

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 February 18, 2014 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

**CALL TO ORDER**

**INVOCATION**

The invocation was given by Chaplain Terri Alexander, Good News Jail and Prison Ministry, Brevard County Jail Complex.

**PLEDGE OF ALLEGIANCE**

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

**ITEM I.A., RESOLUTION, RE: RECOGNIZING THE 125TH ANNIVERSARY OF FLORIDA PUBLIC HEALTH**

Commissioner Nelson read aloud, and the Board adopted Resolution No. 14-026, recognizing the 125<sup>th</sup> Anniversary of Florida Public Health; and asked for all residents to join in on extending sincere gratitude to the staff, past and present, of the Florida Department of Health in Brevard County for their commitment to the people of the communities during these one hundred and twenty-five years.

Dr. Heidar Heshmati, M.D., M.P.H., Ph.D., Health Department Director, accepted the Resolution, and introduced his management team which includes Bob, Business Manager, Maria, Executive Nursing Director, Melissa, Environmental Health, and Bruce, Community Health.

Commissioner Nelson stated they do a great job because they run into a lot issues during the course of the year and they are always there; although the part about them chasing him for the flu shot is quite distressing because he has to walk past them as they do it.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>ABSENT:</b>	Mary Bolin Lewis

**ITEM I.B., RESOLUTION, RE: SUPPORTING FLORIDA HOUSE BILL 201 - ALL AMERICAN FLAG ACT**

Commissioner Fisher read aloud, and the Board adopted Resolution No. 14-027, supporting Florida House Bill 201, designated as the "All American Flag Act" and the purchase of United States and Florida flags made in the United States from articles, materials, or supplies, all of which are grown, produced, and manufactured in the United States.

Matthew Susin, American History teacher at Space Coast Junior/Senior High School, accepted the Resolution, expressed his thanks, and introduced Andres Matos, who was the student that stood up in his class and requested this change be made.

Andres Matos explained that he started this because it is like giving back to the community. He stated the American flag is made in China and it needs to be made here because it is patriotic; his parents are veterans, and his grandfather was a general in Puerto Rico and served in the United States. He continued by saying he wants to move this, but he knows that it is moving slow in Congress but feels it should not move slow through Congress, that it needs to be debated on, looked at, and moved forward.

Tyler Carney stated that in the Bill it says how symbolic the flag is for our veterans, and the average American does not notice or give a second thought to the flag being made somewhere else, but as someone figures it out, it would give them a shock factor that The United States flag is not made in our county, but that is it made by a foreign power. He went on to say that the veterans give this Bill a big push, and that his grandfather, John Carney, was a Korean War medic and he was the first VFW Commander in Chief in the state of Florida from 1990-1991; and to him, he finds it insulting to veterans to wave a flag that is so symbolic to our nation that has made in China printed in the corner. He stated that the nation as a whole has made progress because fallen veterans at Arlington have their grave site flags made in America. He continued by saying he has other family in the military, and Staff Sergeant Joshua Mills was killed in action by a roadside IED several years ago, and fortunately his flag did not say made in China; and his grandfather is still alive and supports this Bill; and as this continues to push forward, he and his grandfather are both going to send messages to every VFW post in the state to try and push this into Congress so that it can keep moving forward.

Cadet Kyle Bishop, Batallion Commander of the ROTC program at Viera, said he has been contacting the Junior ROTC's all over the County to get their support, and that after Mr. Susin contacted him and explained what was going on, he immediately wanted to help. He stated he would relate this item to chocolate because a person does not want to eat chocolate that is not made from chocolate; and inquired why would a person want an American flag that was not made in America. He asked that the Board let his statement sink in.

James Marshal, incoming president of the Republican M0en's Club of Brevard County, stated he wanted to echo a lot of what the Board has heard today, but that he would like to leave two tid bits. He pointed out that when George Washington had the flag designed, he knew a lot of

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people overseas and he could have outsourced the design and had the flags made in France, Britain, or China, but he chose to buy local from downtown Philadelphia, where he met Betsy Ross; and he closed by saying the Republican Men's Club will be reaching out to other Republican Men's Clubs in Florida to gain their support to carry this message forward.

Lieutenant Colonel Retired Tim Thomas, Senior Army Instructor for Viera High School, stated he is coordinating the veteran effort for support of this Bill, and to quote a good friend of his, Major General Retired John Cleland, "This Bill is a no brainer"; the American flag symbolizes everything that is great about this Country, and it symbolizes the sacrifices that have been made by millions of veterans over the country's 200-plus years of history. He stated there is only one place that has the honor, the integrity, and the right to make an American flag, and that is the United States of America.

