of dollars.

Joanne Stanley expressed her thanks to the Board for the waste project going out for bid; she would like the opportunity to bid apples to apples and give the best competitive price; and there are plans to have a facility in Brevard County, to hire employees, and hire management staff.

Commissioner Bolin Lewis stated after listening to the comments, the Board will be changing it to \$1 million and anything over \$1 million is no percentage, and the item of concern still is the percentage of points given.

Commissioner Fisher advised he originally stated \$2 million because he was trying to take care of smaller contracts coming before the Board; but if it is the Board's desire to stay at \$1 million, he is okay with that. He mentioned six, four, and two percent might be a percentage number that makes sense.

Commissioner Anderson advised he is okay with the \$1 million; but the County Attorney Office said they wanted to take a look at it based on some of the Board's recent decisions; and look at those percentage thresholds again.

Ms. Wilson inquired if straight bids or construction services are being discussed, for which there might be architectural and engineering services associated with that.; if it only straight bids for goods and certain non-construction related services, which would be no architectural and engineering, that may not be a concern.

Commissioner Anderson stated the Board has until July 13th.

Chairman Nelson stated it would be appropriate to have it adjusted based on Board discussion, to have the County Attorney's Office look it over, and to bring it back for finalization; but he is still struggling with the \$60,000 on a \$1 million contract. Commissioner Fisher inquired if it is because it went up to \$500,000, and was eight, five, and four percents or five, three, two, and one percent then over \$500,000, it was two, one, and one percents; and it would be two and one-half percent today, if it is left alone on a \$500,000 or more contract. Chairman Nelson responded that is correct, it will be \$50,000.

Mr. Stultz advised for County percentages it is five, three, and two percent today. Commissioner Fisher inquired about the percentage of a \$1 million contract. Mr. Stultz responded it would be two percent.

Chairman Nelson inquired if it is a Brevard County company at \$999,000, it is three percent today. Mr. Stultz responded affirmatively it is three percent up to \$1 million.

The Board approved the local business preference in Purchasing Policy, with caps of less than \$500,000, and \$500,000 up to \$1 million.

Chairman Nelson stated he is still concerned with the CCNA process having, in effect, three levels of local preference; and when the Board comes back to this, he would like to see the three levels going to stifle the competition; staff will bring the modifications back to the Board and it will need to highlight where the Board has not made its decision on the percentages and local preference for CCNA; and County Attorney will do some additional review.

Mr. Stultz inquired if the Board desires to only to have two threshold levels, that less than \$500,000 and then \$500,000 up to \$1 million today. Chairman Nelson responded affirmatively.

Jason Steele inquired if the motion was to cap it at \$1 million, as of today. Commissioner Bolin Lewis responded affirmatively.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.A.1., APPROVAL, RE: STUDY TO IDENTIFY HIGH FUNCTIONING WETLANDS AND LANDSCAPE-LEVEL SYSTEMS OF INTERCONNECTED WETLANDS

Chairman Nelson inquired if the Board has issues with the study.

Commissioner Fisher stated he thinks the study is expensive; he inquired through staff if it something that can be done a lot cheaper in-house; and stated he would like to cap it at a more reasonable number of \$43,000, not \$150,000.

Chairman Nelson stated if it costs more than \$50,000 trying to move forward on the wetlands issue, it will not be able to be done with a cap.

Commissioner Fisher stated SJRWMD's comments are really not formal recommendation, they had some concerns; Department of Environmental Protection (DEP) had more concerns; but neither one of the agencies determines Brevard County's Comprehensive Plan Amendment.

Ernest Brown, Natural Resources Management Office, stated he does not have a clear understanding on how it will move forward; there were challenge letters presented, which is a kin to, but not equal to, the old objection letters, and he cannot really speak to how that is going to be perceived; there are significant questions about those amendments; the study is in response to the Board's unanimous decision to move forward with that transmittal, which included developing a study to identify what, as it relates to Brevard County specifically, what constitutes a highly functioning wetland system, and what constitutes a landscape level of wetland interconnected wetlands system; and it is up to \$250,000 without question and this is not a real handle right now with the most qualified firm, and having negotiation processes of what that would look like.

