

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 December 11, 2012 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	

EAU GALLIE HIGH SCHOOL CHOIR, DIRECTED BY GORDON EVANS

The Eau Gallie High School Choir, Directed by Gordon Evans, provided Christmas music to the assembly prior to the Board meeting.

INVOCATION

The invocation was given by Pastor Craig Boehlke, Lutheran Church of Redeemer.

PLEDGE OF ALLEGIANCE

Commissioner Robin Fisher led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the November 13, 2012, Regular and November 27, 2012, Special Meeting Minutes.

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.A., RESOLUTION, RE: RECOGNIZING THE OUTSTANDING CAREER OF J.R. RUSSO

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 12-258, recognizing J.R. Russo for his years of dedicated public service providing equal protection under the laws to citizens; congratulated him upon a remarkable career; and wished him continued success, happiness, and good health in the years to come.

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J.R. Russo accepted the Resolution and expressed his appreciation to the Board.

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

ITEM I.B., RESOLUTION, RE: CONGRATULATING NORMAN R. WOLFINGER ON HIS RETIREMENT AFTER 28 YEARS OF EXEMPLARY SERVICE TO THE CITIZENS OF BREVARD COUNTY

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-259, congratulating Norman R. Wolfinger on his retirement after 28 years of exemplary service to the citizens of Brevard County.

Norman R. Wolfinger accepted the Resolution and expressed his thanks to the Board for his recognition.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING SHERIFF JACK PARKER FOR HIS 30 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF BREVARD COUNTY

Commissioner Nelson read aloud, and the Board adopted Resolution No. 12-260, recognizing Sheriff J.R. "Jack" Parker for 30 years of dedicated service to the citizens of Brevard County.

Sheriff J.R. "Jack" Parker advised the Board he was accepting the Resolution on behalf of the 1,400 men and women of the Brevard County Sheriff's Office; he expressed his appreciation to the Board; he stated there were many things in the Sheriff's Office that needed correcting when he became Sheriff; the Board never turned him down and it always made sure things were done for the right reasons; the Board has been there for the Sheriff's Office; the citizens of Brevard County are much safer today than they were years ago; and he thinks this Commission has handled public safety better than any Commission in the State of Florida.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING SUPERVISOR OF ELECTIONS LORI SCOTT, ELECTIONS STAFF, AND VOLUNTEERS

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 12-261, recognizing Supervisor of Elections Lori Scott and all the volunteers and staff who serve a vital role in the community by their commitment to providing exceptional service to the citizens of Brevard County.

Supervisor of Elections Lori Scott accepted the Resolution and expressed her thanks to the Board for all it has done to help support her office.

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

ITEM I.E., RESOLUTION, RE: CONGRATULATING SCOTT ALAN RICHARDSON UPON HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 12-262, congratulating Scott Alan Richardson upon obtaining the Rank of Eagle Scout; and wished him the best as he continues his commitment to the attainment of the goals he has set for himself.

Scott Richardson's mother stated she is proud of her son; the Merritt Island National Wildlife Refuge is very proud of him as well; and a lot of hours went into his Dummit Cove project.

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

ITEM I.F., RESOLUTION, RE: RECOGNIZING LIBRARY SERVICES DIRECTOR CATHY SCHWEINSBERG-ROOD FOR HER 32 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF BREVARD COUNTY

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 12-263, recognizing Library Services Director Cathy Schweinsberg-Rood for her 32 years of dedicated service to the citizens of Brevard County.

Cathy Schwinsberg-Rood accepted the Resolution and expressed her appreciation to the Board for such recognition; and stated it has been her honor and privilege serving the citizens of Brevard County.

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

ITEM I.G., RESOLUTION, RE: RECOGNIZING DECEMBER 21, 2012, AS NATIONAL HOMELESS PERSONS' MEMORIAL DAY

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 12-264, recognizing December 21, 2012, as National Homeless Persons' Memorial Day.

Keith Heinley, United Way of Brevard, stated the Brevard Homeless Coalition is made up of a number agencies who address homelessness on a daily basis throughout the year; and he applauded all of those agencies involved.

George Taylor, National Veterans Homeless Support President, accepted the Resolution and expressed his appreciation to the Board; he stated it is a shame that the Veterans who fought for the country die in the woods, unaccounted for; and due to all of the partnerships in the community, there is a difference being made.

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

ITEM I.H., EMPLOYEE LONGEVITY RECOGNITION, RE: 40, 35, 30, AND 25-YEAR RECIPIENTS

The Board recognized and presented Employee Longevity Recognition Plaques to Shannon L. Wilson, County Attorney's Office; Joanne K. Bixler, Facilities Management; Clifton D. Leffler and Steven C. McNerney, Fire Rescue Department; Fred Howell, Information Technology; Marie E. Mercer and Susan E. Szymula, Library Services; Paul H. Matthews and Michael R. Matthews, Mosquito Control Department; Paul D. Divers, Natural Resources Management Office; Lawrence W. Hackney, Kathy J. Melvin, Johnny L. Nash, Terrence K. Stoms, and Bruce R. Taylor, Parks and Recreation Department; Martha R. Daniher and George C. Ritchie, Planning and Development; Marilyn A. Busse and Timothy A. Murphy, Public Works Department; John W. Holmes, Solid Waste Management Department; Bonnie E. King, Tourism Development Office; Michael K. Engelgau, Univerisy of Florida Brevard County Extension Services; and Mark J. Farias and Brian R. Pagni, Utility Services, for 25 years of service; presented Employee Longevity Recognition Plaques to Wayne H. Carringer, Facilities Department; Larry J. Cremeans and Mark W. Dansereau, Parks and Recreation Department; Dianne V. Leary, Library Services; Mark E. Pemberton, Public Works Department; and Donald T. Szafransky, Utility Services, for 30 years of service; presented Employee Longevity Recognition Plaques to Stephen E. Franks, Parks and Recreation Department; Hester A. McIntyre, Transit Services; and Lucy A. Ray, Library Services, for 35 years of service; and presented Employee Longevity Recognition Plaque to Estella W. Edwards, Library Services, for 40 years of service.

ITEMS PULLED FROM CONSENT AGENDA

Chairman Anderson stated he has a speaker card for Item III.B.17., Resolution, Re: Issuance by Brevard County Educational Facilities Authority of Its Revenue Bond; and has a speaker card for Item III.A.11., Agreement with Indian River Kontrol Society (IRKS), Re: Temporary Fly-in Area (TFIA) at the Central Disposal Facility.

Howard Tipton, County Manager, requested moving Item III.C.4., Appointment, Re: Assistant County Manager Stockton Whitten to Position of Deputy County Manager to be heard at the same time as Item V.F., Ordinance, Re: Amending Article III, Division II, Sections 2-72, 2-73, and 2-74 of Brevard County Code of Ordinances.

Commissioner Infantini stated she would like to pull Item III.B.7., Authorization of Continued Discussions with City of Melbourne, Advertise Request for Proposals for Construction Management Services, Appoint Selection and Negotiating Committees, and Negotiate Contract and Change Orders within Thresholds, Re: Wickham Park Community Center; and she will be abstaining from voting on Item III.B.16., Memorandum of Understanding with Florida Institute of Technology (FIT), Re: Barrier Island Center and Hog Point Cove Sanctuary and Item III.B.17., Resolution, Re: Issuance by Brevard County Educational Facilities Authority of Its Revenue Bond (Florida Institute of Technology Project), Series 2-13B, in Principal Amount of \$10,295 on Behalf of Florida Institute of Technology, due to conflict of interest.

Chairman Anderson inquired if abstainments need to be voted on separately. Scott Knox, County Attorney, responded they can be voted on along with the Consent Agenda.

Commissioner Fisher stated he would like to pull Item III.B.3., Approval, Re: Request to Write-Off Uncollectible Ambulance Accounts Receivable for FY 2011-2012.

ITEM III.A.1., APPROVAL, RE: AMENDMENT TO LEASE AGREEMENT AND PROPOSED HANGAR SUBLEASE AT VALKARIA AIRPORT

The Board approved an Amendment to Lease Agreement with the Brevard County Mosquito Control District relating to property at the Valkaria Airport; and approved a hangar sublease agreement with the District and a tenant.

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

ITEM III.A.2., INTERLOCAL AGREEMENT WITH BREVARD MUNICIPALITIES, RE: CONSOLIDATING STORMWATER PUBLIC OUTREACH REQUIRED BY FEDERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

The Board executed an Amendment to Interlocal Agreement for stormwater-related public outreach; and authorized the County Manger to execute an agreement adding the City of Cape Canaveral (and any additional partners) to the existing intergovernmental consortium for stormwater outreach.

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

ITEM III.A.3., COST SHARE AGREEMENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD), RE: FLOATING VEGETATIVE ISLAND, STORMWATER EDUCATION AND OUTREACH

The Board executed Cost Share Agreement No. 27511 with SJRWMD for installing a Floating Vegetative Island in the Florida Boulevard Pond and providing associated community education and outreach; authorized the County Manager to execute future contract amendments subject to approval by the County Attorney's Office and Risk Management; and approved associated budget change requests.

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

ITEM III.A.4., INTERLOCAL AGREEMENT WITH CITY OF MELBOURNE, RE: SARNO LAKES PHASE II DRAINAGE

The Board executed an Interlocal Agreement with the City of Melbourne, subject to final language approval by the County Attorney's Office and Risk Management, for the Sarno Lakes Phase II Drainage; and adopted Resolution No. 12-265, supporting the Interlocal Agreement; and approved the associated budget change requests.

ITEM III.A.5., ACKNOWLEDGEMENT, RE: ENVIRONMENTAL CONDITIONS IDENTIFIED ON THE 17.67-ACRES OF PROPERTY OWNED BY YARDMAN LANDSCAPING, LLC, AND THE REQUIRED ENVIRONMENTAL REMEDIATION

The Board acknowledged the environmental conditions identified on the 17.67-acres of property owned by Yardman Landscaping, LLC, and the required environmental remediation; authorized staff to proceed to closing, recognizing the environmental condition of the property; executed Amendment 1 to Contract for Sale and Purchase extending the closing date of the transaction; and approved associated budget requests.

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

ITEM III.A.6., FINAL PLAT APPROVAL, RE: MHW RETAIL ONE - 12SD-00857, MHW LAKE ANDREW, LLC, DEVELOPER

The Board granted final plat approval for MHW Retail One - 12SD-00857, MHW Lake Andrew, LLC, Developer; and authorized the Chairman to sign the final plat.

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

ITEM III.A.7., APPROVAL OF PERMANENT DRAINAGE EASEMENTS FROM THREE (3) PROPERTY OWNERS IN FAVOR OF BREVARD COUNTY, RE: CARPENTER ROAD

The Board accepted the Permanent Drainage Easements for donated lands from the following owners in connection with the Carpenter Road Drainage Improvements Project: 1.), Parcel 802: Anthony Kinsella, Trustee; 2.), Parcel 803: A. Douglas and Mary L. Barna; and 3.), Parcel 804: Tony and Brenda Browning. The Board also waived the Survey and Phase I Environmental Assessment Requirements.

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

ITEM III.A.8., RESOLUTION AND EASEMENT IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY, RE: UPGRADING EXISTING ELECTRIC CONVEYANCE AT KELLY PARK, LOCATED IN SECTION 18, TOWNSHIP 24S, RANGE 37E

The Board adopted Resolution No. 12-266, and executed an easement in favor of Florida Power & Light Company for upgrading existing electric conveyance at Kelly Park, located in Section 18, Township 24S, Range 37E.

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

ITEM III.A.9., SIDEWALK EASEMENT FROM TAVISTOCK DISTRICT ASSOCIATION, INC. TO BREVARD COUNTY, RE: CONNECTING TAVISTOCK DRIVE WITH VETERANS WAY

The Board accepted a Sidewalk Easement from Tavistock District Association, Inc., to connect Tavistock Drive with Veterans Way.

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

ITEM III.A.10., INTERLOCAL AGREEMENT WITH CITY OF MELBOURNE, RE: WICKHAM ROAD AND PEBBLE CREEK STREET/PRESERVE DRIVE SIGNALIZATION

The Board executed the Interlocal Agreement with the City of Melbourne for Wickham Road and Pebble Creek Street/Preserve Drive signalization; and authorized the Chairman to approve any necessary budget change requests.

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

ITEM III.A.12., APPROVAL, RE: TOURIST DEVELOPMENT COUNCIL (TDC) FY 2012-17 CATEGORY B - BEACH CLEAN-UP GRANT AGREEMENT IN THE AMOUNT OF \$140,000 TO KEEP BREVARD BEAUTIFULL (KBB)

The Board executed a FY 2012-2017 Category B - Beach Clean-Up Grant Agreement with Keep Brevard Beautiful in the amount of \$140,000 for FY 2012-2013, with future year's funding to be negotiated 90 days prior to the end of each fiscal year; authorized the Chairman's signature on the KBB Agreement; and authorized Rob Varley, Tourism Development Office Director, to execute amendments to the Agreement after TDC approval, for any increases in funding.

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

ITEM III.A.13., PURCHASE ORDER AUTHORIZATION, RE: REHABILITATION OF TREATMENT PLANT EQUIPMENT

The Board authorized a sole source purchase order to Ashbrook Simon-Hartley, the manufacturer for Ashbrook belt filter presses, in the amount of \$146,131, for the full rehabilitation of an Ashbrook belt filter press.

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

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ITEM III.A.14., APPROVAL OF APPLICATION, RE: U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) STATE AND TRIBAL ASSISTANCE GRANT (STAG)

The Board approved an application for STAG grant funds; authorized the Chairman to execute the grant application and contract upon award; and approved any necessary budget changes.

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

ITEM III.A.15., PERMISSION TO PURCHASE USING EXISTING STATE OR OTHER FLORIDA GOVERNMENTAL CONTRACT, RE: CAPITAL EQUIPMENT BUDGETED FOR PURCHASE IN FY 2012/2013 VALUED AT \$719,000

The Board granted permission to purchase one (1) truck-mounted sewer cleaner; two (2) dump trucks; one (1) utility crane truck; one (1) line van; one (1) backhoe; and six (6) pick-up/utility trucks, using existing State or other Florida governmental contract.

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

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

The Board approved the Budget Change Requests as submitted.

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

ITEM III.B.2., ACKNOWLEDGEMENT, RE: FY 2011-2012 AUDITED FINANCIAL STATEMENTS FOR BREVARD WORKFORCE DEVELOPMENT BOARD, INC.

The Board accepted the FY 2011-2012 audited Financial Statements for the Brevard Workforce Development Board, Inc.

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

ITEM III.B.4., APPROVAL, RE: PURCHASE OF TWO REPLACEMENT AMBULANCES

The Board approved the purchase of two (2) replacement ambulances from ETR, Inc., an approved vendor selected through a competitive bidding process (Florida Sheriff's Bid No. 11-10-1202 Specifications #1 - Type 1 Ambulance) completed by the Florida Fire Chiefs Association, Florida Sheriff's Association, and Florida Association of Counties.

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

ITEM III.B.5., SUBORDINATION AGREEMENT WITH CROSSWINDS YOUTH SERVICES, INC.

The Board executed an Agreement with Crosswinds Youth Services, Inc., for the refinancing of their senior mortgage loans.

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

ITEM III.B.6., APPROVAL, RE: EXTENSION OF PBX MAINTENANCE CONTRACT WITH AT&T

The Board authorized the Chairman to execute the current, and any subsequent extensions, of the contract for PBX maintenance services with AT&T.

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

ITEM III.B.8., APPROVAL, RE: NAMING WALKING TRAIL CENTER AT COCOA WEST RECREATION COMPLEX, "EVELYN DAVIS TRAIL"

The Board approved naming the walking trail at Cocoa West Recreation Complex, "Evelyn Davis Trail".

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

**ITEM III.B.9., COOPERATIVE AGREEMENT WITH BREVARD NATURE ALLIANCE (BNA),
RE: EXPANSION OF OPPORTUNITIES DURING SPACE COAST BIRDING & WILDLIFE
FESTIVAL**

The Board executed a Cooperative Agreement between the Brevard County Environmentally Endangered Lands (EEL) Program and Brevard Nature Alliance for expansion of opportunities during the Space Coast Birding and Wildlife Festival.

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

**ITEM III.B.10., AGREEMENT, RE: SALE AND PURCHASE OF MARGARET ANN GRANT
PROPERTY**

The Board executed an Agreement with Margaret Ann Grant for Sale and Purchase of a .31 +/- parcel located along the west side of Vermont Street in Scottsmoor, in the amount of \$8,000.

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

**ITEM III.B.11., RESOLUTION AND AGREEMENT WITH UNITED STATES AIR FORCE
(USAF), RE: PARTNERSHIP FUNDING WITH CONVEYANCE OF DEED OF EASEMENT ON
PORTION OF MARGARET ANN GRANT PROPERTY**

The Board adopted Resolution No. 12-267, and executed an Agreement for Deed of Easement to convey to the USAF on or after closing of the Margaret Ann Grant Property.

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

**ITEM III.B.12., APPROVAL, RE: AGREEMENT WITH FRIENDS OF THE ENCHANTED
FOREST (FEF)**

The Board executed an Agreement between Brevard County Environmentally Endangered Lands (EEL) Program and the Friends of the Enchanted Forest, Inc., with terms the same as those in the initial Agreement.

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

ITEM III.B.13., MEMORANDUM OF AGREEMENT WITH WEST 50 PLAZA, LLC, RE: WETLAND MITIGATION PROJECT AT FOX LAKE SANCTUARY

The Board executed a Memorandum of Agreement between the Environmentally Endangered Lands (EEL) Program and West 50 Plaza, LLC, to allow the completion of a wetland mitigation project on the Fox Lake Sanctuary to satisfy the Developer's mitigation permit conditions; and authorized the Chairman to execute the Conservation Easement between Brevard County and the St. Johns River Water Management District, upon completion of the mitigation project.

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

ITEM III.B.14., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: LEE WENNER PARK DREDGE AND SEAWALL EXTENSION PROJECT

The Board executed an Interlocal Agreement with the City of Cocoa for the Lee Wenner Park Dredge and Seawall Extension Project.

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

ITEM III.B.15., AMEND AND EXTEND EXISTING AGREEMENT WITH CHIPPERS, LLC, RE: HABITAT GOLF COURSE CONCESSIONAIRE

The Board executed the Amend and Extend Existing Agreement with Chippers, LLC, amending the monthly rent from \$1,100 to 15 percent of Gross Receipts minus sales tax and to exercise the 1st renewal clause to extend the Agreement in its terms from December 15, 2012, through December 14, 2013.

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

ITEM III.B.16., MEMORANDUM OF UNDERSTANDING WITH FLORIDA INSTITUTE OF TECHNOLOGY (FIT), RE: BARRIER ISLAND CENTER AND HOG POINT COVE SANCTUARY

The Board executed a Memorandum of Understanding between the Environmentally Endangered Lands (EEL) Program and FIT for the Barrier Island Center and Hog Point Cove Sanctuary.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
ABSTAIN:	Trudie Infantini

ITEM III.B.17., RESOLUTION, RE: ISSUANCE BY BREVARD COUNTY EDUCATIONAL FACILITIES AUTHORITY OF ITS REVENUE BOND (FLORIDA INSTITUTE OF TECHNOLOGY PROJECT), SERIES 2013B, IN A PRINCIPAL AMOUNT OF \$10,295 ON BEHALF OF FLORIDA INSTITUTE OF TECHNOLOGY

The Board adopted Resolution No. 12-268, allowing Brevard County Educational Facilities Authority to issue its Revenue Bond (FIT Project), Series 2013B, in a principal amount of \$10,295,000 (the "Bonds") on behalf of FIT, to finance and refinance capital projects located in Brevard County for purposes of Section 147(f) of the Internal Revenue Code.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
ABSTAIN:	Trudie Infantini

ITEM III.B.18, AMENDED RESOLUTION, RE: DELEGATION OF AUTHORITY TO CITY OF CAPE CANAVERAL FOR COMMUNITY REDEVELOPMENT AGENCY, AND APPROVAL OF COMMUNITY REDEVELOPMENT PLAN

The Board adopted amended Resolution No. 12-269, which delegated authority to the City of Cape Canaveral to establish a Community Redevelopment Agency within the City; and approved the City's Community Redevelopment Plan.

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

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ITEM III.C.1., CONFIRMATION, RE: KIMBERLY PROSSER AS DIRECTOR OF EMERGENCY MANAGEMENT

The Board confirmed Kimberly Prosser as the Director of Emergency Management.

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

ITEM III.C.2., CONFIRMATION, RE: DON WALKER AS DIRECTOR OF COMMUNICATIONS/SCGTV

The Board confirmed Don Walker as the Director of Communications/SCGTV.

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

ITEM III.C.3., CONFIRMATION, RE: THOMAS ROSENBERG AS BUDGET OFFICE DIRECTOR

The Board confirmed Tom Rosenberg as the Director of the Budget Office.

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

ITEM III.C.5., APPROVAL, RE: FY 2013 BREVARD COUNTY COMMUNITY CULTURAL GRANTS

The Board approved the recommendations from the Brevard Community Cultural Grant Review Panel to fund 26 non-profit cultural organizations or programs within the County.

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

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ITEM III.C.6., APPOINTMENT, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board appointed/reappointed **Rear Admiral G. Robert Merrilees** to the Brevard Workforce Development Board, with term expiring June 30, 2015.

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

ITEM III.C.7., APPROVAL, RE: REQUEST FOR BAD DEBT WRITE-OFF

The Board approved the write-off of various uncollectible receivables identified by Board Departments.

