

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 January 7, 2014 at 9:01 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

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 Chuck Nelson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the December 3, 2013, Regular Meeting Minutes.

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

ITEM I.A., RESOLUTION, RE: RECOGNIZING ZOILA VILLANUEVA FOR HER 30 YEARS OF SERVICE

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 14-001, recognizing Zoila Villanueva for her 30 years of dedicated and valued service to Brevard County citizens; and wished her good health and happiness during her retirement.

Zoila Villanueva expressed her appreciation to the Board of County Commission employees and Clerk employees for making this last 30 years easy to come to work; and said hello to her son in Miami, and her siblings and family in Peru and Oklahoma that are watching today.

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

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ITEM I.B., PRESENTATION, RE: 17TH ANNUAL SPACE COAST BIRDING AND WILDLIFE FESTIVAL UPDATE

Neta Harris, Brevard Cultural Alliance, introduced some of the Brevard Cultural Board Members, Nancy Evans, Bob Day, and Sue Carlson. She stated the Annual Space Coast Birding and Wildlife Festival has become more of a community event than an international event, which it still is; and there are so many activities in this community that they like to promote that have been added each year.

Sue Small, Director of Florida Wildlife Hospital and Sanctuary, stated she has with her Gonzo and Eastern Screech Owl; he is a permanent resident at the hospital because he is injured; and she also has a Gopher Tortoise. She went on to say they take in sick and injured native Florida wildlife and migratory birds with the goal of releasing them back into the wild; last year they admitted 4,887 patients; and this year it is starting out busy as the cold weather is not helping the wildlife.

Ms. Harris advised the Board the Florida Wildlife Hospital and Sanctuary exists on grants and donations; it is a very important service in the community; they are open seven days a week; and anyone who wants to make a donation to the Wildlife Hospital, they can go to the website.

Sue Carlson, PROMISE in Brevard, stated their partnership with the Festival has grown this year. She went on to say she has registration forms for the Scrub Jay 5K and Decathlon; it is taking place in the City of Titusville; the 5K will take place around the Chain of Lakes; and the Decathlon will be a 5K, 12.4-mile bike ride, sprint, and another 5K. She stated the bike ride goes out across US 1, down Dairy Road, out towards the salt marsh, and then back. She noted this year they are partnering with the Birding Festival; they have gone more regionally; they have gotten a lot more sponsors this year; and she hopes the race with help with the Birding Festival. She pointed out there are other various things going on with the Scrub Jay 5K and Decathlon; there are Zumba warm ups for the participants, live music, and a quilt raffle; this year some of the sponsors from last year are sponsoring folks to run in the race and matching the dollars; and there are challenges out there thanks to Commissioner Robin Fisher, District 1, who is Master of Ceremony and is running in the race.

Commissioner Fisher stated he wants to challenge in the Clydesdale Division Commissioner Anderson and Deputy County Manager Stockton Whitten.

Ms. Carlson stated she appreciates District 1's support and would like to see everyone out there.

Matt Smith, Audubon Center for Birds of Prey, stated his guest is Frances a 22-year old Bald Eagle; he came to them 22 years ago when he was about three days old; he had a severe respiratory infection; and because of the care he received to keep him alive, he became a human in-print and he can never go back to the wild. He went on to say he is a representative of what they do at the Center; they take in approximately 600 to 700 birds each year; they treat them with the goal of getting them back into the wild; and in 2013 they took in 717 birds. He noted Eagle Watch, based out of the Audubon Center for Birds of Prey, is a volunteer citizen's science program that monitors Bald Eagle nests all across Florida; and they help ensure the continued success of Bald Eagles in Florida. He stated while at the Festival, they will be giving education talks on birds of prey in general and a special talk on Eagles; they will participate in a photography workshop with Wild Stock Photography; they will have a booth at the exhibit hall; and they will have several more birds on display, including Frances.

Joel Reynolds, a local photographer, stated he enjoys doing nature photography throughout Brevard County; about three years ago he received an email from an individual at Brevard

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County Solid Waste Management Department advising him of the opportunities for wildlife photos at the landfill; they can clean the rainwater in the landfill; and they take all the methane that comes from the landfill and make power and sell it. He advised the Board he has never seen as many Eagle in one place in Brevard County; he loves the landfill; and he will never think of the landfill the same again.

Shari Blissett-Clerk, Bat Belfry's Inc., stated a lot of the animals present today will be at the Wildlife Festival, including most of her bats. She provided the Board with a packet regarding the bats. She stated her organization is a small, privately funded conservation agency dedicated to conserving Florida bat species; bats are the single and primary predator of night-flying insects, including mosquitoes; and a bat will eat its own body weight every single night in night-flying insects. She went on to say the bats are small and shy, and they hide during the day; they are incredibly beneficial when they are in a colony of 500 or 5,000 individuals; and the County can get rid of Mosquito Control and get some of the pesticides out of the air and water. She stated if more of the natural predators of insects can be brought in the habitats, a lot of those poisons can be done away with; bat species worldwide account for 100 different crops; and they are solely responsible for seed disbursements in most continents. She showed the Board a Northern Yellow Bat, which is a Florida native.

Mike Knight, EEL Program Manager, stated the County has a partnership with the Space Coast Birding and Wildlife Festival through the Endangered Lands Program; and he expressed his appreciation to Ms. Harris for allowing the County to participate. He stated the Festival provides a wonderful opportunity to showcase the conservation efforts that have been going on in Brevard County over the last 20 years; there is a significant number of field trips hosted on the nature sanctuaries; 15 of the 54 field trips are being hosted on the nature sanctuary properties; and they actually have waiting lists on a number of them. He went on to say they are doing beginning bird watching, scrub jay hikes, night time owl walks, several guided hikes at the new Fox Lake Trail in Titusville, gopher tortoise programs and hikes, horseback riding tours, and a salt marsh restoration tour.

Ms. Harris stated by including the sanctuaries and EEL's programs they are also promoting their activities within the community to the community; and by keeping the activities there free, they are offering an opportunity to the citizens to participate and know what is available in the community. She expressed her appreciation to the Board; and invited the Board to the Festival January 22-27, 2014, at Eastern Florida State College in Titusville. She pointed out they have field trips and presentations all over the County and five other adjoining counties.

The Board acknowledged presentation by Neta Harris regarding the 17th Annual Space Coast Birding Festival.

ITEM I.C., RESOLUTION, RE: RECOGNIZING BREVARD COUNTY OCEAN RESCUE NAMED 2013 BEACH PATROL OF THE YEAR

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 14-002, recognizing Brevard County Ocean Rescue for being named 2013 Beach Patrol of the Year.

A representative for Ocean Fire Rescue stated in 2007 there were 10 drowning; through the Board and Ocean Fire Rescue a year round lifeguard program was developed; in doing so there were year round, career minded individuals and managers out there who are running the beaches; and that has been the fundamental backbone in what was desperately needed. He expressed his appreciation to staff, Fire Rescue senior staff, and the Board for recognizing them.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING BEATRICE OTTOMANELLI NAMED DISTINGUISHED YOUNG WOMAN OF BREVARD FOR 2013

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 14-003, recognizing Beatrice Ottomanelli for being named Distinguished Young Woman of Brevard for 2013.

Beatrice Otomanelli expressed her appreciation to the Board for the opportunity, and it was a great honor to represent Brevard County at the State.

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

Commissioner Nelson stated the Indian River Lagoon Collaborative met in December; it was a good meeting; one of the things they are looking at doing is committing to a three-year timeframe; and because he will be leaving the Board in November of this year, and other people in that group are also in that same position, and they have asked them to get alternates. He went on to say he would like Commissioner Fisher to serve as the alternate so there could be a transition; he was gracious enough to put on the workshop; and if he could convince him to do that, he would appreciate it.

The Board appointed Commissioner Fisher as Alternate to the Indian River Collaborative.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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

Commissioner Infantini stated Florida TODAY recently did a survey for the best story of 2013, as well as the Person of the Year for 2013; and the individual person who received the most votes was Scott Ellis, Clerk of Court.

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

Commissioner Anderson wished everyone a Happy New Year. He stated today is an example of why the 'Kids for Coats' drive is so important; and it does get cold in Florida.

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

Commissioner Fisher wished everyone a Happy New Year. He stated he wanted to appoint Fawn Raley to the Mims/Scottsmoor Public Library Advisory Board; and Karen MacArthur to the EEL Program Recreation and Education Advisory Committee.

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The Board approved adding appointment/reappointments of Fawn Raley to the Mims/Scottsmoor Public Library Advisory Board; and Karen MacArthur to the EEL Program Recreation and Education Advisory Committee, to the Agenda.

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

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

Commissioner Bolin Lewis stated Merry and Happy Holidays past, with the New Year coming before everyone; and it will be a great year for Brevard County.

ITEMS REMOVED FROM THE CONSENT AGENDA

Commissioner Nelson stated he wants to pull Item III.A.2., Binding Development Plan, Re: BD910, LLC, and Item III.A.3., Binding Development Plan, Re: Willow Lakes RV Park, Inc., from the Agenda for discussion.

Commissioner Infantini stated she wants to pull Item III.B.2., Approval, Re: Donation of land in Sykes Creek Basin from Michael A. Di Christopher, from the Agenda for Discussion.

ITEM III.A.1., RESOLUTION, RE: U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) BROWNFIELDS ASSESSMENT GRANT PROGRAM

The Board adopted Resolution No. 14-004, supporting Brevard County's grant application to the U.S. EPA Community-wide Brownfield's Grant Program; and authorized the Chairman to execute the grant if awarded, subject to County Attorney and Risk Management approval.

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

ITEM III.A.4., FINAL PLAT AND CONTRACT APPROVAL, RE: STADIUM VILLAS - THE VIERA COMPANY

The Board granted final plat and subdivision infrastructure approval subject to minor changes, if necessary, receipt of all documents required for recording, developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat for Stadium Villas - The Viera Company.

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

ITEM III.A.5., APPROVAL, RE: SANITARY SEWER EASEMENT FROM RIVERSIDE DRIVE DEVELOPMENT GROUP, LLC LOCATED WITHIN PROPOSED PLAT OF OCEANSIDE VILLAGE PHASE 3B

The Board approved the Sanitary Sewer Easement from Riverside Drive Development Group, LLC needed for the operation and maintenance of sanitary sewer system within the proposed Plat of Oceanside Village Phase 3B.

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

ITEM III.A.6., APPROVAL, RE: FIRST AMENDMENT OF 2013 SOLID WASTE COLLECTION AND RECYCLING AGREEMENT

The Board approved the First Amendment to the 2013 Solid Waste Collection and Recycling Agreement, and authorized the Chairman to execute the Amendment.

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

ITEM III.A.7., TASK ORDER NO. 5 WITH INFRASTRUCTURE SOLUTION SYSTEMS, LLC, RE: SEPTAGE AND GREASE TREATMENT SYSTEMS PROJECT AT SOUTH CENTRAL REGIONAL WASTEWATER RECLAMATION FACILITY

The Board executed Task Order No. 5 with Infrastructure Solution Services, LLC in the amount of \$180,700.00 for the Septage and Grease Treatment Systems Project at the South Central Regional Wastewater reclamation Facility; and authorized all associated budgetary changes.

