

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 10, 2012 at 9:02 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 Reverend Nathaniel L. Harris, Pastor of Macedonia Missionary Baptist Church, Melbourne.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Board approved the March 22, 2012 Special Meeting Minutes.

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 I.A., RESOLUTION, RE: PROCLAIMING THE WEEK OF MAY 6 - 13, 2012, AS CORRECTIONS OFFICERS APPRECIATION WEEK

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-076, proclaiming the week of May 6 - 13, 2012, as Corrections Officer Appreciation Week, and encourages all citizens to recognize the demanding and unselfish commitments made by Brevard's Corrections Deputies.

Joren Norman, Corrections Officer of the Year, accepted the Resolution on behalf of all Corrections Officers.

Sheriff Jack Parker, expressed his appreciation for the recognition; and stated the Corrections Officers are deserving of the recognition.

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

ITEM I.B., RESOLUTION, RE: ACKNOWLEDGING THE BOARD'S CONTINUED SUPPORT OF BREVARD FAMILY PARTNERSHIP AS THE LEAD CHILD WELFARE AGENCY IN BREVARD COUNTY AND ENDORSING THE SYSTEM OF CARE MODEL IT EMPLOYS

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-077, acknowledging the Board's continued support of Brevard Family Partnership, as the Lead Child Welfare Agency in Brevard County and endorsed the System of Care Model it employs, which has served Brevard County families well.

Patricia Nellius, Brevard Family Partnership CEO, expressed her thanks to the Board for the Resolution; stated she has been reading historical notes dating back to 1998, when citizens of Brevard County came to the Board, asking for its involvement in the privation of child welfare; as a result of its involvement and commitment, there were partnerships developed with Children's Home Society and Devereux Florida, causing the creation of Brevard Family Partnership; and the Board is also responsible for staffing Community Coalition together in partnership with the Leadership Roundtable Alliance, which is statutorily required for the limitation of community based care, who gave Brevard Family Partnership its charge for its five priorities within the community.

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

ITEM I.C., RESOLUTION, RE: PROCLAIMING APRIL 28TH AS DAY OF SERVICE

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 12-078, recognizing and commending the Day of Service for providing service to those in need and uniting their communities.

Michael Hennessy, Church of Latter-day Saints, expressed his thanks to the Board for the Resolution; stated there are partnership's with the Ladies Auxiliary of Veterans of Foreign Wars, Rocket Post No. 4534, Titusville YMCA, City of Palm Bay, City of Palm Bay's Parks and Recreation Department, AT&T Pioneers, Space Coast Center for mothers with children, Osceola County, and other groups who plan to attend this years Day of Service, April 28, 2012. He mentioned a list of services can be accessed at www.dayofservice.org; and added, as an expression of thanks to Commissioner Anderson, for sponsoring the Resolution, he presented Commissioner Anderson with a book of his family history of 17 generations, including an eight-foot wide family tree.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING NICK WORTHY'S CONTRIBUTION TO OUR COUNTRY

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-079, recognizing Nick Worthy's heroism, thanking him for his services to the country, and wishes him well in his future endeavors.

Sergeant Nicholas Worthy expressed his thanks to the Board for the Resolution; and stated it is an honor to be present today.

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.E., PRESENTATION, RE: CROSSWINDS YOUTH SERVICES 14TH ANNUAL GREAT BREVARD DUCK RACE

The Board acknowledged the presentation by Crosswinds Youth Services regarding the 14th Annual Great Brevard Duck Race to be held at the Indian River Festival in Titusville on May 6, 2012 at 1:00 p.m.

ITEM I.F., RESOLUTION, RE: CONGRATULATING J.L. GOLIGHTLY CHAPTER #32, DISABLED AMERICAN VETERANS, ON THEIR 65TH ANNIVERSARY

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 12-080, congratulating the J.L. Golightly Chapter #32, Disabled American Veterans on their 65th Anniversary, and extends appreciation for their service and dedication to the Veterans.

Earl Mason, Chapter Commander, expressed his thanks to the Board for the Resolution.

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

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ITEM II.F., ANDY ANDERSON, DISTRICT 5 REPORTS

Commissioner Anderson stated on April 14th at 4:00 p.m., in downtown Melbourne, a group of individuals will be holding signs welcoming home Veterans; and he hopes all can make it to welcome the Veterans home.

Commissioner Anderson suggested the Board hold a joint workshop with Tourist Development Council (TDC) to help get the awareness of what is happening in Brevard County with some economic developments.

Commissioner Fisher opined the stadium needs addressing, if the Washington Nationals do not renew their Contract.

Howard Tipton, County Manager, stated the TDC has recommended solicitation of a consultant to help understand the value of Major League Baseball spring training in Brevard County, generally, and the value of the Washington Nationals specifically, which are important to understand, as negotiations take place. Commissioner Anderson inquired the length of the study. Mr. Tipton responded about four to five months to conclude; he stated last summer or early fall is a good time frame to have the workshop; and he will come back to the Board with proposed dates.

ITEM III.A.2., ACCEPTANCE OF DONATED TEMPORARY CONSTRUCTION EASEMENT FROM WILEY DEVELOPER'S GROUP, INC., RE: WILEY ROAD IMPROVEMENT PROJECT (DISTRICT 1)

The Board approved and accepted the Temporary Construction Easement between Brevard County, a political subdivision of the State of Florida and Wiley Developers Group, Inc., a Florida corporation for property located in Mims lying in Section 17, Township 21, Range 35.

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.A.3., APPROVAL OF NEEL SCHAFFER TASK ORDER 10-09, RE: PERMITTING, DESIGN, AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR PHASE 5 & 6 OF LANDFILL GAS SYSTEM AT THE CENTER DISPOSAL FACILITY IN COCOA

The Board approved the Neel Schaffer Task Order 10-09 in the amount of \$124,100 to prepare design plans for permitting Phase 5 and 6 of the landfill gas collection system expansion at the Central Disposal Facility, as well as development for construction drawings and technical specifications for the initial eight horizontal landfill gas wells in Phase 5 where waste has reached the elevation which now require landfill gas collection; and authorized the Chairman to execute the same.

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

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ITEM III.A.4., RENEWAL OF OFFICE LEASE AGREEMENT WITH FIRST STATES INVESTORS 4499, LLC, RE: TOURISM DEVELOPMENT OFFICE

The Board approved the Office Lease Agreement with First States Investors 4499, LLC, for the Tourism Development Office located at 430 Brevard Avenue, Cocoa, as a renewal of the current lease, but with an additional 1,721 square feet to allow an entrance on Brevard Avenue, storage, and reduced rate per square foot.

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.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests, as submitted.

