

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 28, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

**INVOCATION**

Invocation was given by Pastor Janna Hogan Forschino, Jesus is the Key Church, of Melbourne.

**PLEDGE OF ALLEGIANCE**

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

**SUPERVISOR OF ELECTIONS BAKE SALE**

Chairman Anderson stated there was a Bake Sale put on by the Supervisor of Elections to end childhood hunger; and the proceeds benefit Project Hunger.

**APPROVAL OF MINUTES**

The Board approved the minutes of April 30, 2013, and May 2, 2013, Regular Meeting Minutes.

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

**ITEM I.A. PRESENTATION, RE: VOLUNTEER STARS LIGHT UP BREVARD INITIATIVE**

Howard Tipton, County Manager, Stated about two months ago the Board started a program to recognize the volunteers throughout Brevard County; it is named Volunteer Stars Light up Brevard Initiative; and it is being run by Margie Collins, Human Resources.

Margie Collins stated in Brevard County Government, the most recent data shows there has been 7,000 volunteers serving in regular volunteer service and Advisory Boards within the

May 28, 2013

County; and that equates to over 350,000 hours of service, with an economic value of over \$6 million annually. She advised in order to recognize the significant impact on efficiency and effectiveness that volunteers have on the County, they have formed a Volunteer Advisory Committee of staff and one volunteer to come up with Volunteer Stars Light up Brevard; and they are asking different departments to come up with a volunteer they would like to recognize. She stated today they are recognizing someone from the University of Florida, Brevard County Extension Services.

Vanessa Spero-Swingle stated 4-H is dependant on volunteer support; in 2012, their volunteers logged over 5,342 hours; the economic value equates to \$99,681, which is priceless to the program; and it is ran by volunteers. She advised the volunteers take the life, leadership, teamwork, and citizenship skills and give them to the children; these volunteers are role models children get to learn from, and as agents they cannot be out in the field; and they depend on the volunteers to do the job they seek to do. She stated she would like to congratulate Jennifer Walter who has been volunteering with Brevard County 4-H since 1998, and is the leader for the Brevard County 4-H Poultry Club, and Superintendent of the Rabbit and Poultry Clubs at the Brevard County Fair; and added her experience, knowledge, dedication, and love of the 4-H program helped to make it the best. She added she has served as a positive role model, mentor, and resource that youth and parents can depend on to help make their projects successful and work through the program; and University of Florida, Brevard County Extension Services, is honored to stand here today and speak of all she does for the program.

Mel Morgan-Stohl, Brevard County Fair Superintendent, thanked Jennifer Walter for her tireless efforts in helping the Fair through long hours, tornado warnings, and many chicken encounters/emergencies; many of them they had no idea how to handle; and she was professional, supportive of the children and community, and has always been an asset to the Fair.

Jennifer Walter stated she appreciates receiving this recognition, as it is an honor to be receiving the award; she has been with the 4-H for 14 years, and has the racing stripes to prove it. She added dealing with youth can be challenging at times, but is rewarding; volunteers are the heart of 4-H and she would encourage anyone who has the expertise in any type of field to participate as it is not just cows, plows, sows, baking, or cooking. She noted robotics are welcome as well as geocaching, global positioning systems (GPS); and if a person has anything to share, to please contact the 4-H office.

**ITEM I.B. RESOLUTION, RE: CONGRATULATING GLEN SILER, RECIPIENT OF DAVID B. LEE AWARD**

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-090, congratulating Glen Siler, as a recipient of the "David B. Lee" Award and his continuing contributions to the citizens of Brevard County.

Glen Siler stated the "David B. Lee" Award started in 1964, and there have been 48 recipients out of a membership of over 4,000; his job is to take care of the water and to do a job that nobody notices until either it hits the street or starts smelling; and behind the scenes, he is trying to make Brevard County a clean county.

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

**ITEM I.C. RESOLUTION, RE: PROCLAIMING JUNE 2 - 9, 2013, AS NATIONAL BEACH SAFETY WEEK AND RIP CURRENT AWARENESS WEEK**

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-091, proclaiming the week of June 2-9, 2013, as National Beach Safety Week and Rip Current Awareness Week.

Jeff Scarbarozi, Life Guard Chief, stated it was a very busy weekend and the Life Guards did the best they could. He added, they fundamentally executed 20 rescues, found 80 missing kids throughout the weekend, and the Resolution goes to the Life Guards for the job they do.

Commissioner Infantini advised they did an excellent job. She stated she was driving up and down A1A; and she has never seen it as packed as it was this weekend.

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

**ITEM I.D. RESOLUTION, RE: RECOGNIZING THE ACHIEVEMENTS OF THE PALM BAY HIGH SCHOOL ROBOTICS TEAM**

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-092, recognizing and commending the achievements of the Palm Bay High School Piratech Robotics Team for representing the United States and placing 3rd and 4th at the French National VEX Finale.

Ian Ix explained that the VEX competition is something held yearly; there are different challenges each year, determined by the VEX Organization; they get their own metal and parts; and make their own robots. He added they then take the robots to competition, such as the one in France.

Commissioner Fisher inquired what the robot does. A representative from the Robotics team responded the competition this year was to lift bean bags off the floor to put them into 15 inch troughs, and 30 inch triangle goals for more points.

Matt Conroy, Robotics Teacher at Palm Bay High School, stated to make these activities possible, they need sponsors; added they have quite a few, including Harris Corporation, Brevard Schools, Government Connections, Robotics Surgery, Health First, AT&T Grants, Indian River Networking, Northrop Grumman, and Able Trust, which help students with disabilities. He stated they provide not just funds, but internship's, engineers, like Mr. Peters from Harris Corporation, and several others that help with technical details of programming and such, Dr. Martin Mullens is behind the scenes with the School Board; and he spent a lot of his own time tweaking things so the team could travel. He added the trip went flawlessly; the team has spent hundreds and hundreds of hours; and all are all straight A students, in Honors, or Advanced Placement (AP) classes, and are involved in a lot of things. He stated this is the

May 28, 2013

future; and these kids are going to take the world anywhere it wants to go; and he appreciates the support from the engineering community to grow the science, technology, engineering, and math (STEM) program; and thanked the Board for recognizing them.

Nick Peters stated he also helped build a robot that is fundamentally the same as the previous, except it has conveyor belts that drop the bean bags off the back; and both robots have wheels that allow them to drive sideways and any other direction on the field.

Cody Jones stated he was on the other team that competed, and his robot is not here today, but it competed very well. Brian Guettler showed off his team's robot and believes they also did well in France. Matt Peters was also on a team and had to show off the Excellence Award, which is the top award at a robotics competition; and is what they had to get before they were invited to France. Troy St. Louis stated he helped Nick and Brian work on their robot; it was an excellent robot and performed flawlessly; and he loved France.

