

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 1, 2012 at 9:02 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was given by Pastor Steve Lawrence, Beacon Baptist Church, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Anderson led the assembly in the Pledge of Allegiance.

ITEM I.A., PRESENTATION, RE: 2012 LEGISLATIVE UPDATE

Congressman Bill Posey stated a budget has to be balanced, which is not done in Washington, D.C.; He explained the budget in practical terms so that a family might understand. He advised the federal government has a spending problem, not necessarily a revenue problem, and its budget does not balance. He stated the only hope of the federal government digging itself out of this hole is to create more taxpayers by creating jobs with a job creating friendly environment; and it is what a lot of the debate going on in Washington, D.C. is about. He mentioned space being near-and-dear to all; he knows the Board has been very proactive; and he provided the latest legislation filed called Revitalizing America's Commercial Entrepreneurs (RACE) for Space Act, at the request of Space Florida and Florida Delegation, allowing the federal government to cooperate with commercial, such as State of Florida and Space Florida, to utilize unused assets that the taxpayers paid for, rather than letting them deteriorate. He stated over-regulation has been killing small businesses; the Board has faced over-regulation with numeric run-off proposal that could cost the taxpayers thousands of dollars a year; and the same things are being done by banks through their policies that the regulators have implemented, by causing the bankers to not want to make loans to people who are creating jobs and not modify loans for people who are having troubles. He mentioned the local fishing industry where constituents are caught up in that same bind with arbitrary rules that literally put people out of business; stated concrete manufacturing rules adopted can literally stop concrete from being made in Florida; and noted concrete was stopped in France by closing manufacturing plants and moving them to Morocco where there is no environmental protection, costing 400 percent more to ship it back to utilize it in France. He added, the Highway Bill is having problems getting passed; a 90-day extension was passed in the House to give the Senate an opportunity

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to get its plan in action; and it is known that more than six months or one-year forecasts to be able to plan multi-year so what is coming can be known for better planning expenditures. He informed the Board that the widening of the channel in Port Canaveral is still a priority; and Congressman John Mica has assured it is going to be on the table. He reminded the Board on May 21 and May 22, 2012, there will be a Federal Procurement Conference at Florida Institute of Technology (FIT), allowing the Board's constituents, who are in business, or desire to be in business with the federal government or any of its agencies like the Federal Aviation Administration (FAA), Department of Homeland Security (DHS), U.S. Department of Transportation (DOT), Department of Defense (DOD), and U.S. Department of Education (DOE) to interface them and give the opportunity to participate more for Brevard County.

Chairman Nelson stated his District has the Kennedy Space Center, Port Canaveral, and Patrick Air Force Base; and he expressed his appreciation for the work being done in those areas, especially the fishery side.

Congressman Posey stated he is grateful the Board is well-engaged with space, fisheries, and job creation; and added he has much respect for all the Board does.

The Board acknowledged a 2012 Legislative Update by Congressman Bill Posey.

APPROVAL OF MINUTES

The Board approved the April 3, 2012 Regular Meeting Minutes, April 5, 2012 Zoning Meeting Minutes, and April 10, 2012 Regular Meeting Minutes.

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

ITEM I.B., PRESENTATION, RE: UF/BREVARD COUNTY EXTENSION TROPICANA SPEECH CONTEST WINNERS

Vanessa Spero-Swingle, University of Florida, Brevard County Extension, 4-H Agent, stated University of Florida, Institute of Food and Agricultural Sciences supports Brevard County Extension, 4-H, which is a Youth Development Program that teaches life-skills building programs to use throughout the County; it is done through community clubs and School Enrichment Programs; Tropicana falls under the School Enrichment Program; and provides public speaking skills to youth in fourth, fifth, and sixth grades. She went on to say the kids present today have qualified by winning their classroom, school, and County level competitions; and those winners go on to the District competition. She stated Tropicana is an incredible Program; it is teaching public speaking, which is essential to improving listening, reading, and writing skills that all help later in life. She introduced Dylan Finsted, from Palm Bay Elementary, and advised his speech is "Texting While Driving"; and she introduced Lucas Jones, from Palm Bay Elementary, and advised his speech is "Space Exploration".

The Board acknowledged the winners of the UF/Brevard County Extension Office Tropicana Speech Contest.

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ITEM I.C., PRESENTATION, RE: AWARD TO NACC IN RECOGNITION OF HAVING THE HIGHEST DONATION AMOUNT OF ANY "PACK" AT THE SPCA DOG STROLL

Patrick Fox, SPCA Executive Director, stated he has been with the SPCA for five years; he has seen some very significant changes; in 2007 and 2008, seven animals were transferred from Brevard County Animal Shelters; in 2009, 76 animals were transferred; in 2010, 69 animals were transferred; in 2011, 205 were transferred in; and in 2012, 381 were transferred in thus far. He stated those animals lives were saved; there is a cooperative effort seen; and SPCA is recognizing the North Animal Care Center (NACC) Pack.

Teri Scott, SPCA Public Relations Director, stated on March 31, 2012, the third annual Happy Tails Dog Stroll was held; it is the basis of a fundraiser to raise money to help animals that come in be dated on vaccinations, micro-chipped, and spayed and neutered; the NACC went beyond expectations and hopes; and they raised \$1,536 to help the SPCA help the animals. She presented a plaque to the Pack of the Year, the NACC Pack.

Commissioner Fisher stated the caring and commitment demonstrated by those volunteers for that shelter is truly unbelievable; and he expressed his thanks for making a difference in a lot of animals' lives.

The Board acknowledged a presentation by Patrick Fox, SPCA Public Relations Director, awarding a plaque to the NACC volunteers and staff who supported the SPCA of North Brevard's recent Dog Stroll fundraiser by raising \$1,536 for their NACC Pack.

ITEM I.D., RESOLUTION, RE: RECOGNIZING THE RECEIPT OF AN AWARD TO THE BREVARD COUNTY ENVIRONMENTALLY ENDANGERED LANDS PROGRAM FROM THE NATURAL AREAS ASSOCIATION (CARL N. BECKER STEWARDSHIP AWARD)

Chairman Nelson read aloud, and the Board approved Resolution No. 12-085, recognizing the receipt of Carl N. Becker Stewardship Award to the Brevard County Environmentally Endangered Lands Program from the Natural Areas Association.

Michael Knight, Environmentally Endangered Lands Program Manager, expressed his thanks to the Board for the Resolution; and stated he acknowledges the efforts by staff who on a daily basis carry out the mission of Environmentally Endangered Lands (EEL) Program, by working hard daily to maintain the fire-control lines, carry-out prescribed fires, restore habitats, build and maintain trails, greet visitors at the education centers, and teach children about the natural world. He stated the real credit for achieving this award goes to the citizens of Brevard County who in 1990 and in 2004 had the foresight to invest in the long-term preservation of the County's biological diversity; and since the initial EEL referendum in 1990, there are 22,000 acres preserved, nearly 62 miles of trails have been created, and over 50,000 people annually visited the programs three environmental education centers. He added it is an honor to be recognized by the Natural Areas Association for the work done in Brevard County to protect local plant and animal populations for future generations to enjoy; and he expressed his thanks to Vickie Larson, from the Natural Areas Association.