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

ITEM III.C.9., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **William Klein** and **Judith Weaver** to the Animal Advisory Board, with terms expiring December 31, 2013; **Clara Mutter** to the Animal Enforcement Dangerous Dog Hearing Council, with term expiring December 31, 2013; **Bridget Geiger**, **Darlene Hunt**, and **Josiah Snodgrass-Neal** to the Art in Public Places Advisory Committee, with terms expiring December 31, 2013; **Scott Carswell**, **R. J. Durham**, **Ed Fleis**, and **Michael H. Williams** to the Building and Construction Advisory Committee, with terms expiring December 31, 2013; **Terry Graham**, **Jean Morgan**, **Ed Newell**, **Pat Shearer**, and **Loretta Wilson** to the Central Brevard Library and Reference Center Advisory Board, with terms expiring December 31, 2013; **Izeal Battle**, **Leartis Brothers**, **Pastor Melvin Chatman**, **Jimmy Jackson**, and **Betty Wells** to the Cocoa West Community Center Advisory Committee, with terms expiring December 31, 2013; **Lori Helton** and **Antonio Rovira** to the Community Action Board, with terms expiring December 31, 2013; **Pastor Theodore V. Ballard** and **Luella W. King** to the Community Development Block Grant Advisory Board, with terms expiring December 31, 2013; **Pete Cario**, **Bud Crisafulli**, **Tim Davis**, **John W. DeBickes**, **Roger Drabyk**, **R. J. Durham**, and **Ron Nost** to the Contractors' Licensing Board, with terms expiring December 31, 2013; **Britta Hawkins** to the Country Acres Advisory Board, with term expiring December 31, 2013; **Neal Johnson** and **Matthew Nye** to the Economic Development Commission of the Space Coast, with terms expiring December 31, 2013; **Jim Durocher**, **Beverly Morgan**, **Brian Reed**, and **Douglas Sphar** to the Environmentally Endangered Lands Program Recreation and Education Advisory Committee, with terms expiring December 31, 2013; **Thomas Patrick O'Neill** to the Emergency Medical Services Review Committee, with term expiring December 31, 2013; **Liz Alward**, **Linda Mannier**, and **Tommy Redmond** to the Employee Benefits and Insurance Advisory Committee, with terms expiring December 31, 2013; **Linda Behret**, **Vince Lamb**, and **Rocky Randels** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2013; **Tom Schuler** to the Extension Advisory Council, with term expiring December 31, 2013; **Ann Downing**, **Dianne Marcum**, **Joe Morgan**, **Dr. William J. Sidoran**, **Helen Stubbs**, and **Bob Swenson** to the Historical

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Commission, with terms expiring December 31, 2013; **Kathy Wall** to the Investment Committee, with term expiring December 31, 2013; **Mike Cunningham, Carol Hurst, and Barbara Jagrowski** to the Library Board, with terms expiring December 31, 2013; **Jerry Butz, Mike Cunningham, Kelly Haugh, and Ron Rincones** to the Marine Advisory Council, with terms expiring December 31, 2013; **Steve Carberry, Chris Cook, Marcus Herman, and Sue Nisbet-Lawrence** to the Merritt Island Redevelopment Agency, with terms expiring December 31, 2016; **John Stone** to the Onsite Sewage Disposal Variance Board, with term expiring December 31, 2013; **Richard Contrares, Frank Knieser, Mike Smith, and Damian Wilson** to the Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2013; **Mike Cicerrella, Pat Pasley, and Bonnie Venable** to the Personnel Council, with terms expiring December 31, 2013; **Peter Aydelotte, Andy Barber, Aneta Ott, Sue Schmitt, John Stone, and Clyde Thodey** to Planning and Zoning Board, with terms expiring December 31, 2013; **Gene Cate, George Geletko, and Lou Howard** to the Public Golf Advisory Board, with terms expiring December 31, 2013; **Laurie Chase, Mike Cunningham, James Michael Murray, Frances Salerno, Lisa Stephenson, Loretta Surface, and George Theriault** to the South Mainland Library Advisory Board, with terms expiring December 31, 2013; **Lois Katzin, Dr. Rochelle Kenyon, Jean Richter, and Linda Wiggins** to the Suntree/Viera Public Library Advisory Board, with terms expiring December 31, 2013; **Harry Carswell** to the Titusville-Cocoa Airport Authority, with term expiring December 31, 2014; **Jim Ridenour** to the Tourist Development Council, with term expiring December 31, 2013; **Bob Baugher, Clarence H. Mills, John Porter, and Tony Sasso** to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2013; and **Mary Hillberg** to the Zoning Board of Adjustment, with term expiring December 31, 2013.

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

ITEM III.C.10., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder as submitted.

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

ITEM III.A.11., AGREEMENT WITH INDIAN RIVER KONTROL SOCIETY (IRKS), RE: TEMPORARY FLY-IN AREA (TFIA) AT CENTRAL DISPOSAL FACILITY

Charles Martin stated he is present to complain about the remote controlled planes flying at TFIA on holidays and weekends; his grandchildren are scared of the noises and do not want to play outside; he tried selling his house but the planes were flying and potential buyers became uninterested; he does not do well in crowds; and it is hard for him to speak before the Board today about him not liking the planes.

Kathy Mongeon stated the planes start flying at 7:30 a.m.; she works a second shift job and does not get to sleep until 1:00 a.m.; she has to keep the windows closed because the planes

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are disruptive to her sleep, seven days a week, and on holidays; the time frame of the planes flying is disrespectful to the neighbors in the area; a possible three-year contract could be expanded to more planes flying; and she is not looking forward to more plane flying noises until 8:30 p.m.

Robert Mongeon stated he is retired; it is noisy even with the windows closed; those who live near the dump hear the noise from the dump trucks backing up; and if the County is going to give somebody permission to use the dump, there should be a fee charged, and a rebate given to those close by residents because it is a further disadvantage to residents listening to these flying planes, with no abatements living close to the dump.

Charles Gray stated he is a member of the IRKS; it has over 160 members; on weekends people come from all over the United States to fly remote controlled planes, and people are spending money in Brevard County; IRKS thanks the Board for allowing them to fly at that field; there is no extra noise, a lawn mower makes more noise than most of the planes do; the planes do not fly past the road; and he mentioned Mr. Martin lives one-half of a mile away from where the planes fly.

Commissioner Fisher stated he has spoken to many people involved in this sport; there are not a lot of places to fly; the dump is a centrally located place; noise tests have been done; there were no issues because the tests determined other things around the area making a lot more noise; and IRKS works well with County staff and homeowner associations.

The Board executed an Agreement with the Indian River Kontrol Society (IRKS) for an area at the Central Disposal Facility to be utilized as a Temporary Fly-in Area.

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

ITEM III.B.7., AUTHORIZATION OF CONTINUED DISCUSSIONS WITH CITY OF MELBOURNE, ADVERTISE REQUEST FOR PROPOSALS FOR CONSTRUCTION MANAGEMENT SERVICES, APPOINT SELECTION AND NEGOTIATING COMMITTEES, AND NEGOTIATE CONTRACT AND CHANGE ORDERS WITHIN THRESHOLDS, RE: WICKHAM PARK COMMUNITY CENTER

Jack Schluckebier, City Manager of Melbourne, disclosed the City of Melbourne's City Council has no objection moving forward with negotiations, with a long-term concept for the City to take over operations of the Wickham Park Community Center; City staff will be present later today to have a more detailed discussion, if needed; and he is looking forward to working with the County for a long time into the future.

ITEM VI.A. PRESENTATIONS, RE: STATE LEGISLATIVE LOBBYIST PROPOSALS

Frank Tsamoutales expressed his thanks for the opportunity to speak today; he stated Tsamoutales Strategies/Ronald L. Book, P.A. would be honored to continue representing Brevard County in the upcoming new year; County Manager Howard Tipton and Assistant County Manager Stockton Whitten has been wonderful to work with; and he is hopeful

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Tsamoutales Strategies/Ronald L. Book, P.A. is effective in advocating Brevard County interests.

Ronald L. Book, P.A., stated both firms have teams working on matters involving Brevard County; at last years proposal Tsamoutales Strategies/Ronald L. Book, P.A. promised to aggressively represent Brevard County's interests; and with issues relating to the Space Coast and the challenges its community faces, Tsamoutales Strategies/Ronald L. Book, P.A. has been responsive carrying out the agenda, and hosting meetings with all space related entities who have come to visit Tallahassee, on a regular basis. He went on to say transportation issues have been responsive and successful; issues relating to economic development and unemployment challenges resulted in a positive return to the community; Tsamoutales Strategies/Ronald L. Book, P.A. recently encouraged reallocations of some of the trails money; and reprioritizing money helps put things in line to be successful. He mentioned Tsamoutales Strategies/Ronald L. Book, P.A. is proactive in trying to engage Brevard County's agenda and to be successful as well; and he would be remised if he did not take this opportunity to thank the members of delegation.

Commissioner Nelson inquired with there being two firms involved who decides who does what with Brevard County's requests. Mr. Book responded the point of coordination on a day-to-day basis has been left to Mr. Tsamoutales, because he is the locally-based firm; he stated the responsibilities are split up accordingly; and transportation, economic development, and all space initiatives are the heart of their responsibilities.

Howard Tipton, County Manager, noted the work is divided by using Florida Association of Counties and the Florida League of Cities; and issues that are germane to Brevard County are what Tsamoutales Strategies/Ronald L. Book, P.A. is used for.

Commissioner Bolin Lewis stated Brevard County does not have a legislative person designated anymore; she is concerned about communication methods; and wants to ensure there is 24 hour communications with Brevard County's managed leadership.

Mr. Book stated Tsamoutales Strategies/Ronald L. Book, P.A. is hopeful that the level of communication that has been had with Brevard County has exceeded expectations; and if not, he will meet with the Chairman to make certain Brevard County is getting adequate communication.

Lena Juarez, JEJ Associates, Inc., provided the Board with a PowerPoint presentation regarding JEJ Associates, Inc. being the best fit firm to represent Brevard County before Florida's Legislature; she stated she is present today with Robert Miller; JEJ Associates, Inc. has over 50 years experience in and around the legislative and political process; JEJ Associates, Inc. appreciates the opportunity to be present today; the presentation process is a good and competitive process to go through; Brevard County has had excellent representation; and she recognized the distinguished colleagues in the audience. She added, JEJ Associates, Inc. follows the highest ethical standards of its profession; she assured the Board there is no conflict of interest; and gave three reasons why JEJ Associates, Inc. should be hired; one, JEJ Associates, Inc. knows their stuff; two, it has many connections; and three, it is passionate about what it does. She mentioned JEJ Associates, Inc. will work with the Board to achieve its legislative priorities by helping draft the priorities with hands on to capture chances, by analyzing the challenges, and listing any coalitions needed because JEJ Associates, Inc. knows that Board is the voice of the citizens of Brevard County; and JEJ Associates, Inc. is the representative to help Brevard County connect with Tallahassee. She stated as issues arise JEJ Associates, Inc. will communicate with staff on how to represent Brevard County's priorities; and JEJ Associates, Inc. takes great pride being involved in issues of the budget.

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Katie Webb, Colondy, Fass, Talenfeld, Karlinsky, Abate, and Webb, stated Colondy, Fass, Talenfeld, Karlinsky, Abate, and Webb is happy to be present today responding to the Request for Proposals (RFP) for State Legislative Lobbyist; they have offices located in Tallahassee and Fort Lauderdale; there is a team of eight full-time lobbyists and has a back-up team at the Fort Lauderdale office of media and public relation specialists; and communication will be constant and consistent by utilizing all lobbyists, with electronic communications and presentations. She provided the Board a pamphlet of examples of how things were done in the past for clients, with biographies of the lobbyist team, crafted email bulletins sent to clients, and reporting bill tracking information; and ending the session with a summation report of tracked information.

Commissioner Nelson inquired what past counties has Colondy, Fass, Talenfeld, Karlinsky, Abate, and Webb represented. Ms. Webb responded there has not been representation of counties, only cities. Commissioner Nelson inquired who is the largest city represented. Ms. Webb responded the Broward League of Cities and City of Fort Lauderdale.

Chairman Anderson advised he participates in the Florida Association of Counties; he stated it just did its legislative priorities; Broward County and City of Fort Lauderdale priorities has ideology that is much different than Brevard County's; and he inquired how will those interests be competed when they want something that is contrary to what Brevard County would want. Ms. Webb responded when dealing with any kind of situation that could arise due to a conflict, the law firm is bound by the rules of Florida Bar Association, in regard to conflict disclosure and communicating with clients; if there were a scenario, it would be disclosed, and evaluated with Brevard County of what the options would be; and if the conflict cannot be waived, they would have to recuse.

Jim Magill, Fowler White Boggs, P.A., stated Fowler White Boggs, P.A. would be pleased to lobby for Brevard County; they have combined 125 years of experience in Tallahassee; and combined 25 years of experience in legislative branches of government, including individuals, multi-national corporations, cities, and counties. He stated Fowler White Boggs, P.A. has been involved in local government representing Lee and Collier County's, City of Fort Myers, the League of Cities, and have significant experience is appropriation issues; the access on both sides of isles in both houses is unsurpassed and unequalled; and the Board could not chose one firm with more expertise and experience than Fowler White Boggs, P.A. He went on to say communications are customized to fit to what the Board is looking for; the proposal would be that he would serve as the lead with his cell phone being available 24-hours a day; and he would appreciate the opportunity to represent Brevard County.

Commissioner Fisher inquired what Fowler White Boggs, P.A. thinks is important to Brevard County. Mr. Magill responded transportation issues, beach renourishment, welcome center on I-95, and funding issues as identified by the Board.

Commissioner Anderson inquired when is bidding for transportation priorities looked at. Robert Miller, JEJ Associates, Inc., responded he does not specifically know Brevard County's transportation priorities for the 2012-2013 session; and the priorities of local government start with the home rule, and the power of the Constitution providing a service that the citizens asked Brevard County to do. He stated the Space Coast has experienced a serious decline in jobs; in moving forward and working with the Department of Economic Opportunity, private contractors regional and locally, trying to bring specific jobs in for the workforce needed, and maintaining natural resources, natural beauty, beaches, and estuaries are very important.

Ms. Juarez advised economic development is at the top of the chart, transportation, defense contractor issues, Medicaid billing issues, and any kind of environmental beach renourishment funding stays current.

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Commissioner Fisher inquired if Ms. Jarez has any relationship with Space Florida. Mr. Juarez responded affirmatively; she stated she had worked with various staff members through the years, and had dealings with Frank DiBello.

Cameron Yarbrough, Tsamoutales Strategies/Ronald L. Book, P.A., advised jobs and transportation projects are what Brevard County's agenda is; there has been some success in moving dollars up for coming projects; they understand creating economic development and bringing jobs back to Brevard County is a primary interest; and has worked well with Space Florida over the years.

Mr. Book advised Tsamoutales Strategies/Ronald L. Book, P.A. is parochial and focused on local issues, but its responsibility when directed by Brevard County administration on global issues; and he stated the Medicaid issue is going to be significant and substantial to Brevard County because of its budget issues.

Chairman Anderson informed the Board that he received a letter from Frank DiBello, recommending Tsamoutales Strategies/Ronald L. Book, P.A. for the position to represent Brevard County.

Mr. Tipton provided the Board with a handout of a letter endorsing Tsamoutales Strategies/Ronald L. Book, P.A. just received from the Harris Corporation.

Jason Steele stated the decision the Board will make today is one of the most important decisions it could possibly make for Brevard County; he has spend 42 years being involved in State and local politics; he knows what it takes to be lobbied by someone in Tallahassee; he assured the Board each legislator knows of Mr. Tsamoutales and Mr. Book; and he strongly urged the Board to stay with the firm it has in place today, which is Tsamoutales Strategies/Ronald L. Book, P.A.

The Board recessed at 11:17 a.m. and reconvened at 11:33 a.m.

Steve Stultz, Central Services Director, read aloud the results of the State Legislative Lobbyist Ranking Sheet; stated the number one ranked firm is Tsamoutales Strategies/Ronald L. Book, P.A.; and the remaining firms ranked as follows: Fowler White Boggs, P.A., JEJ Associates, Inc., and Colodny, Fass, Talenfeld, Karlinsky, Abate, and Webb.

The Board acknowledged presentation from the following firms: Tsamoutales Strategies/Ronald L. Book, P.A., JEJ Associates, Inc., Colodny, Fass, Tallenfeld, Karlinsky, Abate, and Webb, and Fowler White Boggs, P.A. that submitted proposals to provide lobbyist services; approved selecting Tsamoutales Strategies/Ronald L. Book, P.A. to represent the County; authorized the County Manager to negotiate a contract with the selected firm; and authorized the Chairman to execute the contract(s) upon review and approval by the County Attorney and Risk Management.

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

RESOLUTION, RE: RECOGNIZING JOHN STEVE STULTZ FOR HIS 22-PLUS YEARS OF PUBLIC SERVICE

Commissioner Nelson read aloud, and the Board adopted Resolution No. 12-270, recognizing, thanking, and congratulating John Steve Stultz for his 22-plus years of public service, which includes 13 years of dedicated public service to Brevard County.

Steve Stultz, Central Services Director, expressed his thanks to the Board and Stockton Whitten, Assistant County Manager, for allowing him to serve the citizens of Brevard County for many years; and he expressed his thanks to his staff members for their hard work over the years in Purchasing, Asset Management, and Fleet Services.

Howard Tipton, County Manager, stated there are big shoes to be filled with Mr. Stultz retiring; it is fortunate that there are great folks in the bull pen warming up, which speaks to the training and investments made in the employees over the years; and the interactions and pleasures of working with people like Mr. Stutz and many others are really what makes being apart of the Brevard County family really special.

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

ITEM VII.D.1., APPOINTMENT, RE: NORTH BREVARD HOSPITAL DISTRICT BOARD MEMBERS

Commissioner Fisher stated there has never been a doctor on the Hospital Board; he has pushed for the past couple of years to try and get some doctors to be on the Hospital Board for development of procedures and Hospital administrations; a qualified doctor has come forward; he is happy about it; and he would like to appoint Ashok C. Shah, M.D. and Stanley Retz, CPA.

The Board appointed/reappointed **Stanley Retz** and **Ashok C. Shah, M.D.** to the North Brevard County Hospital District Board, with terms expiring December 31, 2016.

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

ITEM VII.E.1., CITIZEN REQUEST BY MALABAR & BABCOCK, LLC, RE: ACCESS FOR NEW RETAIL/HOTEL DEVELOPMENT ON BABCOCK STREET

Geoffry Smith, Babcock & Malabar, LLC, stated he is representing Brian G. West; he is present to talk about a \$50 million commercial project that will bring over 300 full-time and part-time jobs; \$500,000 a year in tax revenues will be brought in for the City of Palm Bay, Brevard County, and the State of Florida; and this economic development project requires no financial contribution for the City, County, or State. He provided the Board a handout summarizing his comments.

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Brian West stated he has been developing successful shopping centers for many years; he has never developed a project that was not successful; he has made a least a thousand different applications for approvals on the 50-odd projects he has been involved with; he has never had to make a request to go before the Board, because of staff's action; and there is a tremendous amount of misinformation that staff has given to the Board about his project. He went on to say he thinks it is important that he explain what has gone on for the last nine months; he stated he lost one hotel and another business because of this delay; the actions of staff are anti business, anti development, and anti Brevard County; and this all has to do with a right-in and a right-out. He stated he is asking for two curb cuts, with a distance being equivalent to two football fields, and four end zones; the City of Palm Bay has endorsed the project and has sent letters to County staff; the guidelines are met; he thought it was approved six months ago; but after a meeting with staff, he was told to revise the traffic study. He stated this keeps going on and on; and he has asked his attorney and traffic engineer to represent him today.

Mr. Smith stated the primary jurisdiction for review of the site plan is not with the County; the City of Palm Bay has jurisdiction over the project and has enthusiastically embraced the project, worked cooperatively with the developer, and provided letters of support from the Mayor and City Growth Manager; as part of their site plan review, they will engage in concurrency management; Mr. West and the City are working on a final resolution of traffic improvements that will result from implementing the project; and the limited roll of the County should simply be to review applications for driveway permits, per Statute Chapter 86, Article 3 of Brevard County Code. He mentioned Mr. West submitted a pre-application to the County requesting two right-in and right-out entrances, that are typical of thousands of projects done within the County and within the City of Palm Bay; and he stated he does not believe it is within the authority of the County to waive current concurrency review of these driveway applications since the City of Palm Bay has the jurisdiction for conducting the concurrency management review in conjunction with ruling on the site plan. He went on to say even if concurrency is considered by the County, the developer has retained a highly qualified traffic engineer who has provided detailed traffic studies showing the current design and what the impact would be on the level of service for Babcock Street and Malabar Road intersection; the level of service of the arterial road is at level of service 'E'; a traffic study has been submitted showing the impacts of development; level of service 'E' will remain; and trip volume will not trigger the road to fail. He noted the road improvements that the developer is putting in will cost about \$1.4 million; the impact fees amount to \$1 million; the landscape with concurrency management changed dramatically in 2011, from a legal standpoint; Florida Statutes Chapter 163, Growth Management Act, was amended, and the fundamental changes made is the concurrency review by local jurisdiction, is not intended to encourage economic developments or eliminating unnecessary areas to development based on traffic concurrency analysis; and local government shall not require an applicant to pay more than a developments proportionate share of improvements needed to mitigate the effects of the project. He went on to say if there is a road that is already deficient, as Babcock Street is, the Statute says the cost of correcting the current deficient condition of that road segment has to be removed from the analysis of those assumed improvements needed already in place; and the analysis is with this project cause the road segment to fail, if those needed improvements were in place. He added, Babcock Street is an already deficient roadway; he stated assuming improvements were in place because the project does not cause the road to fall below its designated level of service; and when the road improvements are made with road widening and the addition of turn lanes, the road will be at level of services 'B' and 'C'; and will remain. He stated if a conservative analysis on proportionate share is ran and the road is widened down to the next intersection, the proportionate share to Mr. West comes to about \$110,000; and the improvements he makes far exceed that. He stated what is being proposed is the project will interconnect with the property to the north; it would interconnect with the property to the south, which is property that is currently leased by the County from the State; and it improves the situation for both the property to the north and to the south, and provides interior roads for the development. He stated this project encompasses 30-acres, with 160 feet

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of front road frontage on Babcock Street, having at least two entrances to ensure the safe and efficient management of traffic; the drive to the south that is in the control of the County and State has proposed interconnectivity that would improve the entrance to the development and get rid of the drive to the south, which is a frequently used gravel roadway; and there were clear plans submitted for conceptual review and approval. He went on to say he thinks Mr. West's frustration is that in the review thus far, he thought he was at the finish line, and the finish line seems to keep moving; it is being brought before the Board for a simple request of direction to staff to continue on with business; and not hold up a project that is going to have huge benefits to the people in the community, based upon a technical and improper use of concurrency review to review these driveway permits. He added, concurrency management will occur in conjunction with the City of Palm Bay's approval of the site plan; and the information provided shows what the developer is already doing to improve traffic, which would meet concurrency review requirements because nothing that this project does reduces the level of service below its current level of service.

Shaun MacKenzie, MacKenzie Engineering and Planning, stated Mr. West's project is at the southwest quadrant of Malabar Road and Babcock Street; under today's condition of the 300,000 square foot project, essentially only having one driveway that he can get access from; Mr. West is looking for some direction today to move forward with conceptual approval of two driveways to provide access to Babcock Street; and he is providing significant mobility benefits for everyone in the area getting around the congested area. He went on to say Mr. West is offering to propose access to the north and south properties to have access to any future signalization that would occur at the southern entrance of the project; and he stated approval is being sought for final engineering.

Commissioner Infantini inquired where the specific property in question is location on the provided handout because all properties are outlined in yellow. Mr. MacKenzie responded the property boundaries are located in the hash-line area, not including the Sunoco gas station; but does include the Holiday Inn Express that has been built, including multiple proposed hotels along the industrial park, and retail space located at the front of Babcock Street. Commissioner Infantini inquired if the two accesses are not granted for approval, how does one accesses their property. Mr. MacKenzie responded the only access available is located on Malabar Road.

Commissioner Fisher stated he would like to hear staff comments.

Chairman Anderson divulged he participated in the meeting with the City of Palm Bay; he stated the City is 110 percent for the project; he thought the problem had been solved; and the Malabar Road accesses would not be a viable option to attract any commercial businesses.

