

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 May 15, 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	9:00 AM
Chuck Nelson	Chairman/Commissioner District 2	Present	9:00 AM
Trudie Infantini	Commissioner District 3	Present	9:00 AM
Mary Bolin Lewis	Commissioner District 4	Present	9:00 AM
Andy Anderson	Vice Chairman/Commissioner District 5	Present	9:00 AM

INVOCATION

The invocation was given by Pastor Lambert Mills, Frontenac Baptist Church "Chapel by the River", Cocoa.

PLEDGE OF ALLEGIANCE

Chairman Chuck Nelson led the assembly in the Pledge of Allegiance.

ITEM I.A., RESOLUTION, RE: PROCLAIMING MAY 21 - 28, 2012, AS NATIONAL BEACH SAFETY WEEK

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-103, proclaiming May 21 - 28, 2012, as National Beach Safety Week.

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

ITEM I.B., RESOLUTION, RE: PROCLAIMING MAY 20 - 26, 2012, AS EMERGENCY MEDICAL SERVICES (EMS) WEEK

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-104, proclaiming May 20 - 26, 2012, as Emergency Medical Services Week.

Orlando Dominguez, Fire Rescue Department, accepted the Resolution and expressed appreciation to the Board for its continued support.

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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.C., RESOLUTION, RE: PROCLAIMING MAY 20 - 26, 2012, AS NATIONAL PUBLIC WORKS WEEK

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-105, proclaiming May 20 - 26, 2012, as National Public Works Week.

John Denninghoff, Public Works Director, accepted the Resolution and expressed appreciation to the Board.

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

ITEM I.D., RESOLUTION, RE: PROCLAIMING JUNE 24 - 30, 2012, AS NATIONAL MOSQUITO CONTROL AWARENESS WEEK

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-106, proclaiming June 24 - 30, 2012, as National Mosquito Control Awareness Week.

Craig Simmons, Mosquito Control Director, accepted the Resolution and expressed appreciation 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.E., RESOLUTION, RE: PROCLAIMING MAY 14 - 18, 2012, AS SALVATION ARMY WEEK - MELBOURNE CORPS

The Board adopted Resolution No. 12-107, proclaiming May 14 - 18, 2012, as Salvation Army Week - Melbourne Corps.

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

ITEM II.A., HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, advised Item VI.A.1., Acceptance of Staff Report, Re: Tax Regulations, will be withdrawn from the Agenda in order to allow staff more time to work on it, and it will come back to the Board as a report.

ITEM II.D., TRUDIE INFANTINI, DISTRICT 3 COMMISSIONER

Commissioner Infantini stated one of the items on the Consent Agenda is transferring \$5 million from Operating Expenses to Reserves; stated in the last three meetings the Board has transferred \$20 million expenditures to reserves; and she thinks that perhaps the Board raised the property tax rates too high last year. She stated she is hoping to get approval from the Board this year to roll back the rates to last year's rates, rather than keeping it at the same.

ITEM II.G., CHUCK NELSON, DISTRICT 2 COMMISSIONER, CHAIRMAN

Chairman Nelson announced there is a Time Certain at 10:00 a.m.; at 11:30 a.m., the Board has an Executive Session; and there is a 1:00 p.m. Time Certain.

ITEMS PULLED FROM THE CONSENT AGENDA

Howard Tipton, County Manager, clarified that on Item III.A.2., there is a sentence that reads, "The use of the property shall be limited to a retail and wholesale paint store only"; and noted the property is going from BU-1 to BU-2, and the addition to that sentence should be, "And all BU-1 uses", as the property owner is not giving up the BU-1 uses by going to BU-2.

Chairman Nelson pulled Item III.B.5., Agreements with Cities of Cape Canaveral, Cocoa, Cocoa Beach, Indian Harbour Beach, Melbourne, Palm Bay, Rockledge, Satellite Beach, and Titusville, and Towns of Indialantic, Melbourne Beach, and Melbourne Village, Re: First Responder, for discussion.

ITEM III.A.1., BINDING DEVELOPMENT PLAN, RE: WILLOW LAKES R.V. PARK, INC.

The Board approved the Binding Development Plan with Willow Lakes R.V. Park, Inc.

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., BINDING DEVELOPMENT PLAN, RE: TECH-VEST, LLC

The Board approved the Binding Development Plan with Tech-Vest, LLC, as amended to include all BU-1 uses.