Jen Stokes, Vice President of Brevard Federation of Teachers, stated she is representing the Brevard Federation of Teachers, Florida Education Association, and AFLCIO, in support of the this Bill and she expressed her thanks for the Board's support of the Bill. She added that she personally believes that the children on the campuses of the schools in Florida should be pledging allegiance to flags that were made in America, and raising flags that were made in America.

Paul Chinaris, candidate for District 1 School Board, proud citizen of Brevard County, and Rotarian in the Cocoa Rotary Club, stated he thinks this Bill is very important, even if just to spark the conversation of civic responsibility in schools, with the children. He stated that when his daughter was a fifth grader, in 2001, she brought home a stellar report card with one thing missing, a grade for social studies, but that there was a note that said they were so busy studying for the FCAT, there was no time to take in Social Studies; and he feels that is a shame because it is so important. He continued by saying that he will be reaching out to his local Rotary Club and other clubs in the area to call to Tallahassee to support this Bill.

Matthew Susin closed by expressing his appreciation for everything the Commissioners have done so far, and stated that the process behind this is to gain local support and then show Tallahassee, who has said that local municipalities may be impacted by this financially; they are actually only looking at a six percent difference, which is approximately \$300-\$400 every five years for the School Board, and is about the same for the Board. He added that the bottom line is that they want to show the support the Board has given across the state, and then push it up to Tallahassee so they will pass this resolution; this Bill means so much to not only Andres Matos, who stood up in class, but to every veteran who has served, and for everyone with civic virtue who want this to happen; the process was started last year and they will not stop until it is finished; if it does not get up to the state legislature, then they will go for a Constitutional Amendment, and they just spoke to the American Legion, American Federation of Labor, and also have the support of the VFW's, the boyscouts are coming on board, and by the time this goes forward in March, they will have over one million members, which is well over what it takes to get a constitutional amendment and well over what the state needs to see that this needs to happen. He advised it all starts here, and the Board's support is very appreciated.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>ABSENT:</b>	Mary Bolin Lewis

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**ITEM I.C., RESOLUTION, RE: RECOGNIZING CHARLIE BURTON ON HIS RETIREMENT AFTER 40 YEARS OF SERVICE TO BREVARD COUNTY**

Commissioner Fisher read aloud, and the Board adopted Resolution No. 14-028, recognizing Charlie Burton for 40 years of service to Brevard County; and expressed its sincere appreciation and thanks for his dedicated service to the citizens of Brevard County, and offered best wishes for good health and happiness during his retirement.

Charlie Burton accepted the Resolution, and expressed his appreciation to have had the opportunity to work for Brevard County for 40 years; and stated he would leave the Board with a thought. He pointed out a lot of people are benefiting from what the retirees have done over the years, and for the Board not to forget them.

Commissioner Nelson stated that Charlie created an innovative program called attitude adjustment, and he put together a group that leaves the County and no one will confess to what happens while they are gone, but that they will miss him; every day when he saw Charlie he had a different hat on; he did not know how any one person could have so many different hats; but Charlie has done a great job at it and he appreciates all that he has done for his department.

Commissioner Fisher stated that he summoned Charlie to a meeting in the District 1 office to explain his plan to pave 50 miles of roads in 2011 and another 50 in 2012, and Charlie said that it had never been done before but that he would figure out a way to do it; it was unbelievable what Charlie was able to accomplish for the citizens; when it was all said and done, it ended up being more like 120 miles; and he is very appreciative of Charlie's hard work and leadership.

Charlie advised the Board he has a great group of guys that work for him and right now, he has the best group he has ever had, so they are the ones who should get the credit.

Howard Tipton, County Manager, stated that having folks like Charlie on board is such a blessing in a number of ways; when thinking about the emergency operations center, when there are hurricanes and storm events that somebody with the expertise and knowledge that Charlie brings to a situation like that allows decisions to be made that will help to positively affect the community, and it is hard to replace that kind of experience and leadership; anytime there was a benefit or community need, Charlie was there whether it be with a golf club in hand but most often, he had an apron on and was barbecuing for the rest of us; and he appreciates that.

