

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on July 10, 2012 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was given by Reverend Joy Willard-Williford, Holy Trinity Episcopal Academy, Melbourne.

PLEDGE OF ALLEGIANCE

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the May 29, 2012 Regular Meeting Minutes and May 31, 2012 Zoning Meeting Minutes.

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

ITEM I.B., RESOLUTION, RE: RECOGNIZING STUTI MISHRA FOR HER ACCOMPLISHMENTS IN THE 2012 SCRIPPS NATIONAL SPELLING BEE

Commissioner Infantini read aloud, and the Board adopted Resolution No. 12-134, recognizing Stuti Mishra for her accomplishments in the 2012 Scripps National Spelling Bee; wished her a bright, successful future; and offered encouragement, as she becomes her younger sister's spelling bee 'coach'.

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

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ITEM I.C., RESOLUTION, RE: RECOGNIZING AND COMMENDING SHERIFF J.R. "JACK" PARKER FOR HIS LEADERSHIP AND CONTRIBUTIONS TO THE BREVARD COUNTY JAIL

Chairman Nelson read aloud, and the Board adopted Resolution No. 12-135, recognizing and commending Sheriff J.R. "Jack" Parker for his leadership and critical contributions to improve the safety and protect the lives of those who reside and work in the Brevard County Jail during his tenure as Sheriff of Brevard County.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

Vice Chairman Anderson passed the gavel back to Chairman Nelson.

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

ITEM I.D., RESOLUTION, RE: DESIGNATING JULY 2012 AS KENNEDY SPACE CENTER MONTH IN BREVARD COUNTY, FLORIDA

Chairman Nelson read aloud, and the Board adopted Resolution No. 12-136, designating July 2012 as Kennedy Space Center Month in Brevard County, Florida; and urged all Brevard County residents to celebrate the 50th Anniversary of NASA's Kennedy Space Center and the vital role that Florida has played and continues to play, in America's Space Programs.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

Vice Chairman Anderson passed the gavel back to Chairman Nelson.

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

ITEM I.E., RESOLUTION, RE: PROCLAIMING CALENDAR YEAR 2012 AS THE CITY OF ROCKLEDGE'S 125TH YEAR OF INCORPORATION

Commissioner Bolin Lewis read aloud, and the Board adopted Resolution No. 12-137, proclaiming the Calendar Year 2012 as the City of Rockledge's 125th year of incorporation; and encourages the Rockledge community and surrounding areas to participate in the upcoming celebration of events.

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

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ITEM I.F., RESOLUTION, RE: PROCLAIMING JULY 2012 AS PARKS AND RECREATION MONTH

Chairman Nelson read aloud, and the Board adopted Resolution No. 12-138, proclaiming the month of July 2012 as Parks and Recreation Month; and encourages residents and visitors to enjoy using the parks, trails, programs, and special places that enhance the quality of life in our community.

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.G., RESOLUTION, RE: RECOGNIZING THE LIFE AND CONTRIBUTIONS OF MAYOR THOMAS M. ESCHENBERG

Commissioner Infantini read aloud, and the Board adopted Resolution No. 12-139, recognizing the life and contributions of Mayor Thomas M. Eschenberg for his many contributions; and offered sincere condolences and prayers to his family.

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

ITEM I.A., PRESENTATION, RE: EMPLOYEE DEVELOPMENT PROGRAM

The Board acknowledged the following County employees in obtaining their Certificate of Professional Development with Honors: Bruce Black, Public Works; Irene Clark, Utility Services; Matt Culver, Natural Resources; Amanda Elmore, Natural Resources; Scott Hanson, Facilities; Lisa Morgan, Emergency Management; Wendy Orona, Library Services; Brandon Smith, Parks and Recreation/Central Area; and Merrill Vincent, Central Services/Asset Management; and the following employees obtained their Certificates of Professional Development by successfully passing all three Phases of the Professional Development Program: Danny Bates, Public Works/Road and Bridge; William Bergevin, Public Works/Road and Bridge; Mark Crabtree, Public Works/Road and Bridge; Jermaine Curry, Parks and Recreation/North Area; Susan Gosselin, Natural Resources; Paula Hudson, Natural Resources; Terry Kuscsik, Jr., Utility Services; Clifford Lent, Parks and Recreation/North Area; Tex Loadholtz, Parks and Recreation/Central Area; Regina Mahaney, Emergency Management/E911; Louis Manfredi, Public Works/Road and Bridge; Connie Mann, Parks and Recreation/South Area; Debra O'Brien, Fire Rescue; Neal Stanton, Library Services/Melbourne Library; and Dave Webster, Parks and Recreation/South Area.

ITEM II.C., REPORT, RE: ROBIN FISHER, DISTRICT 1

Commissioner Fisher mentioned he is concerned about the parking issues at Port Canaveral; the Tourist Development Board expressed their concerns to him in the past, with tourism; and he inquired if it would be appropriate to send a letter expressing the Board's concern.

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Chairman Nelson responded he has the same concerns; he stated Port Canaveral is working on a solution; and the parking is continuously being monitored.

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

Commissioner Bolin Lewis expressed her concern regarding Internet Cafe's not being regulated, such as distances to schools and parking regulations; and inquired if staff will prepare a report outlining the options.

Chairman Nelson responded there are some questions about placements; and stated Howard Tipton, County Manager, will have staff prepare a report of the options to bring before the Board of Internet Cafe's.

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

The Board appointed/reappointed **Jennifer White** to the Animal Advisory Board, with term expiring December 31, 2013.

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

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Infantini stated she would like to pull Items III.A.2., Approval, Re: Mosquito Control Tentative Detailed Work Plan Budget for FY 2012-2013; III. B.10., Review and Approval, Re: Policy BCC-21, Budget and Financial; and III.B.12., Cancellation Agreement and Release with the Housing Authority of Brevard County, Re: Payment in Lieu of Taxes (PILOT) Rate for Shelter Rent; and she will be voting nay for Item III.B.1., Approval, Re: Budget Change Requests.

Chairman Nelson inquired what concern Commissioner Infantini has with Item III.B.1., Approval, Re: Budget Change Requests. Commissioner Infantini responded she would rather see the budget changes added into the new budget, rather than adding them to the existing budget. Chairman Nelson advised as he understands, these budget changes do not increase the budget; it is simply the moving of money from existing accounts currently; and there is no change in the total resulting in the County's budget, except for one receipt of a grant.

