

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 August 21, 2012 at 9:02 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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 Commissioner Trudie Infantini, District 3.

**PLEDGE OF ALLEGIANCE**

Commissioner Mary Bolin Lewis led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the July 24, 2012 Regular, August 2, 2012 Zoning, and the August 7, 2012 Special Meeting Minutes.

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

**ITEM I.A., RESOLUTION, RE: CONGRATULATING HEIDAR HESHMATI, MD, AND THE BREVARD COUNTY HEALTH DEPARTMENT FOR RECEIVING THE 2012 COMMUNITY SERVICE AWARD AND THE 2012 MODEL PRACTICE AWARD**

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-159, congratulating Heidar Heshmati, MD, and the Brevard County Health Department for receiving the 2012 Community Service Award as well as the 2012 Model Practice Award.

Dr. Heshmati expressed his appreciation to the Board for the Resolution.

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

**ITEM I.B., RESOLUTION, RE: RECOGNIZING COASTAL HEALTH SYSTEMS OF BREVARD (CHSB) FOR ACHIEVING ACCREDITATION THROUGH THE COMMISSION ON ACCREDITATION OF AMBULANCE SERVICES (CAAS)**

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 12-160, recognizing Coastal Health Systems of Brevard for their recent receipt of a third three-year national accreditation for excellence from the Commission on Accreditation of Ambulance Service.

Bill McCarthy, President and CEO, Coastal Health Systems of Brevard, Inc., expressed his appreciation to the Board for the Resolution; and he introduced his staff, Joe Goodwin, Jean Pierce, Julie Alexander, and Lisa Moore, to the Board.

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

**ITEM I.C., RESOLUTION, RE: ACKNOWLEDGING JERRY JAGROWSKI'S CONTRIBUTIONS TO BREVARD COUNTY**

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-161, acknowledging Jerry Jagrowski's contributions to Brevard County and his outstanding work during his tenure on the South Area Parks and Recreation Advisory Board.

Jerry Jagrowski expressed his appreciation to the Board for the Resolution; and he thanked Chairman Nelson and his staff, Greg Minor and his staff, and all of the members of the Rotary Club for their assistance over the years.

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

**ITEM I.D., RESOLUTION, RE: RECOGNIZING BREVARD BRITISH CLUB**

Commissioner Anderson read aloud, and the Board adopted, Resolution No. 12-162, recognizing the Brevard British Club for its philanthropic activities, its citizenship, and benevolent support to those of British heritage.

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Maureen Rupe, British Club Member, expressed her appreciation to the Board for the Resolution.

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

#### **ITEM II.E., COMMISSIONER MARY BOLIN LEWIS REPORTS**

Commissioner Bolin Lewis stated Brevard County Farmer's Market has been voted the best Farmer's Market in the region by the readers of Edible Orlando; the Farmer's Market in Brevard County was established to provide a direct marketing outlet for local growers and producers, and to provide a place for consumers to take advantage of the locally grown produce.

Commissioner Bolin Lewis extended her congratulations to the Rockledge Junior League Baseball Team who won the World Series title, defeating Aruba.

Chairman Nelson stated Rockledge came from behind to win in just about every game they played; and to win the World Championship is absolutely incredible. He advised a parade will be held in Rockledge on Barton Boulevard; and he and Commissioner Bolin Lewis will prepare a resolution and present it to the team at a future Board meeting. He went on to say he wanted to commend the South Beaches West Melbourne Seniors as they made it to the World Series as well this year, and were one game away from actually playing in the finals.

#### **ITEM II.F., COMMISSIONER ANDY ANDERSON REPORT**

Commissioner Anderson stated everyone needed to keep the troops in his or her prayers; a third soldier has been lost from Brevard County in Afghanistan within a months time; and prayers go out to the family of Chief Warrant Officer Brian Hornsby who was 37 years old.

#### **ITEM II.G., CHAIRMAN CHUCK NELSON REPORT - HISTORICAL COMMISSION PRESENTATION**

Joseph Morgan, Brevard County Historical Commission Chairman, provided the Board with a presentation outlining the Historical Commission Statistics, Collections, and Digital Statistics. He advised Ann Downing, Historical Commission member, was present as well. He spoke about the Historical Commission publishing historical books, providing them to 28 schools in the County at no cost and are located in all of the public libraries at no cost, printing a landmark guide which was paid for by the Tourist Development Council, and the new Brevard County Historical Journal. He went on to say the Historical Commission was appointed by the Board, and their mission is to preserve the history of the County. He added, the Commission has 53 boxes of photographs of the County, over 200 maps, 80 oral histories, 10 filing cabinets holding different subjects of the County, and 17,000 NASA original photographs. He mentioned that on Friday of this week, with the assistance of the Brevard County Parks and Recreation Department, the Chairman of the Board of County Commissioners, and former Senator Lori Wilson, there will be a dedication of the new *I Dream of Jeannie* Sign at Lori Wilson Park. He expressed his appreciation to the Board on behalf of the Historical Commission for its help in preserving the community.

**ITEMS TO BE HEARD TOGETHER REGARDING PROJECT PHOTAS**

Howard Tipton, County Manager, stated Item III.C.2., Qualified Targeted Industry Resolution with High Impact Sector Bonus and Brownfield Redevelopment Bonus, Re: Project Photas, is tied to Item V.D., Ordinance, Re: Economic Development Tax Exemption for Project Photas, under Public Hearings, and those two items need to be heard together; and when the Board gets to the point of the Public Hearing, staff will ask for consideration of III.C.2. at that time.

**ITEM III.A.1., APPROVAL, RE: RESOLUTION SUPPORTING BREVARD COUNTY SHORE PROTECTION PROJECT, AND LONG RANGE BUDGET AND STATE COST-SHARE REQUEST**

The Board adopted Resolution No. 12-163, supporting the Brevard County Shore Protection Project, and requesting State cost-share funding matched by federal funds and local option tourist tax that is dedicated to the Beach Improvement Fund for shore protection projects.

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

**ITEM III.A.2., INTERLOCAL AGREEMENT WITH THE CITY OF WEST MELBOURNE, RE: RENEWAL OF STORMWATER PROGRAM**

The Board executed an Interlocal Agreement Renewal with City of West Melbourne, as amended, to allow the County to administer and manage the City's Stormwater Program.

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

**ITEM III.A.3., BINDING DEVELOPMENT PLAN AGREEMENT, RE: CURTIS DORMAN, JR. AND KATHLEEN F. DUERR**

The Board executed Binding Development Plan Agreement with Curtis Dorman, Jr. and Kathleen F. Duerr, for property located on the south side of Lake Washington Road, approximately 634 feet west of Turtle Mound Road.

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

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**ITEM III.A.4., APPROVAL, RE: AMENDED TRANSPORTATION IMPACT FEE CREDIT AGREEMENT**

The Board executed an Amended Transportation Impact Fee Credit Agreement with City of West Melbourne and Hammock Landing Developers, resulting from the Hammock Landing/West Melbourne Development of Regional Impact (DRI), for offsite roadway improvements; and authorized the Budget Office to execute any budget changes required to implement the Agreement.

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

**ITEM III.A.5., LEASE AGREEMENT WITH OPTION TO BUY EQUIPMENT, RE: ROAD AND BRIDGE NEW CONSTRUCTION**

The Board authorized staff to enter into a lease/purchase agreement with Linder Industrial Machinery Company (sole source provider in the State of Florida), for a period of 24 months for a Hamm 3307 Vio Single Drum Roller.

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

**ITEM III.A.6., CONTRACT FOR SALE AND PURCHASE WITH MICHELE AND JOHN P. MCEVOY, RE: ACQUISITION OF A PROPERTY (LOT AND HOUSE) LOCATED ON THE SOUTHWEST CORNER OF WALKER AVENUE AND HOLLYWOOD BOULEVARD**

The Board executed a Contract for Sale and Purchase with Michele and John P. McEvoy for the acquisition of property (lot and house on .201 acre), located on the southwest corner of Walker Avenue and Hollywood Boulevard, in the amount of \$68,900 for the Hollywood Boulevard Widening Project.

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

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**ITEM III.A.7., CONTRACT FOR SALE AND PURCHASE WITH SHANNON M. RAITT-FLORIO AND JAMIE J. FLORIO, RE: ACQUISITION OF A PROPERTY (LOT AND HOUSE) LOCATED AT THE NORTHWEST CORNER OF HOLLYWOOD BOULEVARD AND SUTTON AVENUE**

The Board executed a Contract for Sale and Purchase with Shannon M. Riatt-Florio and Jamie J. Florio for the acquisition of property (lot and house on .184 acre), located on the northwest corner of Hollywood boulevard and Sutton Avenue, in the amount of \$72,000, for Hollywood Boulevard Widening Project.

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

**ITEM III.A.8., SIDEWALK EASEMENT FROM ARDMORE PROPERTIES, INC., IN FAVOR OF BREVARD COUNTY, RE: FUTURE MAINTENANCE OF A SIDEWALK**

The Board accepted an Easement from Ardmore Properties, Inc., in favor of Brevard County, for the proposed sidewalk associated with the construction of improvements related to Verizon Building in Satellite Beach (12SP-00454), located on the west side of State Road A1A, south of 3rd Street.

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

**ITEM III.A.9., SIDEWALK AND UTILITY EASEMENT WITH JOSEPH L. PIZZURRO, RE: HOLLYWOOD BOULEVARD AND FELL ROAD INTERSECTION IMPROVEMENTS PROJECT**

The Board accepted the donation of an easement from Joseph L. Pizzurro for the Hollywood Boulevard and Fell Road Intersection Improvements Project; and approved waiving the appraisal, Phase I environmental assessment and survey requirements.