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

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ITEM III.B.1., APPOINTMENTS, RE: LOCAL HEALTH COUNCIL OF EAST CENTRAL FLORIDA

The Board unanimously reappointed Maria Stahl to the Local Health Council of East Central Florida, with term expiring December 31, 2015.

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

ITEM III.C.2., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR FRANK PERNICE JR. AND LAURA PERNICE

The Board accepted the Special Magistrate's recommendation to reduce the accrued fine for the violation at 1385 Hannah Drive, Merritt Island, FL 32952, from \$29,375 to \$1,230; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

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

ITEM III.C.3., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR BRAD HUTCHCRAFT

The Board accepted Special Magistrate's recommendation to reduce the accrued fine for the violation at 145 Capron Road, Cocoa, FL 32927, from \$14,771.28 to \$0; and directed staff to prepare and execute a release and satisfaction of lien.

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

ITEM III.C.4., CONTINUATION OF AGREEMENTS WITH DAVID W. DYER AND STEWART B. CAPPS, RE: SPECIAL MAGISTRATE SERVICES

The Board approved one year renewals of the Agreements with David W. Dyer and Stewart B. Capps to provide Special Magistrate services for unlicensed contractor, vested rights, and code violation hearings; and authorized the Chairman to execute an Agreement to Extend Existing Contract for each existing Agreement.

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

ITEM III.D.1., APPROVAL OF IAFF, LOCAL 2969 RANK AND FILE AGREEMENT, RE: ASSISTANT FIRE MARSHAL - STEP PLAN

The Board approved the tentatively agreed step plan exhibit to IAFF Rank and File Wage Article in the collective bargaining agreement presented herewith as provided for by Section 447.309, Florida Statutes.

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

ITEM III.D.2., APPROVAL, RE: BAD DEB WRITE-OFF

The Board approved write-off of various uncollectible receivables as follows: Housing and Human Services \$14,069.64; Agriculture (NSF) \$15; Parks and Recreation-Central Area (NSF) \$125; Parks and Recreation-Wickham Park (NSF) \$160.40; Parks and Recreation-South Area (NSF) \$179.20; Parks and Recreation-Administration \$243.91; Parks and Recreation-North Area (NSF) \$25; Animal Services \$18,051.84; Land Development-Impact Fee (NSF) \$220.25; Library Services (NSF) \$324.27; Solid Waste Management-Gate Accounts \$3,141.44; Space Coast Area Transit (NSF) \$150; Utility Services-San Sebastian \$34,840; Utility Services-Mims \$11,969.57; Utility Services-Barefoot Bay \$9,011.28; Utility Services-Cocoa \$30,744.29; Utility Services-Melbourne \$25,646.71; and Utility Services (NSF) \$3,100.

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

ITEM III.D.3., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Josiah Snodgrass-Neal** and **Beth Turek** to Art in Public Places Advisory Committee, with terms expiring December 31, 2014; **Bruce Moia** to Building and Construction Advisory Committee, with term expiring December 31, 2014; **Dale Young** to Citizen Budget Review Committee, with term expiring December 31, 2014; **Pamela Grove** to Community Action Board, with term expiring December 31, 2014; **Clifford Barber**, **Albert Underwood**, and **Nick Witek** to Contractors' Licensing Board, with terms expiring December 31, 2014; **Gregory Shaw** to Country Acres Advisory Board, with term expiring December 31, 2014; **Wayne Cooper** and **Matthew Nye** to Economic Development Commission of the Space Coast, with terms expiring December 31, 2014; **Karen MacArthur**, **Murray Hann**, and **Debbie Olinick** to the EEL Program Recreation and Education Advisory Committee, with terms expiring

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December 31, 2014; **Leeanne Saylor-Milucky** and **Leesa Souto** to Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2014; **William Pezzillo** to Emergency Medical Services Advisory Council, with term expiring December 31, 2014; **Danielle Stern** to Employee Benefits Advisory Committee, with term expiring December 31, 2014; **Allen Cowart, Mary Beth Hinshaw, and Billy Kempfer** to the Extension Advisory Council, with terms expiring December 31, 2014; **Jane Beach, Jeff Boston, Roz Foster, David Paterno, Dan Rieter, Helen Stubbs, and Rachel K. Wentz, PhD, RPA** to the Historical Commission, with terms expiring December 31, 2014; **Jim Milucky** to Investment Committee, with term expiring December 31, 2014; **Mark Broms** and **Helen Dezendorf** to the Library Board, with terms expiring December 31, 2014; **Jim Britton, Dan Daniels, John Mongioi, and Robin Roark** to Marine Advisory Council, with terms expiring December 31, 2014; **David Isnardi** to Melbourne-Tillman Water Control District, with term expiring December 31, 2014; **Susan Ellison, Joyce Gordon, Brian McEachran, and Fawn Raley** to the Mims/Scottsmoor Public Library Board, with terms expiring December 31, 2014; **Pastor Glenn Dames** and **Neta Harris** to North Brevard Commission on Parks and Recreation, with terms expiring December 31, 2014; **Miriam Fuentes** to Onsite Sewage Disposal Variance Board, with term expiring December 31, 2014; **Keith Farguharson, Mary Goelz, and Ted Whitlock** to Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2014; **Cleave Frink** to Personnel Council, with term expiring December 31, 2014; **Ron Bartcher, Bill Cannon, Robert J. LaMarr, Henry Minneboo, Bruce Moia, Samir Patel, and Harry Smith** to the Planning and Zoning Board, with terms expiring December 31, 2014; **Carmella Chinaris, Vaughn Kimberling, and Randy Rodriguez** to the Port St. John Dependent Special District Board, with terms expiring December 31, 2017; **George Geletko** and **Nancy Mitts** to the Public Golf Advisory Board, with terms expiring December 31, 2014; **Carol Joseph** and **Judith Ramsey** to the South Mainland Library Advisory Board, with terms expiring December 31, 2014; **Jeff Piersall** to the Tourist Development Council, with term expiring December 31, 2014; **Tom Gaume, Rodney Honeycutt, Tres Holton, Samir Patel, and Leeanne Saylor** to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2014; **Nelle Ayres, Julia Derrick, and Stephany Eley** to West Melbourne Public Library Board, with terms expiring December 31, 2014; **Ralph Earusso** to Veterans Memorial Park Expansion Advisory Committee, with term expiring December 9, 2014; and **Britta Hawkins** and **Dale Young** to Zoning Board of Adjustment, with terms expiring December 31, 2014.

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

ITEM III.D.4., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM III.A.2., BINDING DEVELOPMENT PLAN, RE: BD910, LLC

Elaine Fee stated she is representing BD910, LLC for Belinda DeMasso the owner of the Company. She expressed her appreciation to the Board for hearing this case and supporting it; and they will continue to work hard to maintain the blueprint of Merritt Park Place; and uphold the advancement of that community.

Commissioner Nelson stated his comments are really about this Item and Item III.A.3. together. He went on to say one of the things he has discovered with the Binding Development Plans (BDP), is they often do not put time lines in some of these items; for instance, there were items where signage has to be placed; but the Board did not put time lines on them. He stated the Board needs to look at creating a policy that allows staff to kind of work through that; the last thing the County needs to be doing is trying to negotiate these things at the Board level; sometimes when staff is putting the BDP's together, they can identify where time lines would be appropriate and work with the property owner; and that would be more appropriate than the Board trying to do that as it goes through these things.

Robin Sobrino, Planning and Development Director, stated she believes it is important to get on the record an understanding for a time table for compliance; clearly there are different standards depending upon the nature of the requirements that the Board is going to impose, anywhere between 30 days to 60 days to a year's time; and staff can use their best judgment on it and bring something forward they think the Board could be supportive of and that the applicant can support.

The Board executed Binding Development Plan Agreement with BD910, LLC, for property located at 15, 25, and 35 N. Grove Street, in Merritt Island; and directed staff to create time tables for compliance associated with Binding Development Plans (BDP), and to bring it back to the Board as part of the BDP.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.A.3., BINDING DEVELOPMENT PLAN, RE: WILLOW LAKES RV PARK, INC.

The Board executed Binding Development Plan Agreement with Willow Lakes RV Park, Inc., for property located on the north side of Parrish Road, approximately 840 feet east of U.S.1 (2650 and 2690 Parrish Road, Titusville).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM III.B.2., APPROVAL, RE: DONATION OF LAND IN SYKES CREEK BASIN FROM MICHAEL A. DI CHRISTOPHER

Commissioner Infantini stated this is where an individual is going to be donating 15 acres of land to the EEL Program; the land is valued at \$12,000; the reason she is bringing it to the Board's attention is the property adjacent to this land is 30 acres; and Brevard County in 2005 paid \$10,000 an acre to the very same person. She stated what the County paid \$10,000 an acre for eight years ago is now being donated at the value of \$12,000 for 15 acres, and that is less than \$1,000 per acre. She stated she has tried to get the Board to be aware of actual values of property before preserving them for conservation; overpaying for it jeopardizing the program that was set in place to protect land.

Commissioner Nelson stated it is an apples and oranges comparison; an appraised value done by an actual appraiser is different than the Property Appraiser's value; and that is what is being discussed. He went on to say the County was involved with mitigation associated with impoundments; so there were a whole series of other issues associated with these two lands; and the Board should not be criticized for this.

Commissioner Fisher stated he wonders why the individual is making the donation and how does it benefit the County taking the donation. He stated staff told him they think that from a mitigation standpoint, the Public Works Director will be able to use that; and that would be a benefit to the County.

Commissioner Nelson stated he agrees with Commissioner Fisher; this land can be used for mitigation for particular projects in that area.

The Board accepted a donation of property from Michael A. Di Christopher, in the Sykes Creek Basin, Merritt Island.

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

ITEM IV., PUBLIC COMMENTS

James Teele stated he is representing the Kingsmill Homeowners Association (HOA) as well as the Upper Eau Gallie River Basin. He stated at John Rodes Boulevard down to the BP Station at Eau Gallie and John Rodes, there is a dire need for a sidewalk to be added in that area; it is right now a cow path; he saw a gentleman in a motorized wheelchair when it rained going through that same dirt area; there is plenty of County property along the road to facilitate the sidewalk; and it would be a good for the County to extend the existing sidewalks in that area. He went on to say in reference to the Upper Eau Gallie River Basin, he would like to work with staff to find out what is going on with that to elevate the flooding in Kingsmill and the Lake Washington area; he knows there is a project to increase the capacity of water flow down the Upper Eau Gallie River Basin, down to the Eau Gallie River; and he thinks the extension of Turtle Mound road is almost completed, as well as the work Aurora and John Rodes Boulevard.

Commissioner Anderson stated they have a meeting coming up next week about the sidewalk issue; and maybe after that meeting, they could schedule someone from Natural Resources Management to come down and talk about those drainage projects.

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Commissioner Infantini stated there are certain areas where there are roads that are heavily traveled and populated that do not have sidewalks; this situation that Mr. Teele is speaking of is one; and there is a small corridor in U. S. 1 that she is concerned with. She went on to say it is close to a trailer park and she has citizens that walk along the grass with their children and strollers right along U. S. 1; and she is working to get a sidewalk there also.