John Denninghoff, Public Works Director, said he was not planning to come up to speak, but that Charlie is a unique individual and there is a statement he has made many times that goes something like if a person does not want his opinion, do not ask for it; Charlie always had the integrity and courage to tell a person what he or she needed to hear whether they liked it or did not so that you were able to take appropriate action and undertake the activities that needed to be done; he appreciates Charlie for helping him be successful; and he thinks any director Charlie ever worked for would support that statement. He added that Charlie is very forthcoming with knowledge and experience and is always willing to help and help others understand what they need to in order to be successful. John noted he learned that Charlie had been an Eagle Scout, and that he knew there had to be a reason they got along so well; and that he will definitely miss him and appreciates all he has done.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Andy Anderson, Commissioner District 5  
**SECONDER:**   Chuck Nelson, Commissioner District 2  
**AYES:**         Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:**       Mary Bolin Lewis

**ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Infantini stated she would like to vote no on Item II.C.1., Approval, Re: Budget Change Requests, and Item II.D.4., Approval, Re: Billfolder.

**ITEM II.A.1., INTERLOCAL AGREEMENT WITH TOWN OF GRANT-VALKARIA, RE: STORMWATER PROGRAM ADMINISTRATION EXTENSION**

The Board executed the Interlocal Agreement Addendum No. 1, with Town of Grant-Valkaria substantially in the form of draft, and subject to final language approval by the County Attorney for Stormwater Program Administration Extension.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Trudie Infantini, Commissioner District 3  
**SECONDER:**   Andy Anderson, Commissioner District 5  
**AYES:**         Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:**       Mary Bolin Lewis

**ITEM II.A.2., AUTHORIZATION, RE: IMPACT OF LOW QUALITY WETLANDS FOR LAND ALTERATION FOR COMMERCIAL BORROW PIT WITHIN DEER PARK RANCH**

The Board approved impacts to low quality wetlands for a commercial borrow pit on a portion of Deer Park Ranch, located approximately 3.5 miles west of Lake Hellen Blazes in Sections 19 and 30, Township 28 South, Range 35 East (Tax Account Nos. 2800003, 2800038, and 2800053).

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Trudie Infantini, Commissioner District 3  
**SECONDER:**   Andy Anderson, Commissioner District 5  
**AYES:**         Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:**       Mary Bolin Lewis

**ITEM II.A.3., GRANT AGREEMENT NO. G0390 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: COST-SHARE FUNDING FOR FLEMING GRANT ROAD WET DETENTION PROJECT**

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The Board executed the Florida Department of Environmental Protection (FDEP) Grant Agreement No. G0390 between Brevard County (Grantee) and the FDEP (Grantor) for the cost-share funding for the Fleming Grant Road Wet Detention Pond Project; approved legal venue as Leon County; authorized the County Manager, or designee, to execute implementing contracts, amendments, and sub-grant cooperative agreements, as needed to execute the project, subject to the approval of the County Attorney and Rick Management; and approved the associated budget change requests.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>ABSENT:</b>	Mary Bolin Lewis

**ITEM II.B.2., APPOINTMENT, RE: BREVARD COUNTY PUBLIC GOLF ADVISORY BOARD**

The Board appointed **John Richardson** to the Brevard County Golf Advisory Board, to represent the Savannahs Golf Course, with a term expiring February 18, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>ABSENT:</b>	Mary Bolin Lewis

**ITEM II.B.3., BILL OF SALE WITH CITY OF TITUSVILLE, RE: SAND POINT PARK PORTABLE WATER INFRASTRUCTURE**

The Board executed the Bill of Sale to the City of Titusville for the Sand Point Park potable water infrastructure.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>ABSENT:</b>	Mary Bolin Lewis

**ITEM II.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved Budget Change Requests, as submitted.

**RESULT:** ADOPTED [3 TO 1]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Andy Anderson  
**NAYS:** Trudie Infantini  
**ABSENT:** Mary Bolin Lewis

**ITEM II.C.2., APPROVAL TO BID AND PURCHASE, RE: SELF-CONTAINED BREATHING APPARATUS (SCBA) CYLINDERS, AIR PAKS, AND SCOTT RIT-PAK III'S**

The Board granted approval to competitively bid and award to the lowest, responsive bidder for the Self-Contained Breathing Apparatus (SCBA) Cylinders, Air Paks, and Scott Rit-Pak III's; and authorized the associated budget changes.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:** Mary Bolin Lewis