Chris Peter, Harris Corporation, stated he is the parent of Nick and Matt Peters; he went along with his wife on the trip as mentors and chaperones; and added during the competition, the French awarded the students the Innovation Award. He noted there were several unique features to the robots, one had pneumatic lift that lifted its tower up in the air, and they had not seen that technology used before; and were impressed by their designs. He added the team that hosted them wanted to pair up in the finals, but Piratech performed too well; and they all ended up in the top eight so they could not pick each other. He went on to say the students did an excellent job, the trip went flawlessly; and it was one of the first out of country trips by students in an uncountable number of years. Mr. Conroy added it was the first for VEX Robotics, there are 7,000 teams worldwide; and out of all 50 United States, this was the first time traveling out of the States, while VEX Robotics has traveled here; and they are very honored to have been able to do that. Mr. Peters stated he is sorry to say Matt has retired; he has put in countless hours to make this happen, to make the team happen; and how to carry that forward is going to be a challenge.

Joy Peters thanked the Board for recognizing the boys, as it is very important; the trip was amazing; she hopes they are able to go to London, because they were invited by the British team; and this is very important.

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

#### **ITEM I.E. RESOLUTION, RE: RECOGNIZING MAY 28, 2013, AS WORLD LUPUS DAY**

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 13-093, recognizing May 29, 2013, as World Lupus Day on which lupus organizations around the globe call for an increase in public and private sector funding for medical research on lupus, targeted education programs for health professions, patients and public, and worldwide recognition of lupus as a significant public health issue.

Deb Levy stated she is a Lupus survivor, as well as a 30-year United States Air Force Reserve (USAFR) Veteran. She noted, there are 1.5 million American's with Lupus; 90 percent of them are women; and it is critical that awareness is spread about this disease. She advised Lupus is a disease that can attack anything in the body, basically the body becomes allergic to itself;

May 28, 2013

added there are antigens in the body that protect it from bacteria, but when a person has Lupus, the body does not know the difference between bacteria and healthy tissue; and it attacks everything. She went on to say that it is an invisible illness; and she appreciates the opportunity to spread awareness about Lupus.

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

#### **ITEM II.A. HOWARD TIPTON, COUNTY MANAGER**

Howard Tipton, County Manager, reminded the Board of the Executive Session immediately following the Board meeting to discuss bargaining issues with the International Association of Fire Fighters (IAFF).

#### **ITEM II.B. SCOTT KNOX, COUNTY ATTORNEY**

Scott Knox, County Attorney, stated he wanted to update the Board regarding the Conflict Resolution between the School Board and the County; stated the representatives of the School Board and County staff met last week and discussed a way to try to move forward with the conflict that is being experienced over the closing of schools. He stated they all agreed to focus on the Interlocal Agreement, so at the very least, this situation will not be repeated in the future of schools being closed; it was decided to go back and review the contract and contract revisions that the County had proposed, in order to study the issues that may already arise from it to find where they had an agreement and disagreement; and they reconvene sometime in July to consider those issues. He added, once the issues are decided, they will be forwarded to the Capital Outlay Committee, which is comprised of County representatives, and representatives from each of the cities; stated to then try to work out some agreement so that it will satisfy all parties concerned; and then to reconvene as a staff group to try to consider what they come up with before it comes back to the Board and the School Board.

Attorney Knox advised the Supreme Court of the United States decided to hear a case involving pre-meeting prayers; and as the Board knows, it has pre-meeting prayers at every Regular meeting. He added the procedures and processes used for obtaining people to come and give those invocations is basically the same as is being contested at the Supreme Court level; and the Board has a stake in what happens. He advised if the Board would like to continue as it has in the past, it would need to file a Friends of the Court Briefs in the support, or opposition of the case being fought in the United States Supreme Court. He noted in this case, he would like the Board's permission to file a Friends of the Court brief in favor of the Town of Greece, which is the city that is being impacted by this particular decision, and support their position that pre-meeting prayer should be allowed, and the process the Board follows should be allowed.

The Board directed Scott Knox, County Attorney, to file a Friends of the Court Brief in favor of the Town of Greece, to support the Town's position that pre-meeting prayer should be allowed.

**ITEM III.A.1. AMENDMENT NO. 1 TO PROJECT COOPERATION AGREEMENT WITH THE DEPARTMENT OF THE ARMY; MEMORANDUM OF AGREEMENT WITH BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) AND U.S. ARMY CORPS OF ENGINEERS; AND COOPERATIVE AGREEMENTS WITH UNITED STATES OF AMERICA, RE: BREVARD COUNTY FEDERAL SHORE PROTECTION PROJECT**

The Board executed Amendment No. 1 to Project Cooperation Agreement with Department of the Army for construction of the Brevard County Shore Protection Project (BCSPP); executed Memorandum of Agreement with Bureau of Ocean Energy Management (BOEM) and U.S. Army Corps of Engineers regarding the use of outer continental shelf sand resources for shore protection and restoration; executed Cooperative Agreement with United States of America for rehabilitation of Phase I of the Brevard County, Florida Shore Protection Project; and executed Cooperative Agreement with the United States of America for rehabilitation of Phase II of the Brevard County, Florida Shore Protection Project, subject to approval of the final documents by the County Attorney.

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

**ITEM III.A.2. WAIVER OF GRANT CONTRACT LANGUAGE, RE: REQUIRING LEGAL VENUE IN LEON COUNTY FOR APPROVED GRANT FUNDS FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S (FDEP) CLEAN VESSEL ACT (CVA) GRANT PROGRAM FOR CONSTRUCTION OF WATERFRONT IMPROVEMENTS AT GRIFFIS LANDING**

The Board accepted a grant from the Florida Department of Environmental Protection's CVA Grant Program; authorized the use of existing approved funds as match; approved the related budget change requests; and authorized the County Manager to execute subsequent grant contract and project extension, if required.

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

**ITEM III.A.3. FINAL PLAT AND CONTRACT APPROVAL, RE: HERITAGE ISLE PUD, PHASE 7B – LENNAR HOMES, LLC**

The Board granted final plat approval, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits; and executed Subdivision Infrastructure Contract (SIC) with Lennar Homes, LLC for Heritage Isle PUD, Phase 7B.

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

**ITEM III.A.4. TRANSPORTATION IMPACT FEE CREDIT AGREEMENT WITH THE VIERA COMPANY, RE: WIDENING OF WICKHAM ROAD BETWEEN MURRELL ROAD AND LAKE ANDREW DRIVE**

The Board executed a Transportation Impact Fee Credit Agreement with The Viera Company for the widening of Wickham Road between Murrell Road and Lake Andrew Drive; and authorized the Budget Office to execute any budget changes necessary to implement the Agreement.

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

**ITEM III.A.5. RESOLUTION AND LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: GRANTS FROM STATE AND FEDERAL LEVELS FOR PROJECTS**

The Board adopted Resolution No. 13-094, authorizing the Chairman to execute the Local Planning Agency Certification Qualification Agreement; and executed the Local Agency Certification Qualification Agreement with the Florida Department of Transportation (FDOT) for grants from State and Federal levels for projects.

