

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 July 31, 2012 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was given by Pastor Jeremy Coppock, Faith Baptist Church, Titusville.

PLEDGE OF ALLEGIANCE

Chairman Nelson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the July 10, 2012 Regular Meeting Minutes.

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

ITEM I.A., RESOLUTION, RE: PROCLAIMING AUGUST 5-11, 2012, AS COMMUNITY HEALTH CENTER WEEK IN BREVARD COUNTY

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 12-154, proclaiming August 5-11, 2012, as Community Health Center Week in Brevard County, and urged all residents to recognize the important contributions of Community Health Centers in safeguarding health and improving the quality of life for all people in Brevard County.

Tom Collins, Community Health Center, expressed his appreciation for the recognition and the attention given to the Center.

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

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ITEM I.B., RESOLUTION, RE: CONGRATULATING MARIAN MASDEN UPON HER 104TH BIRTHDAY

Commissioner Fisher stated the Resolution will be presented in his office at a later date; and the Board adopted Resolution No. 12-155, congratulating Marian Masden upon celebration of her 104th birthday, and expressed its warm wishes for many more wonderful years in her remarkable life.

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

ITEM II.A.1., PRESENTATION BY ECONOMIC DEVELOPMENT COMMISSION, RE: ENERGY HUB

Lynda Weatherman, Economic Development Commission President and CEO, provided the Board with a presentation on the Battery and Electrochemical Storage Technology (BEST) Hub; the team is led by University of Central Florida (UCF); and it will accelerate the transformational advances in basic science needed to develop storage technologies capable of reshaping the energy economy and establish an Energy Innovation Hub for batteries and energy storage.

Dr. M. J. Soileau, UCF, Vice President, Office of Research and Commercialization, stated flow battery technology is a centralized Energy HUB idea modeled after the Dell Laboratories, Inc. model; and it allows integrated minds to expand the base of scientific fundamentals being guided by Dell Laboratories, Inc. executive staff members, and corporate board members directing, inspiring, and training for the next-generation workforce.

The Board acknowledged presentation by Lynda Weatherman of the Economic Development Commission of Space Coast Florida and the University of Central Florida, on the Energy Hub.

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

Commissioner Infantini expressed her condolences to the families of Michael Corby, Cocoa Fire Chief Deputy; and Army Specialist Justin Horsley of Palm Bay.

ITEM II.F., REPORT, RE: ANDY ANDERSON, DISTRICT 5

Commissioner Anderson expressed his condolences to the family of Marine Gunnery Sargent Jonathan Gifford of Palm Bay.

ITEMS PULLED FROM CONSENT AGENDA

Chairman Nelson stated there is a speaker card for Item III.C.1., Resolution, Re: Calling for Special Election (Non-Binding Referendum) regarding Non-Resident Elector Land Owner Voting; and he is pulling the item for discussion.

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Commissioner Infantini stated she would like to pull Item III.B.4., Rejection of Settlement Offer with McCorkle Construction, Re: Max K. Rodes Park Phase II Construction Services, for discussion.

Howard Tipton, County Manager, stated he is withdrawing Item III.B.2., Interlocal Agreement with the City of Satellite Beach, Re: Fleet Maintenance Services to the City's Fire Rescue Vehicles; and it will be brought back at a later date.

ITEM III.A.1., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: WATER LINE RELOCATION FOR THE WEST COCOA SERVICE AREA 2, PHASE 1, LAKE DRAINAGE IMPROVEMENTS PROJECT

The Board executed an Interlocal Agreement with the City of Cocoa for the design and relocation of their utilities in conjunction with the West Cocoa Service Area 2 Phase 1, Lake Drive Drainage Improvements Project; authorized the County Manager to execute future addendums that do not result in net cost to the County; and approved Budget Change Requests as needed.

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

ITEM III.A.2., CONTRACT FOR PURCHASE OF EASEMENT RIGHTS FOR ONE TEMPORARY CONSTRUCTION EASEMENT (TCE) WITH RONALD A. ABELES, RE: PLUCKEBAUM ROAD AND RANGE ROAD CULVERT REPLACEMENT PROJECT

The Board executed a Contract for Purchase of Easement Rights in the amount of \$75.00; accepted the TCE from Ronald A. Abeles; and waived the appraisal, Phase 1 Environmental Assessment and survey requirements on the property, which is in the Cocoa area, Section 31, Township 24, Range 36.

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

ITEM III.A.3., AGREEMENT WITH THE CITY OF MELBOURNE, RE: UTILITY BILLING SERVICES

The Board executed an Agreement with the City of Melbourne for the collection of monthly sewer and reclaimed water service fees.

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

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

The Board approved the Budget Change Requests, as submitted.

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

ITEM III.B.3., CONTRACT WITH STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, RE: COMMUNITY SERVICES BLOCK GRANT

The Board executed Contract with State of Florida, Department of Community Affairs (Department of Economic Opportunity), for the Community Services Block Grant (CSBG) in the amount of \$165,842; approved a cash match of \$3,317; and further authorized the Chairman to execute future Contracts, Modifications, and Amendments contingent upon the approval of the County Attorney and Risk Management.