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

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**ITEM III.A.10., ROADWAY SIGNAL AND SIGNAGE EASEMENT FROM THE VIERA COMPANY, IN FAVOR OF BREVARD COUNTY, RE: PROPOSED SIGNALIZATION ASSOCIATED WITH THE PUBLIX COMPLEX LOCATED NEAR VIERA BOULEVARD AND STADIUM PARKWAY**

The Board accepted a Roadway and Signage Easement from The Viera Company in favor of Brevard County for the proposed signalization associated with the Publix Complex, 11RW-00997, located in Section 33, Township 25 South, Range 36 East.

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

**ITEM III.A.11., QUIT CLAIM DEED FROM BREVARD COUNTY TO THE VIERA COMPANY, RE: RESOLVING AN ISSUE IN THE RECORDING OF A SPECIAL WARRANTY DEED TO BREVARD COUNTY**

The Board approved the Quit Claim Deed to The Viera Company to correct the Special Warranty Deed approved on October 18, 2011, which included the description for a separate Sanitary Sewer Easement in error.

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

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

The Board approved the Budget Change Requests, as submitted.

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

**ITEM III.B.2., APPROVAL, RE: ADMINISTRATION AND COLLECTION COSTS FOR BUSINESS TAX RECEIPTS, JULY 1, 2012 - jUNE 20, 2013**

The Board approved the cost of \$428,233, as submitted by the Tax Collector, for administration and collection of County Business Tax Receipts from July 1, 2012 through June 30, 2013.

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

**ITEM III.B.3., REVIEW AND REVISION OF POLICY BCC-90, RE: "GREEN" PROCUREMENT**

The Board approved staff review and revision of Board Policy BCC-90, "Green" Procurement.

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

**ITEM III.B.4., REVIEW AND REVISION OF POLICY BCC-10, RE: TOOL REIMBURSEMENT**

The Board approved Policy BCC-10, Tool Reimbursement.

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

**ITEM III.B.5., PERMISSION TO ISSUE AWARD OF PROPOSAL #P-5-12-09, RE: DISASTER RECOVERY AND DEBRIS REMOVAL SERVICES**

The Board granted permission to issue award of proposal #P-5-12-09 for disaster recovery and debris removal services; and authorized the Chairman to execute negotiated contract.

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

**ITEM III.B.7., APPROVAL, RE: RENEWAL OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY (COPCN)**

The Board approved the renewal of Certificates of Public Convenience and Necessity (COPCN), with Brevard County Fire Rescue (ALS, BLS, and ALS Non-Transport), Cape Canaveral Volunteer First Department (ALS), Coastal Health Systems of Brevard, Inc. (ALS and BLS), Kennedy Space Center (ALS and BLS), Canaveral Air Force Station (ALS and BLS), City of Palm Bay (ALS), Health First-Holmes Regional Medical Center-First Flight (ALS), City of Titusville (ALS), City of Cocoa (ALS), City of Cocoa Beach (ALS), City of Melbourne (ALS), City of Satellite Beach (ALS), Town of Indialantic (ALS), and City of Rockledge (ALS).



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

**ITEM III.B.8., APPROVAL, RE: NAMING A PORTION OF THE 2000 REFERENDUM-ACQUIRED NORTH BREVARD SENIOR CENTER, THE GEORGE VAN STADEN LAKES**

The Board approved naming a portion of the referendum-acquired North Brevard Senior Center, the George Van Staden Lakes.

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

**ITEM III.B.9., PERMISSION TO ADVERTISE A NOTICE TO EXCHANGE PROPERTY WITH A. DUDA AND SONS INC., RE: BREVARD ZOO LINEAR PARK**

The Board granted permission to advertise a notice to exchange property with A. Duda and Sons, Inc., for the Brevard Zoo Linear Park, and the preparation of legal documents.

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

**ITEM III.B.10., PERMISSION TO PURCHASE OFF STATE CONTRACT, RE: PURCHASING NINE (9) DIESEL FUELED CUTAWAY COACHES**

The Board granted permission to Space Coast Area Transit to purchase nine (9) diesel fueled cutaway coaches off of the Florida Department of Transportation (FDOT) State Contract in the amount of \$1,100,000.

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

**ITEM III.B.11., PERMISSION TO PURCHASE OFF STATE CONTRACT, RE: PURCHASING TWO (2) DIESEL FUELED SMALL CUTAWAY COACHES**

The Board granted permission for Space Coast Area Transit to purchase two (2) diesel fueled small cutaway coaches off the Florida Department of Transportation (FDOT) State Contract in the amount of no greater than \$176,000.

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

**ITEM III.C.1., REQUEST FOR PROPOSALS, RE: STATE OF FLORIDA LOBBYING SERVICES CONTRACT**

The Board granted permission to advertise the Request for Proposals (RFP) for lobbying services to represent Brevard County during State of Florida Legislative Sessions in Tallahassee and to represent the County's goals, priorities, and specific projects.

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

**ITEM III.C.3., RESOLUTION, RE: BREVARD COUNTY POST DISASTER REDEVELOPMENT PLAN**

The Board adopted Resolution No. 12-164, approving and accepting the Brevard County Post Disaster Redevelopment Plan.

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

**ITEM III.C.5., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Lertis Brothers** to the Community Development Block Grant (CDBG) Advisory Board, with a term expiring December 31, 2016; and **Dr. Wasim Niazi** to the Titusville-Cocoa Airport Authority, with a term expiring August 21, 2015.

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

**ITEM III.C.6., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

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

**ITEM III.B.3., REVIEW AND REVISION OF POLICY BCC-90, RE: "GREEN PROCUREMENT" (CONTINUED)**

The Board reconsidered its previous motion to approve review and revision of Policy BCC-90, "Green" Procurement.

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

Lee Moore stated in the last few years he has been reading a lot of documents pertaining to municipalities, cities, and counties environmental policies; and last night he had the opportunity to read Brevard County's BCC-90. He went on to say sometimes it takes another set of eyes to see what is in front of a person; and he would like to make a few comments to the Board for its consideration. He stated the committee who came up with this verbiage did a pretty good job in the definitions and references, especially for the environmentally preferred products; he sees a problem with the directives of the document; the directives is actually the teeth, or a go-to action; and it has to read clear and concise. He advised the Board that there is an Item B with a phrase of 'unreasonably expensive', which is vague and ambiguous; and it would be in the best interest to the County to either be more specific or to delete that all together. He added, metro Dade County has its environmental issues and they said if there are two products that do similar things and one costs more than the other, it can go up to 10 percent more and still meet the requirements. He went on to add, the other thing is the directive goes on listing four different groups of product types; the first one deals with products using post-consumer materials, which is also covered in the other portion under the definitions and references; the second one deals with printed and paper materials using at least 30 percent post-consumer recycled content, which also falls in line with the same thing; the third one is almost the same as the others but it includes janitorial supplies; and the fourth group lists energy star products, which is basically items that can be plugged in and meet minimum requirements for saving energy that way. He went on to say it falls short in listing products that are biodegradable, USDA approved, or EPA approved products; if there is a company that produces a widget that is environmentally sound,

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it is not a paper product and it is not plugged in, it does not meet other requirements of the County's directives and therefore there is no room to even purchase that product even though the County could benefit from purchasing it; and he thinks the directives need to be opened up a little bit and not so specific. He stated he has been involved in a company that actually has a product that is environmentally safe; it meets the USDA requirements, it is good for the environment, and it meets EPA environmentally preferred products requirements; they also meet the Presidential Orders and Executive Orders 135, 14, 13428, along with a number of FAR's and OFEE's, which is Office of Federal Environmental Executive Green Products Compliance; and they also reduce greenhouse emissions; however, with the documentation the County has with the green purchasing, those products do not even fall within the categories that are green-related. He went on to state not only do these green products he is involved with meet all the USDA and EPA requirements, along with the other executive orders, they reduce greenhouse gas emissions, most people think that by going green more money is spent to get the same product results, but that is not the case; and there is documentation that proves that when organizations begin to use their products, they can save \$1,000 per year per vehicle.

Chairman Nelson stated Lee is saying that there are areas that are not specific and some things that have been maybe not included; he is sure when it was first put together it was intended to be a guide as opposed to an absolute; and stated there is a difference between the two.

Commissioner Bolin Lewis stated it is her understanding that the green product Mr. Moore wanted to sell is not able to be sold to the County because of the current specifications. Mr. Moore advised it is not open enough as far as offering green products are concerned.

Steve Stultz, Central Services Director, stated he could meet with Mr. Moore and discuss what his product line is; they do test various things that are not specifically listed in the Green Procurement Policy; in fact, they are now running a pilot program on a application for vehicles.

Chairman Nelson stated the Board will withdraw this item from the Agenda, and staff can get the information from Mr. Moore; and when it is ready, staff can bring it back to the Board for consideration.

#### **ITEM IV., PUBLIC COMMENTS**

Kinley Nagle spoke to the Board about social awareness to the unexplored potential in children and society; and asked the Board for its support.

Chairman Nelson advised most of what Ms. Nagle talked about was related to children and it should be addressed to the School Board; and advised if any individual Commissioner would like to discuss it with her, they have her contact information.

Charles Tovey talked about the Constitution, about the County's Budget, and government not giving him respect.

#### **ITEM V.A., PUBLIC HEARING, RE: RESOLUTIONS ADOPTING SOLID WASTE SPECIAL ASSESSMENT RATES, FEES, AND CHARGES; AND RATIFICATION, CONFIRMATION, AND CERTIFICATION OF THE SOLID WASTE SPECIAL ASSESSMENT ROLLS**

Chairman Nelson called for a public hearing to consider adoption of resolutions adopting Solid Waste Special Assessment Rates, Fees, and Charges; and Ratification, Confirmation, and Certification of the Solid Waste Special Assessment Rolls.