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

**ITEM III.A.6. PERMANENT DRAINAGE AND UTILITY EASEMENT FROM MIKE ERDMAN MOTORS, INC., AND PERMANENT DRAINAGE EASEMENT FROM MHE, LLC, RE: FORTENBERRY ROAD-PLUMOSA STREET INTERSECTION IMPROVEMENT PROJECT**

The Board accepted the Permanent Drainage and Utility Easement from Mike Erdman Motors, Inc.; accepted the Permanent Drainage Easement from MHE, LLC; and approved waiving the survey requirements for the Fortenberry Road-Plumosa Street Intersection Improvements Project.

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

**ITEM III.A.7. SANITARY SEWER EASEMENTS FROM BANANA RIVER, LLC AND STEVEN M. ANDERSON, TRUSTEE, RE: OPERATION AND MAINTENANCE OF SANITARY SEWER LINE**

The Board accepted two Sanitary Sewer Easements from Banana River, LLC; accepted three Sanitary Sewer Easements from Steven M. Anderson, Trustee for construction and maintenance of sanitary sewer line for service to five contiguous home sites.

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

**ITEM III.A.8. LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMENDMENT TO CHAPTER 62, ARTICLE VII, DIVISION 4, ENGINEERING DESIGN STANDARDS FOR SUBDIVISIONS AND SITE PLAN REVIEW – ACCESS MANAGEMENT**

The Board approved legislative intent and permission to advertise an amendment to the Code of Ordinances of Brevard County, amending Chapter 62, Article VII, Division 4, pertaining to Engineering Design Standards for subdivisions and Site Plan Review addressing access management.

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

**ITEM III.A.9. SUNSET REVIEW, RE: POLICY BCC-38 – DELINQUENT UTILITY ACCOUNTS**

The Board executed Policy BCC-38, for Utilities Department Accounts.

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



**ITEM III.A.10. AUTHORIZATION, RE: PIGGYBACK BAY COUNTY'S BID 12-39 FOR POLYMER**

The Board authorized the Purchase Order with Fort Bend Services, Inc., to supply polymer to the South Central and South Beaches Wastewater Treatment Facilities, which treat four billion gallons of wastewater per year.

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

**ITEM III.B.2. APPOINTMENTS, RE: COMMUNITY ACTION BOARD (CAB) LOW-INCOME SECTOR REPRESENTATIVES**

The Board appointed **George Allen**, and **Curbie Wynn** to the Community Action Board, with terms expiring December 31, 2015.

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

**ITEM III.B.5. APPROVAL, RE: SCOTTSMOOR FLATWOODS SANCTUARY MANAGEMENT PLAN**

The Board approved the Scottsmoor Flatwoods Sanctuary Management Plan under the Environmentally Endangered Lands Program.

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

**ITEM III.B.6. APPROVAL, RE: FOX LAKE SANCTUARY MANAGEMENT PLAN**

The Board approved the Fox Lake Sanctuary Management Plan under the Environmentally Endangered Lands Program.

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

May 28, 2013

**ITEM III.B.7. BILLBOARD LEASE AGREEMENT #915489 WITH CBS OUTDOOR, INC., RE: JORDAN SCRUB SANCTUARY**

The Board executed Billboard Lease Agreement #915489 with CBS Outdoor, Inc., for sign structure located at Jordan Scrub Sanctuary.

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

**ITEM III.B.8. BILLBOARD LEASE AGREEMENT #915514 WITH CBS OUTDOOR, INC., RE: JORDAN SCRUB SANCTUARY**

The Board executed Billboard Lease Agreement #915514 with CBS Outdoor Inc., for sign structure located at Jordan Scrub Sanctuary.

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

**ITEM III.B.9. APPOINTMENTS, RE: BREVARD COUNTY PUBLIC GOLF ADVISORY BOARD**

The Board appointed **Nancy Hampson**, and **Gail Myers** to the Public Golf Advisory Board; with terms expiring December 31, 2015.

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

**ITEM III.B.10. TRAIL ACCESS LEASE WITH MODERN, INC., RE: FOX LAKE SANCTUARY**

The Board executed Trail Access Lease with Modern, Inc., for trail access for non-vehicular public access to Fox Lake Sanctuary.

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

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

The Board approved the Budget Change Requests, as submitted.

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

**ITEM III.C.2. BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR JEFFREY SPENCER WELLS, VALENCIA ROAD, MELBOURNE, TAX ACCOUNT 2857757**

The Board approved the Special Magistrate's recommendation to reduce the accrued fine for the violation at vacant Lot 11, Valencia Road, Melbourne, (Case 09CE-02625) against Jeffrey Spencer Wells, from \$7,100 to \$1,364; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

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

**ITEM III.C.3. APPROVAL, RE: TOURIST DEVELOPMENT COUNCIL (TDC) PROPOSED FY 2013-14 EVENT FUNDING POLICY**

The Board approved FY 2013-14 Event Funding Policy, which includes eligibility requirements, eligible uses of funds, evaluation criteria, application forms, and reportage requirements.

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

**ITEM III.D.1. BOND COUNSEL RETAINER AGREEMENT WITH NABORS, GIBLIN & NICKERSON, P.A., RE: ONE-YEAR RENEWAL**

The Board executed Amendment to the Bond Counsel Retainer Agreement with Nabors, Giblin & Nickerson, P.A., which renews the existing Agreement for one year.

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

**ITEM III.D.2. ACCEPTANCE, RE: FINANCIAL CONDITION REVIEW UPDATE FOR FIRE RESCUE, AND CONFIDENTIAL IT BACKUP AND RESTORE REPORT**

The Board accepted the Audit Committee's Financial Condition Review Update for Fire Rescue, and the Confidential IT Backup and Restore Report.

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

**ITEM III.D.3. FIRST AMENDMENT TO FIRE RESCUE AUTOMATIC AID INTERLOCAL AGREEMENT WITH CITY OF SATELLITE BEACH, RE: SHARE EMERGENCY RESPONSES AND UTILIZE CLOSEST UNIT RESPONSE**

The Board approved the First Amendment to the Fire Rescue Automatic Aid Interlocal Agreement with the City of Satellite Beach to share emergency responses and utilize closest response.

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

**ITEM III.D.4. INTERLOCAL AGREEMENT WITH BREVARD COUNTY CLERK OF COURTS, RE: READMISSION IN THE BREVARD COUNTY GROUP SELF-INSURED HEALTH PLANS**

The Board executed Interlocal Agreement outlining the terms and conditions applicable to the Brevard County Clerk of Courts readmission in the Brevard County Board of County Commissioners Group Self-Insured Health Plans.

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

**ITEM III.D.5. APPROVAL, RE: PROPERTY INSURANCE PROGRAM EFFECTIVE JUNE 1, 2013**

The Board authorized Gerard Visco, Insurance Director, to bind and secure placement of Brevard County's Property insurance coverage with the effective date as June 1, 2013.

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

**ITEM III.D.6. APPROVAL OF PAYMENT OF AWARD, RE: EMPLOYEE INNOVATIONS PROGRAM**

The Board approved payment of award in the amount of \$850.28 to Anthony Berg, Solid Waste Management Department, for recommendation (EIP #400) under Brevard County's Employee Innovations Program.