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

ITEM III.B.5., AGREEMENT TO EXTEND INTERLOCAL AGREEMENT WITH THE CITY OF TITUSVILLE, RE: ONE YEAR EXTENSION FOR COMPLETION OF THE DOWNTOWN URBAN PARKS PROJECT

The Board executed Agreement to Extend Interlocal Agreement with the City of Titusville for a one year extension to August 9, 2012, to complete the Downtown Urban Parks Project.

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

ITEM III.C.2., REAPPOINTMENTS, RE: BREVARD COUNTY EDUCATIONAL FACILITIES AUTHORITY

The Board appointed/reappointed **Pamela Gatto, Philip Nohrr, William Potter, Travis Proctor,** and **Barbara Wall** to the Educational Facilities Authority, with terms expiring December 31, 2013

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

ITEM III.C.5., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM III.B.2., INTERLOCAL AGREEMENT WITH THE CITY OF SATELLITE BEACH, RE: FLEET MAINTENANCE SERVICES TO THE CITY'S FIRE RESCUE VEHICLES

The Board withdrew from the Agenda consideration of an Interlocal Agreement with the City of Satellite Beach for the purpose of the County providing fleet maintenance to the City's Fire Rescue Vehicles.

ITEM III.B.4., REJECTION OF SETTLEMENT OFFER WITH MCCORKLE CONSTRUCTION, RE: MAX K. RODES PARK PHASE II CONSTRUCTION SERVICES

Commissioner Infantini stated the reason she pulled the item is, she has concerns of a payment to the Max K. Rodes Park contractors; and inquired if Scott Knox, County Attorney, could help her better understand the process. She went on to say there are contractors that have not yet been paid; she realizes it is not the County's legal responsibility to ensure the contractors pay the sub-contractors; and she would like to withhold payment until the County has a release of lien from all contracts on the job. Attorney Knox responded the contractor is required to post a payment bond; the recourse to the subcontractors is against the payment bond; and if the County gets involved in trying to pay subcontractors, it will cause mire that has been tried to be avoided since he has been the County's Attorney.

Chairman Nelson explained the item is a request to reject a settlement offer.

Commissioner Infantini stated she now agrees to reject the settlement offer; and directed staff to prepare a report in 30 days of how to better protect the subcontractors ensuring payments are made to them from the contractors who are hired by the County. She stated this is not the first time this has come up; she had numerous calls to her office from subcontracts who were not paid by a general contractor in charge; and since the County is the organization who hires the contractor, she would like to know if the contractors are paying the subcontracts, which means those subcontracts have to litigate to receive payment.

The Board rejected a settlement offer regarding a dispute between the County and McCorkle Construction regarding Max K. Rodes Park Phase II construction services.

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

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ITEM III.C.1., RESOLUTION, RE: CALLING FOR SPECIAL ELECTION (NON-BIDING REFERENDUM) REGARDING NON-RESIDENT ELECTOR LAND OWNER VOTING

Ernest Loening provided the Board a handout; and stated he is opposed to the resolution calling for a special election regarding non-resident elector land owner voting.

Louise Crouse, Charter Review Committee Chairman and Member of Board of Trustees, stated the committee is who proposed the Charter change; and she is deferring to attorney Cliff Repperger, Gray Robinson, P.A. who is representing Barefoot Bay.

Mr. Repperger stated this item is the result of a petition initiative that was driven by land owners in Barefoot Bay; the idea did not come from the Board of Trustees initially; it was a group of citizens and land owners in Barefoot Bay who had gone to Representative Tom Goodson, expressing concerns under the Charter that they do not have the right to vote in Barefoot Bay elections if they are registered to vote in other states; and as land owners in the Barefoot Bay area, those individuals are wanting the right to vote for Trustees of the Charter, but have to be a registered voter of the district that Barefoot Bay provides consistent with Chapter 418, F.S. He added, Representative Goodson's Office recommended to the citizens they sign a petition, go to the Board of Trustees, and request the Board of Trustees to move forward with action for the legislative delegation to pass legislation allowing the Barefoot Bay Charter to be amended allowing for non-resident elector voting in those elections due to the unclear Statute. He noted, the Board of Trustees felt it is wise to pass, or ask for, a non-binding referendum to the electors of the district and if they favored moving in that direction because the Charter change would have to be voted on; the Board of Trustees decided to propose a referendum question to be sent to the registered electors of the district; and the Board of Trustees passed a resolution calling for the special election on July 13th. He mentioned discussions with the Supervisor of Elections Office had recommended going before the Board of County Commissioners, asking it to call for the special election as well, because of the unclear Statutes as to whether Barefoot Bay can call its own special election; in the past, those special elections have been deferred to the Board, calling those elections because they have involved Charter changes, because Barefoot Bay is a County Ordinance, they are present today asking for the special election and the passing of a resolution calling for the special election; and allowing the registered electors of the district to vote on this question. He went on to say it is non-binding; if it passes the Board of Trustees will approach the legislative delegation to determine whether the delegation deems it appropriate to move forward.