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., ACKNOWLEDGE, RE: RECEIPT OF 2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND ANNUAL REPORT FOR COMMUNITY REDEVELOPMENT AGENCIES (CRA'S) FOR THE CITY OF MELBOURNE

The Board acknowledged receipt of the Comprehensive Annual Financial Report (CAFR) and Annual Report for Community Redevelopment Agencies (CRA's) for the City of Melbourne.

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.3., ACKNOWLEDGE, RE: RECEIPT OF 2011 CERTIFIED AUDIT REPORT ENDING SEPTEMBER 30, 2011 FOR THE TOWN OF PALM SHORES

The Board accepted the 2011 Certified Audit Report ending September 30, 2011 for the Town of Palm Shores.

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

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ITEM III.B.4., ACKNOWLEDGE, RE: RECEIPT OF 2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE CITY OF COCOA

The Board accepted the 2011 Comprehensive Annual Financial Report for the City of Cocoa.

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.5., ACKNOWLEDGE, RE: RECEIPT OF 2011 AUDITED FINANCIAL STATEMENTS FOR THE TOWN OF MELBOURNE BEACH

The Board accepted the FY 2011 ended Financial Statements for the Town of Melbourne Beach.

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.C.1., APPROVAL, RE: PRECINCT LEGAL DISCRPTIONS - ALTERED AND ADDED (CHAPTER 101.001 (1) F.S.)

The Board approved the revised precinct legal descriptions for the changes to existing precincts due to annexations by the Cities of Melbourne and West Melbourne.

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.C.4., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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.A.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: PROPOSED ORDINANCE AMENDING CHAPTER 62, ARTICLE VII - SUBDIVISIONS AND PLATS

Harry Taylor stated the proposed legislative intent is not well intended; there is a desire to tighten-up the Building Code Regulations to protect homeowners; but he thinks the initiative does not go far enough and there will be consequences. He stated he has provided the Board his appeal, and read it aloud. He mentioned many residents of Heritage Isle have come to him in disbelief that there is such a thing as grand-fathering of Codes; stated he understands the contractors timeline to complete the design of plans, and construct the community; but with this proposed legislative intent the contractor still has six years to enjoy the original Code at the time of the idea to create a subdivision. He stated there has to be a way to shorten this proposed legislation; if it is not possible, it makes the second item of his appeal more relevant; and opined there should be in all future subdivisions a bond warranting the major construction issues, which if not constructed properly and prematurely causing problems to homeowners will protect them.

Chairman Nelson inquired what the next process is, presuming the Board approves legislative intent today. Robin Sobrino, Planning and Development Department Director, responded if direction is given from the Board today an ordinance will be brought forward to the Building Construction Advisory Committee (BCAC), and input will be solicited from the industry at large; the ordinance goes on to the Local Planning Agency (LPA) to review as an Advisory Board; and ultimately, it goes for public hearing before the Board, totaling a process of a couple of months. Chairman Nelson inquired if in each step the industry has an opportunity to recommend changes, and if citizens are able to recommend changes similar to Mr. Taylor. Ms. Sobrino responded affirmatively. Chairman Nelson inquired if limitations of timing are a concern. Scott Knox, County Attorney, responded fundamentally the law is a developer who has submitted a site plan, or a subdivision plat, and has been approved then he is entitled to go under the regulations that were in effect at the time of that approval; he does not think the case law really addresses what a reasonable time is after that in three to five years and is reasonable is what the courts would say. Chairman Nelson stated Mr. Taylor will have the opportunity to make his recommendation to a variety of boards through the process before coming before this Board; there are obvious reasons for change; and before it is finally seen, he recommends Mr. Taylor give BCAC and LPA the same presentation given today.

Mr. Taylor stated he feels this Board may not fully appreciate its strength and power; the Board represents the homeowners and is their first line of defense between them and the contractors; he reiterated he would like the Board to consider number two of his appeal; and stated he is not present today to protect the residents of Heritage Isle who are already suffering from the road aggravation problems, it is an intent to protect future subdivisions. He went on to say he is hopeful that the Board will act on it now, by expressing its authority and concern to those who are putting in this legislation.

Chairman Nelson indicated by doing legislative intent, there is concern on the Board; the Board understands it has the ultimate authority to make those changes; he encourages Mr. Taylor to participate in the process; and the Board will ultimately decide what is reasonable.

Commissioner Infantini stated she understands the legislative intent; she is in favor of tightening it up a little bit; but she does not want to over tighten it for a major reaction to a very unfortunate situation that is happening at Heritage Isle. She added, it will overburden contractors if it is too tight, when they go out and estimate how much it is going to cost to put together a project, by going out a few more years, and by suddenly changing regulations on contractors midstream there may be no way to complete a project; and with government changing the rules of the game, she does not see how it can be adjusted. She went on to say she wants the input; she expressed her appreciation to Mr. Taylor, for his concern; and stated she would like to have a great deal of input from both sides and she does not mind the legislative intent.

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The Board approved legislative intent and granted permission to advertise revisions to Chapter 62, Article VII, Subdivisions and Plats, Division 2, to change the time limit requirements for construction and recordation of subdivisions, and related amendments within the Land Development Regulations.

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

Harry Taylor stated in his ongoing effort to look out for the concerns of homeowners in Heritage Isle, there was a major problem with stucco, which resulted in the restoration of over 600 homes, at a cost of over \$3 million; but since then, on three separate occasions, he has been confronted and threatened inside his own gated community. He went on to say it is the developers of Lennar Corporation and B.S.E. who are intending to avoid and evade the efforts he is making to put light on these non-Code issues; and he is concerned about his appeal made to the County Manager on April 3rd, to come forward with a plan to conduct a very independent investigation of construction issues in Heritage Isle. He encouraged the Board to consider the history of problems that Heritage Isle has encountered and what he has personally faced.

Howard Tipton, County Manager, stated the April 3rd appeal will probably be coming to the Board on May 15th.

Mr. Taylor stated on February 23rd, there was a core sampling of troubled roads in Heritage Isle; it happened solely because of a formal Letter of Demand that he gave to Lennar Corporation on November 30th; since that time there has been a report of that investigation provided to the County Manager; and he has received nothing, but is solely responsible for demanding that investigation. He added, he has concerns with fairness, balance, and process.

Chairman Nelson inquired if Mr. Taylor actually asked for a copy of the report. Mr. Taylor responded no; stated he does not usually demand something a second time; he added, when he is disrespected he likes to publicize it instead; and stated for the record, the threats made to him were recorded for the County Attorney's Office and the Brevard County Sheriff's Office.