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

**ITEM III.D.8. APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder as submitted.

**RESULT:**       **ADOPTED [4 TO 1]**  
**MOVER:**       Trudie Infantini, Commissioner District 3  
**SECONDER:**   Chuck Nelson, Commissioner District 2  
**AYES:**         Andy Anderson, Chuck Nelson, Mary Bolin Lewis, Robin Fisher  
**NAYS:**         Trudie Infantini

**ITEM V.A. PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT IN CRANE CREEK, UNIT ONE – BENJAMIN AND DELILAH NARVAEZ**

Chairman Anderson called for a public hearing to consider a resolution to vacate a public utility and drainage easement in Crane Creek, Unit One in Section 10, Township 26 South, Range 36 East.

John Dennighoff, Public Works Director, stated this vacating is for a pool; and there are no objections.

There being no comments or objections, the Board adopted Resolution No. 13-095, vacating a public utility and drainage easement in Crane Creek, Unit One in Section 10, Township 26 South, Range 36 East.

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

**ITEM V.B. PUBLIC HEARING, RE: ORDINANCE FOR AMENDMENTS TO CHAPTER 62, ARTICLE XIII, DIVISION 4, LAND ALTERATION**

Chairman Anderson called for a public hearing to consider an ordinance amending Chapter 62, Article XIII, Division 4, Land Alteration.

Ernie Brown, Natural Resources Management Director, stated this is a small change to the Land Alteration Ordinance, specifically addressing exemption criteria for public projects through an evaluation staff was having with the Land Alteration Ordinance; and Mr. Hamilton was kind enough to point out that an exemption needed to be clarified. He added, in April it was brought back to the Board for legislative intent and permission to advertise; and this is the product of that. He noted it is very simple and allows for public projects that meet public interest, or public interest criteria, to move forward without the requirement of a Land Alteration Permit.

Brian Hamilton stated he represents Spacewalk Groves, Inc., and Magruder-Smith Farms, Inc., both entities have Land Alteration projects permitted under this Ordinance. He advised in 2008, Magruder-Smith Farms received an LAP with great effort; and a Conditional Use Permit (CUP), for commercial borrow pits. He went on to say this Land Alteration Ordinance is part of a number of ordinances that Mr. Brown is charged with enforcing; it is meant for all Land Alteration activities in Brevard County; and when his client received their permit, in a 20 mile radius of this project on North Merritt Island, they have moved 1,300,000 cubic yards of fill material. He went on to state it was unregulated, there was no enforcement; there is criteria in the Ordinance that prohibits this; and a time limit that people can move this material that has to be moved. He noted, to allow someone to open up commercial borrow pits in non-conforming areas, as in store fronts, and continually sell it, he has a problem with that; after quite a bit of complaining and asking questions, he has come to the conclusion that Brevard County was not enforcing this Ordinance; and using this particular section as a blanket exemption for these particular projects that are being reviewed, and should be reviewed through site plan review. He advised subdivisions, commercial, and special interest projects are being reviewed under site plan review; and the Ordinance should be applied to it and it is not. He stated Mr. Brown gets a set of plans, these plans are passed around to all of the departments; and this Ordinance requires that Mr. Brown and his staff apply not only the land clearing part of the Ordinance, but also this land alteration criteria; and the standards set forth in the Land Alteration Ordinance is not being applied to the different projects. He stated once the plans are reviewed and they are exempt, someone like himself comes along and complains about the contractors, but it also exempts the contractors and subcontractors; and they are exempting everyone and allowing these commercial borrow pits to be operated in non-conforming areas. He believes the Board is here today because of his numerous complaints, and the clarification that was done was just a defensive move to take care of his numerous complaints. He noted these three contractors were excavating material on Brevard County property, under contract with Brevard County; Brevard County not only exempts them, but also subsidizes their pricing so they are able to monopolize the market while he is sitting around with all this investment, money, and projects waiting for the Facilities Department to finish their project before he can; and he urges the Board to look into this to see if this Ordinance can be implemented during site plan review.

May 28, 2013

Mr. Brown stated what he can do for the Board is pull together a report that outlines the complexities Mr. Hamilton specifically brought to it.

Commissioner Infantini inquired if it would be acceptable for the Board to table the item and bring it back in July so there can be a little bit of time to see Mr. Brown's report and review some of the information Mr. Hamilton has presented. Mr. Brown stated it is a complex issue that Mr. Hamilton has brought forth, but this is a minor change that makes Brevard County legal; the issues that Mr. Hamilton has brought forth addresses a lot more inside the Ordinance; this is a very old Ordinance that needs a thorough review and streamlining; and staff has not had the time to get to this one. He added, staff has reviewed a number of Ordinances and this one is due; there are some legitimate concerns that have been brought up; and the Board would benefit from seeing them laid out in a report.

Commissioner Nelson stated the real issue is there are projects that are hauling the material off-site, balancing the project by selling the fill somewhere else, and this cleans up the public purpose side of that; added Exploration Park where there was a need to get rid of material, NASA needed it, so it was transported there. He believes this can be approved but the commercial side does need to be addressed, because it created some significant problems for the Board at one time on Merritt Island.

There being no further comments or objections, the Board adopted Ordinance No. 13-17, an Ordinance of Brevard County, Florida, amending Chapter 62, Article XIII, Division 4, Subdivision I, Code of Ordinances of Brevard County, Florida, relating to land alteration specifically amending Sections 62-4391 definitions and 62-4422 exemptions; providing for the interpretation of conflicting provisions; providing for severability; providing for area encompassed; providing for inclusion in code and effective date.

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

#### **ITEM V.C. PUBLIC HEARING, RE: ORDINANCE FOR ECONOMIC DEVELOPMENT TAX EXEMPTION FOR BARN LIGHT ELECTRIC COMPANY**

Chairman Anderson called for a hearing to consider an ordinance qualifying Barn Light Electric Company as an Economic Development Ad Valorem Exempt entity.

Commissioner Infantini inquired if this was in the Titusville Area CRA. Stockton Whitten, Deputy County Manager, responded this is not in the Titusville Miracle City Mall CRA. Commissioner Infantini stated she will approve if it is not in an existing CRA. Mr. Whitten responded it is not in the CRA, but is in the North Brevard Economic Development Zone.

There being no further comments or objections, the Board adopted Ordinance No. 13-18, an ordinance granting an Economic Development Ad Valorem Exemption to Barn Light Electric Co.; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; providing for an annual report by Barn Light Electric Co.; providing an effective date.

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

**ITEM V.D. PUBLIC HEARING, RE: ORDINANCE FOR ECONOMIC DEVELOPMENT TAX EXEMPTION FOR PROJECT CIRCLE**

Chairman Anderson called for a public hearing to consider an ordinance qualifying Project Circle as an Economic Development Ad valorem Exempt entity.

Commissioner Infantini inquired if this was in the Titusville CRA. Stockton Whitten, Deputy County Manager responded it is not in the Titusville CRA, but is in the North Brevard Economic Development Zone.