Commissioner Infantini inquired if there were any speaker cards. Chairman Nelson expressed his apology for overlooking the speaker cards.

Mary Sphar stated she served on the Working Group; she supported the study; and it is the Board's decision of how to handle the money. She went on to say the wetlands amendment is

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going to go before the Local Planning Agency (LPA) in July; it is this Board's responsibility to determine the course of action; and inquired if staff has been directed to fix things to meet the concerns of the State or if some of the more controversial amendments are going to be handled after the study is completed. She stated she, the Working Group, and the Sierra Club all support the study.

Commissioner Anderson stated it is his understanding under the new Office of Economic Opportunity (OEO) the letters were just opinion letters; but it is pretty disingenuous of Florida Department of Environmental Protection (DEP) that there are municipalities in counties that are far less stringent, that about the Indian River Lagoon and the St. Johns River Comprehensive Plan Policies; Brevard County is even looking at protecting high functioning wetlands; and he thinks DEP is interjecting themselves very biased against Brevard County residents. He stated he is going to send a letter from his office telling Governor Rick Scott he needs to get control of some of the bureaucrats in Tallahassee because they are treating communities differently from County to County and municipality to municipality; and some of which rely on St. Johns Water Management District's regulation, as their Comprehensive Plan.

Mr. Brown stated at the July 10, 2012, Board meeting, he will bring those formal comments from those respected agency's asking the Board how to proceed with adoption process of those elements; and he assumes Commissioner Anderson can address his concerns then as well.

Chairman Nelson inquired if it will be going to the LPA. Mr. Brown responded no; the plan at this point is to bring back to the Board, so the Board itself can see all the comments in their totality; and then provide staff with direction as to whether or not any modifications are needed to be made prior to adoption or pursued directly to the LPA, with the language, as transmitted.

Chairman Nelson informed Ms. Sphar that it will not be going to the LPA; and the newspaper she was reading from was incorrect.

Commissioner Anderson stated he will work with Mr. Brown's staff to draft the letter so it does not include what he really wants to say because it is short-sided on their part; and if he had property adjacent to Melbourne or Palm Bay, he would just annex in, and would not have to abide by any wetlands regulation.

The Board authorized the advertisement for any acceptance of proposals from qualified firms for ecological services to complete a Countywide Wetland Study not to exceed \$50,000; appointed Selection Committee consisting of Ernest Brown, Natural Resources Management Office Director or designee, Mel Scott, Assistant County Manager or designee, and Brevard County Extension Service Interim Director Linda Seals or designee; authorized Mr. Brown to negotiate with the best qualified firm; authorized the Chairman to execute the subsequent Agreement; and delegated Howard Tipton, County Manager, the authority to execute amendments, as will be outlined in the Agreement and contingent upon County Attorney and Risk Management approval.

Mr. Tipton inquired if the funding source will be from Reserves. Chairman Nelson responded affirmatively.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Andy Anderson, Vice Chairman/Commissioner District 5
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.A.2., TRANSFER OF OVERSIGHT RESPONSIBILITY AND LEASE, RE: CITY POINT CHURCH HISTORICAL BUILDING (1885) TO PARKS AND RECREATION DEPARTMENT FROM THE NATURAL RESOURCES MANAGEMENT OFFICE

Carol Poole, Brevard Heritage Council, stated the Council wants this to move to the Parks and Recreation Department.

The Board approved transferring oversight responsibility of the City Point Church Historical Building (1885) also known as the Environmental Field Station, located at 3783 N. Indian River Drive in Cocoa, to the Parks and Recreation Department from the Natural Resources Management Office; authorized termination of existing Lease; and authorized the execution of a Caretaker Contract with the Brevard Historical Council consistent with the current Caretaker Contracts for existing historical site/park facilities subject to County Attorney approval.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Bolin Lewis, Commissioner District 4
SECONDER: Andy Anderson, Vice Chairman/Commissioner District 5
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.B.2., RESOLUTION AND AGREEMENT WITH CITY OF TITUSVILLE, RE: ASSIGNING A PORTION OF THE EAST CENTRAL REGIONAL RAIL TRAIL TO THE CITY FOR MANAGEMENT