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

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ITEM I.F., RESOLUTION, RE: RECOGNIZING AND COMMENDING THE CONTRIBUTION OF CHIEF WARRANT OFFICER (W3) LOUIS SIROIS

Chairman Nelson read aloud, and the Board adopted Resolution No. 12-086, recognizing and commending the contribution of Chief Warrant Officer (W3) Louis Sirois, and those of his generation, for their bravery, love of country, and defense of liberty on this 70th anniversary of the fall of Bataan and Corregidor; and wished him a happy 96th birthday.

Tyler Sirois expressed his appreciation to the Board for the Resolution honoring his grandfather; and stated it will be shared with him on his coming 96th birthday.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Commissioner District 4
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.G., RESOLUTION, RE: RECOGNIZING THE MONTH OF MAY 2012 AS DROWNING PREVENTION MONTH

Phil Finney, National Drowning Prevention Alliance, stated the Merritt Island Breakfast Rotary Club is very active in drowning prevention; drowning is the number one cause of accidental death in children ages one to four; and the goal is to educate children, with a simple message to staying away from water unless accompanied by an adult. He stated the book *Josh the Baby Sea Otter*, written by Blake Collingsworth, is based on Mr. Collingsworth losing his two-year old son to a backyard swimming pool accident; he wrote the book and started the Joshua Collingsworth Nationwide Memorial Foundation; and in 2009, the Merritt Island Breakfast Rotary Club was the first club to start with the Otter Project, by visiting Merritt Island kindergarten classes, passing out approximately 575 books to students, and the students taking Joshua's pledge. He stated the book has been picked up by the Rotary District; it went national and worldwide; and if only one life is saved, it has been well worth it.

Chairman Nelson read aloud, and the Board adopted Resolution No 12-087, recognizing the Month of May 2012 as Drowning Prevention Month; and urged all citizens and visitors to recognize the vital importance of water safety and drowning prevention education.

Carmen Glassor, Infant Swimming Resource Instructor and Swim Safe Forever Brevard Founder, stated Swim Safe Forever Brevard was created for the purpose of educating the community on water safety and drowning prevention; they run a scholarship program to fund self-rescue swim lessons for families in need in Brevard County; and nationwide, 11 children die everyday from drowning and 39 children suffer permanent brain damage.

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

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ITEM I.H., RESOLUTION, RE: PROCLAIMING MAY 19-25, 2012, AS NATIONAL SAFE BOATING WEEK

Ernest Brown, Natural Resources Management Office Director, stated there are many volunteers who are strictly involved in boating safety; and it is very appropriate that the proceeding resolution was Drowning Prevention. He recognized Petty Officer Scott Conrad, Operation Officer for Station Port Canaveral; Gary Gunter, United States Coast Guard Auxiliary, The Division 17 Staff Officer for Marine Safety; George Peek, Immediate Past Division Commander; Bill Gears, National Safe Boating Week Chairperson; Captain Steve Wayne and Officer Lenny Salburg, Florida Fish and Wildlife Conservation Commission; Sergeant Byron Keck, Brevard County Sheriff Office Agricultural and Marine Unit; Commander Vance Landenburg; former Commander Kurman Forbes; and Jay Longway, Executive Officer, The Sail and Power Squadron. He stated it is truly an honor and humbling to be in the midst of the incredible volunteers and public servants who dedicate their lives to ensure safety on the waterways; there are 35,000 registered boats in Brevard County, and more than 50 percent of the ramp-users are from out-of-county; those two numbers alone should tell the Board how many users are on the water; and Brevard County has more shoreline than any other County in the State of Florida.

Chairman Nelson read aloud a resolution, and the Board adopted Resolution No. 12-088, Proclaiming May 19-25, 2012, as National Safe Boating Week.

Mr. Brown mentioned he provided the Board with a packet of hand-outs with a month-long list of activities designed to highlight the waterways in Brevard County.

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

ITEM I.I., RESOLUTION, RE: PROCLAIMING MAY 2012 AS NATIONAL OLDER AMERICANS MONTH

Commissioner Anderson read aloud, and the Board adopted Resolution No. 12-089, proclaiming May 2012 as National Older Americans Month.

Cindy Flachmeier, President/CEO of Aging Matters in Brevard, expressed her appreciation to the Board for the Resolution.

Jack Sidoran, Department of Elder Affairs Ombudsman, stated he goes to nursing homes, assisted living facilities, and family care homes with volunteers responding to the concerns of those residents; additionally, he does annual inspections and assessments of each type of homes; and he appreciates the Board's support.

Joan Madden stated she is retired and trying to stay in touch with the community to help the elderly enjoy many things.

Ron Morgan, Senior Resource Alliance, stated June 15th is the United Nations International World Elder Abuse Day now celebrated in all countries.

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Commissioner Fisher expressed his appreciation to the caregiver's who give great care to his grandmother who utilizes all the services; and stated it has really helped make a difference for his mother as well.

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

ITEM I.J., RESOLUTION, RE: PROCLAIMING MAY 2012 AS CIVILITY MONTH

Commissioner Fisher read aloud, and the Board adopted Resolution No. 12-090, proclaiming May 2012 as Civility Month.

Alan Diamond, Brevard County Bar Association President-Elect, expressed his thanks to the Board for the Resolution supporting Civility Month.

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

ITEM I.K., RESOLUTION, RE: RECOGNIZING AND COMMENDING EAGLE SCOUT WILLIAM G. MORGAN

Commissioner Infantini read aloud, and the Board adopted Resolution No. 12-091, recognizing and commending Eagle Scout William G. Morgan; and wished him a successful and fulfilling future.

William Morgan expressed his thanks to Commissioner Infantini for recognizing him today.

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

ITEM I.L., RESOLUTION, RE: COMMEMORATING THE 50TH ANNIVERSARY OF THE INDEPENDENCE OF THE COUNTRY OF JAMAICA

The Board adopted Resolution No. 12-092, commemorating the 50th Anniversary of the Independence of the Country of Jamaica.

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

ITEM I.M., RESOLUTION, RE: COMMEMORATING THE 50TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF TRINIDAD AND TOBAGO

The Board adopted Resolution No. 12-093, commemorating the 50th Anniversary of the Independence of the Republic of Trinidad and Tobago.

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

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Infantini stated she would like to pull Item III.B.8., Approval, Re: Revised Space Coast Infrastructure Agreement, for discussion.

Howard Tipton, County Manager, stated he would like to pull Item III.C.3., Confirmation of Appointment, Re: Utility Services Department Director, Robert Adolphe, for discussion.

ITEM III.A.1., AUTHORIZATION, RE: REQUEST AND AWARD BIDS FOR THE FUELING AND CHEMICAL TANK REPLACEMENTS AT MOSQUITO CONTROL TITUSVILLE COMPLEX

The Board authorized Craig Simmons, Mosquito Control Director, to obtain bids for the fueling and chemical tank replacement project at the Titusville complex, and to award the bid to the qualified low bidder on the project and allow the Chairman to sign and execute related contracts.

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

ITEM III.A.2., APPROVAL, RE: TWELVE MONTH EXTENSION TO THE CITY OF MELBOURNE JOINT PLANNING AGREEMENT (JPA)

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The Board approved a twelve month extension to the City of Melbourne Joint Planning Agreement, which is set to expire on May 21, 2012.

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

ITEM III.A.3., AMENDMENT NUMBER 5 TO LEASE AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT, RE: DREDGE MATERIAL

The Board executed Amendment No. 5 to the Lease Agreement with Florida Inland Navigation District (FIND) for use of dredge material stored at FIND's Dredge Material Management Area BV-2C in District 1, and the extension of one year, if approved by FIND; and authorized the Chairman to execute the Agreement and extension of one year, if approved.