ITEM III.A.1., AGREEMENT FOR MODIFICATION TO EXTEND TERM OF LEASE NO. 420:0413, WITH STATE OF FLORIDA DIVISION OF PLANT INDUSTRY, RE: OFFICE SPACE AT AGRICULTURE CENTER IN COCOA

The Board executed Agreement for Modification to extend term of Lease No. 420:0413 with State of Florida Division of Plant Industry for leasing of 324 square feet of office space at the Agriculture Center in Cocoa.

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 III.A.3., INCREASING EXISTING PURCHASE ORDER WITH VECTOR DISEASE CONTROL, INC. (VCDI), RE: SUPPLEMENTAL AERIAL ADULTICIDING SERVICES

The Board approved increasing existing Purchase Order with Vector Disease Control, Inc. (VCDI) from \$99,200 for up to the amount of \$300,000 for Supplemental Aerial Adulticiding Services to address heavy mosquito and/or virus activity that may not be able to be addressed by current aircraft.

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 III.A.4., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE ADDING A WAIVER SUBSECTION TO THE COMMERCIAL ENTERTAINMENT AND AMUSEMENT ENTERPRISES CONDITIONAL USE LISTED IN SECTION 62-1921 OF BREVARD COUNTY ZONING REGULATIONS

The Board approved legislative intent and granted permission to advertise a proposed ordinance creating a waiver provision to the commercial entertainment and amusement enterprises commercial use listed in Section 62-1921, Brevard County Zoning Regulations.

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 III.A.5., APPROVAL, RE: TRANSPORTATION IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS

The Board approved the project funding recommendations as prepared by the Technical Advisory Committee for the Central Mainland Benefit District; authorized the Budget Office to execute any budget changes required to implement project appropriations; and authorized the Chairman to execute Disbursement Agreements with the Cities of Cocoa and Rockledge.

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

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ITEM III.A.6., BINDING DEVELOPMENT PLAN, RE: BRANKO AND VALERIA PEJIC

The Board executed Binding Development Plan Agreement with Branko and Valeria Pejic, for property located on the northeast corner of Fay Boulevard and Pleasant Avenue.

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 III.A.8., CONTRACT FOR PURCHASE OF TWO PERMANENT DRAINAGE EASEMENTS (PDE's), AND A TEMPORARY CONSTRUCTION EASEMENT (TCE), WITH PENNY L. ISNER AND SCOTT M. ISNER, HUSBAND AND WIFE, RE: PLUCKEBAUM ROAD AND RANGE ROAD CULVERTS REPLACEMENT PROJECT

The Board executed Contract for Purchase of Easement Rights in the amount of \$225; accepted the Permanent Drainage Easements and Temporary Construction Easement from Penny L. and Scott M. Isner; and waived the appraisal, Phase I Environmental Assessment and survey requirements, for the Pluckebaum Road and Range Road Culverts Replacement Project.

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 III.A.9., APPROVAL, ACCEPTANCE, AND SIGNATORY AUTHORIZATION FOR A SUBORDINATION OF UTILITY INTERESTS AGREEMENT WITH FLORIDA POWER AND LIGHT (FPL), RE: SUBORDINATE AN EXISTING FPL EASEMENT ON LANDS ACQUIRED FOR THE LAKE DRIVE DRAINAGE IMPROVEMENTS PROJECT MAY 8, 2012, FROM PROPERTY OWNER RALPH SEIFERT, TRUSTEE

The Board approved, accepted, and executed the Subordination of Utility Interests Agreement with Florida Power & Light Company to subordinate existing FPL Easement on lands acquired for the Lake Drive Drainage Improvements Project on May 8, 2012, from property owner Ralph Seifert, Trustee.

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

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ITEM III.A.10., CONTRACT FOR PURCHASE OF TWO TEMPORARY CONSTRUCTION EASEMENTS (TCE's) WITH JOHN J. KABBOORD, SR., RE: PLUCKEBAUM ROAD AND RANGE ROAD CULVERT REPLACEMENTS PROJECT

The Board executed Contract for Purchase of Easement Rights in the amount of \$275; accepted the Temporary Construction Easements with John J. Kabboord, Sr.; and waived the appraisal, Phase I Environmental Assessment and survey requirements for the Pluckebaum Road and Range Road Culvert Replacement Project.

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 III.A.11., AGREEMENT TO MAKE FINAL PAYMENT AND TERMINATE EXISTING AGREEMENT WITH CITY OF SATELLITE BEACH, RE: ROAD REPAIRS

The Board executed Agreement with City of Satellite Beach to make final payment and terminate existing Agreement for road repairs.

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

The Board approved the Budget Change Requests, as submitted.

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

ITEM III.B.2., ACKNOWLEDGEMENT, RE: FY 2013 PROPOSED BUDGET FOR HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2013 proposed budget for Heritage Isle at Viera Community Development District.

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 III.B.3., ACKNOWLEDGEMENT, RE: FY 2013 PROPOSED BUDGET FOR MONTECITO COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2013 proposed budget for Montecito Community Development District.

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 III.B.4., ACKNOWLEDGEMENT, RE: FY 2013 PROPOSED BUDGET FOR VIERA EAST COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2013 proposed budget for Viera East Community Development District.

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 III.B.5., ACKNOWLEDGEMENT, RE: FY 2013 PROPOSED BUDGET FOR BAYTREE COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2013 proposed budget for Baytree Community Development District.

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

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ITEM III.B.6., ACKNOWLEDGEMENT, RE: FISCAL YEARS 2013-2016 PROPOSED BUDGET FOR CHAPARRAL COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the Fiscal Years 2013-2016 proposed budget for Chaparral Community Development District.

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 III.B.7. ACKNOWLEDGEMENT, RE: FY 2013 PROPOSED BUDGET FOR VIERA STEWARDSHIP DISTRICT

The Board acknowledged the FY 2013 proposed budget for Viera East Stewardship District.

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 III.B.9., APPROVAL, RE: CERTIFICATION OF LOCAL OPTION GAS TAX (LOGT)

The Board certified the revenue percentage allocation and authorized the Clerk's Finance Department to submit the allocations to the Florida Department of Revenue (DOR).

