

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 September 17, 2013 at 9:01 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The Board observed a moment of silence.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Board approved the July 18, 2013 Workshop 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 RETIREMENT OF BREVARD COUNTY SHERIFF'S OFFICE SERGEANT MICHAEL D. BROWN

Chairman Anderson read aloud, and the Board adopted Resolution No. 13-150, recognizing the retirement of Brevard County Sheriff's Office Sergeant Michael D. Brown for his outstanding and selfless service to the community over the past two decades.

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

September 17, 2013

ITEM I.B., RESOLUTION, RE: PROCLAIMING OCTOBER 6-12, 2013, AS FIRE PREVENTION WEEK

Chairman Anderson read aloud, and the Board adopted Resolution No. 13-151, proclaiming October 6 - 12, 2013, as Fire Prevention Week.

Frank Scates, Fire Marshall, expressed his thanks to the Board; and advised many things can be done to prevent fires, by keeping the cooking area clean of any combustibles, rags, or paper towels away from the stove; and he recommended to stay with the stove while cooking. He added, Fire Prevention will be at Merritt Square Mall, October 5-6 and there will on-hand fire extinguisher training.

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

ITEM I.C., RESOLUTION, RE: RECOGNIZING SEPTEMBER 28, 2013, AS NATIONAL ESTUARIES DAY - HANDS ACROSS THE LAGOON

Commissioner Nelson read aloud, and the Board adopted Resolution No. 13-152, recognizing September 28, 2013, as National Estuaries Day - Hands Across the Lagoon.

Leesa Souto, Phd, Executive Director of Marine Resources Council, expressed her thanks to the Board for its support of the Indian River Lagoon, and for holding a Workshop on October 17, 2013, at the Lagoon House. She stated there are five other causeways participating in Hands Across the Lagoon, from Volusia County to St. Lucie County; and she is hoping to get 10,000 people engaged in holding hands across all of the causeways for the Indian River Lagoon.

Commissioner Nelson updated the Board of a Indian River Lagoon collaborative meeting held this past Friday in Ft. Pierce, St. Lucie County Commission Chamber; the participating counties consisted of Palm Beach, Volusia, Indian River, Martin, St. Lucie, and Brevard Counties, which are all apart of the Indian River Lagoon; there will be another meeting held next month; and he invited the participating counties to attend the Lagoon Workshop on October 17.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING THE BREVARD CHAPTER OF THE M.F.C. MOTORCYCLE CLUB

Chairman Anderson read aloud, and the Board adopted Resolution No. 13-153, recognizing the Brevard Chapter of the M.F.C. (Military, Firefighters, and Cops) Motorcycle Club for its contributions in defending, building, and improving the community.

September 17, 2013

Todd Brown stated M.F.C. Motorcycle Club expressed thanks to the Board for showing its support with a Resolution, and in August, at its first function helping to support the Homeless Veterans; and he is looking forward to doing more good work in Brevard County.

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

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

Commissioner Bolin Lewis acknowledged and congratulated Major Susan Jeter for her appointment by Governor Rick Scott, to the Florida Criminal Justice Standards and Training Commission; stated only 19 members make up this group and have the responsibility of ensuring that all Florida residents are served by ethical and well trained Criminal Justice Officers; and Major Jeter's dedication to serving the citizens of Florida, over the past 27 years has made an impact; and along with the State of Florida, Brevard County, is privileged to have the opportunity to benefit from her experience.

Major Jeter expressed her thanks to the Board for its support of the Brevard County Sheriff Office, and to all of her peers as well.

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

Commissioner Nelson invited the Board to attend the POW/MIA recognition day, Friday at 7:00 p.m., at the Veteran Memorial Park.

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

Commissioner Bolin Lewis advised on September 12 the Brevard County Fire Rescue held a promotional and graduation ceremony; she congratulated the individuals who were promoted to Lieutenant; and she welcomed 29 new Fire Rescue recruits; and congratulated them on their graduation.

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

Chairman Anderson advised he attended the American Legion Post 163, POW/MIA recognition day Saturday, September 14; and he expressed his thanks to the community for looking out for the Veterans who never came home.

ITEMS PULLED FROM CONSENT AGENDA

Chairman Anderson advised he has a speaker card from Scott Ellis, Clerk of Courts, for questions only on Item III.D.6., approval, Re: Clerk of Court Retirees Eligibility for Participation in the Brevard County Group Self-Insured Health Plan and Voluntary Benefits Options.

Commissioner Fisher stated he would like to pull Item III.A.4. Legislative Intent and Permission to Advertise, Re: Ordinance Amending Section 62-1841.5.5(1)(d) Location Standards for Resort Dwellings; and Item III.D.9., Legislative Intent, Re: Amend Section 62-1572 of the County Code.

September 17, 2013

Commissioner Nelson stated he would like to pull Item III.B.5., Approval, Re: Wickham Park Equestrian Center Cooperative Usage.

Commissioner Infantini stated she will voting against Item III.C.1., Approval, Re: Budget Change Requests; Item III.C.7., Approval, Re: Permission to Issue Annual Supply Bids, Proposals and Request for Qualifications (FY 2013/2014), and/or Negotiate Competitive Agreements; and Item III.C.8., Permission to Issue Open Purchase Orders (FY 2013/2014), Re: Approved Vendors of Record. She stated she would like to pull Item III.C.2., Approval, Re: Policy BCC-21, Budget and Financial; Item III.D.2., Resolution, Re: Ad Valorem Tax Exemption for Anuva Manufacturing Services, Inc.; Item III.D.8., Permission to Advertise, Re: Inclusion of Additional Board Positions in Florida Retirement System Senior Management Service Class (SMSC); and Item III.D.12., Approval, Re: Billfolder.

ITEM III.A.1., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS FOR THE PINE ISLAND CONSERVATION AREA STORMWATER IMPROVEMENTS PHASE 2 PROJECT

The Board adopted Resolution of Necessity No. 13-154, for acquisition of parcels for the Pine Island Conversation Area Stormwater Improvements Phase 2 Project; authorized the County Attorney's Office and staff to proceed with this action in accordance with the requirements set forth in Chapter 73 and 74, Florida Statutes, applicable to "quick-take" proceedings; and authorized payment of reasonable expert fees per Chapters 73 and 74, Florida Statutes, as part of staff's efforts to negotiate settlements for parcels as shown in Exhibit A (Silver Horseshoe, LLC).

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., LICENSE AGREEMENT MODIFICATION AND EXTENSION, DEPARTMENT OF TRANSPORTATION (DOT) FOR PERMIT FM #427400-1-58-01, WITH VALLEYCREST LANDSCAPE DEVELOPMNT, INC., RE: LANDSCAPE MATERIAL STORAGE SITE AT THE FORTENBERRY STORMWATER PROJECT AND LANDSCAPE INSTALLATION ON COUNTY-OWNED PARCEL

The Board executed License Agreement with ValleyCrest Landscape Development, Inc. for landscape material storage site at the Fortenberry Stormwater Project and Landscape installation on County-owned parcel.

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., BINDING DEVELOPMENT PLAN, RE: JOSEPH TINTERA

The Board executed Binding Development Plan Agreement with Joseph Tintera, for property located on the west side of U.S. Highway 1, approximately 710 feet south of Micco Road (8200 U.S. Highway 1, Micco).

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.5., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE AMENDING SECTIONS 6-1 AND 6-3, BREVARD COUNTY CODE TO EXTEND SUNDAY ALCOHOLIC BEVERAGE SALES/SERVICE HOURS

The Board approved legislative intent and granted permission to advertise ordinance amending Sections 6-1 and 6-3, Brevard County Code, in order to provide for extended hours on Sundays for alcoholic beverages sales and service.

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., RENEWAL OF INTERLOCAL AGREEMENT WITH TOWN OF GRANT-VALKARIA, RE: FLORIDA BUILDING CODE PERMITTING AND INSPECTIONS

The Board executed Interlocal Agreement Renewal with Town of Grant-Valkaria to allow the Brevard County Building Code division to continue providing Florida Building Code permitting, plan review, and inspections services for the Town.

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, RE: PERMISSION TO QUOTE MATERIALS AND SERVICES FOR ROAD AND BRIDGE CONSTRUCTION PROJECTS

The Board authorized staff to utilize written quotations to acquire construction materials or services on a job-by-job basis; and authorized the County Manager, or designee, to award to the lowest responsive quotation through September 30, 2014, for materials and services on annual bid that contracted vendors are not able to provide during this time, or when the market conditions prohibit formal bidding.

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., AMENDED RESOLUTION, RE: SUNSET DATE EXTENSION FOR BREVARD COUNTY TOGETHER IN PARTNERSHIP

The Board adopted Resolution No. 13-155, extending the sunset date of the Brevard County Together in Partnership to September 30, 2014.

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., CONTRACT WITH FLORIDA HOUSING FINANCE CORPORATION, RE: ADVISOR SERVICES ADMINISTRATION OF THE HARDEST HIT PRINCIPAL REDUCTION PROGRAM

The Board executed Contract with Florida Housing Finance Corporation (FHFC) for Advisor Services for administration of the Hardest hit Principal reduction Program; and authorized the Chairman to execute any future agreements, amendments, and modifications for Hardest Hit Fund Programs, upon approval by the County Attorney and Risk 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.B.3., APPROVAL OF APPLICATION TO THE FLORIDA DEPARTMENT OF STATE DIVISION OF LIBRARY SERVICES, RE: STATE AID TO LIBRARIES FY 2013/2014

The Board executed State Aid to Libraries Grant Agreement with Florida Department of State, Division of Library Services, for State Aid for Library Services, for State Aid for Libraries FY 2013/2014; authorized the Chairman to sign any follow-up documents, upon Risk Management and County Attorney approval; and approved any budget changes.

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

September 17, 2013

ITEM III.B.4., RENEWAL OF FRIENDS AGREEMENT, WITH SEA TURTLE CONSERVANCY, INC., FKA CARRIBEAN CONSERVATION CORPORATION, INC., RE: VISITOR SERVICES

The Board executed Renewal of Friends Agreement with Sea Turtle Conservancy, Inc., fka Caribbean Conservation Corporation, Inc., for Visitor Services at the Barrier Island Center.

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., RESOLUTION AND SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: SERVICE DEVELOPMENT PROGRAM GRANT FOR ROCKLEDGE AND VIERA BUS SERVICE

The Board adopted Resolution No. 13-156, and executed Supplemental Joint Participation Agreement with Florida Department of Revenue (FDOT), in the amount of \$78,276, for Service Development Program Grant for Rockledge and Viera bus service; authorized the Chairman to execute any follow-up documents, upon Risk Management and County Attorney approval; and approved any 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.B.7., RESOLUTIONS AND SUPPLEMENTAL JOINT PARTICIPATION AGREEMENTS WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: TRANSIT CORRIDOR GRANTS FOR SR 520 AND SR A1A FIXED ROUTE BUS SERVICE

The Board adopted Resolution Nos. 13-157 and 13-158, and executed Supplemental Joint Participation Agreements with the Florida Department of Transportation (FDOT), in the amount of \$364,000 each, for Transit Corridor Grants for SR 520 and SR A1A fixed route bus service; authorized the Chairman to sign any follow-up documents, upon Risk Management and County Attorney approval; and approved any budget changes.

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

September 17, 2013

ITEM III.B.8., EXTENSION AGREEMENT WITH VRIDE, INC., RE: VANPOOL FLEET MANAGEMENT AND SERVICES FOR SPACE COAST AREA TRANSIT

The Board executed Agreement to Extend Existing Contract with vRide, Inc. To provide vanpool fleet management and services for Space Coast Area Transit (SCAT) for an additional three months, in order to complete the Request for Proposal (RFP) process, until 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.B.9., FAA GRANT OFFER AND JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: REHABILITATION/CONSTRUCTION PHASE OF RUNWAY 10/28

The Board authorized the Chairman to execute a pending FAA Grant Offer and Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) for funds related to the Rehabilitation/Construction Phase of existing Runway 10/28.

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.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved Budget Change Requests, as submitted.

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

ITEM III.C.3., APPROVAL, RE: POLICY BCC-76, CARETAKERS

The Board approved Policy BCC-76, Caretakers.

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.4., APPROVAL, RE: POLICY BCC-61, ART IN PUBLIC PLACES

The Board approved Policy BCC-61, Art in Public Places.

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., AUTHORIZATION TO AWARD CONTRACT, RE: VOLUNTARY DENTAL INSURANCE PROGRAMS PROVIDED BY DELTA DENTAL, INC., EFFECTIVE JANUARY 1, 2014

The Board authorized the placement of voluntary dental insurance coverage with Delta Dental, Inc., to become effective January 1, 2014; and authorized the Human Resources Insurance Director, Jerry Visco, to negotiate and execute all contracts and other documents necessary to secure coverage, and execute future renewal options.