**ITEM II.C.3., PERMISSION TO REJECT ALL BIDS FOR BID #B-3-14-21, AND STAFF TO RE-SOLICIT BIDS AND AWARD TO LOWEST RESPONSIVE BIDDER, RE: NORTH BANANA RIVER DRIVE AT MARTIN BOULEVARD INTERSECTION IMPROVEMENTS**

The Board authorized Purchasing Services to reject all bids submitted for Bid #B-3-14-21 for the North Banana River Drive at Martin Boulevard Intersection Improvements; authorized staff to re-solicit bids and award to the lowest responsive bidder; and authorized the Chairman to execute the associated contract.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:** Mary Bolin Lewis

**ITEM II.D.1., APPROVAL OF STIPULATED FINAL JUDGEMENT IN THE AMOUNT OF \$210,000, RE: BREVARD COUNTY v. SUMMERSET FLORIDA, LLC, ET AL (PARCELS 139, 820, AND 726) - CASE NO. 05-2011-CA-031229-XXXX-XX**

The Board approved Stipulated Final Judgment in the amount of \$210,000.00, less the amount previously deposited for Brevard County v. Somerset Florida, LLC, et al (parcels 139, 820, and 726) - Case No: 05-2011-CA-031229-XXXX-XX.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:** Mary Bolin Lewis

**ITEM II.D.2., PERMISSION TO ISSUE REQUEST FOR PROPOSALS (RFP), RE: FULLY-INSURED HEALTH PLAN PROGRAM**

The Board granted permission for the Office of Human Resources/Employee Benefits to release a Request for Proposals (RFP) from established companies for a Fully-Insured Group Health Plan Program, including medical, mental health, and pharmacy coverage on a single-integrated platform; and authorized the Employee Benefits Insurance Advisory Committee (EBIAC) to act as the Selection Committee to evaluate all proposals submitted and to make recommendations to the Board.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:** Mary Bolin Lewis

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

The Board appointed **Raymond Spencer** to the South Mainland Library Advisory Board, with a term expiring December 31, 2014.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:** Mary Bolin Lewis

**ITEM II.D.4., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.



**RESULT:** ADOPTED [3 TO 1]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Robin Fisher, Chuck Nelson, Andy Anderson  
**NAYS:** Trudie Infantini  
**ABSENT:** Mary Bolin Lewis

**ITEM III.A., ORDINANCE, RE: AMENDING DEFINITIONS OF “NEW BUSINESS” AND “EXPANSION OF EXISTING BUSINESS” FOR PURPOSES OF AD VALOREM TAX EXEMPTIONS**

Vice Chairman Fisher called for a public hearing to consider Ordinance Amending Definitions of “New Business” and “Expansion of Existing Business” for Purposes of Ad Valorem Tax Exemptions. There being no comments or objections, the Board adopted Ordinance No. 14-08, an Ordinance of the Board of County Commissioners of Brevard County, Florida amending Section 102-184 defining terms applicable to provisions authorizing Ad Valorem tax exemptions; amending the definitions of “New Business” and “Expansion of Existing Business”; providing for ratification of other definitions; providing for severability; providing for an effective date.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Chuck Nelson, Commissioner District 2  
**AYES:** Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson  
**ABSENT:** Mary Bolin Lewis

**ITEM III.B., ORDINANCE, RE: AMENDING SECTION 62-2117(c)(8) OF THE ZONING REGULATIONS TO PROHIBIT THE PARKING OF STEP VANS IN RESIDENTIAL ZONING CLASSIFICATIONS (SECOND HEARING)**

Vice Chairman Fisher called for a public hearing to consider Ordinance Amending Section 62-2117(c)(8) of the Zoning Regulations to Prohibit the Parking of Step Vans in Residential Zoning Classifications.

Howard Tipton, County Manager, stated it is necessary to open the Public Hearing for this item, and stated he would like to request the item be tabled to Tuesday, March 4, 2014.

Motion by Commissioner Infantini to not approve the item. Motion died due to lack of a second. Commissioner Fisher stated that the appropriate thing would be to table the item due to Commissioner Bolin Lewis' absence. Commissioner Anderson stated he would respect the wishes of the Commission as a whole because as a representative government, that would be the best thing to do so everyone could represent their constituents in their districts.

Commissioner Nelson stated it would give the public an opportunity to comment on the item. Motion by Commissioner Nelson to table the item to March 4, 2014. Commissioner Anderson

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seconded the motion; who stated it still would not change his mind. Commissioner Nelson expressed his appreciation for being willing to table the item.