There being no further comments or concerns, the Board adopted Ordinance No. 13-19, an ordinance granting an economic development ad valorem exemption to project circle; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; providing an annual report by Project Circle; providing an effective date.

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

**ITEM VII.A.1. APPROVAL, RE: CONTRACTS WITH KEEP BREVARD BEAUTIFUL (KBB) FOR LITTER AND RECYCLING EDUCATION, AND LEASE OF PROPERTY (FISCAL IMPACT: \$118,092)**

Commissioner Infantini stated she would like to table this item and have it come back in July, because she found some inconsistencies in their tax return with reporting of income and the balance sheet; she has discussed these with Stockton Whitten, Deputy County Manager; she has spoken to Tony Sasso to see whether or not this is time sensitive; and they have time to show an amended tax return. She stated she would like to see it before she approves something making sure it is in compliance going forward.

Tony Sasso, Executive Director, Keep Brevard Beautiful (KBB), stated it is time sensitive in that the Contract is up, they had a three year contract, and it is on a one-year extension. He introduced KBB's Organization with Pat Brown, Deputy Director, Steve Ellis, CPA and Treasurer, John Porter, Immediate Past Chair, Nancy Thompson, Current Chair, and Milo Zonka Incoming First Chair. He went on to say Mr. Ellis can go into depth on the amended 990 Form; and as the contract was prepared it was discovered that 990 Form was incorrect; and over the years it was not looked at as carefully as it should have been. He added Commissioner Infantini called attention to it, and they have corrected it. He advised there are two errors, one of them being the number of people who review it; for some reason or another it said on the form there was no public review; and by contract, everything is available to the public at any time.



May 28, 2013

Commissioner Fisher inquired if it was corrected to reflect that it is open to the public. Mr. Sasso responded yes.

Commissioner Infantini inquired about the income from the LIVE BLUE Program, KBB is on a calendar year tax basis; Brevard County paid \$40,000 to the company; however, on the 990, it reflected they pulled in only about \$20,000. Mr. Sasso responded most of that was passed through KBB, LIVE BLUE is not a non-profit, KBB is, and there were administrative costs that were paid, the rest went directly to LIVE BLUE; and LIVE BLUE is now with Brevard Zoo. Commissioner Infantini stated when preparing a tax return, most of the time all of the income is pulled in and showed as income; there is a corresponding expense to offset that; there were numerous inconsistencies; and the Board is welcome to approve it. She stated she saw the accounts receivable, it was the same at the beginning and end of the year; as well as notes payable and pledges receivable; and typically organizations have different numbers at the beginning of the year and end of the year. She advised very rarely is there an organization that has exactly the same dollar amount owed at the beginning of the year and end of the year.

Mr. Sasso stated he is not fully familiar with Commissioner Infantini's concerns, but will gladly bring up Mr. Ellis to speak to the inconsistencies in depth. He added he works with a lot of not-for-profits; and he can say that most of them struggle to keep up with those things.

Steve Ellis, Treasurer, Keep Brevard Beautiful, stated he provides accounting assistance and oversight of the financial records of KBB; he engages a CPA firm to help them put together the 990's; and LIVE BLUE's accounting for an organization that they received funds for is called an agency accounting. He added instead of recording the revenue and expense in agency accounting, it goes through on a balance sheet as money coming in that is a liability to LIVE BLUE, so it is not recorded as income, it is recorded as a liability to be paid through LIVE BLUE; and the only thing KBB records as its income is its share of the administrative assistance. He noted very similar accounting is done at United Way.

Commissioner Infantini inquired if KBB retains 50 percent for administrative costs, because it collected \$40,000 from Brevard County, and reported \$20,000 in income; and inquired if \$20,000 went to the expense portion to pay LIVE BLUE for the programming and the other \$20,000 was retained. Mr. Sasso responded he does not remember the exact numbers, they were much higher than \$40,000 for LIVE BLUE. Commissioner Infantini stated that is for the next fiscal year, and KBB is on a calendar year; so the next fiscal year, KBB received another \$40,000. Mr. Sasso stated there is a lag in there and he is not sure what Commissioner Infantini is asking without the documents in front of him. Commissioner Infantini stated she got it from the 990's and invoices. Mr. Sasso stated it was closed out and wrapped up and approved by County Staff, and the organization is under the Brevard County Zoo's management. Commissioner Infantini stated if they just did the agency pass through as they have explained then KBB retained \$20,000, because that is how much was reported for income from LIVE BLUE. Mr. Sasso stated that may have been the wrap up; and he believes the number was in the low teens, somewhere between eight and twelve percent was the actual administrative costs for doing that. Commissioner Infantini responded it would be about \$25,000 then.

Commissioner Fisher stated KBB has been doing a great job and he is always amazed at the amount of work they do and the volunteers involved in the organization; and from a County standpoint, if they had to go and pay for that it would be a lot more than \$118,000 that this contract is for.

The Board adopted Resolution No. 13-096, and executed Agreements with Keep Brevard Beautiful (KBB) for litter and recycling education and lease of property.

May 28, 2013

Mr. Sasso thanked the Board and commended Euri Rodriguez, Solid Waste Director, as well as the Solid Waste staff for their work in getting the contract done.

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

**ITEM VII.B.1. BOARD APPROVAL, RE: WEST CANAVERAL GROVES WATERLINE PROJECT FUNDING (MOVED FROM ITEM III.B.4.)**

Len Beckett stated he represents the West Canaveral Groves Homeowners Association, and is also on the Community Development Block Grant (CDBG) Advisory Board. He asked for the Board's support in pre-award funding through CDBG on a project that was approved by the Board in 2003, as part of the normal CDBG funding process. He added, after a number of years and the project growing in scope, because of requirements from the City of Cocoa, it was found that CDBG did not have enough of an annual allocation to pay for the project in one lump sum. He advised they had their hands tied as far as the Board because they could only have one pre-awarded project at a time to pay for these functions; and up until this fiscal year, the CDBG had a pre-awarded project to pay for Sharpes Community Center, and that ended this fiscal year. He went on to say funds can be utilized for this project; he urges the Board move this forward as a health and safety issue; this community found out two years ago by a larger area analysis that tested some wells in the area, that the wells tested positive for over the safe limit of arsenic; and the scope of the contamination is not known because some of the property owners refused testing. He continued to say aside from arsenic, there are high levels of salt, and they are in need of fire protection; there are 2,120 acres, which represent about 1,500-1,600 lots that are privately owned; a lot of them are non-resident owners; and the properties are not being maintained, as it is mostly a wooded area. He went on to say no one is clearing out any fuel for fires either; last year there were four fires ignited in one night, structures were lost, there was no water for fire fighting, because they cannot pump out of the canals for fighting the fires; and they are asking the County to allow CDBG to go out and get Commercial Paper to pay for this with the pre award process.

Donna Delusio stated she has personally been working on the project for 10 years; it is a health and safety issue, because they now have proof they cannot drink the water safely; it cannot be given to animals, on plants, or anything; and she would appreciate the Board's help in this matter.

