

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 August 20, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was given by Pastor Tom Porter, Temple Baptist Church, Titusville.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Board approved the July 9, 2013 and July 23, 2013 Regular Meeting Minutes, August 1, 2013 Zoning Meeting Minutes, and August 6, 2013 Special Meeting Minutes.

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

ITEM I.A., PRESENTATION, RE: EMPLOYEE DEVELOPMENT PROGRAM

The Board recognized the following employees who have successfully achieved their Professional Development Certificates with honors: Marsha Barton, Stephanie Delaney, Susan Getter, Marla Grabill, Isabel Kennedy, Cindy Lieberman, Catherine Lively, Holly Mullen, Jill Seale, and Mary Lena Stoupe; and recognized the following employees who achieved their Professional Development Certificates: Bernice Carter, Virginia Casey, Mary Cooney, Richard Frazier, Sharon Freeman, Ricky Hauskins, Michael Herman, Donna Hitchner, Sandra Ruffi, Heather Swift, and Alan Wishon.

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ITEM I.B., RESOLUTION, RE: RECOGNIZING AUGUST 12-16, 2013, AS FLORIDA WATER PROFESSIONALS WEEK

Chairman Anderson read aloud, and the Board adopted, Resolution No. 2013-120, recognizing August 12-16, 2013, as Florida Water Professionals Week.

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

ITEM I.C., RESOLUTION, RE: PROCLAIMING SEPTEMBER 19, 2013, AS DRIVE 4 PLEDGES DAY

Chairman Anderson read aloud, and the Board adopted, Resolution No. 2013-121, proclaiming September 19, 2013, as Drive 4 Pledges Day.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING THE TITUSVILLE ROTARY CLUB'S 90TH ANNIVERSARY

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 2013-122, recognizing the 90th anniversary of the Titusville Rotary Club.

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

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

Howard Tipton, County Manager, advised the Board that he has confirmed a joint meeting with the School Board scheduled on August 27, 2013 at 3:30 p.m., and that will be to discuss the impact fee issues and other items. Commissioner Nelson inquired if the meeting would be televised. Mr. Tipton stated he did not know; and inquired if he would like it to be. Commissioner Nelson responded affirmatively.

ITEM II.B., REPORT, RE: COUNTY ATTORNEY'S OFFICE

Christine Lepore, Assistant County Attorney, stated she has given the Board a copy of an amendment to a construction agreement for phase 1 of the zoo trail; the amendment is to require the contractor to include A. Duda and Sons as an insured in its general liability policy;

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and the reason is the trail construction is progressing into lands that is are owned by A. Duda and Sons scheduled to be donated to the County. She added, A. Duda and Sons as agreed to allow temporary used of the lands to keep construction on track, and the County Attorney's Office needs to get the contractor to include A. Duda and Sons as insured for the temporary time.

The Board executed Amendment 1 to Owner-Contractor Agreement with D.J. Haycock Construction Company to require A. Duda and Sons, Inc. to be included in its liability insurance coverage; and executed Entry and Improvement License Agreement with A. Duda and Sons to allow license to enter upon and make certain improvements relating to the Linear Park Facility, pursuant to Board authorization granted in regular session on September 4, 2012.

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

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

Commissioner Fisher stated he would like to thank Parrish Medical Center; there are a lot of great hospitals in the community, but Parrish Medical Center did something that was out-of-the-box; they were ranked number one in Brevard, Central Florida, and actually one of the highest in the State for the quality of service; and George Mikitarian and the hospital board are doing a great job. He announced the fundraiser of 'Dude Looks Like a Lady Men Against Domestic Violence' put on by the Sheriff's Office; the event will be Friday, October 18th from 6:00 p.m. - 9:00 p.m. at the Island Lincoln Jaguar Ranger Rover Merritt Island. He asked for Board approval on a workshop for the Indian River Lagoon; and asked the County Manager to come back with some dates for the workshop.

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

Commissioner Nelson stated he has been talking with Commissioner Ed Fielding from Martin County, and he has pulled together a collaborative of the five counties along the Lagoon to begin to have a discussion; he volunteered to be one of the Commissioners to have the discussion; and it is just in the formative stages.

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

Commissioner Infantini thanked all of the Brevard County residents that responded and contacted their County Commissioners to give them their thumbs up or thumbs down regarding the upcoming Solid Waste contract negotiations with the carts.

She stated this last weekend there was a big turn of events with one of our former elected officials being arrested and it was due to the efforts of Scott Ellis and Matt Nye bringing out and exposing what has taken place with BlueWare; and it light of that she has some deep concerns regarding the Economic Development Commission (EDC) and their unwillingness to turn over documents to the Clerk of Courts regarding what transpired with BlueWare; and it is the public's tax dollars that are going to the EDC to support the organizations that they bring into the County. She stated she would like to make a motion that the County request all

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correspondence that was made to or from the EDC regarding BlueWare be turned over to the Clerk of Courts.

Chairman Anderson stated he does not have a problem with that because it is all public record. Commissioner Infantini stated she would like the Board to request it so that the EDC hears from the Board that it cares about the transparency that is taking place in Brevard County. Chairman Anderson stated he has talked to the County Attorney and County Manager about what steps need to be taken in reference to the incentives the BlueWare company was awarded to revoke them.

Commissioner Infantini asked for a second on the motion for the EDC to turn over all correspondence with BlueWare; and stated it shows support from the Board that it does support transparency and government spending. Commissioner Anderson stated he would entertain a second on that since the Board is looking at pulling any incentives BlueWare got, and it would have to have the information anyway.

Commissioner Fisher stated EDC was requested to turn the documents to the State Attorney, and one of the hesitation at the time was that it was an ongoing investigation, and the State Attorney had received the documents as part of their investigation; he thanked Scott Ellis for helping; and stated everyone has questions about why one would write a contract for \$500,000. He added, he is not sure the EDC is at fault; and he thinks the EDC has already turned the documents over.

Chairman Anderson asked to give him a chance to talk to the State Attorney to make sure it is not jeopardizing the investigation. Commissioner Infantini reiterated it would just showing support from the Board on transparency moving forward. Chairman Anderson stated the State Attorney's Office may be using the documents to build a criminal case; he would like to get assurance from the State Attorney's Office; and the Board can bring it back at the next Board meeting.

Commissioner Nelson stated as long as the Board is not violating the law, he does not think any of the Commissioners have a problem with the request; and he would like to hear from the State Attorney's Office on what would be appropriate.

Chairman Anderson suggested Commissioner Infantini make the motion to support releasing the BlueWare documents pending the release by the State Attorney's Office.

Commissioner Infantini made a motion that the EDC relinquish the documents regarding BlueWare to Scott Ellis, Clerk of Courts, to continue his research and investigation. She added, it was only because of Mr. Ellis and Matt Nye's effort that this saw the light of day.

Attorney Knox stated he thinks the motion is appropriate if it says 'to the extent it is allowed by law'.

The Board approved requesting from the EDC all correspondence relating to BlueWare be turned over to the Clerk of Courts, to the extent it is allowed by law.

Commissioner Infantini stated she would like to make another motion which is to audit the EDC; there is no indication of wrong doing, however the EDC has never had an audit other than a financial audit; and financial audit just shows if it spent the money where one said it was spent. She stated her second motion, at the Boards expense, with the external/internal auditor or with the Clerk of Courts that they audit the EDC. Chairman Anderson stated he does not have a problem with it; but since it is expenditure, it needs to be on the next agenda item for discussion. Commissioner Infantini stated it could modify the audit plan of the external/internal auditors.

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Chairman Anderson asked the Commissioner Infantini put it on as an agenda item for the next meeting.

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

ITEM II.F., REPORT, RE: MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER

Commissioner Bolin Lewis stated Mr. Ed Kelly is celebrating his 90th birthday, and every year he is here for the John Barry Day Resolution; he is a wonderful gentleman; and she wanted to wish Mr. Kelly a Happy Birthday.

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

The Board approved rescinding Resolution No. 12-050, allowing a local cash match for a Qualified Targeted Industry (QTI) Tax Refund and local cash match for the Quick Action Closing Fund in support of Project Fates (BlueWare).

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

ITEM II.G.1., UPDATE OF EDC - SNAP PROGRAM

The Board acknowledged presentation by Chairman Anderson regarding the SNAP Program; and recognized staff who is working with the permitting process, as well as the development community that continue to work with the County in streamlining the building and site permitting process.

ITEMS PULLED UNDER CONSENT

Chairman Anderson stated he will be abstaining from Items III.D.3., Resolution, Re: Ad Valorem Tax Exemption for Xun Energy, Inc., and III.D.4., Resolution, Re: Qualifying Xun Energy, Inc. As a Qualified Targeted Industry, since his real estate license is active under the real estate company that is handling the purchase of the property on North Drive.

Commissioner Infantini stated she wants to pull Item III.B.4., Cooperative Agreement with the United States Air Force, Re: Environmentally Endangered Lands (EEL) Program Conservation Land Acquisitions; Item III.C.5., Approval of Tourism Capital Facilities Matching Grant to Museum of Dinosaurs and Ancient Cultures (MDAC), Re: Museum Construction in the Amount of \$100,000; Item III.D.2., Interlocal Agreement with City of Satellite Beach and the Satellite Beach Community Redevelopment Agency, Re: Tax Increment Financing (TIF) Contributions; Item III.D.3., Resolution, Re: Ad Valorem Tax Exemption for Xun Energy, Inc.; Item III.D.4., Resolution, Re: Qualifying Xun Energy, Inc. As a Qualified Targeted Industry; Item III.D.5., Resolution, Re: Ad Valorem Tax Exemption for Sun Nuclear Corporation; and Item III.D.6.,

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Resolution, Re: Qualifying Sun Nuclear Corporation as a Qualified Targeted Industry, from the Consent Agenda. Commissioner Infantini went on to say she is voting nay on Item III.D.9., Approval, Re: Billfolder.

ITEM III.A.1., AGREEMENT NO. G0249 - AMENDMENT A-2 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: VALKARIA LAKES

The Board executed Amendment A-2 to the Grant Agreement with FDEP providing cost-share funding for the Valkaria Lakes Project contingent upon County Attorney and Risk Management approval; authorized the County Manager, or designee, to execute subsequent amendments, subject to the approval of County Attorney's Office and Risk Management; and authorized budget change requests, as necessary.

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

ITEM III.A.2., AUTHORIZATION, RE: IMPACT OF LOW QUALITY WETLANDS - SUNTREE MEDICAL CORPORATE PARK

The Board approved impacts to low quality wetlands for commercial development on property located at the southeast corner of Wickham Road and Pineda Court (Tax Account No. 2632155).

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

ITEM III.A.3., REVISION OF POLICY BCC-85, RE: GOPHER TORTOISE AND ENDANGERED SPECIES RELOCATION

The Board directed staff to update and revise BCC-85, "Gopher Tortoise and Endangered Species Relocation", to allow private sector interests or individuals to relocate gopher tortoises to County managed or owned lands and bring back revisions to the Board for future consideration.

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

ITEM III.A.4., AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: BAFFLE BOX UPGRADES

The Board executed Contract S0648, between Brevard County (Grantee) and the FDEP (Grantor) for baffle box upgrade cost-share funding; approved legal venue as Leon County; authorized the County Manager, or designee, to execute future contract amendments subject to the approval of the County Attorney's Office and Risk Management; and approved budget change requests.

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

ITEM III.A.5., BINDING DEVELOPMENT PLAN, RE: ATLANTIC COAST PALADIN ESTATES, LLC, MICCO ROAD INVESTMENTS, LLC, AND PALADIN ESTATES HOMEOWNERS ASSOCIATION, INC.

The Board executed Binding Development Plan Agreement with Atlantic Coast Paladin Estates, LLC, Micco Road Investments, LLC, and Paladin Estates Homeowners Association, Inc., for property located on the southeast corner of Micco Road and Paladin Circle, in the Micco area.

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

ITEM III A.6., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE CREATING THE AU(L) ZONING CLASSIFICATION

The Board approved legislative intent and granted permission to advertise an ordinance creating an AU(L) zoning classification.

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

ITEM III.A.7., APPROVAL, RE: COUNTY MANAGER OR DESIGNEE TO ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO POLICY BCC-24

The Board authorized the County Manager (or designee) to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property

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pursuant to BCC-24, as revised on July 9, 2013, related to the Family Dollar Store (13SP-00164) located at the intersection of E. Ridgewood Drive and U.S. Highway No. 1.

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

ITEM III.A.8. APPROVAL, RE: COUNTY MANAGER OR DESIGNEE TO ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO POLICY BCC-24

The Board authorized the County Manager (or designee) to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property pursuant to BCC-24 related to the S. Tropical Trail Sidewalk Project.

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

ITEM III.A.9., APPROVAL, RE: COUNTY MANAGER OR DESIGNEE TO ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO POLICY BCC-24, AS REVISED JULY 9, 2013

The Board authorized the County Manager (or designee) to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property pursuant to BCC-24 related to the Barnes Boulevard Widening Project, Fisk Boulevard to Murrell Road.

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

ITEM III.A.10., APPROVAL, RE: COUNTY MANAGER OR DESIGNEE TO ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO POLICY BCC-24

The Board authorized the County Manager (or designee) to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property pursuant to BCC-24 related to the Safelite Repair Site (13RW-00456), located at 4180 West New Haven Avenue.

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

ITEM III.A.11., CONTRACT FOR SALE AND PURCHASE WITH WINDYCITY HOLDINGS, LLC, RE: .19-ACRE PARCEL FOR HOLLYWOOD BOULEVARD WIDENING PROJECT (HOUSE AND LOT)

The Board executed Contract and for Sale and Purchase with Windycity Holdings, LLC for .19 acre parcel in the amount of \$48,000.00 for the Hollywood Boulevard Widening Project.

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

ITEM III.A.12., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS - ST. JOHNS HERITAGE PARKWAY PROJECT

The Board adopted Resolution of Necessity No. 13-123, for acquisition of Parcels for the St. Johns Heritage Parkway Project; authorized the County Attorney Office and staff to proceed with this action in accordance with the requirements set forth in Chapter 73 and 74 Florida Statutes applicable to "quick-take" proceedings; and authorized payment of reasonable expert fees per Chapters 73 and 74 Florida Statutes, as part of staff's efforts to negotiate settlements for Parcel 102 (Walter E. Platt and Carlyn P. Platt), and Parcels 107A, 107B, and 107C, 107D (Welchwood Enterprises, Inc.)