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

ITEM III.A.4., RESOLUTION AND EASEMENT IN FAVOR OF FLORIDA POWER AND LIGHT COMPANY (FPL), RE: CENTRAL BREVARD SOLID WASTE DISPOSAL FACILITY

The Board adopted Resolution No. 12-094, and executed Easement in favor of Florida Power and Light Company.

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

ITEM III.A.5., APPROVAL, RE: SURETY BOND RELEASE FOR STADIUM PARKWAY 4-LANE WIDENING, PHASE 1

The Board released the Surety Performance Bond for the roadway infrastructure improvements for the Stadium Parkway 4-Lane Widening, Phase I, with the developer, Heinkel, Griffin, and Ruffano Construction, Inc., responsible for obtaining all other necessary jurisdictional permits.

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

ITEM III.A.6., RESOLUTION, RE: AUTHORIZING COUNTY MANAGER OR DESIGNEE TO ENTER INTO A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT (MOA) WITH FLORIDA DEPARTMENT OF TRANSPORTATION

The Board adopted Resolution No. 12-095, authorizing the County Manager or designee to execute a Highway Maintenance Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) to maintain the roadside shoulders and medians on S.R. 520 in District 2, and the Park and Ride Facility on S.R. 518 in District 5, as well as any renewals or extensions of the Agreement.

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

ITEM III.A.7., RESOLUTION AND JOINT PARTICIPATION AGREEMENT SUPPLEMENTAL AMENDMENT NUMBER 1 WITH FLORIDA DEPARTMENT OF TRANSPORTATION, RE: ADVANCED TRAFFIC MANAGEMENT SYSTEMS OPERATIONS AND MAINTENANCE PROJECT

The Board adopted Resolution No. 12-096, and approved Joint Participation Agreement Supplemental Amendment Number 1 with Florida Department of Transportation for Advanced Traffic Management Systems Operations and Maintenance Project.

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

ITEM III.A.8., AUTHORIZATION, RE: PIGGYBACK PINELLAS BID #112-0078-CP(RM) FOR CURED IN PLACE PIPE LINING OF SANITARY SEWERS

The Board authorized Utility Services to piggyback Pinellas Bid # 112-0078-CP-(RM) for cured in place pipe lining of sanitary sewers.

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

ITEM III.A.9., APPROVAL, RE: PERMISSION TO ADVERTISE REQUEST FOR PROPOSALS (RFP) FOR UTILITY SERVICES CONTINUING ENGINEERING CONSULTANTS SERVICES AND APPROVE A SELECTION AND NEGOTIATING COMMITTEE

The Board granted permission to advertise for Request for Proposals (RFP) for Continuing Engineering Consultants Services for multidiscipline engineering projects related to water and wastewater operations; approved a Selection and Negotiation Committee consisting of Interim Utility Services Director Ron Voll, Assistant County Manager Mel Scott, Utility Services Engineer Mark Reagan, Public Works Engineering Program Manager Richard Szpyrka, and Solid Waste Director Euri Rodriguez; and authorized the Chairman to execute the Professional Consulting Services Contracts with the selected firms.

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

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

The Board approved the Budget Change Requests, as submitted.

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

ITEM III.B.2., ACKNOWLEDGE, RE: RECEIPT OF 2011 AUDITED ANNUAL FINANCIAL STATEMENTS, ENDING MARCH 31, 2011, FOR HOUSING AUTHORITY OF BREVARD COUNTY

The Board acknowledged receipt of the 2011 Audited Annual Financial Statements, ending March 31, 2011, for the Housing Authority of Brevard County.

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

ITEM III.B.3., ACKNOWLEDGE, RE: RECEIPT OF 2010-2011 AUDITED ANNUAL FINANCIAL STATEMENTS, ENDED SEPTEMBER 30, 2011, FROM THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT

The Board acknowledged receipt of the FY 2010-2011 Audited Annual Financial Statements, ending September 30, 2011, from the Melbourne-Tillman Water Control District.

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

ITEM III.B.5., CONTRACT RENEWAL WITH NATIONAL ASSOCIATION OF COUNTIES (NACo) AND CAREMARKPCS HEALTH, LLC, RE: TRANSACTION REVENUE SHARING FEE

The Board approved contract renewal with National Association of Counties (NACo) and Caremarkpcs Health, LLC, which now includes a revenue sharing option; authorized the Chairman to execute the agreement; and further authorized the Chairman to execute future agreements, amendments, and modifications upon review and approval of the County Attorney and Risk Management.

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

ITEM III.C.1., REQUEST FOR RELEASE OF CODE ENFORCEMENT LIEN, RE: 709 LARK DRIVE, BAREFOOT BAY, FLORIDA 32976, AND 406 RAVEN DRIVE, BAREFOOT BAY, FLORIDA 32976

The Board executed Releases of Liens associated with 709 Lark Drive, Barefoot Bay, Florida 32976, and 406 Raven Drive, Barefoot Bay, Florida 32976.

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

ITEM III.C.2., RESOLUTION, RE: CONSIDERATION OF BROWNFIELD REDEVELOPMENT BONUS FOR VECTORWORKS MARINE, LLC

The Board adopted Resolution No. 12-097, approving Vectorworks Marine, LLC as a Qualified Brownfield Business under Brownfield Redevelopment Bonus Refund refund program.

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

ITEM III.C.4., PERMISSION TO APPLY AND ACCEPT, RE: FY 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR LOCAL SOLICITATION

The Board granted permission to apply for and accept the FY 2012 Edward Byrne Memorial Justice Assistance Grant for Local Solicitation; and authorized the Chairman to execute the necessary grant documents and any necessary budget amendments.

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

ITEM III.C.5., PERMISSION TO PARTICIPATE, RE: FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) FISCAL YEAR 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

The Board granted permission to participate in the Florida Department of Law Enforcement's Edward Byrne Memorial Justice Assistance Grant Program; designated Brevard County Sheriff's Office as point of contact; and authorized the Chairman to execute grant documents and execute any necessary budget amendments.

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

ITEM III.C.7., APPROVAL, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Larry Boudrie** to the Housing Finance Authority, with term expiring May 1, 2016; and **Dr. Carolyn Feltus-Atkinson, Mark Broms,** and **Hal Rose** to the Melbourne Beach Public Library, with terms expiring December 31, 2012.

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

ITEM III.C.8., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

The Board recessed at 10:12 a.m. and reconvened at 10:22 a.m.

ITEM IV., PUBLIC COMMENTS

Jack Rood, President of Architects in Association Rood, Zwick & Kerr, stated in 2010 the Board created a local business preference Policy championed and guided in part by Commissioner Mary Bolin Lewis; this Policy has a built-in sunset clause set for July 2012; and at the next meeting on May 15, 2012, the Policy will be up again for discussion and hopefully some clarifying improvements. He went on to say he will not be able to attend the meeting May 15th as Friday he and others from Brevard County are going to Bangkok to celebrate the Annual Rotary International Convention. He added, he serves as Chairman of Brevard Workforce Development Board; unemployment escalated from five percent to 13 percent from 2007 to the present; but now there is a dip in the numbers. He stated in all the years he has served in architecture in Brevard County, 2011 was his worst year, and 2012 does not look much better. He explained local businesses do business largely with other local businesses, keeping the payroll in Brevard County; and it supports organizations, schools, churches, art organizations, non-profits, and other organizations like Rotary. He suggested local businesses can provide equal products and services more economically without the hidden costs of delivery, travel, handling charges, etc.; many businesses offer pro bono services to any number of non-profits almost weekly; and they do it as they are part of the community, make their living here, and liking to give back to the community. He advised the handling of Consultants Competitive Negotiation Act (CCNA) type of selections is a two step process and the Policy only addresses hard bid type processes presently; and he requested the Board look into this process.