Ian Golden, Housing and Human Services Director, stated this is a long going project; the CDBG Advisory Board approved this project; and as Mr. Beckett stated, the scope and dollar figure associated with it was different than what engineering came back with. He added, part of the feasibility and water study did come back with contamination in the tested wells; but the price tag to complete the project, as was initially presented, would have been tens of millions of dollars. He explained the original project was to bring water for the entire community; all of the roads in that community, except for Satellite Boulevard, are not built up to County standards; and they would need to be brought up to standard. He added there are also private easements throughout the entire area, which would also be problematic to put a waterline down; based on that, staff started looking at other funding sources, the scope of the project changed from running water for the entire community to providing water down Satellite Boulevard; and it will only allow for water on that road, and the houses that front it, according to the City of Cocoa.

May 28, 2013

He advised it would also allow for additional fire hydrants down that road, which would provide some additional fire protection; and he does believe from discussions staff had with Fire Rescue, that they are going to need the larger trucks to get down the side roads. He went on to say the CDBG Advisory Board has recommended moving forward with this project; that is the recommendations before the Board. He added some issues that may present themselves will be that the community will have to go out and find the money on their own through commercial paper or bonds, and use CDBG funds to pay that back. He advised the concern that staff has is that CDBG allocation has been declining steadily over the last few years; it started out at a high of \$1.9 million and has gone down to about \$1.1 million; staff has not seen what the allocation will be for next fiscal year; stated that coupled with some uncertainty with the Federal Government, if CDBG goes away, or is unable to make that payment, it will fall on the General Fund.

Commissioner Infantini inquired if it was possible to drill deeper wells to avoid the contamination. Mr. Golden responded he is not sure, and he is hearing the homeowners saying no, but it is not his area of expertise; and staff could look into that. Commissioner Infantini stated it comes out to about \$55,000 per residential homeowner, just looking at the water along Satellite Boulevard. Mr. Golden stated Fire Safety could have an area benefit; he believes there are about 180 home sites out there that are built out. Commissioner Infantini stated she was told there were 30 residences. Mr. Golden advised there are 32 along Satellite Boulevard; and only those fronting Satellite Boulevard would have access to water. He added because there are additional fire hydrants, it would extend out a little bit further; and he believes the radius around a fire hydrant is 750 feet. Commissioner Infantini inquired if it would only be the houses along Satellite Boulevard that are contaminated. Mr. Golden responded no, the water study looked at 10 homes in the area, four of which were along Satellite Boulevard, six were not. Commissioner Infantini further inquired how this would benefit the homes that are not along Satellite Boulevard. Mr. Golden stated the direct water access will not, but fire safety will, because of closer fire hydrants. Commissioner Infantini stated she believes the Board is doing this for water, not fire safety, because she was under the impression the tanker trucks, like South County, take care of the fires. Mr. Golden stated the original project was for water, over the course of the years, fire safety has come forward also. Commissioner Infantini advised she is just trying to understand for \$1.6 million it will only benefit four homes with water who tested positive for contamination; she agrees that the Board needs to help those homes, but would like to know if an engineer could drill deeper for water; and there has to be people further away that have wells. Mr. Golden added part of this process when looking for other funding sources, staff found some other resources that are available to the residents in that community; one is a program through the Florida Department of Environmental Protection, where they come and test the water; and if the contamination meets their levels, they will put a filtration system on the home at no cost to the homeowner. Commissioner Infantini stated it would appear that the Board needs more information than was presented by the homeowners; inquired if staff could put together how much it would cost and if there were other ways; and stated she would like to table this item to gather more information rather than spending \$1.6 million that could possibly come from the General Fund.

Chairman Anderson inquired when the Board will know about CDBG funds, and if there is a back-up method; and stated he does not want the money to come out of the General Fund, if there is another fund the money can come from. Commissioner Fisher stated this has been an item they have been working on for years; the issue is having contaminated water; and there are a couple concerns he has as well. He added he would like to see them have water, but the other challenge is how to get a committed hook-up to the water, as that is one of the challenges the Board has to face; and that the homeowners present would be willing to hook-up in a heartbeat, but wonders how many other neighbors would be willing to move forward. He added the City of Cocoa has been working hard; there is a Memorandum of Understanding (MOU) to run the line; but, there are some challenges in that agreement as far as how to get water to the

May 28, 2013

side streets because of easements. He added he is in support of doing something, subject to buy in and hook-up; and most of the residents would take advantage of it. He noted the Board needs to get the bang for the buck and the impact; and he would like to add the hook-up side and how to get the residents to agree to as part of the research.

Commissioner Nelson stated his concern is the General Fund being on the hook for the cost; there are major portions of this County that have the same problem; and they do not know because the wells have not been tested. He added, Fire Safety was one of his concerns after the fires of 1998 and 1999; to put large wells down in Micco and Scottsmoor is a thought; and it is much less expensive than potable water for fires. He noted there are many ways to deal with this, he has no problem tabling it; and the big picture needs to be looked at in order to see all of the options available to the residents of that community.

Mr. Beckett stated he is disappointed, he has been on the CDBG for 10 years, longer than anyone on staff except for two people; Mr. Golden is not one of those two people and does not know the history of this. He went on to state that Mr. Golden made the claim that the scope of the project had changed; in a conference call with Mr. Golden, staff, himself, and the director of HUD Mr. Causey, Mr. Causey brought up ITIS, and showed that fire protection was in the project the day it was submitted, and has been since 2003, 2004, and 2006. He added the cost of the project has changed; it started out at \$9.6 million; it was going to be constructed and paid for in three phases; and there was not availability of the pre-award because of Sharpes Community Center. He noted the scope then changed when the City of Cocoa decided they wanted a complete system down all of the side roads; and after discussion, decided on the current project going down Satellite Boulevard; and that was the original project. He stated at that point the project was up to \$2.7 million in price, which could not be afforded; what he did was found another possible source of funding through the United States Department of Agriculture (USDA) Rural Water Program, which it qualified for. He advised he met with USDA representatives a few times, who presented the County with a pre-award package and stated in the meetings that they wanted to fund the project and gave the package to County staff and that package sat, the pre-application for this grant/loan program, which would grant a certain portion, but depending on the income levels, and qualifications of the County; and another portion would have been loaned over a 40 year period of time. He advised they ran the numbers backwards such that the individual users of the water would not receive a water bill that was higher than a normal water bill; and that was how they determined how much was granted and how much was loaned. He stated that package sat on a desk for five years before the first page was filled out; and he as an advisory board member had to sit there every month and ask what the status was; it was not until there were some fires and they met with Commissioner Fisher that he asked what the status was of the pre-application, and nobody had done anything with. He added he threw a fit, and staff finally did something with the pre-application; the individual that put that together got to the point where it was submitted, accepted by the USDA, and the USDA sent back requests; the environmental plans were approved, and the MOU was approved; then it came back, there was a community meeting that Commissioner Fisher and Mr. Golden attended; they were going to tell the community members they had good news; and Mr. Golden came in and stated they no longer qualified for the project. He went on to state he thought that may be coming; he had already talked to HUD; HUD never told him they did not qualify for the project; and the community would always qualify for the project until it was completed. He noted Commissioner Fisher said there needed to be a conference call with HUD, himself, members of the community, and Mr. Golden; as a result of that conference call, staff found out they would in perpetuity and be eligible for this project. He pointed out all of a sudden, and the concern was that the scope of the project had changed; nothing in the project has changed; the original project, as submitted in ITIS, was to bring a water line down Satellite Boulevard and service those properties that could be serviced and add fire services. He added during that conference call, it was determined that the scope of the project had not changed; and the very next CDBG meeting, Mr. Golden came to the CDBG Board and argued that the scope had changed, and