Commissioner Fisher clarified that this is not about vans and pickup trucks, and he would like for that to be cleared up before the next meeting. He included that it is a confusion for the public who now think they cannot park their pickup truck. He went on to say it is unfortunate that it has been thrown out there.

Vice Chairman Fisher called for a vote on the motion. The Board approved tabling Ordinance, Amending Section 62-2117(c)(8) of the Zoning Regulations to Prohibit the Parking of Step Vans in Residential Zoning Classifications to Tuesday, March 4, 2014.

<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Andy Anderson
<b>NAYS:</b>	Trudie Infantini
<b>ABSENT:</b>	Mary Bolin Lewis

#### **ITEM V.C.1., APPROVAL, RE: CHANGE TO FY 2014 CAPITAL IMPROVEMENT PROGRAM**

The Board approved changes to the Central Services FY 2014 Capital Improvement Program; and approved staff's recommendation that funding allocated for the replacement of the Detention Center's toilets be used to replace the Emergency Operations Center's HVAC chiller.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Trudie Infantini, Andy Anderson
<b>ABSENT:</b>	Mary Bolin Lewis

#### **ITEM V.E.1., DISCUSSION, RE: ANIMAL SERVICES ITEMS/PUBLIC COMMENTS**

Karla Torpy, Animal Services Director, advised the Board that since the last meeting, her department has met with the AIMkids and set up their orientation so that they can get started in the shelters on weekends; the AIM curriculum training at the shelter was yesterday and Virginia Hamilton with the School Board coordinated the event that had 12-15 teachers there all day who toured the shelters and heard guest speakers; one of the teachers was seriously considering adopting a dog near the end of the day; and the K-9 Commandos, elementary school kids that are regularly in the shelters doing obedience training and clicker training with the dogs are back with a film crew for a project with Home Depot. She noted Spay Day is next Wednesday, and they are accepting appointments from the public; this is the first time the County has participated in Spay Day. She stated the Sheriff's inmate crews are regularly coming to the North and South shelters and have been a big help because they free up staff to do animal evaluations.

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Commissioner Infantini inquired how many appointments were available and what the cost is for spay day.

Ms. Torpy replied that spay day is free, there are 50 slots and they are for cats only because they can accomplish more that way; as of 5:30 last night, there were 17 appointments filled so there was still a lot of available appointments. She added that they participated in the County's citizens academy and that it was a lot of fun. She advised the Valentine's Day special went over really well with 39 dogs and 45 cats being adopted over the last 16 days; there continue to be transfers of cats to the SPCA for the cat adoption store that is going really well; and it is exciting that there are a lot of empty cages in the kennels.

Debbie Rich stated that this week there were three cats adopted from the flea market and there were several others, including dogs, after they were made aware the shelter was across the street; approximately 45 percent of people do not realize that the shelter is that close so with the \$14 price, they left to check it out. She stated she heard that animals trapped by professional trappers were no longer allowed to be brought into the shelter due to a change initiated by Ms. Torpy which will prevent the trapped animals from being scanned for microchips; a tracker stated he now will simply shoot the animals and dispose of them as he sees fit; and she has a problem with this. She inquired why the County does not charge the trappers a fee to drop the animals off like Jacksonville does, who charges \$95 for licensed trappers to drop off cats and if the animal is being TNR'ed then they only charge \$25. She stated Ms. Torpy visited her at the flea market to discuss her proposed pricing regarding a flea market coupon in which she thinks if someone does not find the right animal at the flea market that they should receive a coupon and be able to get the same half price adoption rate at the shelter when there is not another discount going on. She said she feels Ms. Torpy thinks that B.A.S.E. is about turning a profit rather than saving lives and she respectfully requests a vote for a new adoption fee schedule which would help move the County towards the no kill goal. She noted Ms. Torpy told her that during the Mega Adoption event the County did not make money but basically broke even and she questions whether the idea is to save lives or make a profit; it was her understanding BASE did not pay for any of the rental fees or costs for the adoption because it was done by SPCA of North Brevard; and she inquired why the County stopped utilizing *The Pet Gazette* which only costs the Board approximately \$1,800 for a years worth of ads that are a great way to showcase animals. She went on to say she feels it is time to stop functioning with the warehouse mentality and instead switch to a retail mentality where lives are saved; the prices of animals have proven to be too high; to get the animals out among the public at a reasonable price and they will be adopted. She stated that the quarantined animals need to be moved to the North shelter to make room for adoptable animals in the South shelter; and employees doing good things should be rewarded. She proposed that Cynthia Morris and Tracey Breen should be allowed to attend the Florida Animal Control Association Educational Conference this week in Cocoa Beach; they are great examples of how the employees should be serving the community and the animals; and Ms. Torpy and Ms. Valdango work in place of Cynthia and Tracey next weekend at SACC as it would be a great opportunity for upper management to see what these ladies do day in and day out. She stated that if a person is inspired to do better, they will, but if people are stifled, then they will turn inward, and then leave to do better elsewhere. She implores the County to stop saying it cannot be done when others are proving it can be.