Ethel Moore stated her problem is more personal; her District is North Cocoa between Dixon Boulevard and North SR 528. Commissioner Nelson stated that is probably his District. Ms. Moore stated they are interested in property on the north side of Port St. John; they said something about a borrow; and inquired if that property needs to be tested before it is purchased.

Commissioner Nelson stated Port St. John is Commissioner Fisher's District. He stated if it was just a borrow pit and it was not back filled with any materials, he does not know if it needs to be tested.

Commissioner Fisher asked Ms. Moore to meet with Holly Woolsey with his office; and they will look at that piece of property for Ms. Moore to see if they can answer those questions for him.

John Pilley stated he wants to speak today about small business; he wants to make sure the Board understands most owners of a small businesses were not born with a silver spoon in their mouth; most people work hard for years, saving money so he or she could start a business; a site would have to be found; and then buy the site. He went on to say they do that because they think they can provide service or products to the community in a better way than it is currently being provided; when they finally open their doors, a lot of money has been spent; and the first money made goes to many other areas. He pointed out they are not looking for a hand out from local government; but they are asking for hands off; when the Board funds their competitors in the free market with grants and tax abatements, it is perverting the free market; and they are at a disadvantage. He went on to say it is not the Board's job to pick winners and losers; its job is to provide basic government services first and to do it competently; and if roads are falling apart, like Commissioner Anderson said in the paper, he suggests those issues be worked on before starting to fund his competitors. He advised the Board he is asking there be an even playing field, and to let the free market decide who wins and loses.

Chairman Bolin Lewis inquired what type of business Mr. Pilley has. Mr. Pilley replied they sold it and it does not exist anymore; the market could not support it; they made the choice; and they are willing to accept that risk as an individual. Chairman Bolin Lewis inquired when he did have a business, what type was it. He responded meal assembly; and they did very well before 2007. Chairman Bolin Lewis stated it was economy-related with the downturn and people losing their jobs. She inquired when he made the statement the Board was funding his competitor, who in that type of business were the Board funding. Mr. Pilley responded stated he has to pay employees a comparable wage compared to the market; when the Board gives tax breaks or grants to other companies, they can afford to hire employees at a rate higher than he can, because their overhead costs are lower than his; and if the tax rate is so high they cannot attract business, then to lower the tax rate for everyone.

Commissioner Fisher stated everything Mr. Pilley describes in his examples of small business, that is him; sometimes people come up to this podium and do not realize that he has been making payroll for 25 years and been a small business; he started his agency in Titusville with not one policy holder; and he understands the small business thing than probably most. He stated when a person addresses him as a business owner thinking he does not get it, he does; to this day he is still making a payroll and someone is counting on a paycheck on the 15th of this month from him. He stated if people do not buy his product in the marketplace, he will not

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be open; he does not view that as being his competitor, he views this body in allowing people to live in this community and bring jobs, and to buy his product; and when cannot buy that product, he is in trouble. He noted he disagrees with Mr. Pilley in his assessment; he thinks government does play a role in creating; and if government did not create jobs in Brevard County, half of them would not be here. He pointed out the Board subsidized Boeing, Harris, and subsidized them all; that is part of the economy and what drives Brevard County; inquired if there is such a huge tax problem, why do people keep moving here; and stated it is because it is cheaper than the rest of the country.

Mr. Pilley stated the Board is picking and choosing which people get the breaks.

Commissioner Fisher stated if Mr. Pilley invests \$17 million the Board will give him the same break.

Mr. Pilley stated he does not want to bow to each of the Commissioners and ask for help; this whole country is based on freedom, and it is freedom to choose; and if he has to beg local government, that is wrong.

Commissioner Infantini expressed her appreciation to Mr. Pilley for coming before the Board; stated to take the beating and badgering certain Commissioners will levy upon him for just voicing his opinion, she would like to apologize; she cannot speak for everyone; but she can speak for herself as a representative of the County. She stated she understands the point he is trying to make.

Mr. Pilley stated he does not feel badgered, and he respects Commissioner Fisher; he just disagrees on this issue; he thinks Commissioner Fisher is just trying to do what is best for the community; and he should be applauded for that. He went on to say he is trying to do what is best.

Commissioner Anderson stated for 90 percent of the businesses they are tax abatements, which is a voter-approved initiative; the voters of this County at some point said do what it takes to bring companies to Brevard County and give them tax breaks on their property taxes so they are attracted to the area; if the voters are wrong, then they were wrong; and when it comes up for vote again, people can vote for or against it. He pointed out every time it has come before the cities or county, it has passed overwhelmingly.

Howard Tipton, County Manager, stated the voter-approved tax abatement program will be coming on the ballot again this coming November, it is an every 10-year vote. He stated this particular tax abatement would not sway Mr. Pilley to stay or leave; the County is one of several tax incentives that are being provided that together make a package that makes sense for the company's decision; and the County is one of many players at the table.

Commissioner Infantini stated the tax abatement was not passed overwhelming it was 52 to 48 percent margin; and if the Board was really looking at voter-approved mandates, back in 2010 72 percent of the voting public said they did not want the government to raise taxes to balance its budget; but in 2010 and 2011 the Board did raise taxes.

Commissioner Nelson stated since the Commissioners are correcting, the vote in 2004 was 152,938 to 91,000 it was a 62 percent to 37 percent; and he has that information if Commissioner Infantini would like a copy. He went on to say Commissioner Infantini cannot help herself; she continues to say the Board raises taxes, yet in her own literature she says she lowered taxes because she is a financial person; she does not know how she lowers taxes and the rest raise them, because that is what this says; and he carries it with him because Commissioner Infantini cannot help putting out wrong information.

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Commissioner Infantini stated the rest of the Board raised property tax rates to the tune of 30 percent in a two-year time frame in the very year Chairman Bolin Lewis said raising taxes is not an option, the County's tax rates went up about 15 or 16 percent; and were it not for her annoying demeanor and constantly going after this Commission, it probably would have raised them last year.

Commissioner Nelson read aloud as follows, "As a Certified Public Accountant and Auditor my financial skill set helped reduce the budget from an all time high 2008 budget by 30 percent." He stated Commissioner Infantini did not vote for any budget during that period of time, but her skill set lowered the taxes by 30 percent; and that is what she said in the information she provided to *Florida TODAY*.

Commissioner Infantini stated she thought it said she reduced the budget not taxes; and budget and taxes are two different things.

Commissioner Nelson inquired if Commissioner Infantini voted for the budget. Commissioner Infantini stated she did not vote to approve it because the Board should have decreased it. Commissioner Nelson inquired how she reduced it if she never voted for it.

Pat Pasley stated she wanted to clarify something that was said at the last Board meeting that she attended. She stated Commissioner Nelson said it was inappropriate for the public to come up and speak about the animal issue; he said because there are other people who have a whole variety of things it is inappropriate this unknown amount of works that occurs in a commentary; and she is sorry he feels that way and he probably just chose the wrong word. She stated it is her time; it is valuable as much as anyone else who comes to the Board meeting; she felt annoyed and almost insulted that after waiting; and they asked since October to have this issue put on the Agenda, and there was no other time to do it. She noted having the Deputies signaled for both she and Debbie Rich was insulting; they have been before the Board before, they are not threatening; and that is no insult to the Deputies. She stated she was watching the Planning and Zoning meeting from December 5th; the Board had a time certain for Miracle City Mall and there were 30 speakers; those 30 speakers held off people from Beachwood's to come and speak; and she looked and they had 10 minutes. She advised they were able to applaud and whoop and holler, and it was only once that the Chairman stopped them; and she knows they have been admonished for that over and over again; and she inquired if there could be a level playing field.

Commissioner Nelson stated on the issue of bringing the animal services issues forward, she will always have the right to public appearance request which is 10 minutes; under the public comment cards, it is three minutes without any assurance that the Board is going to respond, because it typically does not; and it is not a viable way of having that discussion. He stated at the end of that discussion he suggested it be placed on the Agenda so the Board always has the ability to talk about which gives people five minutes, and for the ability for the Board to know what is coming and have that legitimate discussion. He stated if Ms. Pasley was offended by the comment that it was inappropriate, he apologizes, and it was maybe a bad choice of words, because it is not a good way to have a discussion of that nature.

Ms. Pasley stated she believed it was words used inappropriately, and she wanted to clarify that.

Jack Smink stated the County is in a competitive scenario; it is not just with each of the vendors in Brevard County; it is international in a worldwide arena; and the Board has to remember it is competing with other counties. He stated he calls it competitive intrusion, but the Board can call it whatever it wants. He stated he Board needs to think bigger and look at the big picture; and

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he thinks it is missing the big picture. He pointed out people are fighting over small issues; the big picture needs to be looked at in Brevard County; and that is his belief. He went on to say he thinks there are a lot of things being done; he appreciates what Commissioner Fisher said; and he felt it was necessary he spoke today. He noted he appreciates each and every opinion that the Board has; there may be a lot of bickering; but he actually sees a lot of good in the results.

ITEM V.A., PUBLIC HEARING, RE: RESOLUTION FOR PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENT - LOGGERHEAD ISLAND DRIVE TORTOISE ISLAND, PHASE 2, UNIT 2, P.U.D./KATHY J. PIHLAJA

Chairman Bolin Lewis called for a public hearing to consider a resolution to vacate a public utility and drainage easement on Loggerhead Island Drive, Tortoise Island, Phase 2, Unit 2, P.U.D., as petitioned by Kathy J. Pihlaja.

John Denninghoff, Public Works Director, stated before the Board today is a vacating petition for a drainage easement on a side-lot line; staff have received no objections to it; and to his knowledge there are no comments cards submitted.

There being no further comments, the Board adopted Resolution No. 14-005, vacating a public utility and drainage easement on Loggerhead Island Drive in Tortoise Island, Phase 2, Unit 2, P.U.D., as petitioned by Kathy J. Pihlaja.

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

ITEM V.B., PUBLIC HEARING, RE: ORDINANCE FOR ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION FOR MC ASSEMBLY

Chairman Bolin Lewis called for a public hearing to consider an ordinance providing Economic Development Tax Exemption for MC Assembly.

Stockton Whitten, Deputy County Manager, stated this is a request for adoption of a tax exemption ordinance for MC Assembly; they are located in Palm Bay and are considering leasing property in Melbourne to retain 540 jobs at an average wage of \$38,142 with an investment of approximately \$17 million in capital investments; this is part of a larger incentive package; and the exemption request is for approximately \$85,000 per fiscal year for 10 years.

Michael Hartman stated he would like to ask for clarification; when he looks at the write up from last night it says, "MC Assembly meets the eligibility criteria defined by Florida Statutes under Chapter 196.012(16)(a) as a business expanding in Brevard County." He stated then it goes on to quote the Statute. "A business or organization establishing 10 or more new jobs." He stated it goes on and talks about the fact it is for manufacturers and certain other groups; all of that language is clarified; nowhere in there is there an 'or'; and the basic criteria in which the Board would approve this is that there will be 10 or more new jobs. He read aloud, "The Company plans to maintain employment levels at 540 jobs." He stated on page 4 of the write-up, the Economic Development Commission (EDC) letter, which recommends a 100 percent abatement for 10 years and it gives four reasons; none of those reasons enumerates that there will be any new jobs created. He stated on the supplemental application filed by the applicant, "We are looking to maintain our current employment of 540 employees at the new Melbourne Plant." He

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stated on page 10, under Item 10 B, an expansion of an existing business net increase employment is blank; increase in productive output resulting from this expansion is blank; when getting back into the economic impact analysis nowhere does it address any new jobs; and he inquired under which Section of the Statutes the County is giving this exemption. He noted he does not know how this can legally be done. He stated if it is being given to keep jobs, then he would agree with the previous speakers, it would be hard to justify to every other business person in the County why he or she should not get a tax exemption.