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., INTERLOCAL AGREEMENTS WITH CITIES OF TITUSVILLE, MELBOURNE, AND PALM BAY, RE: ADVANCED TRAFFIC MANAGEMENT MAINTENANCE

The Board approved the Interlocal Agreements with the City of Titusville, City of Melbourne, and the City of Palm Bay for the maintenance of the Advanced Traffic Management System (ATMS) Expansion; and authorized the Chairman to execute the Interlocal Agreements.

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., INTERLOCAL AGREEMENT WITH CITY OF WEST MELBOURNE, RE: MINTON ROAD AND EBER ROAD, AND MINTON ROAD AND SUNSET LANE

The Board approved the Interlocal Agreement with the City of West Melbourne for culvert installations on Minton Road at Sunset Lane and on Minton Road north of the Eber Road intersection; approved all Budget Change Requests needed for this action; and authorized the Chairman to execute the Interlocal Agreement and Budget Change Requests.

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., PERMISSION TO SOLICIT COMPETITIVE BIDS AND AWARD TO LOWEST RESPONSIVE QUALIFIED VENDOR, RE: LARGE VOLUME ALUMINUM TRAFFIC CONTROL SIGN SHEETING REMOVAL

The Board granted Purchasing Services approval to solicit bids for large volume aluminum traffic control sign sheeting removal, award to lowest responsive qualified vendor, and exercise the renewal option.

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., PERMISSION TO ADVERTISE FOR PUBLIC HEARING, RE: EXCHANGE OF PROPERTY FOR MITIGATION CREDITS WITH SWALLOWTAIL LLC (MIAMI CORPORATION)

The Board granted permission to advertise a public hearing to be held July 10, 2012, to consider the exchange of mitigation property for mitigation credits with Swallowtail LLC (Miami Corporation).

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.7., RIGHT-OF-WAY USE AGREEMENT WITH CRYSTAL LAKES PROPERTY OWNERS ASSOCIATION, INC., RE: CONSTRUCTION OF SIGNS, LANDSCAPING, IRRIGATION AND LIGHTING, AND MAINTENANCE

The Board approved the Right-of-Way Use Agreement with Crystal Lakes Property Owners Association, Inc., for construction of signs, landscaping, irrigation and lighting, and maintenance, within the right-of-way at the entrance of Spoonbill Lane, Melbourne Beach; and authorized the Chairman to execute the Agreement.

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., APPROVAL, RE: ITEM ASSOCIATED WITH VALKARIA AIRPORT MASTER PLAN/CONSTRUCTION OF NEW HANGAR-D PROJECT

The Board approved the Supplemental Agreements/Financial Extensions to the existing Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) #429822-1-94-01 for funds related to Phase 2 Construction of New Hangar-D Project; and authorized a Commercial Paper Loan or best available financial mechanism to fund both the reimbursable FDOT portion of the JPA and the County/Airport share to construct the 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.B.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests, 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.B.2., ACCEPTANCE, RE: SECOND QUARTER FY 2011-2012 STATE/COUNTY CORE CONTRACT QUARTERLY VARIANCE REPORT OF THE BREVARD COUNTY HEALTH DEPARTMENT

The Board accepted the Brevard County Health Department's Fiscal Year to Date, Second Quarter FY 2011-12 Variance Report.

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., AUTHORIZATION, RE: MUNICIPAL REVIEW OF LOCAL OPTION GAS TAX (LOGT) PERCENTAGES ALLOCATIONS

The Board directed the Clerk to the Board to mail a copy of the Local Option Gas Tax (LOGT) percentage allocations to each municipality for review; and authorized final review of the allocations at the July 10, 2012, Board meeting.

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., APPROVAL, RE: AWARD EMS TRUST FUND GRANTS FOR 2011

The Board approved awarding EMS Trust funding, provided to the County by the State Department of Health, to local EMS providers who have submitted grant applications; and all budget changes necessary for this process to be approved by the County Manager.