Eurpides Rodriguez, Solid Waste Management Director, stated the item is divided into three parts: the disposal assessment, which includes no raises whatsoever; recycling and collection

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assessment, which does not entail any increases; and the special rate and charges. He went on to say the special rate and charges is what the County charges at the gate and what Waste Management is allowed to charge the commercial people; the last contract was a CPI, three percent per year, up to a maximum of eight and one-quarter; Waste Management has requested this throughout the years, and this is another year where they are requesting a three percent increase; and this does not affect the homeowners or what is charged at the gate, but does affect the maximum allowed to be charged by Waste Management to the commercial people.

Commissioner Anderson stated the Board is beholden to the contract that was established with Waste Management in 2004, extended for five years, with the language that the vendor can charge a three percent increase in rate to small businesses. He went on to say they keep nailing the small businesses as administrators of the contract as a stealth tax; the Board is stuck with this, but the current contract that is being negotiated could say any increase being requested must come before the Board for approval. He added, since the Board is the administrators, it should make that decision; and he requested the Board back him on that.

Commissioner Infantini inquired if the Board must grant the three percent increase; with Mr. Rodriguez replied the contract uses the word 'shall', as well as language in a provision for the hauler to ask for special increases apart from the CPI, but this is not one of them. He advised the one that is apart from the CPI is up to the Board. Commissioner Infantini inquired if the CPI was increased last year by three percent. Mr. Rodriguez responded it increased by 3.08 percent, and is capped at three percent per year with the maximum of 8.25 percent for the life of the contract.

Chairman Nelson clarified that the old contract was a renewal, and the Board was looking at an increase of almost 48 percent; by renewing, the maximum impact would have been eight percent over five years, not 48 percent immediately. He stated as the Board gets into the discussion, there may be an unintended consequence of artificially increasing the rate because it has not been addressed; but given the option that was available to the Board at that moment, it was a better than the alternative.

Mr. Rodriguez inquired as a point of clarification, is the Board talking exclusively about commercial property; and noted the residential side is averaged out. Commissioner Anderson stated he is specifically referring to the non-residential improved properties that are outlined in the resolution.

There being no further comments or any objections, the Board adopted the Annual Solid Waste Disposal Special Assessment Rate Resolution; Annual Solid Waste Collection and Recycling Special Assessment Rate Resolution; Solid Waste Impact Fee Rate Resolution; Schedule of Special Rates and Gate Charges; Special Rates and Charges for Improved Non-Residential Property and Compensation Rates to be paid the Collector; and other Resolutions Ratifying, Confirming, and Certifying the Annual Disposal, Collection, and Recycling Special Assessment Rolls.

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

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**ITEM V.C., PUBLIC HEARING, RE: COCOA EXPO SPORTS CENTER, LLC AND UPLAND INVESTMENTS, LLC 12-PZ-00044**

Chairman Nelson called for a public hearing to consider a portion of a Small Scale Plan Comprehensive Plan Amendment 12S.03 and rezoning application by Cocoa Expo Sports Center, LLC and Upland Investments, LLC.

Robin Sobrino, Planning and Development Director, stated since the item was tabled on August 2nd, staff has worked with the applicants in order to help define a binding development plan that would be associated with the request; this would enable getting a mutual understanding as to the parking and traffic impacts associated with the use, and the scope of the operations; and as of a week ago, they have finally come up with a draft which is fairly close as being acceptable to both sides of the application. She added, Item VII.A.3. is a request to waive the site plan requirements for a wall.

Cliff McClelland, representing the applicant, stated a stadium was built in 1964, along with a dormitory; in 1972 a gymnasium, club house, and locker room were added; and it is a long-time existing use. He went on to say they are trying to upgrade and expand the facility. He stated since the last meeting where the rezoning in connection with the dormitory was approved, they have had the opportunity to meet with staff and have been able to address buffer areas, phasing of the sidewalks, and essentially negotiate a binding site plan. He stated they believe they are consistent with the Comprehensive Plan amendments as well as the rezoning.

Susan Young spoke to the Board about her concerns regarding the project, such as safety concerns because of the narrow roadway and the difficulty in getting an emergency vehicle through there as it is; stated that she wanted an eight-foot opaque PVC fence along with a 20-foot wide landscaping buffer along the entire south and east portions of her property; and she spoke of her concerns of drainage issues. She went on to say she opposes the sell of alcohol within 300 feet of her property line, and was wondering why Cocoa Expo wanted to encourage the selling of alcohol to high school and college aged students. She distributed pictures to the Board. She talked about noise issues and requested that the Board limit hours of operation from 7:30 a.m. to 10:00 p.m.; spoke about issues with the parking spaces; and asked the Board to protect the residential properties.

Randy Noe addressed the Board about the flooding issues on his property, abandoned mobile homes, fencing off of the property, and safety issues regarding an above ground pool.

Robert Wright distributed pictures to the Board showing the flooding of his property from just some heavy rains due to the property behind him being filled in. He stated he is happy where he lives; he would like some sort of drainage system directly behind his and Randy's property if the project goes forth; and he will hold the County responsible if his property becomes flooded more than it already has.

Jeanne Robinson talked about the pond being made larger, which is adjacent to the property, and it has caused her property to be flooded; about how the lawn equipment cannot be accessed due to the flooding; and how her garden is gone because of the flooding.

Hassan Kamal, BSE Consultants, stated there are construction activities occurring there that may be causing the short-term flooding issues, and they are going to meet there this week to review the sites; if there are any issues because of the construction, those will be addressed. He went on to say once the project is developed, the plans have a perimeter swale system that will be able to collect stormwater from the residents' properties. He stated an exhibit was provided to staff that shows Friday Road from S.R. 520 to S.R. 524; there will be room for emergency vehicles to come down there; previously, people would park in the areas where the

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vehicles would normally pull off; and with the parking being provided on site, that should not occur. He added, there are landscape buffers that meet the Code on the residential properties; and the five-foot sidewalk they committed to will be provided along Friday Road.

Commissioner Fisher inquired if Mr. Kamal feels the improvements to Friday Road are adequate. Mr. Kamal advised the traffic consultant is working with County staff to develop a traffic study that will be a phased methodology analyzing different events on Friday Road and identifying what improvements need to be in place in order for those events to occur. He advised they are not precluding there may need to be improvements on Friday Road. Commissioner Fisher inquired how does the binding development agreement address Friday Road improvements. Ms. Sobrino advised the binding development plan makes reference to the submission and acceptance of a traffic study that would be reviewed and accepted by the County and incorporated as an exhibit of the binding development plan. Ms. Sobrino stated what is before the Board today is a zoning action; the first step is to say they are hearing representation that the applicant is willing to bind themselves to as part of the rezoning request; and once all of the pieces of the puzzle are ready to represent, the applicant will come back at a later date for the binding development plan to be accepted. She added, by County Ordinance, the applicant has 120 days to get the binding development plan recorded. Commissioner Fisher inquired if there is an immediate solution to the residents' problems with the drainage. Mr. Kamal stated if it is a matter of the material stockpiled on site that is blocking the drainage, the materials would be removed.

Commissioner Bolin Lewis stated her concern is the traffic; she would like to get the traffic study back in a timely manner to be reviewed by the Board; and inquired if there is a time frame of getting that study back. Mr. Kamal stated they are in the process of running the different scenarios; they are very close to getting a product that can be agreed upon; and their intent is not to wait until the last minute, as his client wanted to move forward as quickly as possible.

Chairman Nelson stated when this was first brought to him it was represented to him as a clean up of Cocoa Expo and now it has turned into the Amway Center; there is a huge difference in what was originally shown to him and where it is currently; the parking spaces only work on paper and will never work in actual use; and he is uncomfortable with all the additional uses being proposed, as it rises to a much higher level. He stated he is not ready to approve anything until he sees everything locked down tight and in writing; the bond is not in place; and if they would like to come back on September 4th with everything in better fashion and nailed down, that is better.

Commissioner Infantini stated she does not think Cocoa Expo is going to immediately have new venues until everything is in place; they have to have the proper parking and roadway access when they start that; and otherwise, they would not qualify for the binding development plan. She stated she is in support of the item.

Mr. Kamal stated the developer is committed to making significant infrastructure improvements and working through the traffic study to identify what is needed for an event to function properly, and the results of that analysis will be presented to the Board, and whatever comes out of that is going to be binding on the project for it to function.

Ms. Sobrino stated if the Board approves this today, subject to a binding development plan, the plan will come back before the Board for review so it can feel comfortable with the traffic study and all the other associated representations in the binding development plan; and at that point, if the Board finds it to be acceptable, upon recordation, the zoning becomes final and they can proceed with their site plan approval and building permit issuance, contingent upon compliance with all the stipulations. She went on to say as far as the Conditional Use Permit goes, in the

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event they were not living up to the conditions they are bound to, at that time the Board does have the authority to rescind a Conditional Use Permit through the public hearing process.

Commissioner Bolin Lewis reiterated she would like the traffic study completed within 30 days if possible. Mr. Kamal advised that is their goal.

Chairman Nelson advised could not support the item until all issues are in place at one time.

There being no further objections or discussion, the Board adopted Ordinance No. 12-25, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Third Small Scale Plan Amendment of 2012, 12S.03, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Lands Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Chuck Nelson

**ITEM V.B., PUBLIC HEARING, RE: COCOA EXPO SPORTS CENTER, LLC AND UPLAND INVESTMENTS, LLC 12PZ-00045**

Chairman Nelson called for a public hearing to consider a Small Scale Comprehensive Plan Amendment 12S.04 and rezoning request of Cocoa Expo Sports Center, LLC and Upland Investments, LLC, from TR-1 and AU to BU-1.