The Board adopted Resolution No. 12-132, authorizing the City of Titusville to manage an assigned portion of the East Central Regional Rail Trail from Draa Road to Kingman Road; and authorized the Chairman to execute the Agreement upon finalization of the language from County Attorney, Risk Management, and City of Titusville's Attorney and Risk Manager.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Andy Anderson, Vice Chairman/Commissioner District 5
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.B.3., COOPERATION AGREEMENT WITH HOUSING AUTHORITY OF BREVARD COUNTY (HABC), RE: PERMANENT INCREASE OF DISCRETIONARY ANNUAL PILOT CONTRIBUTION

The Board executed the Agreement with Housing Authority of Brevard County (HABC), whereby HABC agrees to permanently increase the discretionary annual PILOT contribution paid to Brevard County to the maximum allowable threshold as regulated and subsidized by Housing and Urban Development (currently 10 percent) of the shelter rent it collects each year pursuant

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to the Payment in Lieu of Tax Program in exchange for a full release of obligation, including any unpaid balance of owed by HABC under December 13, 2005 Settlement Agreement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.C.1., SETTLEMENT AGREEMENT AND MUTUAL RELEASES, RE: BREVARD COUNTY V. RKT, CASE NO. 05-2007-CA-012251

The Board executed Settlement Agreement and Mutual Release in the Brevard v. RKT Constructors, Inc. case in exchange for the settlement check in the amount of \$1,800,000.00.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

The Board recessed at 12:53 p.m. and reconvened at 1:13 p.m.

ITEM VII.E.1., CITIZEN REQUEST BY RICK PIPER, RE: NAMING BARRIER ISLAND 'PONCE DE LEON ISLAND'

The Board acknowledged the citizen request by Rick Piper in naming the barrier island 'Ponce de Leon Island', but took no formal action.

ITEM VII.B.4., ACCEPTANCE OF BREVARD HISTORICAL COMMISSION RECOMMENDATION, RE: BARRIER ISLAND NAMING ISSUE

Rick Piper provided the Board a hand out of his statement, and read it aloud. He suggested the Board select the naming of the barrier island, Ais Island.

Frank Thomas stated the naming of the barrier island was his idea, it did not come from an ethnic group. He added this quincentennial of Ponce de Leon's discovery is the most momentous event in the history of Florida.

Rebecca Howie stated she is opposed to the naming of the barrier island for Ponce de Leon; the Ais Indians settled on the barrier island three to five thousand years ago; Ponce de Leon encountered the Ais in his search of land and riches for Spain; and would like the barrier island to be named for Ais Indians or leave it unnamed.

Juanita Zermeno stated she is opposed to the naming of barrier island to Ponce de Leon.

Lance Jones stated he is opposed to the naming of the barrier reef Ponce de Leon Island; and the Ais people gave the barrier island a name already and it is called home.

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Jack Sanders stated he does not understand how an island could be named by someone who has caused atrocities to many people; and he is opposed to naming the barrier island after Ponce de Leon.

Isabel Wright stated there is no documented information anywhere in the United States, England, or any other historical sites claiming Ponce de Leon did any kind of atrocities; it is very important for Brevard County to come together, as there needs to be a good-will relationship with Spain in business; it will bring a lot of tourism business into the area; and she is requesting the Board stick to its original decision and of naming the barrier island Ponce de Leon.

Rafael Pican stated Ponce de Leon opened the door for the North American Hemisphere; and he supports naming the barrier island Ponce de Leon Island.

Julian Maldonado stated Ponce de Leon discovered North American; there are documented facts of the Ais Indians presence; and he supports the naming of the barrier island after Ponce de Leon.

Giacomo Ilardi stated he would like to encourage the Board to stand by its decision to name the barrier island after Ponce de Leon; the Ais Indians were named after a Chief, by the Spaniards, long after St. Augustine was already founded, which was long after Ponce de Leon came to America.

Angela Zechinato, United Third Bridge (UTB), stated Samuel Lopez has been a very strong civil rights leader for the Hispanic people in Brevard County; he is spear heading this campaign to name the barrier island Ponce de Leon Island; and she admires and supports his cause.