Commissioner Infantini inquired as to whether the trappers are shooting dogs and cats and questioned the legality of it. Ms. Rich replied that cats are being shot from what she knows and the trapper has been enabled to do so because he cannot turn the animals into Animal Control.

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Commissioner Infantini directed her question as to the legality of shooting the dogs and cats to Scott Knox, County Attorney. Attorney Knox replied that he was not certain, but he would check it out.

Commissioner Fisher asked what trapper has said they are allowed to do that, and questioned whether it was a County trapper.

Ms. Rich stated she is not at liberty to disclose his name but that he is licensed in the County.

Commissioner Infantini asked Ms. Torpy as to whether or not there was a way to allow trappers to bring the pets in; she does not know the cost associated but she does not know why they are being turned down; and she is sure she must be missing more details but she is horrified that someone is trapping and shooting cats.

Stockton Whitten, Deputy County Manager, clarified that Brevard County does not have trappers and that it was not a policy Karla implemented but that it is certainly something that can be looked into because off the top of his head he cannot say why they are prohibited from doing that.

Commissioner Infintini asked if the Commissioners see that this is a problem.

Commissioner Anderson stated that licensed trappers are hired by property owners and they are under state law and he is not sure if state law allows them to shoot feral cats, but that can be found out.

Ms. Rich replied by saying that there is no certainty that they are feral cats.

Commissioner Anderson said that as far as he knows, the trapper is able to dispose of the trapped animal as they see fit but that he is only familiar with the wildlife side and not with cats and dogs but that we can find out.

Commissioner Nelson stated that this has just been brought to the Board's attention so he would like to get some history as to why the rule is in place so that can be answered; and that charging the trapper to drop an animal off may have a counter effect being they may just shoot the animal anyway if they would be charged to drop it off.

Commissioner Anderson said there are gas stations that have decided to have no cats on their properties and have had trappers picking them up for two weeks and he is not sure where those cats are being disposed of, but that it is private property and it is their right to have them removed.

Commissioner Fisher stated he remembers having cages available for dropping animals off after hours with no questions asked; he finds it hard to believe we have the ability to do that but not deal with the trapper.

Ms. Torpy responded that there are gate boxes but they are not for private businesses to use for dropping animals; they were primarily put there for law enforcement to drop animals if they are involved in a situation with animals, but that people use them as well.

Commissioner Anderson said that a trapper could drop animals off at 2:00 a.m. and the Board would not be any wiser as to who dropped them off; Ms. Torpy responded that was correct.

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Commissioner Infantini questioned how often the boxes are checked, or if there is a notification to say that an animal has been dropped off, because she would hate for an animal to freeze to death.

Ms. Torpy stated that they are in sheltered cages and they are let out every morning at 7:00 a.m. when the employees arrive to work; so they will not be in there longer than 6 p.m. to 7 a.m. at the longest.

Commissioner Anderson stated that the two trappers he knows that is not the practice of them; the trappers he knows would drop them off at the SPCA or somewhere and only shoot a wild animal if it is not able to be relocated.

Pat Pasley expressed her appreciation for the great work that Debbie Rich is doing at the Flea Market and all the excitement it creates. She stated she agrees that the prices should be dropped; a number of people were very excited about the special price; and she thinks more cats and dogs would be adopted with a lower price. She advised she spoke to Cedric yesterday about the AMIkids coming to the shelter; they are extremely excited and it will be a great thing for the dogs and cats as well. She said there is still a screen that needs to be fixed at the shelter and there is a need for some sod in a confined area because it is currently all mud; she sees a lot of money gets donated in the jars and thinks it could easily take care of the screen and sod. She asked whether or not an advertisement can be done for donations because seeing a dog standing in the mud is not a great thing. She added that she would like brochures for the flea market; and she inquired as to where staff is with the sign because so many people do not realize the shelter is right across the street; most of the people who came up did not know it was so close; and she would like a sign that would help direct them.