Judith Wargo stated she is currently the caregiver of a property owner who has a registered Feral Cat Colony; in March 2012, Animal Control Sergeant Robinson called the property owner who has the colony registered in her name, and informed the property owner that the colony must be relocated in two months, as it is now considered to be a health risk to a next door neighbor who has an autoimmune disease and is allergic to feces. She went on to say Sergeant Robinson arbitrarily decided to do this with someone in Commissioner Bolin Lewis's office; stated she was told by Sergeant Robinson no evidence was needed to do this because he has copies of all the reports made; and she has copies of all the reports, as well, and feels it is mainly being reported by the next door neighbor. She mentioned repeated phone calls to Commissioner Bolin Lewis's office were to no avail; stated she was told someone would return her call, but to no avail; the property owner sent a certified letter 11 days ago to Commissioner Bolin Lewis; and there is still no response being made. She stated the property owner is an 80-year old mobility impaired woman who also has an autoimmune disease, which is much worse than her neighbor; her infectious disease doctor has given permission to have the colony on her property; and all of her doctors are telling the property owner that she needs these animals for

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her own well being. She stated she cares for the colony; there are covered litter boxes outside with pine shavings; she goes up and down the neighbors' property in the mornings to pick up anything she may see; and inquired if Commissioner Bolin Lewis will help resolve this matter. She mentioned the neighbor has put open containers of antifreeze and boards with rusty nails sticking up all around the house; the neighbor was cited when she told Sergeant Robinson about it, but he defended the neighbor.

Commissioner Bolin Lewis responded she has been receiving information from both parties involved; it has been forwarded to the Animal Services Director; she did receive the registered letter; she will be responding to it; but it is a he said she said, type of situation; and those are the hardest type of things to handle. She stated she has requested a definition of the situation in more detail; and she is not avoiding Ms. Wargo or the property owners involved.

ITEM V.A., PUBLIC HEARING, RE: RESOLUTION DESIGNATING CERTAIN AREAS WITHIN UNINCORPORATED BREVARD COUNTY AS A BROWNFIELD AREA

Chairman Nelson called the public hearing to consider resolution designating certain areas within unincorporated Brevard County as a Brownfield Area.

There being no objections, the Board adopted Resolution No. 12-081, designating certain areas within unincorporated Brevard County as a Brownfield Area.

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

ITEM V.B., PUBLIC HEARING, RE: ORDINANCE GRANTING ECONOMIC DEVELOPMENT TAX EXEMPTION TO DIAMONDBACK CNC, LLC

Chairman Nelson called for the public hearing to consider ordinance granting Economic Development tax exemption to Diamondback CNC LLC.

There being no objections, the Board adopted Ordinance No. 12-11, granting an Economic Development Ad-Valorem Exemption to Diamondback CNC, LLC; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 Florida Statutes; providing for proof of eligibility for exemption; and Diamondback CNC, LLC, providing an effective date.

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

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ITEM V.C., PUBLIC HEARING, RE: ORDINANCE GRANTING ECONOMIC DEVELOPMENT TAX EXEMPTION TO BERTRAM YACHT INC.

Chairman Nelson called for the public hearing to consider an ordinance, granting Economic Development Ad-Valorem Exemption to Bertram Yacht, Inc.

There being no objections, the Board adopted Ordinance No. 12-12, granting an Economic Development Ad-Valorem Exemption to Bertram Yacht, Inc; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 Florida Statutes; providing for proof of eligibility for exemption; and Bertram Yacht, Inc. Providing an effective date.

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

ITEM V.D., PUBLIC HEARING, RE: SUPPLEMENTAL BUDGET RESOLUTION FOR FISCAL YEAR 2011-2012

Chairman Nelson called for the public hearing to consider a Supplemental Budget Resolution for Fiscal Year 2011-2012.

There being no objections, the Board adopted Resolution No. 12-082, approving a Supplemental Budget for Fiscal Year 2011-2012; and approved the budget changes and such action as are necessary to implement the adopted changes.

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

ITEM V.E., PUBLIC HEARING, RE: AMENDING ORDINANCE NO. 2011-18 RELATING TO THE POWERS AND BOUNDARIES OF THE NORTH BREVARD ECONOMIC DEVELOPMENT ZONE

Chairman Nelson called for the public hearing to consider amending Ordinance No. 2011-18, relating to the powers and boundaries of the North Brevard Economic Development Zone.

Commissioner Infantini stated this ordinance expands the abilities of the North Brevard Economic Development Zone (NBEDZ) boundaries; it allows the NBEDZ to issue revenue bonds based on an interlocal agreement; and it was done to facilitate the widening of I-95 beyond the borders of Brevard County into Volusia County. She stated this bond issue is not needed to facilitate the widening in Brevard County; it has all been funded in the current year ending June 2012, having \$62 million in it; and she does not see the need for this.

Chairman Nelson commented it is not a bad thing to work with Florida Department of Transportation (FDOT) to better utilize money because by creating a larger Economy of Scale

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and cutting out the starts and stops, there will actually be more road dollars going into roads, and less into mobilization costs; it is a priority for Governor Rick Scott and FDOT; and he will be supporting it.

Commissioner Infantini stated she does not see it as a priority of FDOT; FDOT has told the County on numerous occasions that it is completely up to Brevard County if it wants to do this; Brevard County's portion of I-95 widening is 100 percent completely funded; the bid allows for the excess money to extend as far as possible into Volusia County; and Brevard County does not need to use its bonding authority to extend into another County's border. She went on to say Volusia County felt there was no need to expedite and facilitate the widening into their borders; Brevard County is under capacity on I-95; it is not something that would create new jobs; and it was not a request from Governor Scott.

Chairman Nelson stated there are no bonds being issued. Commissioner Infantini stated the Agenda Report states to issue revenue bonds.

Commissioner Fisher inquired if Stockton Whitten, Assistant County Manager, will explain what the exact request from FDOT was and what the project is because he thinks there is a misunderstanding of the project supporting just Brevard County I-95; and stated it was not a construction request from FDOT.

Mr. Whitten responded he has a PowerPoint presentation that will help to explain it.

Commissioner Infantini stated the base project is for I-95 alone. Commissioner Fisher advised that is not correct. Commissioner Infantini stated she has an email from FDOT with her today; it says to refer to the Request for Proposals (RFP) and Addendum's, the base project is a portion of I-95 in Brevard County; and the email came this morning at 8:41 a.m., in response to questions from her staff. She went on to say the email says, as previously conveyed to Mr. Whitten, it is the County's decision as to whether or not to act as a conduit bond issuer, they believe it is a good tool that increases competition, and FDOT is not requesting it; and added she has not seen any correspondence come from FDOT requesting that Brevard County do this. She stated if FDOT thought it to be so important like they presented it to Volusia County's Transportation Planning Organization (TPO) in January, it would have presented it to Brevard County's TPO meeting in February or March; and they did not, are not present today, and were not present last week either.