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.6., AUTHORIZATION TO AWARD CONTRACT, RE: BREVARD COUNTY GROUP VISION PLAN PROVIDED BY DAVIS VISION, EFFECTIVE JANUARY 1, 2014

The Board authorized the placement of voluntary vision plan insurance coverage with Davis Vision, to become effective January 1, 2014; authorized the Human Resources Office Insurance Director, Jerry Visco, to negotiate and execute all contracts and other documents necessary to secure coverage, and execute future renewal options.

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: PERMISSION TO ISSUE ANNUAL SUPPLY BIDS, PROPOSALS AND REQUEST FOR QUALIFICATIONS (FY 2013/2014), AND/OR NEGOTIATE COMPETITIVE AGREEMENTS

The Board granted permission to Purchasing Services to perform the actions regarding the list of commodities and services for FY 2013/2014, as follows: 1) to solicit competitive bids, quotes and/or negotiate competitive agreements and award to lowest, responsive, and most qualified supplier; 2) solicit competitive proposals and requests for qualifications, establish selection and negotiation committees approved by the County Manager, or designee; 3) exercise renewal options upon evaluation of supplier performance, and recommendation from user

September 17, 2013

departments/offices, to establish the continuance of the contract is favorable prior to extension of the agreement; and 4) authorized the Chairman to execute contracts and contract renewals over \$100,000 in annual value.

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

ITEM III.C.8., PERMISSION TO ISSUE OPEN PURCHASE ORDERS (FY 2013/2014), RE: APPROVED VENDORS OF RECORD

The Board approved the use of State Contract, cooperative contracts, and other agency contracts as vendors of record; approved the use of Vendors of Record FY 2013/2014 determined to be the sole source for the products of services indicated; approved the issuance of blanket purchase orders; authorized the Chairman to execute contracts to those vendors, exceeding \$100,000; and approved competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

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

ITEM III.C.9., BOND RESOLUTION, AND AMENDED LOAN AGREEMENT AND TAX CERTIFICATE WITH EAST COAST ZOOLOGICAL SOCIETY OF FLORIDA, INC., RE: INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 2008 (EAST COAST ZOOLOGICAL SOCIETY OF FLORIDA, INC. PROJECT)

The Board adopted Bond Resolution No. 13-159; and executed First Amendment to Loan Agreement and Tax Certificate with East Coast Zoological Society of Florida, Inc. For Industrial Development Revenue Bonds, Series 2008 Project.

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

September 17, 2013

ITEM III.D.3., BILL OF SALE BETWEEN VERIZON WIRELESS PERSONAL COMMUNICATIONS LP D/B/A VERIZON WIRELESS, THE BREVARD COUNTY OFFICE OF EMERGENCY MANAGEMENT/COMMUNICATIONS, AND BREVARD COUNTY, RE: TOWER LOCATED AT 2575 NORTH COURTENAY PARKWAY, MERRITT ISLAND, FL

The Board executed Bill of Sale between Verizon Wireless Personal Communications LP d/b/a Verizon Wireless, the Brevard County Office of Emergency Management/Communications, and Brevard County for the purchase of a tower located at 2575 North Courtenay Parkway in Merritt Island, (as provided for in the existing lease) for \$10; authorized the County Manager to execute any additional documents associated with the Bill of Sale; authorized Kimberly Prosser, Emergency Management Director, to negotiate a new lease with Verizon to maintain its existing antenna on the tower; and authorized the Chairman to sign the negotiated lease, subject to approval by the County Attorney's 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.D.4., APPROVAL, RE: 2014 GROUP HEALTH PLAN FUNDING

The Board approved the Group Health Plan premium structured as recommended by the Office of Human Resources/Employee Benefits.

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

ITEM III.D.5., APPROVAL, RE: LIABILITY AND WORKERS' COMPENSATION INSURANCE PROGRAMS FOR FISCAL YEAR 2013-2014

The Board approved placement of the County's General Liability/Professional Liability/Airport and Aviation/Automobile Liability and Workers' Compensation insurance coverage at a cost not to exceed \$1,386,129; and authorized you to bind coverage effective October 1, 2013.

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

September 17, 2013

ITEM III.D.6., APPROVAL, RE: CLERK OF COURT RETIREES ELIGIBILITY FOR PARTICIPATION IN THE BREVARD COUNTY GROUP SELF-INSURED HEALTH PLAN AND VOLUNTARY BENEFITS OPTIONS

The Board authorized a one-time exception to current Group Health Plan eligibility rules and allow retirees of the Clerk of Courts to return to the County's Group Health Plan and voluntary benefits programs.

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

ITEM III.D.7., APPROVAL, RE: MEDICARE ADVANTAGE HEALTH PLANS PREMIUMS EFFECTIVE JANUARY 1, 2014

The Board approved the recommended 2014 premiums for group health plan members electing to participate in Medicare Advantage health plan options offered through health First Health Plans that are currently pending final approval by the U.S. Department of Health and Human Services.

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

ITEM III.D.10., APPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board appointed **Ronald J. Taibl** and **Susan Glasgow** to the Brevard Workforce Development Board, with terms expiring June 30, 2016.

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

ITEM III.D.11., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed appointed/reappointed **Joseph Hale** and **Drew Powshok** to the Melbourne-Tillman Water Control District, with terms expiring September 30, 2016.

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., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE AMENDING SECTION 62-1841.5.5(1)(d) LOCATION STANDARDS FOR RESORT DWELLINGS

Commissioner Fisher inquired if he owned a building on the beach and it is his dream home to live in at some point in time down-the-road and he needed to rent that out for a couple of years to offset the expense of it until he is ready to move in, does this proposed ordinance restrict him from renting his unit out as an investor.

Robin Sobrino, Planning and Development Director, stated this ordinance would restrict in the PUD section; currently in the PUD zoning classification, a person may have a resort dwelling, which is defined as a short-term rental of 90 days or three months, whichever is less; if he were to rent out his PUD unit, he would be able to do that by right; this Code change, which was requested by an attorney who was representing a community in the South Beaches, had asked that the Code be changed to require that even in the multi-family units in the PUD zoning classification that a person must have Board approval before using the property as a resort dwelling; and the Board approval would be by way of a binding development plan and a PUD approval before the Board. She went on to say it needs to be specifically called out in the preliminary development plan at the PUD that the multi-family section would be used for resort dwellings or could be used for resort dwellings.

Commissioner Fisher stated the Board talks about less government, and he thinks it is making it tougher for people to do business; he is not very supportive of this; and anyone who makes that type of investment, especially if he or she is planning on living there at some time, he does not know why they would have to come back in front of this Board just to be able to rent a unit out.

Commissioner Nelson stated he thought what was being said was a person could not do the short-term rentals; it could be rented for six months or a year; but what it cannot be is turned into a hotel; and that is what happens with the condominiums on the beach, they become hotels. He pointed out it is not restricting anyone from renting, it is just on the short-term. Commissioner Fisher stated a person could not rent monthly either; there are a lot of people come down for 30, 60, 90 days just to be in Florida for the winter. Commissioner Nelson stated the other people in the condominiums have transients all of the time; people who thought they were buying into a residential community, now have a hotel; and that is the flip side that the folks who live here year round and are paying taxes are impacted by transient use. He went on to say it is the same thing with single-family; and neighbors across the canal who rent for a month and it turns into a party house.

Commissioner Infantini stated this is not just the South Beaches, it impacts every PUD location; whether a person is in Viera, Cocoa Beach, or South Beaches, this impacts everyone from having those short-term rentals; and she would prefer not to have short-term rentals right next to her. She noted this is just correcting the language so people understand it is a residential neighborhood; if a person wanted to reside or vacation in an area that was not residential, that is fine that is why there are hotels and other facilities.

September 17, 2013

Chairman Anderson stated he concurred with Commissioner Fisher, because it is a property rights issue; he could have a condominium and have all of his cousins come to visit for 30 days with no difference; this is just legislative intent and permission to advertise; he does not mind moving forward; but he will not vote to approve it unless the shorter time periods.

Commissioner Fisher stated if a person needs to have conversation with the homeowners association in reference to how rentals are handled, that is one issue; saying a person has to come back to the Board or go through zoning changes to get approval, is way too much government; and the Board would be messing with people's property rights. He pointed out just like that homeowner who lives there, that person who bought that condominium made that investment and will pay taxes as well; whether it is a person's primary residence or not, that is a whole different story; and it is wrong to treat that person with less value than a person who lives in a home 365 days a year. He noted he has a second home, he takes as much pride in his second home as his primary home, and he pays as much in taxes; and he should have the right if he wants to, to rent it.

Chairman Anderson stated in a deed restricted or homeowners association they have the authority to restrict it; and inquired why it is the Board's issue.

The Board denied request for legislative intent and permission to advertise for an ordinance amending Section 62-1841.5.5(1)(d), as it relates to location standards for resort dwellings in a PUD and RPUD.

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

ITEM III.B.5., APPROVAL, RE: WICKHAM PARK EQUESTRIAN CENTER COOPERATIVE USAGE

Commissioner Nelson stated what is being looked at for Wickham Park is to basically give up on the issue of boarding horses, which was the original referendum issue; the one thing the Board has not done, even though he mentioned it over a year ago with staff the possibility of doing it, was to approach the Legislature about changing this; this is stupid the fact that T-Hangars, pavilions, and all sorts of other things can be rented, but for some reason a stall is a real property issue; and he would like to see, before the Board commits to converting this away from recreation to whatever use, is to have a legislative item for the ability to rent stalls like was done in the past for 40 years. He pointed out State Law needs to be corrected first, because this is what the voters were told was going to be done. He went on to say the needs of the Sheriff can be met under either of these circumstances in terms of saving a certain number of those for shows and his training, because that is what he wants it for; the Sheriff wants the ability to put them in stalls while they are doing their training; it would be a day time use; he has talked to the Sheriff about that; and reiterated under either circumstance, the Sheriff would be fine.

Motion by Commissioner Nelson, seconded by Commissioner Fisher, to move this to the legislative level to allow for public agencies to rent stalls as has been done for 40 years.

September 17, 2013

Tom Schuler, Brevard County Farm Bureau, stated as many of people know, he is a huge proponent of the 4-H Program; and he is also a big fan of the Farmer's Market; this proposal is a great fit for not only the Farmer's Market but for the 4-H and the Extension Program; he does not think renting stalls are being given up; but he thinks different people will have the animals in the stalls. He stated it will make a good venue for the kids to have animals there; it used to be done at the Sheriff's Farm in the past, and that has gotten stopped because of the kids being around the prisoners; this opens up a great venue for the kids; and it is a good fit for the community. He urged the Board to support this issue.

Commissioner Nelson stated he does not disagree with Mr. Schuler; he thinks the building was built on the promise that the County was going to replace the use that had historically happened, the stabling of horses; that was what the voters voted on; if all avenue's are exhausted, he will be the first to support what is being proposed; but he believes he has to do what the voters voted for first; and absent the ability to do that, move on to something else.

Mr. Schuler inquired if the voters specified in the referendum it would be used for private horse boarding by certain people, or did the 4-H students count as part of the referendum. Commissioner Nelson responded that is not a fair question; stated the issue is that is how it had been used for 40 years; and the Board promised people that use would continue. Mr. Schuler stated this is a way to start that process, because there are members of this County boarding their horses there that are part of the 4-H Program; and it might not be the whole pie, but it is a pretty good slice of it. Commissioner Nelson stated some of those members do not pay for it; the South Area Referendum was voted for groups from South County; and there are groups from all over of people who did not pay for it.

Commissioner Bolin Lewis stated this problem has been worked on for many years; one of the problems is there is not enough pasture land for the horses in Wickham Park; other areas have been expanded and there is a lot of activities there; and there is enough pasture land for this proposal to take care of the Sheriff. She went on to say she is not objecting to going ahead with the legislative intent to work on this, but the Board knows how long that takes, and it could be forever; and right now this is a wonderful fit to make use of the area for many different types of citizens in Brevard County, the 4-H, Sheriff, and the citizens who will be coming in for the shows.

Commissioner Infantini stated she agrees with Commissioner Bolin Lewis; since she has been in office, they have not used those stalls; they should not have been built the way they were built; the pasture should not have been used up; but going forward, for once it will be a positive, productive use.

Commissioner Fisher stated he was under the impression that the motion would include still allowing the Sheriff use Wickham Park. Commissioner Nelson stated under either circumstance was the ability for the Sheriff to continue; they will hang on to a certain amount of stalls for shows.

Commissioner Bolin Lewis stated Commissioner Nelson is just saying to add to the request to pursue legislative intent. Commissioner Nelson noted to the extent the County does not get into any long-term agreements for the utilization, because if the County does have the ability to rent those, it needs to be discussed at Board level; the County is losing revenue; the reason horses have not been put there is because of the State Law; and he is amazed they call a stall being on real property. Commissioner Nelson stated the County needs the right to be able to board horses, and to make Board policy on how many.

Commissioner Fisher inquired how many stalls the Sheriff needs; with Commissioner Nelson replying the Sheriff was looking at one of the two single rows of 14.