Commissioner Nelson stated that he thinks there has been some good marketing activity but the business side needs to be managed as well; the Board has created the price and when incentives are put in place, the Board needs to be prepared to help with the revenue lost; and he feels a follow up after the specials is necessary to see the impact to the budget so that a better pricing can be developed.

Attorney Knox stated that as an answer to Commissioner Infantini's question, there is a state law that prohibits killing animals unnecessarily and it is adopted by our Ordinance as well.

Commissioner Infantini stated she did not think the adoption portion of the shelter is to make money necessarily, but that it is to get rid of animals rather than euthanizing them; she thinks there is a cost that is not being factored as to how much it costs to maintain the cage, take care of the animal, and walk that animal; it requires more volunteers and more employees, so it actually saves us money each time an animal is adopted rather than costing us money; and she feels the County is probably charging too much, but that Ms. Torpy has inherited a lot of the issues and is moving forward to correct them. She added that there are a lot of policies that need to be looked at, and she would like to get together with Ms. Torpy to discuss the merits of some of the antiquated policies.

Ms. Torpy advised they are looking at policies to continue to improve the shelter as well. She added that there is a new sign at the flea market as well as new signs on Sarno Road; and Public Works is also looking at putting signs on Eau Gallie Boulevard. She stated the original idea behind the flea market was to showcase the older animals; if an animal has been in the shelter for more than 30 days, the adoption rate is only \$20, which is not the usual adoption price; if someone comes to the shelter from the flea market and they want to adopt an animal that has been there longer, they will get the same price as they would at the flea market. She added that their prices are lower than other agencies and were adopted by the Commission but

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that there are also specials almost monthly; people coming in the shelter are not complaining about the prices.

Commissioner Fisher said that most rules and regulations are those that the Board has implemented and that if they need to be adjusted, the Board will be who will make those adjustments; it is not fair to personalize it to a specific employee.

## **ITEM VI., PUBLIC COMMENTS**

Nick Supuran addressed the Board regarding his political rights and freedom of speech; he asked whether the County has the ability to control what is happening in the County regarding ethics in government and his rights compared to the Sheriff. Howard Tipton, County Manager, replied that the County's rights are found in a number of places starting with the Constitution, case law, and moving your way down through the statutes, including some Ordinances; and he added that the vast majority of the County's rights are found at the State of Federal level. Mr. Supuran stated his problem occurred at a public meeting for Bill Posey regarding federal regulations; he asked a question that was not pleasing to the large corporations who make donations to Bill Posey; and he stated the political power should be held by the people but that large corporations actually hold the power. Scott Knox, County Attorney, stated that his concerns fall under state jurisdiction. Mr. Supuran said he was kicked out of the meeting due to his question and that three sheriff's officers misbehaved by threatening him and telling him to leave the property; he stated he was lied to regarding an ACLU ruling put in place in 2005. He added that Commissioner Mary Bolin Lewis and Congressman Bill Posey both refuse to speak to him; Attorney Knox said that as elected officials they can choose to speak to who they would like and if he cannot get a meeting with one or more Commissioner, he can come before the Board and address them as a whole.

Commissioner Fisher stated that both Commissioner Bolin Lewis and the Sheriff have the right to speak to him, or not; if he is not happy with either of them, he has the power to vote them out at the next election; and as a constitutional officer, he is not controlled by the Board.

Rich Charbonneau stated that most everyone who comes before the Board has a negative thing to say but that he would like to speak about a few good things happening in the County; he has noticed there has been a lack of decorum between the Commissioners and he implored the Board to duke it out in the corner when it comes to personal items; the Miracle City Mall is a done deal and the people should support it; there was a lot of great talk regarding Animal Control; and he received a second midsize waste container from Waste Management and appreciates that. He stated he feels there are some great changes coming for the Lagoon; he attended the hearings for the Clerk vs. EDC lawsuit and as it comes to an end, people can stop talking about it. He added that he attended the Sheriff's Citizen Academy and highly recommends attending. He closed by saying that he would buy the sign Debbie Rich referred to.