Commissioner Fisher stated the one thing showing FDOT is in support of this project is their committing their revenue source to it; and stated the bond holder is the one that is going to sign the bonds and have to feel comfortable about getting repaid.

Commissioner Anderson stated the point of the matter is there are four Commissioners supporting it; he feels Mr. Whitten's presentation is not needed; the project benefits the residents of Brevard County while traveling through to Volusia County; and there was a motion made for this item, he would like to call the question and move on with the people's business.

Chairman Nelson stated for the record it is in the FDOT's Work Program.

There being no objections, the Board adopted Ordinance No. 12-13, amending Ordinance No. 2011-18, creating the North Brevard Economic Zone development dependent Special District; amending Section 5, establishing District boundaries; amending Section 8(e), pertaining to the issuance of revenue bonds; providing for severability ; and providing for an effective date.

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

ITEM VII.A.1., STAFF DIRECTION, RE: FORECLOSURE REGISTRY ORDINANCE

Chairman Nelson stated the Board has talked about this as an issue; there are foreclosure problems in communities; commercial was previously exempted; he has issues on Merritt Island with well-cared-for properties having a commercial property doing the same thing to businesses as it does to residential areas, by bringing down property values and creating an inappropriate problem with the banks; and it is not hurting anyone by the banks being responsible for their properties.

Commissioner Anderson inquired if the proposal is a one-time registration fee. Robin Sobrino, Planning and Development Department Director, responded affirmatively. Commissioner Anderson stated other jurisdictions are charging the registration fee yearly or every other year; in Brevard County it is a one-time registration fee, unless there is a transfer of property. Ms. Sobrino responded it is being requested that there is a renewal on an annual basis, as needed; but there would be no fee associated with that, it is just to insure the data-base is up to date.

Chairman Nelson inquired if it will come back to the Board for a final decision. Ms. Sobrino responded affirmatively.

Commissioner Fisher inquired if Chairman Nelson is suggesting to add commercial. Chairman Nelson responded yes.

The Board directed staff to develop regulations to enact a foreclosure registry ordinance for single-family residential properties and commercial properties that have a lis pendens and/or action for foreclosure; directed staff to prepare legislative intent; and granted permission to advertise.

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

ITEM VII.A.2., BOARD APPROVAL, RE: REQUEST TO INITIATE ANNEXATION PROCEEDINGS FOR COUNTY OWNED PROPERTY INTO THE CITY OF ROCKLEDGE (DISTRICT 2)

The Board approved request by the City of Rockledge to initiate annexation proceedings for 110.26 acres of a tract of land in the Rockledge area that is jointly owned by the City of Rockledge and Brevard County; and authorized the Chairman to sign the notarized letter to the City of Rockledge affirming the Board's decision.

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.B.1., RESOLUTION, RE: QUALIFIED TARGET INDUSTRY TAX REFUND WITH BROWNFIELD REDEVELOPMENT BONUS - BERTRAM YACHT INC.

The Board adopted Resolution No. 12-083, Qualified Target Industry (QTI) tax refund with Brownfield Redevelopment Bonus (BRB) qualifying as a Brownfield business.

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.D.1, APPROVAL, RE: SPEAK-UP BREVARD - CITIZENS RECOMMENDATIONS FOR GREATER EFFICIENCY AND EFFECTIVENESS

Howard Tipton, County Manager, stated the County Charter was amended and approved in November 2010, creating Section 2.9, provides for a mechanism, individual, or organized group of individuals to submit a formal recommendation for the enhancement of effectiveness and efficiency of County government, to the County Commission, and Policy BCC-95, states the Board of County Commissioners must take a final vote to either approve, reject, or revise and accept the recommendations within 120 days of the recommendations submittal date. He mentioned there are a total of 18 new suggestions, of those, seven were outside of the Board's purview; there were two that were requests for service; and he suggested moving those items off the list and dealing with those that are actionable by the Board.

Commissioner Anderson inquired if the non-actionable CEER's were forwarded to the proper jurisdiction for review. Mr. Tipton responded affirmatively.

The Board took no action on the following: Recommendation No. 35, Adjusting Current Fees on Credit Card Payments of Property Tax, submitted by Carol L. Conciatori; Recommendation No. 38, Traffic Signals, submitted by Luanne Smith; Recommendation No. 39, Usefulness of Marine Patrol, submitted by Lewis S. Greenwood; Recommendation Nos. 40/41, (Duplicates) Generating Revenue, submitted by Josephy S. Prycodzien; Recommendation No. 43, Paint the Parking Bumpers at Beach, submitted by Nanci Schuman; Recommendation No. 44, Do Not Put Parking Meters in Cape Canaveral, submitted by Nanci Schuman; Recommendation No. 45, City of Cocoa Utility Billing, submitted by Nanci Schuman; Recommendation No. 46, Make Bicyclists Ride on the New Sidewalks in Cape Canaveral, submitted by Nanci Schuman; and Recommendation No. 47, Mosquitoes, submitted by Nanci Schuman.

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

RECOMMENDATION NO. 29, BOOK RECOMMENDATION: THE DEATH OF COMMON SENSE

Howard Tipton, County Manager, stated Recommendation No. 29, is submitted by Jay W. True is for the Board and County Managers to read the book *The Death of Common Sense*, by Phillip Howard. He mentioned it has been awhile since he read the book; stated he has reread it; it is always a good reminder to keep good common sense; and the challenge is it does not take into account some of the complexities with court rulings and auditor findings that sometimes skew the straight path that are thought to be there.

Chairman Nelson stated he feels it is up to each individual Commissioner to chose what he or she wants to read.

Commissioner Bolin Lewis agrees with Chairman Nelson; she will definitely look at it, because she has not read it; and feels it is not necessary for one to tell a person what to read.

The Board reached consensus to take no action on Recommendation No. 29, Reading *The Death of Common Sense*.

RECOMMENDATION NO. 30, PROJECT BACKYARD BREVARD

Howard Tipton, County Manager, stated Recommendation No. 30, Project Backyard Brevard, is submitted by Betsy Franz, requests there be one centralized website providing information to the public regarding Project Backyard; there currently is an existing website about people wanting to lead a greener and more environmentally friendly lifestyle for people who do not know where to go for information; and mentioned it could be linked through the County's website, but the Board needs to consider by the adding a link, there could possibly be information that is out of the County's control at times.

The Boatd rejected Recommendation No. 30, Project Backyard Brevard; and directed staff to forward the recommendation to agricultural partners for review.