Samuel Lopez, Puerto Rican Chamber of Commerce Chairman and United Third Bridge President, stated he has a major concern with the Resolution that was passed because Commissioner's Bolin Lewis and Infantini did not support the barrier island; and he is in support of the naming of the barrier island Ponce de Leon.

Commissioner Bolin Lewis clarified, when the Board previously voted for the Resolution naming the barrier island, the vote was 4:1, as she was representing the constituents of Satellite Beach.

Dr. Shannon Roberts stated she loves Brevard County and its rich history, and this is an opportunity to honor the Hispanic people in the State of Florida, Brevard County, and United States.

Pat Pasley stated she submitted a letter to the U.S. Geological Survey to inform them of a brewing controversy in Brevard County; the Brevard Historical Commission last week had a lot of conversation concluding that if an island or anything should be named, it should be something that brings people together; and that is why they do not support calling the barrier island Ais Island. She stated she would like for the Board to rescind its vote naming the barrier island Ponce de Leon.

Kendrick Reid stated initially when this operation started it was Commissioner Bolin Lewis spear headed this project; and he is requesting Defense Equal Opportunity Management Institute (DEOMI) convene a forum or a symposium to study this issue because Puerto Rican's do not fall under the Dream Act, they are American's by birth, and the facts need to be gotten too.

Jim Rosasco stated he thinks the idea of naming the barrier island after Ponce de Leon is just an individual group trying to force their idea on the rest of the community; Mr. Lopez was appointed to the Historical Commission with one agenda item, and it was to get the barrier island named Ponce de Leon; and when it was rejected last week by the Historical Commission,

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he quit the Commission. He mentioned he is tired of the County being played as a fool; and he thinks the Board needs to listen more to what the communities have to say.

Commissioner Anderson stated it is a shame to hear people arguing over culture and the Board has very good relations with city council members but he is not going to tell council members what they should do. He stated when it comes to city councils they can create their own destiny.

Commissioner Infantini stated originally at the first vote, she was on the same side of the fence as Commissioner Bolin Lewis; she voted for the renaming; she has received tremendous amounts of emails from people; and she has not had anyone come up to her personally ask her to rename the barrier island, but rather to not rename the barrier island.

Commissioner Fisher stated the Resolution was done in good faith; and he is staying with his original vote.

Chairman Nelson stated he would have preferred to have a discussion where people say they like the idea or they do not like the idea; and the character assassination that has occurred is troubling and uncalled for. He stated he agrees with Commissioner Fisher to stay with the original motion made.

The Board accepted the recommendation of the Brevard Historical Commission that it notify the U.S. Board on Geographic Names that it does not support either proposal: Juan Ponce de Leon Island or Ais Island; and requested no name for the barrier island be approved until broader community consensus is properly obtained.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Mary Bolin Lewis, Commissioner District 4
AYES:	Trudie Infantini, Mary Bolin Lewis, Andy Anderson
NAYS:	Robin Fisher, Chuck Nelson

The Board recessed at 2:32 p.m. and reconvened at 2:45 p.m.

ITEM VII.A.3., CONTRACT FOR SALE AND PURCHASE WITH JOHN A. PAVLAKOS AND MICHAEL J. FERDINAND, RE: ACQUISITION OF A 31,073 SQUARE FOOT INDUSTRIAL BUILDING ON 12.5 ACRES FRONTING ON JOHNS RODES BOULEVARD FOR SUPERVISOR OF ELECTIONS SUPPORT CENTER AND COUNTY RECORDS STORAGE USE

The Board executed the Contract for Sale and Purchase of property needed for the use of the Supervisor of Elections in the amount of \$1,663,400; authorized the County Manager to Waive the objection to the Reciprocal Easement Agreement; and authorized staff to proceed with a Phase II Environmental Study for property located in the City of Melbourne, lying in Section 23, Township 27 South, Range 36 East.