Greg Weiner, Economic Development Commission, stated he wants to correct some misinformation that seems to be floating around in respect to this project. He went on to say people are asking why there is all of this activity at 425 North Drive; the reason for that is quite simple; a number of buildings over 120,000 square feet for industrial use; and there are three companies that are thinking about putting business in place. He stated a business comes to the EDC, they have a proposition, Florida State law requires if there are going to be incentives involved that those incentives are reviewed and approved prior to the company executing its business plan; and when the EDC brings these before the Board they are not saying they are definitely going to work. He pointed out they have not announced XUN Energy or D4; it is not a completed project until somebody goes into the building; and D4 and XUN Energy have some challenges to raise money. He stated it would be irresponsible not to continue to use the only asset that exists in the County, physical asset, to bring a business and get some employment going.

Commissioner Infantini inquired how two different companies can use the same building that needs 120,000 square feet.

Mr. Weiner responded they cannot.

Commissioner Infantini inquired if XUN Energy is still in the picture; that is what she did not understand; and inquired if XUN Energy is out of the picture because they cannot use it, and how can it be taken from them because they had an offer. Mr. Weiner replied the first round came with D4 when XUN Energy came into the picture; the EDC talked with the City of Melbourne; there is only one exemption that can ever be in that building; and in order to extend it to XUN Energy, the City of Melbourne agreed and they notified D4 that it is first come first serve. He went on to say whoever closes on that building benefits from the exemption; the same process went forward with XUN Energy and MC Assembly; that does not mean that XUN Energy is not going to go forward; and biggest obstacle to moving that project forward is the ability of the entrepreneur to raise the cash he needs to fund his business. He stated if MC Assembly goes through with this move, there will be a 200,000 square foot building that will be vacant; if after the due diligence is complete and MC Assembly goes forward on 425 North Drive, they are certainly going to reach out to XUN Energy and see about that. He stated even if there was not backup building, the EDC has an obligation to create jobs; its function is to create jobs; and until somebody puts the key in the door, signs the real estate, and starts hiring people, the EDC's job is not complete. He noted the EDC will continue to show that building; he has been through that building more times than any other building in the County; it is an asset; that building has been vacant for the four years he has been in the County; and it is amazing it has stayed vacant that long. He stated they have been working with this company since April; this has not been a smooth transition; the notion that the company basically said they are going to move if they do not receive the tax, is not true; what really happened was the company hired Colliers; Colliers is not just a real estate company, they are one of the most sophisticated global real estate and incentive practice in the world; and they are paying money to someone to help them figure out what to do. He stated the company had a viable operation in Mexico; the company is in a business section that has historically shown willingness and ability to thrive outside of the United States; when putting those pieces together, his business experience said this is not idle threat; and it was never really a threat. He stated they sat down with the

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company and they said to the EDC there is a problem; they would like to stay in Brevard County; and inquired how they could get there. He stated they had a conversation about how much cheaper it is in China; his response to them was if they could chip away at some of these things and maybe come up with a package that allow them to stay in Brevard County; and they worked together to do it. He pointed out the smallest piece of that is the Ad Valorem Exemption before the Board today; they reached out to Florida Power & Light; they looked at what they were paying on their property taxes; they met with the Property Appraiser; and they looked at how the company was filing returned and they were overpaying taxes. He added, they even looked at what they were doing with pension and benefits; they looked at every conceivable thing that would allow this company to stay in the County; and the company was working with Colliers, and did not just land on this building. He stated this would mean an excess of 400 families would keep jobs; that is \$20 million in direct payroll if this company leaves out of the economy; these people utilize local small businesses; and these are critical things and are highly competitive.

Commissioner Fisher inquired if Mr. Weiner would explain what Collier does.

Mr. Weiner stated Colliers has a very sophisticated international corporate relocation practice; they have a very sophisticated incentive tax department; when he was in Arizona he dealt with them much more frequently than here; but these guys know the ropes; and they are the kind of company that if a business is seriously thinking what its options are globally, Colliers has a short list of people who could answer that question for them. He noted electronics assembly is competitive; it is almost a commodity business; it can be done anywhere; and thankfully they are committed to stay in the County another 10 to 15 years.

Susan Badgio, Mack Technologies, stated Mack Technologies employs 175 people in Brevard County; they are in the electronics manufacturing services industry, the same as MC Assembly; they have the same footprint; and they build similar products. She went on to say tax abatements are typically used as an incentive to attract new business to an area or to help a business expand its operations in the area, not to move from one building to another; if the Board votes in favor of this tax abatement, it is giving one Brevard County manufacturer a competitive advantage over another; and she inquired if her 175 employees less important than their 540 employees. She pointed out if a tax break is offered to one, it should be offered to the other; to do anything else is to put manufacturers in the County at a disadvantage; and she requested the Board's reconsideration.

Commissioner Infantini inquired if Mack Technologies owns or leases its current building.

Ms. Badgio responded they own the building.

Commissioner Infantini stated MC Manufacturing must be leasing their building and Mack Technologies has a substantial investment. Ms. Badgio stated they bought the building in 2005. Commissioner Infantini stated she thinks what is being ran into is the Board will be decreasing the cost of his labor or his overhead costs; her overhead costs will remain the same; and therefore, she will generate a lower profit than he would. She stated she does not want to create that type of environment where the Board creates a tax benefit to one person while now it will cause this individual to possibly lose business because she will not be as competitive in the market.

Commissioner Anderson inquired if MC Assembly will be paying out more in property taxes than they did at the Palm Bay plant.

Mr. Whitten replied there were a couple of errors on the Agenda Report; this is an existing company that is maintaining the 540 jobs; and it is also creating the additional approximately

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\$17 million in capital investments. He went on to say by looking at the taxable value, that generates some additional tax revenue; and that is the analysis he gave the Board. He stated by virtue the move they are generating additional tax revenue for the School Board, City of Melbourne, the Special Districts, and for the County's Debt for EEL and the South Brevard Recreation; two items for the Board's consideration is the maintenance of 540 jobs; and the additional capital investments and tax revenues that are derived from this. He added, the Section of the Statutes that this is covered under is 196.012; that Statute has two Sections, subsection 14 talks to the businesses, and subsection 15 talks to the existing businesses; and under the Board's Code of Ordinances, it has a provision that allows it to provide the tax exemption to companies that move within Brownfield's.

Commissioner Anderson stated the Board does not go out and select companies to receive these benefits; those companies approach the State, somebody from the EDC, and they apply for those; and the same incentives are available to Ms. Badgio's company.

Commissioner Fisher stated for MC Assembly to get this benefit, they are making a \$17 million new investment in the community that they do not have to make; if they do not make that investment, they are not eligible for the tax abatement; those abatements are conditioned upon them doing what they said what they were going to do; and if they do not, they will not get the break. He stated if Ms. Badgio wants to make that kind of investment, she is entitled to those breaks as well; he encourages her to do it; there is a \$235,000 increase in their taxable revenue to the County for doing the tax abatement; and from an investment standpoint, taxes go from \$96,000 to \$320,000, which is not a bad investment.

Commissioner Infantini stated there is nothing in the paragraph that says anything about the \$14 million; and inquired if they have to buy all new equipment.

Mr. Whitten advised the Property Appraiser values the tangible personal property and real property; that is a split of \$4 million and \$10 million on real property; the tax abatement program is self-correcting; and until they put in the tangible and real property and that is assessed, they are not going to have an exemption or abatement. He went on to say the jobs matter when it comes to the Board's annual review; and a company cannot get a tax exemption of property until they do something to the property.

Commissioner Infantini stated to be clear they cannot receive the tax abatement just for creating 10 new jobs, and they must put in \$14 million of new investment, not nearly moving their existing equipment to a new location; and inquired if that is correct.

Mr. Whitten stated this is not a creation of new jobs consideration, this is maintenance of the 549 employees and the creation of additional tangible assets and additional real property improvements; and the short answer is yes, they are not getting abatement until those tangible and real property improvements happen.

Commissioner Infantini inquired if they have to buy all new equipment and not move existing equipment from one building to another and have it revalued by the Property Appraiser.

Mr. Whitten stated he does not think that is how the Property Appraiser revalues.

Commissioner Infantini stated Mr. Whitten is saying they have to purchase new equipment.

Mr. Whitten stated he cannot say that because he is not the Property Appraiser; and he does not think the Property Appraiser will allow them to pick up existing equipment and move it from one site to another and say that has additional value.

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Greg Weiner stated the ad valorem tax abatement program only applies to new investment, and new investment means brand new investment; the taxes on the building that MC Assembly is in will continue to be paid; if they complete the move and go to 425 North Drive, the taxes in that building will continue to be paid; the taxes on the equipment presently in the Palm Bay facility, will continue to be paid to the extent that it is still on the tax roll; and in order to get this abatement, a \$17 million investment in new, brand new, property here in the County.

Commissioner Fisher stated the Property Appraiser will determine what that investment is.

Mr. Weiner stated every year they file a property tax return; they list what they own, when it was acquired, the description of the property, and every year they do that; on that list will be all of the property in Palm Bay; they will continue to pay whatever taxes due on that in a new location in Melbourne; if they invest more money, that will be added to the list; and they will get the tax break only on the portion of the money. He stated they cannot remove personal property from the tax rolls under the abatement program; it does not work that way; the abatement as authorized by the voters and the State specifically says the abatement shall apply to new investments in this County; and the fact that the building in Melbourne would be new to them, does not count because it is not new to the tax rolls. He pointed out as part of the package to keep them here is for them to stay here and make those investments, but the taxes will be cut a bit on the new investments.

Commissioner Anderson inquired how many companies that qualified for the abatement program previously have the Board withdrawn them from the program in the last five years because they did not meet those thresholds.

Mr. Whitten responded eight or nine companies; and the County averages between five and eight companies per year that no longer meet the exemption requirements.

Commissioner Anderson stated it is constantly monitored; and those who do not qualify get nothing, or they are removed from the program.

Howard Tipton, County Manager, stated to follow up on Commissioner Anderson's comment, it is not just those companies that are removed but if they do not perform, they can still be like XUN Energy; they may still be in the program but have not received benefit one unless they perform; and the criteria is have they failed to file the report and comply with the program they are removed. He stated when talking about the \$85,000 for the tax benefit, that is predicated on that full investment; they will roll this out in phases; they are only going to get what the amount of the investment is in terms of the tax break; and this bigger number is based on the full investment, but if they roll it out in pieces, that will not occur.

Peter Fusscas stated most of what he wanted to ask has already been covered. He inquired if there is a written public policy towards tax abatements for existing companies that are support by State Statute or County Ordinance.