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

ITEM III.A.13., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS - BARNES BOULEVARD WIDENING PROJECT

The Board adopted Resolution of Necessity No. 13-124, for acquisition of parcels for the Barnes Boulevard Widening Project; authorized the County Attorney Office and staff to proceed with this action in accordance with the requirements set forth in Chapters 73 and 74 Florida Statutes applicable to "quick-take" proceedings; and authorized payment of reasonable expert fees per Chapters 73 and 74 Florida Statutes, as part of staff's efforts to negotiate settlements for Parcels 101 and 102 (Premier Investments, Inc.).

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

ITEM III.A.14., RESOLUTION AND LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: CONSTRUCTION OF N. BANANA RIVER DRIVE AT MARTIN BOULEVARD INTERSECTION IMPROVEMENTS

The Board adopted Resolution No. 2013-125, and executed the LAP Agreement with the Florida Department of Transportation (FDOT) for the construction of the N. Banana River Drive at Martin Boulevard Intersection Improvement Project; authorized the Chairman to execute the Agreement; and approved all Budget Change Requests needed for this project along with other property rights requirements as covered by Policy No. BCC-24.

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

ITEM III.A.15., RESOLUTION AND OFF STATE HIGHWAY SYSTEM TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: BARNES BOULEVARD WIDENING PROJECT

The Board adopted Resolution No. 2013-126, and executed Off State Highway System Transportation Regional Incentive Program (TRIP) Agreement for partial reimbursement of construction funding for the Barnes Boulevard Widening Project; authorized the Chairman to execute the Agreement; and approved all Budget Change Requests necessary for this action along with other property rights requirements as covered by Policy No. BCC-24.

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

ITEM III.A.16., TASK ORDER NO. SJHP-013 WITH DRMP, RE: PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR ST. JOHNS HERITAGE PARKWAY AND WASHINGTONIA EXTENSION PROJECTS

The Board executed Task Order No. SJHP-013 with DRMP, Inc. for Professional Engineering Services Agreement pertaining to St. Johns Heritage Parkway and Washingtonia Extension Projects.

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

ITEM III.B.1., RESOLUTION, RE: BREVARD COMMISSION ON AGING SUNSET DATE EXTENSION

The Board adopted Resolution No. 13-127, to extend the sunset date of the Brevard Commission on Aging until September 30, 2016.

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

ITEM III.B.2., ACCEPTANCE, RE: DONATION OF LAND FROM THE NATURE CONSERVANCY (TNC)

The Board accepted the donation of property previously referred to as the St. Lucie Consulting tract, from the Nature Conservancy (TNC).

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

ITEM III.B.3., APPROVAL AND EXECUTION, RE: LETTER OF ENDORSEMENT BY THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE THE ENTIRE ST. JOHNS RIVER AS A PADDLING TRAIL, OR BLUEWAY

The Board executed the Letter of Endorsement for the application of the St. Johns River Alliance to the Department of Environmental Protection (DEP) Office of Greenways and Trails (OGT) for designating the entire St. Johns River as a paddling trail, or blueway.

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

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ITEM III.B.5., APPROVAL OF FLORIDA MEDICAID WAIVER SERVICES AGREEMENT WITH AGENCY FOR PERSONS WITH DISABILITIES, RE: MED-WAIVER COMMUNITY BASED SERVICES TRANSPORTATION PROGRAM

The Board executed the Florida Medicaid Waiver Services Agreement with Agency for Persons with Disabilities for the Home and Community-Based Services/Family and Supported Living Waiver Program.

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

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

The Board approved Budget Change Requests, as submitted.

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

ITEM III.C.2., ACKNOWLEDGEMENT, RE: RECEIPT OF ANNUAL FINANCIAL REPORT OF UNITS OF LOCAL GOVERNMENT AND THE ANNUAL AUDIT REPORT FOR FY 2012 - SEBASTIAN INLET DISTRICT COMMISSION

The Board acknowledged receipt of the annual financial report of units of local government and the annual audit report for 2012 Fiscal Year for the Sebastian Inlet District Commission.

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

ITEM III.C.3., RESOLUTION AND LEASE AGREEMENT WITH LIBRARY FOUNDATION, RE: LEASE OFFICE SPACE WITHIN LIBRARY SERVICES BUILDING LOCATED AT 219 INDIAN RIVER DRIVE, COCOA

The Board adopted Resolution No. 13-128, allowing the non-competitive lease of County Property, office space in the Library Services property at 219 Indian River Drive, Cocoa; and executed the Lease Agreement with Brevard Library Foundation.

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

ITEM III.D.1., ACCEPTANCE AND APPROVAL, RE: ACCOUNTS RECEIVABLE AUDIT REPORT, TIMEKEEPING CYCLE AUDIT REPORT, AND RISK ASSESSMENT AND PROPOSED AUDIT PLAN 2013/2014

The Board accepted the Audit Committee's Accounts Receivable Audit Report, and Timekeeping Cycle Audit Report; and approved the Risk Assessment and Proposed Audit Plan 2013/2014.

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

ITEM III.D.7., APPROVAL, RE: PRECINCT LEGAL DESCRIPTIONS - ALTERED AND ADDED

The Board approved the revised precinct legal descriptions for annexations by the Cities of Melbourne, Palm Shores, and West Melbourne; AND approved the merging Precinct 438 with Precinct 412, resulting in the elimination of Precinct 438, requested by John Guthrie, Florida Senate Committee on Reappointment, in order to clarify the State House District line boundary.

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

ITEM III.D.9., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM III.B.4., COOPERATIVE AGREEMENT WITH THE UNITED STATES AIR FORCE, RE: ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM CONSERVATION LAND ACQUISITIONS

Commissioner Infantini stated this item deals with accepting funds from the United States Air Force that the Board would have to match in order to purchase more property for the Environmentally Endangered Lands (EEL) program; right now the program is suffering strong budget shortfalls and needs to be reorganized, and the spending needs to be curbed. She added, to go out and purchase more land does not seem prudent when the Board does not really have the funds the fire breaks in the land, and the maintenance of the trails which it should be doing. She stated she will not be supporting taking out more land when it does not have the funds to manage the lands Brevard County currently has.

The Board executed the Cooperative Agreement with the United States Air Force (USAF) for the Environmentally Endangered Lands (EEL) Program conservation land acquisitions.

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

ITEM III.C.5., APPROVAL OF TOURISM CAPITAL FACILITIES MATCHING GRANT TO MUSEUM OF DINOSAURS AND ANCIENT CULTURES (MDAC), RE: MUSEUM CONSTRUCTION IN THE AMOUNT OF \$100,000

Commissioner Infantini stated this item deals with giving, not loaning, \$100,000 to a new business, a not-for-profit organization, that is going to have a dinosaur-type museum; while she likes museums, she does not support giving \$100,000 to an organization; when she did the research on their tax form, their 990, they have to file, she did not see where they were earning anything over \$50,000 for the last two or three years; and for her money and the taxpayers money, she has not seen a good business plan and that they have the ability to do business and operate efficiently.

Commissioner Nelson stated he has been to the museum; it is a first class facility; it is not uncommon; in fact the entire Tourist Development Council (TDC), including Commissioner Infantini's board members voted for this; and the Board has given money to various art shows, air shows, and that is what the TDC dollars are for. He went on to say this will become a tourist destination for groups coming off of cruise ships as well as locals; the TDC does a great job and have thought it through; and he is going to support the allocation.

Commissioner Infantini stated it is one of her TDC Members who brought it to her attention; AND while one of her appointees may have supported it, she definitely does not.

The Board executed Tourism Capital Facilities Matching Grant Agreement in the amount of \$100,000 with the Museum of Dinosaurs and Ancient Cultures (MDAC), for the construction of the new museum to house prehistoric creatures and past civilizations exhibits in Cocoa Beach; AND approved the required budget amendments.

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

ITEM III.D.2., INTERLOCAL AGREEMENT WITH THE CITY OF SATELLITE BEACH AND THE SATELLITE BEACH COMMUNITY REDEVELOPMENT AGENCY, RE: TAX INCREMENT FINANCING (TIF) CONTRIBUTIONS

Chairman Anderson stated he has a lot of cards on this item.

Stockton Whitten, Deputy County Manager, stated before the Board is a request from the City of Satellite Beach for the Board to enter into an agreement to receive future funding from the City CRA for payments equal to the amount that was spent on public safety expenditure for the City CRA to the City during the course of seven Fiscal Years; the amount of the agreement is for \$1.367 million, with the Board receiving \$1.1 million over the next seven years; and the City Manager is present, along with her staff and associates, to provide the Board with further details.

Courtney Barker, Satellite Beach City Manager, stated the City of Satellite Beach is asking the Board for its partnership today with this agreement; the first issue they are trying to resolve is with the City's reserves; and another issue is questions that arose in 2011 regarding the City CRA expenditures for public safety. She went on to say on May 1, 2013, the City representatives listened to its auditors present Fiscal Year 11/12 year end financial statement; the City has \$49,515 left in its reserves; that is down from \$600,000 at the beginning of the Fiscal Year; and due to that, the City Council decided to prioritize core services and capital needs over redevelopment for a period of seven years. She went on to say to this end, the City is proposing a pay back of the taxing authorities, which is actually a strategy in Florida Statutes Chapter 163; at the end of the year, any leftover CRA funds that it has not allocated to a project, per the Statute, if the CRA is giving funds back to the taxing authority at the end of the year, the CRA must provide the funds to the taxing authority in the same proportion the authority put the funds in; therefore, the County would receive funds, as part of that strategy; and the City will be receiving funds for its reserves, as the County will be receiving funds as part of that strategy. She explained the City Council felt it prudent to address, in the same agreement, a payback strategy with the future TIF revenues to address any questions the Board would have regarding the public safety expenditures of the CRA that occurred from FY 2003/2004 to FY 2009; these expenditures were for community policing and enhanced fire safety services; in 2011, the Joint Legislative Auditing Commission (JLAC) which is the actual legal authority that audits cities and CRA's, investigated the matter, and recommended a payback strategy from the City to the CRA; and the City and the CRA entered into a payback agreement in October 2012. She pointed out the agreement before the Board includes a payment for all public safety expenditures, including the community policing expenditures that occurred during those years; the City took out the \$193,000 that the CRA is getting of the County pro rata share; and the agreement addresses the City's reserves and public safety expenditures in the amount of \$1,173,688. She stated the City is finishing out projects that are currently funded and are in a planning stage that they are updating its CRA plan; they just received a grant from the Department of Economic Opportunity to do a study on the A1A corridor, which would precede the partnership that they will be entering into in FY 2016 with the Florida Department of Transportation to make improvements along A1A; and at this point in time, the City can reduce for the its TIF revenues and pay back money, both to the City and the County, to address both issues. She noted there may be people in the

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audience who disagree with the interlocal agreement; they are probably more interested in arguing the point than arguing the actual remedy that is being represented; and she hopes this basically will take care of the issue. She advised the City needs to get past this; it has been a conversation in the community for three years now; and the City is at the point it just wants to address it and move on. She went on to say the City Council wants to begin doing things like addressing its financial issues as well as Capital needs; it cannot start a new chapter is it keeps rereading the old one; and she would like to ask the Board for its partnership in this endeavor to help the City with both the reserves and addressing the public safety issues.

Scott Ellis, Clerk of Courts, inquired who vetted this issue to the Board; and if there is a staff member who read the agreement and vetted it. Howard Tipton, County Manager, advised he, Mr. Whitten, and County Attorney Scott Knox read the agreement. Mr. Ellis inquired if they understand there is no repayment in the agreement. Mr. Tipton responded they are looking at future dollars coming in and paying back to the County. Mr. Ellis stated he agrees it is future dollars, and the County will get those dollars regardless; the agreement could be shredded and thrown in the trash can, and the County would still get those future dollars; for the City of Satellite Beach to take its share of the CRA excess, the County must get its share back; and inquired if the Board understands that.

Mr. Whitten stated staff understands that; the City has planned to return those dollars; the City could have planned out those dollars, and that is the difference in the argument for him; but the City has decided, through this agreement, not to program those dollars and return those dollars to the County; and that is the difference in terms of the agreement and what is sitting in the pot at the end of the year.

Mr. Ellis reiterated there is nothing in the agreement; the City cannot extract money from the CRA for municipal services without returning money to the County in equal proportion; it cannot just skim the CRA for municipal services; and inquired if the Board understand that. Mr. Whitten stated his comment was not on municipal services, the City could have other redevelopment activity.

Mr. Ellis advised he agrees 100 percent with Mr. Whitten; if 100 percent of this money was spent within the CRA, there would not be an issue; the discussion today is the City is going to skim excess money from the CRA to use for municipal purposes for the City; legally to do that, the City must return the County share in the same proportion; and that is what is going on. He noted he wants to make sure that is understood, because the money that is coming back to the Board for the next seven years is the County's whether or not the agreement passes. He advised the Board that Melbourne returned money before in the same way; he wants the Board to understand there is no repayment; it is getting the money back it appropriated at the beginning of that same Fiscal Year; and it cannot take money it is getting back for 2014, and take a credit for money that it picked off in the year 2007. He went on to say he does not know how this item ended up on the Consent Agenda, but the Board is fundamentally voting to try and give away \$1.3 million to the City of Satellite Beach, which he believes is unlawful; the money was spent unlawfully by the City of Satellite Beach for municipal purposes; and to spend the money, the City must return a proportionate share to the County. He stated of that money, two-thirds can be taken by the City and one-third by the County; if the Board wants a true repayment for anything that happened prior to 2011, it has to come from the City share; he told the Board many times it is being deceived by this entire issue; and reiterated the Board is entitled to the money in the next seven years regardless. He explained it is a math problem; if the money is taken from the CRA, and it is moved to municipal services, the County money must be returned in proportion; that is why there is a problem going back; had the money been returned back to the Board in 2004-2008, it would not have any kind of an issue; and the City cannot take the money it owes in the future and take a credit for the money it owes from the

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past. He inquired if the Board read the agreement; stated according to the agreement, there is not going to be any kind of litigation; and inquired if that is correct.