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

ITEM VII.E.2., CITIZEN REQUEST BY ROGER GANGITANO, RE: SMART METER RESOLUTION NO. 12-099

Roger Gangitano stated he met with each Commissioner last week, except Commissioner Bolin Lewis, regarding Smart Meter Resolution No. 12-099; he provided Commissioner Bolin Lewis a package of information; the purpose of the meeting with each Commissioner was to provide supporting information to amend Resolution No. 12-099, where it is currently worded to provide the citizens with an opt-out; and he is hopeful to gain the Board's approval to amend it to an opt-in. He added he provided the federal and State wording of the law, which clearly shows residents should be requesting a consumer be able to opt-in to the Smart Meter Program, and not be required to opt-out. He spoke to the Board about the Environmental Protection Act of 2005, and a Congressional Research Service Report that was prepared for members and committees of Congress. He went on to say detailed electricity usage offers a window into the lives of people inside the home, and the transmission of the data potentially subjects this information to interception or theft by unauthorized third parties or hackers.

Chairman Nelson stated during his meeting with Mr. Gangitano, he was told the Smart Meter can identify what kind of television is being watched; he does not believe that; and he thinks the Smart Meter can tell a person that a certain amount of energy is being used, that would equate to a certain type of usage.

Mr. Gangitano stated according to the Congressional Research Service Report, what Chairman Nelson is saying, is not true. He went on to say the electrical signal of each appliance draws electricity in a different way; if a person had a digital meter, it could analyze how the power is being drawn by specific types of appliances, and what time of day; and what the specific appliances can be identified because each appliance generates a unique electrical load signature. He stated the National Institute of Standards and Technology wrote in 2010 that research shows that analyzing 15-minute interval aggregate household energy consumption data can by itself pinpoint the use of most major home appliances.

Chairman Nelson stated he likes Volusia County's resolution; and he noticed some verbiage was added to Resolution No. 12-099, like language and federal law and Legislative Delegation was originally not in there.

Mr. Ganitano clarified his only request is going from an opt-out to an opt-in; and there are no other changes requested.

Commissioner Bolin Lewis inquired if Scott Knox, County Attorney, has had time to review the information submitted. Attorney Knox responded affirmatively; stated there are two different avenues that the Statues seem to be traveling in the federal government; one is where the consumer is allowed a choice to opt-in; two there is a subsequent piece of legislation, which did not repeal with former legislation, which has commissioned the Secretary of Department of Energy to start putting together a program that incorporates Smart Meters; and it is not known what direction will be taken today, but changing from opt-out to opt-in can be done or put both because that is kind of where the federal government is with it right now.

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Commissioner Anderson stated it is just a request of the Public Service Commission to change the wording from opt-out to opt-in; and whether the advice is taken is yet to be seen.

Chairman Nelson stated he is okay with the Volusia County model resolution.

Commissioner Fisher stated he has a concern with people wanting less government unless they are affected, and then the government is wanted in their lives; a government agency is trying to tell FP&L how to do business; he is having a hard time with that; and it is FP&L's business decision if it is a go or not. He understands health and people having issues with Smart Meters; he is glad individuals have the opportunity to opt-out, if needed; and with all the information Smart Meters give does not worry him much.

Commissioner Infantini stated with FP&L, there is no choice of choosing a different company; when there is no choice, then there is government to oversee a monopolistic activity; and she agrees with Mr. Gangitano's recommendation.

Commissioner Fisher reiterated the Public Service Commission is the agency that oversees FP&L.

Commissioner Infantini referenced the Public Service Commission did not hold a public hearing; and that is why this is being done.

Commissioner Anderson stated he thinks the Board's request is only to the Public Service Commission and not directing it at FP&L.

Commissioner Fisher stated he may be reading it wrong but he understands it to be that the Board is telling FP&L is does not them installing Smart Meters, because it is not a good business decision on their part; residents will tell FP&L if he or she wants the Smart Meter or not; and otherwise, it will be installed.

Mr. Gangitano reiterated the Environmental Protection Act of 2005, says repeatedly, if people want the Smart Meters, they have to request them; and to opt-out with FP&L only delays the installation date towards the end of their program.

Chairman Nelson stated he does not disagree with Commissioner Fisher; but he is trying to drive the Public Service Commission to address the issue.

The Board adopted Resolution No. 12-132, amending Resolution No. 12-099, calling for the Florida Public Service Commission Public Hearings on the Statewide Smart Meter Program.