Commissioner Infantini inquired how many times this was put out to bid; if the Board is not going back to the old method where the person at the facility, the park ranger, collects the fees and it has to be put back out to bid, it is not cost effective; and no one can succeed in that environment. Commissioner Nelson stated the changes to the State Law would allow all of those things.

Chairman Anderson stated he is fine with the way it is now, and adding on that pursuing Legislation changes.

Dan Jameson stated he uses the Farmer's Market at Wickham Park; three years ago they had the market in the horse barn; with the changes that are coming, it would help them have a permanent home; and they are small growers, three and one-half acres, organic food. He went on to say the Board talks about wanting to help small businesses, most of these are what is called the cottage industry, that are able to make a living out of their kitchens or garages, or like them off three acres; it is all local and very well supported; and he is a big proponent of the 4-H. He went on to say they need a place to locate; if the Board approves the college buying the land, that is going to cause it to lose pasture land; and he would like to see the Board vote that them and the County Extension Services can use it.

Commissioner Fisher stated it may make sense to put a timeline one this; and to maybe revisit it in a year while trying to change the legislation.

Commissioner Infantini stated if Commissioner Nelson will amend his motion to permit the 4-H Club to use it for the next 12 months, so at least they have a time frame, while he pursues the legislative intent to change the law, at least that way it is getting the maximum use; the Sheriff's Department can use it for 12 months; and she does not like seeing something so underutilized.

Commissioner Nelson stated he is fine with that, but he also did not want the Board to say no to getting the law changed, because that gives the maximum flexibility.

The Board approved a cooperative usage arrangement for the Wickham Park Equestrian Center with Brevard County Parks and Recreation Department, the University of Florida/Brevard County Extension Service, and the Brevard County Sheriff's Office until September 1, 2014; directed staff work with the legislature regarding the changing State law regarding rental of stalls; and approved revisiting the issue in 12 months.

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

ITEM III.C.2., APPROVAL, RE: POLICY BCC-21, BUDGET AND FINANCIAL

Commissioner Infantini stated this Item would appear to grant authority to make any purchases that are on the Capital Improvement Plan (CPI), which is a five-year plan for what the County is deciding it wants to spend its funds on; it is using that five-year plan and allowing the County Manager to go forward without bringing any of those items back before the Board again for a full five-year time frame; and she thinks that the Board is relinquishing its authority and responsibility to the public to vet issues as they come up, not just this year, but in future years.

September 17, 2013

Howard Tipton, County Manager, stated the reason for this Item was there was a scrivener's error; this Policy was approved in July 2012 as a vehicle for moving projects forward to completion; and he is not aware of any issues that have occurred with this transfer of authority. He went on to say this was inadvertently left off when the Budget Policy was recently approved.

Commissioner Infantini stated one of the items she can mention is the ladder truck that was purchased and now is being used by City of Satellite beach; Brevard County residents paid for it, but it is being housed in Satellite Beach; the Clerk's Office was not aware of this when it was approved; she tried to find it and was unable to do so; and the Clerk's staff had to pull many Agenda's to see how this ever happened. She reiterated to the Board that moving forward she wants to ensure it is aware that it is relinquishing its authority and responsibility to the public for transparency of big ticket items; and she thinks the public wants to know when those items are coming forward.

Mr. Tipton stated staff provides the Board with detailed information regarding the road projects, the equipment pieces that will be purchased; it is approved as part of the Capital Budget; and once staff receives that direction, it is off implementing these purchases. He went on to say if the Board desires staff to bring these things back on a regular basis, it can be done; and staff is trying to be efficient.

Commissioner Bolin Lewis stated she wants to correct the statement on the fire truck at Satellite Beach; it is co-used between the County and Satellite Beach firemen; the County did not have a station that was going to be able to house it, but Satellite Beach did; a ladder truck was needed because of the housing along the beach with the condominiums and all; and it was a mutual understanding that the County would co-use that for that purpose.

Commissioner Infantini inquired if Clerk of Courts Scott Ellis would like to come down to speak on this item; stated the City of Satellite Beach voted down purchasing a ladder truck; and she wonders if it were important to the citizens of Satellite Beach to have that ladder truck.

Commissioner Fisher inquired if the Capital Improvements are presented to the Board in the budget. Chairman Anderson responded affirmatively. Commissioner Fisher stated so the Commissioners that vote on the budget have voted for these Capital Improvements; and inquired as it rolls over next year, the County Manager will state in the budget coming up what Capital Improvements they plan on implementing that year. Chairman Anderson responded affirmatively. Commissioner Fisher inquired if that means the Board is voting on those items at least twice. Mr. Tipton advised the Board that once, say a road project like Barnes Boulevard, that has been in the Capital Program for a number of years; as staff moved forward with the acquisition getting ready for the design and different things, they are taking from the project budget moving items ahead; the funds will be pulled from Reserves as needed to keep that project on pace, on time, and on budget; and the Board has reviewed these sometimes multiple times.

Commissioner Nelson stated the issue with Satellite Beach came before the Board as an Agenda Item; the Board approved the relationship; there was an actual Board discussion where it was decided and voted upon to place the truck there; and he does not want anyone to think it was not talked about. He went on to say he understands Commissioner Infantini did not like it, but the rest of the Board felt it was important to have shared resources beach side.

Commissioner Infantini stated there are at least five other ladder trucks in the County; inquired if the Board can tell her how many fires those have responded to in the high-rises; and she has not seen a business case for it. She pointed out Satellite Beach did not determine that they had a need; and inquired why County Government feels it should impose that need.

September 17, 2013

Commissioner Nelson stated at the top of the ladder is a nozzle so that they can spray from above down onto the fire; it is not about running up and down a ladder; it does multi-functions; and that is better fire fighting. He noted it helps firefighters get control of the fire quicker.

Motion by Commissioner Fisher, seconded by Commissioner Bolin Lewis, approved the change of a scrivener's error, to Policy BCC-21, Budget and Financial, which was previously approved on April 1, 2013.

Chairman Anderson pointed out that any Commissioner can pull anything during the budget discussions out of the Capital Equipment Program and vote on them individually; and the Board has that ability each and every budget cycle.

Chairman Anderson called for a vote on the motion. Motion carried and ordered. Commissioner Infantini voted nay.

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.D.2., RESOLUTION, RE: AD VALOREM TAX EXEMPTION FOR ANUVA MANUFACTURING SERVICES, INC.

Commissioner Infantini stated this is allowing a tax abatement to a company; it does not seem to qualify for a tax abatement; according to the tax abatement criteria, in order to earn an exemption, a business has to score at least nine points; and this organization scores eight points. She went on to say they received zero points for having the right salary, because their salary is below the minimum \$39,000; the salary is estimated at roughly \$25,000; and while they plan to create the required number of jobs to earn six points, and putting capital investment earning two points, two plus six is eight, and the minimum is nine. She advised she will not be voting for the item.

Stockton Whitten, Deputy County Manager, stated the criteria are actually guidelines that are used by the Economic Development Commission to make the recommendation to the Board; there have been instances where a business has not scored the minimum number of points; but there are special exceptions allowed. He reiterated they are guidelines, and obviously there are exceptions that can be allowed to those guidelines.

The Board adopted Resolution No. 13-160, qualifying Anuva Manufacturing Services, Inc. As an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

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

ITEM VII.E.1., RESOLUTION AND CONTRACT FOR SALE AND PURCHASE WITH EASTERN FLORIDA STATE COLLEGE (FORMERLY BREVARD COMMUNITY COLLEGE), RE: WICKHAM PARK LAND PROPOSAL

The Board recessed at 10:00 a.m. and reconvened at 10:12 a.m.

Howard Tipton, County Manager, stated as everyone is involved in economic development, they know that providing an educated and trained workforce is essential to business growth; and he believes the community has certainly shown its support for the initiatives by Eastern Florida State College for their expansion efforts. He went on to say their proposal for the Board's consideration is to purchase approximately 77 acres on the northeast corner of what is the County's Wickham Park; Wickham Park is a 291-acre regional park, located within the City of Melbourne; and has seen considerable investment over the years from the Parks referendums, including the most recently approved community center. He pointed out in February, the County had an appraisal done by W. H. Benson and Company, which determined the gross per acre market value for this land is \$50,000 an acre, making the purchase price \$3,850,000; the college is prepared to pay \$550,000 annually over seven years; and staff is suggesting to the Board that these funds be placed in the Parks budget. He noted over the years the County has had a strong relationship with eastern Florida State College and its predecessor BCC, and the discussions around the property are a continuation of that partnership. He advised the Board that Parks and Recreation Director Jack Masson and the rest of the team are available for questions.

Gregory Howard stated he has two children, ages 15 and 19; his daughter has a child that goes to daycare at Brevard Community College, or Eastern State University, and she also attends the college; and she is against this. He went on to say when Mr. Wickham donated the land along with the other developers after creating Wickham Road, he wanted the area to remain pristine; and he lined both of the lakes with sand and created other facilities. He stated several years ago there was a proposal to put a state park in the northern area of the park; because of the noise, traffic, and crime, it was turned down; the traffic flow in the area is horrendous; there are 2,500 homes in Sherwood Park; and there are only six exits along the Post Road. He pointed out it is horrendous to try to get across from Sherwood to go eastbound on Post Road; some of the land that is left in this natural state, which is this corner of the park, has been providing hiking, nature, and equestrian trails still frequently used; and sale of this land would be a sin. He noted Mr. Wickham would not approve of this as he used to call this his 'pride and joy'; as of today, the park is zoned for recreational use only; to change this it would need a large scale amendment, possibly put before the voters; it would include traffic studies, wildlife impact studies, St. Johns River Water Management District studies, and so on; and it would include site plan approved by the City; and there would need to be public hearings. He stated there are 2,500 homes in that community and people would not want a bunch of frat houses out there; there is already a problem with crime and traffic; and he asked the Board to put it off for further review or reject it entirely.

Jason McCuen stated he has a son; they frequently use the trails in Wickham Park; they are proud of their environment; and it is designated as a park. He added, it is an oasis in the middle

September 17, 2013

of the urban landscape; it needs to stay a park; the Board tackled earlier the issues of stables and not having pasture land; and development is not always the answer. He pointed out the college needs to make do with what it has and has already been given; and he inquired at what point does the inch stop requesting a mile. He advised the Board his neighbors and he have not had time to prepare because this just appeared in the newspaper suddenly; it has not gotten the attention it needs; Joe Wickham's campaign to turn this into a park needs to stay this way; and it needs to stay in its natural, raw state. He noted he and his son come across numerous wildlife, gopher turtles, scrub jays, and snakes; inquired what park of Wickham Park is going to be life in its natural state other than pavilions and playgrounds; and when is this going to stop. He stated in the paper they reported the County would give the college an interest free loan; the college already has numerous campuses; inquired why the college is not competing to get loans and interest; and why is the County not making any money. He requested the Board to put this off entirely or at least until they can gather resources and support on their end.

Linda Janse stated Wickham Park is an amazing find in the middle of Melbourne; she and her dog have been going there for the last 10 years; she has seen numerous changes; and the fire they had several years back destroyed park of the park. She advised the benefit of the fires was it created a tremendous scrub jay habitat; that kind of stuff is going to go away if the natural area is impinged upon; people ride bikes on the trails; and she hopes the Board will find another place to put those buildings the school needs.

Dr. Jim Richey, President Eastern Florida State College, expressed his appreciation to the Board for considering this very important issue. He stated the college has evolved from a community college to a state college; in the last 18 months, they have created 20 new academic programs, including Bachelors' Degrees, Associates Degrees, and Certificate Programs; and all of the programs are designed to lead to high demand, high-waged jobs for the region. He went on to say because of these efforts, it is likely that the economic impact they create in the future will be even greater than the \$1.1 billion they now deliver to the area; going forward, he can assure the Board they continue to respond to the local work, employee's workforce needs by developing additional programs that will promote a strong local economy; in order to meet this challenging mission, the college needs to look at acquiring property that will all it to grow in these programs; and that is why he asked the Board to consider this sale of 77 acres east of the Melbourne Campus. He expressed his appreciation to the Board for its thoughtful consideration of this very important initiative.

Commissioner Infantini stated at first glance, she thought it was absolutely a wonderful idea; then she started receiving input; she has received numerous emails from individuals; and maybe this is not the best location. She went on to say one suggestion to her was the Palm Bay Campus; there is a great deal of land that is vacant; and it is already cleared at the Palm Bay Campus. She advised another idea was to build a parking garage and start building up rather than taking away land; the college is going to keep growing, and she is excited for that; it is a wonderful asset for the community; but she wants the Board to consider the Palm Bay Campus. She asked the Board to possibly table the item; and the residents need to be given notice so they can give their opinion; an evening meeting can be scheduled for this public input; it will affect the community in a big way.

Motion by Commission Infantini to table consideration of Eastern Florida State College (formerly Brevard Community College) proposed purchase of land at Wickham Park to a future meeting.