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VII.E.1., RESOLUTION, RE: SUPPORTING FLORIDA POWER AND LIGHT (FPL) SMART METER OPT-OUT

Commissioner Infantini stated the next topic to be discussed is Smart Meters; she has received some correspondence; there were some speakers who came before the Board a couple of months ago to discuss Smart meters and their concerns; and she wanted to give the Board and the public time to voice concerns. She stressed to the Board that people have fears, whether justified or unjustified; she stated she does not know the science behind this; she wanted to have a forum to be able to present all the information to both parties so an informed decision can be made, because the Board is the public's last line of defense; and that is why she wanted to bring up this venue.

Chairman Nelson advised there are 15 speaker cards; he does not run the timer; and speakers will have five minutes each to speak.

Franck Kaiser stated he supported the Smart Meter program; Florida Power & Company is providing state-of-the-art equipment and operating efficiencies; Smart Meters are the next generation of equipment trying to contain costs and be more efficient in their operations; Smart Meter total transmission time is less than two minutes a day; it is not radiation being transmitted because there is no radioactivity involved; and the consumer can log into his or her account at any time online and monitor usage. He added, to opt out of this program is certainly an option, but it is going to require having those trucks on the road and meter readers again.

Val Gaccione explained to the Board that she has a condition called Multiple Chemical Sensitivity (MCS) which is affected by the Smart Meters; the Smart Meters shatter 94,000 times a day, sending information every 15 minutes with information from individual homes going to the neighborhood collection box; and it communicates with that collection box, finding the shortest way there, through walls, and through the body. She stated she does not have a Smart Meter and does not want one; and she does not want to have to move to a home with a basement, which would most likely be outside of Florida.

Sandy Sanderson, Florida Power & Light Regional Director of External Affairs, introduced Bryan Olnick, Florida Vice President; stated that the entire Smart Meter initiative falls under Mr. Olnick's purview; and he would like Mr. Olnick to share some of those facts.

Bryan Olnick, Vice President of Florida Power & Light Company, expressed his appreciation to the Board for allowing him to speak and to put the Smart Meter in a better context. He stated he wanted to present what FPL's broader vision initiative is with modernizing the grid; many are familiar with initiatives to modernize FPL's power plants; and the Smart Meters are one part of the large effort in doing that. He presented a PowerPoint presentation to help explain PFL's long-term investments and commitments to reliability. He provided the Board and viewing audience with a short video to give some context to how the Smart Meters fit into the border vision, and how the devices are working together to produce information needed. Mr. Olnick stated he hoped the video was helpful to demonstrate all the various components. He went on to say in Brevard County, the installation is about 20 percent complete of approximately 290,000 customers, and by the projected plan, completion should be around September 2012. He explained how the older meters used electromechanical technology having a disk rotating to measure how much energy is used in kilowatt hours; the Smart Meters do the same thing but uses a radio to transmit usage information to FPL; in turn, FPL gives its customers all information collected; and FPL is very transparent and open about everything it collects in kilowatt hours. He talked to the Board about the Energy Dashboard and its functions, such as providing feedback to the customer through their secure login to their account online, how a person can use a function called 'Estimate My Bill' to determine what approximately their bill may be, comparing energy usage when changing appliances, et cetera. He explained the

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technology used by FPL is radio frequency technology; it broadcasts on a periodic basis how much energy is being used, transmitting only two minutes total; and it is controlled by the Federal Communications Commission to ensure it meets all requirements. He went on to add, that FPL owns and is responsible for the Smart Meter but not the silver box on the side of the house; it is the customer's responsibility to maintain. He advised the Board that Smart Meters have been installed all over the country for 20 years approximately; the technology changes brings a bright future not only for FPL but for its customers by creating total transparency with their billing.

Commissioner Bolin Lewis inquired if a homeowner would receive notice if their electricity goes out, and would it automatically be taken care of. Mr. Olnick replied the outage and reliability piece is being worked on now; there are pilot programs going on for FPL to understand the needs of its customers. He went on to say if a meter is out of power it can still communicate because it has a capacitor that has enough energy to pulse that it is out of power in most cases. He stated a lot of different approaches are being tried to find what is best for the consumer, including winter residents who may want to check their power status online. Commissioner Bolin Lewis inquired if the power could be restored if a person was out of town; with Mr. Olnick responding affirmatively. Commissioners Bolin Lewis inquired if she could check online to determine how long the power had been out to decide if the food in a person's freezer was still good. Mr. Olnick advised the Energy Dashboard shows hourly usage; a power outage would show a bland bar; but if it was 15 or 20 minutes, it would show some energy used with a smaller bar showing. Commissioner Bolin Lewis inquired if there would still be assistance from law enforcement if there were high electricity bills at a home not being used for residential purposes. Mr. Olnick advised as always with a court order it will be followed. He went on to say a customer's information will not be given to anyone except to the customer or a court order.

Commissioner Fisher inquired if individual customers have opted out and what is the impact of operation to FPL. Mr. Olnick responded in Florida there are no utilities that have opt-out options; FPL has placed everyone who requested to opt-out on a postponement list until they decide what the next appropriate step is; and every request for a postponement has been honored. Commissioner Fisher inquired if the Board of County Commissioners has the ability to for FPL to opt-out anyone. Mr. Olnick recommended that the County Attorney address that question.

Scott Knox, County Attorney, advised that the Board has no authority to do anything to regulate Florida Power & Light Company, regarding providing electrical service.

Commissioner Fisher there are a lot of speaker cards; a lot of people think the Board has the power to stop FPL from installing the Smart Meter; and that is not the case it is the Public Service Commission and the State of Florida Legislators who have the authority.

Commissioner Infantini stated she thought everyone was going to receive five minutes to speak. Chairman Nelson advised the Board needed to be educated on Smart Meters; and by giving FPL additional time helped to clarify the issue. Commissioner Infantini inquired if each person would receive 30 minutes to speak. Chairman Nelson advised it is beneficial for the Board to hear FPL's side of the story, and the speakers will have their time as well.

Commissioner Anderson suggested that this issue should have been brought before the Brevard Legislative Delegation or the Public Service Commission; and he inquired how many opt-out resolution has FPL received from municipalities or county commissions; with Mr. Olnick responding zero.

Mel Faust stated if a person calls FPL requesting to opt-out of installation of a Smart Meter, it will only be delayed, but he or she will be forced to have a Smart Meter in the end whether it is wanted or not. He went on to say the Board adopted a Resolution to help the elderly, but

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allowing the Smart Meters will not help the elderly; it will cause increase in the electricity bills; and the Meter charges by the kilowatt and by the time of day. He opined FPL was paid \$200 million by the Feds to install these Smart Meters as part of a grid project; the Meters will soon begin relaying messages to appliances, and appliances relay messages back to the grid; and it is big money for FPL and a big loss for residents.