Mr. Whitten stated 196.001(15) is for existing, subsection 14 is for new; the County Ordinance is 102.184(1) for existing and subsection 2 for new businesses.

Mr. Fusscas inquired if this is readily available for all existing businesses in the County or do they have to do their own research; and is it easily accessed by the public. He stated his concern is the low cost producer always has an advantage over its competitor and taxes are costs; when tax benefits are provided, it is assisting a business competing with their competitors; and to be fair and balanced, there needs to be a policy that extends to all competitors so it is a level playing field.

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Commissioner Nelson stated by making the investment, their cost of doing business is going to go up because they will pay more taxes; the County will not see the benefit of that but the School Board and all the different taxing districts will; and their costs will be greater as a result of this than it is currently. He noted he does not see it as an advantage if they have to pay more of the total of their tax bill, because of the fact their taxable values have gone up.

Commissioner Infantini stated what she sees is happening is the Board is penalizing an existing business owner for making the decision to purchase a building, and she is less able to just up and relocate and invest more money; she has an existing building, she did what she needed to do to go into business and make it successful; and now that business owner is going to be somewhat competitively disadvantaged. She stated she does not want MC Assembly to leave, but she has never put classes of businesses one above the other.

Commissioner Fisher stated Mr. Fuscas said the costs for one competitor is going to be higher and will cost a competitive disadvantage; it may not be true if it is not the same product; most of the time there are some differences; and he is not sure he agrees with that statement. He stated jobs need to be stopped from going to Mexico; he hears that all of the time; the County has an opportunity to say they are going to make sure something does not go to Mexico, but only if they invest \$17 million, keep the employees here, and pay \$235,000 more in taxes than they are paying today; and on the Board's watch if it said not to this deal and it did go to Mexico, someone might stand there and ask what the Board is doing.

Commissioner Anderson stated the Board can get rid of its entire tax abatement program; they could go to another county; economic development is not regulated; Miami and Broward County are very aggressive; and if they want to throw \$20 million, they do it. He stated those companies are still going to compete.

John Pilley stated the Board talks about investments and returns; the Board is not a hedge fund; it is not the Board's job to invest; and it is its job to run a County, which means public safety, police, fire, and roads. He stated in 1776 Adam Smith wrote *Wealth of Nations*; one of the things that was part of his theory of economics was social capital; and that means the society a person lives in. He went on to say a company says they are going to Mexico if they do not receive the tax incentive, he does not want to compete with Mexico; inquired if the Board Members want to live in Mexico; and stated as far as a low cost thing, there is always going to be some place cheaper to get labor and it does not mean the quality of the product will be the same. He stated the Ordinance says something about the current property owner making sure the benefit of that tax abatement is applied to the lease holder; inquired why that is in there; and reiterated it is not an investment fund.

Commissioner Nelson stated the Board's life would be so much easier if it did not have to do this; everyone else is doing this; and if it gets out of the game, all it does is lose. He stated it would be fine if someone made a rule that no one would do it; but the reality is there are other counties and states that will take advantage of that; and the County will just die off on its principal. He stated the abatement program is allowing them to keep tax money they are going to pay the County; the County is not giving them money, what it is saying is they keep some of the money they would have otherwise had to give the County; and talking about reducing the budget, he thinks keeping some of the money the County would pay would be beneficial. He added, he would not want to see the County lose the other manufacturing; he hopes they are in the position to expand some day and that discussion can be had; but there are 540 people employed; the Board would have jumped on a grenade to stop the loss of jobs at the Space Center; and it was a horrible time. He stated this is just one of the packages where the County can keep those jobs while growing other jobs; and it has been worthwhile.

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Commissioner Infantini inquired how many companies are currently utilizing tax abatements. Mr. Whitten responded the question was how many were removed from the program each year, and he said five to eight. She went on to say with a very limited number of companies that actually take advantage of the tax abatements that the County offers, she does not think the program would be harmed by going by the wayside; she does not see it actually bringing in all those jobs; and she does not see it keeping all of those jobs. She stated Brevard County offers the highest quality of life she has seen anywhere. She noted she does not understand why these tax abatements are continually done; they are not beneficial to the County; and in situations like this, the County is working against one of the existing businesses.

Commissioner Fisher stated Commissioner Infantini did not vote for any tax cuts or cutbacks since she has been on the Board. He went on to say people want to see if they can change the Commissioner's view not only on this case but this case in the future; and Commissioner Infantini has stated clearly her position on this. He stated he believes there is value in this; he does not know if it is time to clear it with the public that this Board is comfortable doing these deals when investments are made, are justifiable, and meet State Statutes; he stated if the Board is supportive it should tell it so people can stop wasting their time; and Commissioner Infantini is the only one who is taking the position.

Commissioner Anderson stated Commissioner Infantini has an opportunity to campaign against the abatement program next year, and if people agree with her it will be gone from the County. He pointed out realistically; he can tell the Board what his neighbors say jobs are number one. He advised the Board he is listening to the will of those who voted for him.

Commissioner Bolin Lewis stated she is 100 percent in favor of it.

There being no further comments, the Board adopted Ordinance No. 14-01, granting an economic development ad valorem exemption to MC Assembly; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; MC Assembly; providing an effective date.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Chairman/Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM VII.A.1., TASK ORDER NO. BB-019 WITH BUSSEN-MAYER ENGINEERING GROUP, INC., RE: PROFESSIONAL ENGINEERING SERVICES AGREEMENT REGARDING BARNES BOULEVARD WIDENING PROJECT

The Board recessed at 11:18 a.m. and reconvened at 11:25 a.m.

John Denninghoff, Public Works Director, stated the item before the Board today is intended to do several things; staff has previously obtained authorization from the Board to do most of the items on this Agenda Report; but that was done several years ago; and he thought that it was appropriate to bring it back again. He stated the land acquisition for this project was started before the boom, it continued through the boom, and into the recession; today, they have scheduled the final order of taking hearing for the last piece of property needed; that will bring

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into County ownership all of the property needed for this project, with exception of a couple that are scheduled for closing in the next two or three weeks; and they will have in hand all of the permits, plans, and all of the different sundry items required to be able to go to bid and start the construction of the project. He went on to say the process of the acquisition was probably one of the most important aspects of this project; when staff started there was not adequate funding for the entire project; acting in faith, they moved ahead and continued to acquire property as it could, much by donation, impact fee credits, negotiated contracts with property owners, and some through eminent domain; and they estimate if they had proceeded aggressively with eminent domain there would have been \$4 million dollar more spent. He noted they just obtained and secured an \$8 million Florida Department of Technology (FDOT) TRIP grant which is a matching grant; that was in jeopardy for quite a long time due to budgetary concerns at the State level; and through the efforts of FDOT staff, County Transportation Planning Organization (TPO), his staff, the support of the Commissioners, and County Management, the grant was saved in the last few months.

The Board executed Task Order No. BB-019 with Bussen-Mayer Engineering Group, Inc., in the amount of \$32,050, for the Professional Engineering Services Agreement; granted permission to bid the construction of the Barnes Boulevard Widening Project; approved awarding the bid to the lowest responsible and qualified bidder; and authorized the Chairman to execute the construction contracts.

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

ITEM VII.C.1., DISCUSSION, RE: CONSTRUCTION PHASE - ENERGY PERFORMANCE CONTRACT

County Manager Howard Tipton stated as was talked about in the budget message this year, it was discussed one of the areas of deficiency has been in the facilities programming; staff has just not be able to through the budget reductions they had to make get to some of the facilities maintenance and repairs that were needed; and what they were able to do it push things out. He went on to say they have been pushed out to kind of a dangerous point; the Board recognizing this in 2011 entered into an Request for Qualifications (RFQ), or authorized staff to go out for an RFQ for energy services; and what that means there are companies out there that do energy audits that allow building efficiencies to be done and paid for energy savings through water, electricity, and natural gas. He stated the Board went out in 2011 and entered into a contract in January 2012 with BGA, Inc./ConEdison Solutions; since that time they have been looking at over 200 facilities; that is not all the County facilities, but they looked at the 200 facilities; and it is a good news/bad news situation. He pointed out the bad news is there are a lot of facilities that need a lot of repairs; the good news is the savings they are going to be able to generate will help pay for those repairs; and with that, he asked Central Services staff for a quick overview of where they are at, and then BGA, Inc./ConEdison Solutions will come up and make a brief presentation as well.

Teresa Camarata, Central Services Director, stated over the last year ConEdison Solutions has conducted a thorough audit of the County facilities for the purpose of identifying opportunities to employ energy conservation measures that will produce a cost savings sufficient to fund the capital projects that were not able to be funded through the annual budget process; the decline in funding for infrastructure improvements have resulted in ever increasing list of deferred

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maintenance projects; and there are currently \$19.7 million unfunded maintenance projects in the Facilities Department alone. She pointed out as the emergencies arise, funds are reallocated to address needs prolonging or deferring the completion of priority projects; this graph indicates the decline in repair and maintenance funding from 2008 - 2013; and current funding is well below the recommended industry standard for maintenance. She advised annual maintenance funding is below the estimated dollars required to address even one category in the unfunded facilities CIP; this is a partial list of the projects slated for completion under the energy performance contract; and as the Board can see, many of been deferred for up to 10 years. She stated emergency repairs can cost in the neighborhood of 25 percent more and is the case for like-for-like component replacements will not result in upgraded systems desire to achieve energy efficiency; completing the deferred projects will allow the County to make headway towards optimal building performance and improved building conditions; and the energy performance contract will allow for completion of projects within the County's existing budget with dollars that will be spent anyway. She noted the projects will address maintenance and lighting, water conservation, air conditioning, and building envelopes; one of the most impressive savings will be in the water conservation savings at the Detention Center; the annual water bill at the Jail is \$600,000 per year; new plumbing controls at a cost of \$697,000 will save approximately \$280,000 per year; and this savings is equal to 25 percent of the proposed annual debt payment on the energy performance contract. She advised in light of the fact that the cost of ownership will continue to climb, it is staff's desire to move forward with the opportunity to utilize the energy performance contract method to address the County's very critical building needs.

Jeff Wycof of BGA, Inc./ConEdison Solutions introduced Greg Rater and Jeff Stokes to the Board; and he provided the Board with a PowerPoint Presentation.

Commissioner Anderson stated he knows a lot more about this than most people as he was budget and finance director at the Kennedy Space center under NASA tracking work orders and equipment which is 90 percent what a person does to track costs. He stated he knows the contract will come back to the Board for its review. He inquired if under this contract, BGA, Inc./ConEdison Solutions will bring someone under contract and bring the chillers in; and if there are warranty issues with the chillers, they will deal with it.

Greg Rater stated there are four chillers that are part of this contract, two at the Moore Justice Center and two at the Government Center in Titusville; those will be brand new chillers; those will be coming with a 10-year bumper-to-bumper warranty; and during the 10-year warranty period, they will be facilitating the management of that with the manufacturer.

Commissioner Anderson stated those warranties are included and based on the preventative maintenance; and inquired if the manufacturer does the preventative maintenance or is it up to the County to perform the maintenance on those chillers.