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 III.B.11. APPROVAL, RE: POLICY BCC-58, NAMING OF COUNTY FACILITIES

The Board approved changes and new review date for Policy BCC-58, Naming of County Facilities.

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

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ITEM III.B.13., APPROVAL, RE: FY 2012-2014 NEIGHBORHOOD STABILIZATION PROGRAM AD-HOC SELECTION COMMITTEE AND PROTEST COMMITTEE RECOMMENDATIONS (NSP3)

The Board approved the recommendations of the Neighborhood Stabilization Program 3 Selection Committee and Protest Committee; executed Agreements with Larcon Corporation, Inc., Smith Development and Construction, Inc., North Brevard Charities and Sharing Center, Inc., Harlan Property Development, and Armstrong Custom Homes, Inc.; and authorized the Chairman to execute subsequent modifications and amendments to the Agreement, upon review and approval by the County Attorney and Risk Management.

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 III.B.14., RESOLUTION AND CONSERVATION EASEMENT TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, RE: MITCHELL ELLINGTON PARK

The Board adopted Resolution No. 12-140; and executed the Conservation Easement to the St. Johns River Water Management District (SJRWMD) as required for the development of Mitchell Ellington Park.

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 III.B.15., RESOLUTION, RE: AD VALOREM TAX ABATEMENT FOR PROJECT SPEAK

The Board adopted Resolution No. 12-141, qualifying Project Speak for Ad Valorem Tax Abatement.

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 III.C.1., APPOINTMENTS, RE: SPACEPORT COMMERCE PARK AUTHORITY

The Board appointed/reappointed **Kathleen Burson, Pat Connor, Shannon Feeley, Dr. David Hosley, Micah Loyd, and Vice-Mayor Walt Johnson** to the Spaceport Commerce Park Authority, with terms expiring December 31, 2012.

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 III.C.2., AUTHORIZATION, RE: DISTRIBUTION OF FLORIDA CONTRABAND FORFEITURE FUNDS TO CITY OF ROCKLEDGE POLICE DEPARTMENT

The Board authorized the distribution of \$3,962.68 in Florida Contraband Forfeiture Funds to the City of Rockledge Police Department; and authorized any necessary budget amendments.

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 II.C.3., APPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board appointed/reappointed Michael Bean, Dr. Brian Binggeli, Ron Cobb, Teri Compton, Debra Greco, Mike Menyhart, Wayne Olson, James Roberts, Stockton Whitten, Tim Yandell, and Dr. Denise Young to the Brevard Workforce Development Board, with terms expiring June 20, 2015.

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

The Board appointed/reappointed **Judith Weaver** to Animal Advisory Board, with term expiring December 31, 2012; and **Jane Beach** to Historical Commission, with term expiring December 31, 2012.

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

The Board approved the Billfolder, as submitted.

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 III.A.2., APPROVAL, RE: MOSQUITO CONTROL TENTATIVE DETAILED WORK PLAN BUDGET FOR FY 2012-2013

Commissioner Infantini stated the Detailed Work Plan reflects a budget of \$6.7 million; the Agenda Report reflects the Fiscal Year impact for the budget to be \$7.6 million; and the totals is \$1 million difference submitted to the State. She mentioned when reviewing Mosquito Control's submitted budget, she noticed almost \$500,000 more in salaries and benefits from 2011; in 2011, \$2.8 million was spent on salaries and benefits; and now it is being budgeted to spend \$3.3 million. She added, there is an item for capital outlay, to purchase another aircraft; and stated she is concerned about the differences between what is being submitted to the State versus what is being submitted on the Agenda Report, plus the extra \$5 million submitted on the County's budget for capital outlay.

Craig Simmons, Mosquito Control Director, stated the Detailed Work Plan Budget is required to be submitted every year by July 15, to identify that the Board is working towards establishing a budget for the next fiscal year; the actual numbers are going to be decided during the budget session in September; the numbers outlined are tentative numbers; and can be adjusted at any time.

Commissioner Infantini stated millage rates will be set soon; she had advocated to reduce the Mosquito Control millage rate last year, but received opposition; and she thought the almost \$500,000 increase in salaries may not be necessary.

Mr. Simmons stated a significant amount of positions were kept open last year to build up attrition ensuring there was enough money to fund an excessive year; during the course of last year, Mosquito Control had its most active year in 30 years, projects were pushed back, and positions were kept open ensuring not to use reserves, in order to fund those issues; in the next fiscal budget year, it has all the actual expenses for all funded positions at full-year cost; and vacant positions are in the process of being filled now.

Commissioner Infantini inquired if the capital expenditure is for the new aircraft to be purchased. Howard Tipton, County Manager, responded the capital budget will be talked about in the budget discussion; stated there is an aircraft in capital to replace the 44 year old helicopter, due to metal fatigue; he mentioned there is an additional item on today's Agenda for additional spraying to be contracted out because of the downed helicopter; there is a fleet of three helicopters; and two are looking to be replaced, but only one will be replaced. She stated if the 44 year old helicopter is being replaced then the \$200,000 for maintenance repairs need not be done, if it is going to be gotten rid of.

Mr. Simmons added he is collecting quotes on the repair of the helicopter at this time; it could range anywhere from \$30,000 to \$500,000; the costs are unknown at this time; but if it is a significant cost, it will not be repaired.

The Board executed Florida Department of Agriculture and Consumer Services, Division of Agriculture Environmental Services, Detailed Work Plan Budget - Arthropod Control, for the

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fiscal year beginning October 1, 2012 and ending September 30, 2013, to qualify the Brevard Mosquito Control District as a State Certified Program.

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

ITEM III.B.10., REVIEW AND APPROVAL, RE: POLICY BCC-21, BUDGET AND FINANCIAL

Commissioner Infantini stated the change to Policy BCC-21, concerns her because the new wording provides if an item is approved in the Capital Improvement Plan (CIP), it would appear that it would not have to come back to the Board, and the County Manager is permitted to act upon it or take money out of reserves, as long as it was in the CIP budget; and she would like those types to come back to the Board.