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

RECOMMENDATION NO. 31, RECOVERY OF MONEY DUE THE COUNTY

Howard Tipton, County Manager, stated Recommendation No. 31, Recovery of Money Due the County, is submitted by Ann Coburn; there is a special push towards recovering money owed to the County before contracting with collection agencies, by using a special math program against any funds that may be paid to the individuals. He went on to explain the Board has an aggressive recovery program; the system in place for the Clerk of the Courts has an extra tool

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allowing the suspension of drivers licenses for non-payments of court imposed fines; as a follow-up, there are letters sent that are followed up with law enforcement; and he added, the County has a Collection Agency Agreement that has incentives built into it, to gain an extra 25 to 30 percent of additional amounts collected.

Commissioner Anderson inquired if approved the process would just be further looked into and would not have a cost to do so. Mr. Tipton responded affirmatively.

The Board approved Recommendation No. 31, Recovery of Money Due the County.

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

RECOMMENDATION NO. 32, COMPANY SPONSORSHIP OF GOLF HOLES ON COUNTY GOLF COURSES

Howard Tipton, County Manager, stated Recommendation No. 32, Company Sponsorship of Golf Holes on County Golf Courses, is submitted by Fleming Law; the suggestion is in terms of Golf Course revenues, that there are opportunities to seek sponsorship's on many things from the flags on the holes, carts, signage at the snack-stand, and at the Pro-Shop, as well; currently, golf staff is working towards pursuing it, to make it a reality; and he is recommending the Board approve it.

The Board approved Recommendation No. 32, Company Sponsorship of Golf Holes on County Golf Courses.

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

RECOMMENDATION NO. 33, NEW EMPLOYEE HIRING PROCEDURE

Chairman Nelson stated he spoke with Michael Raphael yesterday about new employee hiring procedures; and Mr. Raphael has agreed to move his recommendation to next year's CEER.

The Board reached consensus to move Recommendation No. 33, New Employee Hiring Procedure to the 2013 CEER.

RECOMMENDATION NO. 34, STRONG TOWNS.ORG: CURBSIDE CHAT

Howard Tipton, County Manager, stated Recommendation No. 34, Strong Towns.org: Curbside Chat, is submitted by Mary Hillberg; the recommendation is to consider a paradigm shift in evaluating how the County views various aspects of its community; and advised it is a very interesting document. He stated Robin Sobrino, Planning and Development Department Director, attended a one-day seminar in Orlando, similar to this recommendation, by trying to get more background about it; she provided the Board a write-up about current development

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programs in the long-term often creating sustainability challenges for counties, cities, and towns across the country.

The Board reached consensus to reject Recommendation No. 34, Strong Towns.org: Curbside Chat.

RECOMMENDATION NO. 36, BEACH CLEANING ON A REGULAR BASIS

Howard Tipton, County Manager, stated Recommendation No. 36, Beach Cleaning on a Regular Basis, is submitted by Tammy Dalal, requests Cocoa Beaches wrack line of seaweed be cleaned-up on a more regular basis because it creates bugs and does not smell well; advised the wrack line actually provides some necessary beach renourishment, it is a food source from some shore animals, and it will eventually go away with time; and he recommends rejecting it because Keep Brevard Beautiful currently takes care of the human litter.

Commissioner Infantini's absence is noted at 10:28 a.m.

The Board rejected Recommendation No. 36, Beach Cleaning on a Regular Basis.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Andy Anderson, Vice Chairman/Commissioner District 5
SECONDER:	Mary Bolin Lewis, Commissioner District 4
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
AWAY:	Trudie Infantini

Commissioner Infantini's presence is noted at 10:30 a.m.

RECOMMENDATION NO. 37, VEHICLE RETENTION AND PURCHASE

Howard Tipton, County Manager, stated Recommendation No. 37, Vehicle Retention and Purchase, is submitted by Lewis S. Greenwood; by reducing costs the County employees should use their own vehicle for field service work; and added, the fleet has been reduced by 10 percent and are on the right path, with not much more to.

Commissioner Infantini stated the County is not doing all that it can; she knows of a lot of instances where a personal vehicle could be used; and reimbursement is forty-four and one-half cent per mile.

The Board approved Recommendation No. 37 Vehicle Retention and Purchase, submitted by Lewis S. Greenwood.

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

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RECOMMENDATION NO. 42, RECONSIDER COUNTY SUPPORT OF TNR FERAL CAT COLONIES

Howard Tipton, County Manager, stated Recommendation No. 37, Reconsider County Support of TNR Feral Cat Colonies, is submitted by John B. MacNeill.

Mr. MacNeill stated for many years he worked at the Florida Wildlife Hospital Sanctuary as a Field Wildlife Rescuer; he pointed out his encounter with cat colonies in beachside parks, which is habitat for some species and the endangered Sea Turtle; the Sea Turtle Preservation Society has commented that it has problems with newly hatched turtles being injured or killed by feral cats that are on beaches; he opined Brevard County's Ordinance is not specific when it comes to leash laws; and stated the section for cats needs tightening up in regulations, including domestic cats being listed under leash laws. He went on to say locations of feral cat colonies are not made public; people cannot find information of where to drop off cats for care; and by allowing the colonies the County is violating the law and causing the law to be violated by other people because these are considered de facto pet owners for people who care for these animals. He suggested contacting Florida's Fish and Wildlife Conservation Commission (FWCC), to have them clean-up the language to include feral cats, move the colonies away from sensitive areas because dishes of cat food are set out, raccoons eat the food, then the raccoons have to be rehabilitated because it is an improper diet for them, cats can transmit rabies in the food dishes, and it can easily get transferred into the wild; and he recommends using industrial areas for colonies to keep away from the wildlife areas.

Carol Fournier, Space Coast Feline Network President, stated there are no monies received from the County to help support the Trap Neuter Release Program; in fact, it is a private organization who supports the program by picking up animals, getting them fixed, vaccinated, and returned to the environment the animal was located; there has been a long debate about feral cats, birds, and other animals with most being disproving about feral cats being a predator that is threatening endangered species; and she opined it is the humans who have endangered the species on the earth. She stated feral cats are not the problem of the beach; having the Board's support is in line with many national organizations, such as the Humane Society of the United States of America, and Ally Cat Allies.

Commissioner Anderson stated when the Dog Beach was being proposed to the Board, he met with an FWCC representative because of the Sea Turtle issues; he mentioned there were feral cat colonies on the beaches; the representative from FWCC explained to him the issue FWCC has with feral cat colonies on the beaches are not the cats, it is the people who feed them, plus it attracts raccoons, and the raccoons tend to go after the Sea Turtle eggs; and he inquired if the feral cat colonies can be relocated inland, away from the Sea Turtle nesting areas, so it does not attract the raccoons, and destroy the nests. Ms. Fournier responded when people care for feral cat colonies, they put out enough food to feed the cats that are there, and are supposed to wait for the cats to finish eating and then remove the dish; and per the Space Coast Feline Network's policy, do not leave the food. She mentioned there are outreach programs available through the library teaching folks to not feed the wildlife; she went on to say raccoons are a far more pervasive species than cats; and snakes are a larger problem for turtle eggs than cats and raccoons combined.