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.6., AGREEMENTS WITH BREVARD COUNTY PUBLIC SCHOOLS, COMMUNITY CHRISTIAN SCHOOL, HOLY TRINITY EPISCOPAL ACADEMY, LIGHTHOUSE CHRISTIAN ACADEMY, MELBOURNE CENTRAL CATHOLIC SCHOOL, RISING STARS ACADEMY, AND TEMPLE CHRISTIAN SCHOOL, RE: DORI SLOSBERG DRIVER EDUCATION SAFETY ACT/DRIVER EDUCATION SAFETY TRUST FUND

The Board executed Agreements with Brevard County Public Schools, Community Christian School, Holy Trinity Episcopal Academy, Lighthouse Christian Academy, Melbourne Central Catholic School, Rising Stars Academy, and Temple Christian School for funding from the Dori Slosberg Driver Education Safety Act/Driver Education Safety Trust Fund in the amount of \$272,895.14; and authorized the Chairman to sign any changes or amendments to the budget or contracts with previous approval of 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.7., APPROVAL, RE: COMMUNITY BASED ORGANIZATION (CBO) FUNDING

The Board approved a draft Request for Proposal to solicit Community Based Organizations to provide services for residents of Brevard County.

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.10., RESOLUTION AND COUNTY DEED WITH GREATER MOUNT OLIVE AFRICAN METHODIST EPISCOPAL CHURCH, RE: DENNIS SAWYER CEMETERY

The Board adopted Resolution No. 12-108, and executed a County Deed conveying the Dennis Sawyer Cemetery to the Greater Mount Olive African Methodist Episcopal Church; and authorized staff to initiate rezoning of the property from GML (Government Managed Lands) to an appropriate classification.

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., WAIVE THE COUNTY'S STANDARD VENUE REQUIREMENT FOR A \$7,567.80 SEA TURTLE CONSERVANCY SEA TURTLE GRANTS PROGRAM, RE: BARRIER ISLAND SANCTUARY MANAGEMENT AND EDUCATION CENTER

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The Board waived the requirement for a \$7,567.80 Sea Turtle Conservancy Sea Turtle grants program, and approved the Alachua County venue, as required by the grant program.

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.12., PERMISSION TO PURCHASE OFF STATE CONTRACT, RE: SEVEN (7) DIESEL FUELED SMALL CUTAWAY COACHES

The Board granted permission to purchase seven (7) diesel fueled small cutaway coaches off the Florida Department of Transportation (FDOT) State contract in the amount no greater than \$623,000.

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., RESOLUTION, RE: TAX ABATEMENT FOR THOR RENEWABLE ENERGY, INC.

The Board adopted Resolution No. 12-109, qualifying Thor Renewable Energy, Inc., as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an exemption ordinance.

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., RESOLUTION, RE: QUALIFYING THOR RENEWABLE ENERGY, INC. AS A QUALIFIED TARGETED INDUSTRY

The Board adopted Resolution No. 12-110, qualifying Thor Renewable Energy, Inc., as a Qualified Targeted Industry.

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.C.3., ACCEPTANCE, RE: FIRE RESCUE AUDIT REPORT AND CASH ACCOUNT RECONCILIATIONS CYCLE AUDIT REPORT

The Board accepted the Audit Committee Reports for Fire Rescue and Cash Account Reconciliations Cycle Audit Report.

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., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **William Klein** to the Animal Advisory Group, with term expiring December 31, 2012; **J.B. "Barry" Forbes** to the Housing Finance Authority, with term expiring May 15, 2016; and **Frank Knieser** to the Parks and Recreation South Sector Advisory Board, 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.7., 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.B.5., AGREEMENTS WITH CITIES OF CAPE CANAVERAL, COCOA, COCOA BEACH, INDIAN HARBOUR BEACH, MELBOURNE, PALM BAY, ROCKLEDGE, SATELLITE BEACH, AND TITUSVILLE, AND TOWNS OF INDIALANTIC, MELBOURNE BEACH, AND MELBOURNE VILLAGE, RE: FIRST RESPONDER

Chairman Nelson stated the Board has had continuing discussions about the unincorporated portion of the First Responders. He explained that the unincorporated areas pay for First Responders, and they also pay the cities for their First Responders; and pointed out that the unincorporated residents are paying twice. He stated he would like to see staff work on either balancing it out, or coming up with a better plan that spreads the equity.

Chairman Nelson passed the gavel to Vice Chairman Anderson.

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The Board executed Agreements with the Cities of Cape Canaveral, Cocoa, Cocoa Beach, Indian Harbour Beach, Melbourne, Palm Bay, Rockledge, Satellite Beach, and Titusville, and Towns of Indialantic, Melbourne Beach, and Melbourne Village, for First Responder funding.

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

ITEM IV., PUBLIC COMMENTS

Marla Purvis addressed the Board concerning the ongoing problems with safety issues at the SCAT bus terminal on S. Varr Street in Cocoa, with people drinking and appearing highly intoxicated. She noted she has contacted the Brevard County Sheriff's Office as well as the Cocoa Police Department.