Mel Scott, Assistant County Manager, stated staff is ready, willing, and able to embrace a development such as this; staff looks for these kinds of developments and services the customer with information needs; and staff is entrusted to make sure the traveling public is safe and at no time will there ever be a compromise for public safety when proposals such as this come about. He noted for the record, staff has had conceptual conversations with the applicant; he stated no formal submittal has taken place; and therefore, no formal denial has taken place by the County or the City of Palm Bay as well.

Chairman Anderson advised he has a letter of record from John Denninghoff, Public Works Director, saying administratively the level of service can be waived; he inquired if the Board needs to waive the level of service; he stated staff is saying nothing has been denied, but there has been some kind of denial; and maybe there has not been an official permit, but in pre-application the applicant was told that it is not able to be done. Mr. Scott replied there are two ways around this; he stated the Board could waive the concurrency requirement for Babcock Street, which is currently operating at 128 percent above acceptable level of service, and it is

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not at level of service 'C', it is at acceptable level of service as identified as 'B', and is operating at 'F'; and it is a broken roadway segment. He added, the Board could waive the concurrency requirement, with the roadway segment operating at 128 percent over the capacity to something higher, or make improvements along Babcock Street, that would not further degrade the roadway as it relates to the impacts of this roadway proposal.

Commissioner Fisher inquired if a formal denial has been made; he stated he is under the impression from staff that there has been no denial of any permit for a driveway; and there has been no formal application submitted to consider such. Mr. Scott responded a letter was sent of conceptual conversation stating the roadway segment is presently over capacity.

Mr. Denninghoff stated the only thing that has been submitted is a concurrency evaluation by Mr. MacKenzie; it was responded to, with information included in the letter that Chairman Anderson referred to; as Mr. Scott indicated, there are ways to consider and solve the issues, as has been done with many developers in the past; there has been no submittal of engineering drawings, which constitutes for a driveway, no denials for a driveway permit applications has been made, and City of Palm Bay does not have site plan approval; and in order to issue the driveway permits the County needs to know exactly what is going on at the site. He mentioned without the site plan submittal, it is difficult to make determinations.

Commissioner Fisher inquired if there is no pre-application, conceptual plan, conversations, or meetings taking place. Mr. Denninghoff pointed out there are many meetings taking place; he stated conceptual plans were submitted and provided in a variety of ways; there has been draft versions of traffic studies performed by Mr. MacKenzie, which has been reviewed and commented on, as a matter of courtesy trying to facilitate the process of getting them to the point where there is full-comfort developing the plans and engineering drawings, and then submit an application; and he reiterated no permit application has been denied.

Commissioner Fisher inquired if conceptual plans have been denied. Mr. Denninghoff responded the proposal seen on the conceptual plans is not a simple right-in right-out, nor is it two right-in right-out driveways being proposed, it is one right-in right-out driveway, and one full-access-driveway; and including trying to grandfather-in a permanent median opening for one of the driveways and a traffic signal for one of those driveways. He went on to say, in addition to the two driveways being requested on Babcock Street, there are three other driveway access points to propose for the project, such as two on Malabar Road and one on Interstate Circle; and it is not a simple application because there are conflicts with other driveways and public streets on the opposite side of Babcock Street, which creates public safety hazards. He added, he has nearly 30 years experience helping work through these type of things routinely by facilitating the process as much as possible, and he understands it should have been reviewed quicker; he stated informal submittal courtesy reviews do not have a specified time period to be reviewed; there are fees required for formal applications, with all signatures being included at submittal; those things have not been done; and he added, he is mystified as to why this is before the Board today.

Commissioner Infantini inquired what other County roads are at 128 percent of capacity. Mr. Denninghoff responded he has not done the research to determine that; and the Planning and Development Office may be able to determine that.

Mr. Scott advised if that information is wanted by the Board, it can be provided at a later time. Commissioner Infantini stated she is curious to know how the roadway reached 128 percent of capacity before being addressed, or corrected; road improvements go before the Transportation Planning Organization (TPO), on a monthly basis to discuss roadway needs. She went on to say if development is going to be denied because of capacity, she is going to lose job creation in her District because the County does not have road capacity, and that is causing her to have

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a huge problem with it; she is all about smart growth and projects; and it should not be allowed to go on, if there is no road capacity. She stated the applicant did do his pre-application; she suggested individuals meet with their Commissioner with the pre-application before applying for a permit, so some of the kinks can be worked out before having an extensive engineering study. She opined she wants this built in her District.

Mr. Scott mentioned it is not an uncommon occurrence for building and driveway permits to be issued on roadways that are over capacity; he stated the proportionate fair share is trying to ensure improvements needed on Babcock Street occur; and over capacity is dealt with all the time. He went on to say the conceptual submittal needs to match reality; and staff has to ensure when a study is submitted, it indicates the entirety of Babcock Street northbound is two lanes, but it is not in its entirety two lanes. He added, it is difficult to look at a study and see the impacts of a street when the study shows a signal at the end of the south-bound merge, which does not exist; he stated there are issues the engineers can work through; but at some point, there has to be recognition of what is going into the proposed study, and what the real conditions of Babcock Street are so safe improvements can occur.

Chairman Anderson advised the Board he is going to have one round of Board comments; and he stated if a Commissioner does not speak, he or she loses his or her chance to speak. Commissioner Infantini inquired what does that mean. Chairman Anderson advised he is going by Robert's Rules, with one round for each to discuss; if there is a motion made, there can be a second round of discussion; and that is it on all discussions, unless one can get three-quarters of the Board to approve additional time.

Mr. Smith stated what was submitted was a request for conceptual approval; there was a denial letter dated November 14, 2012, it stated it would not be approved because the current capacity level on Babcock Street is 117 percent; there seems to be some confusion with the percentage today; and he does not know what the correct number is, but the letter says 117 percent currently over the maximum allowable volumes, the proposed level of the development is 123 percent, and County administration does not have the authority to waive concurrency for any roadway over 110 percent. He mentioned he spoke with Scott Knox, County Attorney, earlier this morning trying to find the 110 percent rule somewhere, because he looked for it and he could not find it; he stated he thinks it is within the authority of the Board to waive the existing level of service for this project, because the roadway it already failing, and the new Growth Management Act required will not cause that roadway to fail. He added, the frustration is suggesting sitting down and working it out; he stated he has been trying for nine months to work it out; clear direction is needed to move forward with the project so it can be completed; and the impact to Babcock Street should not be the defining point. He stated he would like Mr. MacKenzie to answer any question the Board may have regarding the adequacy of the plan design for these curb cuts; and what had been submitted is up to Florida Department of Transportation (FDOT) standards.

Commissioner Fisher stated there was reference to a Statute, if a road needs improvements, the developer cannot be asked to make any of those improvements; and he inquired if Attorney Knox can tell if there is any truth to that statement. Attorney Knox responded he has not been involved with this particular project, up to this point; he stated he understands Babcock Street is in the County's jurisdiction, not the City of Palm Bay; the City may have the municipal boundaries that covers the piece of property, but the road is not in the City; the City does not have jurisdiction over the road, or the curb cuts of the driveways; and whatever rules the County has that is applied to driveways is still applied to this piece of property. He went on to say he understands there is a 110 percent threshold that gets tripped; and this project trips that threshold increasing the threshold, which is a problem needing to be resolved.

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Mr. Smith stated the Statute is 163.3180; the change is the concurrency requirements in concurrency management; according to legislature, it is sharing of growth being stopped over the issue of an already deficient and failing road; from now on there needs to be assumption for the reason of the deficiency occurring; and if this project would cause the roadway to fall below its level of service, if yes, the developer is responsible for making those roadway improvement, or paying a proportionate share. He added, the term use to be fair share; it was changed in 2011, to proportionate share, which is all the same analysis by starting with assumption that deficient roads are where they should be and would this project cause it to fail; and he thinks the answer, is no.

Attorney Knox stated he has not recently looked at the Statute; he can do research to find out what the answer is; he tends to doubt that the legislature intended a project to come along that would be running at 117 percent, which is running over the apparent 110 percent standard of the impact, and adding more percentages to it; and saying it is okay to move forward without any improvements cause him to have a difficult time believing that is what legislature really intended.

Commissioner Fisher stated he has a hard time believing that any development can go on any road that increases traffic, with no one making improvements to the road; and if it impacts that road, there should be improvements made to it.

Mr. Smith stated what he thinks legislature questioned were the added trips causing level of service to fall below its designated level of service; if yes, then roadway improvements have to be made; he clarified Mr. West did not say he was not going to make any improvements, he is making substantial improvements with signalization at about \$1 million.

Commissioner Fisher stated some of that is not benefiting the project, the County, or the citizens. He went on to say there are a lot of roads in Brevard County that has deficiency problems; County government does not have the funds to make improvements to them, as each development moves along; decisions by the Board have been made to develop new roads like the Parkway instead of Babcock Street; and building the Parkway is more important than Babcock Street. He added, if new development is going to be made on a roadway, developers need be asked to help make roadway improvements; he has always been under the impression that the County can do that; and there has to be some kind of participation from the developers. He stated he knows The Viera Company has put a lot of money into a lot of roads, and is integrated into doing so because everyone benefits from it.

Mr. Smith encouraged the Board to ask Attorney Knox look at that issue because it is highly controversial and debated; and he stated he would be happy to provide a copy of the legislature report from FDOT.

Commissioner Fisher inquired what the County is willing to permit. Mr. Denninghoff responded if the concurrency issues were not there, essentially the County is willing to permit if there is an understanding of what is going on at the site to help determine if the traffic study is accurate; it is necessary to determine the length of turn lanes; having an understanding of what is being requested, and adequately addressing safety issues, which may arise as a result of the proposed improvements; it is not unusual for developers to propose something that is initially not accepted; and there has been no effort made to address mitigation of the safety concerns. He added, the County is willing to be flexible regarding some of the spacing requirements to the median openings, and distances from traffic signals, but the spacing between driveways is a big concern; the County is willing to permit something very similar to what is shown, but there has been no indication that the developer is willing to do that; and there are no County resources to do so. He stated he thinks he could get them two driveways, a right-in, and a median opening; but they just cannot get a rubber stamp of approval because they have not submitted an

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engineering drawing showing exactly how to deal with configuration of the existing driveways as they proposed them. He referred to a meeting with Mr. West on August 3, 2011, and he told Mr. West then that there was going to be some problems with the number of driveways on Babcock Street; nothing has been proposed up to this point in time that would justify allowing what has been proposed; and he does not have it worked out to see how to accommodate the proposal. He went on to say there was a meeting on June 4, 2012, that Chairman Anderson was present at; he warned Mr. MacKenzie at that time that it was going to be a difficult task; he has seen it done; but the study has not been completed in a manner that is satisfactory.

Commissioner Fisher inquired what certain things need doing for Mr. Denninghoff to be comfortable. Mr. Denninghoff responded it would be a reasonable accommodation to allow an opening at the central driveway; it is necessary to deal with spacing issues on the southern driveway to relocate the driveway that the County has, which is a perfectly fine driveway where it is, but what makes it not fine is when that southerly driveway on Mr. West's property would get constructed, it would need to be further located to the south; and if that is not a right-in right-out driveway then the City of Palm Bay's position needs to be known on the status of Agora Circle, plus a left turn lane would be required at that location if there were a full-median opening at that southerly location. He stated that left turn lane will block off Agora Circle, preventing any left turn access onto or off of Agora Circle and Babcock Street, and there is a bunch of undeveloped property behind there that is expected to be there for a left turn. He stated a solution to accommodate the left turning ability for Agora Circle would solve the spacing issues, by allowing a full-median opening, if they warrant a traffic signal in the future, and receive a traffic signal permit for that location; additional improvements would be required on Babcock Street, but to this point in time, the County has not seen any willingness to consider any kind of proposal at all.

Commissioner Bolin Lewis stated after listening to the parties involved, she suggested submitting a formal site plan to the County; staff can prepare a report for the Board to review; she is not going to be approving or disapproving today; and she wants to know of all information, not only information presented today.

Mr. MacKenzie stated the site plan was provided on October 30th; and the concurrency package and the pre-application were submitted in March. Commissioner Bolin Lewis inquired if a formal site plan has been submitted, along with paying the fee. Mr. MacKenzie responded the concurrency fee has been paid; and he stated staff directed them to prepare the concurrency application, that was submitted as part of a full package.

Commissioner Bolin Lewis advised she needs further clarification from staff.

Mr. Scott stated it would be good if Mr. MacKenzie would answer Commissioner Bolin Lewis's question of if a formal site plan package had been submitted. Mr. MacKenzie responded the site plan was submitted as part of the concurrency application requirements.

Commissioner Bolin Lewis stated everything she has heard thus far has been courteously done for free for the applicant; staff has worked with the applicant; and she thinks a formal request needs to be submitted.

Mr. Smith stated he thinks the development site plan for the development is being confused with something else.

Mr. Scott remarked a formal site plan has not been submitted.

Mr. Smith stated it is not clear, because a site plan does not need to be submitted, an application for driveway permit needs to be submitted; and a site development plan does not

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need to be submitted. Mr. Scott stated Mr. Smith is correct, an approved site plan is needed to show the County where the driveway is wanted to be.

Chairman Anderson advised the applicant needs to address the Chairman, not staff.

Mr. Smith expressed his apology to the Board for not addressing the Chairman; he stated direction is needed; and he inquired what the County needs to be submitted.

Commissioner Nelson suggested deferring the subject to the January 8, 2012, meeting; he stated specific points of conflict need addressing; what is taking place now, should not be, and it should be coming to the Board with very specific points for decisions; scheduling a meeting for all parties to attend would be good; and he suggested the City of Palm Bay be invited as well. He added, his frustration out of this whole process is the City is developing along County roads; he stated the County is losing revenue sources that it uses to construct; and he suggested deferring this item to the January 8, 2013 meeting, and staff can bring back points that are specifically needing Board approval.

The Board approved recommendation of deferring the Item to the January 8, 2013 meeting.

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

Commissioner Infantini stated it frustrates her to see Sam's Club having a right-in right-out, with a long extended turning lane installed also having an extended turning lane to help get onto the roadway; and she thinks there was miscommunication about the developer making roadway improvements to bring it up the level of capacity. She stated she is hopeful to see in and out extended turning lanes added so there is no interference with traffic; and she is willing to meet with all parties involved, because she needs this project to take place to help bring more jobs into the area.

Commissioner Fisher stated this item should not have been presented to the Board at this level; as development is done in Brevard County, developers will need to be asked to help pay for improvements to roadways; those improvements benefit the developer and the County; and he has no problem asking a developer to pay for their improvements

ITEM VI.B., APPROVAL, RE: METHOD OF REMOVAL OF HANNA DOCK

Commissioner Nelson stated this Item pertains to bogus information on a building permit, allowing a dock to be built; the citizens involved sued to have the dock removed because it was constructed on half of a canal and on top of another person's property; he recommended the Board authorize Option 1, ordering the Public Works Department to remove the dock by contract; and he suggested placing a lien on the property. He went on to say if Samy Hanna has any issues, he should take the issues up with his dock builder or the surveyor who caused the dock to be placed where it is; it has been ongoing for six years; thousands of dollars has been spent fighting the issue; and there is a Judge Order, to have the dock removed.

Commissioner Infantini inquired if a certified letter was sent to Mr. Hanna letting him know the item was on today's Agenda. Commissioner Nelson responded significant discussions

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pertaining to this item have taken place. Commissioner Infantini stated she believes Mr. Hanna would be present if he knew it was going to be discussed; and she inquired if it could be tabled to January.

Scott Knox, County Attorney, responded a letter was previously sent by Public Works Director John Denninghoff telling Mr. Hanna of the problem, and that the dock is going to be removed unless he removed it himself, which is what the Ordinance calls for; and the response from Mr. Hanna's attorney was because a permit was issued Mr. Hanna has vested rights, and he was not going to remove the dock. Attorney Knox added, Mr. Hanna does not have vested rights because he did not have the proper ownership to begin with; and a person cannot get a permit on another persons property and claim vested rights. He mentioned he does not know if another letter had been sent for this particular Agenda Item today, but Mr. Hanna knows what the County is going to do.

Commissioner Nelson added additional notice is not required; and he stated Mr. Hanna was asked to remove the dock on his own, but has chosen not to.

Commissioner Infantini stated the Board was trying to determine where the drainage line is located on Mr. Hanna's lot.

The Board approved Option 1, directing the Public Works Department to coordinate the removal of the Hanna Dock for encroaching into a dedicated and County maintained canal along the northern boundary of the Plat Pelican Creek Estates, Additional No. 1, and place a lien on the property to recover the costs.

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

Commissioner Fisher inquired how the removal process works. Commissioner Nelson responded staff will coordinate with the appropriate authorities to have the dock removed.

Commissioner Infantini opined it is a matter of vested and property rights; and she stated it was a misunderstanding, because the County issued the permit.

Chairman Anderson stated the Judge's Order is to have the dock removed; and today the Board is addressing the removal of the dock.

EXECUTIVE SESSION, RE: MARY SPHAR, SANDRA CLINGER, AND SIERRA CLUB, INC., V. BREVARD COUNTY, CASE NO. 12-003643 (DEPARTMENT OF ADMINISTRATIVE HEARINGS)

The Board temporarily adjourned at 12:45 p.m. for an Executive Session in the case of Mary Sphar, Sandra Clinger, and Sierra Club, Inc., v. Brevard County.

Chairman Anderson read aloud, as authorized by Section 286.001(8) Florida Statutes of Brevard County Board of County Commissioners will now commence a private attorney-client meeting for the purpose of discussing settlement negotiations and/or strategy related to

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litigation, expenditures, in Mary Sphar, Sandra Clinger, and Siera Club, Inc., v. Brevard County. The names of the persons attending the meeting are as follows: Robin Fisher, County Commissioner District 1; Chuck Nelson, County Commissioner District 2; Trudie Infantini, County Commissioner District 3; Mary Bolin Lewis, County Commissioner District 4; Andy Anderson, County Commissioner District 5; Scott Knox, County Attorney; Christine Lepore, Assistant County Attorney; Morris Richardson, Assistant County Attorney, and Margaret Eddie King Reporting Services, Inc. The Attorney-client private session will be held in the County Manager's conference room, 3rd Floor, Building C, at the Brevard County Government Operations Center, 2725 Judge Fran Jamieson Way, Viera, Florida. The estimated length of the attorney-client session is one hour or less. He will now entertain a motion to temporary adjourn and reconvene in the County Manager's conference room.

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

Chairman Anderson stated the private attorney client meeting of Mary Sphar, Sandra Clinger, and Sierra Club, Inc. v. Brevard County, Case No. 12-003643 (Department of Administrative Hearings) has been terminated; and the Board reconvened at 1:31 p.m.

ITEM V.A., RESOLUTION, RE: PETITION TO VACATE PORTION OF TICO ROAD - HONEYCUTT & ASSOCIATES

Chairman Anderson called for the public hearing to consider a resolution vacating a portion of TICO Road, as petitioned by Honeycutt & Associates.

There being no objections heard the Board adopted Resolution No. 12-271, vacating a portion of TICO Road, as petitioned by TICO Airport Authority/Honeycutt & Associates, Inc.

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

ITEM V.B., RESOLUTION, RE: PETITION TO VACATE PUBLIC INTEREST IN PARCELS OF LAND DESIGNATED AS "PARK" ON MAP OF KELLY PARK - FRANCES K. GROOMS/CLIFFORD REPPERGER, JR., ESQUIRE

Chairman Anderson called for a public hearing to consider a resolution vacating public interest in parcels of land designated as "Park" on Map of Kelly Park, as petitioned by Frances K. Grooms/Clifford Repperger, Jr., Esquire.

Clifford Repperger, Jr., Esquire, stated he is representing the petitioner Frances K. Grooms, she is the successor in interest to the developer of the L. L. Kelly Estate Plat; the staff report provides the Board a good history of what is involved; vacating is being requested of parcels/blocks B and C; various objections have been recognized in parcel/block B, due to waterfront concerns; and the petitioner cannot establish it is in the best interest of the County to

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vacate that particular parcel. He advised he is requesting parcel/block B, be removed out of the request, and are only asking for the vacation of parcel/block C.

Commissioner Fisher stated the wishes of the deceased are unknown, but obviously they wanted the County to have the property; he does not know what the County's future use might be; but he has a concern of giving away any property that would end up being to the benefit of somebody selling it down the road, and the County not becoming heir to that; and he is having a hard time with this item.

Commissioner Nelson stated this item goes back to the 1920's of its original dedication; the County does not own the land, it does have the right to use for park purposes, and the County cannot sell it. He went on to say the waterfront should not be given up; he stated he does not see an issue of divesting the County of the right on this parcel, and it will be sorted out in court because the heirs need to decide what to do; and this is the first step of getting the County getting its right to use the property.

Commissioner Fisher inquired if it is the heirs' decision; he stated the heirs did not inherit it; and it was not part of their Estate. Commissioner Nelson responded if there is no particular use for it as a park, it would not serve the public purpose, and it will go back to the heirs who will need to sort it out. He stated these properties came up in 1996 or 1997; the heirs were interested at that time; but the County decided not to divest in it at that time. He advised he is okay with it; the park use piece has been held for some time, which is the waterfront; and the other would cause to go back on the tax rolls and be used for industrial or commercial purposes.

Commissioner Fisher stated if the family is going to use it for their own purpose and make a profit from it, then the County should be a part of that profit center.

Commissioner Infantini stated she is in agreement with Commissioner Fisher.

Commissioner Bolin Lewis stated she is in agreement to hang onto the riverfront; and she has no problem with giving the right back to the people who own the property, so it can be returned on the tax roll.

Commissioner Fisher advised he had not thought of it being on the tax roll; and he inquired what the intentions for the property are. Mr. Repperger responded there is no immediate plan at this time; but he does know there are commercial interests surrounding the property.

There being no objections, the Board adopted Resolution No. 12-272, vacating any and all public interest in the parcels of land designated as "PARK" on the map of Kelly Park, as petitioned by Frances Kay Grooms/Clifford R. Repperger, Esquire.

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

ITEM IV., PUBLIC COMMENTS

Charles Tovey provided the Board with a handout showing pictures of his boat before it was taken away from him; he stated there is a big hole in his boat now; and he was charged \$25,000 because people are tearing up his property, destroying his cemetery, taking all of his trees, and

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cutting his utilities off. He went on to say he has solutions for the County that are not damaging to the environment.

Kinley Nagle stated she is needing suggestions from the Board of how to get her work implemented into Brevard County schools; she has been before the School Board, presenting her ground-breaking work about learning disabilities; she is a certified teacher in elementary education; she has a Master's Degree; she is passionate about helping children to be competitive academically; and she mentioned underlying facts of needing emotional, physical, and cognitive support. She read aloud her innovative ideas of her 12-step program that implements educating the public, raising self esteem and confidence, teaching strategies and tools for individuals, parents, teachers, students, and professionals by identifying and eliminating old fears and beliefs; and that her goal is to create a safe learning environment that will foster strong and confident children and adults needed to make the nation stronger and competitive academically.