Chairman Nelson stated he understands the concept, but the problem is it encourages continued dumping of animals; the colonies do not seem to get smaller nor disappear; and he would like to see some numbers.

Ms. Fournier pointed out the colonies were already created there, so the dumping occurred before the colonies occurred; and there are responsible people who will dump to prevent colony issues. She went on to say there are people who come to the South Animal Care Center to

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dump animals outside; dumping is a problem; but TNR is a solution to dumping because when the animal is congregated, it is easier to TNR.

Chairman Nelson stated he would like to have this issue continued to be looked at because it is an ongoing problem.

The Board reach consensus for Recommendation No. 42, Reconsider County support of TNR Feral Cat Colonies, submitted by John B. MacNeill to send the recommendation to Animal Services for report on if the program is working.

ITEM VII.D.2., APPROVAL, RE: SPACE COAST INFRASTRUCTURE AGENCY RESOLUTION AND INTERLOCAL AGREEMENT

Stockton Whitten, Assistant County Manager, stated action today will allow the Board to participate ultimately with the North Brevard Economic Development Zone (NBEDZ), to create the separate legal agency for the potential bonding of the I-95 widening project; there are two actions needed today for the resolution and interlocal agreement; and noted in the resolution there is a request for the Board to appoint three board members to the Space Coast Infrastructure Agency today. He stated he has a Process Flow Map and a few PowerPoint slides to show the Board after the speaker's cards, if the Board thinks it is necessary.

Dave Pasley inquired if the resolution and interlocal agreement are being voted on today. Commissioner Anderson responded affirmatively. Mr. Pasley stated in the resolution, it states other capital improvements; and it looks to him like this new agency will take transportation funds for other capital improvements. Chairman Nelson stated that is not true; Mr. Pasley is interpreting what it says; there are other State laws that apply; and monies cannot be moved around, based on this resolution, it is specific to a specific project. Mr. Pasley stated he cannot find anywhere that a Special District is a government agency; they are, in fact, a Department of the County; the interlocal with the City of Titusville to create the NBEDZ has not yet been voted on; and the Board is going to approve a resolution to an interlocal that is yet to be approved. He mentioned he has a draft of the agreement from FDOT's Funding Agency Charter; it talks about the County and a government agency being willing to do business with a county, municipality, or an independent special district; and he has a problem with that. He went on to say he is requesting this be tabled because without an agreement from the City of Titusville, the County is overstepping its bounds.

Commissioner Infantini inquired if the section Mr. Pasley is referring is Section 2, Paragraph (C); the Space Coast Infrastructure Agency created desires to provide for the financing for public purpose, capital projects and infrastructure, including FDOT transportation projects, located within or outside of Brevard County. Mr. Pasley responded affirmatively; he stated it looks like the County is setting itself up to be a bonding agency for any transportation project anywhere in the State; and it looks to him like Brevard County is setting itself up to be that agency. Commissioner Infantini stated the section being referred to does state that within the new agency there will be authority for the Board to do capital projects outside of the County; she does not know if an agency needs to be created to do capital projects outside of Brevard County; and stated perhaps there needs more focus on Brevard County first, and then move to outside of Brevard County.

Peter Fusscas complimented the Board for coming up with a unique and innovative program; stated he does support any effort to create Brevard County jobs; there is a proposal creating an independent agency enabling Brevard County to issue bonds for the widening of I-95 in Volusia County; and to issue bonds to do other capital projects within Brevard County. He stated the widening will not quantify jobs in Brevard County; he is estimating the total number of jobs would be around 512; it is not known what or where those 512 jobs may be a part of; and is not

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really a job-project to properly address. He stated \$41 million in bonds will be issued to finance private Non-Brevard County contractors to widen and resurface I-95 in Volusia County; Volusia County is not entering into this agreement and it is in their County; and inquired why is Brevard County entering into this agreement to do the widening. He inquired what is the exact roll the NBEDZ will play in the new Space Coast Infrastructure Agency, what happens if FDOT reneges on their assignments, and what effects will this have on Brevard County; stated he knows there is an immunity clause, but the bond holders have legal counsel as well, and can sue easily; and he does not know who is going to be issuing the bonds. He inquired who will service the debt, who will administer the funds, will the debt be paid out of the reserve fund, where is the reserve fund going to be established, and who is going to pay it; stated there are so many questions; he thinks this should be considered very carefully and needs delaying to the point where it needs a study and more research to look at all of the variables; and he thinks the ordinance, as well as the Charter Agreement is flawed, with contradictory provisions in it that needs hammering out, prior to making it a law. He went on to say he is concerned about the NBEDZ being a partner in all the jobs of Brevard County if the Board so chooses to do other capital projects; and the representation should be countywide rather than three out of five member districts being represented. He suggested tabling the item because there is no rush to pave Volusia County's roads.

Commissioner Anderson stated should copies of the Space Coast Infrastructure Agency process flow chart be needed, the Clerk of Courts staff can provide copies.

Martha Long, City of Titusville Council Member, stated she is present today representing herself; Mr. Fusscas has legitimate questions and concerns; this topic is confusing and convoluted; she believes the public is due clarity; the rush is a concern for her because no one has given a legitimate cause for the rush; and until a comfort level is met, with this being the right commitment for the taxpayers of Brevard County, it is the Board's judicious duty to table it. She stated when this first started, it started as an interlocal agreement with the City of Titusville; it is now an interlocal agreement with the NBEDZ; and now she is hearing of the creation of a new agency, with new appointments to make. Chairman Nelson advised the intent all along was to have the agency be created within the City of Titusville; but it was chosen not be heard by the City of Titusville.

Commissioner Anderson stated creating a new agency is done all the time with bond issues; as a previous Council Member he had been a part of many new agency creations, such as Florida Institute of Technology (FIT) and Palm Bay Charter Academy; these happen all the time, it is not anything new, and that is why he does not understand why people say it is confusing and convoluted. He originally voted against the NBEDZ, but the mantra was why not do something to benefit the whole County; and now it is something that is benefiting the whole County.

Commissioner Infantini inquired what agency was created when the Board allowed FIT to issue tax-exempt bonds. Scott Knox, County Attorney, responded he does not remember there being an agency. Commissioner Infantini stated she believes that is what Ms. Long is trying to allude to; the Board is creating an entirely new agency; and when the FIT bonds were issued, there was not a new agency created.