Commissioner Nelson stated he is inclined to table the item, but he wants to hear from the rest of the Board.

September 17, 2013

Commissioner Bolin Lewis stated she has been working on this for a couple of years; she has talked with the City Manager's of the City of Melbourne; they are very much aware of this; and there have been negotiations for a long time. She noted she is in favor of this; the college needs to expand and it is the best use of the area; the area could be a showplace as they expand and prosper; and this is the prime and best location.

Commissioner Infantini stated the people she spoke to are not elected officials; she tries to talk to the public, as she has to answer to everyone; and she is asking for transparency.

Chairman Anderson stated he is in favor of it, so whatever the rest of the Board wants to do.

Commissioner Fisher stated he asked Dr. Richey to do an economic study to see what economic benefit there is to a college expanding; the report said \$1 billion of economic development for the community; it is hard for him not to tie this into other things; he does not think the County would donate 77 acres to the college for any reason; he looks back at the referendums concerning parks since 2000, and the shocking statistic for him is that the County spent \$170 million on parks, either through a referendum or other partners and other things it raises money through; and the other shocking thing about that \$170 million, is the County never built anything for people with disabilities. He went on to say he pulled the statistics and it showed that the local disability data for the County is 170,000 people; he has been supportive of the Field of Dreams project; he wants to make sure the Board talks about how the dollars will be used if this is done; and he understands they could be used for a lot of other things. He advised he is supportive of this item; but the Board needs to decide how it is going to distribute the money; and he wants to go on record that if he gets some of the money it will be used for Field of Dreams. He stated it is important to remember the County's very important population; he was supportive of the Melbourne Community Center; some jobs were saved in the City of Palm Bay; but with this newfound money, he does not think it is right to separate it.

Commissioner Bolin Lewis stated she understands 100 percent what Commissioner Fisher wants to do; and they do disagree with the timing of it. She went on to say there is the parks workshop coming up that would be appropriate to talk about this item and discuss how the money should be divvied up; she would prefer to have the money in the bank before she decides how she is going to use it; it is kind of putting the cart before the horse in her mind; but with all due respect, everyone is going to have project that they think the money should be used for, and Commissioner Fisher's project is just like everyone else's. She reiterated it should be discussed at the workshop.

Commissioner Fisher stated he does not want this to be his project; this is a project that as a Board and a community it is saying the kids with disabilities have been ignored; and he is fighting for it, but he hopes all of the Board is fighting for it. He noted the Board has spent millions of dollars over the years on taking care of mainstream kids; he is bring it up as a topic because he wants to ask that anything that is done is done as a match; and he does not want anyone to think because he has not given it a number that he thinks \$3.8 million ought to go to Field of Dreams. He stated if the money is divided five ways, there is a number that, that would ad into; if it was divided three ways like north, central, south, there is a number that comes to; but he would like to see one-half a million dollar committed to Field of Dreams, and for the Field of Dreams board to match it.

Commissioner Bolin Lewis stated she understands it is a community project; but she wants this deal to be clean. She pointed out she wants the purchase of this to be a clean deal and not have tags tied to it, or that it will not pass if the Field of Dreams does not receive one-half a million dollars; it will take a while before this is going to be completed; and it still has to go through the permitting process. She advised the Board does not know after the process is complete and the money is in the bank, what the urgent need will be at that time; but she

September 17, 2013

promises if this does come to pass while she is still on the Board, the Field of Dreams will most certainly be a high priority.

Commissioner Fisher stated he wanted to put that out to the Commissioners; and Commissioner Infantini said in the newspaper she wanted field to be built with the money. He added, staff mentioned it may be used for jobs; the money is being earmarked in certain areas; and he thought he may want to earmark money for the disabled kids.

Commissioner Nelson stated he has struggled with this item; Wickham Park is a special place; and the County has had a great relationship with BCC and Eastern Florida State College. He mentioned that with the Chain of Lakes partnership, the County was able to build up that property so that future expansion land is available there; and he is a parks guy so this is difficult for him. He stated what struck him was it is not current in the Master Plan for future activity; green space is an activity; and land needs to be preserved and it does not have to be developed. He advised the Board he told Dr. Richey that if he was going to make this request, it needs to be as small as possible so that the Board understands the need and about recognizing the fact that it is special; in between the time they talked, it expanded to the full 77 acres; but it has evolved to a mess of cut off the top of the park and whatever happens, happens approach. He pointed out he loves the college, but he is struggling with where the Board is today; part of the problem is the gopher tortoises and scrub jays as the fire created a habitat for the scrub jays; the gopher tortoises were actually relocated to that site; and he has spent his entire career fighting the giveaway of public lands, because parks are a desirable place for all sort of governmental uses. He went on to say they wanted to put a fire station at Wickham Park and an elementary school at the corner of Parkway and Wickham, and the Board said no; he has a history of protecting Wickham Park; this did not go through the County's advisory board for whatever reason; and the public has been somewhat surprised by the discussion. He advised his preference would be to have more discussion; he is not ready to approve selling 77 acres; and does not even want to discuss how the money would be used; and he would prefer the Board delay this, have a discussion and figure out what is an absolute necessity and how it can be looked at in terms of its long-range goals.

Commissioner Nelson seconded the motion to table the item.

Chairman Anderson stated he is active in the Florida Association of Counties, and if you tell another county how much land is preserved for environmentally endangered lands, they are shocked; the animals at Wickham Park are kind of trapped in there; when they mitigate, they will move those endangered species to areas where they will thrive; and the population will increase from that. He stated the Board needs to get rid of assets and start measuring wants and needs; that area is a fire hazard. He advised the facility Commissioner Fisher spoke of is in his District; he will commit that if that money is split up, his money will go to Field of Dreams as well.

Commissioner Infantini stated she agrees that the County needs to sell some of the excess land; and this park is in the middle of a city; it is not one of those pieces of property that is off where there are just thousands of acres. She stated she thinks the Palm Bay location has so much extra available land; it is not across the street from a residential community, which has not had the opportunity to know about this discussion; and she does not think the item is time sensitive. She inquired why this item cannot be tabled for just two weeks; stated it will give the public an opportunity to vet their concerns or issues; and after giving this a huge amount of consideration she is not sure this is the single best place for the expansion.

Chairman Anderson stated the one thing any environmental person will tell a person on urban sprawl is this is exactly the place to put this as everything is built, it is an infill project; it is not in the middle of Pam Bay; and this is exactly the kind of thing those kind of people will say they wanted, infill. He went on to say the public will have opportunities through every zoning process

September 17, 2013

to go to the City of Melbourne to speak; and if the College does not get the zoning, it is a done deal.

Commissioner Fisher stated he is glad Chairman Anderson cleared up that the Field of Dreams is in District 5; to him, it is not territorial, it is about kids and disabilities; he is not saying he is not supportive of the project now being discussed if the money does not go to Field of Dreams; and he is always willing to listen to the citizens and the input he or she may have. He advised he is supportive of the project; inquired if this is the best design and best layout; he has not studied the whole tract; and he is not opposed to bringing the item back in two weeks. He went on to say he does not want to drag it out; the college needs to move forward; he is supportive of the project the way he knows it today; but he reiterated he is not opposed to giving it two weeks if Commissioner Nelson really wants to do that.

Mr. Tipton stated October 8th will be the next regular meeting. Chairman Anderson stated it will be heard on October 8th at 10:00 a.m. for a time certain; and he inquired if that is a zoning or regular meeting. Mr. Tipton responded it is a regular meeting.

Chairman Anderson called for a vote on the motion.

The Board tabled consideration of Eastern Florida State College (formerly Brevard Community College) proposed purchase of land at Wickham Park to the October 8, 2013, Board of County Commissioners meeting, with a 10:00 a.m. time certain.

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

ITEM III.D.8., PERMISSION TO ADVERTISE, RE: INCLUSION OF ADDITIONAL BOARD POSITIONS IN FLORIDA RETIREMENT SYSTEM SENIOR MANAGEMENT SERVICE CLASS (SMSC)

Commissioner Infantini stated she is opposed to this item because when County Manager Howard Tipton was hired he helped the Board down-size government and bureaucracy; it went from three Assistant County Manager's down to two; she applauded his efforts; it was then increased to two Assistant County Manager's and a Deputy County Manager; and she thinks that is a little bit redundant of effort. She went on to say she is not in favor of adding the Deputy County Manager position, she thinks there should be just two Assistant County Manager's.

Commissioner Nelson stated this does not create positions, it just gives them their rights under the Florida Retirement System; there were some Florida Retirement positions reduced; all this does it creates the ability for those people to be in the Management Class; and he does not see an issue with that.

The Board approved permission to advertise inclusion of additional board positions in Florida Retirement System Senior Management Service Class (SMSC).

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

ITEM III.D.9., LEGISLATIVE INTENT, RE: AMEND SECTION 62-1572 OF THE COUNTY CODE

Commissioner Fisher stated he always worries about making more government, rules, and making things harder; she does not understand what this item is doing; he looks at a map and if it says it is government-owned by the County he pretty much knows what will be there; and he does not know why the clarity needs to be done there.

Commissioner Nelson stated there are public properties that are not in government zonings, they are not GML's; when they tried to straighten it out last time, suddenly people who lived next to these saw conservation lands going under a park category, and they were suddenly afraid it was going to be developed; all this does is further qualify if it is currently in conservation, it would remain in conservation; and it more clearly identifies how they are currently used.

Commissioner Fisher inquired what project Commissioner Nelson is making reference to. Commissioner Nelson replied it was a variety of projects throughout the County; Ulumay, for example, which is the Sykes Creek Watershed in impoundments, when it came in suddenly on both sides of that area were calling his office asking why it was turning into a park; it is a hard explanation; and to make the explanation easier and assure it is not changing, they came up with the ability just to call it what it is, conservation.

Commissioner Fisher stated if that land wanted to be something light, could that have been done in that site if it made sense or is it restricted. Commissioner Nelson stated the example he gave the Board is mosquito impoundments and wetlands that run from SR 520 up to SR 528; it will never be used for anything other than what it is being used for; but the minute it went out, people thought they were going to have baseball fields in their backyards. He stated what he is saying is to add a new category; the Board always has the ability to change it at a later date if it chooses to; but it is to get them into all government zoning and ensure the community the County is not changing it from what it currently is.

Commissioner Fisher inquired if it changes the ability to do something on that site if the Board wants to do something there.

Commissioner Nelson stated the EEL lands can be used for the same purposes they are currently being used; if the Board wants to build a government building on them, the zoning would have to be changed; he wants to get them into government zoning first; some of them are not even in the GML category; and because the issues was raised, everyone wanted a site plan for what the County was going to do on all of these properties. He added it was housekeeping that turned into a nightmare.

Commissioner Fisher stated for example, EEL agreed in a management agreement on the Visitor's Center on I-95; EEL agreed they would manage that; now they are talking about putting a Visitor Center there; and inquired if this zoning is affecting the Board's ability to get State money. Commissioner Nelson stated the Visitor's Center is going on the existing location of the Visitor Center now; EEL had set aside a chunk of that land; it probably would have created that

September 17, 2013

same problem even as a GML-P; and he is not sure this would have rectified or dealt with that issue.

Robin Sobrino, Planning and Development Director, stated staff can come back with a list of permitted uses in GML-C that is being proposed so it would give the Board a greater comfort as to it not just being the blanket term conservation, but what other types of activities might be embraced under that conservation heading.

Chairman Anderson stated this is just legislative intent; he had a lot of concerns if the Board is setting itself up that if it had to change some land it would have to have all these zoning meetings, and the residents are coming in saying it is conservation and it cannot be changed; and that is what the Board is setting itself up for.

Commissioner Nelson stated right now there are probably properties that are zoned Agricultural, or multi-family, that are wrongly categorized already.

Ms. Sobrino stated staff will come back with a report clarifying some suggestions, which would allow the Board the opportunity to amend it or embrace it, and to get the green light before staff goes forward to advertise for public hearing.

Mel Scott, Assistant County Manager, inquired if it if the Board wants staff to come back with this before it even hits the subcommittee stage through Parks and Recreation infrastructure. Commissioner Fisher responded affirmatively. Mr. Scott stated staff will bring it back for the green light before it hits the public forum, which is still in advance to any advertising. Commissioner Fisher stated he just does not under what it will do.

The Board reached consensus to withdraw consideration of request to direct staff to prepare a draft amendment to Section 62-1572 of the Brevard County Code to add a zoning classification that distinguishes government owned lands used for 'active' recreation from government-owned lands used for conservation, and submit proposal to the Parks and Recreation Advisory Board, Environmentally Endangered Lands Selection and Management Committee, and present it to the Board for consideration; and directed staff to come back with a report outlining suggestions for permitted uses in GML-C zoning for the Board's consideration prior to the public forum, which is in advance to any advertising.

ITEM III.D.12., APPROVAL, RE: BILLFOLDER

Commissioner Infantini stated the Board has had Commissioners, Troy Post, and Robert Jordan taking a trip to Brazil for a one-day workshop; previously when one of the Commissioners took a trip out of the country, he or she would report back to the Board; and inquired if Chairman Anderson and Commissioner Fisher could brief the Board.