Nonnie Chrystal stated the Board awarded her a Resolution for having the Greenest House in the World; she has no wires, wireless devices, microwave ovens, WiFi, and everything is hardwired. She advised she was an independent medical researcher, author, and keynote speaker. She spoke to the Board regarding health issues caused by Smart Meters. She provided evidence to the Board backing her claims. She advised the Board it took an oath to support its citizens. She stressed to the Board she needed to be protected and if the Board does not protect her, it is aiding and abetting what she believes to be criminal conduct. She implored the Board to protect her with the opt-out of Smart Meters.

Mary Ingui requested the Board put a moratorium on Smart Meters. She explained there are very serious health, privacy, and Homeland Security issues associated with the Smart Meters; and advised the Board that Indian River County had passed a resolution supporting opting out of Smart Meters. She went on to say Americans have become guinea pigs living in layers of RF radiation. She suggested that the Board step up to its obligation to protect the citizens who it serves; and its voice as an elected body representing its citizens carries great weight on the State level.

Richard Marcucci stated he is impressed by the elegance of the design and the architecture of the Smart Grid and Smart Meter system, but the health risks are true; and when deployment of the Smart Meters begins the background radiation level will be much higher than ever experienced before. He went on to say once these are deployed throughout the country, it will be next to impossible to recall them. He advised he is asking the Board to help its citizens by petitioning the PSC to have a moratorium in place refusing the installation of Smart Meters until they are proven safe.

Susan Keiffer informed the Board that she is a master herbalist, iridologist, and she has studied natural health for 15 years. She encouraged the Board to view <http://tuberose.com/electromagneticfields.html>; and she pointed out the website refers to modernized technology for the future, which is not better for an individual's health; and with all of the increased technology, modern medicine, food supply with genetically modified foods, faster growing crops, faster growing chickens and cows, and fast food; and she pointed out, faster is not always better.

Stephanie Austin explained to the Board that all Florida utilities assert that Smart Meters are safe for mass deployment, and are protected by high limits for public exposure to radio frequency radiation by the FCC; the FACC does not have a doctor or medical personnel on staff. She talked about the long-term biological effects it may have on children, people whose immune system has been compromised, and the elderly; the FCC not considering multiple simultaneous exposures from other devices, such as cell phones, Wi-Fi, et cetera; and the obsolete FCC guidelines used to justify deployment of Smart Meters. She stressed to the Board the need for a moratorium.

Barbara Knick discussed with the Board her feelings about FPL having a monopoly unless a person goes solar; about her living in an attached building and if the neighbors get the Meters, she will be affected; and how she has been collecting information relating to Smart Meters for a long time. She stated there are 19 counties that have passed resolutions against Smart Meters; her choice is not to be subject to the health dangers and her privacy invaded; and she monitors

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her energy usage by looking at her bill monthly. She requested the Board pass the resolution in support of the citizens.

Terri Fulton discussed with the Board why Smart Meters and the grid should be refused by the Board, and why there should be a moratorium. She provided overhead slides to the Board and audience regarding microwave radiation, and arbitrary government stand for radiation wavelengths. She stated the Smart Meter pulse radiation may expose the public to levels trillions of times higher than the natural background level prior to the existence of the radio frequency microwave transmission. She talked about Omni directional antennas and how they should never be placed in residential areas; how wireless communication technology could affect a child's learning ability; and how there is no federal security mandate for Smart Meters. She asked the Board for a moratorium.

Alexandra Ansell spoke about the possibility of fiber-optic in grid technology so people would not be subjected to such danger as with the radiation; the levels of radiation as opposed to a cell phone; and how many pulses a Meter transmits. She explained to the Board that she works from home in order to avoid these exposures.

Richard Vaughan stated a resolution is symbolic, but symbolic is important. He went on to say the Smart Meter fight has been taking place in different cities and States nationwide. He talked about a resolution from the Board calling for a moratorium on installation of Smart Meters; and for a permanent opt-out for those who object to their installation. He discussed with the Board the conventional power in order to force alternatives like solar and wind power; how the legislation providing that states should offer the Smart Meter technology to customers not making it mandatory; and the increase in a person's bill due to the Smart Meters installation. He stated there would be huge profits to the power companies and vendors; but the citizens receive the risks, dangers, and costs related to the Smart Meters. He reiterated there should be a resolution calling for a moratorium on installation of Smart Meters providing for a permanent and non-punitive opt-out.

Roger Gangitano stated under the energy and Dependence Security Act, Energy Policy Act of 2005, citizens should have the right to be offered the Smart Meters, but have no obligation to accept them. He spoke about Smart Meters rates, and how it bills customers; how reports from California showing health issues caused by the installation of the Meters; and how smart grid technology will expand internationally if it continues going like it is. He advised the Board this benefits only FPL.

Michael Sabia stated the precautionary principle is when an activity raises threats of harm to human health or the environment. He talked to the Board about precautionary measures that should be taken; about what the alternatives might be; and the possibility of Smart Meters sending out radiation that may affect the reproductive cells in children.

Patricia DiBella talked about Con Edison being built on an earthquake fault line; and the privacy and health issues associated with the installation of the Smart Meter.

Michael O'Malley spoke to the Board about not hearing about a Smart Meter until three weeks ago when he received a postcard in the mail advising him he was getting one; about the possibility of the Meter being hardwired to eliminate the radiation concerns; a memorandum he was in possession of that discussed a pilot program starting peak power pricing; and with the new technology causing people's energy prices to go up. He advised he would like concerned citizens to have the ability to opt-out of this social experiment.

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ITEM VII.E.1., RESOLUTION, RE: SUPPORTING FLORIDA POWER AND LIGHT COMPANY (FPL) SMART METER OPT-OUT

Chairman Nelson stated it is frustrating from his perspective, Florida Power & Light Company's is Brevard County's service provider, which is a choice made by the State, so that does not need to be reflected in the resolution; the issue is if it is safe or not; additional study should occur; but ultimately it is the Governor, legislature, and the State Public Service Commission's issue.

Commissioner Anderson stated there are different power companies; and the only thing he would like to see is to get the Public Service Commission to have public hearings so they can hear people's concerns; and the PSC can make a determination at that time.

Commissioner Infantini stated she would like to make a motion to approve the resolution, removing the words 'Florida Power & Light Company'; and to ask the Public Service Commission to conduct public hearings. Motion was seconded by Commissioner Anderson.

Commissioner Bolin Lewis stated there is no reason a clean resolution cannot be brought back for the Board to review at Thursday night's zoning meeting.

Commissioner Anderson inquired if the words 'Florida Power and Light' language is being removed. Chairman Nelson stated it will be changed to 'regulated utilities', and urging the Public Service Commission to hold public hearings.

Commissioner Anderson stated he wanted to remove his second to the motion.

Commissioner Bolin Lewis stated she wanted to see those changes first.

Commissioner Anderson stated he cannot vote on something that he has not seen.

Commissioner Infantini inquired if the Board could take a break to make the changes in the resolution.

The Board recessed at 12:51 p.m. and reconvened at 1:21 p.m.

Commissioner Nelson stated the resolution is not yet completed, so the Board will take some of the other items on the Agenda until it is completed.

ITEM V.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT ON HANNAH DRIVE, VETTER ISLE ESTATES, SECTION 3 - JAMES SHEDD AND DONALD TOWLE

Chairman Nelson called for a public hearing to consider a resolution to vacate a public utility easement in Vetter Isles Estates, Section Three, as petitioned by James Shedd and Donald Towle.