Chairman Nelson inquired what the vote of the Board of Trustees was. Mr. Repperger responded an in favor unanimous vote.

Commissioner Infantini stated she spoke with staff from the Supervisor of Elections; she was told it would be extremely problematic to have registration of non-registered Florida voters voting in an election; if it were to pass, it would be extremely problematic for the Supervisor of Elections to have two different sets of ballots for the poll workers to have; and she personally thinks it is out of the Board's jurisdiction to dictate. She added, it is not appropriate to have an election in Brevard County handling an Homeowners Association or a Taxing District problem; she thinks they should hold their own referendum within the confines of Barefoot Bay; and it does not belong on the General Election Ballot.

Commissioner Bolin Lewis inquired if she needs to declare she owns property in Barefoot Bay. Scott Knox, County Attorney, responded it is a good idea to declare it, but it is not a real financial conflict of interest, and does not affect the voting.

Commissioner Anderson stated some jurisdictions have requirements for special assessments for property owners voting within jurisdictions; it is handled within a city clerk office; and inquired

what the process is. Mr. Repperger responded the details of it are unknown, but most likely, Barefoot Bay would need to run its own elections.

Attorney Knox clarified the Barefoot Bay Board is asking for the Board to call a straw ballot on the issue raised; the only entity that has that authority is the County Commission; and that is why they are present today asking for it.

Chairman Nelson stated he feels it to be a bad idea; the problem is there is an elected body who has asked this Board to approve placing it on the ballot; it is non-binding; and he does not see it passing because the concept is terrible.

The Board adopted Resolution No. 12-156, (Barefoot Bay Recreation District) calling for a Referendum Election (non-binding referendum) on Non-Resident Elector Land Owner Voting and Proposed Referendum Question.

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

ITEM IV. PUBLIC COMMENTS

Dawn Whedbee mentioned she read an article in the *Hometown News* about Trap, Neuter, and Return (TNR); and stated the article had staff comments in it stating that TNR sounds positive, but is not a practical solution. She pointed out many locations across the United States use TNR; stated there is no mystery of how to go about implementing a successful TNR program; TNR can work; feral cat advocates are tenacious people; and the advocates will overcome the issue.

Chairman Nelson advised litigation is in the process; and stated the Board will not be commenting.

Charles Tovey stated there are jobs available; the drainage issues in Eau Gallie that are costing the County money had been cleaned by him and is draining well; he added, he has been maintaining those drainage issues for years; he has done some erosion control at a bank, but there are pepper trees that needs removing there; and last Monday, his property was encroached upon, trees were cut down, and a pet cemetery was destroyed.

ITEM V.A., ORDINANCE, RE: REVISION OF SECTION 110-375, CHAPTER 110, ARTICLE V, APPLICATION OF STORMWATER UTILITY ASSESSMENT TO GOVERNMENTAL AGENCIES

Chairman Nelson called for a public hearing to consider ordinance revision Section 110-375, Chapter 110, Article V, Application of Stormwater Utility Assessment to governmental agencies.

There being no objections, the Board adopted Ordinance No. 12-19, revising Section 110-375, Chapter 110, Article V of the Code of Ordinances of Brevard County, Florida, entitled application of annual Stormwater Utility Assessment to governmental agencies; specifically providing for the payment and collection of Stormwater Utility fees upon lands and facilities under federal jurisdiction within Brevard County; providing for area encompassed; and providing for an effective date.

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

ITEM V.C., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR PROJECT SPEAK

Chairman Nelson called for a public hearing to consider ordinance granting Economic Development Tax Exemption for Project Speak.

There being no objections, the Board adopted Ordinance No. 12-20, granting an Economic Development Ad Valorem exemption to Project Speak; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements for Chapter 196.012 F.S.; providing for proof of eligibility for exemption for Project Speak; and providing an effective date.

Commissioner Fisher inquired where Project Speak is located. Howard Tipton, County Manager, responded it is within the Community Redevelopment Agency (CRA) of downtown, City of Melbourne.

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

ITEM VII.C.1., STIPULATED FINAL JUDGMENT, RE: BREVARD COUNTY v. SUMERSET FLORIDA, LLC, Et Al (PARCELS 132/735 ICHIKOSHI (USA), INC.), CASE NO. 05-2011-CA-031229-XXXX-XX

The Board approved the Stipulated Final Judgment in the amount of \$360,000.00; and granted an Easement to Ichikoshi (USA), Inc., regarding Brevard County v. Somerset Florida, LLC, et al (parcels 132/735 Ichikoshi (USA), Inc.), Case No. 05-2011-CA-031229-XXXX-XX.

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

ITEM VII.C.2., RESOLUTION OF NECESSITY, RE: ACQUISITION OF PARCELS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE WICKHAM ROAD WIDENING PROJECT - PHASE 3

The Board adopted Resolution No. 12-157; authorizing the Chairman to execute the Resolution of Necessity for the Wickham Road Widening and Improvement Project in Sections 10 and 15, Township 26 South, Range 36 East, Brevard County, Florida; and directed Scott Knox, County Attorney, to proceed with action in accordance with the Statutory requirements set forth in Chapters 73 and 74, Florida Statutes, applicable to "quick-take" proceedings.