May 28, 2013

that he wanted the Board to rethink the project. He advised at the time he was the chair of the Board, he allowed the discussion even though it was not necessary; the Board re-affirmed its original decision to continue the project and prioritize it. He stated he directed staff to find a way to fund it and explore the pre-award system; he understands the Board is concerned about the budget and CDBG dollars going away; and he inquired what the likelihood is that Congress would completely do away with entitlement money.

Commissioner Infantini believed those funds have been cut by 50 percent. Mr. Beckett advised five percent. Commissioner Infantini stated she was told 50 percent; and the Board needs more information before rendering a decision for all of Brevard County residents. Mr. Beckett stated all of Brevard County is not a qualified strategic target area through the CDBG program; these requirements have never been asked of any of the other target areas to go through; and inquired what makes them different from any other target areas.

Chairman Anderson stated the Board understands where the community is coming from; the Board has concerns of the General Fund, whether CDBG funds get cut or not; and he cannot guess what Congress is going to do on any given day. He added all the Board is doing is tabling it to look at things that were requested to see if there is another source of revenue to back it up. Mr. Beckett requested the item be brought back immediately. Chairman Anderson stated it would be July. Mr. Beckett stated they have fiscal year funding that has to be submitted to HUD; that was why they wanted it done this month, and they have to look at how dollars are being spent. He stated he can give the Board numbers and show how it is being spent in each target area except for theirs; millions against nothing and projects where services and utilities were brought; and the Board is concerned about the number of people using and signing up with the project, which was never since he has been aware of applied to any other strategic target area with regards to funding. Chairman Anderson stated he is not arguing, and he would like to get educated on the issues that have been brought forward; and if the Board is together and allows the General Fund to be a second mortgage holder on any notes issued; it is \$1.6 million benefiting a handful of people; the Board will have to answer to a whole lot of other voters; and he is not saying it is a bad thing or that it does not need to be done, but the Board has to make sure it is doing the right thing.

Mr. Beckett added in the search for information, he would like to have a meeting with each of the Commissioners, so they get the whole story and proper information; because staff has an agenda of its own; and it is not the same agenda as the CDBG Board.

Mr. Golden addressed the original application that was submitted for the original water line; stated nowhere in the application does it mention fire safety; it only talks about a water line. He advised staff added the language in ITIS for fire safety; ITIS is HUD's tracking system for CDBG; he did give this project scrutiny; and as far as he knows, there has not been another CDBG project that has tripled in projected cost. He added, when looking at it, he had concerns about the scope changing, because staff had looked at a project that was supposed to be for the entire community, but turned out being one street; and he felt that was a scope change. He stated in speaking with HUD, they answered some of his questions, and the concerns about scope, and cost or cost benefits are local decisions, which is why staff brought it back to CDBG Advisory Board and now to the Board.

The Board tabled consideration for County Staff and the Financing team to identify a financial institution that is willing to provide a low interest loan to finance the completion of West Canaveral Groves Waterline Project to the July 9, 2013, Board of County Commissioners meeting.

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

**ITEM VII.E.1. SELECTION OF REPRESENTATIVES, RE: BLUE RIBBON ADVISORY BOARD FOR TRANSPORTATION INFRASTRUCTURE**

Chairman Anderson stated there is a list that was provided to the Board; some are doubled up, the Port CEO is on there twice, and can be scratched from one of those areas.

Howard Tipton, County Manager, advised staff was looking at a number of different slots to make a choice on; there are slots that are still open to be determined; and requested the Board make a consideration of either Mr. John Walsh or Mr. Jack M. Schluckebier, under the owner of a large business, if that would be something it would like to consider.

Chairman Anderson believed it is important to have Airport Representation, because it is a big economic driver; and inquired what the Board would like to do. Commissioner Bolin Lewis stated the owner of a large business is going to be very important in the advice they give the Board on transportation. Chairman Anderson inquired when staff expects those entities, and if they will be submitting names to staff. Stockton Whitten, Deputy County Manager, advised that Sally Lewis had called again last week, it is their timeline, and staff is waiting on return phone calls or return designations. Chairman Anderson stated the Board has been dealing with this for a while and would hate to make decisions on the other categories until he sees the names in the other organizations; and he would like to make sure there is a good mix there. Commissioner Infantini believed the owner of a large business should not be one that is government controlled; it should be someone like Northrop Grumman, Harris Corporation, or the like; and there does not need to be two airport officials. Chairman Anderson agreed that there needs to be names in all of the slots before the Board makes a decision; and inquired if it is time sensitive. Commissioner Nelson responded nothing is going to happen between now and then; and he suggests waiting until after June.

The Board took no action on the selection of representatives on the Blue Ribbon Advisory Board.

**ITEM VII.F.1. CITIZEN REQUEST BY KIM REZANKA FOR CKAR, LLC, RE: BUSINESS TAX RECIEPTS**

Kim Rezanka, Dean Mead, stated she is representing CKAR, LLC; they applied for a Business Tax Receipt on an Adult Arcade; added it has come before the Board previously; and she is here today because the law has been challenged in Broward County. She stated it is set for temporary injunction on Friday, May 31, 2013, in Broward County; the application for her client is still pending; it was submitted March 18, 2013; and nothing has been done with it based on a decision of the Board on March 19, 2013, to put a hold on all internet cafes, adult arcades, and similar gaming institutions. She added Cyber City Cafe, which was proposed with the Business Tax Receipt, was to be located at 865 North Courtenay Parkway, Merritt Island, Florida; that is the same location as The Lucky Shamrock; and it has moved. She stated the Board approved the Business Tax Receipt for it to move; CKAR, LLC bought the lease from The Lucky Shamrock; they have entered into a new lease on that Center; they cannot do anything because the lease states they can only get out of it if the County Government denies their application for a Business Tax Receipt; and the adult arcade that has been proposed is what the owner calls a