James Liesenfelt, Transit Services Director, stated currently, there is staff at the terminal who make the people leave the area, and the police have also assisted in removing the people. He noted in July the Board will see an Agenda Item for new lighting and security cameras; staff is in discussions with security guards; and the first step that Ms. Purvis will see will be security guards at the terminal.

Charles Tovey addressed the Board stating he needs the Board's help at his house; and stated the Board helps others with their Code Enforcement fines, but not him.

ITEM V.A., PUBLIC HEARING, RE: RESOLUTION VACATING PUBLIC UTILITY AND DRAINAGE EASEMENT IN THE OLD CHURCH MANOR - ETHEL STILLWAGON, TRUSTEE

Chairman Nelson called for the public hearing to consider a resolution vacating a Public Utility and Drainage Easement in The Old Church Manor, as petitioned by Ethel Stillwagon, Trustee

There being no comments or objections, the Board adopted Resolution No. 12-111, vacating a Public Utility and Drainage Easement in The Old Church Manor, as petitioned by Ethel Stillwagon, Trustee.

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.C., PUBLIC HEARING, RE: ORDINANCE EXPANDING NORTH BREVARD ECONOMIC DEVELOPMENT ZONE

Chairman Nelson called for the public hearing to consider an ordinance expanding the North Brevard Economic Development Zone.

Commissioner Infantini expressed concern over the expansion of the North Brevard Economic Development Zone including tangible property, and other material changes. Commissioner

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Fisher pointed out it was always the intent of the Board to take advantage of full, taxable values of industrial and commercial property within the Zone, and not residential.

Discussion ensued on the proposed ordinance.

There being no further comments, the Board adopted Ordinance No. 12-14, substantially rewording and amending Ordinance No. 2011-16 creating the North Brevard Economic Development Zone; expanding the District to include Exploration Park in County Commission District 2; adding, amending, and clarifying definitions and provisions; providing for severability; and providing for an effective date and ordinance term.

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

ITEM VI.A., ACCEPTANCE OF STAFF REPORT, RE: TAXI REGULATIONS

Robert Michelek, owner, 5th Avenue Taxi, informed the Board that there are no regulations for taxi cabs in Cocoa Beach; and mentioned that the taxis that do not have regulations do not have insurance, are not bonded, and have no weights and measures.

Commissioner Anderson stated he does not believe government should regulate prices, but he agrees all taxis should be required to carry insurance. Chairman Nelson assured Mr. Michelek that the Board will have discussions on the issue and will include him on those discussions.

Jessica Gale and William Porter, Porter Points Taxi, and James Toner, Call n' Cab, Inc., all commented on the lack of enforcement and regulations for taxis that do not have insurance and that do not have stickers on their taxis.

Commissioner Fisher inquired if there is a requirement in the current Code that taxi cabs have to carry a sticker on the car. Robin Sobrino, Planning and Development Director, replied yes, the program is through SCAT, but there is no one who actually enforces it, and there is no screening of the drivers or owners at this time.

The Board directed staff to initiate dialogue with the Tax Collector's Office regarding occupational licenses and registration of taxi cabs/vehicles for hire.

ITEM VII.B.1., ACCEPTANCE OF SELECTION COMMITTEE RECOMMENDATION WITH BEST RANKED FIRM, RE: PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES FOR SHERIFF'S NORTH AREA PRECINCT BUILDING

John C. Zwick, Architects in Association Rood, Zwick & Kerr, stated his firm has been locally based in Brevard County for 25 years, and he is looking for help from the Board to keep work in Brevard County. He advised all of his firm's employees are from Brevard County; and stated he would like the Board's consideration of his firm.

Steve Stultz, Central Services Director, advised Rood Zwick & Kerr presented a protest asking that the Board reconsider its local preference policy; and a protest committee reviewed the

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issues of the protest and found no technical mis-step in the process of applying the local preference. He pointed out that Florida Statute does not allow the consideration of price on the selection of architectural and engineering firms until such time that a firm has been selected based on its qualifications and other established criteria.

Travis Kerr, Architects in Association Rood, Zwick & Kerr, stated a project the size of the Sheriff's North Area Precinct building could ensure that some of their staff has a job for at least another year. He commented on the differences between a local firm doing the project, and a firm from Tallahassee doing the project.