Scott Knox, County Attorney, responded affirmatively.

Mr. Ellis stated it does not bind the Clerk's Office; he is tired of dealing with public records issues as well; the Clerk's Office will be in court with a couple of entities over public records; he is sorry someone is hurting and are on the wrong end of the City finances; but the real issue is money was taken from the CRA, unlawfully used for City services, and the money has to be paid back. He stated no one takes a look at this issue; that is why he asked who did this fiscal impact analysis and fiscal impact, because the repayment is zero; and the County is being repaid for the money that is coming out in the back.

Dominic Montanaro, City Councilman of City of Satellite Beach, stated he moved to Brevard County in 1984; in 1988, he started regularly attending City Council meetings; and one thing that was apparent to him is the partnership with Brevard County the City has. He went on to say the agreement is giving the City another opportunity to partner with the County to take care of an issue that has been in the City for three years; the City looks at this as paying the County back; and the money is coming back to the County. He pointed out the City is trying to move forward and attempting to do a positive thing by recognizing that it is giving the money back; and that is what this is all about. He added, the negative politics that goes on is getting old; the City has been dealing with this for three years; a letter drafted by the City Attorney was supposed to be forwarded to the State Attorney General, but politics played into that; and there were participants on the City Council who did not want to send that letter. He asked the Board for support of the agreement.

Frank Catino, Mayor of City of Satellite Beach, stated the City and the County have been great partners in many issues over time; Satellite Beach is one of the few cities that thought enough about the beach and its access to protect over 40 percent of its beach; with that comes a lot of revenue, but it also generates a lot of people that come to the City during the week to visit its beaches; and the City has partnered with parks, libraries, a fire truck, and everyone has worked well together. He went on to say the people in Satellite Beach feel the beach and its natural resources mean a lot, and there is where a lot of the CRA is involved; the City is trying to move forward in hard economic times, as is the County, School Board, and cities; and the City wants to build reserves back up to a comfortable level to provide services to its citizens during the time of emergencies. He pointed out this is not a skimming process; every meeting has been open to the public; and by looking at what the City has accomplished, one will see that the CRA has been a success. He advised the Board the City has three new beach projects beginning soon to make more public access to the residents within the City; he believes this is a win/win for everyone; and when this area is developed, the tax revenue generated back to the County is going to be well worth it.

David Schechter, former Mayor, City of Satellite Beach, stated the City and County enjoyed a great relationship; he has been involved in a number of them; the City is trying to take responsible actions and move forward; and he encouraged the Board to support the issue.

John Fergus stated he is a resident of Satellite Beach; he noted the CRA has worked; property values in the last years have increased 7.7 percent; and the City is doing something right. He stated this morning a local talk radio host was spewing venom concerning the City's action that started a decade ago; the JLAC found no wrong doing and no competent legal authority has declared the action illegal; everyone is assuming the City is guilty; and he reiterated no legal authority has declared that. He pointed out this agreement draws a line in the sand that the City and County agree that this is an issue best put to bed; and people can call it a numbers game, but it is a political issue.

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Dale Abrahams stated she lives in the CRA, and would like to talk about what is going on, but she is in fear; and she advised the Board she does not support this.

Ron Jurgutis deferred comment.

Randall 'Vic' Brungart stated he used to be a resident of Satellite Beach for many years; and he devoted hundred if not thousands of hours to the Satellite Beach Fire Department, Police Department, and the Marine Patrol. He asked the Board not to sign the interlocal agreement; WFTV reported July 13, 2011, on possible illegal transfers of money; under Florida Statute 163, what was done is illegal; and what is attempting to be done by the City of Satellite Beach lawyers, City Manager, and City Council is wrong. He mentioned the Mitch Needelman situation; stated he would like to see the FDLE and former FBI agent look at malfeasance in the City of Satellite Beach; and the police department filed a criminal suit against him for lying to the City of Satellite Beach. He went on to say he is an honest citizen; he does not like to be perjured by the Satellite Beach Police Department. He concluded by saying what Satellite Beach is trying to do is, instead of raising taxes on its own citizens and paying back for malfeasance, they are trying to get the citizens of the County to bail them out. He requested the Board not sign the interlocal agreement.

Pat Pasley stated she was not planning to speak on this item, but by listening to some of the comments that have come forward, her blood began to boil. She stated if the Board is planning on doing this, it is coming out of her pocket; the misspending that went on in Satellite Beach means the Board is taking money away from the taxpayers of the County; and she is really upset with this. She went on to say she received information that aid the proposed budget for Satellite Beach for the Fiscal Year 2013/2014 included an across-the-board three percent wage hike for all City employees; and inquired how is it that the City can afford that but not afford to pay its own problems back. She noted Mr. Ellis has a good track record, and he is warning the Board again; he is telling the Board what is wrong and he told the Board before about BlueWare; and the Board better listen to Mr. Ellis this time.

Commissioner Fisher inquired if the County Attorney will address Mr. Ellis' concerns.

Attorney Knox stated the Agreement provides that the County will not try to sue to recover any payments that were made by the CRA to the City and used for whatever purposes they were used for, and in exchange for that, the City CRA has agreed to forego any use of its funds for the next several years; instead, that money will be turned over to the County and the City for whatever purposes either entity wants to use it; the CRA was originally created by the County, pursuant to an Ordinance, which basically said that the County was foregoing any money that was collected in the CRA, and the CRA could use that money; and the CRA has the right to use the money if it chooses to do that. He went on to say the CRA has chosen not to do that under this agreement; that same Ordinance says that the Ordinance can repeal for cause if the County Commission finds there is cause to repeal it, which would cause all that money that is going to the CRA to come back to the County in any event; whether or not the money was properly spent or improperly spent on City public safety issues is the question that has not been resolved by a court; there are no provisions in the CRA Statute that allow for expenditure of money on community policing efforts; he is not sure if that was or was not done in this case, but this agreement puts aside that issue; and for the next few years, the CRA will be giving up the money and the County will be getting that money that otherwise the CRA would get.

Commissioner Fisher inquired if the CRA wants to continue to collect that money and use it somewhere else, it has the right. Attorney Knox responded affirmatively. Commissioner Fisher inquired if the CRA is earmarking those dollars for ongoing CRA projects, and will give that back. Attorney Knox responded affirmatively.

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Commissioner Fisher inquired if the Board set the money aside and took those payment amounts, the dollars that were generated from the CRA dollars, does the City have the ability to take General Fund dollars and make these payments. Ms. Barker stated not unless she lays off a bunch of employees. Commissioner Fisher stated because those CRA dollars could not be moved to the other side, he was trying to figure if there were any abilities to not use the CRA money, but to take dollars from the General Fund to make those payments.

Ms. Barker stated the City has no reserves right now and that is part of the strategy, and to fund the City's reserves by putting aside redevelopment for seven years to do that; the County is getting its money back with this agreement that it is entitled to; the City is entitled to those funds in the future; it has an Ordinance stating that; and it is a CRA, so the County is required to fund it. She stated the City is saying that it is going to give that money back to the Board as a way to make up for the past expenses that may have been an issue; in two years nobody has determined whether these were illegal funds mentioned in articles from 2011; the City is trying to make it right and move on; and the City is tired of having the conversation.

Commissioner Bolin Lewis inquired if Ms. Barker is saying the City will regroup and not do any redevelopment for seven years in the City of Satellite Beach. Ms. Barker replied the City is still funding a debt service payment and funding some redevelopment activities during those years, but it is reducing the total amount that it could do to make up the City reserves, as well as pay the County back. Commissioner Bolin Lewis inquired is going into this interlocal agreement with the County, the City is going to be hurting in some ways. Ms. Barker responded affirmatively. Commissioner Bolin Lewis stated it has not been legally stated that there has been wrong doing by the City, nor does she feel that there is; if Mr. Ellis wants to go forward with a lawsuit, that is his option; and she is 100 percent in favor of the agreement.

Commissioner Infantini stated Commissioner Fisher inquired if the City can use General Fund money out of the City; the answer to his question is yes; perhaps it means that they did not provide as many services to its residents; but it got into the situation because it used CRA funding for operating expenses. She went on to say typically, residents are taxed for operating expenses for a city; CRA funds are to be used to redevelop; and because the City used the CRA funds for operating expenses, those funds need to be repaid. She added, Mr. Ellis' point is that CRA money is only to go into the community; to the extent that the City foregoes using the CRA money and gives it back to the County, it is not repaying a loan it is just not taking money going forward.

Mr. Ellis stated the City is not entitled to use the CRA fund for general City expenses; the City is not taking CRA money for the CRA, it is taking CRA money for City expenses; and when that money is used for City expenses, it must be repaid to the County. He went on to say if he lives in unincorporated Brevard County, he pays into a Sheriff's MSTU for law enforcement; he does not pay for Satellite Beach Police Department; if he lives in the City of Satellite Beach, he does not pay MSTU for road deputies; and what the City did was use the County taxpayer money for its police, fire, and whatever else it used it for. He reiterated the Clerk's Office is going to court no matter what, so he does not care what the Board does; County Finance books those payments; Finance can be given money in 2014 but it is not going towards 2007, it is a 2014 expense; and the Board needs to look at what it is doing because every single city will line up saying they want to start skimming the CRA and use it for police and fire and everything else they want to do. He pointed out the Board is trying to forgive \$1.3 million in unlawful expenditures; he is happy to go to court for a declaratory judgment if that is what the Board wants; he already told Ms. Barker it was going to court anyway; and in the meantime, the Board will be dealing with other cities because it has given a green light to use it County funds for municipal services. He noted the agreement is not about the next seven years, the City is trying to get the Board to forgo a lawsuit and to forgive money that it owes; if he owed the County \$1.3

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million, he would like it to forget about it so he could move on; and the money needs to be repaid by the City.

Commissioner Fisher inquired if the dollars the County pays the City of Satellite Beach annually can be used for redevelopment; stated the money that is going back to the City is forgiven, and it does not have any obligation to give it back to the County; and inquired if the Board made those payments, the City does not have any obligation to fund that back to the County.

Mr. Whitten stated Attorney Knox and Mr. Ellis has said it, or at least agrees with it, that the City could program those dollars for redevelopment activities and the Board would not get those dollars back; the City is not programming those dollars for redevelopment activities, but are agreeing to give those dollars back; and to the extent that the dollars are not used for redevelopment activities, they sit in a fund, and at the end of the year, the dollars are returned to the County.

Commissioner Fisher inquired if the interlocal agreement is not signed, the County can make those annual payments and get no return of dollars, because legally the City does not have to return anything to the County. Mr. Ellis advised that is not true. Mr. Whitten replied if the City uses those dollars for redevelopment activities, they are gone; if they sit in the pot, they can be returned to the County; and by signing the agreement, either way the County is getting its money back; Mr. Ellis has said he is going to go ahead with his lawsuit; and if the Board signs the agreement, it is its failsafe in his estimation to get those dollars back.

Mr. Ellis reiterated the County must get those dollars back; the City cannot take the money out of reserves and use it for general City services without paying it back; and if the City of Satellite Beach takes those dollars out for the City and do not refund the County, he will be in court for an injunction on that as well. He went on to say that money cannot be pulled from the CRA and used for city expenses without refunding the County; if it could be done, every CRA in the State of Florida would be doing it; and the reason no one does it is because it is illegal.

Mr. Whitten stated the City is not proposing to do that with these dollars. Mr. Ellis stated it says on the briefing sheet says the City plans on taking out of the CRA; and every year it plans on taking hundreds of thousands of dollars from the CRA and move it to City; and it says it right on the sheet.

Ms. Barker stated the City is a taxing authority so the City puts money into the CRA in proportion of its millage rate; the County puts money into the CRA, in proportion of its millage rate; if the City provides money back to the taxing authorities and using that Statutory provision, it has to get its portion back just like the County does; and the City is not planning to use the CRA money for municipal services, it is paying back the taxing authorities, one of which is the City. Mr. Ellis stated in Exhibit A of the Agenda Item it shows \$1.3 million payment to the City for the City General Fund; and inquired what else that money is being used for if not for City services.

Commissioner Anderson inquired if the current City Council has asked for an Attorney General Opinion, and why not. Ms. Barker advised the Board is remedying the situation; the City did what JLAC asked it to do with the payback agreement between the City and the CRA; and now the City is trying to pay back the County. She pointed out this agreement remedies the situation; and she cannot imagine why anyone would have a problem with this.

Commissioner Fisher inquired if the Board can accept the agreement with the understanding that the money will be placed in escrow because of the possible lawsuit by the Clerk. Mr. Whitten replied Mr. Ellis would be suing for old dollars. Mr. Ellis advised that is correct. Mr. Whitten stated there would be no reason for the County to escrow these dollars; the dollars are

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going to be returned one way or the other; the lawsuit would not be for purposes of returning these dollars, they would be the old dollars; and these dollars are programmed into the budget. Mr. Ellis stated that is his point, whether the Board approves the agreement or not, it is still entitled to the money for the next seven years; and this agreement is irrelevant to that fact.

Commissioner Fisher inquired if the money stays with the City and it does not have to return anything to the County if it wants to use it for redevelopment. Attorney Knox responded if the City wants to use the money for redevelopment, it stays with the City, such as paying off debt and some things like that, that the CRA may have; and the escrow idea does not work because what Mr. Ellis points out is this money going forward that is going to be collected since the CRA is not going to do redevelopment for seven years.

Commissioner Nelson stated he agrees with Mr. Ellis, the City should not have used the CRA for public safety, that is a given; at the end of the day, this is a circular argument because the impact to the County at the end of every option that is out there is it has no money, and will not get the money back; even if the City borrowed the money and paid the County its debt, the City will still the next seven years of its CRA money; and the impact to the County, dollar wise, has not changed. Mr. Ellis stated this is not correct; the City could have come forward months ago with a repayment schedule; and it has to come from this part of the City. Commissioner Nelson stated the CRA dollars must be used for redevelopment. Mr. Ellis stated he agrees with that, but the City does not intend to use it for redevelopment. Commissioner Nelson stated the City is giving the money to the County. Mr. Ellis stated the City is giving it to itself as well. It does not repay what has been taken in the past; future income does not repay past debt, unless the City makes a payment towards debt service; and there is no payment towards debt in the agreement. He went on to say the City can decide next year it really wants to keep all of the money in the CRA and the County would get nothing.