Chairman Anderson stated his was well publicized, because his was a sister city trip with the City of Melbourne; he was invited by the City Council as their County Commissioner; and the only thing the County paid for was his airfare.

Commissioner Infantini inquired what the benefit to Brevard County was because there were no reports back on these trips.

Chairman Anderson stated when he went they went to Embraer; they have a very close relationship with a Brazilian company Arco in Melbourne, which is their translator as a Brazilian company of engineers is looking to expand; and they are looking to do joint efforts with São José dos Campos and the City of Melbourne who are now sister cities to expand that economic development. He went on to say one of the issues Brazil has is they are very highly taxed, so

September 17, 2013

there are a lot of opportunities in manufacturing; and if they are going to move it, he would like them to move it to Melbourne. He is meeting Sergio in three or four days to discuss it further.

Commissioner Fisher stated Eckler Corvettes in Titusville was looking to relocate in Orlando; they had started that process, which would mean losing 130-140 jobs; they got involved to help make sure that did not happen; and it so happened that the Brazilian's are the developer that is going to develop 150,000 square feet on Grissom Parkway for Eckler's. He went on to say they saved them from relocating; they are going to build a suite right across from the airport, and some other opportunities is going to present itself from that; the Brazilian's actually purchased 120-acre tract of land to be able to do that; in Brazil they hooked them up and have had two follow-up meetings with the Port, because the Port is interested in getting involved in distribution in cargo; and that is their next future besides a cruise terminal. He advised the Brazilian, along with the owner of the Port in Brazil and one of his representatives actually met with John Walsh and his people and talked about opportunities between Port sisters; the Port has identified South America and Brazil as being one of their growth patterns; Brazil does not have a lot of trust in its government; they are investing heavily in the United States; and there is an EB5 program that allows them to get citizenships and rights to be able to live here if they invest \$1 million in the economy plus create 10 jobs. He stated there are a lot of Brazilians with millions of dollars; they are cultivating building that relationship for economic development; they have saved 150 jobs; Troy Post is also involved in this; that is something Commissioner Infantini does not typically do to get involved with economic development; and she may want to consider going on Brazilian trips.

Chairman Anderson stated the Brazilian delegation is going to visit Brevard County; he is working on a project that is the direct result of his trip there; all of the mayors of Brevard County have Brazilian economic development workshops; and even the majors recognize the immense opportunities.

Howard Tipton, County Manager, stated the mayors did get together; it was actually discussed at the most recent Space Coast League of Cities; and there is going to be an interlocal agreement presented to the cities an signed in partnership with the Space Coast Brazil International Development Agency.

Chairman Anderson stated one of the mayors of Brazil was interested in how Brevard County handled drainage; these very poor people are living in a swamp; and they requested the County send its drainage people. He went on to say he did not think he could get that through the Board, but they are going to come Brevard County and meeting with John Denninghoff, Public Works Director, and Ernie Brown, Natural Resources Management Director.

Commissioner Fisher stated it is about relationships and that is why he does some of these things.

The Board adopted the billfolder, as submitted.

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

ITEM IV., PUBLIC COMMENTS

Dave Netterstrom stated Brazil is a huge opportunity for this area; he was at that meeting two Saturday's ago; the opportunity to be laser focused on Brazil is very strategic for multiple reasons; the feeling in Brazil is through the world cup and the Olympics there is a lot of activity going on down there; and the smart money is that after 2016 when it slows down, things may be a little more difficult. He encouraged everyone to be laser focused on developing relationships in Brazil; he was talking with Mayor Jacobs in Orange County; they are doing the same thing; and it is a smart move.

Chairman Anderson stated when he was down there they were in the height of their riot season because of the World and Federated Cups; and he had to file a special life insurance policy when he went down there.

ITEM V.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT FOR LESTER AVENUE IN NORTHGATE MOBILE RANCH - JOHN H. EVANS, ATTORNEY (RICCIO'S)

Chairman Anderson called for a public hearing to consider a resolution to vacate public utility and drainage easement in Northgate Mobile Ranch, as petitioned by John H. Evans, Attorney (Ricchio's).

There being no comments or objections, the Board adopted Resolution No. 13-161, to vacate a public utility and drainage easement in Northgate Mobile Ranch.

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.B., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT ON CYPRESS STREET IN REPLAT OF HAVEN GREEN, PINWOOD SECTION - ROBERT APPLETON, CO-TRUSTEE

Chairman Anderson called for a public hearing to consider a resolution to vacate public utility and drainage easement on Cypress Street in Replat of Haven Green, Pinewood Section, as petitioned by Robert Appleton, Co-Trustee.

There being no comments or objections, the Board adopted Resolution No. 13-162, to vacate public utility and drainage easement on Cypress Street in Replat of Haven Green, Pinewood Section.

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

September 17, 2013

ITEM V.C., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT ON RED SAIL WAY IN SLEEPY LAGOON - MICHAEL AND SUSAN DUNNE

Chairman Anderson called for a public hearing to consider a resolution to vacate a public utility and drainage easement in Sleepy Lagoon, as petitioned by Michael and Susan Dunne.

There being no comments or objections, the Board adopted Resolution No. 13-163, to vacate a public utility and drainage easement on Lot 67 in Sleepy Lagoon Subdivision.

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

ITEM V.D., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR SUN NUCLEAR CORPORATION

Chairman Anderson called for a public hearing to consider ordinance for Economic Development Exemption for Sun Nuclear Corporation.

Howard Tipton, County Manager, stated Sun Nuclear Corporation is a company that manufactures radiation detection instruments for medical and environmental applications; the company plans to create 100 new jobs with an average wage of \$62,000; and plan to invest \$4.4 million in capital expenditures. He went on to say the Economic Development Commission Abatement Committee has met and they are recommending a 10-year 100 percent abatement of the property taxes, which would result in a \$33,244 annual abatement.

R. Victor Brungart stated he read through this in detail, and it looks good to him; 97 percent of the employees, according to the application, have been in Brevard County for over two years; and that means a lot to him, especially with regard what happened with BlueWare. He stated it looks like to him after reading through this that Jeffrey Simone is the principal in SNC North LLC at 415 Pineda Court and it is a ground build up with a \$16,000 lease, same person as the CEO for Sun Nuclear; on the surface it does not look like there is a problem; and inquired if that is fine or is he missing something.

Commissioner Fisher stated sometimes in corporations a person may personally own the building and may rent it back to his or her corporation; but that is typical sometimes.

There being no further comments or objections, the Board adopted Ordinance No. 13-30, granting an Economic Development Ad Valorem Exemption to Sun Nuclear Corporation ;specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.1995(8) F.S.; providing for proof of eligibility for exemption; Sun Nuclear Corporation; providing an effective date.

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

September 17, 2013

ITEM V.E., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR SATCOM DIRECT, INC.

Chairman Anderson called for a public hearing to consider ordinance for Economic Development Exemption for Satcom Direct, Inc.

Howard Tipton, County Manager, stated Satcom Direct, Inc. is a company that provides locate satellite communications; they are proposing to be located on the Melbourne Airport property; they will be creating 32 new jobs, with an average wage of \$80,000; and their total capital invest of \$8,500,000. He went on to say the EDC Abatement Committee met and they are recommending a 90 percent abatement over nine years amounting to \$38,289 annually.

There being no further comments or objections, the Board adopted Ordinance No. 13-31, granting an economic development ad valorem exemption to Satcom Direct, Inc.; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.1995(8) F.S.; providing for proof of eligibility for exemption; Satcom Direct, Inc.; providing an effective date.

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

ITEM V.F., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR XUN ENERGY, INC.

Chairman Anderson passed the gavel to Vice Chairman Bolin Lewis.

Chairman Anderson stated as required by Florida Statute he is abstaining from voting or participating in Board discussion; he is an active real estate associate with Home Life Coastal Properties who is representing XUN Energy in the real estate negotiations for the facility on North Drive; and his paperwork has been filed with the Clerk to the Board.

Vice Chairman Bolin Lewis called for a public hearing to consider ordinance for Economic Development Tax Exemption for XUN Energy.

Howard Tipton, County Manager, stated XUN Energy, Inc. Is a manufacturer of flywheel technology for the storage of electricity, including frequency regulation; they are considering on locating in Melbourne; the company has proposed to create 308 new jobs with an average wage of \$82,750; and with a capital investment of \$22 million. The EDC Abatement Committee has met and recommends approving an abatement of 100 percent over a period of 10 years; and this abatement would amount to approximately \$144,388 annually.

Rich Charbonneau stated he spoke last week, he had five minutes and he only took one; and he would like to ask for a few minutes more today. Vice Chairman Bolin Lewis advised Mr. Charbonneau he would have five minutes.

Mr. Charbonneau stated XUN Energy claims they will invest \$22 million in Brevard County, they will have 200 employees at \$82,000 a year; he asked his investors run an analysis on their company; and they highly recommended not being involved with this. He went on to say they have zero money and zero credit, no plan to get set money, and they are doing a plan that has

September 17, 2013

already been done by other investors. He went on to say the company has extremely limited assets and cease generating revenue; they will need to raise additional capital; they are subject to exploration and production regulation; and public policy, which includes laws, rules, and regulations can change. He stated the company does not maintain insurance at this time against losses and liabilities; they have a history of losses; and losses that are likely to continue in the future. He pointed out any company coming to relocate in Brevard County that does not have liability insurance, it should be a deal breaker. He added, they stated they are competition with other companies more established and better capitalized than they are; they may not be able to generate sufficient revenue to maintain operations; and to this date, they have limited revenue. He advised that Dave Berman with *Florida TODAY* wrote a good article; the idea that there are 5 billion shares outstanding, that is greater shares outstanding than *Microsoft* has; and to do what they have to do, they will have to go to 14 million shares, which is almost impossible. He requested the Board vote this item down and send them packing, and to demand that EDC send more fully-vetted operations.

Ed Priselac stated that Jerry Mikolajczyk is a high quality gentleman, well intentioned executive, however when he waives his company against fiscal expectations he finds the following; the County Manager said he was a manufacturer of the flywheels; and inquired if he is really manufacturing them or buying them. He noted if he is buying them, he needs to correct his information. He stated he will have to float a huge loan to build the infrastructure and acquire his massive equipment; it is accurate to say flywheel systems can produce quick energy surges for electrical grids as needed; this however, leads him to the second fiscal issue, is how much are grid members, such as Florida Power & Light Company (FPL) willing to pay for backup power; and then they have to consider how much of XUN's income will be used to repay a fairly massive loan. He went on to say a beacon company, floated a \$43 million from the Department of Energy in 2010 to set up flywheel operations in New York; in October 2011, Beacon declared bankruptcy; Beacon is back in business, in large part helped by a private buyer, and new federal requirements which require electrical grid operators to pay a premium to fast responding services like flywheels; and the government is force feeding these things to everyone. He stated this will increase costs to consumers; if a company like FPL has to pay more because of surge energy, they will pass it down to the consumer. He inquired what happens if a conservative administration comes in and wants to abolished some of the green energy initiatives and let market determine rates; will the interest rates be higher when XUN Energy floats their loan; and stated there is a lot of unknowns. He inquired if this venture gets off the ground and fails, who owns and owes what and what will Melbourne and Brevard County do with buildings, infrastructure, and the massive flywheels and generators.

R. Victor Brungart stated he not only would not touch this with a 10-foot pole, he would not touch it with a 20-foot pole; and he read information off of *Blumberg*. He advised the Board he used to work with *Exxon Corporation* as a drilling engineer, a person who has a lot of history and background with SOH exploration and drilling and operations; it says they have a wire line log and they do not even know what it says yet; they do not know if they are going to produce or drill another four wells until they get the results; and it delayed its annual filing of its 10K and its 10Q. He stated it is a penny stock; it is over the country SNRG; he looked up in *Sun Sentinel* and it talked about on August 15th of this year, eight Floridians charged in penny stock schemes; it may or may not be relevant; South Florida is becoming an epic center of fraudsters trying to illegally ramp up stock prices with small public companies known as penny stocks; and fraudsters know the penny stocks are difficult for the average investor and regulators to monitor. He stated the Agenda Report says they are a manufacturer of flywheel technology; he does not believe it is true; it is an impossibility for them to create 308 jobs with an average wage of \$82,500; and that they will invest \$22 million in new capital, because they have to sell 18.5 million shares of stock. He noted he would not tell anyone to spend more than 10 seconds looking at this; why the EDC brought this to the Board, he has no idea; and they were not vetted properly.