Howard Tipton, County Manager, stated this particular suggestion came from the Internal Auditors; and it is part of the Stormwater Review coming before the Board on July 24. He went on to say the idea was when doing projects in CIP, it could be a two or three years project with Land Acquisition, design, construction, and implementation; he stated capital budgets are hard to determine, in which fiscal year those costs will hit; if the projects are moving ahead of schedule, if permitting is delaying it, and that staff has the ability to take the total project dollars, previously approved by the Board, and not waiting the three to six weeks to bring the item back to the Board so the project can move forward; and if there are cost over-runs on a project, those have to be brought back to the Board.

Commissioner Infantini stated the problem she has is the length of time an item is in the CIP, such as building the Wickham Park Community Center; the project could actually be moved forward without coming back to the Board by using reserves for it; she knows there are reserve dollars; the Agenda Report does not address facilitating on-going projects nor precludes from using CIP for projects that have not even been started; and the absence of language gives flexibility that anything in the CIP could then be acted upon by using reserves.

Mr. Tipton replied he does not believe that is the intent of the language at all; stated the Wickham Park Community Center Project has been on hold; and he is expecting it to come back to the Board for discussion and a vote.

Commissioner Infantini stated it is unfortunate that the wording does not match the intent; and she will be voting no.

Chairman Nelson clarified when funding is available for a project, it is placed in reserves, and later transferred for use; stated there is only one source of money; and in order for the funding to be used, it still has to come to the Board for approval, as a budget transfer. He went on to say there are controls in place; if one does not want to fund a project, it should not be put in CIP, and because monies were placed in a reserve account does not mean the money is not there or that there is a problem; and an alternative is to place the funding in a budgeted account for the capital project. He advised he is in supporting of the item because it streamlines the process with more efficiency.

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Commissioner Anderson concurred with Chairman Nelson; stated he does not ever envision a community center being erected without proper Board approval; and residents and newspapers would have a field day with that.

The Board approved changes to Policy BCC-21, Budget and Financial, to comply with Governmental Accounting Standards Board (GASB) requirements and Internal Audit recommendations.

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

ITEM III.B.12., CANCELLATION AGREEMENT AND RELEASE WITH THE HOUSING AUTHORITY OF BREVARD COUNTY, RE: PAYMENT IN LIEU OF TAXES (PILOT) RATE FOR SHELTER RENT

Commissioner Infantini stated this item deals with extinguishing a tax liability that is currently due to the County by Housing Authority of Brevard County; she previously misread the item when first presented, and thought another agreement was going to be provided for repayment of the debt; and the Agenda Item now states that the \$350,000 in debt is completely extinguished, and money will still be paid to the County, but at a much lower rate; and for that reason, she is not in favor of approving the item. She went on to say she does not want to completely extinguish the debt without replacing it with another responsibility to repay that debt; she understands money will be paid; but she is not comfortable with extinguishing \$350,000.

Commissioner Anderson disclosed after the first vote, his consulting firm retained the attorney's that represent the Housing Authority of Brevard County; and he receives no special benefits.

Chairman Nelson stated the Board has a circumstance where the current Housing Authority of Brevard County is dealing with an issue created by previous administration; public housing will have to be sold to pay the increased discretionary annual Payment in Lieu of Taxes (PILOT) rate, but public housing is needed; and part of the problem is Housing Authority did sell off their assets; the County will get its money, it will take a little longer, and he is okay with that.

The Board authorized the Chair to execute the Cancellation Agreement and Release with the Housing Authority of Brevard County regarding Payment in Lieu of Taxes (PILOT) rate for shelter rent.

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

ITEM IV., PUBLIC COMMENTS

David Kearns, Brevard Fair Voting, provided the Board a handout; stated he would like for the Board to get rid of venue voting machines; he advised the Board to watch carefully during the General Election for a hack-votes or a rigged election, and demand the State of Florida draft laws to standardize the process of rescanning ballots or outlaw the process entirely. He went on to say the process of rescanning has no basis in Florida Election Law; stated there are no legal ways to conduct a rescanning; and due to no laws for rescanning this is the perfect opportunity for a swap-out of the ballots for a desired result; and he believes that is what happened in early voting at Hillsborough County during the Governor's race.

Jim Myers, Professional Data Storage & Delivery and Cross-Cut Shredding, provided the Board a handout; stated he started his business in 1997; it now has over 300 accounts; and stores nearly 200,000 boxes of documents for many clients. He stated his company has a 40,000 square foot record center, which is one of only 12 commercially operated record centers in the United States called National Archives and Records Administration (NARA) approved for storing federal documents; and in 2004 Cross-Cut Shredding was added to provide shredding in order to meet demands for his customers. He added, for many years he tried to offer his off-site records management services to various Departments throughout the County; currently shredding is provided for many County library locations, Public Defender Offices, State Attorney Offices, Fire Services, and several Parks and Recreation Department locations; and he expressed his appreciation to those departments for using a local company.

Chairman Nelson suggested Mr. Myers speak with the Facilities Department.

Paul Novick, Complex Cafe, expressed his thanks to the Board and the County Managers Office for making it possible to renovate the Cafe; stated Monday the Cafe should be at full operation; and he recognized Teresa Camorada and Scott Barrett of Facilities Department for their assistance.

Charles Tovey stated his birthday was last Wednesday; he planted trees for the community on Memorial Day weekend; he picked up trash; there are people who get paid to pick up trash, but he did it for free, has a video, and a sponsor witnessing him; and he has cost saving remedies for the County.

The Board recessed at 10:19 a.m. and reconvened at 10:34 a.m.

ITEM V.A., ORDINANCE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION FOR OXYSONIX CORPORATION

Chairman Nelson called for a public hearing to consider ordinance for Economic Tax Exemption for Oxysonix Corporation.

There being no objections, the Board adopted Ordinance No. 12-17, granting an Economic Development Ad Valorem Exemption to Oxysonix Corporation; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; and providing an effective date.

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 V.B., PUBLIC HEARING, RE: FY 2012-2013 BREVARD COUNTY HOME CONSORTIUM CONSOLIDATED ONE YEAR ACTION PLAN

Chairman Nelson called for a public hearing to consider Fiscal Year 2012-2013 Brevard County Home Consortium Consolidated one year Action Plan.