Commissioner Bolin Lewis stated the City is not obligated to pay the County back anything; and she would like to make a motion to approve the interlocal agreement with City of Satellite Beach and the CRA. Commissioner Fisher seconded the motion.

Commissioner Infantini stated she understand the problem with the City's reserves; the City of Palm Bay is suffering with huge problems and financial issues, but it does not ask the Board to bail them out by asking for \$1.3 million; if the Board bails out one municipality, it will begin bailing out every municipality on the backs of County residents, especially those in the unincorporated areas because they do not have CRA's; and she is not in favor of the motion.

Commissioner Fisher stated he is in favor of getting some dollars back, because no one has determine that the City owes the County one penny.

Chairman Anderson stated the red flag for him is the current City Council not asking for an Attorney General Opinion; and when he was on the City Council, it would have been the first thing that was done.

The Board executed the Interlocal Agreement with the City of Satellite Beach and Satellite Beach Community Redevelopment Agency for Tax Increment Financing (TIF) contributions.

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

ITEM III.D.3., RESOLUTION, RE: AD VALOREM TAX EXEMPTION FOR XUN ENERGY, INC.

Chairman Anderson advised the Board he would abstain from the vote on Items III.D.3. and III.D.4., due to being a licensed Florida Real Estate Sales Associated employed by Home Life Coastal Properties, LLC who is currently engaged in the acquisition of commercial property on behalf of Xun Energy, Inc. for expansion/relocation within Brevard County. He filed Memorandum of Voting Conflict with the Clerk.

Chairman Anderson passed the gavel to Vice Chairman Bolin Lewis.

Commissioner Infantini stated Items III.D.3. and III.D.4. are for giving tax abatements, ad valorem tax exemptions, and targeted industry credit to Xun Energy; when she looked at Xun Energy's financial statements, she saw they are generating zero dollars in revenue; they have \$1 million in accounts payable, which is liabilities; last year they had \$500,000; and \$300,000 of the liabilities they are increasing every year is for the salaries for three individuals. She went on to say she would like to see a great deal more on this organization before she could possibly support a tax abatement on a company that is flushed with debt and has virtually no assets.

Howard Tipton, County Manager, stated this item is to request a public hearing for the tax abatement and the QTI match; there will be that opportunity at the public hearing.

Commissioner Fisher stated before the abatement will come the company has to create the jobs.

Mr. Tipton advised the incentives are performance based; if the company does not perform with the job investments, it will not get the tax abatements; there are a number of companies that come to the EDC that are weak in terms of their financial strength; some are able to obtain the financing necessary to move forward, and some are not; and they kind of all wash out in the process. He stated what staff has asked the EDC to do is in its due diligence, to not cut out potential companies that could win; and to let the marketplace do that.

Commissioner Infantini stated in the interest of the marketplace, she would rather let them succeed on their own merits like most of the companies that come to Brevard County, so she will not be supporting the item.

Ed Priselac stated he just good a quick look at the Zun Energy yesterday; one of things he noticed is it looks like they are a penny stock worth about .13 cents; and he does not know what other assets they have. He read to the Board the Xun Energy's strategy, "Xun Energy aspires to be an independent oil and gas company in North America and provide their shareholders with return over the long-term. To achieve this, Xun Energy will strive to optimize our capital investments to maximum growth in cash flows, earnings, production, and established reserves. Xun Energy will do this by generating cash flow, securing financing to acquire Xun's plan acquisitions. Exercising capital discipline, ensuring financing strength, and investing in oil and gas properties with strong, full cycle margins." Mr. Priselac went on to say he is confused as to why this oil and gas company is seeking money and seeking a location in Brevard County; and

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that is one of his big problems. He stated it appears that the Board is dead set on going for the highest bidder, paying out the most, and giving money away; it seems every time the public turns around, it gives money away; it has been told to the Board again and again, and nothing happens; and he hopes the Board takes a second look at why this oil and gas company needs to come to Brevard County. He concluded by saying the company is claiming they are going to do other things, he looked online; but they have no other assets that he can see, no other expertise other than oil and gas, and no other individuals in their company that are expert in what they are claiming they are going to do in Brevard County.

Commissioner Nelson stated the Board is not giving away money, because there is not money there; the only way it ever generates money is if they make all of the improvements and create the jobs that are required for them to earn that; Embraer is a classic example; and they had to build their facility and hire people before they were eligible for those dollars. He went on to say the Board rejects almost half of the ones that actually come through because of the fact they never hit their target, so they do not get a dime of money; on top of that, these are both qualified through the State; and the State of Florida is working with these companies as well. He added, the bottom line is from the County's perspective, if a company does not perform it does not benefit; the dollars are not there today; the company has to increase the taxable value of the County or they do not get the benefit; and reiterated that the company must perform or they do not get anything.

Mr. Priselac stated it does not look like they are qualified.

Commissioner Infantini pointed out when she was looking at their income statement, in 2010 they had \$51,000 in losses, in 2011 they had \$615,000 in losses, and in 2012 they had \$986,000 in losses; she does not understand what it take to merit the EDC's authorization of approval; inquired why every company does not go to the EDC and ask for tax abatements; how were the winners and losers chosen; and why does the County not offer the same opportunity to everyone.

Mr. Priselac noted the EDC did not do its due diligence.

Commissioner Fisher stated to be clear, the process comes before the Board to pass a resolution to allow them to go back to the abatement board and determine whether or not they are eligible to continue, and must come back for a hearing in front of the Board; and he cannot imagine the Board shutting any company down that wants to come to Brevard County.

The Board adopted Resolution No. 13-129, qualifying Xun Energy, Inc. As an eligible business under the County's Tax Abatement Program; and approved authorizing a public hearing to consider adopting an exemption ordinance.

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

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ITEM III.D.4., RESOLUTION, RE: QUALIFYING XUN ENERGY, INC. AS A QUALIFIED TARGETED INDUSTRY

Vice Chairman Bolin Lewis inquired if the Board wants to consider Item III.D.4., Resolution, Re: Qualifying Xun Energy, Inc. As a Qualified Targeted Industry, Item III.D.5., Resolution, Re: Ad Valorem Tax Exemption for Sun Nuclear Corporation, and Item III.D.6., Resolution, Re: Qualifying Sun Nuclear Corporation as a Qualified Targeted Industry, at the same time since they are the same philosophy, just different companies.

The Board adopted Resolution No. 13-130, qualifying Xun Energy, Inc. As a Qualified Target Industry.

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

ITEM III.D.5., RESOLUTION, RE: AD VALOREM TAX EXEMPTION FOR SUN NUCLEAR CORPORATION

The Board adopted Resolution No. 13-131, qualifying Sun Nuclear Corporation as an eligible business under the County's Tax Abatement Program; and approved authorizing a public hearing to consider adopting an exemption ordinance.

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

ITEM III.D.6., RESOLUTION RE: QUALIFYING SUN NUCLEAR CORPORATION AS A QUALIFIED TARGETED INDUSTRY

The Board adopted Resolution No. 13-132, qualifying Sun Nuclear Corporation as a Qualified Target Industry.

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

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

ITEM V.A., RESOLUTIONS, RE: SOLID WASTE SPECIAL ASSESSMENT RATES, FEES, CHARGES, RATIFICATIONS, AND CONFIRMATION AND CERTIFICATIONS OF THE SOLID WASTE SPECIAL ASSESSMENT ROLLS

Chairman Anderson called for a public hearing to consider Resolutions for Solid Waste Special Assessment Rates, Fees, Charges, Ratifications, and Confirmations and Certifications of the Solid Waste Assessment Rolls.

Chairman Anderson stated he thinks there is a little confusion that needs to be figured out. He stated he has a lot of speaker cards for Item V.A., and he is assuming these people want to speak under Item V.B.; and inquired if staff can explain the difference between the items.

Mel Scott, Assistant County Manager, stated there are two assessments the Board is being asked to consider; Item V.A. is the disposal assessment; that is just the landfill, the running of the landfill; that assessment is proposed to remain unchanged at \$57; and in fact, it is cheaper than it was in 1996. He went on to say he believes most people are present to speak on Item V.B.; it is the curbside collection contract, which involves the new automated cart system; and if they want to speak about the automated cart system, he or she needs to speak to Item V.B.

Chairman Anderson stated Commissioner Fisher has a serious issue that he has to handle; he will go through the cards and make the notation if the speakers want to speak about V.A. or V.B.; and then he will go back to Public Comment. He stated he wants to make sure everyone gets their First Amendment Right to speak, and if a person wants to talk about contracts and charities, he or she needs to speak under Public Comment. He stated this Item is solely to do with fees; if a person wants to speak about the contracts and charities, he or she needs to be under Public Comment; and if a person comes up and talks about the Waste Management Contract, the Board will move on. He stated the only way the Contract can be re-addressed by the Board, is if a Commissioner who voted for it made a motion to rescind and it would come back to a future meeting; the Contract is signed and executed; and that will not be revisited or rehashed today.

Commissioner Infantini stated she thinks the people are saying that they want the opportunity to speak, and whether or not the Board is going to change the Contract. Chairman Anderson stated they can speak under Public Comment. Commissioner Infantini stated she does not think the public understands which item to be under; and she advised the audience if it turns out he or she is talking about the contract as opposed to other issues, they will not be cut off.

Chairman Anderson stated this is a passionate issue; he is a big supporter of the First Amendment and he is a veteran; do not make it personal; and if a person begins attacking people personally, he will cut the comments off. He went on to say the subject at hand will be talked about; there will be no outbursts; everyone is going to be professional and good residents of Brevard County; and if a person is unable to do that, he or she should waive off their right to speak. He asked staff to talk about Items V.A. and V.B.

Mr. Scott stated they are going to begin speaking on V.B.

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ITEM V.B., RESOLUTIONS, RE: SOLID WASTE SPECIAL COLLECTION AND RECYCLING ASSESSMENT RATES, FEES, CHARGES, RATIFICATIONS, CONFIRMATIONS AND CERTIFICATIONS OF THE SOLID WASTE SPECIAL ASSESSMENT ROLLS

Chairman Anderson called for a public hearing to consider resolutions for Solid Waste Special Collection and Recycling Assessment Rates, Fees, Charges, Ratifications, Confirmations and Certifications of the Solid Waste Special Assessment Rolls.

Mel Scott, Assistant County Manager, stated this Agenda Request is that the Board of County Commissioners adopt the annual curbside garbage, yard waste, and recycling collection rates that will apply to the unincorporated customers through the term of the Contract with Waste Management that was approved by the Board this past February 19th; prior to staff taking the Board through the various rate options that are available for its consideration, Waste Management has prepared a brief PowerPoint that will highlight some of the improved services that they are committed to providing to the residents.

Chairman Anderson stated he will be going back to Public Comments after this item is complete. Commissioner Infantini inquired why the Board is seeing a PowerPoint if Commissioner Fisher has such limited time. Chairman Anderson stated he is Chairman.

George Geletko, Waste Management, stated his colleague, Dina Reider-Hicks is going to do the presentation of the benefits of carts and how it effects recycling and safety issues. He advised the Board they will both be available to answer questions.

Dina Reider-Hicks, Public Affairs Manager for Waste Management, introduced Mike Lewis, Senior District Manager; George Geletko, Senior Consultant; Amy Boyson, Community Affairs Manager; Jim Tuggle, Cocoa Site Manager; Horace Perry, Route Manager; and Kelvin Pruitt, Senior Waste Management Drivers. Ms. Hicks provided the Board with a PowerPoint presentation.

Commissioner Infantini inquired if how a person proves it was not their fault a cart is stolen or damaged. Ms. Reider-Hicks stated across the State they really do not have an issue with carts being stolen; everyone in Brevard County will have them so there is really not an issue; there is an RFID chip inside the cart; generally they find if they are blown down the street, that chip is linked to an address; and they can determine which address that belongs to. She went on to say if a wheel or lid falls off, it will be repaired or replaced at no charge; what generally would happen, say if someone has a barbecue and they throw the hot coals into the bottom of the trash can and it burns out the bottom, that would be considered customer abuse. Commissioner Infantini stated the contract specifically says lost or stolen.

Chairman Anderson stated the Board is not going to revisit the Contract unless one of the other Commissioners wants to revisit it.

The Board recessed at 11:20 a.m. and reconvened at 11:22 a.m.

Commissioner Fisher stated the fees will become the issue now that the Board knows the Contract is not going to be the discussion; this is a great value that the Board has negotiated with Waste Management; Option 2 is the Contract, starting in October 1, 2013, that \$126.70, which is a minimum fixed rate increase would be charged; trash is the best bargain on a person's tax bill; and inquired if the Board is willing to tax a fixed rate and let inflation take care of it.

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Commissioner Infantini inquired if Chairman Anderson will show her Roberts Rules that shows where the Chairman is allowed to take the floor away from her when she is in the middle of speaking. Chairman Anderson responded affirmatively. Commissioner Infantini stated when Ms. Ryder Hicks presented her presentation, she thought the Contract was not being talked about, yet she brought up many items that are not in the Contract; she is referencing what is in the Contract and what it says; and the Contract needs to be modified. Chairman Anderson stated the Contract is not going to be revisited today; the stuff under the public hearing today has nothing to do with the Contract; and it is only addressing the fees. He went on to say in order to get it back on to a public hearing, one of the other Commissioners who voted in favor of the Contract would have to reconsider; he has had no indication of that; even if one of the Commissioners did that, it would have to be advertised for a later meeting under State Law. Commissioner Infantini stated under State Law the Board was supposed to accept the lowest bidder, but it did not.

Chairman Anderson stated he is okay with a \$1 a year, Option 2; it is less than he pays in the City of Palm Bay and he only gets pickup one day a week.