Mr. Rater stated the County will be doing the maintenance; there is no maintenance agreement as part of this project; and the County would continue to do the maintenance and it would be done per the manufacturers requirements.

Commissioner Anderson stated preventative maintenance is important on these aspects because that is where different things are ran into; staff manually inputs them into SAP the PM's and Work Orders; and inquired if there is any way to get to an automated system.

Ms. Camarata advised the Board it is just something staff has not looked at yet; they have done well to keep the data base up to date with the manual input; and when the technician closes his Work Order, they know there is a record and the piece of equipment has been maintained.

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Commissioner Infantini inquired if Mr. Wycof could provide her with the list of projects and their respective pay back periods; they were kind of grouped together; and apparently there is a large list. She stated Ms. Camarata said the Detention Center uses roughly \$600,000 in water, and it would be a \$200,000 savings for a \$650,000 upgrade.

Ms. Camarata stated the Detention Center water bill is about \$600,000 a year; the project to upgrade the plumbing controls is \$697,000; and they will save approximately \$280,000 a year in water, which the pay back is two and one-half years.

Commissioner Infantini stated more than one-fourth of the annual savings is going to come from the Detention Center. She stated the payback period if it is less than five years it is a good consideration, but anything longer than that it will command a certain amount of discussion; and inquired if she could get that list.

Mr. Wycof stated in the end these other things the County is going to do it will pay for one way or another and seeing as how there has been trouble trying to get those monies appropriated out of slim times, what the Board has now is an opportunity to take advantage of very low interest rates; equipment and labor can be gotten at today's prices, which if the economy is really recovering are not likely to stay where they are today; and there have already been signs of price increases. He went on to say the spirit of this type of procurement is to try and find an optimal project mix that mixes the quick pay back its with the large pay back items; and the nice thing is it can get done in 12 months starting from the day that contact is signed. He advised the Board he is willing to go over this with it any times it wants.

Commissioner Fisher stated this makes since because the proposal starts off with a guaranteed savings, and Mr. Wycof knows the business well enough that there is a savings to the County. He inquired if his company is bonding to help prove the guaranteed savings that are going to be there; does some revenue go towards payment of the loan; and is the County having to do a budget or this debt if it is not accumulated.

Mr. Wycof stated there is a 100 percent construction bond in the project; there is a corporate guarantee and letter of credit or bond guaranteeing the savings; and the Board is covered on both ends of the equation.

Commissioner Fisher inquired if the letter of credit on the \$15 million or on the \$1.7 million savings. Mr. Wycof responded on the savings; and stated the construction bond is for the construction project.

Stockton Whitten, Deputy County Manager, stated the commercial paper program is simply a covenant to the budget; and now staff would look at the commercial paper program to actually get at the four percent rates.

Commissioner Fisher inquired if every project on the list be completed within the year time frame.

Mr. Wycof responded affirmatively.

Mr. Tipton stated the challenge is staff has long known there are more projects than funding; when the Board authorized this as a vehicle to make repairs and replacements, it became a savings move in terms of what can be done with the \$15 million. He stated Ms. Camarata was going through a complete audit of the County's facilities; he knows the energy savings work because a couple of years ago staff started to replace some of the lighting systems in County facilities and were able to saving \$700,000 by doing that; and that is the tip of the ice berg. He pointed out the water situation at the Jail helps to pay for the skin of the Jail that is not treated

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the building will be lost because of water intrusion; and it would be fixing something with the savings that would have been paid for anyway.

Commissioner Infantini stated she is concerned how the savings is going to pay off both the \$15 million being borrowed plus the interest; the interest on \$15 million is \$600,000; every bit of the savings will go to paying off the debt; and that will leave none of the savings to pay for the annual maintenance. She stated she wanted the Commissioners to prioritize the items that will give it the five-year pay back.

Mr. Wycof stated the maintenance being done on the older equipment now is more expensive than any maintenance that will be done on the new equipment.

She is in favor of doing some of the projects but not all.

The Board authorized a negotiation committee to negotiate the design, procurement, and construction phases of a contract with BGA, Inc./ConEdison Solutions for the guaranteed energy savings performance contract project; and staff to bring back to the Board for its consideration.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Chairman/Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.E.1., DISCUSSION, RE: ANIMAL SERVICES ITEMS/PUBLIC COMMENTS

Assistant County Manager Vanetta Valdengo stated on the flea market proposal, staff met with Debbie Rich and Peter Fusscas on December 23rd; there is a memorandum of understanding that was signed by Debbie Rich on January 2nd; and on Friday, Saturday, and Sunday, they pulled two dogs. She reiterated with the flea market proposal, there has been an agreement developed, signed and is underway; stated they are planning a special volunteer training class; it has not been scheduled yet, but it is expected to occur in February; and there are eight applications so far as part of that proposal. She went on to say there were 50 records requests in the last two months; thinking of the research time, including that of the Director, it takes quite a bit of time to respond to those records requests; and she wanted to make sure the Board was aware of the number of requests. She clarified for the Board that Indian River County Animal Control is actually closed Sunday and Monday. She pointed out she attached a copy of the Request for Information (RFI); staff's intent is if the Board approves it, it would be sent out to several agencies to see if there will be a response. She stated the Hill's Shelter Feeding Program request has been signed, and staff expects the first delivery of food to come sometime in January; and they have no informed then exactly when; the estimated annual cost for that is \$22,000 a year.

Chairman Bolin Lewis inquired if the County sends out the inquiry about an agency to take over the shelters, what is the time element; and is it something the Board would have to move it forward. Ms. Valdengo responded affirmatively.

Commissioner Nelson stated he would like to make sure the Board receives a letter from their board of directors, whoever the organization is, that they are authorized to apply; and he would hate to get into it and they are not committed to providing information.

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Commissioner Fisher inquired if staff is going outside of the County; and stated he would like to see more than one agency apply.

Ms. Valdengo stated her intention was to send it to several bordering counties where they are already privatized so staff can reach out to those that are already doing government work.

Chairman Bolin Lewis inquired if there are national companies that do this. Ms. Valdengo responded there are other humane organizations in adjoining counties that are running the government public shelters by contract; she is not aware of any private sector nationwide agencies that run shelters; and it is usually a humane agency.

Stockton Whitten, Deputy County Manager, stated in addition to those specific agencies, staff puts it out as they would any other procurement item; and staff does DemandStar and puts it out on the normal procurement channels.

Commissioner Infantini stated Indian River County has its own branch of the SPCA, and receive fees from the county for picking up stray abandoned dogs and handling dangerous dog situations; the non-profit is the entity that houses the dogs and cats that would normally be house at the shelter; she believes they receive payment from the county on a per animal basis; and the non-profit is not responsible for that. She went on to say they may be willing to partner with Brevard County; they have a fabulous facility; and it is not that far to the Indian River County line.

Ms. Valdengo stated she spoke with the Animal Services Director of Indian River County; in the RFI staff put a goal of at least 60 percent live release rate; and currently, the Indian River County rat is only 30 percent. She went on to say they are only saving 100 out of 500 animals per month; staff's goal, if they partnered with them, would be to push adoptions and fosters; it does not mean they would not be a good candidate to respond to the contract; and staff would like a performance standard at least as good as it is now.

Commissioner Nelson stated it is the Humane Society in Indian River County. Ms. Valdengo advised the Board it is a Humane Society. Commissioner Nelson stated he was surprised at their release rate, which is half of Brevard County's. He pointed out he went on their website; and the website says they take in about 7,000 animals a year, and adopt out around 2,500.

Commissioner Fisher inquired where Ms. Valdengo got her live release rate from. Ms. Valdengo responded she spoke personally to Jason Ogilvie, Indian River County Animal Services Director. She advised the Board that Indian River County does not have a performance standard in their contract; and it is something that can be addressed in the Brevard County contract.

Debbie Rich stated there is a great interest and response at the flea market; she appreciates the Renninger family for supporting them; they are great animal lovers; and many who visit them at the flea market do not realize the shelter is across the street from the flea market. She went on to say they are providing people business cards that have the website and address on it, and directing them to the left when they leave the flea market so they can visit the shelter. She advised eight applications have been submitted for them to receive specialized training; she needs a good telephone number that will be answered; she tried to call Sunday; and both numbers she had kept ringing. She pointed out the volunteers are awesome; they know how the dogs react around other animals; and they do not want any growling or barking. She noted the volunteers that are bringing animals to the flea market are still cleaning kennels and walking the shelter dogs before arriving at the flea market; with 300 volunteers on file, other people need to be utilized at the shelters. She stated the flea market vendors and members of the public are already coming by her booth asking which animals are coming; they are interested; there has

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only been a minute amount of advertising done; and when the media gets involved, there will be a lot more people. She stated she would like a specific schedule, but when volunteers are required to clean kennels and walk dogs before coming to the flea market, she does not know when they are arriving; and those are lost opportunities for dogs to be adopted. She stated the Renningers that own the flea market are cat lovers; a lot of the public that go to the flea market are cat lovers; they are asking why no cats are there; it reflects badly on the shelter that they are not letting spay/neuter cats to be included in the flea market opportunity; and the booth is 15 feet wide with plenty of room to keep everyone separated. She added, the cats are lower maintenance as they are contained in crates. She stressed to the Board that the volunteers know what animals work well with other animals.

Pat Pasley stated she did not like the word 'demanding' that was included in the Agenda Report; she did not demand anything, all she did was ask; and all she did was report to the Board that she had not received her public records request. She pointed out she did not receive the email; an error occurred; and she would not have wasted the Board's time had she received the information the day before. She expressed her appreciation to Commissioner Infantini for helping her with her public records request. She pointed out she was at the flea market event; she asked a lady from another county who volunteers there about their handbooks and such; and she told her she would email it to her. She advised the Board by the time she got home it was in her in basket. She stated her appreciation to Debbie Rich and Peter Fusscas for a great job done at the flea market; people are unaware they can have overnight stays with the dogs; there was a very positive response from the public; and it was a frigid cold day.

Peter Fusscas expressed his appreciation to Deputy County Manager Stockton Whitten, Assistant County Manager Vanetta Valdengo, and Animal Services Director Karla Torpy for moving so quickly on the flea market adoption program; stated because of the holidays, he did not think it could be done; and he appreciates it. He went on to say he was at the flea market Sunday for three hours; people were enthusiastic about the dogs; and the dogs were happy, pampered, fed, fussed over by families, and shoppers of all ages. He pointed out a lot of interest was generated in the adoption program; most folks did not know they could adopt cats and dogs at the shelter; the volunteers did a great job in handling the dogs and advertising the shelter; and the flea market was a good marketing event. He noted once dogs are taken out of sterile cages and they interact with people, it changes the whole dynamic of the situation. He stated they agreed to review the program as it goes along and making changes as necessary; hand outs need to be prepared describing the adoption opportunities at the shelters, as well as the flea market; and there needs to be better signage advertising the adoption program at the flea market and the shelters. He pointed out there needs to be better communication between the flea market volunteers and the go to person at the shelter; there needs to be a point of contact number; the animals need to be transported in a timelier manner; and the volunteer classes need to be scheduled as soon as possible. He stated cats should be put in the mix on a trial basis. He inquired who is responsible for ensuring the dogs up for adoption have had rabies shots; who makes the final decision to euthanize the dogs and cats; and stated some of the animals have been euthanized after being adopted or rescued. He advised it is a record keeping and communication problem; those can easily be solved with Chameleon or Volgistics; and inquired who has been assigned the responsibility for improving these programs and implementing the software upgrades and training. He noted it was disturbing when a vet came to medically foster Guardian but were turned away saying the dog was unavailable; inquired if the upper respiratory infection was detected on December 4th, if the dog was killed the same day; and further inquired if this is standard policy. He stated there is nothing difficult about the program; it has great promise as long as everyone works together positively; and he thinks this can make a big difference.