There being no objections or comments, the Board adopted Ordinance No. 12-24 amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Fourth Small Scale Plan Amendment of 2012, 12S.04, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provision which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Vice Chairman/Commissioner District 5
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Chuck Nelson



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**ITEM VII.A.3., BOARD APPROVAL, RE: WAIVER REQUEST OF SITE PLAN REQUIREMENTS FOR COCOA EXPO SPORTS CENTER - 12WV-00671**

Commissioner Fisher inquired what are the requirements regarding the fence. Cynthia Fox, Planning and Zoning Enforcement Manager, advised typically, when commercial is adjacent to residential zoning there is a requirement for a wall; but in lieu of that they can do landscaping. Robin Sobrino, Planning and Development Director, stated as far as the fence goes, it was the recommendation of the Planning and Zoning Board to approve a fence rather than a wall because at the time Ms. Young had expressed concerns about having a wall and a preference for a fence. She advised an eight-foot fence would be permitted.

Hassan Kamal stated there is a small section in the northwest corner of the property where the adjacent zoning is AU so that waiver request would be applied at that location; there is a short segment on the north side adjacent to residential, actually the north line for the eastern property, they are providing type A buffers along the majority of that north property line; and there are two exhibits in the packet that shows the waiver does not apply to the entire property.

The Board approved waiving the buffer requirements in Section 62-3204(g)(4)g and, instead, defer to the buffer requirements stipulated in Section 62-4342, Landscaping, Land Clearing, and Tree Protection Code for site plan requirements for Cocoa Expo Sports Center - 12WV-00671.

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

The Board recessed at 10:45 a.m. and reconvened at 11:03 a.m.

**ITEM V.D., PUBLIC HEARINGS, RE: ORDINANCE GRANTING ECONOMIC DEVELOPMENT TAX EXEMPTION FOR PROJECT PHOTAS**

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

There being no comments or objections, the Board adopted Ordinance No. 12-24, granting Economic Development Tax Exemption for Project Photas.

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

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**ITEM III.C.2., QUALIFIED TARGETED INDUSTRY RESOLUTION WITH HIGH IMPACT SECTOR BONUS, RE: PROJECT PHOTAS**

The Board adopted a Qualified Targeted Industry Resolution No. 12-172, with High Impact Sector Bonus and Brownfield Redevelopment Bonus for Project Photas.

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

**ITEM V.E., PUBLIC HEARINGS, RE: REQUEST TO WITHDRAW PUBLIC HEARING RELATING TO CODE REVISIONS TO CHAPTER 62, ARTICLE VII - SUBDIVISION CONSTRUCTION TIME FRAMES**

Chairman Nelson called for the public hearing of the request to withdraw the public hearing for code revisions to Chapter 62, Article VII, Subdivision Construction Time Frames.

There being no comments or objections, the Board approved request to withdraw public hearing regarding Code revisions to Chapter 62, Article VII - Subdivision Construction Time Frames.

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

**ITEM VI.A., RESOLUTION, RE: LOCAL BUSINESS PREFERENCE IN PURCHASING POLICY**

Steve Stultz, Central Services Office Director, provided the Board a presentation of local business preference of the Purchasing Policy.

Commissioner Infantini stated it appears there are two steps of applying local preference; step one gives five points for local preference applied to someone local and not factoring in the price; and step two, if qualified, has the opportunity to drop the price to qualify for the five percent.

Mr. Stultz advised the process Commissioner Infantini is talking about is the Requests for Proposal (RFP) scenario where there is actually a committee performing an evaluation; and the examples he is providing the Board are for Invitation to Bid (ITB).

Commissioner Infantini stated the drafted resolution says a business can change its original bid; it may not be intended to work that way; and she read aloud, "Step two, of the selection process shall be conducted upon hearing presentations and answer discussions, and best and final offers if stated in the original solicitation." She added, someone could actually change their offering price at that second step.

Chairman Nelson stated it is not a local preference issue, it is a negotiation issue for the contract; there is not an extra level of preference; and all bidders have the opportunity to re-offer.

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Mr. Stultz clarified, when best and final offers are called for, it is not always value based; there may be other components involved, such as performance guarantees, or other features of the acquisition that will be provided; and the overall cost may be one component of the best and final offer. He went on to say the existing Sunshine Law helps in the process; even though discussions in an evaluation committee meeting is public record and must be recorded, various vendors cannot listen in on those types of discussions on the contents of a proposal; and after discussions, the information then becomes public record.

Commissioner Fisher stated he likes having the contractor's option, with the ability to match; the selection committee is making a recommendation; but the Board should have the final say of who is chosen.

Chairman Nelson stated there are two parts involved; one is the purchasing part, involving the dollar amount given, which is essentially the matching; and the RFQ process that has no dollars associated with it because it is a qualification process.

Commissioner Bolin Lewis stated her preference is to have it down to the two business categories; the employee does not have to be a resident of Brevard County, as long as the company is; and she agrees on the low-bid matching.

Chairman Nelson advised the matching comes from the known dollar amount; he likes the matching concept because he thinks it gives the local the chance to bid, and it gives best value for the taxpayer, and he prefers allowing a match.

Commissioner Fisher inquired if it is five percent, plus the match. Chairman Nelson responded being within five percent and the closest local has opportunity to match.

Mr. Stultz inquired if the Board wants to keep the same up to \$500,000 in value and a certain percentage.

Commissioner Infantini stated after receiving the five percent for local preference and if it is too many points above the pricing, a last minute chance is given to drop the price to qualify and get the contract, regardless of all other factors and qualifications because of being local. Chairman Nelson responded there is no preference in the dollar associated with that process of sealed bids; that is why he wanted to separate the two; in effect, there is a sealed bid and it needs looked to see it is within a percentage; the process Commissioner Infantini is talking about is the RFQ process where local preference is given by location and negotiated because the dollar value is unknown; and then it moves through the process.

Commissioner Infantini inquired if preference points are given before the sealed bidding process begins. Mr. Stultz responded no. Commissioner Infantini stated anybody can bid when the bids are opened; and if a bid is more than five percent higher, there can be a given chance to lower the bid five percent. Mr. Stultz responded affirmatively. Commissioner Infantini inquired if the opportunity is given to the person not winning the contract the right to drop their price to remain equally competitive. Mr. Stultz responded no.

Commissioner Infantini inquired if everybody that is not in Brevard County gets their bid stuck at whatever offer, but everybody in Brevard County gets to change their bid to become more competitive if within five percent. Mr. Stultz responded affirmatively.

Commissioner Infantini stated she is going to be voting against this item because she thinks it is not fair to offer one person the right to drop their price, and not give others the right to drop their price.

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Commissioner Fisher stated this Board has wanted to give preferences to local businesses to help give them an opportunity to get County business; and stated he is okay giving local businesses a chance to get the County business.

Commissioner Anderson concurred with the idea behind the local preference to give those businesses that pay taxes in Brevard County the opportunity; he is elected to represent small businesses within Brevard County; and he is okay with the five percent ability to go back and award to a local.

Commissioner Infantini stated she was elected by individuals, not businesses, and she has to speak up for the individual taxpayers; some do have businesses here; and if they price their products right, they are going to win the contract. Commissioner Anderson pointed out that those local businesses are ran by individuals who vote.

Chairman Nelson advised State law has limitations on the ability to negotiate.

Commissioner Infantini inquired how does it allow a local business the opportunity to drop their bid, and yet it is not an offer to negotiate; and stated she thinks the Board is misinterpreting the law.

Chairman Nelson stated the County Attorney can take a look if there is a process for negotiation; he thinks the question at hand for today is related to local preference either having a local preference or not; and he thinks there are strong arguments on both sides.

Mr. Stultz inquired if the Board wants to keep the two thresholds at \$500,000 or include on ITB, as straight five percent. Chairman Nelson responded he is okay with straight five percent.

The Board directed staff to amend the drafted resolution for Local Business Preference in the Purchasing Policy of the Invitation to Bid (ITB) having a local company whose bid is within five percent of a non-local low bid be given the opportunity to match the ITB up to \$1 million; approved eliminating the two business categories and proof of residency requirement for Brevard County and Florida business; and approved the ability to match the ITB with a cap of up to \$1 million.

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

Chairman Nelson stated there is a second part for the RFQ process, which is an amount unknown.

Mr. Stultz stated Stockton Whitten, Assistant County Manager, is advising him that the Board needs to consider each one of the bullet points on the screen now of the summary; and the percentage preference for the other solicitations and removal of residency requirement for the employees is needed.

Chairman Nelson stated he thinks those both can go away because they have not added any to the process thus far.

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Commissioner Fisher inquired if the motion was for five percent for Brevard businesses and one and one-half percent for Florida businesses. Commissioner Bolin Lewis responded affirmatively.

Chairman Nelson stated he thinks it is a moot point, because if there is an in-state person there is no advantage to local to match it; inquired if the second low is a State bid, why not have it five percent as well; and inquired why create a second percentage.

Commissioner Fisher explained the first choice would be a local from the County to get the bid, and the second choice bidder would be from the State.

Chairman Nelson stated if the local bidder has the low bid, it is done; if the low bid is a State guy and there is a Brevard County next, he or she gets a chance to match, and State can go against the State at five percent if there is no local in the scenario.

Commissioner Bolin Lewis stated all of the scenarios are unknown and she thinks one and one-half percent should be given, if the scenario should arise.

Chairman Nelson stated he thinks the Board is supporting Florida; the only difference is at five percent, money could be saved; that is the whole point, it is still a Florida company that wins.

Mr. Stultz stated no matter where the location is on the low bid, whether it was Florida or not Florida, if a local business was within five percent, the local business would have that opportunity to match that low bid; and he thinks it may help get the Board where it needs to be.

Commissioner Infantini stated if ones does not like the results of the bid, this Board invalidates the results when it chooses, so there is always that to fall back on; rather than pondering this now, it can be invalidated by a vote as was done a few months back on the Sheriff's building; and it does not matter on the decision now, because the Board can change what it decided later.

Chairman Nelson stated the Sheriff's building is what brought this issue up.