Commissioner Nelson stated he was opposed on the \$151; the difficulty with a rate over time, it is artificially high at the beginning and artificially high at the end, because it is balanced out and the costs based on CPI; all the Contracts in the County have CPI; his concern is that over a seven year period, that is a long time to balance it; at least with Option 2, it addresses the issue of CPI and tries to deal with that; and the problem is that it is always at the maximum. He went on to say the last go around over the five years, the County over collected, the CPI never hit the maximums; as a result, the Board has money in the collection budget at this point and time; his preference would be to pick a shorter period of time because future Board's need to look at what the economy is doing and make the decision then on CPI versus trying to do it over a longer period of time; and in a seven-year contract, there is the real potential of over collecting and doing it even more significantly than the County last did. He noted the other issue in working with staff is the amount of money set aside for hurricanes he thought was on the high side because they had a bad experience in 2004 and 2005, and there was a one-time bump to put that money back in; the reality for the Board was that even with that bad hurricane experience, it was able to deal with it with lesser reserves; and some more modes number would make sense and would give the opportunity to reduce the rate and get it closer to where the Board is. He stated his preference would be a two-year rate with a continuation of the existing \$125.70, which is what is currently charged and a two percent CPI for the next year; and in year three, to look at it to see where it is, what the economy is doing, and if it wants to go five years now or another combination. He stated the same rate can be continued and to anticipate some level of increase; the CPI, he does not think it will be three percent; Melbourne is going 1.9 percent next year; and that would be his preference as opposed to the longer term.

Chairman Anderson requested that staff read what Items V.A. and V.B. are; the cards will be taken; and then the Board will vote on the items separately.

Mel Scott, Assistant County Manager, stated this is Item V.B., which are the curbside collection rates.

Euri Rodriguez, Solid Waste Management Director, stated the Board selected Waste Management to provide the residents and businesses with curbside collection services; staff published a worst case scenario that identified a maximum yearly increase of \$151 for curbside collection and recycling services; much of the verbiage contained in the letter is mandatory, per the Florida Statutes; and it admittedly lead to some customer confusion as to the County's intentions. He went on to say the \$151 rate is not an option the Board will be asked to consider by staff; and instead, staff would like to walk the Board through two specific options that have driven down this worst case scenario by proposing to reduce, yet not eliminate, hurricane

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reserve amounts and other contingencies that will help defray the local cost that these debris generating storms create. He added, Brevard County's most recent experience with a substantial cleanup effort came after the 2004 storms; these storms resulted in a cleanup bill of over \$20 million; the local expenses were approximately \$5.3 million; and while the initial rate calculations proposed to keep these levels of reserves, if the Board wishes to slowly reduce this amount each year, these funds serve to drive the yearly rates down to levels presented in the following two options. He pointed out option one proposes a \$138.50 fixed rate for the entire seven years of the contract; if the Board chooses this option, it will be locking in the lowest yearly rate compared to the neighboring counties; it will also be the fifth lowest rate in Brevard County compared to its cities; and this proposed rate is just .25 cents more than the current contract. He stated as these options are further discussed, staff will be using weekly comparisons to the existing rate, because when talking about several service levels and the rest of the PowerPoint presentation, they will talking at the weekly level; for example, the 2-1-1 service level refers to the level at the weekly rate; note that this level of service listed in this table depicts the service level at the 2-1-1 level of service; and this means curbside garbage collection is picked up twice a week, recycling pickup at once a week, and yard waste is once a week. He went on to state as the Board can see, not only is Brevard County cheaper than its neighboring counties, but this low rate also provides for more additional garbage pick per week than Volusia and Osceola Counties.

Commissioner Infantini stated she has a question on the presentation. She inquired when her staff was looking into some of the tax bills, they found that some of those counties their disposal, the \$57 disposal fee was already included in those costs; so, the \$190 includes what Brevard County has separately stated on the tax bill at \$57; and the \$190 includes that \$57 fee. She noted it looks like a huge disparity between the \$138 and the \$195; but when her staff researched all the tax bills, they found many of them actually include the disposal with, at least from their research, it was what they found.

Mr. Scott stated staff asked the people in charge of controlling this rate from the local government side and asked them to provide staff with their collection rates. Commissioner Infantini stated she thinks they include disposal with their collection. Mr. Scott stated staff would like to look at the information that Commissioner Infantini received.

Mr. Rodriguez stated Indian River County as not included on the list; the reason for that is that Indian River County does not receive local government provided collection service; and each subdivision or home in unincorporated Indian River County has to contract with a service provider individually. He stated the fixed rate option one is highly competitive when compared against Brevard County's cities; as the Board can see, it was ranked as the fifth cheapest rate if adopted by the Board this morning; keep in mind that the city rates contained in the slide are subject to yearly increases; and Melbourne's rate is expected to increase in October. He stated option two establishes a \$126.70 per year rate, with gradual increases over the seven-year term of the contract; if the Board were to select this option, it would give the citizens the lowest rate compared to the surrounding counties; this rate would be the second cheapest compared to the cities; and it will cost less than two cents per week, that is \$1 divided by 52 weeks, than the current rate, which translates to \$1 more in year one. He stated the rates would gradually increase over the term of the contract and the ranking value would remain if everyone increased at the same rate. He added, the next slide shows how the projected rates would increase over the years; there is one caveat to this, and if the inflation does not go up to three percent, those rates would not remain that high, they would be lower than what is shown on the slide; the next slide shows an even greater value for Brevard County in year one of the proposed contract; the ranking would not change and remain the same through year seven; and Brevard County would be \$39.35 cheaper than the next expensive neighboring county using their comparative rates. He pointed out the closest counties have an inferior service level. He stated comparing option two starting rate with the cities improves the value over all but one city. He summarized by

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saying both option one and option two offer a lower rate than what was initially published; these lower rates are realized by proposing to gradually decrease the existing hurricane reserves to a level that is reasonably to be expected to need to pay for debris removal resulting from a minor hurricane or other storm events; if a severe storm were to hit, staff would request, just as they did in 2004, to take out a loan that would be repaid by a special assessment that the Board would have to adopt at that point in time to pay off the debt. He reiterated option one again is proposed at a fixed rate of \$138.50; option two proposes a starting rate of \$126.70 with gradual increases over the life of the contract; both options offer the County's customer rate predictability, value, and a high level of service; and it ensures that the County remain, if not the cheapest, then among the cheapest in East Central Florida.

Chairman Anderson stated if a person lives in a municipality, Palm Bay, Melbourne, Titusville, or West Melbourne, this is for unincorporated residents. Mr. Rodriguez stated the disposal affects everyone, but that is not what is being discussed, it is about the collection assessment; the collection assessment only effects a person who lives in unincorporated Brevard County; and every city has its own individual contracts.

The Board approved to allow three minutes to each speaker who filled out a card.

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

Ron Taylor stated according to the contract, Waste Management will bill the County \$126.60 as a result of the current CPI of 1.82 percent, but the billing the County methodology used results in a solid waste collection rate increase of \$138.50 this year and stays at that rate for the following six years, even though it is eight to 10 percent higher and significantly greater than the maximum three percent CPI increase allowed in the already controversial Waste Management Contract; the County says this is a normal calculation methodology and the Brevard citizen will have lower rates in the future; and to him, near money is dear money. He advised he is at the age he may not be around to enjoy the savings the County Manager promises in the future; and inquired where the money is going that is being collected. He inquired if any of this money outside of a Solid Waste Management Departments collections service fee is used to fund purchases, operation, or building the facilities that benefit the citizens in incorporated Brevard County; and inquired if the citizens in unincorporated Brevard County are subsidizing citizens who are not paying the tax, and is it an unfair tax assessment that if not illegal is certainly unethical. He stated despite people's hopes for the future, Brevard County is not in a robust economic recovery, and many of the citizens in the unincorporated areas are struggling to put food on the table for their families; it may not seem like much to certain individuals in County Government; and now is not the time to grab millions of dollars from the pockets of the taxpayers in unincorporated Brevard County. He asked the Board to do right for the citizens of unincorporated Brevard County; and to do the right thing for the citizens of Brevard County, do not use an accounting trick to increase taxes.

Commissioner Bolin Lewis inquired if Mr. Taylor lived in the incorporated or unincorporated area. He advised he lived in unincorporated Brevard County.

Merlin Tice stated he lives in a condominium community; there are 60 units, Knottingham Manor; they do not have that and get charged \$151 per unit; and they do all the collecting and puts it in the dumpster. He stated it is \$9,000 a year for a service they do not receive; they do

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not have 2-1-1, they have 2-1-0 because they have lawn service and stuff like that; and he asked the Board to take all that into consideration.

Commissioner Nelson stated Mr. Tice should not be charged the \$151; and it may be an error, because he should not be charged the same rate as a single family. Mr. Tice advised the Board he has called about this before because they also have to pay Waste Management the dumpster service as well. Chairman Anderson asked staff to look into that.

Gina Watson stated she lives in unincorporated Brevard County; she was upset to receive the letter telling her what her assessment would be; she wants to know where this money is going to; and inquired if it is going to Waste Management so it can build new facilities. He stated they have CCR's in their development that prohibit any of these items from being stored outside a person's house, which is also an issue for a lot of the people in the area; it is a hardship for this special assessment fee; it is not right or fair; and she wants to voice her opinion. She requested the meetings be held in the evenings for people who work.

Chairman Anderson stated the Board holds one Zoning meeting per month in the evening, and any Commissioner can ask to have it added to an agenda. He stated there is always a public comments section.

Commissioner Infantini stated the notices went out without the Board's knowledge.

Ms. Watson inquired if she can get a copy of the Waste Management Contract so she can review it; and inquired if it is available to the public. Chairman Anderson stated everything is public record. Mr. Rodriguez advised the Contract is available on the website as a PDF file for anyone who wants to look at it.

Jim Falscroft stated he is concerned about the additional funds for the County on the garbage collection; he is already satisfied with the one he has; and it appears the Board has changed that by a Contract change. He stated the Board Members are public employees of the citizens and should be considering all aspects for the citizens. He stated he is not happy and he is concerned he has to pay this; and he is a retired senior citizen and he should not be assessed with additional fee without him getting a chance to vote on it.

Stuart Gorin stated he writes a monthly email for conservative republicans call the *Space-Coast Tusk*; when he moved to Brevard County from one of the bluest counties in America, he was thrilled to see that many elected officials of Brevard County were and still are Republican; he appreciates that the Board has accomplished things to help the citizenry, but it is very disappointing that some members of the Board seem to have forgotten his or her republican values of less government, lower taxes, and individual freedom; and it seems the good ole boy network is alive and well in Brevard County. He pointed out he is referring to the decision that is now a done deal to give the seven-year waste disposal contract to the highest and not the lowest bidder; the letter had a 20 percent increase from the Solid Waste Management Department in the non-ad valorem portion of the property taxes; and ironically, just a day before the hearing, word came out about this lower amount being proposed, and all of this despite being told having an automated system would result in a reduction in taxes. He went on to say perhaps that would have been the case if the lower bidder had been chosen; the Contract is a done deal and nothing can be done about that; and he joins his neighbors in urging the Board, at the very least, to reject any tax increase in connection with this decision.

Kenneth Gibson stated he is in possession of the \$151 letter that was commented on; he just bought his house in February and he has not received a tax bill, so he does not know how much of his taxes goes to garbage collection; and his confusion is, is this \$151 over and above. Chairman Anderson responded no, it is not; stated that is the problem with the letter; and it

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sounds like it is, but it is not. He suggested Mr. Gibson finish his comments and staff will go over that letter with him regarding his tax bill. Mr. Gibson went on to say he lives alone, and his contribution to the landfill is one bag every other week in this small can; he has a backyard composter, and everything else will go into that; he walks his dog about 15 blocks in his community; and he can promise the Board about 90 percent of the homes in that 15 blocks is going to have two of those 96 gallon containers every pickup day. He noted it is disconcerting that he is paying the same money with one bag of garbage in this little can as they are with two of the larger cans.

*Commissioner Fisher's absence was noted at 11:55 a.m.

Peter Barnes stated he does not think it is possible to talk about the fees without referencing the Contract; he knows the Contract cannot be changed; he understands the \$102 million being spent over seven years on this Contract, is not totally above what they already pay; but essentially, the residents will get the same services as before. He stated he wants to talk about the lack of transparency in the Contract issue; the Board sent out a Request for Proposals last year; 90 days later, the proposals were in; they were evaluated; and the residents did not hear anything about an increase at that time. He added, the County selected the lowest and best bidder; the residents did not hear anything about that then either; they did not hear about buying natural gas trucks, green garbage cans, or a recycling center; and a person would think that if the Board actually wanted to hear what the residents had to say about this, it may have sent a letter giving them information. He stated now five months later the Board is back talking about how to pay for it; and he inquired if that is how business is ran here.

John Tice, City of West Melbourne Deputy Mayor, stated he is in a corporated area; he wants to speak on behalf of the cans because the City of West Melbourne possesses them and is very happy with them; the City Manager informed him there were no complaints about the cans; and they just received a check for \$23,000 for recycling. He went on to say he represented the Mayor of West Melbourne where he asked the residents if they were happy with the cans; one resident said he would like a smaller one; and they are very happy with the program and how it has worked for his City. He added, when they had the little baskets he did not recycle; and now a week does not go by that he does not recycle. He noted the Board will never find a better investment than this.

John Rivera stated he is a disabled veteran; he has a concern about the pricing; he guesses the Board did not make a good study on the impact; and people need to eliminate the fraud and waste of taxpayer funds. He stated if the Board Members cannot do a proper job to help the citizens, he wants to make a recall and ask him or her for their resignation. He stated the letter stated if he does not pay his taxes, they will put a lien on his property; the County will take his house away because he did not pay \$151; that is what he calls government bullying, abuse of power, and that is not in his book.

Chairman Anderson stated that is not the County's rules, it is State rules administered by the Tax Collector. Commissioner Infantini advised the Board makes it a mandatory process; and it is the Board who makes garbage collection mandatory to put it on the tax bill. She pointed out the Board has the ability to reverse that decision. Chairman Anderson stated if Commissioner Infantini wants to discuss that at another meeting, she could do that.

Kelvin Pruitt, Waste Management, stated he wants to speak about safety; he is a driver for Waste Management; he works on South Tropical Trail; it is a two-lane road; and he gets in people's way when going to lunch or work. He went on to say about 23 months ago they dealt with an accident; he started hearing from his co-workers that he lost a driver who he spoke to a few days before; and there is no price on a life. He added, with the cart system he feels safer

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because he remains in the truck; there are so many head-on collisions that nearly happen every single day on his route.