There being no objections, the Board conducted a public hearing, as required by the U.S. Department of Housing and Urban Development (HUD), for the purpose of receiving public comments on the goals and priorities set forth in the HOME Investment Partnership (HOME) Consortium's Consolidated Annual Action Plan, and the recommended HOME and Community Development Block Grant (CDBG) funding priorities set forth in Brevard County's FY 2012-2013 Annual Action Plan to be presented at the July 24, 2012 Board meeting.

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

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

Howard Tipton, County Manager, stated this item extends the Local Business Preference Policy currently in place, with the changes made in May; and will be coming back to the Board on August 21.

The Board adopted Resolution No. 12,142, extending the existing Local Business Preference in Purchasing Policy as amended May 29, 2012, until August 21, 2012.

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

ITEM VII.A.2., MEMORANDUM OF AGREEMENT WITH THE NORTH BREVARD COUNTY HOSPITAL DISTRICT DBA PARRISH MEDICAL CENTER (PMC), RE: CHAIN OF LAKES EXPANSION

The Board approved the Memorandum of Agreement with Parrish Medical Center regarding construction, maintenance, and public access for a southern expansion of stormwater and recreational improvements at the Chain of Lakes Recreation Complex.

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

ITEM VII.B.1., RESOLUTION TO CONSIDER A QUALIFIED TARGETED INDUSTRY (QTI) TAX REFUND WITH BROWNFIELD BONUS AND HIGH-IMPACT SECTOR BONUS, RE: THOR RENEWABLE ENERGY, INC.

The Board adopted Resolution No. 12-143, approving a Qualified Targeted Industry Tax Refund with Brownfield Bonus and High-Impact Sector Bonus for Thor Renewable Energy, Inc.

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

ITEM VII.B.2., BREVARD ZOO LINEAR PARK EASEMENT AGREEMENT, AND GRANT OF EASEMENT AND AGREEMENT WITH EAST COAST ZOOLOGICAL SOCIETY, RE: BREVARD ZOO LINEAR PARK

Commissioner Infantini inquired what the development cost is. Jack Masson, Parks and Recreation Department Director, responded the cost is \$1.9 million. Commissioner Infantini inquired if it is coming out of the Referendum budget. Mr. Masson responded affirmatively; and stated the Parks Referendum was previously approved in 2000. Commissioner Infantini inquired if the project can be place on hold and if Brevard Zoo will be maintaining it. Mr. Masson responded the County will be using Referendum dollars for construction; there will be an agreement for 10 years with a 10 year renewal possibility for the Zoo to do 100 percent of the maintenance; and there will be no involvement from the County on the maintenance. Commissioner Infantini stated it appears 54 parking spaces will be paved; and inquired if the County will be getting 14 of the 54 spaces for its use. Mr. Masson responded the agreement has a minimum of 10 reserved spaces; and he is hopeful more will be needed specifically for the Zoo Trail, with additional spots as overflow. Commissioner Infantini inquired if 10 spaces are the only needed for the Zoo Trail why 54 are being paved. Mr. Mason responded the agreement has a minimum of 10; but is hopeful for more.

Chairman Nelson clarified easements will be given to extend the Zoo Trail from the Zoo; there is consideration that it is providing space that would otherwise be rented or purchased from the Zoo; and it is a cooperative sharing program.

Commissioner Infantini inquired if there is a guarantee of unlimited access to the public for this trail. Mr. Masson responded it is not unlimited access; it will be the general sunset to sunrise closure; and it is a free public Park.

The Board approved the Brevard Zoo Linear Park Easement Agreement and Grant of Easement and Agreement with East coast Zoological Society for Brevard Zoo Linear Park.

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

ITEM VII.C.1., REQUEST FOR EXECUTIVE SESSION, RE: BREVARD COUNTY v. SUMMERSET FLORIDA, et al, CASE NO. 05-2011-CA-031229-XXXX-XX

The Board approved the cost of advertising and the scheduling of a private session on July 24, 2012, at 11:30 a.m., or soon thereafter as possible, pursuant to Section 286.011(8), Florida Statute, for the case of Brevard County v. Summerset Florida, et al, Case No. 05-2011-CA-031229-xxxx-xx, for the purpose of discussing settlement negotiations or strategy related to litigation expenditures.

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 VII.C.2., RESOLUTION OF NECESSITY, RE: WICKHAM ROAD WIDENING PROJECT, PHASE 2

The Board adopted Resolution of Necessity No. 12-144, for the Wickham Road Widening and Improvement Project, Phase 2 in Sections 10 and 15, Township 26 South, Range 36 East; and directed staff to proceed with action in accordance with the Statutory requirements set for in Chapters 73 and 74, Florida Statutes, application to "quick-take" proceedings.

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

ITEM VII.C.3., PROPOSED SETTLEMENT AGREEMENT AND RELEASE, RE: HOLMES REGIONAL MEDICAL CENTER v. BREVARD COUNTY, CASE NO. 05-2010-CA-059923

The Board approved the final settlement in the case of Holmes Regional Medical Center, Inc. v. Brevard County, Florida in the amount of \$103,263.05; and authorized the County Manager to execute any final settlement agreement and/or release paperwork.

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

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ITEM VII.D.1., RESOLUTION, RE: BREVARD WORKFORCE INDIVIDUAL TRAINING ACCOUNT WAIVER

Howard Tipton, County Manager, stated the local Workforce Board is asking for a waiver of support, that the State Workforce Board is in favor of; and it deals with Brevard Workforce Individual Training Accounts.

Commissioner Infantini stated she is not in favor of the resolution receiving funding for training; it allows for some administrative support; she thinks Brevard Workforce does not need any more funding for their administrative element; and she will be voting no.

Chairman Nelson stated in his briefing with Lisa Rice, Brevard Workforce, it is not additional funding going to that source, it is keeping the funding that has previously been budgeted, because of the percentage change and allowable costs made in Legislature; it is a mid-year transition trying to be sorted through; it is not new money, it is being able to use what has already been budgeted; and if they do not get the account waiver, then some people will be lost.

Commissioner Infantini clarified she did not say new money; stated it is money being allocated for just training; she does not want to have a reallocations going to other uses, other than specifically training; it is a redistribution of where the funds can be used; and funds are best used for training of the individuals and is not looking to lose any funding.