Commissioner Infantini stated Commissioner Fisher wants to have the opportunity to always bring it back to the Board anyway; so after whatever voting is reached, and if it is going to have the opportunity to come back to the Board as he had suggested at the beginning of the discussion, all of this discussion right now is not completely relevant except to assign points.

Chairman Nelson stated he has heard Commissioner Infantini say in the past that she thought she was elected to vote on issues, and there had been issues that had come before the Board that she was uncomfortable with because she felt she did not have a vote.

Commissioner Infantini stated she has consistently said she wants to have a policy and a procedure that is followed; and she never has asked for a vote on something that was not in the rules or procedures.

Mr. Stultz stated the Board may want to consider the ability to match with five percent for the ITB; and the point assessment for RFP's and RFQ's is where the Board may want to focus more on.

Howard Tipton, County Manager, clarified the motion is for a bid under \$1 million or less has opportunity for a local company, within five percent, to come back and match the lowest bid; there are not two different categories being not a Florida business or a local business; and it only allows for local.

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Mr. Whitten added, the residency requirement is also being eliminated; and the request is asking for direction regarding the percentage of the preference and the business categories.

Chairman Nelson stated this will be seen by the Board again, because of the changes the Board just made; and he suggested the Board receive a clean copy, and it finalize it on September 4.

Mr. Stultz inquired if the Board can approve incorporating the changes made regarding the number of categories, the elimination of the residency, and extending it as amended today until such time the Board wants to see it come back. Chairman Nelson responded there is no need for that.

The Board directed staff to amend the drafted resolution for Local Business Preference in the Purchasing Policy to allow local businesses to receive a five point consideration Requests for Proposal (RFP) having a value less than \$500,000, a three point consideration for values \$500,000 but less than \$1 million, Florida Businesses receiving a one and one-half point consideration for RFP having a value less than \$500,000, and a one point consideration for values \$500,000 but less than \$1 million; and approved a five point consideration for local businesses, and one and one-half point consideration for Florida businesses at final ranking of Request for Qualifications (RFQ) for consulting services where cost cannot be a factor for evaluation.

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

#### **ITEM VI.B., BOARD DISCUSSION, RE: BACKYARD CHICKENS IN RESIDENTIAL ZONING**

Robin Sobrino, Planning and Development Director, stated on April 3, 2012, the Board heard a presentation from some citizens regarding a request to allow chickens in residential backyards; currently, Code allows one chicken in residential areas; there is a proposal to allow a Code change allowing a minimum of .2-acre, allowing two fowl per .1-acre. She added, staff has evaluated the request and proposes some alternatives for the Board to consider; and stated the proposal from the citizens translates into allowing up to 10 chickens on one half-acre, and 20 chickens on one-acre of property. She stated Option 1 is an Administrative Permit; currently, the Zoning Regulations provide for an Administrative Permit for pygmy goats and pot bellied pigs; and this allows staff to process, review, and issue a permit on a yearly basis subject to renewal on an annual basis. She stated Option 2 is to establish a finite number chickens to be permitted in a residential property; Option 3 is to consider establishing a minimum size of one-half acre allowing two chickens per half acre; and Option 4 is to leave the Code as is and take no action. She went on to say when dealing with a quarter-acre of property and considering accessory structure setbacks, the backyard starts to get very tight, in terms of space between the yard and the neighbors' properties; but typically, homes are set back seven and one-half feet and accessory structures can be setback anywhere from five to seven and one-half feet, which may not afford the necessary buffering that the Board might not want to see adjacent to other family homes. She added, a one-half acre lot would commensurately increase the ability to provide buffering to adjacent properties.

Chairman Nelson stated he does not want to get into the Conditional Use Permit (CUP) process; and inquired if it could be taken off the table because this is specific to General Use

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(GU). Ms. Sobrino responded it is an Administrative Permit process, not a CUP. Chairman Nelson stated the last thing the Board needs is a process where people are bringing in requests on a routine basis for chickens.

Margaret Goodelock mentioned she had spoken to every Board Member about allowing backyard chickens; she is seeking approval of allowing two chickens on each .2 acres; two chickens will not help families who are struggling; and she is requesting to have six chickens on .5-acre, as opposed to .2 acre.

Mike Blubaugh provided the Board a handout. He stated he is opposed to backyard chickens because 22 years ago he made an investment in his home because of the restrictions in place; and there are many places in Brevard County one can live if he or she wants to raise poultry animals, which is why there are zoning measures in place.

Tony Helms stated his property line abuts the Goodelocks' backyard; he has lived there for 26 years; and he is echoing Mr. Blubaugh's reasons to reside where they do because of restrictions that were in place at the time of his purchase. He mentioned he did not know of the first April 3rd hearing; he became aware of the second hearing when he had confronted the Goodelocks in mid-April while an electric fence was being installed along his east property line and that is when he started researching this. He stated there is constant burning taking place on the property; it has gotten to the point that he cannot use the back-half of his acreage because of the constant smoke; and he added, when the weather gets cooler, he cannot open the windows in his house because of all the burning of debris that is taking place.

Commissioner Bolin Lewis inquired how have the chickens affected Mr. Helms' backyard environment. Mr. Helms responded the housing coop noises and the constant burning of the bedding from the chicken coop is a problem; the issue is bigger than allowing a certain number of chickens; and he prefers Option 1.

Chairman Nelson explained a series of criteria would have to be set up for Option 1.

Commissioner Fisher stated the current Ordinance is anyone who wants to have a chicken in unincorporated areas can have one chicken; and if someone wants more than one chicken, they need to be in an agricultural area of two and one-half acres with no regulations.

Randal Agostini stated he supports allowing chickens, but does not support someone paying extra for a permit.

Sterling Sherrod stated he is an organic grower and he supports allowing backyard chickens in residential zoning; and he feels it is cheaper and healthier for him to have his own chickens.

Elizabeth Bianchi stated she is dyslexic and after eating store bought eggs, it gets very difficult for her; she now lives a hormone-free lifestyle; she prepares her own foods; her children are being raised in a hormone-free lifestyle; she believes that hormones affect the body in many ways; and stated she is very supportive of backyard chickens.

Commissioner Bolin Lewis inquired what is the size of Ms. Bianchi's property and how many chickens does she have. Ms. Bianchi responded she has over one acre of land and six chickens; and she added, the place where her chickens were purchased does not offer any information or rules about chickens.

Chairman Nelson stated he has a speaker card from Ruben Narmore, who had to leave, he is 80-years old, and is not in favor of chickens.

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Julie Sorenson stated childhood obesity is on the rise; she is trying to prepare healthier foods for her family; she spoke to each of her neighbors and they agree with her to allow backyard chickens in residential areas; and her neighbors are planning to barter with her for some of the eggs.

Commissioner Bolin Lewis stated she supports allowing backyard chickens; and now it is a matter of how many chickens per acreage.

Commissioner Anderson stated he supports property rights, and he will support backyard chickens.

Commissioner Fisher stated originally he had concerns for the Greater Titusville Renaissance (GTR) Group who are trying to clean up the community, and he was not sure if backyard chickens were a good idea; but now he is okay with the backyard chickens, because it will be limited on the amounts allowed per acreage. He inquired about setbacks on properties. Ms. Sobrino responded setbacks in back and side yards are between five and 10 feet. Commissioner Fisher stated he is leaning towards Option 2; inquired if going to a one-acre property, could it be multiplied and have four chickens; and stated he could be swayed into Option 3. Ms. Sobrino responded Option 2 would be a fixed amount of two chickens per residential property; Option 3 would create a ratio of two chickens per one-half acre of property, four chickens for one-acre of property, and for each half-acre increment, two more chickens could be added. Commissioner Fisher inquired how Code Enforcement would monitor backyard chickens. Ms. Sobrino responded it would consist of using the investigation process. Commissioner Fisher inquired if someone could buy a piece of property, get agricultural zoning, and have plenty of chickens. Ms. Sobrino responded affirmatively.

Commissioner Bolin Lewis inquired if going with Option 3, agricultural zoning could be exempted because it is unlimited. Ms. Sobrino responded affirmatively.

Commissioner Bolin Lewis stated she prefers four chickens per one-half acre.

Chairman Nelson stated his concern is folks with waterfront property having a canal in the backyard are not allowed fencing, and folks will be staring at chicken coops because they will be in backyards. He added, he has complaints already about individuals having chickens in backyards; and he could be talked into supporting it if a feral cat colony were located next to the chickens. He stated no matter what the Board decides, there are individuals with homeowner documents that are facing a civil issue; and the Board will be setting the community up for all sorts of issues. He went on to say his other concerns are waterfront properties having runoffs into the canals; the Board, at a future date, will be considering limitations on fertilizers; and he reminded the Board of the recent algae bloom. He added, he is not supportive of backyard chickens and will be voting nay.

Commissioner Infantini stated she thinks raising chickens are a good idea; there are a lot of individuals that she represents, and different communities have voiced their concerns; there are all kinds of mechanisms like Homeowners Associations and incorporation, and some cities have provisions for backyard chickens.

Commissioner Fisher inquired if it will be going from one chicken to eight. Commissioner Infantini responded affirmative. Commissioner Fisher inquired if there are any requirements to help protect neighbors. Commissioner Infantini stated there will be plenty of opportunity to create a lot more rules to oversee it; most individuals who are asking for the ruling already have chickens, and are wanting to do it lawfully; chickens will have to be cooped regardless because the wildlife will get them; and everywhere she has been, there have been coops.



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Commissioner Fisher inquired how the ordinance allowing chickens will be governed. Ms. Sobrino responded there are valid concerns; during the ordinance development process, suggested languages or limitations will be brought to the Board for consideration; this is the first step of permission to come back with an ordinance contemplating allowing four chickens per one-half acre of property; and staff will come up with regulations consistent with other ordinances of other counties with legislative intent and then proceed with the public hearing process of an ordinance.