Ron Lovell stated he received the letter like everyone else regarding the \$151; the problem he has is he owns a mobile home park for the past 17 years; he pays for waste collection and a dumpster he pays additional fees; and inquired why is he going to be billed 26 billing units for the mobile home park in addition to the dumpster fees he pays. He stated he does not feel that is right; he has asked for clarification several times; but he has never gotten any.

Chairman Anderson inquired if the residents use his dumpster. Mr. Lovell responded they do, he pays for it on a monthly basis. Chairman Anderson stated that does not seem right to him.

Mr. Rodriguez stated if it is a multi-family it is not considered a single-family home residence; they pay 75 percent of what a home pays; what they pay covers the lease of the dumpster if they have a central collection and for the pool charges, it should not pay for maintenance fees or another fee it does not cover; but if Mr. Lovell has any questions, he would be glad to sit down with him and go through it one by one. Mr. Lovell stated he does have questions. He has made 65 dump trailer loads to the dump on that parks behalf; he is paying for that gas and time; and he still has to pay the County for its services that he does not receive. Chairman Anderson advised Mr. Lovell that Mr. Rodriguez will help straighten that out.

Arthur Christianson stated he does not see why this system will do him any good; he only has a Publix size bag of garbage once or twice a week; and he does not see the benefit for a system that is more cumbersome and takes longer.

Richard Jaramillo stated as a business owner, he has learned over the years that if he wants to make improvements to his business that will increase his profits, he has to invest either his profits or take a loan from the bank; he does not understand why the citizens are being asked to front the money for a company to do this; they say they are concerned about safety; and the company should invest in that safety. He went on to say Waste Management should pay for the safety; they say taxes are being saved, but the bottom line is they are asking for an increase in money; and he does not know how it is saving money. He stated the cans are a good idea; Waste Management will save on insurance due to not having the liability as before with two men hanging on the back of the truck; they are making money off of recycling they are getting for free; and the company should take the investment and do that and it should not come out of the residents pockets. He noted he made telephone calls and Rockledge and Titusville does pick up their own trash because it is less expensive; and he does not know why the County did not look into that option. He stated his belief is they put a high of \$151 to try to get the residents to settle for something lower.

Roger Vizioli inquired what the fee for a stolen container is; there is publication out there that says he will be billed for it if a container is stolen; there is another one that says a person may or may not have to replace a container if it can be proved it was stolen; and that is very ambiguous. He stated he brings his trash out at 6:00 a.m. in the morning, he does not leave it out at night due to the raccoons; it is almost 550 feet from his garage to where the trucks pick up the trash; and it could be stolen and he would not know because he cannot see it from his home. He stated there should be clarification, that if it is not that big of a problem concerning the cans being stolen, the taxpayers should not be billed.

Chairman Anderson asked Mr. Rodriguez to receive a clarification from the County Attorney regarding this issue so it will be on the record.

Leslie Chappelle stated he came up with \$1,054.05 on the increased rate and on the \$151 rate it was \$1,057; that comes up to \$2.05, which is not a lot of money; then he went back and it was

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over \$104,000, so that comes up to \$295,000; and inquired how that could be. Chairman Anderson stated staff will give him an answer at the end. Mr. Chappelle stated he has a mobile home he uses for storage; he did not realize the rate was being changed and he will be charged double; he had a tax assessor come out and had it redone; it was supposed to be changed to single family; but they changed it to something else. He inquired if anyone can tell him if he will still be charged double. Chairman Anderson advised he has been briefed on Mr. Chappelle's situation; and he requested staff work with Mr. Chappelle.

Pat Bean stated she lives on New Found Harbor Drive where there are homes with a lot of acreage; her concern is not so much the rate increase; if she gets the services, she does not mind paying; and she is present to talk about yard waste service. She stated it is the residents job to call for the clam truck to come to their homes; it does not automatically come to a person's home unless he or she calls; she does not feel she is getting a bang for her buck if she has to work for Waste Management; and in Palm Beach County, the clam truck came every two weeks. She went on to state it is supposed to improve the community's curbside appearance. She pointed out when she drove her street today, there were 14 huge dead piles that have not been picked up by the clam truck for over two weeks; when she called the other day, her pile had been out in front of her home for a month and half; her husband and she measured the dead space where the grass used to be and it was 15 feet by 30 feet; and the doctors home that lives two houses down had the same size dead space of grass, because of the clam truck not coming by often enough. She noted she owns income property in Palm Beach County; they put out trash there and she was given a citation and told what she did wrong; a neighbor put leaves out instead of in the bin; and that pile has been there for over a year. She stated Waste Management has done nothing, and that pile of loose leaves is still there. She stated on South Tropical Trail she has to swerve in her car to avoid those big piles of debris. Chairman Anderson requested someone from Waste Management to get with Commissioner Nelson on that issue since it is in his District to find out what can be done to better service those issues.

Jim Berg stated Commissioner Nelson has helped him out three or four times; Jim Tuggle has taken care of a problem for him similar to what Ms. Bean talked about; there was trash on Lake Drive, and one call to Jim Tuggle, that same afternoon the trash was gone; and that trash had been there for probably two months. He stated Commissioner Infantini has courage; it is good to see a government employee with courage. He advised the collection of trash is a dangerous job and safety is a big issue. He stated when he read all of these things in the paper, they just did not add up; and inquired if recycling saves money, if labor costs are going to be reduced, not only the physical labor but the insurance, why the rate is going up. He stated the public is smart; he thinks the public is getting ripped off with the solid waste deal; and he inquired if they are really saving money, why the public is paying more.

Donna Britton stated she likes and appreciates the manual solid waste collection method, but she strongly objects to the automated method and the corresponding award of the unnecessary, lucrative contract to Waste Management; the automated method is inferior to the existing service; it wastes and diverts property tax revenue; it subsidizes unnecessary contractor purchases of automated trucks power by natural gas that is highly combustible, creating its own set of safety hazards; and the Contract eliminates payroll costs of manual collection workers. She went on to say the new Contract limits the amount of solid waste the citizens can put out; it attracts rodents and pests due to the horrible lids; and it places oversized garbage cart eyesores in the neighborhood; and the lot sizes are too small to accommodate them. She stated the carts are a nuisance; she thinks their sole purpose is to eliminate labor costs and the corresponding jobs of residents who are unlikely to find employment elsewhere despite what Waste Management says. She pointed out a seven-year Contract is way too long; that term exceeds the term of County Commissioners; and it really locks in future Boards getting rid of this should the residents not like it. She stated the service now is good; she picks up a can and slide it to the street; the carts wobble when going over grass; she does have raccoons that have

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gotten into her trash before; and they are pretty smart and getting smarter. She noted the natural gas trucks are highly combustible; she has listened about the unfortunate deaths of Waste Management employees; but from her view, a driver who is driving a truck will be looking at that cart that his crane is going to pick up and dump. She stated the men on the back of the truck now are looking for toddlers, pets, and anything else that may go under the truck; a person cannot keep an eye on the cart and what is going on in back and front of the truck. She advised the Board she does not like the limits given to the residents; there are some weeks she has a lot of cans and weeks when she does not have any; everyone is confined to one can; the people who need more do not have it; and the residents do not win. She stated a former Commission reversed a previous decision of going to these automated carts; and Waste Management has a monopoly.

Barbara Weiler stated she believes the Solid Waste increase exceeds the needed amount to pay the Waste Management bill; it appears this is just another unneeded tax increase; she knows her District 2 well because she is a door-to-door campaigner; and she knows a lot of people are not in a position to dig any deeper into their pockets to pay more.

John Weiler stated he sees Option 2 on the Board which is significantly better than what was sent out to everyone a few weeks ago; there is a commitment to Waste Management for \$126.60 that they will bill for the waste management; using the average CPI rate of 1.82 percent, they would have the \$126.60 in 2014 and it would go up over seven years to be \$141 at the end of the seven years; and that would be a more reasonable approach, but he likes the \$126.60 for seven years. He went on to say the taxpayers pay more and more money and there are people who are not substantially well off; the cans are not great; the rate should be constant; and there is no reason for a tax increase at all. He expressed his dissatisfaction with the various things that have occurred in the last several months.

Pat Pasley inquired how the letter got out; stated when she received it, she believed she received it on behalf of the County Commissioners; and she always thought that when something like that was sent out it was approved by the Board. She stated she sent a letter to Mr. Whitten and Mr. Tipton asking for an explanation of the \$151 at that time; inquired if the taxpayers are not already paying for many of these departments and employee positions; and inquired if the County is a collection agency for Waste Management, why does the County not ask Waste Management to be reimbursed for this cost. She stated she has gotten along with Chairman Anderson, but she is disappointed with him today; she heard something today regarding Commissioner Infantini being out of line because of her little radio show; and Commissioner Anderson says he wants to be civil during the public hearing. Chairman Anderson stated he gets attacked unjustly and people put out stuff like they know how he is going to vote; FDLE needs to investigate because they broke the Sunshine and tapped into his office somewhere; and he is getting a little tired of it honestly. He stated he wants honesty, integrity, and those kinds of things; that is what he builds his life on; that is what he teaches his children; and people throw out half truths and they do not know what they are talking about, and he is not putting up with it anymore. He stated no one knows how he is going to vote on this issue today. Ms. Pasley stated that is all anyone wants; he has been invited many times to the Bill Mick show. Chairman Anderson stated he is not supporting guys who just want to beat him up on their radio shows. Ms. Pasley stated she hopes he allows Commissioner Infantini to do the right things, and not interrupt her. Chairman Anderson stated when Commissioner Infantini becomes Chairman, she can run the meeting the way she likes.

Chairman Anderson advised the audience a lot of this controversy was stirred up by an email that went out by Commissioner Infantini that did not have all of the facts; he voted against this Contract early on; and her email led a person to believe he voted for it. Commissioner Infantini asked Chairman Anderson to name one comment in her email that was false, inaccurate, or

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misleading; and he has never been able to back up one of his false comments. Chairman Anderson pointed out neither has Commissioner Infantini.

Michael Lewis, Waste Management District Manager, stated in 2006 they started the program in Satellite Beach, Indian Harbor Beach, and Indianalantic; during that time, they injured 86 employees, changed 86 lives; there were amputations, eyes out, and guys could not come back to work and take care of their families. He added, in 2010 they implemented the cart program with the City of Melbourne and City of Palm Bay for garbage and recycle; during that time, injuries were reduced 87 percent just from going to the carts; and that is huge. He went on to say in 2011 they implemented the cart program with West Melbourne, and added additional carts in Satellite Beach for recycle; during that time another 27 percent reduction was realized by going to the cards. He stated in 2012 recycle carts were added to Indian Harbor Beach, and again, reduced the injuries to the employees by 25 percent; no doubt in his mind that doing this job manually is not the way to; he has been in the business 27 years; dumping the carts manually is not an easy job; he has an obligation to protect the employees from those type of injuries; and the only way to do it is through these carts. He stated there were \$1.7 million in injury claims because their employees got hurt; since the cart system was implemented, \$200,000 was spent; it is worth it; and a dollar amount cannot be put on an injury and a life.

Horace Perry, Waste Management Route Manager for City of Melbourne, stated he was frustrated with the injuries they were experiencing before the cart system. He talked about a couple of incidents when they were picking up the garbage by hand. He stated accidents can be avoided by using the automated truck; and requested the Board help keep the employees safe by keeping them out of harm's way.

Mel Broom stated he does not know what utopia most of these people lived in, but he has lived many places, and he can tell the Board, this is the best garbage service he has had anywhere; he has a problem with people nitpicking small things that do not need to be discussed for hours and hours; and he has a problem with things that come out that are not true. He advised the Board this is the best system in the United States.

Glen Molin stated he lives in Brevard County and owns several properties; and the Board's decision will not only affect him, but the cost will drive the cost of rents up in the community. He pointed out it is hard for people to get additional costs due to the economy; he inquired if there is an automated cart system, which would be a more cost effective way to do the trash and improve safety, if it is saving money, why is the cost going down; and he stated to let the companies pick up those costs out of their profits, which is the cost of doing business. He stated if the Board decides to do the project, he would propose to put it off if need be until the community is in the green again; they need to put on the brakes in government spending; and it needs to stop here and now. He advised the residents pay enough in taxes for the service already. He stated to cut the cost to do a one week pickup; inquired why it has to be two times a week; stated if other families use more waste to have the option to pay the additional fees for the additional trash can or service; and with the cost of delivery, fuel, and other factors, it would cut the costs on the taxes as well as traffic and safety hazards on the roads.

A. Todd Moseley stated he is in unincorporated north end of the County, which is Commissioner Fisher's District; he is representing a 55 plus community; it is a condo association; it is unique as it is set up like a homeowners association; and its home sites have minimal building on them with a majority of them being single family homes. He stated coding decides how the residents are charged; the majority does pay the full trash service amount on their taxes; they have a handful that do not pay; there is a lesser fee with a dumpster service; and there are 270 homeowners that there is nothing that can help them. He went on to say they pay the full tax rate on their taxes; they pay an additional dumpster service; they do not have places to store containers like this; and the residents are continuing to pay more and more. He stated if the

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coding is changed, it would change the home values because of the Property Appraiser and the coding and such. He stated he has talked to staff numerous times. Chairman Anderson asked Mr. Rodriguez to work with Mr. Moseley; and stated he would be interested to find out the answer to that question as well.

Alice Kreitz stated she lives in a homeowners association and they have rules about not being able to see garbage cans from the street; since most people have single garages, there is no place to put them; and now they are allowing them to be seen from the street. She inquired why the Board took the highest bidder; stated she has been on two city councils, and they always looked very carefully at the bids; and they generally went with the lower bids, especially with a company like Waste Pro. She stated these kickback things should not be going on in Brevard County.

The Board recessed at 1:00 p.m. and reconvened at 1:12 p.m.