Commissioner Bolin Lewis stated the current local preference policy was put together using other examples from other counties.

Mr. Stultz provided a PowerPoint presentation on local preference to the Board; and gave examples of how local preference is applied.

Commissioner Infantini mentioned other contracts that have gone out to bid; and recommended that the rules not be changed midstream.

Commissioner Anderson stated the Board needs to have an agreement with surrounding counties to find a way to come up with a model ordinance that all can use. Mr. Stultz noted most counties and municipalities have a local preference policy, but they are all crafted differently.

Will Rutherford, Clemons Rutherford & Associates, noted the advertisement was placed for the State of Florida and the United States; stated his firm did its due diligence and did what the RFP asked for; and stated his firm was fortunate to be ranked first because of its experience, and he would like to see it followed through.

Discussion ensued on the local preference policy. Shannon Wilson, Deputy County Attorney, advised the firms were ranked in their presentations and given a score; in order to deal with a position where it would be appropriate to look at those qualifications again, the way to do that would be to re-rank.

The Board did not accept the Selection Committee's rankings and recommendation of Clemons Rutherford & Associates, Inc., for selection of an A&E firm responding to RFQ-3-12-03 for architectural and engineering services for the Sheriff's North Area Precinct building; approved proceeding with Architects in Association Rood, Zwick & Kerr, Inc., who filed a protest on April 6, 2012, disputing the original selection.

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

ITEM VII.B.1., RESOLUTION DETERMINING ARCHITECTS IN ASSOCIATION ROOD, ZWICK, & KERR, INC., AS THE FIRST RANKED FIRM FOR A & E SERVICES FOR BREVARD COUNTY SHERIFF NORTH AREA PRECINCTBUILDING

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The Board adopted Resolution No. 12-112, determining the firm of Architects in Association Rood, Zwick & Kerr, Inc., as the first ranked firm, and Clemons Rutherford & Associates, Inc., as the second ranked firm.

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

ITEM VII.B.2., STAFF DIRECTION, RE: SUNSET OF RESOLUTION NO. 2010-122 - LOCAL BUSINESS PREFERENCE IN PURCHASING POLICY

The Board directed staff to bring back for its consideration the amended Local Business Preference in Purchasing Policy, based on information provided by staff and suggestions from the Board, to the May 29, 2012, Board meeting.

ITEM VII.D.1., DISCUSSION, RE: ECONOMIC DEVELOPMENT AD VALOREM EXEMPTIONS

The Board directed staff to proceed with revocation ordinances for Designer's Choice Cabinetry, Inc., HMD Biomedical, LLC, and Ricoh Americas Corporation, that no longer meet the criteria outlined in Chapter 196.012, Florida Statutes, for the Economic Development Ad Valorem Exemption program or that have not submitted the requested annual report documenting continued compliance.

RESULT:	ADOPTED [UNANIMOUS]
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
ABSENT:	Trudie Infantini

ITEM VII.E.1., CITIZEN REQUEST, RE: JUSTIN WATTS - ELIMINATE/REVISE CURRENT FERAL CAT ORDINANCE

Justin Watts addressed the Board concerning the current Feral Cat Ordinance, and the threat to public safety, property rights, and the environment. He explained to the Board the problems he is having at his residence as the result of an un-registered feral cat colony on the property next door.

Dr. Robert B. Allen, Carol Fournier, Michael Mendes, Ann Colchin, and Nancy Allen, spoke in favor of the Feral Cat Ordinance and feral cat colonies.

Commissioner Bolin Lewis inquired why the laws for feral cats are more lenient than those for stray dogs. Mel Scott, Assistant County Manager, replied historically, the feral cat colonies do not have the same behavior characteristics as are seen with a wild dog pack. He also pointed out that Mr. Watts has an un-registered cat colony next door to him; and advised Code

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Enforcement has the ability to alleviate Mr. Watts' particular condition, but the Board may want to have further discussion on the Feral Cat Ordinance.

Discussion ensued on the current Ordinance and possible amendments to it.

The Board directed staff to do the following: 1.) bring back modifications to the existing feral cat ordinance that requires agreement from abutting property owners before a feral cat colony is registered; 2.) request a report from Dr. Heidar Heshmati, Brevard County Medical Director, on the potential health risks of feral cat colonies; 3.) establish a moratorium on new registered feral cat colonies until the change occurs in the ordinance requiring neighbor consent; and 4.), utilize the Animal Advisory board as a forum to collect statistics from the Space Coast Feline Network, the Space Coast Feral Cat Network, and possibly the University of Florida, to confirm if registered feral cat colonies are experiencing attrition (decreasing) of populations over time and if the program is successful.