The Board approved Option 3, directing staff to bring back to the Board for consideration of legislative intent, an ordinance amending the Code to permit four backyard chickens or other types of fowl, excluding roosters, per one-half acre of single-family property and for each additional one-half acre increment; and for staff to provide conditions of such as types of fowl allowed, housing (coop) requirements for the fowl, no slaughtering of the fowl, non-commercial use, setbacks, etcetera.

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

**ITEM VI.C., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE AMENDING ZONING REGULATIONS FOR SEASONAL PACKAGE STORAGE/DELIVERY ACTIVITIES**

Commissioner Bolin Lewis advised she liked the provisions of no golf carts and trailers to be permitted in residential areas, but she agrees to the homeowners associations being able to use common areas for package storage and deliveries.

Robin Sobrino, Planning and Development Director, advised the ordinance would be limited to common properties in the homeowners association; it does not contemplate the use of golf carts; and stated the City of Rockledge actually has a requirement that it be a street legal vehicle.

Motion by Commissioner Bolin Lewis to approve legislative intent and permission to advertise an ordinance establishing provisions for seasonal package storage/delivery activities. Motion died for lack of a second.

Commissioner Fisher inquired why the Board needs to change the current Ordinance.

Chairman Nelson stated it establishes where they can put these things; the problem was during the Christmas holidays, the packages were in garages, pods, on driveways, there were multiple golf carts, and there were a variety of things; and stated it puts some limitations by allowing going to a common area, and to use a street legal vehicle to make a delivery is what it accomplishes.

Commissioner Fisher stated he thought the Ordinance already said commercial areas could be used but not residential areas for package storage. Chairman Nelson advised a common areas is not commercial zoning.

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Ms. Sobrino advised the proposal is to allow for the seasonal delivery; if the Board will recall they wanted to establish sort of satellite delivery locations within neighborhoods, which the Code does not allow for now; and staff has come back with a list of restrictions that they think might allow for deliveries to take place from these satellite locations. Chairman Nelson advised the beauty of it is the homeowners association has to agree for them to be there, and if they are going to be mad at anyone, they can be mad at their homeowners association for allowing it. Ms. Sobrino stated an individual homeowner could not just set up shop on their own individual lot.

Commissioner Fisher stated the current Ordinance is fine like it is. Ms. Sobrino stated it is at the Board's discretion. Commissioner Fisher added, UPS can afford to rent a commercial building and run their business, and they should not be allowed in common areas of homeowners associations.

The Board considered request for legislative intent and permission to advertise an ordinance establishing provisions for seasonal package storage/delivery activities, but approved not to change the current Ordinance.

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

**ITEM VII.B.2., RESOLUTION, RE: DELEGATION OF AUTHORITY TO CITY OF CAPE CANAVERAL FOR ESTABLISHMENT OF COMMUNITY REDEVELOPMENT AGENCY**

The Board adopted Resolution No. 12-174, delegating authority to create and maintain a Community Redevelopment Agency for the City of Cape Canaveral.

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

**ITEM VII.E.1., CITIZEN REQUEST BY DR. THOMAS BLUE, D.M.D., RE: CENTRAL FLORIDA ANIMAL RESERVE (CFAR) UPDATE**

Commissioner Fisher stated the owner needs to give the Board an understanding of their plan and how they are going to comply in a year from now; there is a responsibility on their side to get moving in the right direction; and inquired how the Board knows a year from now it will not be in the same boat.

Chairman Nelson inquired if a quarterly report from CAFR would help.

Commissioner Fisher inquired if Mr. Blue talked to his engineer.

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Dr. Thomas J. Blue, D.M.D., CAFR, stated they did talk to their engineer. He went on to state 18 months is more probable; they have established a dialog with Planning and Zoning in Osceola County; and a representative of Osceola County told them once the submission of the site plan takes place, 90 days is what they will require.

Chairman Nelson stated he is okay with 18 months if the Board receives quarterly reports as to progress, because it gives the Board a chance to ask what is happening.

Commissioner Bolin Lewis expressed her agreement with 18 months, especially with Mr. Blue having to deal with another government entity.

Robin Sobrino, Planning and Development Director, inquired if the quarterly reports are going to the Board or staff. Chairman Nelson advised staff to forward to the Board comments on the progress.

The Board granted extension of 18 months from the original date of September 2, 2012, to allow Central Florida Animal Reserve (CFAR) time to move the animals from Canaveral Groves to Osceola County; and CFAR to provide to Zoning staff quarterly reports outlining the progress of their move, which will then be provided to the Board with staff comments.

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

The Board recessed at 1:07 p.m. and reconvened at 1:28 p.m.

#### **ITEM IV. PUBLIC COMMENTS (CONTINUED)**

Joel Farmer read a letter on behalf of Colleen Larsen requesting that the Board keep the trap/neuter/release Ordinance as it is, and to remove the moratorium on new registered feral cat colonies.

#### **ITEM VII.A.1., BOARD DIRECTION RE: EMINENT DOMAIN RELIEF ORDINANCE**

Chairman Nelson stated he does not mind considering amending sections of the Land Development Regulations to avoid eminent domain.

Commissioner Anderson stated it would help the property owner not to be forced into becoming a non-conforming lot because of action by local government.

The Board authorized staff to amend relevant sections of the Land Development Regulations providing for waivers or other relief for properties affected by eminent domain proceedings.

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

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**ITEM VII.A.2., CONTRACT FOR SALE AND PURCHASE WITH 3-GEN-X, INC. RE: ACQUISITION OF A 4.84 ACRES PARCEL OF LAND LYING SOUTH OF FELL ROAD ON THE EAST SIDE OF HOLLYWOOD BOULEVARD**

The Board executed Contract for Sale and Purchase with 3-GEN-X, Inc. for the acquisition of a 4.84 acre parcel of land, in the amount of \$365,000, for the Hollywood Boulevard Widening Project; and authorized the Chairman to execute the Addendum with 3-GEN-X, Inc.

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

**ITEM VII.A.4., APPROVAL TO STANDARDIZE MOSQUITO CONTROL AIR OPERATIONS FLEET, RE: PROCUREMENT OF TWO (2) NEW AMERICAN EUROCOPTER ASTAR B-3 HELICOPTERS DIRECTLY FROM THE AMERICAN EUROCOPTER MANUFACTURER**

Mel Scott, Assistant County Manager, stated on July 31st the Board directed staff to pursue the business case that staff presented to standardize its current fleet of aircraft that consists of 44, 22, and 11-year old aircraft, with two new American Eurocopters; the business case that was presented remains strong and comes with staff's recommendation to accomplish, at a minimum, to stop spending money to repair the aging fleet and convert the County's investment with savings to down payments for the new aircrafts; to illustrate the current predicament, they have spent \$505,000 of major maintenance repair costs in just the past 24 months on the Bell 206 Helicopters; and going farther back in time, that maintenance bill grows. He went on to say to avoid spending more than \$200,000 on a mandatory 12-year service agreement that will be coming due on the 11-year old craft, and over \$500,000 on the same aircrafts' upcoming required 15-year service, by replacing it prior to these mandates coming due; through standardization, they would reduce the certification and training costs by \$82,000; they will be able to finance at historically low rates; and due to the robust sales that are occurring in American Eurocopter, the delivery date of these new aircraft are expected to occur towards the end of next mosquito season and not prior to its outset. He stated the impacts will be tremendous, and not just the savings of dollars and cents, but through increased capabilities to kill more mosquitoes during those small windows of opportunity that the pilots have, given the FAA parameters they must navigate within. He added they will be cheaper, safer, more efficient, and more effective; given the life safety dilemma that part of Texas is in the grips of right now as they battle West Nile Virus, it is simply reality that Brevard County must face a similar battle; and given the emergence of this virus in Duval County, staff believes now is the time to update the fleet. He advised Jeff Sabine, Chief Pilot, and Jorge Santiago are present to discuss any technical or operational aspects of the purchase should the Board have any questions.

Randal Agostini spoke to the Board about being a pilot, books he has published, being involved in aviation, public transport, corporate transport, and being involved as both a pilot and an executive CEO. He talked to the Board about not keeping proper aviation records for the helicopter services; how nothing seems to add up with the proposal to purchase two new helicopters; and how a new helicopter is not needed to kill mosquitoes. He discussed financing versus payments on a \$6 million loan, fixed-wing aircraft, safety, and dual certifications. He requested the Board delay the decision of purchasing new aircraft and start asking new questions as to how the operation should be supported.

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Judy Strahan stated her concerns are the amount of money being spent on helicopters, higher taxes, hiring a firm to spray for mosquitoes, the state of the economy, and how the taxpayers cannot afford any more.

Dale Young expressed his feelings to the Board regarding postponing the purchase of the helicopters, the possibility of outsourcing spraying for mosquitoes, and the number of helicopters in Brevard County. He suggested the Board take thorough look at the proposal before it makes a mistake.

Dave Pasley stated there are services that spray for mosquitoes in the County; the numbers do not add up; and the issue needs to be looked at deeper.

Peter Fusscas stated he is in favor of postponing a vote on purchasing the new helicopters; he is pleased to learn there is no rush since the helicopters cannot be delivered until after next year's mosquito season; and there is plenty of time to take a detailed look at exactly what is going on. He spoke about not seeing supporting data to justify this acquisition; about no RFP being issued; and how it seemed only helicopters satisfied the County's mosquito control requirement. He inquired if there are written specifications, are the bid procedures being followed, is what is being done authorized under regulations, and how was the Eurocopter selection processed. He stated he has not seen any data that suggests fixed wings are not applicable to the County's needs; other counties use fixed wing aircraft; and they are less expensive to acquire and less costly to operate. He suggested the combination of a fixed-wing and a helicopter. He spoke to the Board about a non-partisan office of physical analysis being needed in Brevard County.