ITEM III.B.7., AUTHORIZATION OF CONTINUED DISCUSSIONS WITH CITY OF MELBOURNE, ADVERTISE REQUEST FOR PROPOSALS FOR CONSTRUCTION MANAGEMENT SERVICES, APPOINT SELECTION AND NEGOTIATING COMMITTEES, AND NEGOTIATE CONTRACT AND CHANGE ORDERS WITHIN THRESHOLDS, RE: WICKHAM PARK COMMUNITY CENTER (CONTINUED)

Commissioner Infantini stated she pulled the Item because it deals with building another community center at Wickham Park; while researching the County Manager told her it was an approved voter referendum; the referendum was agreeing to be taxed at a rate, not exceeding .8 or .6 mill, pending upon location, and that the millage was going to pay off the bonds, operate, and maintain the parks; and now almost all of the millage in three taxing areas is going to pay off all of the debt for all parks built. She opined another community center is not needed; and she stated now is not the time to be building. She mentioned there has been discussions with the City of Melbourne who will maintain the community center; and she suggested the County not enter into an agreement to build.

Mary Ann Bowman, Leisure Services Director City of Melbourne, stated she is available to answer any questions; staff has been in discussions with the City; if a lease agreement is entered with the County, the City is fully committed to pay for the operations; the City is asking for a long-term lease; and the City will pay for full operations of the community center.

Commissioner Fisher stated conversations need to take place about all community centers and how they will be funded and operated in the future; many centers operate at a loss; he opined a workshop is needed to discuss all community centers; he stated has concerns if the City will operate at the same level of service as the County; and he inquired if the City will be operating it indefinitely and if all other community centers need to be opened to other organizations.

Commissioner Bolin Lewis stated this has been on her project list since being elected six years ago; the voter referendum money is being held until knowing the operating expenses can be afforded; at this point in time, negotiations need to take place with the City to get to some commitment for level of service; and she disagrees having any other agencies coming forward to run operations. She added, the City is not going to go bankrupt; she can assure the Board if the City enters into an agreement, it will pay for the maintenance of the community center; and she would like negotiation points to be made for the Board to move further, discuss, and the opportunities to be presented back to the Board.

Commissioner Infantini stated she has a handout showing what parks were available in 2000; the County was going to spend \$491,000 building a senior center at Wickham Park, but the

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senior center ended up costing \$4 million to build, instead of renovating at the Henegar Center; and an 18,000 square foot senior center was built where the community center is supposed to go. She added, she has read the meeting Minutes from 2006; the advisory board talked about moving forward with building at Wickham Park; and she inquired where the money will be coming from. She stated the County keeps building, yet there is no money to maintain; she inquired if the City has operational costs of \$500,000; and she stated the County is burdening the City.

Commissioner Nelson stated this has been approved by voters twice; partnerships are the way to go; the City is stepping up and has ability to operate it; the park was designed to include the community center; he is supportive of it; and he wants to see details of the operation. He stated the Board is compelled to do what the voters asked of it to do; and it is a good facility, in a good location.

Chairman Anderson stated he agrees with Commissioner Nelson about seeing the details before going out to for Request for Proposals (RFP).

Commissioner Fisher inquired if the County can look into operating it, or is most of the Board opposed to it.

Commissioner Nelson replied he does not have a problem with bringing both options back to the Board; and staff can continue its discussions with City

Commissioner Fisher inquired if the Board is opposed to having other organizations looking into this. Chairman Anderson responded no; he stated he prefers to see offerings beyond the City of Melbourne and an RFP for who wants to run it; and if that is not going to be done, he will not be supporting it at all.

Commissioner Infantini stated the Agenda Item does not state that, it states to negotiate and move forward with the RFP for the Construction Management.

Commissioner Bolin Lewis inquired if Chairman Anderson wants staff to look at other things. Chairman Anderson responded he would like to see what is being proposed so a decision can be made; and in the end, it is a County building, and it should have the same level of service as all other County buildings.

Commissioner Fisher stated at times he feels County facilities do not have enough levels of service and are not programmed well; and he wants more dialogue to help handle it.

Commissioner Nelson stated a service is being provided by the County by having community centers; and he has no problem discussing it further, because there are centers in neighborhoods that will not be turned into a fully-paid for center.

Commissioner Fisher mentioned he is heavily involvement with the Young Men's Christian Association (YMCA); he stated YMCA has community centers throughout Central Florida that never pays for themselves; the YMCA's Titusville Family Center loses \$250,000 a year; non-profits are subsidizing other family centers that are not profitable; the whole discussion of all family and community centers needs discussing of how to afford and operate them; and he inquired if it can be continued to be afforded. He added, a possible user fee needs to be added to some of the centers, so the County can be self-sufficient with them; it is a great time to have conversations in workshops on long-term planning for all community centers; and if there are other partnership opportunities to be looked into to be fair to all taxpayers.

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Commissioner Infantini inquired if the motion is to have discussion to lease and not built. Commissioner Bolin Lewis responded affirmatively, and she inquired the feasibility of having other non-profits involved in the workshop discussions. Jack Masson, Parks and Recreation Director, responded staff can make contact with other non-profits to see if there is any interests for dialogue.

The Board approved proceeding with discussions and receiving details regarding lease terms from the City of Melbourne for the Wickham Park Community Center; directed staff to contact other non-profit organizations determining if there is any interest in being involved with the Community Center; and to proceed with workshop discussions relating to the building and operations of community centers in the future.

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

1:30 P.M. ITEM V.E., ORDINANCE, RE: CREATING ARTICLE VII, ENTITLED "FERTILIZER USE ON URBAN LANDSCAPE"

Chairman Anderson called for a public hearing to consider an ordinance amending Brevard County Code Chapter 46, Environment, Creating Article VII. Entitled "Fertilizer Use on Urban Landscape."

Chairman Anderson explained to the audience that each speaker would be allowed three minutes; he stated he will be strict; and he wants to give everyone the opportunity to get their views out. He went on to say he wants the speakers to be respectful, make no personal remarks, to stick to the issue, and to address all comments to the Chairman. He stated if there is a question or comment for staff, it will be answered after everyone speaks; at that time it will come back to the Board; there will be a round of discussion; a motion will be made; and then there will be a second or third round of discussions to see where it goes.

Ernie Brown, Natural Resources Management Office Director stated an ordinance will be talked about called Fertilizer Use on Urban Landscapes within Brevard County. He went on to say in 2009, the State Legislature passed a law which required all municipalities that had impaired waters to implement a fertilizer ordinance; it developed a Statewide model Ordinance that initially came out in 2009, was revised in 2010, and that establishes a base line for local governments to operate within; and they do, at a minimum, have to implement that model Ordinance. He added, staff has provided for the Board a matrix designed to try to lay out the options available to it; Attachment A is staff-presented ordinance, which is what the Local Planning Agency (LPA) saw last month; and these proposed modifications are to that baseline ordinance that is Attachment A. He stated there are several areas of influence of concern or that will be a topic of much discussion today; five of them deal with phosphorus applications; the issue of slow-release nitrogen; the issue of a term referred to as 'blackout periods' or restricted fertilizer periods; the LPA brought up the issue of additional waterway setbacks and dealing with the no fertilizer zones; and clarification as it relates to exemption of golf courses, parks, and athletic fields. He went on to state in that matrix, the proposed ordinance that is in Attachment A simply states that no phosphorus fertilizer can be applied; it does require a 50 percent slow release nitrogen; it provides a recommendation for a no fertilizer period but does not require a ban; the waterway setbacks do not change; and the attempt to exempt golf courses, parks, and athletic fields was there, but it needs to be clarified. He noted the State model ordinance which

is the baseline does not have any reference to specific phosphorus applications, it is silent on it; it does not have a reference to slow-release nitrogen; it does not reference a 'blackout period'; it does have a prohibition period, which deals with application of fertilizers during tropical storms or hurricane watch or warning periods, and in advance of heavy rain being likely; and golf course, parks, and athletic fields are exempt. He advised when the LPA heard this last month, they brought forward to the Board several additional recommendations; they recommended the phosphorus application limits, 50 percent slow release, and increased the recommendation to 'blackout period' to a prohibition, which is June 1 to September 30, except as necessary to establish vegetation in accordance with the Institute of Food and Agricultural Sciences (IFAS) recommendations; it was also recommended that the Board extend the no fertilizer application zones from 10-foot from the waterway to a 15-foot, eliminating the waiver to that 15-foot section, by using a deflector or liquid application, which currently allows it to be reduced down to 3-foot; and they also extended the voluntary low maintenance zone along waterways from 10-foot to 15-foot. He went on to say a third option has been provided by staff, which is a kind of the middle-of-the-road option, called 'revised ordinance' in the packet, and it provides further clarification to the phosphorus application prohibition, and it simply states that the terms 'no phosphorus fertilizer' and 'low phosphorus fertilizer', which are defined terms in the TURF Rule, they are the only things that can be applied unless the soil samples indicate other requirements; the slow release nitrogen is further clarified for the Board's consideration; and the 'blackout period', which is a recommendation in the revised ordinance, does allow for some flexibility where it is necessary to maintain the vegetative health of the turf; and staff did clarify the golf course, parks, and athletic fields elements. He advised those three elements are going to be before the Board today; it will hear a lot of conversation about the pros and cons of each; and what staff presented to the Board prior to the public comment is IFAS, which is by Statute recognized as the go to for the science for these ordinances. He added, Dr. Laurie Trenholm from the University of Florida is present to discuss some of the pros and cons of these areas of influence and to answer any questions the Board may have before going into public comment.

Dr. Laurie Trenholm expressed her appreciation to the Board for inviting IFAS to attend the meeting to help address some of the questions the Board may have. She explained she is a scientist; she has spent the last eight years working on a research project funded by the Department of Environmental Protection; she spent the previous 10 years of her career working to develop the green industries best management practices, which is the educational component that has trained many people in this room to apply fertilizers in an environmentally fashion; and while she is a scientist, she is also an environmentalist. She went on to say that with all of the passion there is in this particular proposal that people can remember that they do have science to backup what they are recommending. She noted she would like to address the science of the most contentious issues. She inquired if there is something in particular the Board would like to start with.

Commissioner Fisher stated when he was briefed on this originally, he felt like he was hearing two different things, and that is why he asked Dr. Trenholm to be here today, because he wants to get a clarification. He asked Dr. Trenholm to explain the 50 percent nitrogen release concept. He stated some of the industry says it may force a person to put more nitrogen down because it needs to be a certain impact, and 50 percent might require more nitrogen.

Dr. Trenholm stated to address the controlled-release or slow-release nitrogen sources, they have some pretty advanced technology allowing these fertilizers to release, some over quickly and some over time. She went on to state it varies the amount of time they will give a response or the time it will take them to release the nitrogen; they are all a little bit different; but over time, they have become much more precise. She stated whether a fertilizer is applied that is 50 percent slow release, 30% slow release nitrogen, completely water soluble, if it applied to a healthy turf at the recommended IFAS rate, it will get the majority, approximately 99%, of the nitrogen taken up by the turf; in that case, it does not really matter what source the nitrogen is

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applied in; and that was a large component of the Florida Department of Environmental Protection (FDEP) funded study. She added, they had very few differences in the amount nitrate leached, regardless of nitrogen source. She stated where the 50 percent came from is a major question; by looking through all of the IFAS's documents, there are different recommendations; the ordinance was based on was SL21, written by Dr. Sartain, who has spent 38 years working on nitrogen releases; Dr. Sartain is now retired, and he did participate on their large scale research project with DEP; she asked him why he still has this 50 percent recommendation in there; the reason he has 50 percent in the one publication on page 3 is because that allows for the amount of applied nitrogen to coincide with the best management practices rate which says if a fertilizer is being applied, no more than one-half a pound can be in a water soluble form; and 50 percent makes that very easy math. She went on to say there is no real scientific reason that anyone at IFAS would say that a 50 percent slow-release nitrogen was going to leach less than another type of product.

Commissioner Infantini inquired if it is not one of IFAS's recommendations to use the 50 percent slow-release, and it was just a statement in one paper. Dr. Trenholm responded that is pretty accurate; there is nothing wrong with using a 50 percent slow-release, but to say that is the only source that can be used is not what IFAS would consider an accurate statement as long as the fertilizer is applied correctly; and the pest control folks and lawn care operators trained in the best management practices, go through extensive training in how to apply fertilizer correctly.

Commissioner Fisher inquired if the language is not going to stay 50 percent, how that would read. Mr. Brown advised he and Dr. Trenholm spoke about this earlier, and it is without a doubt confusing because the language in SL21 reads as follows, "In light of potential environmental concerns, it is now recommended that no more than one-half, which is .5, pound of the nitrogen in the application be in the soluble form. Thus, in order to make an application of one pound of actual nitrogen per 1,000 square feet of turf grass, you would need to use a blended fertilizer product containing no more than 50 percent of total in nitrogen in soluble form with the rest of the nitrogen originating from a slow release end source." He stated clearly it has the word 'recommendation' from an IFAS expert who spent 30-plus years doing this, taking it in the context in which it is delivered, and it is certainly perceived as a recommendation from a well-known, renowned researcher; he does not question or challenge in any form or fashion Dr. Trenholm's statement, but the literature does use the words '50 percent slow release' and 'recommended' in the same paragraph; and to the average reader is deduced to be a recommendation from IFAS. He advised the Board he asked Dr. Trenholm if this is something that would be hard if implemented; and he will leave it to the Board if it wishes to ask her that question.

Commissioner Fisher stated he is more concerned if the language were to be modified; and in Option B it says, in part, "Brevard County shall contain at least 50 percent slow release nitrogen per guaranteed analysis label." He inquired if that would be changed, Dr. Trenholm thinks that should read since the 50 percent is not a hard-fast rule. Dr. Trenholm advised should would probably recommend not putting a number in there; by definition, by State Rule, a slow-release fertilizer has to contain at least 15% slow-release nitrogen; and just leaving it without a set percentage would make it certainly a valid component of the ordinance. Commissioner Fisher inquired if Dr. Trenholm is an environmentalist and a scientist, and is she speaking for IFAS. Dr. Trenholm responded affirmatively. She went on to say Dr. Sartain is retired; this document was last reviewed in 2010; since then the final report to DEP on the long-term research project has come out; and she does believe that Dr. Sartain would concur in changing what he has there, but he is retired now.

Chairman Anderson inquired if it is Dr. Trenholm's intent to stay; and stated there are 67 speakers. Dr. Trenholm advised she can stay.

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Commissioner Nelson inquired what the impact is to the turf to a blackout period. Dr. Tranholm responded there are so many variables within any particular landscape environment that goes into how a turf grass is going to perform, everything from the soil to the care that it receives; with some of the extended release products, some of the advanced technologies she referenced earlier, a good portion of the blackout period can be gotten through for a good portion of it without problems, but that is if everything is going right; if there is good soil with some organic matter, and a healthy turf with a deep root system; and a turf that is mowed short with compacted soil and no root system will not do well regardless and will need extra care. She advised there are many different implications that can affect whether or not a turf will do well; it is possible to get a turf through a blackout period in some situations if everything is favorable; and in other situations there will be things like the turf will start to decline, turf will be lost, it will lead to increased surface water runoff of sediment, increased weeds, need for weed control, and a turf that is not as strong, competitive, healthy, and not able to do what it should do in this environment. Commissioner Nelson inquired what the term in the environment means; and he lives on a canal. Dr. Trenholm advised what the turf does in his environment is it holds the soil in place so there is no surface water runoff into the canal; it provides an area where there is a natural recharge going on if there is surface water runoff; it does many things in the environment that makes the ground stay in a status quo rather than having other types of landscapes where there may be bare areas; the ability of the grass to have a continual top shoot cover and a strong underground root cover are what makes it so good at holding the soil and intercepting things in stormwater runoff; and also why it is able to take up the majority of the fertilizer put on it. She added, if that dense cover is lost and underground system, it severely impedes the grass to do that.

Tony Sasso stated this issue is usually important, and the Board has some tough decisions to make. He went on to say this issue has been fought in Tallahassee; when he was up there they were fighting for this very same thing; he likes a green lawn; but there is plenty of room for compromise. He noted that 15 years ago when he moved here a person could see the bottom of the lagoon on most days; he is on the river every two weeks; a lot of his neighbors have businesses on the lagoon; and through the summer a person cannot see the bottom anymore due to the algae. He advised this summer, not only could you not see the bottom, a person could not see their hand two inches in the water; they take Boy Scouts out there on canoes where they earn their swimming merit badge; and he is afraid to let them go into the water. He added, something needs to be done. He stated he hopes the people present today who do the applications of the fertilizers will work with the Board to find a good compromise; the people who do his yard, he talks to them how and when to spray; and he is trying to be sensitive. He stated scientists are not always right; he is not a rocket scientist, but the lagoon is dying; and something can be done about it. He asked the Board to err on the side of the lagoon.

He asked the audience not to clap or boo; to be respectful of each other; and if they wanted to do a standing ovation after the 67 speakers to do so.

Stephen Chalmers, speaking on behalf of David Botto, stated the annual fishery value to Brevard County is nearly \$1,000,000 and supporting 31,000 jobs; one acre of healthy sea grass will produce 10,000 fish and tens of thousands of crustaceans, shrimp, and crab per year; an acres value, conservatively by the DEP, is \$50,000 per year; many thousands of acres have been lost in the past two years; and it carries a big tax burden. He went on to say taxpayers pay a lot of money to treat runoff into the lagoon; the ordinance being considered addresses that in a way that is effective, prudent, and economical; and almost at no cost. He mentioned studies on the West Coast of Florida and Michigan show significant nutrient reduction attributed to a strong fertilizer ordinance; oysters and scallops in Tampa Bay have returned; and in the lagoon, he has watched them decline and virtually disappear. He added, in Sarasota County there was a summer ban in effect for over five years; and plant tissue tests show no nutrient deficiency. He advised an ordinance educates the public on the right way to fertilize; and it

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merely codifies practices that IBAS and DEP have been publishing for years. He stated he wants to add his own personal opinion; people are beginning to look long-term at this kind of thing; the consequences of making a slight course direction of one or two degrees at very little cost, can have direct benefits for everyone in many years to come; and he will remember the Board for doing it.

Mark Nathan stated they are at a crossroads whether to have the will and fortitude to impose mandatory measures on fertilizer use or do nothing and pray for a miracle; the most bio diverse river in North American, Brevard County's crown jewel, is under assault; there are some that believe what a person puts into his or her body or into a river does not matter; but they are wrong. He went on to say the time for allowing an individual to decide everyone's fates has passed; most people put on their own fertilizers, they are not done by professionals; native grass does not even need fertilizer; and the leadership must be now and decisive. He added, everyone knows the river is dying from all the nutrients that excess fertilizer brings, leaking septic tanks, and tens of thousands of pounds of animal waste, not to mention all the trash the roadways bring; and soil contamination from careless contractors and homeowners has changed the river bottom from sand to muck all contribute to the demise of the river. He stated today the discussion is mandatory fertilizer use; it is a necessary start; inquired how much long can the can be kicked down the road and just pray for a miracle; mandatory regulation and enforcement of fertilizer use and for other measures to save a river is not new; and other progressive communities have gone here before with positive results. He stated Brevard County has been at the cutting edge of green innovation before; great leadership from years past had the foresight and vision too approve and then the overwhelming support of voters implement the Environmentally Endangered Lands (EEL) programs; and what a legacy to leave behind for generations to enjoy. He asked the Board to go forward and save the river now by approving mandatory fertilizer use; stated Brevard County is blessed with all its green space; and inquired what good is it if a dead river runs through it. He added, he is a kayak guide on many rivers in Florida; he gets on the Banana River from time-to-time and paddled from the Pineda Causeway to Hacienda Del Sol; three years ago the river bottom was choked full of sea grass; and three years later five percent is left. He stated he is not a scientist or biologist, he cannot tell the Board what happened to it, but something did happen to it.

Jim Durocher stated he owns Space Coast Kayaking, and he makes a living off of the river; everyone in the room makes a living through the river; and everyone here is dependent on the lagoon for one thing or another. He went on to say the other people who are present from the lawn care businesses fish, sail, recreate on the Indian River Lagoon; they feed the fish and crabs to their children; and they care about this as well. He noted the river is dying; he has been paddling it for 30 years since 1982; and the changes are drastic. He went on to say if someone came here now and went out on the river he or she would think it is pretty nice; but it is from that perspective; when a person has been here for 30 years and keep looking at it year-after-year, it is a disaster what is happening; and the last few years have been catastrophic. He added, in the Thousand Island's alone, there have been eight manatee deaths just in the past few weeks; and he is sure part of that is lack of sea grass. He stated 95 percent manatee have died off due to lack of sea .grass in the area. He stated he knows it is not just a fertilizer issue; there are septic tanks that are leaching; there is stormwater runoff from the roads bringing all kinds of chemical into the river; it is multifaceted; and there needs to be a multifaceted approach to this. He advised there needs to be the strongest regulations in the County to protect the most important treasure it has, the Indian River Lagoon; it produces so much income; the economic aspect of the lagoon is enormous; and inquired what about property values. He went on to say if the lagoon dies, there are houses along the property and the value loss in property values and tax income from that will make this last bank foreclosures and all of this other stuff look like an ant hill compared to a mountain; the properties are not going to be worth anything; people are not going to want to come here; and tourism is a big deal as well.

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Carol Hamilton stated she is speaking from a personal perspective; she moved here 12 years ago and bought a home in West Lake Village, which is in Suntree; and she backs up to the West Lake, which is a beautiful lake that empties into the Indian River Lagoon. She advised she contacted a pest control company and they applied fertilizers various times of the year including the summer; she watched the heavy rains of the summer wash the fertilizer into the lake; it really bothered her because she saw the algae that was occurring; she contacted them and said she did not want the fertilizer during the rainy season, June-September; and after that they can apply a slow-release fertilizer. She noted the company cooperated with her; they also told her phosphorous was not needed and they do not use it; the soil in Brevard County has enough phosphorous that more is not needed; and her lawn is beautiful, green, and shows no ill effects from lack of fertilizer in the summer. She stated she is in favor of the 15-foot ban where the fertilizing stops and the water begins. She stated lawn care people blow the clippings into the water; that contributes to algae as well.

Rosemary Webb stated she is here to ask the Board to save the pastures of the sea cows because that is what is being talked about; there has been an enormous amount of pasture land for the manatees; and the force of law is needed to get those few people who do not pay attention to careful law management to do so, and to help promote that aspect of compromise.