Commissioner Fisher inquired how many people came by the booth. Mr. Fusscas responded hundreds. Commissioner Fisher stated they probably got more people at the flea market than

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comes through the shelters. Mr. Fusscas stated there is a great opportunity to cross-market information between the shelter and the flea market; and a product cannot be marketed overnight.

Mr. Fusscas suggested to the Board that the size of the dogs be mixed up.

Marianne Lazarus stated she is the founder of the Gideon Animal Foundation and a 10-year volunteer at the Humane Society of South Brevard. She stated when she heard about the shelters, working in conjunction with SPCA of Titusville to put onsite adoption at the Melbourne Mall, she was excited and volunteered right away; when she learned that there may be a similar thing at the flea market, she put in a volunteer application; and inquired when the Board thinks they will get started.

Pamela LaSalle stated on December 17th, she stated problems with Animal Services originated at the top with County Management; the response to her public comments continues to demonstrate the incompetence and disregard for animal welfare; it is a deficient work product worthy of no reply; but she will respond by striving for humane treatment for the animals. She went on to say none of her comments were misinformation; she contends BASE records are inaccurate; she does not believe Guardian was sick; she and her husband John saw him almost every day, including the day he died; and they did not observe a single symptom from URI or any other illness. She pointed out Guardian was gentle and friendly when he was out of his kennel, as well as active; when he was in his kennel, he was always curled up in his bed; he was underweight and should have received more nutrition and enrichment; and Guardian was denied release to an animal hospital willing to treat him. She noted instead Guardian was killed. She advised Butter was a guest in their home five times; after the first night on November 11th, she wrote a note about Butter to go on her kennel door describing their experience with her; and that is the reference the writer used to obtain the quote, "Likes wet food". She inquired does anyone think it would be appropriate for her to write about health problems due to inadequate care in a promotional item; stated Butter was underweight; the skin on her belly was thick, swollen, and raw; her front legs at the torso were the same; and she had bald patches throughout and what fur remained was thin. She went on to state her coloring disguised much of the hair loss from the top view; the air conditioning in their home helped her itching, but she still would have bouts of scratching throughout the night; they took her home again and returned her on November 14th, at which time she met the Rescue Coordinator outside when she was walking butter; she discussed her poor condition after six weeks of County care, which included her skin condition, as well as being underweight; and she told her Butter would only eat wet food. She noted she told the Rescue Coordinator she tried to coax Butter to eat dry food by hiding it under the wet foot but she would eat around it; she told her about the inflamed skin with the balding and that Butter scratched constantly; and the Rescue Coordinator listened to her and told her she would have someone check Butter out. She stated within minutes of this encounter, her husband was told that he should check for meds before taking a dog on a PJ; he was not told what meds Butter was taking; each day they gave Butter a can of wet food; if she ate it voraciously, they knew she had not been fed wet food; and she ate it slowly, she had already eaten a can. She pointed out within two days they determined some staff would and some staff would not feed Butter what she would eat; her husband, John, got permission from the Rescue Coordinator to put a 'Wet Food Only' sign on Butter's door and it was removed after two days; and from that point until her adoption, they tried to make sure she had canned food daily. She stated after they started feeding Butter, she would eat, her fur had sheen, and she gained enough weight that another person who had not seen her in at least a week noticed the difference. She advised on November 16th they took Butter home again; John checked for Butter's meds; he was told Prednisone and it would be given when Butter returned; that night she weighed Butter and she weighed 51 pounds; and that was after making sure she had at least two cans of food a day for six days. She went on to say on November 17th they returned Butter to SACC and were told Simplicef was her medication; if Butter had ever been on

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Prednisone she would have eaten anything and would have consumed excessive amounts of water; Butter was adopted on December 12th; afterwards she obtained her BASE medical records; and they do not match what happened to Butter. She stated she contends the recorded weights are not accurate; Butter could not have gained 12 pounds in two days; her records indicate she was prescribed Prednisone twice; and on November 17th her only drug listed was Prednisone, not the Simplicef. She pointed out the day Butter was adopted she went to a private vet who prescribed Prednisone; within 24 hours her skin was significantly better and at 48 hours, a radical improvement; the malnourishment affected her behavior negatively and her adoptability; the fact she was not spayed also affected her health and adoptability; and Butter suffered unnecessarily. She stated at the last Animal Advisory Board (AAB) meeting, she told the Director the dog walkers needed help to get Sasha out specifically; John would walk her first; Sasha performed well with the doctors; if she had been spayed, she would have been saved; and she was killed on October 22nd when they criticized BASE to the Board. She pointed out, Sasha was killed for space, yet her kennel remained empty for days.

Katherine Johnson, Friends for Animals Sanctuary, stated they are in the process of planning and building a no kill animal sanctuary for all domestic animals in Brevard County; part of their business plan is they are going to be taking first and foremost the shelter animals that are deemed unadoptable and are on euthanasia row; and those will come to the sanctuary first. She inquired what the Board thinks the motive is for people being there; and stated all of them give time, talent, and treasure, not getting paid, and there is no political benefit whatsoever for them. She pointed out they are the voice of the animals and that is why they are there. She advised these animals, through no fault of their own, find themselves at a shelter, in a cage, scared, lonely, and have no idea why they are there; as humans, at some point they go out and make a commitment to animals to commit to that animal and take care of it for life; and because people are human, they back out on that commitment and take them to the shelter. She advised when animals act out, it is because they are in an environment that is unlike what they came from; animals are being euthanized instead of being worked with; and animals are successful once they are out of that environment. She went on to say people treat death row inmates better than animals that go into the shelter. She stated she had her grandchildren a couple of weeks ago; they acted out being in a different environment they are not used to; and dogs are just scared. Friends for Animals Sanctuary have been around for two years building a solid foundation so they can grow on that foundation; and if everyone can get together to save the animals, everyone can work together respecting each other.

Teresa Dyer, No Kill Brevard, stated BASE has in place right now the means to do better marketing without any additional computer upgrades; volunteers and staff can use Chameleon to better market the animals; and management knows that option is there. She went on to say Chameleon can be used to put into an electronic record things about the dogs, little quirks, where they like to sleep, and toys they like to play with; it then populates to Pet Finder and Pet Harbor; the general public has access to that information; and they can see and become interested in a dog and its story. She pointed out euthanasia is the act or practice of killing or permitting the death of a hopelessly sick or injured domestic animal in a relatively painless way for reasons of mercy; to kill means to deprive of life, to cause the death of; the RFI proffered by the County defines no kill as a live release rate of 90 percent of adoptable animals; and that definition is incorrect and unacceptable. She went on to say that definition is tell people that it is okay to kill 10 percent of healthy and treatable animals, and it is not okay that is not what no kill is; no kill means people do not kill a healthy or treatable animal; and euthanasia is reserved for dogs that are vicious and pose a threat to public safety or cats and dogs who are irremediably suffering and cannot be helped through medical treatment. She requested the Board to write the RFI to accurately reflect the goal of becoming a no kill county; and she stated she has a copy of No Kill 101 for each Board Member. She stated there have been disingenuous comments in the past from the County and shelter management about what is actually going on within the shelter walls; no kill is founded on and depends on transparency and accountability;

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they have heard the typical excuses of understaffed and not enough computers; and those excuses are just that, excuses. She inquired is BASE opposed to entering that extra information into the electronic record, and if so, why; stated if a business does not sell a particular item or line of products, they do not go to their warehouses and destroy that product; that is what BASE does; that is bad business practice; and there is no need to reinvent the wheel. She pointed out that no kill is working in over 231 communities across the country; there are 11 components to the no kill equation and must be implemented comprehensively together in order to be successful; some of those components address lowering intake, high volume low or no cost spay and neuter program; increasing live release rates via adoptions and rescues, and public relations and community involvement; and they need to use the resources available now and develop new resources, such as utilizing volunteers to provide pet retention. She suggested the shelter management take and complete the totally online University of Pacific No Kill Animal Shelter Management Certificate Program at a cost of \$1,199; Bonnie Brown and Diane Blankenburg have been in the trenches, developed the programs, done the hard work, and now they teach it to other communities; and the Board needs to do what works and learn from those who have done what works.

Scott Ellis stated he was told by a Commissioner, quote, "Speakers will now have five minutes to speak, unlike Public Comments section where Board Policy prohibits taking action except in emergencies. There will now be a forum for interaction with the Board and staff." He stated he expects to have a forum for interaction with the Board and staff when everyone gets through speaking and not to be just like the Public Comment section where it is thank you, sit down. He noted he asked who wrote this memorandum and all he received were six or seven names; he does not know who wrote it. He went on to say he expected on the memorandum that it would say something like here is what is right, here is what is wrong, what is a disagreement, planned fixes, planned ideas, what cannot be done, what can be done, almost like an engineering report; again this memo it says nothing is wrong, nothing was wrong, circle the wagons, repeat the company line, and shoot the messengers with sarcastic comments; if he were an attorney and he wanted to inflame the other party and keep the meter running, this is the perfect memo to keep the meter running; and it has done its job. He stated he enjoys the irony of the word 'initiative'; and the dictionary word for initiative is the ability to access and begin things independently. He pointed out the flea market has been requested for over four years through the AAB; he is glad it is underway; inquired why animals are not inoculated for rabies upon intake; and why are animals not spayed or neutered at the end of their stray time. He stated Ms. La Salle was treated poorly by whoever wrote this memo; inquired when an animal gets upper respiratory are they to be killed that day; stated the dog was refused a medical foster; and there was actually a boxer rescue event three days later where the doge probably would have been adopted were it still alive. He went on to say it is claims under Butter there are health watch boxes at the shelter; he goes to the shelter every week; he has never seen a health watch box; and he would like to know where they are. He advised the Board that Ms. La Salle wrote notes regarding butter for staff; inquired why it was necessary for her to also complete a health watch form; does staff not talk to each other in a small shelter environment; and why is an outside scale not used to weigh each dog each day as they are walked. He noted is it an amazingly ludicrous coincidence after 66 days that Sasha was put down the exact day of the Commission meeting; he finds it demeaning and truly ludicrous the comment that anyone here has a complete lack of understanding of how an open admission shelter operates; and people are tired of being talked down to with shelter for dummies. He stated his experience is that most people who talk down do so out of the sense of their own insecurity. He went on to say on November 25th he sent an email to all Clerks employees about a dog named Scarlet, which had been at the shelter for two weeks; he sent the email Monday morning and the dog was dead Monday afternoon; the dog was killed for medical reasons; it was heartworm positive; and he inquired why was this dog killed for medical reasons. He added, the day before the dog was killed, a volunteer offered to get the dog, have it spayed, and have a tummy tuck; the dog had been used for breeding; and they arrived on Monday afternoon, and the dog was already dead.