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

ITEM VII.C.3., RESOLUTION, RE: CALLING A SPECIAL ELECTION ON NOVEMBER 6, 2012, TO LEVY A ONE-HALF CENT SCHOOL OUTLAY SURTAX

Joseph Miniclier, Brevard County School Board Acting Attorney, stated the School Board passed a resolution on July 10, 2012 pursuant to Chapter 12, F.S., requesting a one-half cent Capital Outlay Surtax; the resolution has been signed; it contains all the Statutory requirements; the Statute requires Board direction to place it on the ballot with Supervisor of Elections Office; and he is present today ensuring the Board passes the resolution asking the Supervision of Elections to place the Referendum on the ballot, with the included language in the resolution that is provided.

Commissioner Bolin Lewis inquired if this is being done for legal obligation. Scott Knox, County Attorney, responded affirmatively; Florida legislature decided that when a School Board wants to request this kind of surtax be placed on the ballot; it has to come to the County Commission; and the County Commission has to put it on the ballot.

Commissioner Infantini inquired why is there an opportunity to vote on it if there is no choice but to vote yes. Attorney Knox responded Florida Statute says the County Commission has to place it on the ballot and call a Special Election; and in order to do that, it has to be voted on. She inquired what if she was to vote no. Attorney Knox responded if there were three no votes, he is sure he would be seeing Mr. Miniclier in court next week on a mandated action; and a Judge would be telling him to have it placed on the ballot.

Commissioner Infantini stated she does not want it placed on the ballot; she thinks there does not need to be any more sales tax in the State of Florida; to stay competitive as a State and encouraging jobs to come here, and having additional taxes is not the way to go; and she is making a motion to deny.

RESULT:	DEFEATED [2 TO 3]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Trudie Infantini, Andy Anderson
NAYS:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis

Chairman Nelson stated he likes to follow the law; this is another elected body that is within their rights, requesting to place it on the ballot, and the legislature says there is not a choice; he thinks it is going to be an interesting discussion within the community; and the School Board has the ability and the right to do so.

Commissioner Fisher stated he understands the legal obligation of having it put on the ballot; there are many obligations within the community and he believes everything that the School Board is asking for is because there are needs; from a strategy standpoint, he wished the School Board would have approached this Board and had some dialogue of how they intended to meet their needs; and he is concerned because every time a sales tax is put on the ballot, it affects things for others down-the-road.

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Commissioner Infantini stated she also believes in following the law; the legislature needs to make a change with the Board having to vote on something that has to be a yes vote; if the School Board is to be financed, she thinks it would be financed by those who are attending the schools and the property owners; and inquired why apply a tax to tourists, to help finance school operations. She went on to say to keep taxing residents is not the answer; and if the School Board is not able to manage their budget effectively and taxes are continuously raised why are they stopping at a one-half cent when it should be asking for more. She added, the Board needs to send a message, that enough-is-enough on property tax; and her vote stands.

Chairman Nelson stated he agrees with Commissioner Infantini; he thinks it is useless for State law to be telling the Board it has to vote in a certain direction; if it is believed that it needs to go on the ballot, they ought to let the School Board stand by that decision, and not place the Board on a position to do that; but until that law changes, he does not see the Board having an option and setting up in court is not an option either.

Commissioner Bolin Lewis stated by moving the item forward, it gives the voters the option of looking at it themselves rather than the Board making the decision for them.

Commissioner Anderson stated he is going to be voting against it; the School Board supplied the Board with its findings; the County's Resolution does not say whether the Board agrees or not with the findings; but it forces him to vote against it because there are things in the finding, such as shutting down a Charter School, and asking the public for more money because there is not enough money for its current facilities. He added, he has spoken with a couple of School Board Members; he will be voting against it; and he will be telling his neighbors to vote against it when the referendum comes up.

Attorney Knox noted a correction has been made in Section 6 of the County's Resolution, it references Section 7 of the School Board's resolution, and it needed changing to refer to Section 8, not Section 7; and the Clerk has the new version.

The Board adopted Resolution No. 12-158, authorizing District School Board to call for a Special Election on November 6, 2012, levying one-half cent school outlay surtax for a period of 10 years.

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

ITEM VII.D.2., REQUEST, RE: RESCHEDULE FINAL BUDGET HEARING

Howard Tipton, County Manager, stated he is seeking the Board's approval to reschedule the final Budget hearing date to September 27, 2012.

The Board approved rescheduling the Final Budget Hearing to September 27, 2012 at 5:30 p.m.

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

The Board recessed at 10:01 a.m. and reconvened at 10:18 a.m.