John Denninghoff, Public Works Director, advised the Board the vacating is for a shed and pool, and there were no objections.

There being no further comments or objections, the Board adopted Resolution No. 12-098, vacating a public utility easement on Hannah Drive in Vetter Isles Estates, Section Three.

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ITEM V.B., VARIANCE REQUEST BY GARY COPPOLA/G.A.L. CORPORATION OF BREVARD, SEBASTIAN BEACH INN, RE: REPAIR/REPLACEMENT OF DECK

Chairman Nelson called for a public hearing to consider a variance as requested by Gary Coppola/G.A.L. Corp. Of Brevard, Sebastian Beach Inn.

Ernie Brown, Natural Resources Management Director, advised the Board the variance request before it is for the Sebastian Beach Inn; it is relating to the County's coastal setback ordinances as it relates to non-conforming use structures and building standards along the dune; staff has worked with the applicant; and the series of necessary criteria has been met.

Chairman Nelson stated there were two issues, but the most important one was building in that area without a building permit. Mr. Brown reported that two violations were abated by the Board in 2010 because the Board was considering these amendments to the Ordinance and the possibility of them affecting how this moves forward relating to this particular location; those two Code Enforcement issues were dealt with, which were building without a permit and expanding a non-conformity on the beach. Chairman Nelson stated the expansion was addressed by the Board, but he wanted the Board to discuss the building without a permit issue. Mr. Brown advised actually it is a fee structure for a triple fee for that; Natural Resources Management is a fee-based organization and the additional work that is required with that, to go back and try to have a permit conform, there is a lot more work in that.

Clifford Repperger, Attorney for the applicant, explained there is an active Code Enforcement case, there are two as Mr. Brown identified, one was a Natural Resources case that never went to hearing, and one was a Building Code case that did go to hearing; in an effort to resolve those violations, the applicant did submit a Building Permit in 2008, which was denied; the applicant then appealed that denial, which brought them before the Board; and the Board directed staff to pass an ordinance change allowing for the coastal variance to be applied for. He went on to add, staff worked on and brought to the Board the changes to the Code allowing for a coastal variance; the Board passed that Ordinance; they then applied for a variance in December 2010; and since that time, they have been working with staff to come up with the conditions the Board has before it today. He stated what is before the Board today will allow the applicant to move forward and apply for a new building permit that once issued will resolve the outstanding Code violation. He advised the applicant recognized it is an after-the-fact building permit, and they have no issues with that.

Chairman Nelson inquired if the applicant is going through the process for the after-the-fact permit; with Mr. Repperger responding affirmatively.

There being no further comments or objections, the board approved variance request for the repair/replacement of a deck on the eastern side of the Sebastian Beach Inn facility, with implementation of a Dune Maintenance Plan, in accordance with Chapter 62, Article XII, Section 62-4209(5)c; and the applicant to pay additional fees when obtaining the building permit after-the-fact.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Vice Chairman/Commissioner District 5
SECONDER:	Mary Bolin Lewis, Commissioner District 4
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VI.A., REQUEST TO FILE AN ACTION FOR DECLARATORY JUDGMENT AND SUPPLEMENTAL INJUNCTIVE RELIEF, RE: CLAIM OF ACCESS AT GRANT FLATWOODS SANCTUARY

Scott Knox, County Attorney, stated this is a request for permission to file a declaratory judgment action and potential injunction, depending upon what the court finds, regarding the situation involving Mr. Riley down in the Grant/Valkaria area; Mr. Riley is claiming a statutory way of necessity to cross lands owned by the State of Florida, which are being managed by the County under a contract with the State; and they have had an ongoing discussion about whether Mr. Riley should be trying to get a license or an easement from the State of Florida versus declaring a statutory way of necessity, which he may or may not qualify for. He went on to say, in essence, what the County would be trying to do with a declaratory judgment at this point is to try to get the court to decide whether there is in fact a statutory way of necessity; if he meets all of the qualifications for that, the court will set where that is; he will be limited to using that particular access if the court agrees he has one; and if he does not, his alternative is to come to the State of Florida like he always has and try to get an easement or license agreement, which has been offered to him on several occasions.

William Riley inquired what are the qualifications or conditions to meet the statutory way of necessity. Attorney Knox advised one of them is he has to have an agricultural or a single-family residence there. Mr. Riley advised he has an agricultural exemption and has met the statute requirements. Attorney Knox explained that may not be what the court thinks.

Chairman Nelson stated by filing for a declaratory judgment, it will resolve the issue once and for all; the Board and Mr. Riley do not agree; and the State Law is interpreted differently by the parties.

Mr. Riley played a portion of a tape of a meeting with DEP Bureau Chief Scott Woolem. He expressed his concern that the Board wanted to file a declaratory judgment; and stated if it goes to court, he will seek compensation and attorney fees for Brevard County's unreasonable refusal per State Statutes. He revealed to the Board that he has numerous photos and documentation of EEL employees stealing his gates and cutting his locks, stealing private equipment, and sending the Sheriff's Department out there to have him arrested.

Commissioner Infantini advised at this point this issue needed to be mediated.

The Board authorized the County Attorney to file a declaratory judgment in an effort to resolve a claim of access by Mr. William Riley and Mr. Richard Davis through the County-managed Grant Flatwoods Nature Sanctuary.

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

VII.E.1., RESOLUTION, RE: SUPPORTING FLORIDA POWER AND LIGHT (FPL) SMART METER OPT-OUT

Commissioner Anderson requested the County Attorney read the resolution.

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County Attorney Scott Knox read aloud the resolution.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to adopt the resolution.

Commissioner Bolin Lewis advised she thinks the word 'should' is missing relating to 'those opposing the Smart Meters' should be given a chance to opt-out.

Commissioner Fisher stated he does not know how the Public Service Commission works, but they may want to workshop it; and the resolution can say 'public hearing or workshop'.

Commissioner Infantini stated she is afraid if a workshop is held, it may not be noticed so the public will know, and it will be best for the community to have a public hearing.

The Board adopted Resolution No. 12-099, calling for Florida Public Service Commission public hearings on the Statewide Smart Meter Program.

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

ITEM VII.E.2., CITIZEN REQUEST, WAYNE COOMBS, RE: FLIGHT SCHOOL AT MERRITT ISLAND AIRPORT

Wayne Coombs expressed his concerns over the new operations going on at Merritt Island Airport, due to the three training schools being allowed to practice there, FIT, Space Coast Aviation, and Voyager. He stressed to the Board that on a 24-hour basis, including weekends, the area has been bombarded with circling, low flying aircraft performing touch and go maneuvers. He advised Michael Powell, TICO Airport Executive Director, and the FAA in Orlando have been contacted. He went on to say he would like the Airport to adopt a formal pattern of takeoff and flight.

Jerry Sansom, TICO Airport Authority Chairman, stated communications have been received over the past few weeks, in regards to this issue; there was a meeting held last week with the affected neighbors; and people were pleased with efforts made to resolve the issue. He stated there are a lot of economic benefits due to airports.