Chairman Nelson reiterated Brevard Workforce has budgeted themselves with a certain amount of staff; the problem is the Legislature changed how much is allowable; the people will not be there to do the training, if Brevard Workforce does not receive the waiver for this year, and that is the dilemma their against; it will sort out in their next fiscal budget; but for this year they need the waiver to continue to provide the service at the same level committed to when their budget started.

Commissioner Infantini stated that is 40 percent of the funding; she is concerned about moving 40 percent of the funding; and using it for administration, rather than for training.

Chairman Nelson stressed the State moved the money and did not tell the Brevard Workforce Board's; and in mid-year their stuck in-between what the Legislature did and what they had budgeted for.

The Board adopted Resolution No. 12-145, supporting the Brevard Workforce Individual Training Account Waiver from the State of Florida, Workforce Florida Inc. (WFI).

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

ITEM V.C., RESOLUTION AND AGREEMENT WITH SWALLOWTAIL LLC (MIAMI CORPORATION), RE: EXCHANGE MITIGATION PROPERTY FOR MITIGATION CREDITS

Chairman Nelson inquired if starting a time certain prior to the advertised time is allowable. Scott Knox, County Attorney, responded there may be someone that shows up after the presentation is made, it is not a public hearing, per se; and it is allowed.

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Glenn Storch, Miami Corporation, stated this item refers to, two small parcels in-between State Road 5A, Interstate 95, and the Farmton Project; the County originally purchased these properties for mitigation purposes and then using the properties for an exchange of mitigation for traffic improvements being made, when impacting a small wetland area. He went on to say these areas may be appropriate for the corridor that will allow for the economic gateway for Brevard County; stated Farmton is proposing to exchange parcels for actual mitigation credits; Farmton is offering mitigation credits based on the parcel across Interstate 95 at a purchase price of \$15,000 plus, per acre; Farmton is valuing the property at \$15,000 plus; and giving impact fee credits based on that exchange.

Chairman Nelson explained it to be a value for value exchange; Farmton is getting land from Brevard County; Brevard County will receive credits for mitigation at the same value, as the value of the land given; and it is a fair exchange.

The Board adopted Resolution No. 12-146; and executed Agreement with Swallowtail LLC (Miami Corporation) authorizing the exchange of 2.38 acres of property owned by Brevard County for .67 credits of mitigation valued at \$49,500.

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 VII.A.1., ACCEPTANCE OF CONSERVATION EASEMENT FROM SWALLOWTAIL LLC, RE: THE FARMTON LOCAL PLAN COMPREHENSIVE PLAN AMENDMENT ADOPTED AS ORDINANCE 10-27

Glenn Storch, Miami Corporation, stated the Board previously passed the Farmton Local Plan (FLP); part of the FLP provided an exchange for moving areas of development, improving those areas for development, making it better for economic development, and encouraging a new economic gateway at the interchange of State Road 5A and Interstate 95; and Miami Corporation will donate a conservation easement over at least 8,000 acres of land. He added this is the second conservation easement transferred to Brevard County, Audubon of Florida, and St. Johns River Water Management District; stated the intent is that it can never be taken out of conservation; it has been a five year process; and will provide a perpetual habitat connection between basins of the St. Johns River and Indian River. He stated Brevard County staff has been tremendous by working hard, going on site visits, helping create the Farmton Conservation Management Plan for when the property goes into conservation, a plan can be agreed upon as to exactly how the property would be managed; and he provided Ernest Brown, Natural Resources Management Office Director, with the final Conservation Easement Baseline Documentation Report.

Chairman Nelson noted for the record the exchange of documentation was held off-camera.

Mr. Storch announced he would like to recognize and present Lauralee Thompson, Joe Walsh, and Charles Lee with a 2010 Friends of Conservation Award for working on the project; and he expressed his thanks to the Board for its cooperation.

Charles Lee, Audubon Society of Florida, stated Farmton will continue to operate its excellent forestry operations on the property; there is not going to be any public management expenses for these lands; the Farmton Tree Farm has produced outstanding wildlife benefits over the last

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80 years; it will continue into the future, without the possibility of being paved over and without public necessity to do so; he expressed his thanks to Brevard County staff for efforts made over the past several years; and stated it is a good deal that did not cost a dime.

The Board executed Conservation Easement with Swallowtail LLC as a Transfer of Development Rights consistent with the Brevard County Comprehensive Plan Amendment known as The Farmton Local Plan, adopted by the Board of County Commissioners as Ordinance 10-27.

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

ITEM VI.B., DISCUSSION, RE: ADOPTION OF COMPREHENSIVE PLAN PACKAGE 2012-1.4 PLAN AMENDMENTS, OBJECTIVE 5, WETLANDS

Ernest Brown, Natural Resources Management Office Director, stated on June 27 staff meet with the Department of Economic Opportunity, St. Johns River Water Management District, Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, and East Central Florida Regional Planning Council in Tallahassee; each agency expressed their concerns of the amendment in three primary areas, such as commercial and industrial corridors, wetland protection criteria for lack of guiding criteria clarity for functioning wetland systems and in the agriculture provisions, and the abutting provisions; some potential options were discusses for the Board's consideration that did not change the original intent of providing flexibility, having a more resource based decision process relating to commercial and industrial wetland impacts; and he has brought back some concept of modification that would move through the adoption process, and satisfy the five different agencies. He went on to say the Board has the option to move towards adoption, with the information originally transmitted in May, or make some modifications to that document to meet concerns and issues of the five accommodating agencies had set forth.

Commissioner Anderson stated after receiving the comments from the five accommodating agencies, he made some phone calls to Brevard County's State Legislative Delegation; he felt the comments were recommendations; and what is bothering him the most about the wetlands part is putting an undue burden on the unincorporated part of Brevard County when cites are far more restrictive than any municipality is; and he felt the transmittal can be proceeded with what was originally adopted, and run through the process.

Mr. Brown stated after meeting with all the agencies there was a better understanding of what Brevard County is trying to accomplish; some issues were clarified, with brackets around some of the steps, but not changing the intent, and providing more clarification and definition; and putting Brevard County on a stronger foundation, as moving towards adoption.