VII.D.1., DISCUSSION, RE: BUDGET

Howard Tipton, County Manager, provided the Board with a presentation regarding the recommended Capital Improvement Plan (CIP) for FY 2012-2013 through FY 2016-2017. He highlighted on Mosquito Control Air Operations; Brevard County has the largest mosquito population on the eastern seaboard of the United States; public health is a core service of County government; and Mosquito Control is critical to this core service. He stated the current operating limitations are increasing with aircraft downtime, increased use of contracted services, significant maintenance costs, less efficient spraying capabilities, cost of multiple types of certifications, and less effective fire fighting capabilities, which is important because Mosquito Control helps fight wildfires; he is proposing to sell the current fleet of three helicopters; the proceeds from the sale will be allocated to outfit the replacement aircraft spray equipment and avionics; he is recommending the County purchase two American Eurocopters B-3 AStars with a cost of \$2.3 million each, totaling \$4.6 million; and over a 15-year loan repayment cycle that amounts to about \$400,000 annually for debt service. He added, the benefits of the replacement fleet are less aircraft downtime, less use of contracted service, less maintenance cost, increased efficiency in spraying capabilities, less cost of certifications, and increasing effective fire fighting capabilities. He expressed his appreciation to the Board for its input at a briefing held last night; it is very helpful for staff so it can give the correct information; the Annualized Comparative Cost of Ownership Chart was created late last night after the briefing; and has been added to the CIP. He went on to say the chart displays annualized costs based on a full year of operation with the new aircraft; the numbers are also based on an average year of mosquito activity with the purchase of the new helicopters versus keeping the current fleet; there will be a savings of \$587,000; and the driver of the savings is maintenance, with the first three years being 100 percent warranty, contracted services are reduced with greater flight ability, and fuel and chemical savings from the more efficient and more capable vehicles also resulted in significant dollars savings for a total are \$587,000.

Commissioner Infantini inquired if the annual inspections and the 100-hour inspections are included with the new aircraft. Mr. Tipton responded the annual inspections are at a lower hourly rate; there are more hours than can be flown with the newer aircraft; and are not as frequent with aging aircraft. Commissioner Infantini commented then there are no 100-hour and annual inspections done.

Mel Scott, Assistant County Manager, stated it is converted to 150-hour inspection.

Commissioner Infantini inquired if the County is paying for that inspection or is it included in the maintenance costs. Mr. Tipton responded those are included in the costs identified.

Mr. Tipton summarized the new helicopters will reduce operating costs and have more efficient capabilities; the operating debt for Mosquito Control is about \$1.2 million; and this proposal cuts the \$1.2 million in half; and it is safer for the employees. He added, staff is flying mostly at night in a 44-year old helicopter that is duct taped and has all kinds of other things holding it together; and purchasing is the right thing to do, not only because it is efficient, but because it is safer.

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He stated if the Board approves staff recommendations today, he will need approval to move forward with the intent to purchase the American Eurocopters B-3 AStars, so they can be ready for the June mosquito season of next year; and if they are not ordered in August they would not be available until the end of the next mosquito season.

Commissioner Infantini commented she did not receive the package for the CIP until yesterday at 2:30 p.m.; stated there should be a two-week waiting period before making the decision to purchase \$4.6 million in equipment; it is not a bad purchase, but the idea of having just a couple of hours to review something, and having very little time to do any type of research is not prudent to do.

Mr. Tipton reminded Commissioner Infantini that she did receive a memo outlining some details of the proposal for the new aircraft fleet; stated the revised numbers were done as of late yesterday evening; but the essence of the proposal has been had.

Commissioner Infantini confirmed she did receive the proposal earlier in the week; stated she does not know what would be impacted if the Board waited two weeks before making its decision of such a large magnitude; and she thinks the helicopter company would not refuse the County if it waited.

Commissioner Anderson inquired if there are any helicopter experts present today to explain how these helicopters were chosen. Mr. Tipton responded affirmatively; there are pilots present in the audience; and Craig Simmons, Mosquito Control Director, will address any questions.

Commissioner Anderson inquired how this specific model was chosen and were there other helicopters available that are less expensive. Mr. Simmons responded currently there is a fleet of three helicopters; there are two Bell 206's, which are no longer manufactured; and there is the AStar. He went on to say the helicopters are considered light duty helicopters; there are light duty, medium duty, and heavy duty helicopters with differences being lifting capabilities, external capabilities, and flight range, in addition to the cost difference of \$150,000 to \$250,000 more for the Bell 407 with fewer capabilities; and he can provide all breakdown details of all those capabilities for Commissioner Anderson. Commissioner Anderson inquired if there are any variations in maintenance between the two models. Mr. Simmons responded the significant issue with maintenance is the new Eurocopters go from 100-hour maintenance to 150-hour maintenance; on average 300 to 350 hours a year; and will be able to go one complete year without maintenance with the new aircrafts compared to the Bell 407 that would be significantly higher.

Commissioner Infantini stated Brevard County has a bid process it uses when purchasing something that has a high dollar amount; and inquired why this purchase does not have to go out for bid before immediately ordering. Mr. Simmons responded he would defer to the Purchasing Director, but providing the specifications and the costs is for the Board to make that decision alone.

Stockton Whitten, Assistant County Manager, explained on any bid, except for professional services, the Board has the prerogative to standardize on a brand or model, and waive the bid requirements; and stated this is a standardization that ultimately is a sole source but based on standardizing to this particular brand.