Zachariah Murray, Master Flooring Installer, requested that the Board update the Ordinance that prohibits him from qualifying more than one business under his license; he stated that State Code allows for exceptions to be made and he would implore the Board to align their Ordinance with the State. Commissioner Anderson asked Mr. Murray to set up a meeting in his office to begin working towards updating the Ordinance and requested that there be a member from the County Attorney's office present.

Kinley Nagle stated her goal is to make our community strong; she asked the Board to vote yes to form a committee to train and educate our community regarding learning disabilities. She stated society causes learning disabilities; and she has the answers to help transform the schools.

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**ITEM VII.A., HOWARD TIPTON, COUNTY MANAGER**

Howard Tipton, County Manager, stated he believes February marks Ms. Torpy's one year anniversary, and that the County took an untraditional path by bringing in an attorney. He went on to say that Ms. Torpy had not been a leader in a public agency before, but he thinks where they were last year at this time and where they are today is night and day; and that there is an amazing difference. He continued by saying that Ms. Valdango came on board in May, and there has been tremendous progress with both community help and leadership. He recognizes Ms. Torpy in particular for all the good stuff going on. He stated that when a person has been in the business for thirty years, he or she is a little more intuitive, but when a person has not been in the business, it is amazing what he or she has to learn, and he gives her a lot of credit and thanks her for her year of service.

He said he would like to remind the Board that the fertilizer Ordinance is coming up at the Zoning meeting on March 6, 2014, and the Fire Rescue Workshop will be on March 13, 2014; and it was originally planned to look at the Stormwater Utility at the March 6, 2014, Zoning meeting; but in an abundance of caution in terms of notice, he would like to move the date for the Stormwater Utility, and asked for Board direction as to which date it should be moved to.

Commissioner Infantini stated that it has already been moved once; it was scheduled in February and then moved to March 6, 2014, so she finds it ironic that the Board would consider moving it again; and she suggests moving the fertilizer Ordinance rather than the Stormwater because the Stormwater Ordinance has already been moved one time and the people have been receiving notification of the event; and to move it a second time is laughable. She went on to say that she understands moving the fertilizer Ordinance but she does not recommend moving the Stormwater Ordinance yet again.

Mr. Tipton stated that at this point it is a notification issue and that he does not believe there will be time to have it on the March 6, 2014, meeting.

Commissioner Anderson said from his standpoint he would like to have the fertilizer talks before the stormwater talks because he has a lot of concerns and issues; and he would like to have the stormwater issue in the beginning of April or end of March because one directly affects the other.

Commissioner Fisher clarified that Stormwater is set for March 6, 2014, and Tipton responded affirmatively. Commissioner Fisher said that from a personal standpoint, if there is going to be a workshop, he would prefer to make it an all day thing and have the Stormwater workshop the same day as the Fire Rescue Workshop on March 13, 2014. Mr. Tipton stated that they do also have the TPO meeting on March 13, 2014. Commissioner Fisher stated he is used to working full days, and that both are tough issues that will require a dialogue and conversation, so he would prefer to just get it all out. He stated there is an assumption that there will be an outcry on both the issues but people said the same for utilities and there was not.

Mr. Tipton stated he was reminded that the Stormwater Utility requires two notices, so it is not an option to get it done all in one meeting. Commissioner Infantini inquired as to why the Board would move that one then, when the other does not require two notices; and she followed up by asking why not leave both on the agenda and have a late meeting.

Commissioner Anderson mentioned that they have to notice the hearings by law.

The Board moved the Stormwater discussion to the April 3, 2014, Zoning Meeting.

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<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Andy Anderson
<b>NAYS:</b>	Trudie Infantini
<b>ABSENT:</b>	Mary Bolin Lewis

**ITEM VII.D., TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER**

Commissioner Infantini asked the Board not to take Mr. Charbonneau's instructions to duke it out literally being that she is the smallest in stature.

**ITEM VII.E., ANDY ANDERSON, DISTRICT 5 COMMISSIONER**

Commissioner Anderson said that his newly adopted second dog was recently spayed at an animal clinic, and there was a woman there with three cats trying to convince his wife to take a cat; it was the toughest sell, but his wife knew it would be hard to bring another cat home; and God bless the people out there trying to do the right thing and get the animals adopted.

By consensus of the Board, the meeting adjourned at 10:28 a.m.

ATTEST:

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ROBIN FISHER, VICE CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
SCOTT ELLIS, CLERK