Commissioner Anderson inquired if Mr. Brown meet with any agriculture interested parties in Brevard County after going to Tallahassee. Mr. Brown responded affirmatively, that he has spoken with many who have approached the County to clarify the changes; and once clarification was given there were no other concerns expressed by those individuals. Commissioner Anderson inquired if the agricultural industry in Brevard County is comfortable with the changes that are going to be made from the original proposed language. Mr. Brown

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responded he cannot say the individuals he spoke with represent agriculture exclusively, or in totality; but felt all were satisfied.

Commissioner Bolin Lewis inquired if the changes can be explained for the record. Mr. Brown responded affirmatively; stated the situation still exists where a bonafide agricultural operator, that has been in operation for more than 10 years, can remove up to 50 percent of property from that bonafide agricultural status to implement allowable uses on that portion of the property, and impact wetlands; examples proved were land alteration, create a kennel to breed and raise bird-dog breeding are an allowable use; and one would still have to go through the ordinance and mitigation process the State sets forth, and would be an allowable use. He added if property is pulled out of bonafide agriculture and goes to residential use, then the residential wetland policy will apply; and the concept of high functioning landscape language being proposed is they are going to be protected, unless the individual coming forth with restoration projects can demonstrate it is public interest to impact wetlands, which is a public project, or meet the overriding public benefit criteria that deals with restoration projects that the environmental benefit outweighs the impacts associated with it. He went on to say those three concepts would come before the Board; the Board will decide if the activity brings enough interest relating to the public; and it excludes the isolating wetland systems and low functioning systems.

Chairman Nelson stated he feels better because there was the lack of the definition, criteria, and guidance related to commercial agriculture.

Bruce Moia stated he is supportive of the changes made; and he better understands what agricultural lands can and cannot do.

Tom Schuller stated originally he had concerns of the matrix being put together for agricultural lands: but after speaking with Mr. Brown he is not concerned with the changes made.

Donn Simms, Home Builders and Contractors Association, stated he agrees with Mr. Moia and Mr. Schuller; expressed his appreciation to staff, by doing a great job preparing the changes; stated the Home Builders and Contractors Association is in favor of transmittal.

Mike Moehle stated he is a member of the Wetland Advisory Group; he is comfortable with the changes from commercial corridor to mitigation qualified roadway; felt the high functioning wetland properties have been zoned for commercial and industrial use in Brevard County for 20 years, and owners cannot use it; he felt those properties should be grandfathered-in; there are already Statutes in place addressing it called Unified Assessment Method, or Uniform Mitigation Assessment Method; and he provided the Board with a handout of the Commercial Corridor Maps created for the Wetland Working Group, which is a starting point for the Mitigation Roadway Maps. He added, the Comprehensive Plan is not suppose to be a detailed ordinance; it is supposed to be a plan; and there is supposed to be a Code of Ordinances that contain all the details of maps.

Bob Bille stated he is pleased to hear of the consensus of opinion that staff has worked out the concerns through modifications; and he is in support of adopting the Comprehensive Plan amendments, with the minor modifications.

Joe Goldblatt, Home Builders and Contractors Association, stated there needs to be an independent study done regarding the high functioning wetlands.

Tom Franz, Franz Construction Services, recommended the Board adopt the Comprehensive Plan as submitted to the State, with the minor modifications outlined on the staff report of July 10, 2012.

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Commissioner Anderson inquired what the anticipated completion date is. Mr. Brown responded September 28 is the adopted by date.

Commissioner Fisher inquired if the Mitigation Qualified Roadway (MQR) will come back to the Board for review and approval. Mr. Brown responded it will go through the Local Planning Agency (LPA) process first and proceed through to the adoption process.

Chairman Nelson commented on the dollar amount of the money; stated he does not want to spend more than needed; but does not want to end up with a low-ball study, which can cause further delays, to match the task to the decision making process, with the money involved and it may cost \$60,000 to do the study, instead of \$50,000.

Commissioner Fisher stated the scope of the study makes him feel comfortable with the decision process; he cares about identifying wetlands in the study; and inquired if staff knows of any pristine wetlands. Mr. Brown responded he does not know of all pristine wetlands; state the challenge is cataloging systems systematically; in 2003, there was a natural inventory done creating a national inventory of sensitive areas in Brevard County, but at a very high level, and is not the tool to use to actually make determinations of whether or not a development is in a highly functioning system; and individuals coming in for applications will know of a high-degree of confirmation of where he or she stands. He went on to say the modifications of the scope can be refined and defined further in the wetlands systems qualifying as a high functioning landscape level system; and he felt a target of \$50,000 may get it there. Commissioner Fisher opined if the dollars for the study are needed to define pristine, he would prefer it not be done; the identify of know pristine can be given; and the developer can pay to prove if it is or is not pristine because they do change over time. Mr. Brown believed Commissioner Fisher has a very valid point, if a high functioning landscape level system is identified and the applicant feels it is not currently a high functioning wetland system, it would be incumbent upon them to demonstrate that because they are dynamic systems; one of the objectives staff understood was creating a degree of separation from staff work and having it be an independent, ensuring staff does not influence a determination of what meets the criteria; and the Board looking at it from an objective standpoint to benefit the decision making process in the long-run.

Chairman Nelson advised the Board to use caution because a mistake could be made on the study by not identifying a high functioning wetland properly, additionally it's a circumstance of the development community having to spend more money if they do not agree; and as a starting point, the most accurate information is needed.

The Board discussed and accepted the recommend amendments for the adoption of Comprehensive Plan Package 2012-1.4 Plan Amendments, Objective 5, Wetlands based on meeting with Florida Department of Economic Opportunity, Florida Fish and Wildlife Conservation Commission, East Central Florida Regional Planning Council, Florida Department of Environmental Protection, and St. Johns River Water Management District.