Michael Powell, TICO Airport Authority Executive Director, stated the TICO Airport Authority is working exceptionally hard creating a system of airports everyone can be proud of having in their communities; they endeavor to be a good neighbor; and they appreciate the community. He stated the valued tenants at Merritt Island Flight School, take pride in the facility, and have been involved to endeavor to be a good neighbor as well; and the Federal Aviation Administration (FAA) has great control over what is done and it does not allow restrictions of the governance of public use asset. He recommended that the neighbors and the pilots of the facility speak with each other for some small-scale modifications of extending the up-wing and not turning over the island whenever possible. He stated there

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is itinerant traffic from time-to-time; it is investigated to try and help educate folks that are not based in the area; and there is an ongoing effort to continue working this issue.

Chairman Nelson inquired what the specifics are when asking folks to comply. Mr. Powell responded the very experienced pilots will takeoff, turn over the Banana River, and not cross Newfound Harbor; the training pilots tend to climb 200 to 300 feet below traffic pattern altitude and turning pending on what aircraft is being used, flight characteristics, and could turn right over Newfound Harbor, as they turn-on upland getting to traffic pattern altitude; and those training pilots have been asked to extend the upland, get past Newfound Harbor, climb to altitude, throttle back to level flight when coming back to fly over Newfound Harbor. He pointed out that aircraft are the loudest at low angle-of-attack when full power, that is taking off and turning causing more sound. He mentioned the individuals that are not from the area, who practice their traffic patterns are asked to go somewhere else to help lighten the problem. He stated he talked to the Air Traffic Controllers at Space Coast who have noticed a marked increase in traffic from Florida Institute of Technology (FIT); a neighbor of Mr. Coombs talked to FIT; and FIT gladly agreed to go somewhere else to help ease the problem. He went on to say flight characteristics safety have been watched and tracked by Airport Authority employees who know traffic pattern altitudes and flight characteristics; the interesting thing is no one is doing anything illegal; and are very limited what can be done, but he does understand the folks needing some relief. He stated the individuals based at Merritt Island are trying to do everything possible to the extent practical; the pilot in command is ultimately responsible for safety of that aircraft; and there is nothing that he can restrict them to, other than asking to endeavor to be a good neighbor.

Commissioner Bolin Lewis inquired if the hours of flying can be restricted. Mr. Powell responded no; FAA does not allow to the Authority to restrict access to a public use airport; and everything is being done by word of mouth to help restrict an unsafe level.

Chairman Nelson stated he is familiar with the area in question and if pilots extended out past the runway before turning will help; and he understands the awareness is being put out there to make the turn before or after the island. He inquired how information is complied with find out that is flying the pattern late at night. Mr. Powell responded it is a continuing, on-going education situation; once information is received, it takes some time to find out who is doing what, when, and where; and then speaking to the right individuals to make a positive change. He added, there is no way of knowing at times because it is a public use airport with folks flying from Georgia to Merritt Island; and it does take some time reaching people with education. He went on the say the event that took place this weekend had nothing to do with this issue being discussed today. Mr. Coombs advised he believes it is the Flight Schools pattern.

Chairman Nelson advised a solution is continuing to be worked on; some folks have not gotten the message about the preferred traffic pattern; and he will continue to relay the message. He advised this Board does not have the ability to say not to; but it does have the ability to try and work with individuals to do the appropriate thing.

The Board acknowledged citizen request of Wayne Coombs regarding the Flight School at Merritt Island Airport, but took no official action.

ITEM VII.E.3., CITIZEN REQUEST, LYNN MIRAGLIA, RE: PERFORMANCE MEASURES AND POSITIONS FOR BREVARD ANIMAL SHELTERS

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Lynn Miraglia stated her Agenda item is regarding Animal Services and the No-Kill programs or measurements. She went on to say she is requesting complete transparency of the No-Kill performance measurement to be shown in the budget for the public to be able to view; a full-time rescue coordinator; and someone, as their primary duty, to do data entry of the license tag information to both address the entry backlog, and to ensure that it remains current moving forward.

Chairman Nelson advised Ms. Miraglia that he was disappointed when going to the No-Kill goal, it was for the purpose of encouraging groups to step up in coming up with ways to minimize the number of animals being put to sleep because of lack of space; he would rather wait until there is an Animal Services Director in place to look at the organizational structure; and it is a budgetary issue.

Ms. Miraglia stated her request was not for it to be put into the scheduled budget, but for the Board to show a commitment to want to get to No-Kill by funding this, in addition to what is in the budget.

Chairman Nelson stated he thinks what the Board is looking for is someone to evaluate that, and for the Board to have an opportunity to say it is a higher priority than the volunteer coordinator or if both are needed; and additional money is going to be tough for the County.

Commissioner Anderson stated once the permanent Director is onboard, it will be better to guide; he is not comfortable making those decisions right now; and he would want to hear the new Director's input, which he feels is the most prudent way to handle it.

Commissioner Infantini stated a rescue coordinator and volunteer coordinator could be an overlapping function because she does not see either one requiring 40 hours a week; and it could be a fully-funded position but spending half the time doing each function.

Commissioner Anderson stated people thought the No-Kill concept was going to be met right away, but it is unrealistic; there may be a way in the future to fund additional capacity at no cost to taxpayers; and it is dependent upon the next election to alleviate some of that.

Commissioner Bolin Lewis advised Ms. Miraglia that there is not enough money to do this.

Chairman Nelson informed Ms. Miraglia that the Board will include the No-Kill goal and work on the other two requests.

Ms. Miraglia repeated her three requests regarding the animal shelters.

Chairman Nelson pointed out that although No-Kill is definitely a goal for the County, his intent was to encourage the public to participate with the County and help with rescue groups.

The Board acknowledged citizen request of Lynn Miraglia regarding performance measures and positions for Brevard County Animal Shelters, but took no formal action; and confirmed its support of the "No Kill" goal.

ITEM VII.E.4., CITIZEN REQUEST, PATRICK BARKER, RE: REDEVELOPMENT OF DISTURBED FLOOD PLAINS

Kirby Kenny, Kenny Construction, stated Patrick Barker acquired his property approximately one year ago; then the permitting process was started; and after starting the process there were a few snags in the process referring to the flood plain, not wetlands. He mentioned he spoke

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with Ernest Brown, Natural Resources Management Office Director, about the problem; Mr. Brown informed him that he needed to make a Citizen Request to the Board to try and clarify the Policy, as it relates to the redevelopment of a disturbed flood plain; this flood plain has been disturbed over a period of years; and he is asking for the Board's interpretation of its Policy to help sort out the documentation of the historical elevations prior to the unauthorized manipulation of the site. He stated Mr. Barker's property site is utilized for storage of equipment, raw materials, and pre-fabricated truss systems; the location is previously known as the old Brevard Truss Inc. Site located on Sarno Road; Brevard Truss Inc. Was in business from 1984 to 2009; the site was constructed and developed; the land was used by Brevard Truss Inc. For 20-years; and the pictures he highlighted is the area Mr. Barker wants to construct his new freight facility on the new terminal. He went on to say the terminal is about 5,400 square-foot the parcel of land is a little bit over 100,000 square-feet; a lot of the elevation in the property meets the requirements needed, however, some of the property when the previous owner left, disturbed the footprint affecting the elevation of some of the areas; and there is help needed to clarify how to get this property back to the proper elevation so it can be used. He stated a larger facility is not trying to be built on the parcel of land that will not allow to be built on; there is need for a 30,000 to 35,000 square-foot area; there is over 100,000 spare-feet; and he thinks there is an allowance for 15,000 square-foot per acre, which is about two and one-half acres for the portion needed. He stated the property was left, foreclosed on, and dirt was removed; he feels Mr. Barker is being impacted because of what the previous owners did; and Mr. Brown is looking at one interpretation and he is interpreting the Code a different way; and the Code reads redevelopment means the renovation of a previously development obsolete commercial industrial parcel land or a building site would suffer from structural vacancy through the expiration of the former use and requires intervention to achieve a function use that is available. He clarified he is asking the Board to review Code to find a happy medium with Natural Resources Management Office so Mr. Barker can be given back his land that he believed he purchased all along; he added, B.S.E. did a feasibility study; and B.S.E. believes the same thing Kenny Construction believes. He mentioned that a lot of research on the property has been done by Mr. Barker and the bank prior to the closing of the purchase; nobody saw any red-flags to tell Mr. Barker he was going to be impacted the way he is; his project has been on-hold for nine-months; he has been dealing with a bank payment; and his business is being extremely impacted because there were plans of a grand-opening in May. He expressed appreciation for any help given by the Board to help resolve the confusion between the Code and flood plains.