Chairman Nelson clarified the Brevard County Resolution will reflect language of Volusia County's resolution.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Chuck Nelson, Trudie Infantini, Andy Anderson
NAYS:	Robin Fisher, Mary Bolin Lewis

ITEM II.B., REPORT, RE: SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated he has a letter that came from the office of Guilday, Tucker, Schwartz & Simpson, who is representing Clemons Rutherford & Associates, Inc., the architects that were ranked second during the last Board meeting when the Board considered the issue of the Sheriff's architectural services for the Brevard Sheriff's North Area Precinct. He added, the letter states they would like their clients to be reimbursed for the cost of preparing their bid and attorney's fees; the total they are asking for is \$25,511.34. He noted the threat is if the Board does not pay the amount the firm will litigate with the County.

Commissioner Infantini inquired if the total cost was \$25,511.34, or the total cost is \$25,511.34 plus attorney's fees switching and not honoring the bid process. Attorney Knox responded his recommendation would be to make the offer of \$25,511.34, if the Board wanted to make it.

Commissioner Infantini made the motion to accept the offer because she thinks it's very generous of them.

Commissioner Anderson stated he is nervous about setting precedence, every time someone does not win a bid, they will be coming in and asking for money. Commissioner Infantini explained Clemons Rutherford & Associates, Inc., did win the bid, and the Board did not award the bid to them. Commissioner Anderson stated \$25,000 seems like a lot of money for that small of a project. Attorney Knox stated the Board can make it contingent upon receiving the documentation. Commissioner Fisher opined the decision on any contract reward to any company is the decision of the Commission, not the selection committee; and the Board has looked at the facts and made its decision.

Commissioner Anderson stated he would second the motion if Commissioner Infantini would add that the Board needs back-up information for actual cost. He added, if the motion is not amended, then he will not second it.

Motion died for lack of a second.

ITEM IV., PUBLIC COMMENTS CONTINUED

Katherine McCoy stated she experience an incident; she sent many emails and has not heard from any one; she represents People Underwriting the Rescue and Rehabilitation of Strays (PURRS) for low income citizens in Brevard County; she is expecting to be retaliated against, with trumped up charges against her, she will be trespassed from shelters, and expects harassment from all of her colonies; and she is a whistle blower. She went on to say Tuesday, May 15th the Board temporarily suspended the registering of new-managed ferial colonies; unaware of this action, a ferial cat caregiver in Indian Harbour Beach called and spoke to Kathy Beatson, Animal Services and Enforcement Department Interim Director, a week later on Tuesday, May 22nd, to register her colony; and she received much hostility and was told the cats would have to be trapped, relocated, a bother to the neighborhood, and will have to be taken care of chemically. She added, that same day, two traps were set and marked (IHBPW) Indian Harbor Beach City Public Works behind the newly-managed ferial colonies home; it was not a simple task to place the traps; the traps were located one-quarter of one-mile down an unpaved road, on a property abutting several acres of wooded land, that eventually leads to a ball park, within the City of Indian Harbour Beach; and the traps sat in hot weather for hours. She is requesting the Board rescind the moratorium on registering colonies because it has sent the wrong sign; she would like the incident investigated; and hold the transgressors responsible, because for too long a campaign has been carried out with misinformation, intimidation, and

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harassment against law abiding citizens who are using their own time and money to solve the County's pet overpopulation problem, in accordance to current law.

Chairman Nelson inquired if Mel Scott, Assistant County Manager, will follow up on Ms. McCoy's email. Mr. Scott responded affirmatively; stated the claims made are loaded with inaccuracies; and he will report back to the Board so the record will be set straight.

Ms. McCoy stated she would like to go on record saying she has deep misgivings of letting Mr. Scott hold this investigation.

Commissioner Anderson inquired if the moratorium is only on registering new colonies in residential areas and not affecting existing colonies registered or precluding someone in industrial or commercial areas, with permission given by the property owners. Mr. Scott responded affirmatively; stated that will be the essence of what the Board will come to find in response to Ms. McCoy's allegations; Indian Harbour Beach has requested the County's assistance; it is not a registered colony, but an unregistered colony of a collection of cats that are wild; and they have become a nuisance to Indian Harbour Beach.

By consensus of the Board, the meeting adjourned at 3:25 p.m.

ATTEST:

CHUCK NELSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

MITCH NEEDELMAN, CLERK