Commissioner Infantini stated she is a big proponent of going out to bid; it seems irresponsible to arbitrarily award to one vendor without finding if there are competing products that offer the same thing; there are other vendors that make helicopters that disseminate mosquito products; and she thinks the Board should be going out for bids before spending \$4.3 million.

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Mr. Simmons advised extensive research has been done; stated an arbitrary decision had not been made; the reason Eurocopter was chosen over the Bell helicopter is it has higher lifting capabilities; the timeline of having the helicopter before next season will change if it went through the bidding process; the listed savings on the spreadsheet would not be there if this purchase is not done; and he stressed on the timing issue of needing it for the upcoming season.

Commissioner Infantini inquired if it is such a necessity to have two helicopters immediately, it should have been identified in the prior year; and she inquired if it were a planning issue not foreseeing an emergency of the needed two helicopters. Mr. Simmons responded in 2000, the Board approved purchasing three helicopters on a purchasing schedule of the first helicopter to be purchased in five years, the second helicopter to be purchased in the next five years, and the third helicopter to be purchased the following five years; and stated due to economic conditions those purchases were not made. He went on to say what brought these purchases to the forefront now is there are two helicopters that are not flying half of the time and spending \$700,000 on maintenance, whereas debt services payment for new helicopters would basically be maintenance-free for a minimum of three years of \$400,000.

Commissioner Fisher stated he had concerns about purchasing the helicopters and held briefings in his office until late last night; he expressed his apologies to staff for keeping them late; the briefing was about if the current helicopters could limp along a few more years, what the maintenance costs would be, and if the helicopters are operating efficiently; and if the purchase needed to be made. He went on to say after the discussion the maintenance operations started making more sense with the efficiencies of the purchase to make the change; stated one benefit of briefing with staff is any concerns could be addressed; and if Commissioner Infantini made the time to brief with staff, she could go through the exercises of running the numbers and getting to the point of things making sense or not. He explained spending \$718,000 currently on maintenance does not make any sense to him; but creating \$400,000 worth of debt service to buy the new helicopters does, and there will be a savings of \$587,000. He stated when they are ordered and how they are bid, he is not getting into; he is convinced from a business standpoint that it does not make any sense to keep flying the three older helicopters; and he will be supporting the purchase and will let staff figure how to get the best dollar for its purchase.

Commissioner Infantini mentioned she had scheduled briefings in June, with most department directors to have ample time to prepare numbers; stated the County Manager instructed all directors not to talk about the current budget; and that is the reason she is requesting one week to do research before the Board decides to purchase.

Commissioner Anderson stated for the record he gets nervous about not doing an RF5; the only aircraft that is comparable to the Eurocopter, is a military McDonnell Douglas helicopter, which is no longer made.

Mr. Simmons stated the only helicopter that is in the same category of the need is the Bell 4; it is an American air copter; and he has the specifications should the Board want those.

Mr. Tipton stated the need to replace this fleet has been known for some time; and he is very comfortable with staff research and moving forward with the recommendation of the Eurostars by giving the best efficiency and capability, at the lowest price available. He addressed Commissioner Infantini comment about budget reviews; the same discussion has been held every year he has been the County's Manager; the responsibility for developing the budget each year is the County Manager's responsibility; it is very difficult to begin having conversations about a budget that is not presented, finalized, or fully developed; and it creates opportunity for greater confusion and conversing prior is something he is not willing to do. He added, it is hard

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at times to pull all department directors together for discussions; it takes time to develop the budget; and he has approval for needing extra time since his tenure as County Manager.

Commissioner Infantini stated she received the budget information on July 10; the budget request was for the CIP asking for one helicopter; now 20 days later it has been determined to purchase two helicopters; she thinks there is something misaligned in the budget 20 days after receiving the packet; and she does not know why she seems to be the only person that seems to have a connection.

Mr. Tipton stated the decision to purchase two helicopters is prior to the past 20 days, and is not accurate. He congratulated Mr. Simmons and his team for pointing out the savings of the purchase; and there were some very deliberate and strenuous conversations to prepare the proposal.

Chairman Nelson pointed out the original discussion stated about there being one 44-year old helicopter grounded that needed major work done, which began conversations; he understands how it evolved into the proposal today; and it is good planning for staff to look beyond replacing a helicopter with another.

Commissioner Bolin Lewis stated this is a terrific business plan of how to move forward; the benefits are clearly laid out of getting two helicopters; she does not want her District to limp-along at 48 percent non-productive; she is very supportive of purchasing the helicopters; and wants them flying over District 4 as quickly as possible. She went on to say she will be supporting the increase of the Multiple Service Taxing Unit (MSTU) for Mosquito Control.

Commissioner Fisher inquired what departments Mr. Whitten is responsible for, as Assistant County Manager. Mr. Whitten responded his departments are under the Management and Community Services Group. Commissioner Fisher inquired if those department heads report directly to him. Mr. Whitten responded affirmatively.

Commissioner Fisher inquired if Mel Scott, Assistant County Manager, can tell of his responsibilities. Mr. Scott responded his departments are under the Development and Public Services Group. Commissioner Fisher inquired if all of the department directors report to him. Mr. Scot responded affirmatively.