John Hitchcock, Chairman of the Board of United Waterfowlers of Florida, stated about eight years ago, they started researching this subject; three years ago they put together a position statement on this; and it looks a lot like the strict version of the proposal. He went on to say it was voted on by their Board of Directors unanimously. He stated the reason Waterfowlers are interested in this subject, is the effects on sports fishing, tourism related to that industry, and it affects the water fowl as well; the Indian River Lagoon sea grass supports the food web not only for the fish but also for the water fowl; the shoal grass is 75 percent of the diet of a redheaded duck; they also feed on the gastropods, bivalves, and crustaceans that the shoal grass provides a habitat for; and without the shoal grass, those food web sources would disappear, not only for the fish but for the water fowl. He noted the same mechanisms that are occurring to the food web in the lagoon are also occurring in the St. Johns Watershed; nutrients flow downhill; and the lowest spot in the marsh, open water where there is submerged vegetation that provides the habitat for the food web for the migratory birds, a lot of those places are grown over now with invasive species spurred by the nutrient pollution. He pointed out there is a lot of research specific to the lagoon; Dr. Peter Burrell, who is a resident of Brevard County, is published on this subject; he did a lot of work with Harbor Branch, and specific to the Indian River Lagoon, has been determined to be one of the most important wintering areas for the Lesser Scaup Duck; and he would suggest the Board consult with Dr. Burrell about this subject.

Ian Cox stated he is in support of the lawn care industry and all of his colleagues.

Jessee Witherington stated he thinks the Board should look to science to find a better solution to the problem, and look less towards anecdotal that may suggest other options than what may be the scientific fact.

Todd Josko, Florida Turf Grass Association, stated there is a lot of passion to this issue judging by the number of people present today; it is important to remember everyone is on the same side; at the end of the day, everyone wants what is best for local water quality and the Indian River; but sometimes with passion, statements get made that may or may not be bounded in the facts. He added, sometimes things are a little off point, and things are made up that really have nothing to do with the ordinance. He asked the Board when it makes its decision to try to put the passions aside and look at what is really recommended by true science and best practices; staff has given the Board choices in the memorandum of different alternatives of ordinances to choose from; and he sees one is to follow the recommendations of DEP, Department of Agriculture, University of Florida, IFAS; that seems to be a fair way to go, and Mr. Brown

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described that as a middle of the road approach. He stated sound science, best practices, and expert opinions should guide the policy forward. He asked the Board to consider its Attachment F-1, which is the recommendations of IFAS, DEP, and DAX; the only change he would ask the Board to make is to not include the provision about the 50 percent slow-release, as Dr. Trenholm said, that is not really an IFAS recommendation based on science; and pointing out to the 50 percent why it should not be included in the ordinance, it runs in direct conflict of State law. He advised Steve Crisafulli passed a Bill last year that said that the formulation of fertilizer is pre-empted to DAX; the Department of Agriculture has been clear that it is in conflict with State law; and other than that restriction, he thinks that is something everyone could walk away and feel comfortable that science ruled the day and decisions are being made in the best interest of protecting water quality and the Indian River.

Commissioner Fisher stated some people feel the ordinance should not be passed; and inquired if Mr. Josko is representing the turf world; and stated it sounds like he is fine with passing something. Mr. Josko advised he does not think passing nothing is an option; as Mr. Brown pointed out before, if there are impaired waterways within a municipality, an ordinance must be passed; he believes an ordinance should not be passed that is not vetted by science; and by passing an ordinance by State agencies, that is what the Board would be doing.

Terry Mott stated first came the unprecedented hurricanes, insurance rate hikes, and the foreclosure problems; she is here to ask the Board to pass the fertilizer ordinance so that as a County and State toxic waterways are not added to the long list of reasons why people should not want to live or vacation in Florida; as a homeowner, landlord, and real estate agent, she is especially interest in people being able to live a happy and healthy life in Florida; and she would appreciated the passage of the fertilizer ordinance which seems to be a reasonable step for residents to take in order to insure that the waterways remain safe and an inviting asset to the community. She stated the ordinance is reasonable to impose on residents; to help sustain the incredible life they live in Brevard County, the experts has asked a few things of the people as residents; pick up after his or her dogs; do not release pool water directly into a retention pond; do not blow grass clippings down the storm drains; and use a little less fertilizer when maintaining lawns. She stated she believes these are reasonable requests to ask of all residents; and she asked the Board to pass the ordinance.

Christine Dininno stated she is a Brevard Community College student; she is not representing the school; but she does represent the environmental club of the Melbourne Campus; and it is the largest student club on Campus. She went on to say this is something most of the members support; they could not be here today because it is finals week; and she wanted to let the Board know there is more support from people who are unable to be here. She added, she works at the Brevard Zoo, which is part of the tourism industry; people do not come for just the Zoo, golf, river, or beach, they are coming for all of it; and if Brevard County loses one part, it will lose a significant amount of tourists. She stated the Indian River Lagoon is a big part of why people want to come to Brevard County; interests in the area will plummet if the organisms in the lagoon cannot be saved; and she is in support of the ordinance.

Peter Snyder, Executive Director of Florida Turfgrass Association, stated everyone wants a clean lagoon; he came to Florida with a strong background in agriculture in the Midwest; in the Midwest when fields were broken up and put into set aside, it was required that people put in managed turf as buffer strips; and he wants to talk about the environmental, healthy benefits of turf, carbon sequestration, minimized leaching, filtering the water, minimized runoff, and erosion control. He went on to say all of these things are important, and that is why he is here to talk about health turf; the proper applications of fertilizer is necessary to keep the turf healthy; they are willing to compromise; and he is opting for the middle option on the chart, with the exception of inserting a number on the slow-release.

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Douglas Sphar stated he supports the fertilizer ordinance language that was recommended to the Board by the LPA; in particular, he supports the proposed ban on fertilizer application during a summer rainy season; it is established by science that electrical activity associated with summer thunderstorms take nitrogen from the atmosphere and fixed it within rainwater; basically a lightning bolt provides energy necessary to convert gaseous nitrogen to nitrogen oxide, which goes into the solution of the rainwater; and the Natural Atmospheric Deposition Program is doing scientific work on nitrogen and rainfall. He went on to say they published a color coded map that provides Central Florida ties with the Panhandle for having the highest concentration of nitrogenous rain in Florida; during the hot, wet summer months nature provides the critical factors for vigorous plant growth; and these are long hours of daylight and hot temperatures to soak a plants photosynthesis engine in abundant nitrogenous rainfall to fuel the photosynthesis engine. He stated he feels a person does not fertilize their lawn during the rainy season because the lawn grows so vigorously at that time and it is already in a five-day mowing cycle, and he does not want to have to accelerate that process; and they do not fertilize in the summer. He added, a person can get additional lawn nutrition by using a mulching mower; the photosynthesis process converts solar energy into organic compounds in the living plant; as the grass clippings decay, the organic compounds release back into the soil as plant nutrients; and it is a free form of fertilizer. He went on to say land-based plants have thrived on earth for over 400 billion years without commercial fertilizer, so it seems reasonable that they can get through a few summer months without commercial fertilizer, especially with nature stepping in and providing what plants need. He asked the Board to vote yes on the LPA recommendations.

Marty Baum stated he is Brevard County's Indian Riverkeeper from Jensen Beach, Florida. He stated he provided a letter to the Board and a letter from Mayor, now Commissioner, Jaqui Thurlow-Lipich of Sewalls Point; they were the first community on the Indian River Lagoon to enact a strong fertilizer ordinance; and find a letter from the Martin County Commission asking the Board to join its efforts to improve the health of the waterways of the Indian River Lagoon. He went on to say the lagoon is in a collapse; nearly half of the sea grass meadows has been lost in two years in Brevard County; \$1 billion is what that lagoon brings into the County; and it is losing some of it right now. He advised he is on the river working in a tackle shop; he talks to the sports mans to the guides, he sees them at the boat ramps, he talks to them in the street; things are just like what the Board has heard, places that people have fished for generations are now desserts; the water is so polluted with algae that everything is dying off; and that affects everything in the entire chain. He added, Florida has the most diverse eco-system in all of North American, and Brevard County has a problem in its part of the lagoon; north of Vero beach, the turnaround time for a flush from the ocean is more than a year; south of Vero it is three weeks; and whatever hits the river here, stays there, lives there until it extracts its destruction out of everything. He stated this fertilizer ordinance is not going to help by watering it down; there is a time delay between action and effect; algae blooms have begun; if they stop the algae blooms will continue for at least another year or two; and the community will feel a major monetary, economic impact from what is going on; and next summer when the algae blooms continue, people will get upset and ask what happened. He requested the Board let him toot its horn telling everyone that Brevard County stood up, was counted, and took the lead in the Northern Lagoon to help save the lagoon; down south, Sewalls Point and Martin County have already begun; asked the Board to vote for the ordinance and provide a letter so he can go to the sister counties with the same message; and his family has been on this river since 1868. He asked the Board to enact a strong fertilizer ordinance to help save the lagoon.

R. Grant Gilmore, Senior Scientist with Estuarine Coastal and Ocean Science, Inc. in Vero Beach, stated he has been conducting aquatic research on the Indian River Lagoon in the adjacent Atlantic Ocean for 41 years; this work included sites in Brevard County from Mosquito Lagoon south to Sebastian Inlet; and it also included a lifetime of research throughout the lagoon from Ponce Inlet to Jupiter Inlet. He went on to say Brevard County contains the majority of sea grass within the Indian River Lagoon; it also contains the largest extent of

conservation lands in the lagoon; in addition, it includes the largest human population on the Indian River Lagoon; the lagoon's geomorphology ensures that little title exchange with the lagoon and the Atlantic Ocean occurs in Brevard County; and this means all of the productive estuaries, including those in Dade, Monroe, Lee, Sarasota, Hillsborough, and Pinellas Counties lagoon in Brevard County is most vulnerable to water quality degradation when compared to these other counties and its long term ecological effects. He noted this Board has the opportunity to adopt a measure that can demonstrate its concern for the present and future aquatic resources of Brevard County and the Indian River Lagoon system at large; this measure will begin a long needed effort to improve water conditions in one of the most vulnerable estuaries within the United States; the estimated loss of 32,000 acres of sea grass, mostly in Brevard County, over the past two years converts to a loss of 1.4 billion fish, based on his own quantitative long-term study of sea grass and fish in the lagoon; and the economic and fishery impact is not limited to the lagoon as many of these fish migrate to the adjacent continental shelf to spawn or as the preferred adult habitat after spending their early developmental stages in lagoon nurseries such as sea grass. He went on to say they know that historical research programs that sea grass is sensitive to a variety of human contaminant sources, including too many nutrient eutrophication provided by fertilizers and other human waste products. He advised with this ordinance, the Board has the opportunity to address this problem now at a critical time, a time when the lagoon is obviously suffering from substantial decline in native, biological diversity and productivity.

Suzanne Valencia stated she does not have a blade of grass in her yard, so she does not need fertilizer, pesticides, and she does not have to mow lawns; she is concerned about the Indian River Lagoon; following the two high-powered speakers, she is just adding her agreement to what they have to say; and the Lagoon is a treasure that should be treasured and cured. She asked the Board to pass the ordinance.

George H. Rosenfield stated he is by education and profession an environmental scientist with a Master's Degree from New York State College of Environmental Science and Forestry of Syracuse. He went on to say he originally came to Brevard County in January 1957 for nine years with RCA at the missile range; he remembers Brevard County and the Indian River Lagoon as it used to be; he has lived in Suntree for 26 years; he uses only granular 666 fertilizer; and at age 87, he can no longer keep up with the fertilizer and outside lawn work. He stated if the Board would limit the amount of liquid nitrogen that the professional lawn companies use, even for weed spraying, then he would employ them for his lawn maintenance; and it would help the economy for the companies, for the County, and for his well being. He added, just last month a man was passing through the community as a sales person for a liquid spray lawn company; he told him if he would take the 37 percent liquid fertilizer out of his weed spray, he would use him; it only makes the grass greener; and it does not do anything else.

Joe Pishgar stated a fertilizer ordinance is active in the following counties: Sarasota, Lee, Pinellas, Manatee, Charlotte, and Martin; 50 other localities in Florida have the ordinance; and it works. He went on to say he was approached by folks on both sides of the political spectrum about the long-term survival of the Indian River Lagoon, begging for something to be done about the red and brown tides that were occurring; environmentalists and commercial in tourism both agree; and he thought it was unusual. He stated passing such an ordinance is not only good for the eco-system, but goes towards improvement in quality of life; and property values and tourism are both directly impacted. He went on to add the restricted period is June 1-September 30, which is the rainy season, a time when no one needs constant fertilizer; in West Melbourne they do not need fertilizer during that time as his lawn grows unbelievably; every five days it has to be mowed; phosphorous and nitrogen fertilizer is the problem; and there are alternatives as discussed today, the slow-release. He advised fertilizer companies oppose the measure for a simple reason, fertilizing during rainy season requires them to come out to fertilize more frequently because the application tends to be washed away, meaning another trip

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for the fertilizer company; this dig a hole, fill the hole approach would be fine and dandy for the local economy if it were not for the price tag associated with an ailing lagoon that has seen diminished returns on fishing and nasty side effects, smell being one of them, of the persistent algae blooms from runoff. He stated passing the ordinance is the smart thing to do for the environment and the economy; and he encourages every Commissioner to vote yes.

Louis Witherington stated his family has hunted and fished in Brevard County for over 80 years; he works in the lawn care industry; and he is here to support his brother in Brevard County. He went on to say he is a sportsman and he knows what the Mosquito Lagoon and the St. Johns River used to be like. He stated the fertilizer issue is a diversion of what the real problem is, which is fresh water intrusion into the Lagoon that is causing the sea grass issue and the massive amount of phosphorus coming from septic systems; the amount their industry puts into the Lagoon is minimal, and not worth discussing or wasting time on; the real issue is the surface runoff, the poisons and toxins that come off the street, and the fresh water that is inundating, altering the salinity of the Lagoon and river system; he pulled the information off of the Brevard County Health Department site; there are approximately 90,000 private septic tanks currently in Brevard County; approximately four people live in each home; and by doing the math, each home is producing 38 pounds of nitrogen and six pounds of phosphorus, making it 3,420,000 of nitrogen being put into the river and aquifer. Dr. Trenholm, who is the expert from IFAS, said even when slow-release nitrogen is not being used, less than one percent of that is going into the groundwater; and inquired why time is being wasted talking about this and taking attention off of what is really causing the problem, too much fresh water from the developments around it, it is not being handled properly, not being diverted and treated properly, and all the sewage waste going into the aquifer, which does not go through the root system like fertilizers do. He noted it is all subsurface water going right into the Lagoon because of the porous geology found in Florida. He agrees with the people in this room, the Lagoon is the crown jewel of Brevard County and the crown jewel of Florida; and the Board needs to concentrate on the real issue and not waste time in the small part that the fertilizer industry is doing. He went on to say if the Board takes away fertilizer, it can look at Pinellas County to see how the landscape has declined there and how it is effecting property values; and it is a big issue the Board needs to look at.

Francis Clifford, League of Women Voters Space Coast, stated he wanted to read a letter into the record. "This is to advise you that the Board of Directors of the League of Women Voters of the Space Coast has unanimously voted to support the passage of a strict ordinance on fertilizer use in the County. The following three items need to be specifically addressed in that ordinance. One, fertilizers containing nitrogen should be at least 50 percent slow-release nitrogen. Fertilizers here in Brevard should not contain phosphorus unless soil testing proves it is needed in a specific area. Two, fertilizers should not be applied within 15 feet of a waterway. Three, there should be a four-month ban on fertilizers containing phosphorus and nitrogen in the rainy season from June 1st to September 30th. Fertilizers containing iron can be used instead. Sincerely, Barbara Whitley, President, League of Woman Voters of the Space Coast."

Maria Bolton-Joubert stated she is from Orlando, speaking on behalf of herself. She stated she is removing her St. Augustine grass and replacing it with native plants; it is much better for the environment; it does not waste water; and it does not kill anyone. She went on to say she realizes there are people in the room who are biased; she is not trying to affect any of their jobs, but as a country are very concerned with short-term; and people need to think long-term. She stated the Board has the power to make a huge difference for the State of Florida as well as Brevard County. She stated short-term is making money; if a fertilizer company comes out multiple times a week and once a week in the summer time, that is quick money; they are not thinking long-term; and the chemicals are being put into a lawn that will then go into the watershed, and it is affecting the water quality. She pointed out this ordinance is the cheapest and most effective way to make the biggest difference as soon as possible. She stated people

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think the really green St. Augustine grass is the best; golf originated in Scotland where it rains all of the time, and the climate is very different from Florida; native grass and trees are beautiful; and those needs to be implemented more. She added, they hired a native landscaper so they are not taking away from those types of jobs. She asked the Board to pass the ordinance for the State of Florida, and to think of generations to come. She stated what is done today does affect the future.

Richard Baker, President of Pelican Island Audubon Society, stated the Sebastian area does not have sea grass anymore; the fisherman in Sebastian are heading south down to St. Lucie and Martin Counties where they can catch fish; and they are not catching fish in Indian River County and around Sebastian. He went on to say the turf industry is a huge industry; there are chemical people, people that make the machines that cut the grass, scientists providing better quality-type grasses, scientists coming in advising how best to apply the chemicals, and there is a whole industry working on this; he thinks the Board could get someone from IFAS to come on with the other side of the story to talk about the effects of the Lagoon; and he inquired why are the sea grasses disappearing. He added, the most obvious is some of the chemicals going into the river; it is happening in just the last year or two; and he strongly urged the Board to pass the ordinance. He stated it cannot be done by just education, as an ordinance is needed; it will at least put a little bit of control of the situation; and the Lagoon needs some control.

Dennis Porter stated he recommended the Board take the strictest approach and not the middle-of-the-road approach; he did this himself over 20 years ago; he has not put down any lawn fertilizer in the last 20 years; he switched to native grasses; and they are within 200 feet of the river. He advised he does not like seeing everything that has washed down out of the yards going straight to the Lagoon; they are willing to do this; it has saved a lot of time and money; and if had continued over the last 20 years, he would have probably put 250-300 pounds himself into the Lagoon. He added, most of the fertilizer is not coming from the lawn care industry, it is coming from people who have no idea what he or she is doing; if the Board adopts something strict, people will understand they cannot continue to do it; and everyone has to cut back to help save the environment.

Linda Behret stated she is in favor of the LPA version of the ordinance; and before the LPA hearing, she wrote a letter to the Board Members and some of the staff in which she made several points about what Sierra Club and she as an individual would like to see happening to protect the Indian River Lagoon and to keep the lawns fairly green. She distributed to the Board the FDEP and University of Florida, Institute of Food and Agricultural Services (IFAS) Florida Yard's and Neighborhood's Handbook. She stated she is in favor of the rainy season ban; page 23 says, "To prevent water pollution for nutrient leaching and runoff, always follow these steps when fertilizing your lawn or landscape." She stated it continues on page 24, "Don't fertilize before a heavy rain. Apply an iron source before considering nitrogen fertilizer. To green the lawn without increasing growth in the summertime, use chelated iron or iron sulfate." She pointed out these recommendations have been in the Florida Lawn and Neighborhood Handbook since 1994, and they are still in the most common version put out 2009. She stated local governments looking for the lowest cost method to stem the flow of excess nitrogen and phosphorus into waterways have codified these recommendations; there are more than 50 counties and cities that have adopted these since 2007 and find them working very well with no effects on the lawns; and it is better for the waterways. She urged the Board to adopt the strict ordinance.

The Board recessed at 3:26 p.m. and reconvened at 3:43 p.m.

Linda Janse stated she is supportive of the strongest regulations the Board can come up with. She advised enforcement will be a big part of this; education, which will include the big stores,

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places that are selling this equipment may be included; and they hopefully will be telling people who they are selling the products to what the recommendations are. She went on to say Brevard County is the longest coastline on this side of the Indian River, and it should be setting a high standard for keeping the Lagoon healthy.

David Dexheimer stated the beginning of this year he opened his own pest control company, which also does lawn service; he has been in the industry since 1995; he recommends and hopes the Board will pass the model ordinance as the guideline for Brevard County; it does provide adequate protection for the water source; he has been through the Best Management Practices training twice; and when he had a crew of lawn technicians working for him, as soon as a class was opened they were required to attend and pass that. He added, they do take the quality of the water in Brevard County very seriously; and due to the training, experience, knowledge of the products, and rates, are far more qualified to apply them to residential lawns than the run of the mill homeowner. He stated he has not put down any phosphorus for years; the 50 percent slow-release number is based on applying one pound of nitrogen per one thousand square feet; it is rare if he applied more than one-half a pound of nitrogen per one thousand square feet on any given occasion unless he needed to help a lawn recover; and it is at the time of year where a lawn is likely to respond positively to that. He stated the industry does take that seriously. He encouraged the Board to take a rational approach in its decision instead of making opinions depending emotions. He stated by keeping a lawn strong and thick, he is creating a better water filter than if they were left to their own devices.

Jason Secura stated he holds his lawn and ornamental licenses under the Department of Agriculture, and he is best management practices certified; and he is an avid fisherman and hunter, so he understands the importance of protecting the water quality. He went on to say a properly fertilized lawn helps reduce soil erosion and absorbs pollutants; it also produces oxygen and absorbs carbon dioxide, which promotes a healthy environment; a summer time ban would reduce the health of the grass, which would ultimately to more not less fertilizer use; a lack of fertilizer during the peak growing season would have a drastic negative effect on the turf causing its ability to absorb pollutants and reduce soil erosion to be diminished significantly; and this would lead to subsequent applications in spring and fall in order to restore the health of the grass to absorb those pollutants. He advised this imbalance of proper best management practices, such as the proper rate and timing of applications would ultimately lead to more problems for improving the water quality, conserving the water supplies, and protecting the natural resources; the FDEP, FDA, and University of Florida have all advised against the summer time ban citing a lack of science, contradiction of State regulations, and potential negative consequences on water quality; and he agrees with them and supports the State model ordinance for friendly use of fertilizer on urban landscapes, and he implores the Board to do the same.

Brian Combs stated he has a Masters Degree in Horticultural Science from the University of Florida and he is a former County Extension Agent; in the county where he lived he trained and started the first master gardening program; he fishes, surfs, and dives along the east coast; and like most people here, he does not view himself as a bad guy, but as an environmentalist. He went on to say the main point is every lawn company here is in favor of the model ordinance; no one is opposed to the model ordinance that was developed by FDEP, DAX, and IFAS; and a lot of people and a lot of thought went into the model ordinance. He added, some clubs, especially the Sierra Club, will have people believing that there is some big conspiracy between all these organizations against these fertilizer rules; there is not; these rules were developed with science; and this is the key to this whole thing. He pointed out the Board wants regulations based on science. He stated on the 29th the Board had Tom Frick from the Basin Management Action Plan, and the Board adopted a resolution to support this Basin Management Plan. He stated Mr. Brown stated at that meeting stated, "The objective of any policy needs to be based on sound science." He stated that is what he is asking; there is not one shred of evidence that

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the blackout periods and the 50 percent rule will do anything to reduce runoff or leaching through the turf grass; in fact, science says just the opposite; and Dr. Trenholm said more than 99 percent of the nutrients applied to a healthy growing turf grass, which is the summer time, will not leach through. He stated there is no evidence that applying fertilizer in the summer is the cause of leaching; and Indian River County, City of Sebastian, Town of Indian River Shores, St. Lucie County, and the City of Ft. Pierce have all passed the model ordinance and rejected the additional restrictions that were put forth that were not based on science.