Steven Gaines stated he lives in Canaveral Groves unincorporated area of Brevard County; he used to live in Cocoa in the incorporated area where they had Waste Management; as far as the trucks go, the mechanical arms are a lot better than the two people on the back of a truck; and he has a fixed income due to being a disabled veteran. He inquired if anyone when looking at the Contract looked at a reason to save money; inquired if services can be cut back on to save money; stated he has a budget and he needs to stay with it; and further inquired if anyone looked at anything to cut the budget so it would equal out and make it work. He stated he and his wife put out one can every two to three weeks; he does not need trash pickup twice a week; and it would take a year to fill a can like that. He stated as far as the tree pickup, he wishes he could tell the Board when the truck was coming to pick up debris; he has stuff that stays out there three or four months at a time; the 2-1-1 is not feasible; and inquired why not go back to the 1-1.

Chairman Anderson stated he had comment cards under public comments regarding this issue, and he would like to hear them.

Peter Fusscas stated under the new Waste Management Contract, Waste Management must complete a recycling facility by June 2014; and inquired what happens if they do not. He stated he understands there is an exciting facility being planned; and inquired what is it, where is it, what will it cost, and will taxpayer money be involved. He stated Waste Management under the Contract deducts \$50 a ton for their cost of collecting recyclables in the County in computing the revenue sharing with the County; and inquired since it does not cost Waste Management anything to pick up the recyclables and transport them, why is \$50 being deducted; and stated they are being paid to pick up the recyclables. He stated under the Contract with Waste Management the County relies on their affidavit on how many tons they pick up; and inquired how the County verifies and certifies that tonnage is actually being picked up. He pointed out in a press interview with Mr. Tipton, he had indicated, under one of the options, that the County was going to collect about \$9 million over seven years in fees; and he inquired how is that \$9 million going to be used, was it in the preliminary budget that just passed, and if it was in the budget, the budget has to balance and provisions have already been made in the revenue side to cover that appropriation. He provided the Board with a copy of his questions.

ITEM V.A., RESOLUTIONS, RE: SOLID WASTE SPECIAL ASSESSMENT RATES, FEES, CHARGES, RATIFICATIONS, AND CONFIRMATIONS AND CERTIFICATES OF THE SOLID WASTE SPECIAL ASSESSMENT ROLLS (CONTINUED)

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Chairman Anderson stated he would go back to Public Hearings, V.A.; and asked staff to state what this Item is again for the public.

Mr. Rodriguez stated Item V.A. is the public hearing for the adoption of the Solid Waste Disposal assessment rates, fees, charges, ratification and conformation, and certification of the Solid Waste Special Assessment Rolls; all this is for the disposal; there are some charges in there for impact fees; there are no increases in this; there is one decrease requested of the Board; and cardboard is currently being charged for in the amount of \$29.50 a ton, and staff is requesting the Board not charge at all for cardboard. He stated they recoup the money by selling the cardboard.

The Board adopted Resolution Nos. 13-133, 13-134, 13-135, and 13-136, for the Annual Solid Waste Disposal Special Assessment Rate, Solid Waste Impact Fee, Schedule of Special Rates and Gate Charges, and Ratifying, Confirming, and Certifying the Annual Disposal, Special Assessment Roll.

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

ITEM V.B., RESOLUTIONS, RE: SOLID WASTE SPECIAL COLLECTION AND RECYCLING ASSESSMENT RATES, FEES, CHARGES, RATIFICATIONS, CONFORMATIONS AND CERTIFICATIONS OF THE SOLID WASTE SPECIAL ASSESSMENT ROLLS (CONTINUED)

Chairman Anderson requested staff to answer the speaker's questions.

Euri Rodriguez, Solid Waste Management Director, stated one of the questions that came up was if the assessment money could be used for other reasons; the answer is if the County collects the money for collection, it is called the Municipal Services Benefit Unit, it is illegal to use it for any other reason other than what benefits that Unit; and that is why there are no employees, supplies, or anything that does not have to do with solid waste collection in that fund. He went on to say the negligent party is responsible for stolen carts; if a cart is stolen, it does not mean he is negligible for it; Solid Waste will replace the cart unless it can be proven that the person is negligent; and if a person puts a cart out by the road and it gets stolen, it does not mean that he or she did something wrong.

Chairman Anderson inquired if that is when a person sets a fire in it. Mr. Rodriguez replied yes, if a person destroys it on purpose.

Commissioner Infantini stated the Contract does not state that; while she appreciates Mr. Rodriguez's comments, unfortunately, his comments are not legally enforceable; the Contract on the other hand is; and she requested verification and wording in the Contract with Board approval so the public is protected against the \$75 cost to replace their stolen cart. Chairman Anderson inquired if Commissioner Infantini is requesting staff to come back with an amendment to the current Contract that could come back to the Board to fix that; it cannot be done right now, it has to come back to the Board. Commissioner Infantini inquired why not. Chairman Anderson replied it will have to be at the next meeting.

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Mr. Rodriguez suggested right now the Board has a provision for the material recovery facility that staff does not know if it will be met; if some changes need to be made on it, the stolen cart comments can be taken into consideration when those changes are made; and staff will bring that back to the Board for its consideration.

Commissioner Nelson stated he pulled Waste Pro's proposed contract and it says the same thing that Waste Management's does; it is not uncommon; not to say a better job cannot be done in wording it; and it is the standard wording in the industry. Commissioner Infantini stated Waste Pro was offering a person to be able to rent an additional cart for \$2 a month. Commissioner Nelson stated that has nothing to do with it. Commissioner Infantini stated he is bringing up Waste Pro. Commissioner Nelson inquired if anyone who spoke today said anything about renting a cart. Commissioner Infantini stated no. Commissioner Nelson stated she brought it up for no particular reason.

Assistant County Manager Mel Scott stated staff will contact the County Attorney, and will bring something back that clarifies that; as a matter of administrative policy, staff is not going to accuse someone of being negligent if they say their carts have been stolen; and those carts will be replaced.

Mr. Rodriguez stated if a person has excess garbage that occurs infrequently that does not fit into a cart, Waste Management will collect it; if it becomes a frequent issue, it will be requested the person acquire a second cart. He stated the letter got out because after consideration of looking at the assessment and viewing that it was going to increase, staff determined it was necessary to send a letter out; there was an internal review done on the letter; he apologized for not bringing it to the Board; and in retrospect, staff should have brought it to the Board. He stated regarding the questions of double taxation, he believes it referred the money for solid waste collection to the Property Appraiser and to the Tax Collector for their services rendered; it is not double taxation; the Tax Collector receives a percentage of what they collect and they consider that into their budget; the Property Appraiser is funded by Brevard County; and if Solid Waste does not pay for that, someone else has to pay for it.

Chairman Anderson requested Mr. Rodriguez explain enterprise funds and services and how those work under the law.

Deputy County Manager Stockton Whitten added to Mr. Rodriguez's response by saying the Property Appraiser, Dana Blickley, is not required to provide that service for the Board; Ms. Blickley provides that service through an Agreement with the Board; it is a service above and beyond her statutorily required services; all of those services are actually fee for service; but reiterated this is above and beyond the statutorily required services. Commissioner Infantini inquired if the Property Appraiser and Tax Collector determine how much they are going to charge Solid Waste to administer those two functions, or if part of the whole amount is part of their budget; and stated she thinks that may have been what was being asked. Mr. Rodriguez advised the Board with the Tax Collector, it is a percentage of what they collect; it depends on how much is billed out, and that percentage is applied to it. Commissioner Infantini inquired if the Property Appraiser gives the Board an amount to provide those services. Mr. Whitten explained to the Use Agreement, Ms. Blickley actually reduced that by \$150,000 this year; there is a Contract amount which was reduced by \$150,000; he does not know how Ms. Blickley drills down to all of the individual non-ad valorem assessments; she is not only providing that service to Solid Waste, but she is doing it for stormwater assessments, fire assessments, and other non-ad valorem assessments; and he does not know how the Property Appraiser drills down to those individual units, but staff can get further clarification on that.

Mr. Rodriguez went on to say both the disposal site and the collection site is what is called an enterprise fund, and it is a Municipal Services Benefit Unit (MSBU); an enterprise fund stands

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by itself; it does not receive any money from anyplace else; and it does not give money to anyplace else unless those services are provided. He stated for example, neither disposal or collection provides any money that is used for Mosquito Control, Parks and Recreation; the Purchasing Department does provide a service, so it pays for that service; and that is the nature of an enterprise fund, it stands by itself. He stated the reason there was a service change is because the prior contract expired; for the first time ever in the history of Brevard County, it went out for a competitive process; this was done through an RFP; the RFP process is slightly different than the bid process; and the price is a consideration as well as the services rendered. He stated there were also questions regarding their comparison of Rockledge and Titusville; Rockledge provide the same level of service that Brevard County does at a higher price of \$168 a year; Titusville reduced their rates by going to cart service, reduced the garbage collection from two to one times a week, and they did recycling from once every week to once every two weeks; and their level of service is inferior. He went on to say staff has met several times with the Board regarding collection services.

Commissioner Nelson inquired if the City of Titusville's lesser level of service is more expensive than the County rates. Mr. Rodriguez responded affirmatively. Commissioner Nelson pointed out that Titusville and Rockledge does their payments through the water bill. Chairman Anderson noted Palm Bay does it through the water bill as well. Commissioner Nelson stated the County does it through the assessment; because it is done through the assessment, when the mortgage company pays a person's mortgage, there is a three percent reduction based on the time of payment; and whatever option the Board chooses, a person will pay three percent less.

Mr. Rodriguez stated there were several questions regarding the material recovery facility and if there were any governmental funds going into it; and there are no funds going into this facility from the Solid Waste Department.

Commissioner Infantini inquired what the consequence is if Waste Management does not have the facility built by March 21, 2014. Scott Knox, County Attorney, stated he would have to read the Contract.

Mr. Rodriguez stated a question was asked if the material recovery facility is not built if there are any consequences; the answer is it is a breach of contract; he would defer to the County Attorney to see what the repercussions are; but there are no fines associated with it. Attorney Knox stated if they breach the contract, the County can sue for damages or specific performance or other remedies are available as well. Commissioner Infantini inquired if the Contract can be vacated. Attorney Knox advised it is possible. Mr. Rodriguez stated there is a question of why \$50 is being deducted from the selling of the recyclables; the answer is staff requested the Board at the workshop to allow them to get a consultant, since they have not gone out for RFP; the consultants recommended for staff to include it so there would be a level of service in all the responses out for an RFP; the \$50 is not for the collection of the recycling, it is for the internal transportation after it has reached the material recovery center and the work at the MURF; and the reason it was done was because everyone wanted to put a MURF in Brevard County. Mr. Rodriguez stated Waste Management has scales and they must be kept up to FDOT standards; it means every six months FDOT comes over and inspects the scales; they also have the obligation of reporting those numbers to the State of Florida for the Department of Environmental Protection; the Contract can be audited at any time; and has an audit clause in it.

Commissioner Nelson stated his proposal is having reviewed the financial condition of the enterprise fund that the Board would be able to establish a rate that continues the same rate this year that the Board currently has for next year, and a second year rate of two percent, because it looks like the cost of living is going to be around that number; year three, the Board

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would have to look and see where it is financial and what is happening with the CPI; and it basically begins to use some of those revenues that are associated with the reserves and the overall collection, but it does not get the Board so far down the road it is committed to have to use those at any particular time. He went on to say the down side is in two years there will be an advertising to go through that process; realistically the maximum a person would be looking at for a single year would be three percent or based on another number depending on how the economy is going. He pointed out the problem with a rate across the board is guessing it will be the worst case scenario; when there is a flat rate, it is worse because more money is being collected up front because it will be needed on the backside; and the real downside is when getting to the end of the contract and looking at the rate of the following series of years, its artificially low in collections for a rate in most likelihood that is going to be higher.

Commissioner Bolin Lewis inquired if Commissioner Nelson is saying that the first two years will be stable at one price and then the third year it will be adjusted. Commissioner Nelson replied because of coming out of this economy, he would propose that the first year be the same as this year, the second year be a two percent increase; the first increase anyone would see would be in two years; and then it could be two percent or less.

Chairman Anderson stated he has no issue with that proposal, he likes keeping it the same.

The Board adopted Resolution No. 13-137, adopting the Solid Waste Special Collection and Recycling Assessment Rate; adopted Resolution No. 13-138, adopting Special Rates and Charges for Improved Non-Residential Property and Compensation Rates to be paid to the Tax Collector; and adopted Resolution No. 13-139, ratifying, Confirming, and Certifying the Annual Collection and Recycling Special Assessment Roll.

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

ITEM VI.A., APPROVAL, RE: WEST CANAVERAL GROVES WATERLINE PROJECT FUNDING

Chairman Anderson stated he spoke with the West Canaveral Groves people, they have requested that the item be tabled because Commissioner Fisher had to depart from the meeting. Commissioner Nelson inquired if there needed to be a motion, or if it just needed to be rescheduled. Chairman Anderson stated a reschedule is fine.

The Board reached consensus to move consideration of the West Canaveral Groves Waterline Project Funding to a future Board meeting.

ITEM IV. PUBLIC COMMENT

Rich Charbonneau stated he was just going to talk about the Ethics Workshop; but he would like to humor the Board a little. He noted he does mediation at the County and is also a psychologist; and would like to offer his services to Chairman Anderson and Commissioner Infantini as their mediator. He went on to say the Ethics Workshop last week was a great presentation; and he would say for Ethics training, Ethics only goes so far. He added it starts

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out with the persons heart, a person is either honorable or not; that person can be trained forward, backward, and upside down, and they will never change; and if someone has a bad heart, the ethics just cannot be drummed in. He noted he has received some odd emails the last week or so regarding Mitch Needelman, there is some hatred going on about him that surprises him; in his prior training, more often than not, the person that is hated does not even know they are hated; and if they do know, they do not care. He noted what happens is the hate consumes that person's life and has zero effect on the person that is hated; and it is like drinking poison expecting the other person to die, it is not going to happen. He stated most strategies for revenge fail because they attempt to change the past; unfortunately the damage is already done; and the injury, insult, humiliation, or other loss occurs, and the clock cannot be turned back and the loss is permanent. He added justice will be served, and hatred is not going to change anything. He reported he has meetings with a long-time friend Malcolm Kirchenbaum and Jim Swan, and also another gentleman; Jim Swan twisted his arm on the Lagoon, he is a developer slash conservationist; and he had great concerns over the Lagoon. He added they had lengthy conversations about the Lagoon having problems because of the failing of clay pipes; when there are clay pipes near the Lagoon, urine and feces leech into the Lagoon; and as gross as that sounds, the bigger problem is the urine has nitrogen in it. He went on to say when the nitrogen goes into the Lagoon, it causes algae blooms; and Mr. Swan's concern asked where all of the Impact Fees go; and if there are Impact Fees that will replace all of these clay pipes. He advised clay pipes are expensive to replace; the smaller ones can be replaced, and the big ones can have a liner blown into them; it is going to be a big bill; and that was Mr. Swan's concern to find out if the County has the money to start replacing this pipe as it starts leaking into the Lagoon. He added he owns quite a few houses, and one of the houses he has had clay pipes; he had to pay out-of-pocket to replace those clay pipes from the house to the street because it had to be cleaned. He inquired if the Board could take a look at it; and if there is any money set aside for replacement of clay pipes.