Commissioner Fisher stated he wants the public to understand when these types of items come before the Board, the Board meets with staff; and he inquired how many meetings had been held with Commissioner Infantini and if they meet on a monthly basis. Mr. Tipton responded he meets with Commissioner Infantini when she requests a meeting. Commissioner Fisher inquired if he meets regularly with other Commissioners, Mr. Tipton responded affirmatively.

Mr. Whitten stated he meets with Commissioner Infantini when it is requested; but the remaining Commissioners meet with him regularly for briefings before the meetings. Commissioner Fisher inquired if regular is at least twice a month. Mr. Whitten responded every time there is an Agenda he meets with the other Commissioners regularly.

Commissioner Fisher stated he wants the public to understand there are a lot of details discussed prior to Board meetings so these types of discussions do not have to take place on every item and at every meeting; and when there are no meetings on a regular basis with staff it appears to be a combative situation when there is not.

Chairman Nelson agreed briefing with staff is critical; he mentioned he drilled Mr. Simmons on the issue of why no contracting; thorough discussions were held with Mr. Simmons proving that it is not cheaper to contract the helicopters; Mr. Simmons was able to prove it is more expensive

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to contract them; and then moved the discussion towards purchasing the two helicopters because in the long haul it will be cheaper. He added, being located on Merritt Island and surrounded by all the water, it creates a lot of mosquitoes; in addition, if there are sensitive things out on the launch pad, the helicopters cannot fly into the area; and it is critical when they can fly to be able to get into the air. He stated it gives comfort hearing the helicopters flying and knowing they are spraying; and it give discomfort knowing the pilots are flying in that 44-year old helicopter. He inquired if the Board agreed the helicopters need replacing; stated he believes they need replacing; and staff has clearly done its research. He went on to say Commissioner Infantini asked for an additional week to research; he inquired what the process would be; and if it will be coming back to the Board for full details of how it proceeded. He stated he is comfortable moving forward through the process under the understanding that it will be coming back to the Board for its final decision. He recommended mandating the processes to select; it has to come back to the Board in full detail of how it proceeded; and one supplier has been identified as the only supplier; there may not be another ability to purchase the product from anyone else; and there are not multiple dealers that sell helicopters.

Commissioner Infantini stated there seems to be much focus on whether or not she has staff briefings; most of the Agenda Report is for the public; the Agenda information is relatively self-contained, which means any piece of information she needs can be gleaned from the Report; if she does not understand it herself, she will research it; and if she still has questions she then goes to staff. She went on to say without discussions in front of the public one would not know that the Board was considering purchasing two helicopters without going out to bid; mentioned she has found staff errors, in the past; and she tries to make sure all the facts are on the table.

Commissioner Bolin Lewis inquired what process needs to be used to move forward with the purchasing of the two helicopters. Chairman Nelson responded to make a selection through the mandated process that is build into County policy; and it can be kept apprised as it goes through the process.

Mr. Tipton stated the purchase would be made directly from the manufacturer.

Chairman Nelson stated there needs to be documentation to tell how the helicopters were selected, it needs a purchase order, and approval for the purchase; then the Board will have the chance to say if it is the wanted process; and added, the table of having a bad mosquito year runs in cycles and there has been no encephalitis cases, as had in the past.

Commissioner Infantini stated she tried scheduling briefings in June with most of the department directors, but they were instructed by the County Manager to not talk about the current budget, so the action would be to standardize American Eurocopter; and in the instance that a distributorship is not available, staff would be authorized to buy directly from the manufacturer.

The Board acknowledged the presentation by County Manager on the Recommended Capital Improvement Plan FY 2012-2013 through FY2016-2017; and directed staff to begin the process to replace the three current Mosquito Control helicopters with two helicopters, and to standardize an American Eurocopter; authorized staff to buy directly from the manufacturer in the instance that a distributorship is not available; and directed staff to bring the final decision back to the Board.

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

ITEM V.B., ADOPTION, RE: RECOMMENDED FY 2012-2013 AD VALOREM MILLAGES

Chairman Nelson called for public hearing to consider adopting the recommended FY 2012-2013 Ad Valorem millages.

Howard Tipton, County Manger, provided the Board with a presentation on the recommended Capital Improvement Plan FY 2012-2013 through FY 2016-2017; he stated the aggregate proposed operating millages for FY 2012-2013 is 7.1271; the aggregate for FY 2012-2013 operating millage if rolled back is 7.3031; the recommended millage is 2.41 percent less than the rollback millage rate; and the recommended millage is 0.12 percent less than the current year millage of 7.1360.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to rollback the millage rate back to the rate of FY 2009-2010. Motion failed, due to lack of support.