Commissioner Anderson stated any constituent in District 5 is welcome to come to his office, and he will go over it with them; and he has not had one concern from any resident in his District.

Ms. Long inquired if the Board created the interlocal agency, why is it necessary for it to be on the City of Titusville's Agenda, for a vote. Chairman Nelson responded the Board was originally asking the City of Titusville to participate as well, making it three-parties; but based on State law it only requires two-parties. Ms. Long inquired if it is entirely a Brevard County Commission

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appointed agency. Chairman Nelson responded it would have been different if all three parties had been involved. Ms. Long expressed thanks for that information; stated she is a member of Transportation Planning Organization (TPO); and inquired why this concept never was on TPO's agenda for discussion, and what commitment, documentation, and authority has the FDOT provided to this Board to enter into the interlocal with the NBEDZ. Chairman Nelson responded if FDOT does not believe that this is appropriate it would not use their money, and there would be no bonds; the project has been accelerated going into Volusia County, it has consolidated \$120 million to do the projects, it will get more bang-for-the-buck, and it will stop all of the start-stop that will go on; and FDOT has done all of those things on their own, to be able to facilitate it. He stated in the past, what would of happened was FDOT would have asked the contractor to carry the loan for that; the Board is offering FDOT an Internal Revenue Service (IRS) tax-exempt status, that would allow FDOT to, in effect, bond it; FDOT is committed to the payment; and if FDOT is not committed to the payment then a lot of time has been wasted.

Commissioner Infantini stated she believes Ms. Long's question is why it was not brought to the TPO; she has that same question; and noted it was brought to the TPO of Volusia County in January.

Commissioner Fisher stated the presentation was not given today; it might have cleared up some of Ms. Long's questions; he was not at the NBEDZ meeting on Friday, but he does know there are no risks to County revenue, or credit rating; there are no County expenses because of reimbursement, FDOT will oversee all construction work, there is no risk to the NBEDZ revenue, credit rating, and any expenses will be reimbursed; and stated Brevard County is being a conduit, by helping to make the I-95 widening happen four or five years earlier through District 1 and into Volusia County.

Ms. Long stated she does not discount anything Commissioner Fisher stated; she expressed appreciation of his position; but this is a commitment. Commissioner Fisher inquired what the commitment is, because Brevard County is not committing to pay back \$41 million in bonds. Ms. Long responded there is an assumption that FDOT has made a commitment of some kind; and she inquired why was it a better plan to not put it on TPO's Agenda, so the State Road Department could ask questions and hear answers; and it just seems like it was done with the wrong approach, by making assumptions that the State Road Department is going to accept.

Attorney Knox stated FDOT has announced that it is going to spend \$120 million on widening I-95, as far as it will go into Volusia County; and he thinks the reason why Brevard County TPO has not heard about it is because the TPO had approved widening of I-95 in the past. Ms. Long stated she understands Volusia County's TPO had it on its Agenda for discussion. Attorney Knox stated that may have been a discussion about the widening of a portion of Volusia County, which is probably in the future for them, but not immediately; and Brevard County's I-95 is being widened right now, up to the County line, this is just an add-on to the Brevard County project, by trying to get as much paved for the money as FDOT can; and this kind of financing mechanism lowers the cost to the contractor so it can extend the amount of road it actually paves. He stated that is the reason FDOT is involved is none of this happens unless FDOT signs a contract with a contractor that says the contractor will pave "X" amount of roads for \$120 million; at that point, the money is committed, the bonds get issued to support the gap between the three-year construction actual time that it is going to take to construct this, and for seven years FDOT has committed their funds, and having a four-year gap that has to be paid, so the contractor can be paid in the three-years. He went on to say there is no way to finance that, short of the contractor going out and borrowing the money from the bank, with a four or five percent interest rate, unless there is some kind of government financing available with a lower percent rate; the entity is going to be created by the County and the District because it exists, it can issue bonds, as a conduit, without any obligations on the part of the entity itself; and the contractor saves about two percent on interest, which means the contractor get \$4 million worth

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of roads that can be paved, in that \$120 million. He stated FDOT is going to get \$4 million worth of roads it would not have otherwise gotten because of this arrangement; the reason Brevard County is moving this so fast is FDOT has already put it out on the street and the contractors have to have a way to finance the gap by April 19th; and if the entity does not exist, FDOT will have to borrow the money from a private bank; and it will cost more money and less road will be paved.

Ms. Long stated she heard it is a \$120 million project; it is not known how much it is actually going to be paved, but there is an Request for Proposals (RFP) out there telling how much one can pave for \$120 million; and she is assuming there is some kind of wedge in FDOT's budget for some out-years, and FDOT is anticipating "X" number of miles to be paved. She inquired if the interlocal agreement is going to issue bonds for \$40 million. Attorney Knox responded affirmatively. Ms. Long inquired where are the funds for the balance of the \$120 million. Attorney Knox responded FDOT has funds committed of \$78 million right now for the first three years of the project; the balance of \$120 million is committed over the last four years of the project, in different years; and the balance will not be available from FDOT until the end of year seven, however, the contractor is going to finish its work in three years, not seven, so there has to be payment at the end of three years, and somebody has to borrow the money based upon FDOT's commitment to repay over those last four years to pay the contractor at the end of three years, which is where the \$40 million comes in.

Commissioner Anderson advised FDOT did not bid it that way, and that is the difference.

Ms. Long advised she understands better now; stated if FDOT was just taking care of Brevard County, it has the funds to pave Brevard County without an interlocal or bonding it out.

Commissioner Infantini added, it will be complete within about 1,000 days or three years; and it is not going to expedite the completion of Brevard County's portion.

Ms. Long stated this is causing concern about what is truly being done; she has the whole picture now, it is not just the widening of I-95, it is for other projects too, and it is a Brevard County Commission agency, which she cannot speak to because it is this Board's decision to make; but she is hopeful now that she has it clearer in her head about what is being discussed, because it is confusing. She added a better approach would have been to take it to TPO, so these kinds of things can be worked out and discussed, and perhaps a better plan; but since it is not just about widening I-95, the Board will move on. She expressed appreciation for the time given to her today; and she thinks a workshop should have been held, so the people of Brevard County could have been heard and had some of their questions answered.

Attorney Knox explained the way this is going to progress is the entity itself will hold meetings to issue the bonds; all of the bond documents, arrangements for financing, all of the people who are involved in the financing, and all of the commitments from others agencies, corporations, or banks will all be discussed at those meetings where the agency meets and issues the bonds; and those are all public meetings.