ITEM VII.E.2., ADOPTING ECONOMIC DEVELOPMENT PLAN FOR THE NORTH BREVARD ECONOMIC DEVELOPMENT ZONE

George Mikitarian, Chairman, North Brevard Economic Development Zone (NBEDZ) Board, explained the North Brevard Economic Development Plan to the Board, and provided a PowerPoint presentation. He introduced the members of the North Brevard Economic Development Zone Board.

*Commissioner Infantini's absence was noted at 11:15 a.m.

Those citizens speaking against the NBEDZ Plan were as follows: Donna Thompson, Ed Priselac, Peter Fuscas, Earl B. Medlen, Richard Ware, Dave Pasley, Randal Agostini, Martin Adams, Alice Kreitz, Pat Pasley, Barbara Barry.

Those citizens speaking in favor of the NBEDZ Plan were as follows: Ron Bartcher, Greg Weiner, Stan Retz, Jim Tulley, Mark Ryan, Susan Palma, Matt Barringer, William Gary, Vince Jackson, Rodney Honeycutt, Donn Mount, Dan Aton, Micha Lloyd, Maureen Rupe, Blake Brandon.

Commissioner Fisher commented on his support for other areas of the County, and not just North Brevard, such as Harris Corporation and others; and further commented on CRA's in Brevard County and the comparison to NBEDZ.

Commissioner Anderson commented on the workshop that was held on March 22, 2012, on economic development, and displayed PowerPoint slides showing the business incentives and tax abatements each district receives, with District 5 receiving the most; and stated he supports the NBEDZ Plan.

Commissioner Bolin Lewis explained the involvement of Exploration Park and the NBEDZ, and noted new businesses will be coming into Brevard County.

The Board adopted Resolution No. 12-113, adopting the Economic Development Plan for the North Brevard Economic Development Zone.

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

ITEM VII.E.3., APPROVAL, RE: MERRITT ISLAND INCORPORATION FEASIBILITY STUDY

Chairman Nelson outlined the Item for the Board; and stated the feasibility study, if approved, will look at the pros and cons of incorporation of Merritt Island, and would give the community the opportunity to review the information in the study.

Those who spoke in favor of the Merritt Island Incorporation Feasibility Study and/or the incorporation of Merritt Island were the following: Bob Bret (on behalf of Sebastian Perin), Bill Hillberg, Gina Lindhorst, Carol Beebe, Tanya Knappman, Antonio Rovira, Ann Colchin, Mary Hillberg, and John Schantzen.

Those who spoke against the Merritt Island Incorporation Feasibility Study and/or incorporation of Merritt Island were the following: Ed Priselac, Kirk Daniels, Justin Baker, Peter Dillon, Maureen Simmons, Margaret Downey Ball, Michael Hartman, Jim Stone, Dr. Ron Pritchard, and Helen H. Stubbs.

Discussion ensued on the advantages and disadvantages of incorporating Merritt Island, the cost of a feasibility study, and the issues of an RFP and placing the study on the ballot in November in order to allow the residents of Merritt Island to vote on the subject.

The Board directed staff to go out for an RFP (Request for Proposals) for a Merritt Island Incorporation Feasibility Study, subject to the requirement of State Law.

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

EXECUTIVE SESSION, RE: HOLMES REGIONAL MEDICAL CENTER V. BREVARD COUNTY, FLORIDA, CASE NO. 05-2010-CA-059923-XXXX-XX

Chairman Nelson advised the Board will attend the Executive Session, pursuant to Section 286.011(11), Florida Statute, in the case of Holmes Regional Medical Center, Inc. v. Brevard County, Florida; Case No. 05-2010-CA-059923-XXXX-XX, for the purpose of discussing settlement negotiations or strategy related to litigation expenditures. The persons attending the attorney-client private meeting will be each Commissioner; Howard Tipton, County Manager; Scott Knox, County Attorney; Shannon Wilson, Deputy County Attorney; and Margaret Eddy, Brevard Associated Court Services Inc. (Commissioner Infantini was absent).

May 15, 2012

ADJOURNMENT

Upon consensus of the Board, the meeting was adjourned at 3:55 p.m.

ATTEST:

MITCH NEEDELMAN, CLERK

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