"skill room". She pointed out he owns others in other parts of the State; it has 50 machines, similar to The Lucky Shamrock; and newer machines were purchased by CKAR, LLC to be able to open the business. She noted, all of this was done before the law came into effect, and before they knew it was going forward. She added this skill room uses pre-paid cash cards; the County placed a hold on the Business Tax Receipt on March 19, 2013; and in the packet given to the Board, is the Agenda Report from the March 19, 2013, Board meeting. She stated in that Agenda Report, it showed five proposed courses of action for the Board to take; she watched the video, it was very short, someone was supposed to do a presentation, but they did not show up; and it was at that time that Howard Tipton, County Manager, recommended the Board take no action. She went on to state Chairman Anderson said no action, then it was brought up that there were these types of applications in the pipeline, that something needed to be done; and the comments were to hold up the application process because they were doing a disservice to business owners if they approved these applications moving forward. She stated in looking at the staff report, all of the other legislation that municipalities in other counties had enacted limited the number of locations, required fingerprints, some banned simulated gaming devices, but it did not flat out prohibit the business tax receipt. She added, there were 425 active business tax receipt accounts in Brevard County; that was because they were considered computer services; she spoke to Cynthia Fox, Planning and Zoning Manager, to find out how many internet cafes or adult arcades existed; she was unable to do so; and it was because of the way the Tax Collector had designated these type of institutions. She noted, there was an arcade located on North Banana River called Ocean Oasis; it had been there for several years; and it had applied as a computer services facility, and was approved. She advised there are still active business tax receipts in this County that are doing adult gaming; added they may have shut down, but the business tax receipts are still active; and if this is going to be a continued hold or denial, she would suggest the County go back and revoke those licenses; there is a process in the Ordinance for doing so; if it is the position that these are illegal, they need to be revoked; and if not, then she submits that it is discriminatory and arbitrary for the Board to continue to hold her clients' Business Tax Receipt. She added, in the packet, there were several sections in the Code of Ordinances; 102-26 defines the local business tax receipt as the method by which a local government grants the privilege in engaging or managing in a local business; it is deemed to be regulatory; it is deemed regulatory based on the case because it is ministerial; and someone submits it, if the zoning code applies, then they get their business tax receipt. She went on to say Section 102-45, states the Tax Collector is the one who designates the license classification, and retains discretion to do so; Sections 102-62 and 102-91 state similar classifications have been designated for adult arcades; amusement devices, not coin operated machines; and in reading those, they are broad enough to cover an adult arcade. She advised her client is not using the Internet, so it is not a true internet cafe, but it is gaming machines in which points can be redeemed for merchandise; added Section 102-50 is the zoning use permit ordinance; and it talks about the process that staff has to go about in looking at zoning regulations. She stated the Tax Collector is authorized to administratively revoke the business tax receipt of any person when it is determined, announced, or conducted that a person is carrying on or conducting a business not properly zoned; and that is where she comes to the revoking part of those that currently exist. She added, when looking at Code of Ordinances, Section 62-1482, BU1, under permitted uses, it does allow billiard rooms and electronic game arcades; electronic game arcades is what her client is doing in BU1 zoning; and that is not defined anywhere in Brevard County Code.

Commissioner Infantini inquired if Mrs. Rezanka would like the Board to let her client apply for the Business Tax Receipt; stated when she voted the way she voted before, it was because she did not want anyone to incur costs under the belief that they would be able to continue in operation; and if her client wholeheartedly understands that going forward the Board is allowing them to apply, but at some point in time, legislature may revoke the ability to operate, she does not have a problem with it.

May 28, 2013

Mrs. Rezanka stated that is what they are asking, as her client has applied; the challenge is a void for vagueness, because it does not define gambling machines and there is a lot of vagueness in the Ordinances in the past; she is not an expert in the issue; in going forward on May 31, 2013, a temporary injunction may be issued, which means there is a likelihood of success on the merits; so what she is asking the Board to do is to either remove the hold on tax receipts, that it conditionally approve, or conditionally remove, depending on the injunction on May 31, 2013; her client will execute a hold harmless agreement, because he is fully aware of what is going on; and the Board could direct staff to deny the applications and provide a written explanation.

Chairman Anderson stated the Board could go back and revoke all of the licenses based on current legislation, unless the injunction is successful. Mrs. Rezanka stated yes, and deny her clients; but she needs something with the application so her client can either move forward with his lease, or get out of it.

Motion by Commissioner Infantini to approve, on the condition her client provides a hold harmless agreement, and does not come and ask for their money back in the event the legislature makes some type of decision that is adverse to the business. Motion dies for lack of a second.

Chairman Anderson inquired how the Board is supposed to handle this, because the State said it is illegal; it would be similar if someone came before the Board asking if there was criteria in the Code of Ordinances for adult entertainment; and if the Board had something like Palm Bay has for an Ordinance, and the State said no more partially nude bars in the State of Florida, can the Board issue a license based on that.

Scott Knox, County Attorney, stated the Board cannot; the Statute is presumed to be valid until otherwise declared by a court; the hearing is not until Friday; and the Board does not know the results. Chairman Anderson stated if they win the injunction, then the Board can come back and look at it.

Mrs. Rezanka added, the Ordinance is up for interpretation as applied to each individual business, so the Board cannot come right out and say it is illegal, because there is so much interpretation involved; she does not believe the Sheriff's Deputies are really sure what to do just yet; and it is a criminal matter, so it would be up to the enforcement of the criminal justice system.

Chairman Anderson explained the Board is bound by State law; they said it is illegal; so the Board has to abide by that. Mrs. Rezanka asked the Board to do something, because right now her client is in limbo.

Commissioner Bolin Lewis inquired if the Board denied the request so he could get out of his lease what that would do to all the other licenses out there. Mrs. Rezanka stated there are apparently 425 of them out there; she does not know; and maybe the Tax Collector has the ability to revoke.

Chairman Anderson stated the Board is in a quandary here; and if the injunction is lifted, technically, they can apply. Attorney Knox stated it would not necessarily apply in Brevard County; and asked the Board to wait and see what the Judge decides; and if they decide it is constitutional, then there is really not much the Board can do at this point except deny it.

Chairman Anderson passed the gavel to Vice Chairman Bolin Lewis.



May 28, 2013

The Board tabled consideration of citizen request by Kim Rezanka regarding issuance of Business Tax Receipts of Adult Game Arcades to the July 9, 2013, Board of County Commissioners meeting.

Vice Chairman Bolin Lewis passed the gavel back to Chairman Anderson.

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

**ITEM VII.F.2. CITIZEN REQUEST BY JOHN SAATHOFF, RE: USING COUNTY SEAL ON FLYERS AND CONCERT PROGRAMS OF THE MELBOURNE MUNICIPAL BAND**

The Board approved to include the County Seal on flyers and concert programs of the Melbourne Municipal Board.

Commissioner Fisher inquired if these types of requests really needed to come before the Board in the future. Scott Knox, County Attorney, stated yes, by law it has to come before the Board for approval.

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

**ITEM VII.F.3. APPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD**

The Board appointed **Terry Schrupf** and **Patricia Stratton**, and reappointed **Dr. James Richey**, **Fernando Rendon**, and **Tracy Wetrich** to serve on the Brevard Workforce Development Board, said terms expiring December 31, 2015.

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

May 28, 2013

Upon consensus of the Board, the meeting adjourned at 10:54 a.m.

ATTEST:

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

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SCOTT ELLIS, CLERK