September 17, 2013

Jerry Mikolajczyk stated they are a company that is public; they are in the development stage; they have not earned any revenue; and they are in the process of developing oil properties in Pennsylvania. He went on to say they have drilled a well; he is limited to what he can disclose; they are testing this week; and they will be announcing the results of that this week. He pointed out they have an equity line of credit for \$15 million; they filed the new S1 today; it is a process that takes anywhere from three-six months; and the SCC vets all the information. He stated the 10K is filed as of Monday last week; they are a fully reporting issuing company; they are current with all their information; as a proper company, they expose all of the risks to their investors; and they do that in their 10K with all the risk factors. He added, that is a common disclaimer with companies, even Microsoft has similar disclaimers. He pointed out they do not compare themselves to Exxon, Chevron, or BP; they are a young, emerging company; they have a five-year plan; they are into month four of the first year of the five-year plan; and they met with investors last week in New York, and the feedback is very positive.

Commissioner Infantini inquired how they found the building they selected in Melbourne. Mr. Mikolajczyk replied he happened to be driving by it for a luncheon meeting next door, he saw it, and fell in love with it. Commissioner Infantini inquired how Brevard County was selected as their headquarters for their venture. Mr. Mikolajczyk responded he used to live here before; he owned a condo in Cocoa Beach; he moved to San Jose as an Interim CFO; he earned CFO of the year award for all of his accomplishments; and after other endeavors, he decided to come back to Brevard County. Commissioner Infantini inquired how he found out about the EDC and the tax abatement program. Mr. Mikolajczyk advised he has been following the Commission meetings; he looked at who the Commissioner was in the Melbourne area, which was Commissioner Anderson; he made an appointment with Chairman Anderson to offer his services to the County free of charge to avail his services as a CFO, and share with the County his experiences and accomplishments of what he did in San Jose for the VTA; and Chairman Anderson asked about his plans and what he was doing. He went on to say Chairman Anderson suggested he talk with the EDC. Commissioner Infantini inquired what the EDC told him were the requirements to earn the incentives. Mr. Mikolajczyk replied to get the 100 percent tax abatement the EDC said there was a procedure and policies they had to abide by, and they showed them the website with all of the applications; and they completed and submitted them. Commissioner Infantini inquired how the number of jobs and amount of money the company was going to create; stated right now she has not seen any revenue; she understands they filed a new S1 saying they were going to be issuing \$79 million more shares for \$52,000; and inquired if that is correct. Mr. Mikolajczyk responded it is not for \$52,000, that is an SEC requirement, that is what the value of that stock is as of the date the S1 was filed, or within five days of it. Commissioner Infantini inquired how they came up with how much they were going to be investing; state if they are not going to be manufacturing flywheels, \$22 million is a nice investment; and inquired if they do not need a manufacturing facility, what is it that the \$22 million is going to be building. Mr. Mikolajczyk advised to clarify her statement about not manufacturing, on the EDC letter to the Board it stated they were manufacturing; they are not manufacturing right now; they propose or plan to manufacture the flywheel technology; his background is in oil, gas, mining, construction, and manufacturing; he sat down with their board; and they worked out a plan of what the staffing requirements would be not only for the corporate office, but for their manufacturing facilities. He went on to say it pulls it together with his experience, over 40 years in the industry; he has worked with engineers and all that; and he was able to price it out and put the application together.

Commissioner Fisher inquired if staff can explain the abatement program and how that started and how it works.

Stockton Whitten, Deputy County Manager, stated they are still using the term abatement, it is actually a tax exemption program; it is a program that is allowed in State Statute that has to be

September 17, 2013

voted upon by the local voters; this is the 19th year of the program; and it was originally voted on in 1994 or in that time frame. He went on to say the program is if it is a manufacturing business or company expanding or new to the County, they are eligible for an exemption based on meeting certain criteria, certain guidelines the Board has set up; those do not occur until the company actually puts tangible personal property on the tax roll or real property improvements on the tax roll; those are not maintained if the company does not meet the job requirements or goals that were presented to the Board; and the Board may approve these today, but it is not until the company actually, through the Property Appraiser's Office, has certified tangible personal property or real property improvements on the tax roll.

Commissioner Fisher stated a lot of things have to happen before XUN Energy receives this exemption. He pointed out 24 years ago Robin L. Fisher Insurance Agency was \$100,000 in debt and no business, he would not have been a good bet; but 24 years later, he is still employing people and still has a viable agency that is doing well. Barn Light Electric in Titusville is owned by a police officer/air patrolman and his wife is a nurse; they made a decision to take their hobby and go into a manufacturing business; five years later there are 80 employees, three locations in North Brevard County, and they did \$10 million in sales this year; and they are now going international. He stated he does not want EDC to decide what every companies future should be; they should get the facts; if a company applies for it under the State Statute and the rules the Board gives, they should not be vetting whether it needs to be brought back to the Board or not; and it is something the Board needs to consider. He advised the Board there are many examples of penny stocks that are really profitable. He stated the Board is not making that investment until they have tangible personal property or real property improvements on the tax roll; if the company can do that the program needs to be going; there are a lot of companies that a person does not know where they will go; and if they meet the requirements and create the jobs, the Board should give them some type of abatement. He noted he is supportive of this item.

Commissioner Infantini stated her concern is it is a publicly traded company; it is not a privately held company; her worst fear is that Brevard County in offering legitimacy to this organization that has three consecutive years of losses; and there is nothing she can see in their financial report says it has a going concern issue, which means there is a strong likelihood they will not be in business next year. She stated she is concerned the Board is creating victims using Brevard County's good name. She pointed out she is not supportive of the item.

Greg Weiner, Economic Development Commission, stated this conversation has evolved into something it was never meant to be; the approval of an incentive is a two step finding; the first reading is to verify is eligible according to State Statute; the second reading is to review the promise, the agreement that may or may not be put in place between the company and the County; and they are not giving them any General Fund money, they agreed to take less from them. He went on to say if the company fails, it fails alone; it started out by saying the EDC does not vet; then it went to say EDC does not do it well; then the EDC does not do it enough; and then when it got into the newspaper that this is only a promise to take less taxes, then the argument triangulated once again. He added, now Commissioner Infantini wants to make it a matter of Brevard County's reputation. He advised he knows of no jurisdiction, state, county, or city who views the incentive process as an approval; it is not up to the Board; it is not approval of the company's products, services, or its financial outlook; and it was never intended to be that. He went on to say to the extent that conversation continues to go on that somehow the EDC is approving them, he wonders if maybe going forward they may need to have on all of the ordinances a disclaimer which makes it very clear that they are not approving the company's products, services, or its financial outlook; and reiterated it was never its intent. He stated there was nothing presented at the meeting today that the EDC was not aware of, and in the environment being faced people are probably wondering why they even do it; the reason it is done is because it is the right thing to do; Brevard County has always been a place where big

September 17, 2013

dreams come to either succeed or die; but this has always been a place where that can happen. He stated there are risks with small, young business that does not owe more than it has, it almost never happens. He stated President Ronald Regan wanted enterprise zones to be designed to be set up around the country that certain places would be designated; they would be areas targeted for economic growth; and a company could go and locate there. He pointed out there was no vetting or public whipping, they just located there, prove that it's small, prove that its young, and government would be forced to take less taxes from them. He went on to say there were three cornerstones President Regan used as cornerstones; he wanted to reduce regulation; EDC has done that with the SNAP Program; he wanted to do something about accelerating depreciation schedules; EDC worked with Jim Ford to do some of that; and he understood the tax code could and was willing to support being used to support young businesses so it would be taxed less and it could invest more and hire more people. He added, it is not out of the ordinary; it is a highly risky venture; but taxpayer money is not going into it; EDC is simply saying to come to Brevard County, and if the business succeeds, they will just take a little bit less; and the EDC should not do any less despite the fact that they knew full well when this was brought forward the EDC would be criticized to do it.

Commissioner Nelson inquired what the risk is to the County through this approval. Mr. Whitten advised there is no risk to the County; the County does not own any of their properties; and there is no risk associated with the approval of the potential incentives. Commissioner Nelson stated if the Board says by approving any exemption it is somehow putting its stamp of approval on that business, then it is wrong about 50 percent of the time; that is the nature of it; it will never get to the point where the Board picks 100 percent of the winners; and if the government cuts a contract like Boeing, they are done. He pointed out the Board or the EDC is not supposed to pick winners and losers; there is no risk, the County has never lost money on any of these, some have not gotten the benefit, and some big names never got the benefit because they never achieved that business plan; and that happens. He noted he does not understand this sudden dislike of trying to support business, because that is what it comes down to is that somehow the Board has lost its nerve to support businesses when there is no risk; and he would be interested to know how that occurred.

Commissioner Infantini stated the Board is picking winners and losers; when one business can go into business and pay zero General Fund tax dollars and the business right next door to them pays all of their tax dollars, that is creating a winner and loser; the Board is saying this business we want and this business we could care less about; and rather than giving tax abatement, why not change the tax structure. She went on to say it needs to be made attractive for any business that has a good business model and plan to enable them to better succeed rather than selecting particular companies. She stated SNAP Program did nothing to reduce the amount of regulation in Brevard County; it made it the same for the County as it did for Melbourne or Palm Bay; but any builder she has spoken with has not said it was a shorter process.

Commissioner Fisher stated a third party rated Brevard County's tax structure and it is 60 out of 67 counties; there is a pretty good tax structure in Brevard County already. He stated there is a risk; if the company creates 308 jobs at an average wage of \$72,000, and they put \$22 million in capital expenditures the Board is going to have to give them a \$100,000 tax break; and he is fine with that risk. He added, if they do not do that, they get nothing.

Jack Smink stated he understands the concept of competitive intrusion, and he believes it is a real thing that Brevard and surrounding counties need to face; if the County does not have an EDC to fight that battle, it is in trouble; other counties are doing it and will overtake Brevard County; and as a County, Brevard will dry up economically. He stated he believes in accountability; he does not understand why the Board is approving a 10-year tax abatement in the scenario; for the longest time he heard five and sometimes seven years, and now it has

September 17, 2013

gone to 10 years; and he does not know why 10 years is crucial in this particular scenario. He inquired if the County does give a 10-year, why that 10-year cannot be adapted; to give five years full tax abatement, two years where they pay taxes, and maybe the remaining three years a tax abatement to finish out the scenario, which would help keep them in the County; and it is somewhat of a solution to be considered. He stated subjects like this is not all black and white; he is glad it is being discussed; he thinks it is healthy; he is proud of Brevard County for having these discussions; and if the County does not become competitive, it will get ran over.

Commissioner Nelson stated the County is in a competitive market and trying to get businesses here that can go other places; every time the Board looks at one of these it is in competition; Commissioner Infantini voted for Sun Nuclear and did not give them the same scrutiny; and inquired if she likes the program or does not like the program. He pointed out on any given issue, that changes. He stated Texas has no restrictions, they put a fertilizer plant next to a school and apartment complex and it cost lives; it can be taken to the extreme, and certainly Texas has; and that is probably a decision they will rethink. He went on to say there should be protection for the public; when looking at what the Board is doing, it is not being exposed to any risk; and he thinks that is the key. He advised the EDC is not the enemy; they have businesses that come to them, they seek businesses; they bring those to the Board; and the Board deals with it. He stated with Project Jaguar, he and Commissioner Bolin Lewis got criticized horribly, and that turned out to be Embraer; he heard the same arguments about that company; and they have been a great partner in this community.

There being no further comments, the Board adopted Ordinance No. 13-32, granting an Economic Development Ad Valorem Exemption to XUN Energy, Inc.; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.1995(8), F. S.; providing for proof of eligibility for exemption; XUN Energy, Inc.; providing an effective date.

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

ITEM V.G., ORDINANCE, RE: AMENDMENT TO CHAPTER 62, ARTICLE VII, DIVISION 4, SECTION 62-2957, ENGINEERING DESIGN STANDARDS FOR SUBDIVISIONS AND SITE PLAN REVIEW - ACCESS MANAGEMENT

The Board recessed at 12:00 p.m. and reconvened at 12:10 p.m.

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

Chairman Anderson called for a public hearing to consider an ordinance amending Chapter 62, Article VII. Division 4, Section 62-2957, Engineering Design Standards for Subdivisions and Site Plan Review - Access Management.

There being no comments or objections, the Board adopted Ordinance No. 13-33, amending Chapter 62, "Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VII. Division 4, "Engineering Design Standards for Subdivision and Site Plan Review"; establishing requirements for shared driveways and cross access for undeveloped

September 17, 2013

parcels and establishing the minimum number of subdivision entrances necessary based upon the number of residential units in the subdivision; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

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

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

Ian Golden, Housing and Human Services Director, stated this project is coming back to the Board with its final decision; and he provided the Board a PowerPoint presentation regarding the project.