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

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ITEM VII.E.1., CITIZEN REQUEST BY KATHERINE A McCOY, RE: THE TRUE FACTS ABOUT FERAL CATS

Katherine A. McCoy, People Underwriting the Rescue and Rehab of Strays (PURRS), stated she has meet with each Commissioner and their Aide over the past couple weeks; she has over 500 letters of support for Trap Neuter Release (TNR) to help manage feral colonies, supporting fewer restricts on colonies, and requesting an independent investigation into the due process of violations involving the colony caregiver's; and she will provide any copies, if needed. She pointed out the official registry list of colonies has about 500 names, with some having more than one colony, and are spending hundreds of thousands of dollars to care for the County's pets overpopulation problem; and she reminded the Board these folks have stepped forward, in accordance with the laws tying to take care of the problem. She mentioned there have been a few people who have complained about the colonies; stated she has tried to provide education when visiting colonies; rabies in cats are not the primary animal with rabies; and in the last 10 years, four cats, and 26 raccoons were tested positive for rabies. She stated Toxoplasmosis is the third most common form of food born death from eating undercooked foods since it has to be ingested, it is not from feral cats. She stated the constitution is a pursuit of happiness and not a guaranteed; she understands the rival behind that; the proper establishment of feral cat colonies are what can be expected; when a colony is started that is when the cats start to being fixed; she would like to see no more feral cats, by every cat kept as an indoors, being well-loved, and being a properly vetted pet; and people need to be tolerant while the PURRS method works its TNR, because it is a method that works. She stated money is being spent, killing cats, and she knows it does not work and she is pursuing the method that works. She talked about if 100 cats are taken out of a property from a hoarding situation or from a neighborhood the cats are taken to a shelter, at an attempt to take care of the problem; those 100 cats are killed and it is costing the County quite a bit of money; and inquired what else the County could get for the sum of killing those 100 cats, at a cost of \$150 each. She stated PURRS can write a Comprehensive Management Plan ensuring a lasting and humane solution; she stressed colonies need to be registered; there has been no motion putting a moratorium on the registration of feral cat colonies; and the registry was never meant to be used to decide whether cats were legitament or destroyable; and the sole purpose of the registry is to aide and return the ear-tipped-feral cats back to their colonies. She stated she would like more prohibited laws regarding feral cat colonies, especially not requiring the signature of property owners of abutting properties, as a qualification for having a feral cat colony. She mentioned when there is a dangerous dog in Brevard County the owners are not required to get written permission from neighbors to keep that dog; sex offenders are not required to get signatures from neighbors; and inquired why there are strenuous qualifications being put on people who spend their money trying to help solve a neighborhood situation with cats. She went on to say she would like the Board to consider removing the handling of feral cats from base purview entirely, except for bite cases; a similar action was taken a few years ago with wildlife when budget constraints forced it; it has worked well in reducing nuisances calls; and she received a surprising statistic that on any given shift in Animal Control, there are only five Officers on duty from Mims to Micco, with half assisting serious law enforcement calls; she inquired where will these Officers go and collect trapped cats; and felt it to be an undue burden for the Officers. She advised the Board she will be involved in this topic through the long-haul of things; and if her request do no prevail today, she will still be present for those thousands of helpless kittens born each year.

Frank Barron stated eight years ago when many people left his neighbor there were cats left behind; his family has domestic animals; his mother wanted to help; a couple of cats turned into several; after doing research his mother found PURRS who helps with spaying, neutering, and caring for feral cats; and when his mother tried to register the colony, she could not do so due to the lack of not having neighbors signatures. He added he has been trying to find a solution for his mother; and he is hoping the Board might be able to help find a solution.

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Chairman Nelson pointed out staff is working to provide the Board with a report; stated his preference would have been to have the staff report, prior to the public comments; and he is not inclined to make any changes at this time until the Board is provided with the staff report.

Marjorie Moe stated she is a colony caretaker; Ms. McCoy has helped her reduce her colony to less than half, in only a few years; and she thinks the cats are there because of irresponsible people who abandoned them or turned them loose. She stated trapping is an inhumane solution, because the animal would be in the trap for hours, in the sun, with ants and mosquitoes before being picked up and sent for execution. She mentioned when she feeds the cats, she stays until the cats are done eating, and then removes the dish; eliminating feral cats is the goal, but the method of doing so is a disagreement; it needs to be done kindly, humanely, and most effectively; and she thinks TNR is the most effective way.

Scarlett Romine stated daily she tries making a positive difference in her community; she has assisted neighbors and 90 colonies with TNR; there are a few citizens who are making complaints about feral cats, but they are not doing anything to help the situation; the changes made a few years ago has made it harder to register colonies, which has not helped, changed, or stopped the problems; and there are still colonies that exist, but the locations are unknown. She mentioned she has spend more than \$3,000 this year helping the feral issues; no one has offered assistance to help make it easier and the community better; and added, getting rid of feral cats is not going to get rid of the raccoon issues. She stressed there will be ferals as long as the County has irresponsible people living in it; and urged the Board not to make a decision just to appease a few, who want to live in a sterile world, free of animals, due to fear, and fear is a disease itself.

Robert Allen mentioned he received an email from Alley Cat Allies, telling it has events taking place in Brevard County helping the feral cats; and he read aloud his statement of him being an animal lover of most animals.

Eva Nagymihaly stated TNR is solving the problem, maybe not as fast as some would like, but it is working; some ferals make great pets, some do not, and they take care of some rat problems; and there are caring individuals who take the time, helping to solve their County and city problems with ferals.

Chairman Nelson inquired the status of the Animal Advisory Board (AAB) meeting held yesterday; and the status of the staff report coming to the Board. Mel Scott, Assistant County Manager, responded the AAB met last night; stated there are members of the AAB present today, showing representation relating to the feral cat issues; the AAB scheduled a Workshop for July 24, at 6:30 p.m.; the next AAB Regular meeting will be Monday, August 13 dedicated entirely to ferals; and he expects subsequent meetings to be scheduled following the August 13 meeting. He suggested the public attend and participate in the meetings; and he is hopeful to craft something that is mutually agreeable to all parties.

Commissioner Infantini expressed thanks to those who are present today; inquired if anyone has connections to any type of corporate sponsorship's to give funding for the TNR Program.

Commissioner Anderson inquired the current Policy is on temporary hold until staff report comes to the Board. Mr. Scott responded affirmatively.

The Board acknowledged presentation given by Katherine A. McCoy regarding the true facts about feral cats, including epidemiology statistics and attrition rates in managed feral colonies.

July 10, 2012

By consensus of the Board, the meeting adjourned at 12:08 p.m.

ATTEST:

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

MITCH NEEDELMAN, CLERK