Pat Pasley, Brevard County Citizen's Coalition, stated in the past few weeks they have been talking to people who know a lot about helicopters; Brevard County has a number of people with this type of expertise; and these people are willing to help the County. She stated it is supposed to cost the County \$743,000 this year for the current fleet of three helicopters; and inquired what it will cost in future years. She talked about needing to do a 15-year comparative to see the costs instead of just one year. She asked the Board to postpone the purchase of the two helicopters until all of the facts and figures are in.

Commissioner Infantini stated she was offered a meeting with the Director of Mosquito Control; she was invited to bring other experts; but unfortunately, the Director was not available for that meeting.

Commissioner Anderson inquired if the helicopters were not going to be here until October or later; and inquired what the emergency is now. He suggested the Board have a workshop.

Glen Murray, Regional Sales Manager for American Eurocopter for the Southeast, stated he is a former Marine Cobra Pilot, he flew for 20 years in the Marine Corp, so he also has experience flying, and he now represents Eurocopter. He went on to say the AStar is identified as the AS350B3E. He added, the B3 is a light, single-engine turbine helicopter; it has a maximum gross weight of 5,225 pounds; it has dual hydraulics, so in the event of one failure the other one takes over; it has dual electronic control of the engine, with a manual backup; and it out lifts the nearest competitor in its class. He stated it is cheaper than the nearest competitor in its class by approximately \$300,000; and it has a lower cost of operation than the nearest competitor in its class. He went on to state he is comparing it to the Bell 407; he knows that aircraft as well because he worked for Bell and flew Bell products for seven years; and there is greater availability with Eurocopter than with the Bell 407.

Assistant County Manager Mel Scott inquired what is the risk the Board takes in waiting for a week, two weeks, or a month to make this decision. Mr. Murray advised any additional delay

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will most likely result in later allocations because the aircraft is so popular and is in high demand, even in the current economic climate; orders continue to be placed by large and small operators alike; and as they take orders, availability moves to the right.

Mr. Scott inquired what are the potential impacts to price. Mr. Murray advised they face inflation just like everyone else; precious metals are expensive; and generally speaking, when compared to CPI, they are about three to four percent per year price increases.

Commissioner Anderson inquired when the official start of mosquito breeding season is; with Mr. Sabine responding it varies, but probably from May to around November. Commissioner Anderson stated he is not saying he is opposed, but there are a lot of questions.

Mr. Murray stated when comparing the Bell 407's lift capability to the AStar, one of the things that Bell said was that the aircraft would not be authorized to fly at its maximum external gross weight; helicopters have two max gross weights, the amount of weight to be carried internal to the aircraft, and a larger number if carrying something external, such as on a sling line. He went on to say with mosquito control they do not externally lift the chemicals on a sling, the apparatus is affixed underneath the aircraft; Bell will not allow the aircraft to be flown at its max external gross weight in that configuration but Eurocopter will; and there is a significant advantage in weight. He added, the October delivery can be improved but they need to sit down with Mosquito Control and do a configuration analysis and preliminary design review as to how long it will take them to configure; that date is conservative and can be improved upon; but they need more detail from Mosquito Control once the contract is signed.

Jeff Sabine, Chief Pilot, Mosquito Control, stated 25 years ago Mosquito Control had a mixed fleet comprised of fixed-wing and helicopters; as the population grew, a lot of the marshes were encroached and they became congested areas; a fixed-wing aircraft is a sole delivery source; and they are for larviciding only. He added, they also herbicide, and as a bonus they do firefighting. He went on to say an analysis was done about standardizing the fleet; they cannot fly a single-engine aircraft over a congested area unless they have a waiver; and in that case, they would have to evacuate homes. He stated right now they are spraying at .28 cents per acre and their cheapest competitor is .84 cents an acre; they are using fixed-wing, and Brevard County is using helicopters; and there are cost savings right there. He stated it is better to have standardized aircraft because they have about six seconds before they hit the ground if there is an engine failure; as an instructor and pilot, a person goes back to their primary training; and when they were doing their primary training, their reaction time is two to three seconds to realize there is an engine failure leaving four seconds to hit the ground. He went on to add, the helicopter is more efficient as far as safety, loading the aircraft, which can be loaded in the field; there is about a 45 minutes to an hour flight time as far as reloading the aircraft; and that doubles or triples the price of an airplane.

Commissioner Infantini stated she has been working with a pilot that works in Indian River County; Indian River County uses fixed-wing aircraft to spray for mosquitoes; and they have not evacuated anyone, so that is misinformation. She went on to say a waiver needs to be obtained if flying over densely populated areas; the South Beaches, Grant-Valkaria, and most parts of Malabar are not densely populated; areas of Merritt Island are not densely populated; the marshes over the Cape are not densely populated; and all of those areas could be handled with fixed-wing. She went on to say fixed-wing aircraft have a larger capacity for chemicals as well as it travels faster disseminating the chemicals much faster; as far as the .28 cents per acre, they have asked for a financial analysis and they have not received it; it has been going on for over two weeks; and no analysis has been offered. She advised the reason why the Brevard Coalition and the other helicopter pilots came on board was because they saw this video a few weeks ago of how the County went from zero helicopters in the five-year plan, to one helicopter, to three weeks later two helicopters at \$6 million, and to buy now. She added, there is not

enough supporting data to rush into a \$6 million acquisition. She stated as far as the fire fighting, based on the information provided by Mosquito Control Director, four percent of their air time is spent fire fighting; to make a decision for an aircraft that is only used four percent of the time for fire fighting, perhaps that is not a good choice or use of the County's money; and instead of buying another ladder truck, the fire department can go out and buy their own helicopter. She stated Commissioner Anderson pointed out the Board is rushing into a huge decision when there has been no basis to rush in; as the gentleman said, if it is ordered later, it will be received later; and she reiterated now is not the time to rush into a decision.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to defer the purchase decision of the helicopters for one month to have time to gather the information while the Mosquito Control Director becomes available to answer questions. Motion failed.

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

**ITEM VII.A.4., APPROVAL TO STANDARDIZE MOSQUITO CONTROL OPERATIONS FLEET, RE: PROCUREMENT OF TWO (2) NEW AMERICAN EUROCOPTER ASTAR B-3 HELICOPTERS DIRECTLY FROM THE AMERICAN EUROCOPTER MANUFACTURER (CONTINUED)**

Mr. Scott stated the Mosquito Control mechanics had a conversation with Mr. Agostini; they have not been approached by any of the other experts, but remain available to speak with them; they did speak with a man today in the back of the room named John, a pilot with the Indian River County Sheriff's Office; and John told him he was leaving because he was satisfied with the information provided having had a conversation pilot-to-pilot with Mr. Sabine. He stated John did share with him that he was suspicious of the year-after-year amount of savings, which staff is projecting in one year to be \$743,000 just on the maintenance side because they are coming into a 12-year bill that they know is mandated on the 11-year craft; but they also genuinely agreed that, that number is a savings year-after-year. He added, as far as the availability of staff, they do remain available; and Commissioner Infantini did receive an offer to meet with Mosquito Control Director, Craig Simmons, which was rejected.

Commissioner Infantini stated she sent a crew of three to Titusville to meet, but Mr. Simmons was not available; they did receive stacks of information from staff; but what they asked for was a financial breakdown paring the costs and the benefits without jeopardizing pilots' safety; and that was not provided. Mr. Scott expressed his apologies for Mosquito Control being paper-based; they have data that comes off of the computers that come from the trucks, and they log their daily flight logs and pesticide use; and they do not have it computerized to come up with the analysis. Commissioner Infantini stated Mosquito Control needed to convert that into a spreadsheet; and inquired without a comparative analysis year-after-year, how can a basis be made for this decision.

Chairman Nelson stated there has been no discussion of the value received for the sale of the helicopters the County does have; the net cost to the County is \$4.6 million; and inquired if it is going to cost the County more money or is it being done within the current funding level so the millage does not need to be increased. Mr. Scott advised the purchase moves towards doing it less than is being done now. Chairman Nelson stated the County will be spending the same or

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less and having helicopters that are safe. He added, it will give greater capability with less resources.

Commissioner Infantini stated aircraft frames do not have a time limit, only parts do; and an aircraft is only as old as its last annual inspection. She inquired if fire fighting is only four percent of the time frame; inquired if the maintenance is \$748,000 every year; stated in 2009/2010 \$200,000 was spent; in 2010/2011 \$400,000 was spent; and in 2011/2012 it will be \$400,000. She added, now it is going to \$740,000; if it costs \$400,000 in penalty and interest, she does not see where the savings will be; and inquired if every year it will be \$748,000 maintenance. Mr. Scott advised the maintenance cost with new craft will go down to around \$25,000 a year because of the warranties.

Commissioner Infantini inquired how much the maintenance would be with the old aircraft knowing the County has its own mechanics. Jorge Santiago stated the newer aircraft will have at least \$200,000 mandated 12-year inspection that will fall within this coming year; two years down-the-road it will be an average of \$500,000 on the engine overhaul; and the \$700,000 that they know they will be putting into an older aircraft could be put into a new aircraft preventing spending that kind of money. He stated the old Bell helicopter is taken apart and it has to be shipped out to a facility where they have the proper tools to do major structural repair to bring it back into service; this is only one portion to what has already been invested in these aircraft; and stated if you look back to see how much money was put into these aircraft and how much money is being anticipated, at what point does it make sense to stop pouring more money into aircraft than they are worth. He stated based on the old aircrafts resale value, now is the best opportunity for the County to be able to standardize its fleet; standardizing is a good thing as it reduces costs, training, parts capacity, and the ability to prepare the pilots to respond to an emergency without getting confused; and the new aircrafts will bring approximately three years of warranty. He added, based on seeing the AStar in the past, there will be at least eight or nine years where the maintenance costs will be minimal.