Len Beckett stated they are asking the Board to authorize staff to move ahead with the pre-award funding process for the West Canaveral Groves Waterline Project; this project has been sitting idle for over 10 years; it was recommended by the CDBG Advisory Board and subsequently by the Board; and additional funding sources have been explored, with the determination of staff that in the end the CDBG pre-award process is the best and most viable solution for funding the project. He went on to say during the Board's last discussion, there were several questions and concerns from the Board Members about the project; the CDBG allocation is required to be spent on areas within the County that qualify as strategic target areas where 51 percent or more of the residents are low income; Brevard County has seven strategic target areas; and they are the only areas eligible to receive this grant funding. He advised West Canaveral Groves is one of those areas; it is the only area with water is contaminated with arsenic, lead, and other contaminants, as well as salt, which is forgotten about; the water is not fit for consumption or irrigation; and they are at a great risk for wild fires because many of the properties are not maintained and not subject to prescribed burns, putting all of them out there at a higher risk. He pointed out just about every CDBG Project Brevard County has done since 1995 has been qualified through the area benefit; it makes West Canaveral Groves the same as any other project; and the goals should be to find ways that all of the areas of the County that do not have viable fire protection should be to find out how to get them fire protection. He noted they went to every house along Satellite Boulevard, some of which were abandoned or no one was at home, but they asked if the residents would hook up to a waterline if it was made available; all but four signed the paper; there are 33 signatures, some off the side road, but the property abuts Satellite Boulevard; and he showed the Board a map to show where those properties sit. He stated only counting the houses on Satellite Boulevard, as staff is suggesting, the cost per house \$53,333 to put that waterline in; including the additional properties, that is another 140 plus houses, bringing the cost per house down to \$10,000; and if the additional 150 residents are included on the side roads, it reduces it down to a cost per house of \$5,150.52. He read into the record costs of other area benefit projects. He stated the cost benefit ratio for their project as compared to other projects is much lower than most; all of the other projects qualified, were needed, and were worthy projects; the intent of the CDBG is not to worry about how much it costs per house; the idea for the whole thing is to try do projects that will bring the community out of the low mod and encourage development; and putting a waterline down Satellite Boulevard will do that. He went on to say it would create jobs, economic development in the Community, protect people from fires, give them safe potable water that is not poisoned; and they are not asking for anything more than the other projects.

September 17, 2013

He stated if the West Canaveral Groves project is done, all the other projects have to be put aside; there is not any project on the books on the CDBG program that is older than this project; and it is West Canaveral Groves' turn. He stated he was asked by former Commissioner Scarborough to sit on the CDBG Advisory Board, and he takes his commitments seriously; he spent a lot of hours volunteering his time; West Canaveral Groves made a commitment to make sure this project could be done; and he is asking the Board to shows its intentions and that it keeps its commitments.

Mr. Golden stated one thing he wanted Michael McDonald to clarify is the price per home for some of the previous projects; it is an apples to oranges comparison.

Michael McDonald, Housing and Human Services, stated Mr. Beckett said there was only one home on Sawyer Avenue, but it was a waterline project, sewer, road construction, and it went out to the Gardendale School at the time; it was more than one home that was touched; it was a church, two homes, and an apartment complex; and the benefit would be greatly reduce from the \$599,000.

Mary Benell stated she is not going to talk about money or what has been done in the past, all she is doing is begging the Board to let the people in West Canaveral Groves do what each and every person does every day of the week, and that is turn on the faucet and get a drink of water; she has lived there 10 years and hauled thousands of gallons of water; she has lead in her water; and she asked the Board to protect their health and safety. She requested the Board give the okay to go through with the project.

Commissioner Fisher stated the list provided by Mr. Golden shows \$2.7 million commitment; and inquired if the Board historically made these commitment with no funding identified for them.

Mr. Golden advised the way it has been done in the past is the strategy areas bring forth applications for projects that they self-identify as wanting or seeing as a need in their communities; those projects go to the CDBG Advisory Board; that process has not given the ability, or was not looking at, what the funding was and what was available; and it was not part of the thought process. He went on to say a project has not been accepted in five years; and in the future, they would like to make it a procedure as to whether or not a project gets approved in the future is whether or not there is enough funding to complete the project.

Commissioner Fisher inquired if funding has been committed to the projects on the list already. Mr. Golden responded they have been opened IT IS, which is HUD's computer system; there has been some funding allocated to these projects to do preliminary engineering or design work; as the project becomes shovel ready, it would move further up the queue to try to allocate a certain years dollars to complete the project; and there has been some level of funding to most of these projects. Commissioner Fisher inquired if funding was committed to Short Street. Mr. Golden stated some of the funding had gone to that; some projects will be accelerated and some will be completed this year; and Short Street was identified as one of the new projects that will move forward next year. He went on to say it was shown as an example of a project that would potentially have to come off the rolls next year to accommodate the pre-award because the dollar amount was what was anticipated the pre-award funding would be.

Commissioner Fisher inquired if the Board made a motion to approve it, it would go on the list, and then what happens. Mr. Golden stated if the Board votes to go forward with the pre-award, there is an approval process that has to happen through HUD; the project would go to HUD; as a part of that request, they would have to request a waiver of the two-year rule on pre-awards to be able to stretch the project out enough for them to actually pay for the project; part of the process they would have to look at the actual cost of the commercial paper is going to be; it is

September 17, 2013

an estimate to get them where they are now; and it would be \$210,000 to \$220,000. Commissioner Fisher inquired if HUD does not agree on the pre-award or the ten year timeline, it makes it almost impossible to fund because there would be \$1.6 million needed over two years time. Mr. Golden advised he does not know that HUD would overturn a decision by the Board; they would look favorably on a local decision; and all of the interactions with HUD that had to do with some of the questions regarding the project, they defaulted back to it being a local decision.

Commissioner Infantini stated there are other communities that have saltwater intrusion; if the Board is going to start putting in waterlines on roads that have very little residences on there now, then what is going to be done for all of the other communities; and until all communities are addressed, she thinks it should be a Countywide issue rather than this one road, because the cost to get water to this community for the number of residences on there, she does not see the justification. She stated it probably would be cheaper to relocate and put the individual at another home; if that road is susceptible to bad water, if a cost benefit analysis was done, it would cost less to relocate the individuals to another location; and that is her thoughts.

Commissioner Bolin Lewis stated it was said if the CDBG award can be utilized but the General Fund is the payer of last resort; and asked Mr. Golden to explain why and what the last resort will do to the General Fund. Mr. Golden pointed out the way the process would work is the County would get a commercial paper loan to pay for the project; the CDBG pre-award would be used to pay back that commercial paper; and if the CDBG ever gets to the point where it is not generating enough or the County is not getting enough allocation, then the General Fund would be on the line for that commercial loan. Commissioner Bolin Lewis stated the County would be rolling the dice whether it feels the CDBG money will continue to come at the level it is now; and she inquired if there is past history. Mr. Golden advised there is a 40 percent decline over a 10-year period; the federal government has not been able to approve a budget that is level and have been doing continuing resolutions; they anticipate they will probably have to do that again; but they have been told that one of the budgets that was presented from the House side actually cut CDBG in half. He advised it is a federally funded program; and the fact of the matter is, they can choose whether to fund it or not on a yearly basis. Commissioner Bolin Lewis stated going forward with this the Board has to be aware it could be paying 40 percent of this money. Mr. Golden stated if the worse case were to happen, the County could end up paying back the whole thing out of the General Fund; it depends on many variables; but if they defunded 50 percent five years out, the County would be left with 50 percent of that commercial paper loan. Commissioner Bolin Lewis stated she would have to look at this as if she would be funding 50 percent out of Reserves or something out of the budget.

Commissioner Nelson inquired what happens if this falls out of the strategy area during the term of the loan. Mr. Golden replied if the Board approved this project, HUD looks at it as this project is approved basically forever even if the strategy area falls out because they rise above the 51 percent low income for the area; and any project in a strategy area that has already been approved is approved, they would just not be able to bring in new projects.

The Board denied the request for the West Canaveral Groves Waterline Project funding.

Commissioner Nelson inquired if there has been a small area study; stated there are other issues in this area; and inquired if he could get a copy of that.

Mr. Golden stated staff will get Commissioner Nelson a copy of that study; there were other issues; when this originally came to CDBG, they were looking at doing potable water to the entire area; but the feasibility study restricted it back because of some of those wetland and easement issues on all of the other side streets, as well as environmental issues.

September 17, 2013

Commissioner Nelson stated he would have been more receptive if there were some community participation in the solution as well. He added, maybe there are other ways to combine things; the County is on the right track trying to get different grants; but he would like to take a look at that.

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

ITEM VII.A.1., RESOLUTION, RE: APPROVING AND AUTHORIZING FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANT APPLICATION WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR FY 2013/2014

The Board reached consensus to delete the Florida Highway Beautification Council grant application with the State of Florida Department of Transportation for FY 2013/2014, from the Agenda.

ITEM VII.A.2., CONTRACT FOR SALE AND PURCHASE WITH RODES INVESTMENT LLC, RE: ACQUISITION OF 16.184 ACRES FOR THE ST. JOHNS HERITAGE PARKWAY PROJECT

The Board executed a Contract for Sale and Purchase, and Addendum, with Rodes Investment LLC, in the amount of \$1,500,000 for property needed for the St. Johns Heritage Parkway Project.

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

ITEM VII.A.3., AGREEMENT TO TERMINATE CONTRACT WITH DIVERSIFIED PROPERTIES AND 192 ASSOCIATES, RE: PROPERTY FOR ST. JOHNS HERITAGE PARKWAY

The Board executed Agreement to Terminate Contract with diversified Properties and 192 Associates for property needed for St. Johns Heritage Parkway.

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

ITEM VII.B.1., RESOLUTION, RE: PARKS AND RECREATION DEPARTMENT SCHEDULE OF FEES

The Board adopted Resolution No. 13-164, establishing Schedule of Fees for the Parks and Recreation Department; and authorized the implementation of the approved Schedule of Fees to be effective October 1, 2013.

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.C.1., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION

Commissioner Infantini stated she thinks the Board should not reduce the fine; the property was bought out of foreclosure.

The Board denied request to consider the Special Magistrate's recommendation to reduce the accrued fine of \$23,471, for the violation at 1880 Kirby Drive, Titusville, FL 32796 (Case No. 09CE-00201).

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

ITEM VII.F.1., CITIZEN REQUEST BY COCOA EXPO SPORTS CENTER, LLC, RE: AMENDMENT TO ZONING ORDINANCE TO ALLOW LIMITED HEIGHTS EXCEPTION FOR SCOREBOARDS

Commissioner Nelson inquired where is this scoreboard going to be placed, and why do they need the height.

Jeff Milhausen, Cocoa Expo, explained the scoreboard is for the stadium. Commissioner Nelson inquired if it is center, left, or right field. Mr. Mulhausen replied center field; stated the reason for the height request is it exceeds what the Code is. Commissioner Nelson inquired from an operational perspective why does the scoreboard need to be that tall. Mr. Milhausen stated it has central LED screen feature where when the children come in from the academies and camps they will have their pictures taken with a bat, and when they get up to bat they will announce their name and their picture will be on the screen; and the size of the LED screen requires it to be higher. Commissioner Nelson inquired why not left field versus center field. Mr. Mulhausen replied it is for viewing; he can get the Board an answer.

Commissioner Nelson inquired how close that is to adjacent property because the Board had to do waivers to do other things. Robin Sobrino, Planning and Development Director, stated it was probably at best 10 feet. Commissioner Nelson stated the future car dealership that is going to be there will have a scoreboard.

September 17, 2013

Motion by Commissioner Infantini to approve the item. Motion died for lack of a second.

Commissioner Nelson stated he realizes it is a unique site, the previous owner sold off chunks of the site so the stadium is up against the adjacent future business; and inquired if there have been any discussions with the adjacent property owner to find out if he has concerns. Mr. Milhausen stated they have attempted discussions; there has been any substance of conversation; and there has not been any opposition. Commissioner Nelson stated he wants to see them successful; they have a unique situation and it should not affect the adjacent property owner; and he would feel comfortable if the Board knew what the adjacent property owners thoughts were.

The Board reached consensus to table the citizen request by Cocoa Expo Sports enter, LLC for amendment to Zoning Ordinance allowing for limited height for scoreboards, to a future meeting.

Commissioner Fisher inquired when the Cocoa Expo is going to open. Mr. Milhausen advised they are hoping to open at a limited capacity to only be able to field games and camps without any type of overnight stay; and he believes they are hoping before the end of the year to begin to start generating revenue.