Joe Welch, Technical Director for Massey Services, stated he has lived in Florida all of his life; he has fished the rivers and lakes; he grew up as a child and enjoyed the waterways; and to think they want to do anything that would destroy the waterways is crazy. He explained he supports a strong ordinance; the model ordinance is a very strong ordinance backed by science; when adding things to that ordinance, the added things are not necessarily stronger, but simply different, and not back by science; inquired what if they are wrong; and what if these things not backed by science causes more injury to be done. He stated in the urban environment, turf grass has a very important role to play in runoff, absorbing pollutants and CO², and producing oxygen; those things are important and turf is key in the urban environment; as a company they are paid not by how many applications made, but by keeping happy customers; and if they can do that with less applications that would be good. He added, they are not paid every week by going out there and burning a bunch of gas and taking trips out to people's yards, that is not what they do. He went on to say that Massy does lawn care all through the State; he deals with those lawns in Pinellas County and on the West Coast of Florida; he knows what it is like to work with those ordinances; those ordinances cost 15 percent more to deliver their product; they actually end up using slightly more nitrogen when all is said and done in those ordinance areas; and the reason is he has to apply fertilizer when the turf cannot utilize the nitrogen as efficiently as it can in the summertime. He stated Commissioner Fisher had a question of does more need to be applied because it is 50 percent, and the answer is in some cases yes; in June, July, and August he can get a very strong turf response with about 1/3 of a pound of nitrogen per thousand square feet from quick release nitrogen sources; if he has to make that 50 percent slow release, he will not get that response from the same amount of nitrogen; and instead what he has to do is double that amount.

Deborah Longman-Marien, representing Space Coast Audubon Society, stated her board has scientists on it; and they are not just emotional people. She stated their concern is for the health of the community as a whole; the health of the community does include a strong economy; and in this area, because she has been volunteering for Space Coast Audubon Society and other groups, she has been involved in a lot of tourism efforts. She stated she noticed how much eco-tourism is a part of Brevard County; she is involved every year in the Space Coast Birding and Wildlife Festival; it does bring a lot of people from around the nation as well international visitors; they are attracted to the varied wildlife, including birdlife, which a lot of it is based on the Indian River Lagoon and some of the wetlands; and those birds eat sea grass and mollusks. She stated Manatees also eat sea grass; when the sea grass is down, food is limited; there will be less and less birds; and that will attract less and less visitors. She went on to say a lot people on her board run birding guide businesses, kayak businesses, other tourism businesses, and Lauralee Thompson's business Dixie Crossroads relies on visitors to the area; and the Space Coast Audubon Society would like a very strong fertilizer ordinance, which will help the whole quality of the birdlife and quality of life in the County. She stated people will not want to come to the area; and she would like people from Orlando to come to Brevard County to see its area and what it has to offer.

Jim Bartley, past President of Certified Pest Operators Association of Florida (CPCO), stated he has 27 years of experience in this industry, he is a certified operator, and he holds nine certifications in the State, including his lawn and ornamental license. He went on to say it is nice to see so many people here today with the same goal of water quality, that is what is

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important; given the restrictions on time, he wanted to talk about the blackout period from June 1st to September 30th; while it is accurately called the rainy season, it is the growing season as well; and with any living thing, it requires food and water in order to survive. He explained when watered properly and according to the label, fertilizer will help establish a good root system, filter pollution, and reduces leaching and erosion, all things that will contribute to not having water quality issues; during that time the fertilizer is applied and it is consumed, there is not runoff; as a licensee, he is required to follow that label; if he does not he is in violation of the law; and it drives up his cost of doing business. He advised there are often times homeowners who want to do this themselves; they are going to the store and buying fertilizer without any instruction of how to figure out how many pounds of ingredient is in the product they are using, they oftentimes do not have the equipment to properly apply it, and they also do not know how to calibrate that equipment; and unless everyone is going to be regulated on this, the homeowners, the stores that sell it to them, and if the County does not have the money to enforce it, it all becomes a bit of a moot point. He pointed out that doing nothing is not an option; compromise is a good thing. He advised at CPCO they back the research done by IFAS and they support the model ordinance for FDEP.

Carlos Boyer, Blacks Spray Service, stated he enjoys the Indian River Lagoon and he is proud to say when they fertilize properties, they give the properties no more than the plant can absorb; they have followed the best management practices since 1966; people coming to Brevard County want St. Augustine grass; a lot of people say it is not needed, other things can be grown; St. Augustine grass is what grows best here; and people want it fertilized and the bugs under control. He went on to say there is a way to do it responsibly; they do that every day; many times he has been called out to homes with complaints, such as a neighbors lawn is greener than theirs; he cannot help the fact the neighbor put too much fertilizer on the lawn; that is the problem; and the more product he puts out that is unnecessary that leaches pass, the less money he makes. He pointed out they have regulating themselves financially if nothing else with increased costs; they try to keep the costs down; customers do not want to pay more now; and they have to make sure they use their products wisely. He advised he lives on the Banana River; he agrees in his lifetime he has seen it decline but it is not because of this professional group that is trying to run a business, treat plants properly, and make customers happy; and maybe the ordinance should include that the fertilizer can only be applied by certified operators, which are governed by DAX.

Garrett Barefield urged the Board to acknowledge the science that has been brought before it; before it passes any laws and spends his taxpayer dollars to enforce possibly a law that cannot be enforced due to all the restrictions going on, take that science and listen to the proposals; and it would limit a lot of activities for a lot of people. He requested the Board look at what other people have done across the State of Florida when the changes are made; these counties reviewed these proposals at long length; and before the Board makes the decision, to go back and look at some of the ordinances other counties have passed. He stated if something needs to be done today, Option 4 would be more suitable and satisfy everyone in this room.

Dr. Mark Slavens, representing the Scott's Miracle Grow Company, stated at Scott's their vision is to allow people of all ages to express themselves on their own piece of Earth; he is excited to hear people talk about native grasses; he does not believe there are actually any native grasses in Florida; but it is an option people have and a choice people can use in their landscapes. He went on to say one of the things they have found and done through research is there is optimum choices for people to use in their lawn and in their garden; through sound science, through IFAS, through other universities they have bred turf grasses to be the best for what we want to use them for; if he were to take his two young children and dog and release them on those native grasses, there would be bare soil in about a week; and so there are good choices to provide people with what he or she needs. He added, a lot of science they do with the Scott's company is they do have issue with three of the ordinances in the legislation; they support

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legislation to protect water quality and natural resources as long as it is backed by science; but based on their findings, similar to Dr. Trenholm's findings, a 50 percent slow-release nitrogen does not impact or improve water quality; a blackout period runs the risk of deterring the quality of a turf grass increasing the amount of stormwater runoff to water bodies, and increasing the amount of pollution or nutrients that get into the water bodies; and the phosphorus legislation is an issue. He added, he does not have a problem with phosphorus legislation on lawns, but he wanted people to consider vegetable gardens and landscapes; if there is a no phosphorus application, it limits even organic fertilizers to be used in vegetable gardens; and those vegetable gardens and landscapes can be an important source of produce or nutrition for several homeowners in the community. He pointed out that Scott's supports the model ordinance; it is back by science; a lot of good research went into that model ordinance; and he expressed his appreciation to the Board for its time.

Mike D'Ambra asked the Board to please support the model ordinance; from all the science behind it and research that has been done, it has proven to be probably the best thing to do. He stated he was in Home Depot where he saw a homeowner with about six bags of fertilizer in their car; he asked them what the square footage of their yard; and they had no idea what he meant. He explained a lot of times the regulations hits their industry; people see spray trucks, and people think they pollute the environment; most of the problem is homeowners cutting the grass and blowing clippings into the river; but there is no proof whatsoever that it is fertilizer that is causing the issues in the Lagoon.

Jim Moir stated over the last several years he has become aware of how intricately interrelated everyone is, all members of the same community; and they are in complex ways connected, and the interdependence fascinates and astounds him. He went on to state he considers himself to be the luckiest person he knows; he gets to live on the shores of a special, beautiful place that is the most biodiverse estuary in North America; this place is a truly wonderful example of natural interconnectivity and is dynamic web of living chemical complexity; the diversity that is so remarkable also permits the Indian River Lagoon and St. Lucie Estuary a certain level of resilience; however, the natural balance of the ecosystem harmony that has allowed a diverse life in the Lagoon to flourish is in serious jeopardy now. He added, the Board is tangled in this web; it is a web of life; because everyone's futures are connected; its decision greatly affects him and all the life between them; and the complexity of the interaction is not necessary complicated, it can be quite direct and dramatic. He pointed out nutrient pollution is a fantastic example of how irresponsible an indiscriminant use of natural resources and synthetically derived compounds can negatively affect entire ecosystems; there is isotopic proof that there are nutrients that are affecting the algae blooms; and they are coming from ammonium nitrates and the source is fertilizer. He added, the lifecycle of the harmful algal blooms in the subsequent atrophic extinctions are often manmade disasters; he is not sure they can correlate the recent masses of sea grass death with brown algae or the higher nitrogen levels are the smoking gun in this case; but they can point at all kinds of other examples of nutrient runoff causing toxic blooms all over the Indian River Lagoon. He stated as rational people they can understand that the correct role of government is to protect the commons for all its constituents; there are clearly far more economic and environmental benefits for way more individual members of the interconnected community to be had by legislative protections for the common resources than there are for protecting the financial gains of the small number of influential invested interests; and he is asking the Board Members, as his neighbor, to vote in favor of the most protective and restrictive version of the LPA recommended fertilizer ordinance for your community. He recommended the Board not put exemptions in the ordinance; stated they will be utilized and will not be effective if exempted; it will save the community money; this can all be economy and preservation of life, either way it is cheaper to act now than try to respond to a disaster later; it will be healthier; and it may help keep the most bio-diverse estuary in North America from becoming a dead zone.

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Terri Rossi stated she is a taxpayer and registered voter; she does not support this act; it is like punishing a child that did not do the deed; science is not backed by this; and she backs the Doctor from IFAS that there is not one bit of evidence that slow-release nitrogen is being released into the waterway. She advised it is coming from another source, and that source needs to be investigated; inquired where the money is coming from to enforce it; and stated from her taxpayer dollars. She asked the Board to vote no.

Captain Nancy Beaver, Sunshine Wildlife Tours and Ocean River Institute, stated she is confused by everyone talking about the adopted ordinance because they are already held to State standards; she has conducted wildlife and ecology tours of the Indian River Lagoon from Titusville to Jupiter for the last 15 years; she is a Coastal Master Nationalist certified in wildlife monitoring and certified in marine mammal observer; and it has been a year since she has spoken with Dr. Moyer of Ocean River Institute and Commissioner Nelson of the importance of getting a strong fertilizer ordinance passed. She stated Brevard County is very important; it covers one-third of the Lagoon; and it is vital in the realm of everything. She pointed out Commissioner Nelson understands it, he has spent 15 years with the Parks and Recreation Division; and she distributed to the Board 10,000 signatures from people all over the world asking to clean up the Indian River Lagoon and save the dolphin. She stated she is not a scientist, she grew up on a farm, and she spends most of her life on the Lagoon; even the dumbest farmer begins to notice trends; when there is no rain the plankton net is full of life; and after rain, what little life is in the scope and minimal and barely visible through the algae. She added, when she trolls with the net and puts it into discovery scopes it magnifies the juvenile life by 30 times allowing to see the beginning of life, the nursery of 90 percent of what lives in the ocean; much of this life, if it comes back, will take two years or more to mature following any major rain event; and fertilizer runoff creates huge algae blooms which takes away the light, killing the grass beds, depletes the oxygen killing the fish and all of life in the Lagoon. She went on to say the Bottlenose Dolphin are sick; she has worked with the Wild Dolphin Project for the last eight years on their health assessment; the Dolphin in the Lagoon will only live half as old as a Dolphin offshore; their illnesses are well-documented in many published articles regarding skin disease, papillomavirus, lobomycosis, and pollutant levels in their fat cells, which are a minimum of five times higher than any other Dolphin; and the females live longer because they download some of their pollutants into their newborn young. She advised one-third of the sea grass has been lost in the Indian River Lagoon, the most diverse estuary in North America; the sea grass supports all the life in the estuary, 70 percent directly, 30 percent indirectly; Canada passed laws banning pesticides, fertilizers, and herbicides and their waters came back 80 percent in a two-year period of time; they still have green lawns; and several counties have adopted more stringent fertilizer ordinances, and no effects have been reported. She stated she hoped the Board will not listen to just one scientist, but Dr. Grant Gilmore who spoke with the Board has studied the Lagoon for over 40 years; and the scientist who retired who had studied it for over 38 years, it sounds like, according to staff, he still stands by his 50 percent.

Steve Konrath stated he is a certified fertilizer applicator in the State of Florida and he is responsible for managing the careers of six associates who earn their living in law service in Brevard County, and they are all best management practices certified. He urged the Board to acknowledge the science and the facts and reject the proposed blackout period, just as Hillsborough, St. Johns, Duval, Palm Beach, Broward, Indian River, and numerous other counties have done after conducting a thorough review of the proposal; the experts across-the-State do not recommend a blackout; even the Tampa Bay Estuary Programs concludes that a blackout period would not be productive; it is not a cost-effective solution; and summer fertilizers are not a significant contributor. He added, jobs and families would be harmed by the blackout. He went on to say the Tampa Bay Estuary Program estimated that a blackout period would reduce nitrogen loads by less than one percent, and this is why the Board's in other counties have rejected it; the facts and the science do not support a summer blackout; FDEP's Drew Bartlett when asked if he would provide nutrient reduction credits for a blackout period said no,

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FDEP would not issue nutrient reduction credits for a blackout; even the less than one percent reduction was an overestimate; and a blackout would weaken lawn health during the growing season thereby increasing erosion and leaching. He stated FDEP, IFAS, DAX, and others have rejected the blackout concept. He requested the Board rely on the facts, science, and expert's across-the-State and reject the harmful blackout period proposal. He states as a Melbourne resident and General Manager from Scott's Lawn Service in Brevard County he asked the Board to adopt the model ordinance.

Dr. Eric A. Brown, Massey Services, stated they create healthy landscapes and strong, vigorous plants because they assimilate nutrients and protect the environment; the rates of nutrition that have been researched over several decades have lead everyone where they are to date with low spoon-feeding rates that do not leach if applied correctly; and that is the scientific truth. He went on to say for his Master's Degree he did leaching on phosphorus; his dissertation was leaching on nitrogen; soils have an amazing ability to assimilate nutrients which is why they are used to protect the water bodies; the landscapes need to be protected but they need care; they need nutrition but not a lot; but when applied correctly, they are strong and vigorous and protection the surface waters. He stated there is no scientific literature that says fertilizer applied to landscapes cause algae blooms; and her urged the Board to support the model ordinance as it is.

Steve Goff stated he is the owner of Sun State Pest Management, which his father and he started in 1980; he is a certified operator by the Department of Agriculture and Consumer Services, and has been since 1984; he is certified in pest control, termites, and lawns; he is President of Florida Sports Fisherman Association; so the last thing he wants to do is ruin the quality of the Lagoon. He went on to say he has fished on and along Brevard County in the ocean, river, and canals; he has seen an increase in birds, manatees, and the fish population; and Brevard County is the red fish capital of the world. He stated Brevard County should take the lead and educate the residents instead of governing the professionals who follow the green industries Best Management Practice guidelines. He asked the Board to make it decision based on sound science and not on the pressure of others.

Carl Ferry stated he is in the lawn industry and the last thing he wants to do is tell 25 percent of his workforce he has to lay them off because he does not have work for them; they are taxpayers as well; this ordinance would make him have to do that; and he does not want to lose 25 percent of his people. He stated all of his people are certified and have been for many years; there are many instructors within the group of technicians who are instructors for Best Management Practices (BMP) certification; and he supports the model ordinance.

Commissioner Fisher inquired what part of the ordinance or what is being proposed will cause Mr. Ferry to lay off workers. Mr. Ferry replied if there is a blackout period where he cannot apply nitrogen or phosphorus, he will not need technicians to do such. Commissioner Fisher inquired if during the blackout period the only products typically put out are nitrogen or phosphorus. Mr. Ferry advised it is the prime growing season.

Jerry Lamb, owner of Tom and Jerry's Pest Control, stated he agrees with his colleagues on all the things as far as what the Board has heard that science backs; he looks at the blackout period as kind of like missing lunch, when he misses lunch, he ends up eating too much later; they are concerned with the runoff issues; he does not believe it is the biggest issue; and in Titusville, there were sewage issues that were addressed. He stated a lot of things happen that cause these problems; the fertilizer part, as far as what is done with site development, has a very small part to do with what the Board is looking at with the wildlife; the part he would bring to the table is what is good for the goose if good for the gander; if something is going to be imposed on the pest control industry, it should be imposed on the County and its facilities; and if there is a blackout period, the football fields will not look good. He went on to say there is

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science to back this up and this is not an issue; that is the one thing he would add; the model ordinance is a good plan; there would be a whole new team of people to enforce all the additional details in an ordinance that would have to be funded; and in the pest control industry, they have the strictest guidelines in the State. He advised he believes in protecting the environment and community, but there are ordinances that are necessary to do the right thing. He asked the Board to vote no.

Mary Carol Brackett stated if there are going to be regulations, perhaps the professionals should do it and take it out of the hands of those who do not know what they are doing.

Daniel Brackett stated the Indian River Lagoon was one of the primary areas that he fell in love with when first visiting Brevard County; it breaks his heart to see it decline; one of the things that has not been stressed today is the relationship between the increase of population and the decline of the Lagoon. He stated he has witnessed many areas grow; it all detracts from the Lagoon and adds to its demise; and he does not believe increasing the regulation on the industry is the answer to eliminating the problem. He added, if the population is not reduced or eliminated, the Lagoon will continue to decline.

Dave Cadmas, Sun State Pest Management, Sarasota Branch, stated he has been under the fertilizer ban for several years since it was implemented; there are pros and cons to it; he loves the water; and Mother Nature killed of many fish due to a cold snap. He stated the different counties and cities enacted ordinances; his head was spinning; he did not know what to tell his technicians; and there was a checklist a mile long. He stated they have lost total control of their industry, and they are the trained professionals; they are Best Management Certified; he has all of the licenses; and people who do not have the licenses made a lot of rules that did not make sense. He went on to say he has friends who lost their businesses because they only had licenses for a particular county. He stated if they cannot feed the filtration system in the right months, it will not work; a lot of homeowners let the pest control people go and took the fertilizing on themselves; homeowners do not even know about the rules; there was no education following up the regulations; and the pest control folks took all the training. He asked the Board to look at the science; stated there should be statewide changes; and it should not be county-by-county. He requested the Board say no to the ordinance for now until there is a foolproof plan of action for the State of Florida.

David Botto stated the Florida Fertilizer Task Force in its report in 2006 firmly established the link between yard fertilizer runoff and nutrient pollution; the resolution was the state ordinance on fertilizer restrictions; the problem with the State ordinance, it was so weak and in the political process of writing it, that it is of very little use; and it refers primarily to the Urban Turf Rules, which is a fertilizer labeling rule; it does not even require the homeowner to even read the label; and he thinks many of them do not know the meaning of the three numbers on the label in the first place. He went on to say he is a recovering over fertilizer, so he knows what he speaks. He stated he has at least three studies; Ann Arbor, Michigan, did a study and found a 28 percent reduction in nutrient pollution in two years after the enactment of a fertilizer, and they attribute it directly to the ordinance; in Lee County and Sarasota County, there were two studies that show a statistically significant reduction in nutrient pollution directly attributed to a strong fertilizer ordinance; and some of the science does exist, a person just has to look for it. He stated a person hears the terms leach and leachate, leachate is not runoff; in terms of nitrogen runoff, it is true by putting water soluble nitrogen on the grass, it is like any other nutrient, the grass can only take what it needs; if there is water soluble and all of it is gone the first time it rains, it has gone down the storm drain and into the Lagoon; and the slow release nitrogen 50 percent was a number that was a compromise, 100 percent would be ideal. He added 50 percent is like any number, it is a number that was agreed upon that would be reasonable in protecting the grass and the waterways; if a number is not placed in that portion of the ordinance, the best fertilizer a person would be able to buy in the store is 7 percent; if a person

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tries to buy 30 percent slow-release nitrogen fertilizer, he or she would have to look a long way to find it; and some of them have it, but not many, and not much is sold. He stated most of the lawn professionals do not use phosphorus, and phosphorus is not needed if the soil shows high in phosphorus; farmers do not use it because they do not want to pay for it; phosphorus is one of the most shortest commodities in the world; the University of Arizona Australian College of Technology study shows that of all of the commodities, phosphorus is one of the most essential and in the least supply; and most of the professionals do not use it. He went on to say if a number is not put on the ordinance, one or two percent seems like not much, but if the Board does not do it definitively, the retailers will not follow; the ordinance will require the retailer to do the right job; and after being educated regarding the ordinance, the retailer will sell the right product. He stated they have testimony from a 10,000 customer lawn maintenance guy in Sarasota who said he is perfectly satisfied if they were to void the ordinance today, he would continue to use it.

Commissioner Nelson inquired who provided the information from Sarasota County. Mr. Botto responded the University of South Florida; and stated it is in a database called the Water Atlas, which covers all those counties.

Chairman Anderson stated he understands that was not a peer-reviewed study. Mr. Botto advised that it was peer-reviewed. He added, there was a second study that they are not sure about, but it was a draft. Commissioner Nelson inquired if the Lee County study is a draft. Mr. Botto responded affirmatively.

Rodney Smith expressed his appreciation to the Board for its time and dedication. He stated the Indian River Lagoon is at a crossroads; people are addicted to St. Augustine grass; and it has to be greener than the neighbors grass. He went on to say everyone in the room has committed the same crime in fertilizing too much. He stated he wished he could afford the expensive suits that some of the fertilizer industry mercenaries wore today, but he cannot.

Chairman Anderson advised there would be no personal attacks and he will call that out of order. Mr. Smith explained it was not personal as he did not know any of those people. Chairman Anderson stated he will not allow that on the pest control professional's side either.

Mr. Smith continued by saying he has always been a small business owner himself his entire life; he was a fishing guide on the Indian River Lagoon for many years and he owned a lawn maintenance business called Clean Cut Landscaping for 15 years; but for the last 15 years he was a publisher of a magazine called Coastal Angler Magazine about the Indian River Lagoon System for the first 10 years. He added, his wife and he raised his children in Brevard County; the reason they came to Brevard County is because of the water and the waterways; they lived on five acres of property south of Pineda on Merritt Island; and they were fortunate to rent that property. He stated it is not the same 35 years later, the Lagoon is dying; it can be argued if it is the fertilizer or not, but he bottom line is it is about water quality; the issue is not about fertilizer, it is about insecticides and herbicides; and it is about chemicals period. He went on to say the amount of fertilizers, insecticides, and herbicides going into the Indian River Lagoon system must be drastically reduced.