Commissioner Infantini inquired how much of the \$200,000 is labor, or is it all parts; and the \$500,000 15-year inspection, how much is parts and how much labor. Mr. Santiago stated the \$200,000 number comes from a quote based on set parts and labor that they usually spend in this type of inspection for that particular aircraft; the quotes were from the service centers that provide that kind of inspection; and not everyone is set up to do that. He stated it is an average, because once things are taken apart, things can be found, and the number goes up. Commissioner Infantini inquired if the County's mechanics can do the inspections. Mr. Santiago advised it is not a simple thing that could take three months; and the County does not have the special equipment needed to do the inspection.

Commissioner Anderson inquired what is the warranty and maintenance package that comes with the Eurocopter. Mr. Murray advised 1,000 hours or 24 months; there is another option which is standard which would be 36 months or 500 hours, whichever comes first.

Commissioner Fisher inquired if Indian River County flew helicopters or only airplanes. Mr. Sabine advised they do contract work. He stated the four percent for fire fighting was based on a three-year period; and he flew 70 hours during a fire event previously. He stated a group of people could be considered a congested area; a home is a congested area; and South Beaches is considered a congested area. He added, as far as Indian River County, their impoundment areas are not over congested areas; that is the reason they can do that; and they do very little flying.

Chairman Nelson stated the helicopters could do the side type of things like flying after a flood; that happened with Tropical Storm Fay; and if it a person's house that is being protected, that four percent looks good. He went on to say there are things a helicopter can do that fire trucks



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cannot do; they can get to areas that people are otherwise unable to get to; and he is comfortable after the briefings with staff.

Commissioner Fisher inquired if the maintenance schedule had to be intensified after a period of time. Mr. Santiago advised the regularly scheduled inspections will continue, 100-hour, 600-hour, and so on; but the major ones means the aircraft is torn completely apart and inspected. He stated with the new aircraft the 100-hour inspection will change to 150 hours; the additional 50 hours with each aircraft will give the ability to operate 100 hours more if necessary during the season without having to stop the aircraft for annual inspection, which would be a great benefit.

Mr. Murray stated he cannot help to equate mosquito control to fire support, which is what he lived for a while; many in crop dusting are switching to helicopters because of the accuracy of which they bomb; and they are more effective.

Commissioner Bolin Lewis stated she grew up with crop dusters in the farmlands. She added, the advantage of having the helicopters is that landings can be done wherever, more intense inspection, and it is immediate. She stated she is concerned about delaying because of the timing of the delivery; she wants to make sure Brevard County is in the loop as fast as possible for the health benefits.

Mr. Murray advised although the contract says October, it is a conservative estimate; they have allocated the first two 2013 positions to Brevard County because of the information they received from Mr. Sabine and Mr. Santiago about the mosquito season and the need for those; what they will do next is go back to the folks in France and advise them they need to deliver those as soon as possible to the U. S. So they can be configured to make the mosquito season; and they routinely do that.

Commissioner Infantini stated Texas is outsourcing their mosquito control with a firm out of Tampa and using fixed-wing operations. She stated with regards to purchasing the helicopters, she thought they were being made in America, and rather than buying local the County is buying from France. She went on to say regarding the hours of operation, what Mr. Agostini used took their tack hours for a three year time frame and one aircraft was flown 350, another one 350 hours, and another 250, it worked out for two pilots as 141 flying hours per year.

Chairman Nelson stated he feels uncomfortable to fix up the old aircraft; he can see there is no additional cost, it is more efficient, and it is safer, which to him is the issue.

Commissioner Fisher inquired what the maintenance costs are for the current helicopters over the next few years. Mr. Santiago advised the estimated \$200,000 plus based on the quotes; the engine costs coming in the new few years is \$100,000; he would have to look at the Bell's to figure out how much; in 2003 they spent over \$160,000 overhauling the engine of a Bell; during that inspection they had to repair other items; and the total cost before that particular inspection was probably \$200,000. He added, in 2007 the other Bell 206 engine overhaul was about \$175,000 plus additional items they came across. He went on to say he cannot project too far into the future unless he gets his spec sheets but they have been pouring a lot of money into old aircraft; and the question in his mind is does the County want to keep on doing that or try to save money operating the new aircraft for the next seven to 10 years without having any severe repairs or overhaul.

Chairman Nelson inquired where the aircraft are manufactured. Mr. Murray advised the aircraft are sent to the United States from France in components; they are sent to Columbus, Mississippi, which employs about 500 people, and is an American Eurocopter facility; the aircraft are assembled there in basic configuration; and from there they are flown to Grand Prairie, Texas, which employs approximately 529 people, and that is where the aircraft are test

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flown, vibrations repaired, customized, painted and delivered to the customer. Chairman Nelson stated that is the same deal the County has with Embraer.

Commissioner Anderson stated he was 90 percent there, but after listening to the speakers and regarding the eight-month gap, now he is 70 percent there; he would have liked another couple of weeks; and he will vote against it.

The Board authorized staff to standardize Mosquito Control Air Fleet Operations, and work directly with American Eurocopter Manufacturer to procure two (2) new American Eurocopter Astar B-3 helicopters with outfitting equipment; and authorized staff to pursue and execute the best available financing option, and all other necessary budget actions, to fund the \$4.6 million loan required for the procurement and equipment standardization action.

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

**ITEM VII.B.1., VESTED RIGHTS APPLICATION, RE: SPECIAL MAGISTRATE'S RECOMMENDED ORDER FOR DENIAL FOR ERIC AND COLLEEN LEE**

Robin Sobrino, Planning and Development Director, stated this item has its roots in an Ordinance that was enacted by the Board in May 2005 regulating resort dwellings; the Ordinance was a culmination of about a year's worth of spirited debate amongst the residents and the Board regarding either to regulate or not to regulate resort dwellings; the original request came forward as a result of a citizen concern about residing next door to a resort dwelling and the issues related to it; and that is just the backdrop. She went on to say in May 2005 the Board approved an Ordinance restricting the use of a resort dwellings as far as single-family zoning; there is limited application in these single-family districts, and they are primarily limited to the east side of A1A, provided they are not abutting single-family uses or single-family zoning; they are permitted on the west side of A1A, provided that they have only direct access onto A1A, also not abutting single-family residential or single-family zoning; and they are also permitted in the PUD in multi-family or single-family, provided that it is part of a preliminary development plan approval. She added, there was a specific provision built in that provided a six-month amortization period for resort dwellings, that anybody who had a resort dwelling had six months to amortize that before it would go away; and the Board also added in a provision that provided for an appeal for any individuals who felt that the six months was not appropriate for their investment. She explained that the Lee's came forward in 2008 and made an inquiry to the Zoning Staff asking if the resort dwelling Ordinance applied to them; at that time there was a finding that it did; the Lee's said they were interested in applying for vested rights; approximately one year later, they submitted an application for vested rights, but did not submit the filing fee; and the application was returned to them after due notice. She stated in 2011 once again the applicant's said they would like a finding on whether the resort dwelling Ordinance applied to them; it was acknowledged at that time that it did; in February they filed for a vested rights claim for this action that predates back to 2005; the Special Magistrate heard testimony from the Lee's and County staff; and he has indicated that the window of opportunity for filing for a vested rights claim, which by Code is 30 days following a decision, had lapsed, and therefore, they were not eligible to apply.

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Commissioner Infantini inquired how much the filing fee was to apply for the vested rights. Ms. Sobrino replied \$1,733. Commissioner Infantini inquired why the County would charge someone \$1,733 for asking for permission to keep using their property for something they were already given permission to use when they purchased the property.

Chairman Nelson stated the question is a determination of if they have vested rights; the money is a moot point.

Colleen Lee stated they did send in a fee with the application and it took a year to hear back that the right amount of money was not sent, and at that point they could not afford the \$1,733. Chairman Nelson advised it was a process to determine whether they had a right, and it cannot be granted, it goes through a process.

Ms. Lee read aloud a letter to the Board relating to their purchasing property to rent short-term, how they checked with the County first before purchasing their property ensuring they could rent short-term, and how they were told they could do that with the property. She went on to say they did so well with renting the first property short-term, they decided to purchase a second property. She explained as a result of the Ordinance, they struggle on a daily basis; and they requested the County allow them to use the properties for the purpose in which they were purchased.

Chairman Nelson inquired in order to grant what the Lee's are asking for, what would have to happen. Ms. Sobrino advised the Board would not accept the recommended order of the Special Magistrate and in turn, find for vested rights.

Attorney Knox advised he looked over the Order from the Special Magistrate and it appears he made all the findings required to find for vested rights; but the only thing he found was they filed the application late; there is a 30-day window in which a person is supposed to file; and in the past, the Board has waived that requirement. He went on to say the Special Magistrate found they did not file in a timely fashion but he made the findings of fact that would be necessary for finding vested rights; and the Board is bound by the findings of fact.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

The Board denied the Special Magistrate's recommended decision and granted vested rights to Eric and Colleen Lee.

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

**ITEM VII.B.1, VESTED RIGHTS APPLICATION, RE: SPECIAL MAGISTRATE'S RECOMMENDED ORDER FOR DENIAL FOR ERIC AND COLLEEN LEE (APPLICATNS), CASE NO. 2012-12 (CONTINUED)**

The Board approved placing a condition of the vested rights of not being transferred to any future owners of the property.

Vice Chairman Anderson passed the gavel back to Chairman Nelson.

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

**ITEM VII.D.1., AGREEMENT WITH ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST, RE: ECONOMIC DEVELOPMENT SERVICES**

The Board executed Agreement with Economic Development Commission of Florida's Space Coast for Economic Development Services, for a term from October 1, 2012 through September 30, 2014, with an option for an additional one-year renewal.

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

By consensus of the Board, the meeting adjourned at 3:02 p.m.

ATTEST:

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

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MITCH NEEDELMAN, CLERK