ITEM VII.F.2., CITIZEN REQUEST BY JUDITH WEAVER, RE: DENIAL OF FIRST AMENDMENT RIGHTS BY ANIMAL SERVICES

Judith Weaver stated she read the Director's rebuttal to her remarks; it is full of inaccuracies, irrelevancies, and she completely omitted areas where the shelters were found to be in the wrong; it is the practice of supervisory management of the animal shelters to ban, bar, or as Kathy Beatson calls it 'trespass' animal lovers and activists from the shelters if they make negative comments or remarks regarding shelter operations and actions of shelter personnel; and she has been the recipient of such action by Ms. Beatson by telling the truth about an incident that occurred at SACC while she was there. She went on to say she was told to leave the property and never return, and threatened with action by the County Sheriff; as a result, a mother cat and six kittens died; rescuers and volunteers have been banned, not for criminal activity, but for caring about the animal and trying to help them; one couple took professional quality of animals for adoptions use and social media for potential adopters; and they were told not to come back. She pointed out banning or threatening to ban volunteers and rescuers is tantamount to holding the animals' hostage and violates the civil rights of volunteers and rescuers; the State of California filed a lawsuit which alleged that civil rights of the volunteers and rescuers were being violated as retaliation for going public with their observations of inhumane conditions and poor and neglectful treatment at the shelter; the Federal Court agreed, and similar situations occur at the Brevard County Shelters; and Federal Statute 42 OSC Para 1983, known simply as Section 1983, can and has been applied to stop and punish action by government employees or officials who retaliate or obstruct an activists exercise of their First Amendment rights in speaking out against conditions in shelters. She went on to say a volunteer not only has the First Amendment right to speak out against abuses and violations committed by a government entity, they have a constitutionally-protected right to demand that the government correct the wrongs that are identified, including the right to threaten or actually file suit against the shelters; the Supreme Court has stated that, "A government entity may not deny a benefit to a person on a basis that infringes his constitutionally-protected interests, especially his interest in freedom of speech", such as the case that occurred with her; and she told the truth and was thrown out of the shelters. She noted even a treat of retaliation alone, even threat, is sufficient to trigger legal action according to the Federal Courts; the Courts have specifically ruled that the opportunity to serve as a volunteer is a protected government privilege; the courts have required counties across this nation to restore volunteer's access to shelters; Section 1983 pertains not only to obtaining justice for people unfairly treated by

September 17, 2013

government employees, but also to ensure that rescuers, volunteers, and animal shelter reformers can continue their critically important work on saving animals; and surely the Board is aware that Brevard County shelters have been under criticism for years for their operation and indiscriminate killing of animals. She inquired if the Board cares about these innocent, voiceless animals; does it not care that one of its Departments has developed an ignominious reputation. She advised the Board she recently transported a beautiful dog from SACC to a foster in North Florida; the foster met her to take the dog and then took it to her vet; the vet said the dog was so ill that the only solution was to euthanize the dog; the rescue wrote a not so nice letter to SACC; and inquired where was the County vet while this dog was suffering and dying. She stated Brevard shelters have quite a negative reputation, even in nearby states, and yet those who know about animal mistreatment at the shelters are not allowed to speak of it without retaliation, such as being thrown out of the shelter; the courts have sided with plaintiffs in cases defending an animal's right to prompt, necessary veterinary care while in the shelter; and in a recent case, two dogs were killed immediately prior to a special adopt-a-thon held by the shelters rather than putting these dogs up for adoption, and then if not adopted, euthanize them after the adoption event if necessary. She went on to say another federal court stated that in essence, local laws and policies that deprive someone of rights and privileges, such as threatening or enacting shelter volunteers and rescuers with loss of access of the public shelter in retaliation to exercising their free speech, are in violation of US Civil Rights Laws; last week she brought up this subject with Director Karla Torpy, sent her a copy of Section 1983 with sufficient time to study it, and when she asked her later about it, she said it does not apply to her; and she would be grateful if the Board could explain why other taxpaying citizens are not allowed into the shelters because they recognized and spoke aloud of the inadequacies of these shelters and employees, which is often unconscionable; and she requested the Board direct the County Manager to direct the Director of Animal Services to cease and desist the banning or trespassing of volunteers, rescuers, and interested parties from the shelters.

Karla Torpy, Animal Services Director, stated some of the volunteers are in the audience today; they love volunteers, and use them all of the time; and they are of great assistance to staff, especially since resources are a little tight. She went on to say they have students, court-ordered, and caring citizens who volunteer and work hard getting things done that need to be at the shelters; and they also help at events in the community. She pointed out they have a training system for volunteers; they sign up and go through a background check; and then they go through an orientation process where policies and procedures are discussed with them. She stated with most volunteers there are no problems; there are on occasion, situations where there may be ordering people around or not doing something they are supposed to do; and in these situations, they have a Volunteer Coordinator who talks to them about their concerns. She noted there have been a few instances where people have been asked not to return because they were disruptive or obstructive; there are plenty of other opportunities in the County for these people if they truly want to volunteer; and in fact, Ms. Weaver transports animals. She stated Ms. Weaver accusing staff of indiscriminate killing of animals is ridiculous; the staff is hard-working; and they do not do any indiscriminate killing of animals. She stated it is only done as necessary because of limited time and space. She stated she told Ms. Weaver in her case, it did not apply; and it was a little out of context. She went on to say it is her understanding Ms. Weaver was asked not to return as a volunteer in the shelters because of verbally abusing staff and yelling in the Customer Service area when customers were there; and it was a situation where she was walked out. She advised she would never say someone does not have a right to free speech; she does not think the case Ms. Weaver cited, the 1983 case, has to do with rescue groups; and she reiterated she was yelling and berating staff and that was why she was asked not to return.

Commissioner Infantini stated she does not know about the verbal abuse as she was not there; she did not see the conditions under which it took place; when she visited the shelter a long time ago, she was absolutely horrified at the treatment of animals; and her husband has asked

September 17, 2013

her not to go back to the shelter because of how frustrated and upset she was. She noted if she was not a Commissioner, she would have used stronger words to describe the events to the individual in charge at the time; if she were a volunteer, she certainly would have something to say. She went on to say she asked for the paperwork regarding the infraction alleged by Ms. Weaver, and staff was not able to produce it; she cannot say what actually took place because she has no paperwork; and it is possible maybe the volunteers was just making a suggestion. She stated there are so many unanswered questions in this Agenda Item; the animal shelter has needed assistance and new leadership ever since before she was on the Board; if the culture is not changed at the shelters, nothing is going to change; and requested is there is any chance to re-allow the volunteers that have been banned for so many years without apparent justification or support.

Howard Tipton, County Manager, stated last year there were 7,187 volunteers working for the County; that does not includes Parks volunteers; if they are included, that would make over 63,000 different volunteers; and he thinks they have a good handle on how volunteer organizations work. He pointed out every other month a volunteer is recognized and thanked for their service; it is an important service; and he knows Ms. Weaver continues to volunteer outside of the shelters. He went on to say in terms of new blood, there is both Karla and Venetta; there have been five directors in five years; it takes time to it in place; and it is a challenging department under any circumstances. He advised he thinks staff is taking steps in the right direction; there is leadership that is moving in the right direction; it takes time with the resource constraint environment that the County has; but for the most part, he believes the volunteer program works. He added, the volunteer program works not only in Animal Services, but throughout the County; the Board should look for Karla and Venetta to come forward with their various initiatives; dollars have been provided to purchase some vehicles and replace the ones that are virtually not running; and in a resource strained environment, volunteers are that much more important to the County.

Commissioner Infantini stated they need better fencing so the dog can be walking to get the exercise they need; just a small request of \$10,000 or \$20,000 for fencing; the Board can spend \$900,000 on a ladder truck but cannot spend a small amount on fencing to get proper facilities needed for these animals; and if she is not speaking out for them and Ms. Weaver, she does not know who will speak up for them.

Chairman Anderson stated there are a lot of issues, but he wants to focus on the denial of First Amendment Rights that Ms. Weaver brought forth.

Commissioner Bolin Lewis inquired if the County Attorney has comments on whether or not the County has violated Ms. Weaver's rights.

Scott Knox, County Attorney, advised the Board Ms. Weaver's First Amendment Rights have not been chilled too much because she is here talking to the Board today making the same complaints she has made in the past; he has seen similar cases to the one she is alleging; in most of those cases, the volunteers have been involved in some kind of interaction that was not conducive to good business at the site; and in those cases, the volunteers did not have a protected free speech right. He added, they are just not allowed to do that. He went on to say the Supreme Court of the United States has weighed in on the same scenario in the workplace for the public employees and said, public employees have no free speech rights to say what they want to say in the public workplace, which is pretty much what the volunteers are doing when they are helping out in the public workplace. He pointed out he knows the case Ms. Weaver has quoted, and he has seen one other case where the First Amendment Rights were asserted successfully, but in both cases, they were much more egregious circumstances involved and a lot different than what the Board is faced with here.

September 17, 2013

Commissioner Bolin Lewis stated she was not there, but to have a family come in with children who want to adopt an animal and to be standing there and have this start among the volunteers, would not be a warm fuzzy place for anyone to come back to; she is concerned about that; she supports staff 100 percent; and if there is a situation where a volunteer is disruptive, she thinks it needs to be handled. She went on to say she thinks the Board needs to step back and see if it needs to look at the value of the interaction with the people involved with the Animal Advisory Committee; she was given a disk and she was appalled by what is going on at the meetings; she thinks there should not be any more meetings until they take a deep breath and get the leadership strong; and then to move forward without all of the agitation that is unnecessary.

Commissioner Fisher stated he listened to the tape as well; there were a lot of arguments and people became abusive with staff; that is uncalled for; and he thinks there is a professional way of handling this. He stated he wants to direct the County Manager to look at the format of the board, what was its purpose and goals, how it was supposed to help the shelter, and what mixture of expertise of the board members. He went on to say he thinks it would be fair to allow new leadership to take a serious look at that board, how it is structured, and what its goals and objectives are.

Chairman Anderson stated that can be brought back at a future meeting; but the citizen request is regarding a complaint or denial of the First Amendment Rights of Ms. Weaver. He stated her request was to direct the County Manager to cease trespassing volunteers.

Commissioner Fisher stated if people were talking to him like they were on the tape, he would have told them to shut up.

Commissioner Bolin Lewis stated there is not vote to be taken unless the Board wants to direct the County Attorney to do a statement in letter form to the citizen.

Chairman Anderson asked Attorney Knox to find the incident form and to give the Board a memorandum on his thoughts. Attorney Knox advised he has done general legal research; but he has not actually listened to the tapes or seen the reports. Chairman Anderson noted he is specifically asking about Ms. Weaver's incident where she was escorted off the property. Attorney Knox advised he will look into that.

Commissioner Fisher stated if someone is threatening staff, and it looks like they have, he thinks staff ought to escort them off of the property. Chairman Anderson stated the advisory board issue can be put on an agenda for a future meeting.

Commissioner Bolin Lewis stated she would like to have no meetings until a hard look is given to this board, to just adjourn any future meetings until the Board can look at it the way it needs to be done; and she wants to suspend the board.

Motion by Commissioner Bolin Lewis, seconded by Commissioner Fisher, to suspend the Animal Advisory Board until further notice.

Commissioner Infantini suggested that if the Board suspends the advisory board that those individuals can meet not in the Sunshine because they would not be part of that board anymore.

Commissioner Nelson stated when the Board put together the working group, it had a different idea of what was going to occur; their original mission was to assist in the development of future goals and objectives and to make recommendations on policies; he does not think that bashing someone is very fair; and the board lost the original purpose it was created for. He pointed out he would have never voted for a group that would do that; he listened to the tape as well; he

September 17, 2013

would have never allowed for that to occur with the Parks and Recreation boards; he actually brought some to the Board advising something should be done; and he thinks the board needs to be reformatted because it is not working.

Mae Russell stated she was chosen for the first board; while she understands what the Board is saying, the AAB does some very important things; and she requested the Board not suspend the meetings. She advised she would like to see the Assistant County Attorney or County Manager sit in on the meetings; Mel Scott, Assistant County Manager, used to sit in; it is doing a disservice to the shelters as there are issues on the next agenda to be discussed; and that needs to be looked at. She stated to disband or do away with the board for a while it may never get back to having the board to begin with. She requested the Board reconsider disbanding the AAB.

Commissioner Nelson stated he is concerned the Board has to fundamentally figure out a better way to do this; he does not think the board's current make up will allow for that; and to him it is a cooling down period. He stated he is committed to a 'No Kill'; it was always a goal, but never an absolute; the public was encouraged to assist the Board because it had limits on what it could accomplish; and it needs to get back to that feeling of partnership instead of the adversarial place it has gotten to.

Commissioner Fisher stated the volunteers will still participate in the organization; that is just the advisory board level; those volunteers will walk dogs and clean facilities; but he does not like having people scream and yell.

Commissioner Nelson stated another disturbing part in the meeting in August was that the Board had recently had a unanimous vote to send back the TZI contract, and at that meeting the Board was called stupid; all the Board asked for was for the advisory board to look at it; and instead, what was gotten was hostility because they did not agree with the Board. He committed to Ms. Russell that the Board would not drop it, but would reconfigure the AAB.

Chairman Anderson called for a vote on the motion. Motion carried and ordered. Commissioner Infantini voted nay.

The Board approved suspending the Animal Advisory Board, until further notice, so staff can look into how the board is structured, the format, its purpose and goals, and how the board can help the animal shelter; and directed the County Attorney to research the incident report regarding Judith Weaver's incident, and provide a memorandum to the Board with his thoughts.

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

September 17, 2013

ADJOURNED

Upon consensus of the Board, the meeting adjourned at 1:31 p.m.

ATTEST:

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

SCOTT ELLIS, CLERK