Tino Villaverde stated when he first arrived in Melbourne he saw the Indian River Lagoon; population increase and runoff is the problem; and blaming the pest control professionals is erroneous. He went on to say he likes to snorkel and spear fish in the Lagoon; today he could go out there and show people Snook, Mullet, and Trout; he remembers when netting was allowed in this County; that took the fish out of this County; and when the netting stopped, the fish came back. He stated it needs to be meaningful and specific in finding a solution to this problem.

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Steve Lum, Slug-A-Bug Pest Control and Commissioner for the Rockledge CRA, commended the Board as a whole for what it has done; stated he is proud of the County; and it tells him the Board is interested and looking for the right answers. He went on to say that the Board is under tremendous pressure to do more than the minimum and to be seen as champions for the Lagoon; there is nothing minimum about the protection the model ordinance provides; as a member of the Government Affairs Committee for the Florida Pest Management Association, he has some knowledge of how the model ordinance was created, and it was created to give the maximum effect with regard to the environment while providing the minimum for unintended circumstances; it was years in the making and crafted in conjunction with the Florida Department of Agriculture, IFAS, EPA, and FDEP; and it is a well-crafted and professional resource the Board has right at its hands. He stated the question is if the Board puts an ordinance in place, but is it the right ordinance; banning anything should be a last ditch, desperate effort to be used only when absolutely necessary; and it should never be used as a first action. He went on to add, when it is used, it needs to be checked to see if it is scientifically backed. He asked the Board not to succumb to emotion and subjective opinion. He stated should the Board decide it is necessary to put additional restrictions in the ordinance, put the County and cities under the restrictions as the public.

Christine Gagnon stated she has been in the pest industry for seven years and she supports the ordinance without further restrictions.

Dean Traylor stated he is a frequent visitor to Brevard County; he represents Arrow Exterminators; and they have 12 locations throughout the State. He advised there is nothing standard about these ordinances; if he is in Jacksonville today or Naples tomorrow a person has to know what the ordinance is and how to train for that particular area; there are 50 plus ordinances in place; and by the end of the year there will probably be that many more. He requested the Board support the model ordinance as it is without additions; there can always be that increase later if it is needed; the one thing he has seen, and he has followed the ordinances for years, who is to say who is right; he does not know who is measuring the outcome; and he has not heard anything to hear who is right. He added, at this point the model ordinance was put together as a compromise by industry regulators; and he hopes the Board supports the verbiage it has.

Erica Santella stated she is the Technical Manager for Tru Green Florida branches; she is a 29-year Lake County resident; and she supports the University of Florida science. She stated she studied growing grass in college; it is complicated and there is a lot involved. She showed the Board a picture of a lawn in Brevard County; it was treated for several years with soluble nitrogen on a slope; it shows that fertilizer does not move when it is applied; this is all soluble, several years, with many applications; and the industry is united in its position that the Board pass a science-based ordinance. She stated nitrogen on turf does not move where it is put; the slow-release recommendation is not based in science; the blackout is not based on science; and DEP looked at many of these things that were reviewed and rejected because University of Florida science does not support it.

Commissioner Nelson stated Ms. Santella just said slow-release does not work; and inquired why the University of Florida and FDEP put out the literature that says it works but she said it did not. Ms. Santella advised the recommendation in the book says up to one-half a pound of soluble nitrogen; other speakers have talked about in the summertime that is typically the highest a person would go. Commissioner Nelson advised they have a complete chart that says, for example, 27 percent nitrogen is four pounds for 1,000 square feet. She inquired what page that is on. Commissioner Nelson stated 26. She advised Commissioner Nelson has the homeowners guide, she has the professional guide; and the professional guide says up to one-half a pound of soluble is safe, and fine to use. She stated Dr. Trenholm should speak to that.

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Charles Leggett, Valley Crest Landscape Maintenance, stated asked the Board to support the State model ordinance; they are science-based; they have within their company, which is throughout the State, certified over 600 employees in the BMP management certification program voluntarily before the requirements actually take effect in 2014 for commercial applicators; they think it is important to have the ordinance; but they need to be science-based. He went on to say the blackout period is the growing period of grass when it needs nutrients and nitrogen to grow to strengthen the roots to make it through the winters. He asked the Board to follow the State model ordinance.

Allen Fugler, Executive Vice President of Florida Pest Management Association, stated he is here on behalf of one of the 108-member companies of FPMA within Brevard County; there are 800 or so employees; and there are about 8,000 customers residential and commercial who are all environmentalists. He stated they hunt, fish, dive, snorkel, and surf. He asked the Board to consider sound science, and consider the regulators who have already considered the sound science with FDEP and IFAS; and to listen to its constituents businesses. He stated 50 or so municipalities have issued strong ordinances; those 50 or so municipalities sit within six or seven counties; and those have the blackout periods, low release nitrogen, additional setbacks, and the phosphorus. He added, they all cluster around Southwest Florida; the other 60 counties in Florida do not have these provisions; they do not have anything that exceeds the model ordinance; and the model ordinance is not the baseline or the minimum, it is the compromise based on the best available science. He stated Dr. Trenholm is the author of the most recent study looking at the urban turf rule in 2013. He advised an ordinance is not education; a law is passed because it is enforceable, necessary, and proven; the provisions in this ordinance are none of those; the green industry's best management practices were brought onto the pest management professionals by their own design; in 2009 they went to Tallahassee and lobbied for the law, which imposed those educational standards; by January 1, 2014, 12,000 of the industry members will have those standards imposed upon themselves; not only does it apply to management, but every person who pushes a spreader or applies fertilizer will have to have the Green Industry-BMP certification and a limited fertilizer certification from the Department of Agriculture and Consumer Services; and they are dedicated to education and training. He went on to say the Orange County model ordinance says if a person is GIBMP certified, he or she can apply fertilizer during the blackout period; and it emphasizes education and training over enforcement of something that is otherwise unenforceable.

Jody McCloney stated most Floridians are wondering why they did not go to the beach, but the reason they have not gone to the beach today is because they care about this issue; many people are there because they care about the place they call home; and they are not alone because other Floridians have stood in their shoes and gone through the same procedure. She visited the Tampa area over the years and has seen Tampa Bay become so polluted and overran by red tide and all kinds of fish kills, that what had been a beautiful place became a cesspool. She added, she is glad they passed ordinances which are helping to clear it up; she doubts they came to it by just wanting to do something, it was because they had to do something; and now the beautiful Indian River is being threatened by something. She stated where she lives in Cocoa, they have seen the river decline; she has lived in the same neighborhood close to 30 years; nothing has changed in her neighborhood; and yet the quality of the river has decreased. She inquired where does the decline come from; where is the excess nitrogen phosphate coming from; stated it is not coming from nowhere; but they do know where it goes. She asked the Board to take a chance on the strict ordinance and see what happens; if there is no improvement in a year or two, it can be loosened up again; and she is sure there will be no less yard work around to hurt anyone's business.

Bill Morris stated the most important part is to have a ban on any kind of fertilizer in the summer months when the rain is very heavy, and the water temperature goes up at that time; maybe the Board can see if there is a way to measure the improvement as a result of the ordinance; and

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after a couple of years, if it helps to keep the ordinance, and if it does not reconsider it after a couple of years.

Craig Dominguez, Scott's Lawn Service, Port St. Lucie, Florida, stated he has all of the certifications; and he considers himself an environmentalist. He went on to say he is saddened by a lot of things that have happened in Florida; he does not think fertilizer is part of it; he thinks overpopulation, roads, buildings, and improper planning have done a lot; he grew up in the Everglades; he would go to the Key's fishing; he has seen a lot of things happen; and there have been some decreases in the fisheries. He stated to look at all of the chemicals people use in their kitchens and bathrooms is flushed into a water system that is not designed to pull out those pollutants. He noted the pest control industry is an easy target; and the blackout will hurt.

David Laster stated he has been in the pest control industry for 32 years; he has seen a lot of changes; and mostly everything he heard, he would back up 100 percent. He stated he is behind IFAS 100 percent; and he stands behind the model ordinance with no changes.

Charles Tovey stated he is a certified horticulturist, certified nurseryman, entomologist, environmentalist, he has Florida certified landscape services and materials, rain handler for wastewater and filtration, and plus other things; he is writing a book on this he calls the Spaghetti Syndrome; and he has remedies for this situation. He added, he has fumigated, done termites, carried bee hives out, and all types of entomology whether it be weather, land, or sea; he does it all, all over the world; it is a formula he practices and it works; but it has to do with monies or health. He stated he has been on both sides of the room, but what he practices is integrated pest management, anything necessary to control the problem; if a person cannot make money all year round, maybe he or she is in the wrong state; in the rain season, he does his rainy things; and during the dry season, he does all his dry things, like mold. He added, mold is a big thing that has not been addressed. He urged the Board not to pass anything until there is more education; it is the key to all the answers; participation and cooperation with everyone; and everyone has to grow and learn together to save each other.

Elliot Zace stated he grew up with a fish tank; he never fed it fertilizer; and he still has algae in the tank. He stated he supports the model ordinance as is; let the professional do what they do; he has been in the industry for 12 years; and they are in the industry because they like being outdoors.

Greg Hart stated he supports the model ordinance.

Michael Zeno stated he supports the model ordinance.

Maureen Rupe stated she heard some time ago that in with all the conversations that went around with this ordinance, which has been going on for about two years that the Board may take the model ordinance and perhaps change it in the future. She stated legislations restricting government fertilizer ordinances is among the bills that are expected to be back before the House in 2013; Representative Steve Crisafulli, Chairman of the House Agriculture and Natural Resources Committee, said Thursday he was among four legislator's and Department of Environmental Protection who spoke at the third Annual Water Forum in Orlando; the Forum was hosted by Associated Industries of Florida and the Florida Section of the American Water Works Association; and she is sure the Board recognizes the implications of this. She asked the Board to pass something today and do the right thing. She noted she did not realize the importance of this ordinance to people until she was stunned at the LPA decision and what was brought forward to the Board.

Kay Burk stated she has lived in Brevard County full-time since 1975, she first came to the area in 1962; she is speaking personally, but she is a member and past president of the League of

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Women Voters of the Space Coast; the Members of the League and herself are not just voters, they are informed, educated, and what is known as super voters; and this means they show up and vote in every election. She went on to say, as a homeowner with her spouse, they employ lawn care, pest control, pool maintenance, and they use only people environmentally responsible. She stated IFAS has published recommendations for the use of iron, which does work in lieu of nitrogen; as the Board considers things, consider the fact that iron use instead of nitrogen, is a workable solution. She asked the Board to stick with the greater good of the Lagoon, all who reside in or along it; it has been stated repeatedly that nitrogen works fast; but haste makes waste. She stated she is solution oriented; some of the opposition appears to be profit driven; she supports business success, but not at the expense of quality of life; in this situation, in addition to consideration of the information provided, consider following the money prompting the just say no this afternoon; and she suggested to go with the positive and just say yes with an iron will.

Macy Zander expressed her appreciation to the Board for listening to all of the people. She stated there have been claims made she would like to refute; she was intrigued that it would negatively impact jobs; in the Florida Yards and Neighborhoods Manual did recommend using iron as a source; and she knows lawn care professionals do more than lay fertilizer. She stated a blackout period would not adversely impact jobs. She stated she knows all science has an agenda; it is good to look at the funding behind a lot of the science that has been mentioned today; the science behind the harmful algal blooms, comes down to the amount of nutrients in the water; nitrogen and phosphorus is the predominant ingredients in fertilizer; and there is a link between the two. She stated there are other causes of this such as septic tanks and big agriculture; it is probably larger contributors to algal blooms in the water than fertilizer; however, to update all septic systems, each household would have to pay \$20,000; for them to move on with not using fertilizer, it would cost no money; and it would cost the County almost no money. She added, this is the cheapest way to protect the water while simultaneously protecting taxpayers. She stated at the end of the day, it is their water being talked about; it is an extremely important resource; and the people who are wearing the stickers are volunteers coming from a variety of different industries. She asked the Board to support the LPA recommendation.

The Board recessed at 5:31 p.m. and reconvened at 5:45 p.m.

Chairman Anderson stated the Board will speak; there will be additional questions for Dr. Trenholm; there will be a motion; there will be another round of debate; and if everyone feels like it needs to keep going it will.

Commissioner Fisher stated there have been a lot of changes throughout the State relating to fertilizer; and he inquired what the industry has done or mandated to do over the past few years concerning the fertilizer issue.

Todd Josko, Florida Turf Grass Association, advised the Board the two most important documents would probably be the Urban Turf Rule and the FDEP model ordinance; they are interrelated; the Urban Turf Rule is a DAX rule implemented in 2007; it has to do with label requirements on commercially sold bags of fertilizer; and it also sets limits in the amounts of nutrients that can be in fertilizer, both nitrogen and phosphorus per application, and per calendar year. He went on to say it puts a limit of only 2.5 pounds of phosphorus per year that can be applied in fertilizer. He added, regarding nitrogen, it puts a limit of a pound per application per thousand square feet; in terms of a yearly application, it depends on region of the State and grass type; and it can go anywhere from two pounds of nitrogen per calendar year up to five or six depending on some grass types in South Florida. He explained what this did was put ceilings for the amount of nutrients that can be obtained in fertilizer; because of the

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Urban Turf Rule in 2007, there has been a reduction of nitrogen of a little over 30 percent and reduction of phosphorus over 70 percent; how that relates to the FDEP model ordinance, the ordinance was guidance to local governments in reaction to municipalities that were coming up with all over the place ordinances to regulate the use, application, and formulation of fertilizers; the Florida Fertilizer Task Force was formed comprised of the industry, environmental groups, cities, counties, legislature, science, FDEP, IFAS, and DAX; and they codified best practices of fertilization. He went on to state they used the Urban Turf Rule and fertilization limits; the ordinance goes beyond how much fertilizer and nutrients can be put down; it talks about best practices, mowing, clippings, education for trained professionals, buffer zones, and it talks about everything as it is very comprehensive; and what is important about these documents is that they are living documents that as new science comes out and new best practices, the model ordinance is revised. He stated the most recent version of the ordinance is a 2010 version; DAX is looking at possibly revising the Urban Turf Rule; they are having a big symposium in January where new research is presented; and they have invited folks who have been involved in this issue up and down the State.

Commissioner Fisher inquired what percentage of the market the pest control industry controls versus a homeowner who fertilizes their own yard. Mr. Jasco replied there are probably people present from Scott's who could speak to how much the average consumer fertilizes their lawn. Commissioner Fisher advised he is more interested in how much the pest industry controls in the market.

Allen Hubler stated the percentage varies by location, but average Statewide is 15 to 20 percent. Commissioner Fisher stated that means 80 percent of the homeowners typically buy fertilizer off of the shelf, which the Board has no ability to monitor or have Code Enforcement on that 80 percent.

Chairman Anderson stated he and Mr. Brown have had that conversation and basically it comes down to a person's neighbor would do an affidavit, staff would go before a magistrate to get permission to go on the property to get a soil sample, and then put someone in jail for putting Miracle Grow on their roses.

Mr. Hubler stated the State rules can control the formulation and the content but not the application.

Commissioner Fisher asked Dr. Trenholm to explain what IFAS's position is on blackout periods for golf course and parks; and why golf courses and parks are excluded.

Dr. Trenholm advised management of anything that receives an intense a biotic stress like traffic and wear is not going to be able to survive with the same type of cultural fertilization regime; it needs more specific, more intensive management because it is constantly recovering from injury from the traffic; and different guidelines exist. She went on to say they have developed golf courses BMP developed for that industry and it allows for them to exercise a different range of rates of fertilization in accordance with the needs based on soil and tissue tests. She stated the athletic and sports field side, there has not been development of BMP, but by looking at a typical county or high school field, it has something going on it 52 weeks a year almost; everything from band practice, little league, high school teams, and it is non-stop traffic; and it really cannot be restricted from some of the same levels as home lawns.

Commissioner Fisher stated he originally asked that question of staff, and the reason he asked is the County has made a huge investment in those things; his District alone has 42 parks; there are three golf courses in the County; and when they told him golf courses were excluded, he stopped worrying about it. He stated some people make huge investments in their yard; and

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inquired if it is fair to say to the homeowner that the County does not worry about their investment.

Commissioner Infantini stated a person who has a dog and children, the yard gets constant use; when looking toward making a difference and best practice, she wants to only base it on science; and she has not seen the cost benefit of using the fertilizer. She stated the book that was provided to the Board earlier says a well-maintained lawn reduces storm runoff on page 26; and it also says how much fertilizer to apply.

Dr. Trenholm stated blackout period, in their leaching research, when nitrogen was applied at higher rates than recommended during the summer months, they had close to zero nitrate percolation through the soil and to the lisemeters, close to zero leaching, meaning the majority of it was taken up by the turf; going into fall, the warm season grasses slow their growth down; they also start to slough of a big portion of their roots system; and getting into December, January, and February is when the greatest nitrate/nitrogen losses if fertilizer is being applied. She added, the root system in the winter is very small, the grass is not growing, and it has little ability to take up the nutrients; and the time when fertilizer should not be applied, during those months. She went on to say getting into the spring months the grass starts to grow; that is when fertilizer should be applied, during the summer; and even with heavy rainfall events, the nitrate leaching was very close to none of the applied nitrogen.

Commissioner Infantini inquired regarding the landscaper putting down fertilizer just before it rains and coming back out again, would it defy any profit motive to do so; stated she would not put fertilizer down if it is going to rain because it could runoff; and the landscaper not only re-applies it, they have to drive to the customer. She went on to say if those months are blacked out, it does not rain, and there is a drought, there would be a problem; and she cannot support a blackout period.

Commissioner Nelson stated there is a difference between a soccer field and a yard with children; those facilities take a lot more beating; additionally there is liability; the turf must be kept in good shape; and if a child gets hurt due to bad turf, it is not a good thing. He inquired if the slow-release fertilizer was applied in May when would it need to be re-applied.

Dr. Trenholm advised it would depend on what product was applied; some controlled release products will provide a response for 60 days, some for 90 days, some claim for longer, and some of the newer technology can potentially do that, but it is not always going to give a 120 day response.

Commissioner Nelson stated with an application applied in May that would carry a person into the summer, and then use iron as an alterative during the summer; and inquired what she would say about using iron.

Dr. Trenholm advised nitrogen and iron do different things; the things they do that are the same is they both provide a green up of the grass; nitrogen provides the amino acids and proteins the grass needs to grow; during the summer months when it is growing repeatedly, it can potentially become nitrogen deficient with some of the controlled released technologies that is going dole the nitrogen out very slowly; and it may not be receiving enough. She added, the iron will provide a green up that provides some cellular functioning but it does not provide for the growth; if a person has grass that is coming out of any type of damage or injury, the iron would not suffice for the recovery.

Commissioner Nelson inquired if it could be covered up to 90 days or longer. Dr. Trenholm advised depending on the products; with the newer technologies, they become extremely expensive sources of fertilizer; and fertilizer costs have skyrocket over the past several years.

Commissioner Nelson stated there are other sciences that say, for instance, in Sarasota County it has been beneficial, but it is not peer reviewed; and if the Board does not do something and it is wrong, there is no going back. He stated Dr. Trenholm's science is geared to understanding what happens with a plant and healthy plants, less so about what happens to water bodies adjacent to it and the impacts. Dr. Trenholm stated from the eight-year FDEP research project where they looked specifically at nitrate percolation through a soil profile, they can come up with many answers they did not have when it was started, when the first BMP manual was written, when the model ordinance was written, but what is found is that the rates they have chosen, and many of the specifics they have in those documents, actually are the ones that seem to be pretty correct and accurate for both not causing excess nutrient movement offsite and keeping that healthy turf that can do its functions. Commissioner Nelson stated he does not think the pest control professionals are the problem. Dr. Trenholm stated the industry folks Statewide since the BMP's and ordinances have begun have increased their levels of training and professionalism, and all of them have made an effort to have all of their workers certified long before they have to by January 2014.

Commissioner Fisher stated the people who are really causing this problem, the Board will not have control over them; how the industry bags the product may help; but the County does not have the resources to monitor what 80 percent of the citizens are going to put on their grass. He inquired if the industry in Brevard County is following the model ordinance. Dr. Trenholm advised she is sure all of the companies present today probably have all of their employees BMP certified and following those guidelines. He stated the Board passing an ordinance is a plus; the question will be which recommendations make sense. He stated he does not think the putting a number on the slow release makes sense, and the other issue is the blackout period. He stated he would like to keep in 'A'.

Dr. Trenholm stated over time phosphorus deficiencies can be induced if it is not applied; if the Urban Turf Rule Guidelines of one-quarter of P205 per application with no more than one-half a pound on an annual basis, it would allow for some phosphorus to be applied. Commissioner Fisher stated it says 'unless a soil or plant tissue deficiency is verified'.

Chairman Anderson stated the legislature kicked it down to the local level; Mr. Brown's comment to him is to do education, go out to a home three times, and then go to a magistrate; the idea was the fines would pay for the extra enforcement needed; but the County's budget cannot absorb that.

Commissioner Nelson stated whatever the Board picks there is an education component to it.

Motion by Commissioner Fisher, seconded by Commissioner Infantini, to amend the model ordinance, as follows:

1. Section 4. Retaining Item A, which is the no application during the prohibition period, which is a State Law requirement.
2. Section 4. Eliminate in its entirety Item B.
3. Section 7. Retain Item A in its entirety.
4. Section 7. Modify Item B to remove 'at least 50 percent.
5. Section 7. Retain Item C and Item D, which are State requirements.
6. Section 7. Retain Item E, which is a clarification about golf courses, parks, and athletic fields, and as long as they are implementing the Best Management Practices as prescribed in Rule 5E-1003(2)(d) F.A.C., They should be exempt.

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Commissioner Nelson stated his question was related to the Orange County model ordinance where the 80 percent will not be able to apply fertilizer but the industry can apply it so it does not cut a person out of the ability to have fertilizer applied, and it would be done by a professional.

Chairman Anderson stated residents would do it anyway. Commissioner Nelson stated there are residents who do not pay attention to anything the Board does. Chairman Anderson stated he would caution the Board on forcing a service upon any citizen. Commissioner Nelson stated it is giving them a choice.

Commissioner Nelson made a motion to amend the motion to have a blackout period similar to the Orange County model. Amendment to Motion dies due to lack of a second.

Chairman Anderson asked staff to explain the enforcement action with this ordinance. Mr. Brown stated regardless of the model ordinance enforcement will be a challenge for staff; the reality is lawn police is difficult to implement; the primary objective is to use it as an educational tool; should the Board give direction to staff to have a series of educational moments prior to kicking into the actual Code Enforcement process, staff would be receptive of that. Chairman Anderson inquired how that would be paid for. Mr. Brown advised it has to be paid for anyway; when staff receives a phone call saying that a person is fertilizing during a hurricane watch, staff goes and they are; the going out is the least expensive of the code enforcement process; processing through the magistrate or violation process, paperwork, and staff time is hands down the most expensive component. He stated should the Board desire to use the first few encounters as an education moment, they have cut off two-thirds of Code Enforcement; and staff is still obligated to go out as an education basis.