Commissioner Anderson advised he has meet with the applicant and talked with staff; this is an incident of a situation where the historical elevation of the property is believed to be at much higher elevation that the prior tenants may have altered by removing soil out of the location; and in lieu of doing a whole Comprehensive Plan change to get this in compliance, there is a way to get help for this facility, which will employ several people. Mr. Kenny added Mr. Barker currently employs 20 to 30 people right now; and employment will increase upon opening to approximately 100 people. Commissioner Anderson stated this is adjacent to the Super Bee Flea Market and Mud Bog area recently approved; what is being proposed is a lot less intensive that what is currently adjacent to it; and he inquired if this situation can be addressed before the end of May, to meet responsibilities to the Comprehensive Plan specific to just this parcel, and to not set a precedence to other areas.

Mr. Brown stated there are opportunities; staff needs Board direction, such as where the elevations have been modified from its historic elevations, with some sort of documentation used recognizing there will not be comprehensive topographic surveys done every year on a property for the last 10 years because there are no triggers for such an action; there may be boundary surveys, evaluation of adjoining property surveys, or Light Detection and Ranging (LIDAR), which is a tool used starting in 2007; if the manipulation of the land occurred post LIDAR, it may be able to employ those tools to say yes or no; but in this case, per the applicants request, it was at a previous elevation that pulls them out of the annual and 10-year flood plain.

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He went on to say once getting out of the annual and 10-year flood plain and into the 25 and 100 -year flood plain, the redevelopment clause kicks in, and there are no limitations at 150,000 square-feet; it is a redevelopment opportunity that it can be redeveloped, but still has to provide compensatory storage to ensure that other people are not being flooded out; but those footprint limitations do not exist in the 25 to 100-year flood plain. He mentioned the applicant's dilemma right now is it is in certain portions of the annual and the 10-year flood plains.

Chairman Nelson stated his direction is before the end of May, find the information showing what the elevation was so the Board can make its decision.

Mr. Brown inquired if the burden of finding the information is for the applicant or the County. Chairman Nelson responded it is for the applicant, but wants Mr. Brown to work with the applicant.

The Board acknowledge the citizen request of Patrick Barker regarding development of disturbed plains; and directed staff to work with the applicant, and search for historical flood plain information showing what the elevation was so the Board can make its decision by the end of May.

ITEM II.E., REPORTS, RE: MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER

Commissioner Bolin Lewis stated she and Chairman Nelson attended the Vietnam Wall ceremony; it was a very moving event as it is every year; and it was well attended.

Commissioner Bolin Lewis expressed her congratulations to three people from the County who were recently honored by the Space Coast Business Magazine as being among the 100 most admired people in Brevard County; and the tag line was 'People Who Inspire Us'. She announced those three individuals were Commissioner Robin Fisher, County Manager Howard Tipton, and Housing and Human Services Director Ian Golden.

Commissioner Bolin Lewis stated on Friday, April 27th, Brevard County Fire/Rescue held a promotional graduation ceremony; she would like to congratulate Michael Gramson for his promotion; and she welcomed the 21 new fire rescue recruits.

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

Chairman Nelson stated the Vietnam Vets Opening was well attended until the weather cooled down and it got windy outside.

Commissioner Anderson stated he was in attendance to represent the Board for the closing, but it was cancelled due to the rainy weather.

ITEM III.B.8., APPROVAL, RE: REVISED SPACE COAST INFRASTRUCTURE AGREEMENT

Commissioner Infantini stated she is voting no on this item.

The Board adopted Resolution No. 12-100, recognizing and authorizing changes to the Space Coast Infrastructure Agreement; and executed Amended Agreement.

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

ITEM III.C.3., CONFIRMATION OF APOINTMENT, RE: UTILITY SERVICES DEPARTMENT DIRECTOR, ROBERT ADOLPHE

County Manager Howard Tipton stated he pulled this item as he was going to introduce the new Utility Services Director to the Board this morning; he would like Robert Adolphe to introduce himself to the Board; and he would like for the Board to confirm his appointment.

Robert Adolphe stated he is open to discuss anything with the Board or take any questions.

Mr. Tipton stated Mr. Adolphe will do a good job; and he has been a voice for water-related issues throughout the State. He added, Ron Voll will be the Assistant Director of Utility Services Director.

The Board appointed Robert Adolphe as the new Brevard County Utility services Department Director.

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

ITEM VI.B., BOARD DIRECTION, RE: INSURANCE REQUIREMENTS FOR SPECIAL EVENTS

The Board approved Option 2, to require insurance as specified in Section 10-42 for events conducted on public property or within public rights-of-way; and approved legislative intent and granted permission to advertise such amendment.

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

ITEM VII.B.1., ADOPTION, RE: FY 2012/2015 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (LHAP)

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The Board adopted Resolution No. 12-101, adopting the State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) for Fiscal Years 2012 through 2015; authorized the Chairman to sign required State Certifications; and authorized the Chairman to sign any amendments that the Florida Housing Finance Corporation determines necessary to meet the requirements of State Statute 420.907-9075.

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

ITEM VII.C.1., REQUEST FOR EXECUTIVE SESSION, RE: HOLMES REGIONAL MEDICAL CENTER, INC. V. BREVARD COUNTY, FLORIDA CASE NO. 052012-CA-059923-XXXX-XX

The Board approved the cost of advertising for, and the scheduling of a private session on May 15, 2012, at 11:00 a.m. or as soon thereafter as possible, pursuant to Section 286.011(11), Florida Statute, in the case of Holmes Regional Medical Center, Inc. v. Brevard County, Florida, Case No. 05-2010-CA-059923-XXXX-XX, for the purpose of discussing settlement negotiations or strategy related to litigation expenditures.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Bolin Lewis, Commissioner District 4
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.C.2., AUTHORIZATION, RE: LEGAL CHALLENGE TO HB5301 RELATING TO MEDICAID

The Board authorized the Brevard County Board of County Commissioners to join, as named party, the lawsuit being brought by the Florida Association of Counties to challenge the constitutionality of the Medicaid revenue share withholding as set forth in Ch. 2012-33, Laws of Florida (HB 5301); and authorized expending \$3,500 to share in the cost of the attorney's fees and costs of the lawsuit.

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

ADJOURNMENT

By consensus of the Board, the meeting adjourned at 2:44 p.m.

May 1, 2012