Dale Young stated there are not many people who knew this was on the Agenda. Commissioner Anderson advised it was in the newspaper; and stated he is happy to talk with anyone who does not understand. Mr. Young went on to say he just heard this has to move on because the contract is going to be awarded by May 1st; the bids have to be in by April 12th; and meetings will be held to explain all the details after all of that happens. He stated there is no FDOT agreement to pay this bond to date; the County is operating without a contract; it is outside the jurisdiction of the County's interlocal, with financing to work in another County; and the interlocal contradicts itself, by saying in it that it cannot be done. He stated concurrency on I-95 is not a factor; I-95 handles all the traffic that FDOT and the Comprehensive Plan says it

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should; there is no rush with this deal; it is within the five-year plan if it is done according to FDOT; he has not heard one benefit to Brevard County, it is all for the convenience of FDOT and the NBEDZ; and having their hands on a \$41 million bond, so the County can fulfill its 31 years of existence for the NBEDZ.

Mr. Whitten outlined the PowerPoint Presentation for the Board and the audience.

Commissioner Anderson stated in South Brevard County, I-95 is being widened, and theoretically FDOT determined the North project is more of a priority; if FDOT could not get that gap-financing from a contractor, maybe the funds could be shifted from South Brevard widening to North Brevard, if it is determined the best value for their money; and South Brevard will have to wait about 10 years before it is widened.

Commissioner Fisher pointed out Section 2, Paragraph (G) of the resolution says the Interlocal Act provides a means to immediately, and without liability to any local government agency. He stated he would like to move this forward, but he wants to know how to establish the three appointments for the governing board of the Space Coast Infrastructure Agency.

Commissioner Infantini stated if FDOT does not have the funding to repay the \$41 million, that has been advanced in gap-financing, then all of the funding from other road projects will be diverted because it is a priority project because the gap-financing was provided; it will divert funds from South Brevard to those road projects. Commissioner Anderson advised it would not happen right now because both projects are scheduled at the same time. Commissioner Infantini stated any funds that could possibly become available will all be diverted there, in an effort to repay those.

Attorney Knox responded local governments do not want to commit funds to finish FDOT road projects; and stated in Section 2, Paragraph (G), the interlocal provides this whole process is being accomplished without any liability to local government, which is the whole pursue for doing it this way. He stated the agency can issue these bonds without liability to itself, the County, the District, and they are basically no-risk bonds from the standpoint of the government; all of this accomplishes is getting the IRS's blessing on tax-exempt status, so that there is a savings to the contractor that can be used to build more roadway per FDOT.

Chairman Nelson stated the flow chart was gone over; the Board and the NBEDZ are creating the Space Coast Infrastructure Agency; at the moment the bonds are issued, it looks just like all the other types of bonds that have been issued, including FIT. He inquired if there are costs involved will those be reimbursed. Attorney Knox responded that is correct. Chairman Nelson stated the benefit to the County is it is going to get more bang for its buck, it will see I-95 widened, and there are no risks associated with it; if FDOT is successful in doing these types of projects, that means that the pot of money Brevard County's District has in FDOT is then available to do other projects, because the more it gets with what their able to do means the money goes farther in Brevard County's District. He went on to say there is a benefit to Brevard County; stated he has always heard that State tax dollars are County tax dollars as well, because their money comes from us; and somehow that has gotten lost in this and if it benefits other Counties, he thinks that is great, and the fact that it is benefiting a County that feeds people into Brevard County is even better.

Commissioner Fisher stated from S.R. 406 north there is a commercial corridor to C.R. 5A; he mentioned what could have been with Farmton having an interest in that area not too long ago; stated north of C.R. 5A to the Volusia County line there is not really anything; in a way, he can see maybe why Volusia County did not care much because it does not have any commercial corridors in that area; but for Brevard County, it is a huge benefit from C.R. 5A south to S.R. 406.

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Chairman Nelson stated it was pointed out previously in Section 2, Paragraph (C), the agency desires to provide funding for the financing of public purpose capital projects and infrastructure, including FDOT projects, located within or outside of Brevard County, which is true; in Section 2, Paragraph (D), specifically, the supplemental act provides a new and innovative statutory framework and supplemental authority for the advance interim funding and financing of scheduled FDOT improvements, secures and locks in the construction of FDOT improvements earlier than otherwise scheduled, and will immediately promote economic and job creation activity in each affected community, in which FDOT improvements are scheduled for future commencement; but for some reason Paragraph (D) did not get pointed out.

Attorney Knox commented FDOT is bidding this project to contractors who are trying to arrange a way to get tax-free financing, so they can provide more road to FDOT; stated FDOT is not going to get involved in how the contractors bid because that would be tampering with their bids, and FDOT cannot do that; FDOT is staying remotely apart from this and are not going to advocate because these contractors need to be able to take advantage of the lower interest rates on tax-exempt bonds, if that can be done; and it will be awarded accordingly, but FDOT is not going to come out and try and get involved in the actual bid preparation process, which is what this is all a part of.

Commissioner Infantini stated she does not have any problem with it and does not know why Brevard County is doing this, instead of Volusia County, and that is her only question because she does not understand it; it does not make any sense to her; and if it were important to Volusia County to have their road expedited, they would have done this; and inquired why is it so important to Brevard County. Chairman Nelson responded it is important to FDOT, the State, and it benefits the community.

The Board appointed Commissioners Anderson, Fisher, and Nelson to serve as Members of the Space Coast Infrastructure Agency.

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

The Board adopted Resolution No. 12-085, relating to the creation of the Space Coast Infrastructure Agency.

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

The Board approved the Interlocal Agreement relating to the creation of the Space Coast Infrastructure Agency.

April 10, 2012

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

ITEM VII.E.1., ACKNOWLEDGEMENT, RE: BREVARD COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2011

The Board acknowledged the Brevard County Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2011.

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

ITEM IV., PUBLIC COMMENTS CONTINUED

Charles Tovey stated he is requesting the Board give him 30 minutes at each Board meeting to talk about all five Districts business. He went on to say there are a lot of infrastructures that have a lot of pot-holes; paving is only a symptom of the problem; and if the problem is not addressed, the Board will always be addressing the costly, time consuming symptom of paving roads. He mentioned there are community based programs for all areas involving feral cats, raccoons, snakes, and birds. He commented money comes from patriots and taxpayers; the money is being used because there are opportunities like the A. Max Brewer Bridge in Titusville, it was a good opportunity; but unfortunately the railroad track deal did not go through. He opined there needs to be a communicable consensus that works for the productivity of Brevard County, not just individual Districts and boundaries.

Upon Board consensus, the meeting adjourned at 12:00 p.m.

ATTEST:

MITCH NEEDELMAN, CLERK

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