Chairman Nelson stated he is not supporting the motion; it is not enforceable; and every municipality will pass something completely different and it will not help the Lagoon.

There being no further comments, the Board adopted Ordinance 2012-37, amending Chapter 46, Environment, Creating Article VIII, Entitled "Fertilizer Use on Urban Landscape"; Specifically Providing for the Regulation of Pollutant Creating Section 46-335 Purpose and Intent; Section 46-336 Definitions; Section 46-337 Applicability; Section 46-338 Timing of Fertilizer Application; Section 46-339 Fertilizer Free Zone; Section 46-340 Low Maintenance Zone; Section 46-341 Fertilizer Content and Application Rates; Section 46-342 Application Practices; Section 46-343 Management of Grass Clippings and Vegetative Matter; Section 46-344 Exemptions; Section 46-345 Training; Section 46-346 Licensing of Commercial Applicators; Section 46-347 Enforcement and Monitoring; Section 46-348 Penalty; Additional Remedies; Section 46-349 Appeals; Providing for Conflicting Provisions; Providing for Severability; Providing for Inclusion n and an Effective Date.

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

ITEM III.B.3., APPROVAL, RE: REQUEST TO WRITE-OFF UNCOLLECTIBLE AMBULANCE ACCOUNTS RECEIVABLE FOR FY 2011-2012

Commissioner Fisher stated the reason he pulled the Item is the write-off is never budgeted for, yet it continues; he would like staff to get aggressive in avenues other than using a collection

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agency to recuperate the write-off; and he does not know if a lien can be placed against an individual for such recuperation.

Chairman Anderson mentioned he has been investigating to get ambulance services set up to have a letter of assignment when someone gets into an ambulance; and the County would be first in line for the Personal Injury Protection (PIP) claim, which would alleviate a lot of things. He went on to say at the January 17th Workshop, if the School Board does not respond to attend, the Board can hear presentation by Commissioner Fisher on his suggestion; State Legislation allows it; and it needs to be looked into.

Commissioner Fisher stated other agencies are placing liens on individuals or placing a claim for some sort of compensation.

The Board approved the request to write-off FY 2011-2012 uncollectible Ambulance Accounts Receivable.

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

ITEM V.C., ORDINANCE, RE: ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR ARCHO SOLUTIONS ENGINEERING USA CORP

Chairman Anderson called for a public hearing to consider ordinance for Economic Development Ad Valorem Tax Exemption for Arch Solutions Engineering USA CORP.

There being no objections, the Board adopted Ordinance No. 12-38, an Ordinance granting an Economic Development Ad Valorem Exemption to Archo Engineering USA CORP; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; Archo Engineering USA CORP; and providing for an effective date.

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

ITEM V.D., CONSIDERATION, RE: MERIT SYSTEMS POLICY REVISIONS

Chairman Anderson called for a public hearing to consider revisions of Merit System Policy IX, *Leave*.

Howard Tipton, County Manager, stated this is a clean-up recommendation from the Clerk of the Circuit Court auditors regarding changes to the Annual Leave Policy; and the Office of Human Resources has brought forth some language that addresses the clean-up.

Commissioner Infantini stated the Leave Policy states if someone accumulates leave in excess of 240 hours, they must use it, or it is lost; unless he or she could not use their leave as directed

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by a Director preventing it in some way; and the extra leave time then needs County Manager approval. She went on to say the Policy has not been followed by taking away the use it or lose it leave accrued; it has created an unfunded liability on the books; and she is not in favor of making the exception of not following the existing Policy.

Commissioner Nelson stated he understands there may circumstances at the end of the year; and it can be assigned to the County Manager.

Frank Abbate, Human Resources Director, stated this Item was meant to address a couple of circumstances; one, it would enable people who have leave to donate it to Sick Leave, with a limitation use on it, during that one-year period; two, is to broaden the provision if a Director prohibiting the employee from using it; there are very valid situations; and if a person was on Family Medical Leave Act (FMLA) and then went on Medical Leave, he or she would lose the leave. He added, if those situations occurred, there is still a requirement under the proposed language, and has to be approved by the County Manger.

Commissioner Infantini inquired it applies to FMLA and when a Director prevents one from being able to take his or her leave, will be an exception. Mr. Abbate responded no; he stated the current language provided is if a Director prevents someone, and the appointing authorities that do not report to the County Manager, which was requested by the auditor because there are employees who do not report to Directors; and FMLA was given as an example, but is not limited to, and would need written permission from the County Manager for approval.

Commissioner infantini inquired if Attorney Knox would be permitted to allow his employees to exceed the 240 hours because his staff does not report to the County Manager. Mr. Abbate responded affirmatively; in order to have it approved the employee would have to get approval from an appointed authority.

Commissioner Infantini advised the Board there are over 300 employees, with over 240 hours of accrued annuals leave; and she inquired if she is correct. Mr. Abbate responded a majority of those 240 were less than eight hours; and it was addressed with the auditor.

There being no further objections heard, the Board approved the proposed revisions of Merit System Policy IX, *Leave*.

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

ITEM V.F., ORDINANCE, RE: AMENDING ARTICLE III, DIVISION II, SECTIONS 2-72, 2-73, AND 2-74 OF BREVARD COUNTY CODE OF ORDINANCES

Chairman Anderson called for the public hearing to consider ordinance amending Article III, Division II, Sections 2-72, 2-73, and 2-74 of Brevard County Code of Ordinances; and he reminded the Board that Item III.C.4., Appointment, Re: Assistant County Manager Stockton Whitten to Position of Deputy County Manager, is being heard at the same time as Item V.F. Ordinance, Re: Amending Article III, Division II, Sections 2-72, 2-73, and 2-74 of Brevard County Code of Ordinances.

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Howard Tipton, County Manager, stated the Item reflects the County's organizational structure; there are some clean-ups for Departments abolished or merged together a few years ago, reflecting the merger of the Facilities Department into the Central Services Department, to streamline the leadership in Facilities, and provide financial support, which originally was housed in the Facilities Department, to now support the entire Central Services Department. He went on to say the ordinance establishes a Deputy County Manager classification; as part of this Item an updated organizational chart is provided for the Board's review and consideration; there are a couple of points to consider, such as the proposed changes are cost-neutral to the organization, the savings from the reorganization in the Facilities Department will allow investments to be made in the Information Technology Department, Budget, and County Managers Office; and additional investments had over the course of the year in Public Works Department, Utility Services Department, and the Parks and Recreation Department. He stated the addition of the Deputy County Manager position allows for the opportunity to provide increased leadership, better mentoring, counsel to the many Departments reporting to the County Manager's Office, and allowing better communication and access to the Board and community; and there are a lot of different strategies taking place to be worked on as the economy is starting to recover by allowing the team to be more focused and thinking about the future in a proactive way.

Commissioner Infantini stated she does not see the benefits of adding an extra layer in the chain of command under the County Manager; a few years ago there were three Assistant County Manager positions, one was let go, leaving one County Manager, and two Assistant County Managers; and by adding a Deputy County Manager to be in charge of half of the Departments that currently report to the County Manager is not prudent at this time, because she has never heard Mr. Tipton comment that he is overworked and understaffed and an extra chain of command is advantageous. She added, she likes the idea of consolidating the Departments; but she wants the existing structure needs to remain the same.

Commissioner Bolin Lewis stated she agrees with what is being proposed to the Board; she remembers there being four Assistant County Managers, and it was cut down to two; the industry is coming back, growing, getting stronger, and is active with population levels increasing; and she feels there is a need to have a Deputy County Manager position.

Commissioner Nelson stated Mr. Tipton pointed out, it is a cost savings measure; additionally, it is sharing the load across the entire group; he does not have a problem adding the Deputy County Manager position; he will be approving it; and it will allow Mr. Tipton to do more of his County Manager things, that need doing.

Commissioner Fisher stated over the last four years the County has been in a cut-mode; there is the same workload with less people today; it is important for the County Manager to be on the big-picture level; and he opined it is time to realize that people are the most important thing the Board has.

There being no further objections heard, the Board adopted Ordinance No. 12-39, an Ordinance amending Article III, Code of Ordinances of Brevard County, Florida, amending Section 2-72, providing for Administrative Departments and Offices; Section 2-73, providing for the Department structure of County government; Section 2-74, providing for powers of group Managers; and providing for conflicting provisions, severability, and an effective date.

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

ITEM III.C.4. APPOINTMENT, RE: ASSISTANT COUNTY MANAGER STOCKTON WHITTEN TO POSITION OF DEPUTY COUNTY MANAGER

The Board appointed Assistant County Manager Stockton Whitten to the position of Deputy County Manager.

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

ITEM VI.C., CONSIDERATION, RE: INTERLOCAL AGREEMENT WITH FLORIDA GOVERNMENTAL UTILITIES AUTHORITY (FGUA)

The Board approved Interlocal Agreement with FGUA relating to Oakwood and Kingswood water systems, located in District 1.

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

ITEM VII.A.1., DISCUSSION, RE: ALLOCATION/REALLOCATION OF AVAILABLE FUNDING

Commissioner Infantini inquired if the item can be tabled to the next meeting in January, because it is 7:00 p.m.

Commissioner Fisher advised he is ready to roll; he stated he has seen this presentation enough; every time he sees it, he thinks poor him and Commissioner Nelson; and he has an idea.

Chairman Anderson inquired if there is any objections in skipping the presentation. There were no objections heard.

Commissioner Fisher stated he started talking to staff about some of the needs throughout the County, trying to take everyone under consideration; he was also taking under consideration the unincorporated areas and how some cities may have had some dollars; he looked at one of the issues Chairman Anderson had with Sarno Road and the drainage of the stormwater issue, and

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realizing with his stormwater revenue there would be no way for him to get out of it; and after talking to John Denninghoff, Public Works Director, and Ernie Brown, Natural Resources Management Office Director, they said Chairman Anderson had about a \$1.2 million problem. He added, Commissioner Bolin Lewis had already been given about \$600,000 from these proceeds for mitigation; but he knows Washingtonia needs some help from a long-term strategy. He stated Commissioner Infantini has some problems in the Brown/West issue and Babcock Street intersection, and at some point some of those concerns need to be addressed. He went on to say he looked at the needs in District 2, which is heavily unincorporated; he is recommending the money be divided up in a couple of ways; to take care of District 5, it needs \$1.2 million; District 4 has received \$600,000, but needs another \$1.5 for Washingtonia; and he would like to give \$1 million to address some of the Babcock Street concerns for District 3. He stated that leaves \$6.8 million, and he would like to split that between Districts 1 and 2, which is approximately \$3.4 million each. He stated he has looked heavily at the history of bond dollars and how they have been distributed.

Commissioner Infantini stated the last time allocations were done there were about \$29 million; \$10 million went to District 1; \$10 million went to District 2; \$1.5 million went to District 3; and this time the allocations should be divided up equally. She added, Districts 1 and 2 have fixed a lot of issues; she has safety issues taking place in her District with Wyoming Drive and Babcock Street intersection, and with the new Waco Boulevard intersection; she stated those are two major intersections are in her District, they need aligning; and those projects need to be done before the start of a viable road for future development of widening.

Commissioner Nelson stated he sees this differently than Commissioner Infantini does, because those original allocation dollars had some major chunks coming right off the top to go to the Beltway, Pineda, and Barnes Boulevard; and those were not distributed equally, and the leftovers from the projects did not say that they had to be distributed equally. He went on to say Districts 1 and 2 had never received an equal share to begin with.

Commissioner Infantini stated District 3 did not received an equal share; she inquired if she is going to be cut out of every distribution, and if this is going to be the type of games played over the next four years.

Chairman Anderson advised the Board to stay focused on the subject matter.

Commissioner Nelson stated if Commissioner Infantini has an argument, she and Chairman Anderson need to discuss it, because \$20 million went into the Beltway, which serves a portion of the community she represents in Palm Bay.

Commissioner Infantini advised she represents a very small portion of the Palm Bay community.

The Board recessed at 6:56 p.m. and reconvened at 7:03 p.m.

Commissioner Fisher stated there is approximately \$11,073,538 available for allocation/reallocation funding; Washingtonia has already been given funds for mitigation; the Parkway is important, but before construction dollars can go forward, it needs Project Development and Environment (PD&E) done; Sarno Road in District 5 has transportation drainage issues and needs \$1.2 million; and Babcock Street improvements for four miles of reconstruction in District 3 needs \$1 million. He mentioned out of \$154 million, over the years \$50 million went to District 5; \$48 million went to District 4; and Districts 1 and 2 received smaller portions of money. He added, he keeps hearing of people talking about Babcock Street, but there is 93 miles of dirt roads in Brevard County, and 84 miles of those dirt roads are located in District 1, which he has not received any money for improvements. He went on to say if he

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and Commissioner Nelson split \$3,387,269 that is the total allocation of the \$11,073,538; he stated if Commissioner Infantini does not want construction on Babcock Street, she could improve Valkaria or Wyoming, or whatever it is that she thinks is important for District 3.

Commissioner Nelson reflected back on the original allocation of these dollars being funded; it was made clear that District 2 was on the short-end of the funding; he had hoped the Commission had remembered that when additional dollars become available; and this is what the scenario is. He mentioned the money allocations are from unincorporated Local Option Gas Tax (LOGT); he represents 25 percent of unincorporated Brevard County; and in terms of it allocating, it should be based on that type of percentage. He agreed to fund the Heritage Parkway; he mentioned at the upcoming Transportation Planning Organization meeting, a significant amount of funding will be looked at again for the Heritage Parkway; it is a good project that needs to get done, along with Ellis Road; he stated out of \$444 million, District 2 received \$14 million. He stated this is the right time to be fair and catch up; and he is supporting Commissioner Fisher.

Commissioner Infantini stated the Board needs to look out for what is best for the County; roads that are over capacity should not be compared to roads that were never paved; and when there is an existing roadway or structure that is not maintained and opted to build new and maintain, is a mismanagement of funds. She added, when people purchased property on dirt roads, those individuals paid significantly less than the people who purchased property on paved roads; typically these bond funds are not used to pave dirt roads; but they are used for typically large capital projects. She stated the votes are there; there is no disputing where the votes lie; she is saying that the whole County is not being look at as a whole; and she opined that Chairman Anderson should not support this, because Babcock Street is a road all of his residents use, as well. She stated the Palm Bay Parkway is not the most important thing in District 3, because she has the rest of District 3 to look out for; and she will not be supporting it.

Chairman Anderson stated John Denninghoff, Public Works Director, knows that he has been pushing for the engineering study of Babcock Street, unbeknownst to Commissioner Infantini, until now; money is given for reconstruction at the intersection of Malabar Road and Babcock Street, which is a Florida Department of Transportation (FDOT) project; and the TPO has it in its priority list. He inquired if it is still assumed that some of the money leftover from the Wickham Road project can be used for Washingtonia; and stated he is assuming there will be money leftover for the repaving Riverside, which is not on the list of projects. Mr. Denninghoff responded there were discussions; a list of projects were not created to be candidate projects to fund; it was created to advise the Board of various projects that had been funded in the past, or what was originally funded, and where the money came from; but it is anticipated to have funds leftover off of the South Wickham Road Widening Project, which is moving along well.

Chairman Anderson stated he has a one short segment of Powell Road that he did Municipal Service Benefit Unit (MSBU) on, totaling \$26,000, that the residents are paying for; and he inquired if \$26,000 could be reimbursed to those residents. Commissioner Fisher responded he has 85 miles of dirt roads to pave; he stated the problem is the money will not allow him to pave those 85 miles of dirt roads; he is still going to have issues with calls coming in about having new money and when will the dirt roads be paved; and he will take it into consideration.

Mr. Denninghoff stated the total amount on Powell Road is closer to \$70,000.

Chairman Anderson advised he is not asking to for retro, only what is currently owed.

Mr. Denninghoff went on to say he does not know if any of the citizens paid up front.

Chairman Anderson suggested holding off on his inquiry.

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Commissioner Fisher mentioned he was going to give the \$26,000, but possibly next year there could be reimbursement through MSBU again; and part of the Heritage Parkway will relieve some pressure off of Babcock Street and Minton Road.

Chairman Anderson stated that is why he has held off on his discussions about Minton Road failing, in areas; and the idea is once the Heritage Parkway is opened to U.S. 192, Minton Road will need the base repaired, and it will give the residents another way out.

The Board approved allocation and reallocation to transportation projects, as follows: 1.) District 3, \$1 million; 2.) District 4, \$1.5 million; 3.) District 5, \$1.2 million; and 4.) Districts 1 and 2 to split the remaining available funds.

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

Mr. Denninghoff stated a Motion is also needed authorizing necessary budget change requests, and authorizing the Chairman to execute an amended Bond Resolution.

The Board authorized all budget change requests needed; and authorized the Chairman to execute new Bond Resolutions as needed.

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

ITEM VII.B.1., RESOLUTION, RE: TAX EXEMPT COMMERCIAL PAPER LOAN FOR VARIOUS PROJECTS AND A LOAN AGREEMENT WITH FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION AND JP MORGAN CHASE BANK, N.A., FOR PARTICIPATION N COMMERCIAL PAPER PROGRAM

Stockton Whitten, Deputy County Manager, stated the Item refers to the financing of several previously approved projects with development of the current fiscal year budget; the only project not being approved for financing is Stormwater Improvement for Fortenberry Phase II and the NASA Ditches; and descriptions of the projects had been provided to the Board, with an urgency explanation to go with the commercial paper financing route.

Commissioner Infantini stated the Item is referring to borrowing \$15 million; she has a few problems with it; \$4.6 million is needed to be borrowed for the purchase of helicopters, yet the purchase agreement is for \$6.5 million; and she inquired if staff will explain the discrepancy between those two numbers. Mel Scott, Assistant County Manager, responded affirmatively; he stated at the August 21, 2012 meeting, the Board approved authority to procure two helicopters, and pursue and execute the best financing; the cost of the aircraft at that time was \$6.8 million,

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minus \$2.2 million in credits for old aircrafts being sold; the new aircrafts are being assembled; and the financing is coming in just under \$4.6 million needed to purchase. Commissioner Infantini inquired if the two old aircraft had been sold. Mr. Scott responded the two aircraft have not been sold. Commissioner Infantini stated she has not seen any of that information in the purchase agreement. Mr. Scott clarified it is not credited in the purchase agreement, but documents he shared with her Friday showed the estimate from American Eurocopter for the used aircrafts. Commissioner Infantini stated it is an estimate; and she inquired what if the County does not receive that amount. Mr. Scott responded the estimate is conservative; the market is very strong; there are people who want to buy the used aircrafts now, but they are still being used; and this is the arrangement identified to the Board in August, which is unchanged now in December.

Commissioner Infantini mentioned putting another \$1 million to the Savannahs Golf Course Irrigation Replacement Project; she stated the Savannahs is operating at a loss of \$300,000 per year right now; the debt service on the golf course is \$50,000 to \$90,000 a year; and she suggested selling the golf course and making it something else, or closing it for a savings of \$300,000 a year.

Commissioner Fisher stated 1.34 percent is a favorable rate; the expansion and upgrade of 800 MHz Public Safety Radio System Project will have a cell tower study done; and he inquired if there is opportunity to lease space on cell towers so some of the revenues from leasing can be dedicated to repaying the debt. He went on to say the Stormwater Improvements for Fortenberry Phase II and NASA Ditches Project is much needed for redevelopment; and he opined the stormwater rate fee needs discussing, because nothing has changed with it since 1991, and it would help elevate some of the pressure on the General Fund. He mentioned some debt is about to retire; and he inquired what the number is coming off the books. Mr. Whitten responded the number is probably in the \$4 million to \$5 million range, over the next several years; there were two numbers presented during budget development of Library Services having \$1.2 million to \$1.5 million coming off within the next two to three years; and the General Fund has debt that is being paid-off over the next three to four years, that is approximately a range of \$3 million to \$5 million.

Howard Tipton, County Manager, stated during budget development retiring of the debt was the primary key for paying back the 800 MHz radio system financing costs; and if there are additional revenues, those freed up dollars will not have to be committed as Commissioner Fisher suggested. He added, the helicopters purchase is the same way, if they are able to be sold for more than the \$2.2 million, the excess dollars will be dedicated to repaying the debt for the new helicopters.

The Board adopted Resolution No. 12-273, authorizing a Tax Exempt Commercial Paper Loan for various Brevard County Projects; and approved a Loan Agreement for participation in the Florida Local Government Finance Commission (FLGFC) Pooled Commercial Paper Loan Program.

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

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Chairman Anderson stated he does not like the process of no competitive bidding being done with the helicopters, but it is the will of the Board, and it has to be paid for now. He mentioned he does not want to consider the stormwater fees until there are discussions about the exemptions in the program now; there are people not paying their fair share; and it can be discussed after the first of the year.

ITEM VII.D.2., APPROVAL, RE: BREVARD COUNTY 2013 LEGISLATIVE PROGRAM

The Board approved the 2013 Legislative Program identifying priorities of support for space and technology, Baker Act beds, and beach renourishment; and opposed support of unfunded mandates for the December 12, 2012 legislative delegation meeting.

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

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

Commissioner Fisher introduced his new aide, Holly Woolsey.

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

Commissioner Nelson stated he would like to name Building 'D' of the Viera Complex after Norm Wolfinger, State Attorney.

Commissioner Infantini stated naming a building after some one is a very big honor; more thought should be put into it; and the information should have been offered well in advance, and have alternative choices, if any.

Commissioner Fisher inquired if there is County Policy referencing naming a building.

Commissioner Nelson mentioned the Health Department was named after Dr. Heidar Heshmati, and the Annex after Congressman Bill Posey.

Commissioner Bolin Lewis stated the Policy is not to name a County building after someone unless deceased.

Chairman Anderson inquired if staff can have suggestions placed on an Agenda in January to discuss.

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

Chairman Anderson stated his office held the Elves for Elders Drive for 83 individuals; his office collected over 100 large bags and boxes of gifts, \$200 in gift cards from the community, plus \$200 collected from Melbourne Motor Sports; Home Builders and Contractors and Craig Technologies are coming to his Open House; 143 Coats for Kids were donated; he expressed

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his thanks to Jeff Thompson, Library Services Director, for letting libraries be drop off points; and he invited the Board to attend his Open House, Friday at 7:00 p.m.

ITEM II.B., SCOTT KNOX, COUNTY ATTORNEY

Shannon Wilson, Deputy County Attorney, stated there is a closing of Helga M. Kopp property for the Hollywood Widening Project; the seller is in Germany and cannot get the document here; the closing was today; and she inquired if the Board will assign an extension of the closing until January 31, 2013.

The Board executed Amendment 1 to Contract for Sale and Purchase with Helga M. Kopp to extend the closing date of the transaction to on or before January 31, 2013.

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

By consensus of the Board, the meeting adjourned at 7:29 p.m.

ATTEST:

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

MITCH NEEDELMAN, CLERK