Chairman Anderson stated his comment was certainly multi-faceted; and he has been on that river for over 20 years fishing, and this is the worst year he has ever had. Mr. Charbonneau stated it is just getting worse; and he does not believe the problem is going away.

Charles Tovey stated Waste Services can make a profit and give back to Brevard. He advised he has ideas for alternatives and other remedies for the Board's budget problems; he is willing to address each and every one of them; and he will work with Mr. Ellis, Commissioner Infantini, and Commissioner Nelson with his ideas. He added Florida has the oldest city in America; he has brought some pebbles with him from one of the creeks he cleans; and they have striations like they have been hit from a gun; and they are unusual and cannot be found anywhere else other than this historical State. He advised this County is a world-wide environmental keystone that is very important; what he did in the middle of Brevard is to save the Indian River; and the only reason it is alive today is from what he did. He added the silt fencing is still clogging the river; it is the St. Johns River that is clogged; he told the Board about it and the river is still getting clogged; and the Board is getting paid for it. He stated that is keeping the nutrients out of the river; the Board is getting paid to keep it clean, that is fraud, and it is happening up and down the coast. He noted he did Horse Creek, and that is one place that is almost done; the fishermen are all there and enjoying it; the fence is not letting the fish back into the river; both sides are blocked off and then fertilizer is being dumped. He noted he has solutions for all of that; Palm Shores environmental destruction, both the lakes are filled in; one is halfway flowing; and the rest is clogged. He added the St. Johns River was diverted, bypassed, then blocked; the wetlands were filled in; the springs were filled in; this was 10 years of environmental corruption; and someone is getting paid for this. He stated the boom and barriers, they are the yellow things that are floating, and are stopping the flow of water in Titusville all the way down to Sebastian; this is one of the most unique estuaries in the world, freshwater, brackish water, and saltwater; and he has experience in a lot of things and would like to give it to the County to save it. He stated it is what God has done and he would like to implement it; it has to be done all

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over the State; it is a process, it works in any body of water; and it works for finances, health, and government, anywhere. He stated he is out of time as usual; there are crimes, and no one is doing anything to help him. He stated why is he so irritated and agitated and not a nice guy, is because he has the government attacking him and not doing nothing.

ITEM VI.B., ACCEPTANCE OF ENVIRONMENTAL PROTECTION AGENCY (EPA) GRANT AGREEMENT, RE: BAREFOOT BAY WATER AND SEWER DISTRICT/BOARD OF COUNTY COMMISSIONERS

Commissioner Bolin Lewis stated she will be abstaining on the vote; and she provided the Clerk a Memorandum of Voting Conflict for the record.

Commissioner Nelson stated this is the Barefoot Bay Water System, and is going to require a budget change which will require the County's budget to increase. He noted, historically, Commissioner Infantini has not voted for the budget changes; and inquired if she is going to be voting for this when it comes before the Board. Commissioner Infantini responded she will vote for that element of it, but if they put it in a package of \$20 million in increases. Commissioner Nelson stated there are \$20 million of those kinds of things. Commissioner Infantini stated she agrees to disagree that oftentimes it is not; and will not tie her vote to anything, so this either gets approved and let it stand on its own merits, or it does not; and he can vote however he pleases. Commissioner Nelson suggested there are numerous similar kinds of things in here and when she decides to vote against the entire budget change, he would prefer that she address which one of those she does not like, instead of the broad brush of no to the budget change. He added if the rest of the Commissioners did that, and this happened to be on that list, Barefoot Bay would suffer. Commissioner Infantini stated she does not vote against it because there is one thing she does not like, she votes against it because the majority of the expenditures should not be in there in her opinion. Commissioner Nelson advised all he has asked is that she identify those she does not like and have a legitimate discussion with the Board for transparency, because that is a big issue with her; so, instead of saying no to everything that is in there, she can identify what the Board should and should not be doing at that point in time. Commissioner Infantini responded she should be able to agree with that.

The Board accepted a Grant from the U.S. Department of Environmental Protection, in the amount of \$485,000, for engineering and construction of several upgrades and rehabilitation projects at the Barefoot Bay Community Water Treatment Plant and System; and approved all associated budget change requests.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Chuck Nelson, Trudie Infantini, Andy Anderson
ABSTAIN:	Mary Bolin Lewis
ABSENT:	Robin Fisher

ITEM VII.A.1., CONTRACT FOR SALE AND PURCHASE WITH RODES INVESTMENT LLC, RE: ACQUISITION OF 16.194 ACRES FOR ST. JOHNS PARKWAY PROJECT

Howard Tipton, County Manager stated Florida Department of Transportation (FDOT) has asked for this item to be pulled; and FDOT would like to make some modifications to the contract, so it will be brought back the Board.

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The Board reached consensus to move consideration of the Contract for Sale and Purchase with Rodes Investments, LLC, for acquisition of 16.194 acres for St. Johns Heritage Parkway Project, to a future Board meeting.

ITEM VII.D.1., REJECT OFFER OF JUDGEMENT, RE: BREVARD COUNTY V. ROY AND VICTORIA ALTERMAN CASE NO. 05-2012-CA-072513-XXXX-XX

The Board rejected the Offer of Judgment from Roy and Victoria Alterman; and authorized staff to enter settlement negotiations and stipulated final judgment up to \$3,000 for all attorneys' fees, costs, and damages.

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

ITEM VII.E.1., RESOLUTION, RE: AD VALOREM TAX ABATEMENT FOR SATCOM DIRECT, INC.

Howard Tipton, County Manager stated this is normally under Consent, but he is requesting that there be a public hearing for a tax abatement consideration, it was just an add on, so it is nothing out of the ordinary.

The Board executed Resolution No. 13-140, qualifying Satcom Direct, Inc. as an eligible business under the County's Tax Abatement program; and authorized a public hearing to consider adopting an exemption ordinance.

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

ITEM VII.F.1., PETITION BY ADULT LITERACY VOLUNTEERS/LITERACY FOR ADULTS IN BREVARD COUNTY TO PROVIDE "SEED" MONEY TOWARD PART-TIME STAFF SALARIES OF EXECUTIVE DIRECTOR AND ADMINISTRATIVE ASSISTANCE STAFF

Dr. Cherry Trese, President for Literacy for Adults in Brevard (LAB), stated their mission is to teach illiterate adults how to read and thereby change not only their life, but the life of their family; they have had an opportunity to speak with the Board Members; and she introduced Margie Kinslow and her Assistant Pam Gheen.

Margie Kinslow, Executive Director for Literacy for Adults in Brevard, stated many adults in Brevard County cannot read; there are 10,000 adults in the County who are facing that; many of them are non-readers, which is a third grade level or below; and in 1971 LAB became a corporation. She stated LAB's mission is to teach adults to read; they want them to become all that they can be; and they want to learn to read many times so they can get a job. She

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advised the operating budget for many years has been less than \$6,000 per year; and they have achieved their goals because they are all volunteers. She is asking the Board for seed money to go towards salaries for staff. She stated in value for hours, they have given over \$100,000 each year for the last three years to Brevard County from their services. She stated if anyone is interested in donating to LAB or to volunteer, the website is www.brevardliteracy.org.

Howard Tipton, County Manager, stated he is the Chairman of United Way's Board of Directors, and Chairman Anderson arranged a meeting between United Way and this organization; in talking with Rob Raines last night, he will be suggesting to the Board, and he will be supporting, a grant to support these folks; United Way has three primary areas, education, income, and health; when talking about education, a person cannot help a child if the parents do not read; and there is a direct connection and he thinks there would be support for that. He went on to say the minimum grant that United Way provides is \$18,000; and he wanted the Board to know from United Way's perspective, that is the direction they are going to be moving forward to.

Chairman Anderson inquired when the grant would be awarded from United Way. Mr. Tipton responded they have a meeting coming up, and if it is approved, he believes it will be available before Ms. Kinslow's retirement. Chairman Anderson inquired if the Board will know what the amount is. Mr. Tipton responded affirmatively. Chairman Anderson stated at that point, Ms. Kinslow may need to come back before the Board.

Commissioner Nelson inquired what is the amount requested. Ms. Kinslow stated she does not know the number, but she hopes the Board will give them what is fair.

The Board acknowledge request of Margie Kinslow, Executive Director, Brevard Adult Literacy Volunteers, petitioning the County to provide seed money toward part-time staff salaries for Executive Director and Administrative Assistant, but took no formal action.

ITEM VII.F.2., CITIZEN REQUEST BY R. MASON BLAKE, RE: STANDARDS FOR RESORT DWELLINGS

R. Mason Lake, Dean Mead, stated he requested this appearance to speak about Section 62-1841.5.5(1)(d) of the Brevard County Code, which deals with resort dwellings; in looking at this provision with respect to a couple of different clients, it appears to him that the Code provision is ambiguous in a number of respects; it is ambiguous in a sense that it is unclear to him whether both multifamily tracts and single family tracts have to be in an MPUD or an RPUD; and it can be read that they both can be. He stated it is ambiguous with respect to whether a preliminary development plan approval is required with respect to both single family tracts and multifamily tracts; it can be read both ways; and there is nothing in there that specifically states that the preliminary development plan dealing with this must specify that in fact, whether it is a multi family tract or a single family tract, that resort dwelling uses are permissible under the terms of a preliminary development plan. He went on to say staff has a current interpretation of it; he asked them to make an interpretation when they could not figure it out themselves; and staff did interpret it as basically saying if it is a multi family tract in a PUD in Orange County, regardless of whether the County Commission has approved the preliminary development plan for that PUD as permitting resort dwellings in multifamily tracts, that resort dwelling are permitted; if a person is in Viera, regardless of whether or not the issue of resort dwellings came up or was mentioned at all during preliminary development plan approval, because it is in PUD, resort dwellings are permitted; he is not sure this was intended; he does not think by looking at the rest of the Ordinance it reflects public policy considerations; and if a person looks at other places where resort dwellings or homes are permitted, it is east of A-1-A along the ocean, west of A-1-

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A if they are on A-1-A, and in both cases they have to be not next to single family homes or land that is even zoned for single family homes. He stated the other permitted places for resort dwellings reflect that there is a quasi hotel use, it protects the public's property values, and puts them in a restricted location; reading the current interpretation of County staff, which he does not argue with, these resort dwellings can be in any PUD that has multifamily use in Brevard County without consideration by the Board. He added, he spoke with County staff regarding a revision to this provision to eliminate the ambiguity; he has spoke with Robin Sobrino, Planning and Development Director, on a number of occasions; Robin and he have come up with specific language they think would eliminate the ambiguity; and he is bringing this to the Board's attention and would appreciate it referring this to County staff to bring back a recommendation on the issue.

The Board acknowledged citizen request of R. Mason Blake, Dean Mead; and directed staff to modify the Zoning Regulations relating to resort dwellings and initiate a Code change.

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

DISCUSSION, RE: SAFER GRANT

Howard Tipton, County Manager, stated on August 1, 2013, Chief Larry Collins, Fire Rescue Director, brought to the Board the Safer Grant item; on August 14, 2013, through him to the Board, regarding the questions that had been asked; as was indicated at that time, staff is ready to rock and roll on this item; time is not on the County's side; and he is advising the Board, absent any feedback, to roll out the recruiting process to get these folks on Board by the first week of October.

REQUEST TO SCHEDULE EXECUTIVE SESSION, RE: BREVARD COUNTY V. SUMMERSET FLORIDA LLC, ET AL, CASE NO. 05-2011-CA-031229-XXXX-XX

Scott Knox, County Attorney, requested of the Board approval of an attorney-client private session on Brevard County v. Summerset Florida, LLC, et al, to discuss settlement negotiations and strategy, which they would like to have on September 10, 2013, at 4:30 p.m., prior to the Budget meeting.

The Board approved scheduling an Executive Session September 10, 2013, at 4:30 p.m., prior to the 5:30 p.m. Budget meeting, relating to Brevard County v. Summerset Florida LLC, et al, Case No. 05-2011-CA-031229-XXXX-XX.

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

DISCUSSION, RE: SAFER GRANT (CONTINUED)

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Commissioner Infantini stated she did not believe the Board voted to go forward with the Safer Grant; and she is not voting for it.

Chairman Anderson stated it was already approved.

Commissioner Infantini stated she was surprised to have it added on at the last minute of the meeting rather than put it on as an Agenda Item or add on; she found information in the response that was incorrect; it was claimed that the Board was using reserves because the special assessment was not sufficient; she pulled the budget for the fire department; and she does not see where reserves are being used at this time. She stated they looked into staffing of the veterans; they found that of the eight veterans that were hired with the veterans preference, most of them were only with Brevard County for six months and then left; three of them are new hires of July, so she does not know how long they will be with the County; and she does not think the County has such a track record in hiring veterans that she sees the justification of going forward and trying to get 33 additional positions. She went on to say the County had 24 people who have retired; most of them are lieutenants; and she was thinking if extra staffing was needed, for every two lieutenants that retired, there could be three non-lieutenant positions.

Chairman Anderson stated the Safer Grant has been previously approved; in order to reconsider it, it would have to be he or Commissioner Nelson to vote to reconsider; and he is not willing to vote to reconsider.

ADJOURN

Upon consensus of the Board, the meeting adjourned at 2:17 p.m.

ATTEST:

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

SCOTT ELLIS, CLERK