RESULT:	DEFEATED [2 TO 3]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Vice Chairman/Commissioner District 5
AYES:	Trudie Infantini, Andy Anderson
NAYS:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis

Chairman Nelson inquired how many millions of dollars is she proposing to cut and the specific services. Commissioner Infantini responded she does not have the tax rates schedule with her; she inquired if staff could pull it up. Chairman Nelson stated it should not be passed on to staff; a Motion had been made to cut back, but Commissioner Infantini does not know how much, in terms of dollars or what services would she actually be cutting. Commissioner Infantini stated there are no cuts to services; there would be a reallocation and redefinition of certain job positions. Chairman Nelson stated it is millions of dollars worth of reductions; and he inquired what specific services does Commissioner Infantini's motion cause to be cut. Commissioner Infantini stated in FY 2009-2010 there was an overestimate of how much was needed that carried forward to FY 2010-2011; last year \$729 million was spent; and she thinks there is \$40 million left to cut. Chairman Nelson stated \$20 million is for St. Johns River Heritage Parkway. Commissioner Infantini inquired why \$936 million is needed for next year. Chairman Nelson explain dollars are carried forward in Capital Improvement Projects (CIP); there are projects that were not completed in the CIP; \$20 million is being carried forward to complete the St. Johns River Heritage Parkway; and inquired if Commissioner Infantini does not want to carry that money forward because the project was not done; that is why it does not show up as an expenditure; \$700 million plus that CIP, plus all the other CIP's that did not get finished, equate to that, and money is set aside for a future landfill, which are a part of those numbers too.

Commissioner Infantini explained if \$729 million were spent in FY 2010-2011 and 100 percent of all the CIP's of \$122 million are added, it totals \$851 million; \$936 million is being budgeted

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and no reserves are added in; there are cuts to be made; and last year she brought to the Board \$25 million worth of budget suggestions and \$25 million was moved into Reserves.

Chairman Nelson stated Commissioner Infantini should have presented the Board a new budget today with the numbers she has for this year; instead she wants to rollback the number, not knowing what the number is, or what could be cut. Commissioner Infantini advised she is not allowed to prepare the budget; she was not allowed to talk to the directors about their budget or help come up with uniform numbers; but she is telling the Board the budget is too high and Brevard County taxpayers do not have the financial resources. Chairman Nelson advised the budget is a least \$4 million less than last year.

Commissioner Infantini stressed it is \$5 million more.

Commissioner Anderson inquired if the Board is voting on the aggregate proposed millage; stated it cannot go any higher; Commissioner Infantini should bring her cuts to the Board for additional millage savings; and there is a reduction of 2.41 percent.

Commissioner Fisher stated the current operating millage is 7.1360, by law the same amount of revenue can be collected at 7.3031 is a difference of \$2.4 million.

Stockton Whitten, Assistant County Manager stated operating millage accounts for a difference of a little over \$3 million.

Commissioner Fisher stated the Board has rolled back the past couple of years, if it were to rollback again this year, there would be \$3 million collected in additional in Revenue; there is \$3 million less in Revenue that the County Manager had presented, that could be had, by law, and not had a tax increase.

Mr. Whitten clarified the rollback rate is the rate allowing collection of the same amount of Revenue in the coming year, as collected in the current year; and that rollback rate by law, is not a tax increase.

Commissioner Fisher inquired if there is \$3 million legally available to be collected from taxpayers, by keeping the Revenues the same; and is it really a \$3 million decrease. Mr. Tipton responded affirmatively.

Commissioner Bolin stated she supports the current aggregate proposed millage at 7.1271; directed Mosquito Control be looked into keeping the same millage or increasing it a little bit, and absorbing the difference somewhere else within the budget to accommodate, so the same proposed operating millage can be kept; and it will help protect the Mosquito Control Department.

Mr. Tipton stated it had been anticipated that the Board may want to talk about Mosquito Control based on earlier discussions; if the Mosquito Control tax rate were rolled back, they would receive the same amount of revenues next year, as they have this year; and the number would change reducing Countywide, in order for it to balance out.

Thomas Rosenberg, Interim Budget Director, stated if Mosquito Control rolled back, the revenue would go up \$84,541; to offset the General Fund millage it would have to be reduced; it currently is 4.9063, reducing it to 4.9029, which reduces the General Fund revenue by \$83,719, that is a difference of about \$800; and would leave the aggregate millage the same at 7.1271 with no ultimate impact on the aggregate.

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Commissioner Bolin Lewis mentioned if it is not a regular year money will have to be pulled out of the General Fund.

Commissioner Fisher stated if it is not a regular year, it could mean \$400,000 to \$500,000 would be pulled out of reserve for worst-case-scenario.

Mr. Tipton stated it would come back to the Board from the Countywide Reserves.

There being no further objections heard, the Board approved the FY 2012-2013 Ad Valorem aggregate tentative millage rate at 7.1271, for the purpose of notification to taxpayers by the Brevard County Property Appraiser; and directed Stockton Whitten, Assistant County Manager for Management and Community Services to complete the Florida Department of Revenue's Certifications of Taxable Value, Forms DR-420.

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

Chairman Nelson expressed his appreciation to staff and to the Board for making reductions to the budget this year; 500 positions had been reduced over the last six years; and he commended the Board for its responsible approach.

By Consensus of the Board, the meeting adjourned at 11:51 a.m.

ATTEST:

CHUCK NELSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

MITCH NEEDELMAN, CLERK