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He inquired if the Board actually considers someone who has shown up four hours in six months to be an active volunteer; if there are 300 active volunteer, where are they and is that reflected on the Vogistics scheduling; and he should see hundred's of these volunteers on there. He advised he goes to the shelter weekly and has for months; he saw the Volunteer Coordinator one time; inquired is it expected the Volunteer Coordinator would be working in the field daily with the actual volunteers; and if staffing levels do not permit implementation of good ideas, how can there be hundreds of thousands of dollars of unspent personnel budget returned over three years. He pointed out volunteers took portraits of the animals at the NACC; BASE terminated them as volunteers. He inquired if staffing level cannot permit good ideas, how can they afford to travel out into the community and pick up 100 trapped cats every month.

Chairman Bolin Lewis asked Mr. Ellis to wrap up his comments.

Mr. Ellis stated he has two pages to go.

Chairman Bolin Lewis stated she considers that complete then.

Mr. Ellis stated he considered this a waste of time, and they will just stick with the Public Comments section, because with Public Comments he can get out of the meeting by 10:00 a.m. and get the same things done as he can now, which is sit down and shut up; the Board will talk about what we say, and we will not get a chance to have any interaction at all; and he was told the reason for this was to have interaction.

The Board recessed at 1:21 p.m. and reconvened at 1:33 p.m.

Commissioner Nelson stated Mr. Ellis has graciously offered to sit down with him; they are going to talk about the issues; and it needs to get to the point where it is a discussion and not an argument.

John La Salle stated he is one of the volunteers at SACC. He stated he does not know if it is miscommunication or errors, but the last Commission meeting, the Animal Services Director talked about the guillotines; the guillotines are closed every night, summer, winter, and fall; the dogs are on the inside for a lot of reasons, wild animals, vandalism, and people breaking in; and the guillotines are just shut at night. He went on to say there are volunteers who come with the dogs to the flea market; there is only room for two dogs comfortably; they had only two volunteers because they are the ones who took the dog walking class; and all of the other events at Home depot there have been a whole group of people who take the dogs out. He pointed out they have never had a class; and inquired if there is a special reason for them having to take the class. He inquired does the Board want things to work out or not; does it want the flea market to be a success; stated he walks the dogs seven days a week; and staff is dragging their feet. He noted he thinks things could be done better.

Commissioner Infantini inquired when the class is going to be scheduled so the volunteers can be trained.

Ms. Valdengo replied the MOU was just signed January 2nd, so staff is getting back from vacation; it will occur in January; and she thinks Ms. Rich gave several dates that would work for her.

Ms. Rich advised the Board she gave no dates.

Ms. Valdengo stated it will be in the month of January; staff will give the volunteers some dates in January; and they can tell staff what dates will be best. She went on to say they can definitely do a non-weekend date; what is unique about the agreement is no staff is present; so

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they are making sure that the volunteers are trained to complete the entire adoption process; and the flea market is strictly a volunteer-operated event.

Commissioner Infantini inquired if it would be more prudent in the effort to expedite this to have staff available; not necessarily the same person because she understand rotation; and that would ensure the greatly likelihood of success of the program.

Ms. Valdengo replied the shelter is across the street from the flea market; if the volunteers are not comfortable doing the transaction, they can always send the folks back to the shelter for the financial transaction; and staff does other off-site projects on the weekend. She stated it has only been one weekend; the volunteers took two dogs Friday, Saturday, and Sunday; they were able to execute the MOU within two weeks of the Board meeting, and it was up and running; and that is a pretty timely response.

Commissioner Infantini stated it is timely with the current request, but they have been trying to do this for five years; and she knows it is not Ms. Valdengo's fault as she is new.

Ms. Valdengo advised she never heard of it.

Commissioner Infantini stated nobody is criticizing Ms. Valdengo; the process yes, but not her personally; there have been improvements made; she was just seeing if this could be facilitated; and she understands the desire to have a written agreement. She stated there needs to be somebody trained in the adoption procedures at the flea market; and perhaps a staff member could be there.

Ms. Valdengo stated there is no enough staff to do that; they do other off-site adoption events on the weekends; she cannot commit that staff can be there all weekend; and they will be sending cats to the flea market in the future.

Commissioner Anderson inquired why training was different; and what is the pilot period when the Board goes back to review.

Ms. Valdengo responded three months.

Commissioner Anderson inquired what is staff's ability to do events like Friday Fest and such in downtown Melbourne; and is that something that can be entertained if this is successful after it is evaluated.

Susan Howard stated she is signed up to be a volunteer; and she is pleased there is going to be training. She stated she has a number of cats at her house; as soon as the cat angle can be worked out at the flea market, she would be happy to sit and help adopt cats. She stated the kids were thrilled with the dogs at the flea market; a number of people said they could not adopt that day, but they would be back; many people could not believe these were the same dogs as they had previously seen at the shelter; and when the dogs are taken out of their cages and interact with people, they become different creatures. She noted that animal people have strong feelings; they are very compassionate; and they are care givers. She stated the programs need to be evaluated and need to be managed well; it is up to the Board to look at these programs; and that the tax dollars are being spent the best way possible.

Ms. Valdengo stated the Board needs to approve to issue for RFI to see if there are any interested parties in the privatization effort for the shelters; she did make contact with the University of Florida regarding a follow-up audit; and they will be here in September 2014 and will make their first visits in July.

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The Board approved authorized the Assistant County Manager to proceed with Request for Information (RFI) for interested private sector entities to provide privatization of the shelter management services operations for the Brevard County Animal Services (BASE); and directed staff to request a letter from the Board of Directors of interested organizations that they are authorized to apply.

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

Commissioner Infantini inquired if the Agenda Item can be changed so that rather than New Business it is Old Business; stated whenever there is a workshop, everyone sits in a circle and people come up one at a time and ask questions; there is no interaction between the various people who come before the Board at meetings; and inquired if a workshop can be formed where they actually talk to groups of people where there is a give and take with the Animal Services item.

Commissioner Anderson stated the Board can have a workshop whenever; the Board has workshops all of the time; and to just pick a date and it will be done.

Commissioner Infantini inquired when the next available workshop date is.

Commissioner Anderson stated it has to be on the Agenda first.

Commissioner Infantini stated she has never seen a workshop on the Agenda.

Commissioner Anderson stated the fact of the matter is he does not mind having a workshop; it is a very important issue; but he does it a little different in his office. He went on to say he has these people at his table and asks a lot of questions and gotten that information; and then he has a meeting with staff. He pointed out they can get a little more in-depth using resources of the office, and do not make a public spectacle out of things every time for whatever reason; but he does not mind having a workshop. He suggested to the Board that everyone meet with the group prior to that workshop.

Commissioner Fisher stated he made a commitment to Mr. Ellis three weeks before the holidays that if the Animal Enforcement were going to move forward, there needs to be a different attitude at the meetings; he said divorce was not an option; and he inquired what would need to be done. He went on to say Mr. Ellis' comment to him was he would rather do murder/suicide. He stated if this is going to move forward, the Clerk of Court cannot have people thinking murder/suicide's the only solution. He pointed out Mr. Ellis is going to have to come to the table willing to work with staff, with the current staff in place, and to try to figure out a solution, or he is not interested in just a meeting to figure out how horrible everything is; and he has other things to do.

Commissioner Infantini stated she believes Mr. Ellis's suggestion was murder/suicide with all of the exact same players; sometimes the people on board in whatever capacity are not the best match for that position; Debbie Rich would be fantastic as a volunteer coordinator; and she adds a whole new face and energy to the program.

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Commissioner Fisher stated it is not the Board's decision on who is hired in Animal Control; and it is the County Manager and Deputy County Manager's decision who to hire in that position.

Commissioner Fisher stated he respectfully told Mr. Ellis that the way this thing is working now there is no progress being made.

Mr. Ellis stated that is correct.

Commissioner Fisher stated he said if this is going to move forward and get some real solutions in Animal Control, Mr. Ellis is going to have to work with current staff, he cannot intimidate staff that is in place, because staff is somewhat intimidated by him; and he inquired of Mr. Ellis if divorce is not an option, how to move forward. He pointed out Mr. Ellis threw his hands up and said murder/suicide.

Mr. Ellis advised Commissioner Fisher that is not quite correct. He stated he said Commissioner, to agree to just disagree, because he does not think he can get there with current staff; and quite truthfully, the memo with current staff proves it cannot be done. He stated it is the same kind of sarcastic circle the wagons, shoot the messenger; and then Commissioner Fisher came back at him with divorce is not an option, and what would his opinion be. He advised the Board he had already answered that question, and he continued to push it.

Commissioner Fisher stated Mr. Ellis has no control over who works for the Board of County Commissioners.

Mr. Ellis stated he cannot fix the current staff; as long as their attitude is to talk down to people and make sarcastic comments about volunteers; and he cannot work with people who think they know it all when they do not know a thing.

Commissioner Fisher inquired if the Board schedules a workshop, is it Mr. Ellis' attitude that he cannot cooperate and work with this staff.

Mr. Ellis responded unless staff changes, they are not going to get anywhere. He stated what he expected from the Agenda Item today was something similar to an engineering report; that is what today's memo should have been. He stated someone needs to take responsibility; he has disagreements coming out of the Clerk's office daily; he cannot tell them he is sorry they received a ticket by such and such PD, and those people are ludicrous. He went on to say he is one person; there are a whole slew of people present today; and he inquired if a workshop depends on him.

Commissioner Fisher stated he is the leader and spokesperson of the group.

Mr. Ellis state he does not speak for anyone but himself.

Commissioner Nelson stated he would like to have an opportunity to go over the questions and to sit down with Mr. Ellis; he wants to talk to some of the people to get a better understanding; and there needs to be a more formal approach to some of the issues and policies that need to be talked about.

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ITEM VII.F.1., CITIZEN REQUEST BY DWAYNE BYRD, RE: ACCEPTING ADVANCED BIOTECH SOLUTIONS INC. BID FOR BID NO. B-5-14-23, BIOMEDICAL WASTE COLLECTION AND DISPOSAL SERVICES

Dwayne Byrd, Advanced Biotech Solutions, Inc., stated he waited for the Brevard County medical waste bid to come up since he started his company; he found out about it the day before it was to be bid; he prepared the bid; he had extraordinary circumstances come up the day to turn in the bid; and he turned in the bid three minutes late. He advised the Board his bid was drastically lower than other bids. He stated he would appreciate the opportunity to compete for this bid.

County Attorney Scott Knox inquired if there is anything in the bid specs that said to be able to waive defects that are not material.

Leslie Rothenberg, Central Services Department, stated yes it is in the general terms; the due date and time is a requirement; and it is a Policy by the Board.

Attorney Knox stated Mr. Byrd's bid was sealed; and it was up to the Board to waive the defect.

The Board approved waiving the defect and accepted the bid of Dwayne Byrd, owner of Advanced Biotech Solutions Inc., for Bid #B-5-14-23, biomedical waste collection and disposal services.

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

Upon consensus of the Board, the meeting adjourned at 2:13 p.m.

ATTEST:

MARY BOLIN LEWIS
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK