

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 October 22, 2013 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	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Chairman/Commissioner District 5	Present	

INVOCATION

The invocation was given by Pastor Ken Hitte, Discovery Life Church, Melbourne.

PLEDGE OF ALLEGIANCE

Chairman Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the September 12, 2013, Zoning meeting minutes.

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

ITEM I.A., PRESENTATION, RE: VOLUNTEER RECOGNITION INITIATIVE: VOLUNTEER STARS LIGHT UP BREVARD

The Board acknowledged presentation by Margie Collins, Brevard County B.R.A.V.E. Volunteer Coordinator, who described *Volunteer Stars Light Up Brevard* initiative; and Lori Hamilton, Program Manager for "Volunteers in Motion", recognized John Stern who volunteers at the SCAT Office.

ITEM I.B., RESOLUTION, RE: RECOGNIZING WILLIAN "JACK" SIDORAN, EdD

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-198, recognizing William "Jack" Sidoran, EdD, for his commitment and volunteer service to Brevard County residents.

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

ITEM I.C., RESOLUTION, RE: PROCLAIMING OCTOBER 27 - NOVEMBER 2, 2013, AS WEEK OF THE FAMILY

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-199, proclaiming October 27 - November 2, 2013, as Week of the Family.

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

ITEM I.D., RESOLUTION, RE: PROCLAIMING OCTOBER 2013 AS BREAST CANCER AWARENESS MONTH

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-200, proclaiming October 2013 as Breast Cancer Awareness Month, and declared Monday, October 28, 2013, as the day to wear pink in Brevard County in honor and support of all those lives whose have been touched by breast cancer.

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

ITEM I.E., RESOLUTION, RE: RECOGNIZING THE RETIREMENT OF SERGEANTS MAJOR GREG MINOR FROM THE UNITED STATES ARMY RESERVES

Chairman Anderson read aloud, and the Board adopted Resolution No. 13-201, recognizing the retirement of Sergeants major Greg Minor for the United States Army Reserves.

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

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ITEM I.G., RESOLUTION, RE: RECOGNIZING THE VIVA FLORIDA 500 TIME CAPSULE PROJECT

Chairman Anderson read aloud, and the Board adopted, Resolution No. 13-202, recognizing the Viva Florida 500 Time Capsule Project.

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

ITEM II.A., HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated the County has accepted a Safer Grant for the Fire Department which provided funding for 33 firefighters positions; staff had talked about a concerted effort on trying to bring in as many veterans as possible; for the 33 positions it had a cut-off of about 53 top candidates; and of those 53, 86 percent are veterans. He added, of the top 40 candidates, 100 percent are veterans; and even though it was an open process the hope and goal of trying to bring in as many veterans as possible is going to be achieved.

ITEM II.C., ROBIN FISHER, DISTRICT 1 COMMISSIONER

Commissioner Fisher stated he attended the Port Canaveral American Association of Port Authorities which was a very well attended event; one realizes how successful Port Canaveral is and that cargo is going to be a big part of the future; and the Port is working very hard to secure the opportunity to provide cargo. He announced the Titusville High School Exceptional Education students have setup a school based enterprise initiative at the North Brevard Government Complex; the students have been working hard to establish a Titusville coffee pit; and it provides fresh coffee, at the cost \$1.00.

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

Commissioner Infantini stated she attended the Breast Cancer Awareness walk, and also the grand opening of *Promise of Brevard* coffee and thrift shop located at Wickham. She added, Betsy Farmer is the innovator, and basically has been driven to build an establishment to house individuals with special needs beyond their parents time, and let them live independently with a limited amount of assistance; and it was an outstanding grand opening. She wished Betsy Farmer and *Promise of Brevard* the best of luck.

ITEM II.F., MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER

Commissioner Bolin Lewis stated she attended the *Promise of Brevard* grand opening, and everyone was very welcoming.

ITEM III.A.1., GRANT AGREEMENT NO. S652 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: C-1 REDIVERSION PROJECT - TWO ADDITIONAL PUMPS

The Board executed Agreement No. S0652 with FDEP for C-1 Rediversion Project - Two Additional Pumps; approved legal venue as Leon County; authorized the County Manager, or

his designee, to execute implementing contracts, amendments, and sub-grant cooperative agreements, as needed to execute the project, subject to the approval of the County Attorney and Risk Management; and approved associated budget change requests.

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

ITEM III.A.2., LANDSCAPING AND IMPROVEMENT AGREEMENT WITH THE VIERA COMPANY, RE: SIGNAGE, HARDSCAPE, AND LANDSCAPE IMPROVEMENTS WITHIN PHASE 1 OF STROM PARK DRIVE

The Board executed Landscaping and Improvement Agreement with The Viera Company for signage, hardscape, and landscape improvements within Phase I of the right-of-way of Strom Park Drive.

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

ITEM III.A.3., LANDSCAPING AGREEMENT WITH MA & PA'S PROPERTIES, LLC, RE: LANDSCAPING MAINTENANCE AT INTERSECTION OF AURORA ROAD AND STEWART AVENUE

The Board executed Landscaping Agreement with Ma & Pa's Properties, LLC for the maintenance of decorative landscaping at the intersection of Aurora Road and Stewart Avenue in Melbourne.

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

ITEM III.A.4., AUTHORIZATION FOR COUNTY MANAGER OR DESIGNEE, RE: ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO BCC-24 - ADVANCE AUTO PARTS (#13RW-00673), LOCATED AT NORHT WICKHAM ROAD AND PINEDA CAUSEWAY

The Board authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property pursuant to BCC-24 related to the Advance Auto Parts (#13RW-00673) located at North Wickham Road and Pineda Causeway.

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

ITEM III.A.6., ACCEPTANCE, RE: SPECIAL WARRANTY DEED FROM THE VIERA COMPANY FOR LAND NEEDED TO UPGRADE T-64 LIFT STATION, LOCATED ON THE WEST SIDE OF LAKE ANDREW DRIVE

The Board accepted the Special Warranty Deed from the Viera Company for additional land required for installation of a backup generator for the T-64 Life Station, located on the west side of Lake Andrew Drive.

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

ITEM III.B.1., ACCEPTANCE, RE: DONATION OF LAND FROM MICHAEL A. DI CHRISTOPHER, LOCATED IN SYKES CREEK BASIN

The Board tabled consideration of acceptance of a donation of property in Sykes Creek Basin, Merritt Island, from Michael A. Di Christopher, to the November 5, 2013, Board meeting.

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

ITEM III.B.2., APPROVAL, RE: NOTICE TO PROCEED WITH TINDALE-OLIVER AND ASSOCIATES FOR ADA ASSESSMENT AND TRANSITIONS PLAN PROJECT

The Board approved a Notice to Proceed with Tindale-Oliver and Associates for the ADA Assessment and Transitions Plan Project work order for Space Coast Area Transit bus stops.

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

ITEM III.B.3., CONTRACT WITH SPACE COAST CENTER FOR INDEPENDENT LIVING, RE: FISCAL YEAR 2013-2014 NEW FREEDOM FUNDING

The Board executed Contract with Space Coast Center for Independent Living for FY 2013-2014 New Freedom Funding for transportation services.

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

ITEM III.B.4., CONTRACT WITH BREVARD ALZHEIMER'S FOUNDATION INC., RE: FISCAL YEAR 2013-2014 NEW FREEDOM FUNDING

The Board executed Contract with Brevard Alzheimer's Foundation, Inc. for Fiscal Year 2013-2014 New Freedom Funding for transportation services.

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

ITEM III.C.2., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR DUETSCHKE BANK NATIONAL TRUST COMPANY C/O BARBARA HOOKER, VERO BEACH, FL 32960

The Board adopted the Special Magistrate's recommendation to reduce to accrued fine for the violation at 6644 Haven Avenue, Cocoa, Florida, (Case 10CE-01803) from \$15,127 to \$1,493; and directed staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

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

ITEM III.D.4., MEMORANDUM OF AGREEMENT (MOA) WITH ORANGE COUNTY SHERIFF'S OFFICE, RE: ORLANDO-ORANGE URBAN AREA SECURITY INITIATIVE

The Board executed Memorandum of Agreement with Orange County Sheriff's Office for Orlando-Orange Urban Area Security Initiative; authorized the County Manager, or his designee, to execute agreement in accordance with provisions of this Agreement; authorized the County Manager, or his designee, to sign any subsequent documents associated with this Agreement; and authorized the Emergency Management Director to act on behalf of the Board for issues concerning the Orlando-Orange Urban Area Security Initiative.

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

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

The Board appointed/reappointed **Pete Costello** and **Maureen Rupe** to the Port St. John Dependent Special District Board, with terms expiring October 22, 2017.

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

ITEM III.D.6., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM III.A.5., AUTHORIZATION FOR COUNTY MANAGER OR DESIGNEE, RE: ACCEPT DELIVERY OF AND CAUSE THE RECORDING OF ANY DEED, GRANT OF EASEMENT, OR OTHER INSTRUMENT CONVEYING INTEREST IN REAL PROPERTY PURSUANT TO BCC-24 - MARENDA CONDOMINIUMS (#12SP-00732), LOCATED ON THE EAST SIDE OF N. HIGHWAY A1A, NORTH OF WATSON DRIVE, INDIALANTIC

Commissioner Infantini stated this item permits a developer to use donated property for their breezeway requirements; in Brevard County, if a person builds on the ocean, they are required to have a certain amount of space dedicated to open breezeway; and what the Board would be doing is permitting this developer to reduce their requirement by 50 percent in exchange for granting that part that they do have to be public access. She went on to say she wants to make sure this offer is going to be extended to all other individuals, it is not a one person gets this and no one else does; often times they do not want it to be donated to public use; and if it is available to one, it should be available to all. She stated a Mr. Ward came before the Board trying to seek changes to the breezeway requirement of Brevard County; and she wants to make sure this opportunity is available to him as well.

Mel Scott, Assistant County Manager, stated this is part of Brevard County's Land Development Regulations, and this provision is afforded to any developer who seeks to capitalize on it.

The Board authorized the County Manager, or his designee, to accept delivery of and cause the recording of any deed, grant of easement, or other instrument conveying interest in real property

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pursuant to BCC-24 related to the Marena Condominiums (#12SP-00732), located on the east side of North Highway A1A, north of Watson Drive, Indialantic.

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

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

Commissioner Infantini stated she thought the County was going to make improvements to the Space Coast Stadium in the amount of \$350,000; Deputy County Manager Stockton Whitten told her if that amount was exceeded, he would be coming back to the Board; it would appear that is what is being done because funds are being removed out of reserves and into capital expenditures; and she will not be voting for that.

Chairman Anderson stated that is not General Fund reserves.

Mr. Whitten advised the Board this is actually the bond reserves that is no longer required; and what staff is doing is moving the bond reserve to the capital improvement account that is required as part of the Contract with the Washington Nationals.

The Board approved the Budget Change Requests, as submitted.

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

ITEM III.D.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE PERTAINING TO THE REGULATION OF SYNTHETIC CANNABINOID HERBAL INCENSE, SYNTHETIC STIMULANT BATH SALTS, AND RELATED SUBSTANCES

Commissioner Infantini stated this item has Brevard County Commissioners designating certain substances as being illegal; she understands the State is taking up this issue; it seems a little bit vague; and the Board is starting to exceed its jurisdictional boundaries. She pointed out the Board may be permitted to do this, but she does not know if she wants to start going in and declaring certain substances illegal.

Morris Richardson, Assistant County Attorney, stated there are members of Brevard County Sheriff's Office (BCSO) who can speak to it as well. He went on to say the issue is the State and feds handle substances like this through a banned substances list; the problem with these particular synthetic's is they change the formulation so quickly they stay ahead of the banned substances; many of the substances that are being sold and marketed, bath salts or potpourri, they come in small packages, the intent is they are to be used as an alternative to drugs; they are marketed as being safer than the actual banned drug; and they just do not trigger the banned substances lists. He pointed out they can address through an ordinance this issue; law enforcement needs it as a tool to stay ahead of its problem; over the last few years, there have

been tens of thousands of poison control center issues related to these drugs; there have been overdoses related to the drugs that are clearly being marketed to children with street names like *Crazy Clown*; and there are a number of jurisdictions in Florida that have enacted ordinances. He stated Hillsborough County has enacted the ordinance that staff is looking at very closely, it may be one Brevard County may want to emulate, which treats the sale of these by the stores that are selling them as a Code violation essentially, but it would be enforced by law enforcement; law enforcement believes this is important; they have made the request of County staff; and he has done the research.

Chairman Anderson stated this has been a topic of conversation at every meeting with the Florida Association of Counties; the State has to pass legislation to put it in simple terms; and as soon as that legislation is passed, if they tweak one molecule, they have an illegal substance that is made in some warehouse in very unsanitary conditions.

Commissioner Fisher stated he does not know why a child would buy bath salts unless there is intent to do something with it.

The Board approved legislative intent and granted permission to advertise an ordinance pertaining to the regulation of synthetic cannabinoid herbal incense, synthetic stimulant bath salts, and related substances; providing for short title; providing for purpose and intent; providing for definitions; providing for prohibited conduct; providing for enforcement and penalties; providing for severability and conflict; providing for inclusion in the Code of Ordinances; and providing for an effective date.

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

ITEM III.D.2., RESOLUTION, RE: QUALIFYING NORTH AMERICAN SURVELLANCE SYSTEMS USA, INC. AS A QUALIFIED TARGETED INDUSTRY

Commissioner Infantini stated this is advancing funds; she is not for giving companies cash to move in; and she will be voting against this one.

The Board adopted Resolution No. 13-203, qualifying North American Surveillance Systems USA Inc. as a qualified targeted industry business, and acknowledging the local financial support for the project will be coming from the North Brevard Economic Development Zone.

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

ITEM IV., PUBLIC COMMENTS

John Pilley stated at the last Board of County Commissioner meeting and heard the discussion about the Titusville Redevelopment Agency and felt a ting of pain when hearing comments that

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were derogatory towards existing businesses; he has never been to a movie at the Searstown Mall, but people were making fun of it, and whoever owns and runs are fellow citizens; and the owner of it pays their employees, vendors, and taxes. He continued to say here are people wanting to give money to a future competitor, money from their taxes, and the Board is allowing people to say bad things about them; that is just not right; and if he or she does not like the current businesses in Titusville they can shop somewhere else. He added, the new Florida Power and Light Company (FPL) plant has absolutely nothing to do with Titusville Redevelopment Agency; FPL built that plant for their business reasons; those additional taxes should have been going to the General Fund; the plant is located in Port St. John; and those additional taxes could be used to keep the Port St. John library open on Sundays. He stated the Titusville Redevelopment Agency went down and scooped up that new plant and it had no business doing that; it was taking public dollars and putting it into a Titusville slush fund that has less oversight than the normal County budget; and the Board is using that slush fund to tell people that the existing businesses are not up to snuff. He added, none of the Commissioners are business people because they would know there is a reason Hollister, Brandy Melville, and other stores are not coming to Titusville, and they are not even coming to Merritt Island; businesses do things for reasons and it is to serve customers; if one does not have customers, the businesses are not going to come; and the fact of the matter is Titusville has lost customers because the jobs left. He stated these are tax dollars he is talking about and it really should be thought through seriously before the County gives money to a future competitor of someone who is here right now who pays taxes, and supporting schools; and the Board should stop anyone who comes before the Board and talks bad about a current taxpayer and neighbor.

Charles Tovey stated he wanted to speak about the Lagoon, Sebastian, Canaveral, Palm Shores; they are like a heart and the veins that are all clogged up. He expressed his concern and stated he would like to help.

Commissioner Infantini expressed her thanks to Mr. Pilley for coming forward today; and stated she did make a request at the Lagoon meeting that people let the Board know if they thought the Lagoon was a higher priority than rebuilding a mall. She added, she is trying to find out if rebuilding a mall in the Titusville area should be the number one priority of Brevard County, or if perhaps the tax dollars from the FPL plant should maybe go to the Lagoon, the libraries, or something else in the General Fund that benefits the entire County, rather than just one part of the County; and like Mr. Pilley stated, it is going to put others out of business.

Howard Tipton, County Manager, stated the libraries do benefit from the FPL plant, like Mosquito Control and all the other special districts that Brevard has; the only area that is not benefiting is the General Fund; and he reiterated all the other special districts are going to be receiving the revenue from the plant.

Commissioner Nelson pointed out by Statute the Board can not use the General Fund in the library system; it solely works off its own millage; and that will increase by a result of the power plant.

Commissioner Infantini stated from her understanding and research, the Board could authorize to make transfers.

Commissioner Fisher stated it is unfortunate that Commissioner Infantini keeps bringing up things she has been told several times that the power plant will benefit the Special Districts; the Board knows there are 16 CRA's in Brevard County and all of them benefit one way or another; the ZONE is one of the 16 and has not benefited over the years; and until this point, it has received minimal dollars compared to the other CRA's.

ITEM V.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY AND DRAINAGE EASEMENTS IN PINEDA CROSSING PHASE ONE - WILD CINNAMON DRIVE/DANIEL & BRENDA ROMAN

Chairman Anderson called for a public hearing to consider a resolution vacating public utility and drainage easements in Pineda Crossing Phase One - Wild Cinnamon Drive, as petitioned by Daniel and Brenda Roman.

There being no comments or objections, the Board adopted Resolution No. 13-204 vacating a public utility and drainage easement on Lot 19, Block C in Pineda Crossing, Phase One in Section 25, Township 26 South, Range 36 East as petitioned by Daniel and Brenda Roman.

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

ITEM V.B., ORDINANCE, RE: AMENDING SECTIONS 6-1 AND 6-3, BREVARD COUNTY CODE, TO EXTEND SUNDA ALCHOLIC BEVERAGES SALES/SERVICE HOURS

Chairman Anderson called for a public hearing to consider an ordinance amending Sections 6-1 and 6-3, Brevard County Code, to extend Sunday alcoholic beverages sales and service hours.

There being no comments or objections, the Board adopted Ordinance No. 13-036, amending Sections 6-1 and 6-3, Brevard County Code, to extend Sunday alcoholic beverage sales/service hours.

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

ITEM VI.A., DISCUSSION, RE: BOARD'S ACTION OF SEPTEMBER 17, 2013, TO TEMPORARILY SUSPEND ANIMAL ADVISORY BOARD, AND REQUEST OF STAFF TO BRING BACK RECOMMENDATIONS

Howard Tipton, County Manager, stated this was an item that came back to the Board two weeks ago; and at that time, it was discussed about bringing the item back for further discussion today. He explained to the Board that the Animal Advisory Board (AAB) has been around since 2009; he attended a meeting in early 2010, and he found it to be a group of concerned folks, but at some point it went south; this past summer there were two different employee meetings where employees were asking how to file a claim of harassment for a hostile work environment; and it is definitely a concern. He went on to say he has two one-minute segments of tapes from the August and September AAB meeting to play for the Board. Space Coast Government TV played the videos. He advised the Board that it became apparent after hearing the tapes from those meetings; he did not want his staff working in that type of an environment. He stated he asked Karla Torpy, Animal Services and Enforcement Director, and Vanetta Valdengo, Assistant County Manager, to forward copies of those disks to the Commissioners. He pointed out Commissioner Bolin Lewis made the motion to temporarily suspend the AAB. He stated in

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terms of lives reverse rates, the County is on par or better than the other counties of its size in the State of Florida; there are big adoption events in the past and coming up in the future; they are rebuilding their team; and it takes time and an environment of collaboration. He went on to say he and Deputy County Manager Stockton Whitten hold Ms. Torpy and Ms. Valdengo to provide a level of service and care that is provided that the County can be proud of; the AAB was meant to be supportive and constructive; and going forward, the Board has a proposal, if it wants to continue with a type of advisory board, and asked the Board to consider structure; if an advisory board is not put in place, staff will continue the relationships they have with Central Florida Humane Society, North Brevard SPCA, and other rescue groups they work closely with to continue to build those regardless of what happens with the AAB; and staff is coming back at the Board's direction.

Commissioner Infantini stated she agrees the County is better off, however it is where near where it needs to be; the reason they have come so far is because of the AAB; if the Board wants to see people who really care about a topic, look at people and their animals; and these individuals selflessly give of their time to help the animals. She went on to say they are constantly looking out for something that cannot speak; all she can hear with the tapes is a ton of passion; and they were frustrated. She pointed out she toured the Shelters; it seems like they have gotten better; she does not think the County is there yet; and she does not want to let go of the board. She noted she is the voice that is different on the Board; if all of the Commissioners were the same, why not just have a County Manager; and he can speak for everyone. She stated she is letting the Board know she has an opposing view; and she wants to ask the AAB to sit with the Board, have a protocol meeting, and move forward.

Commissioner Fisher stated he is not sure the County is better off with that kind of conduct going on; and he inquired how many volunteers are working at the Shelters. Karla Torpy, Animal Services and Enforcement Director, responded they have approximately 100 volunteers per month that show up; there are a whole lot more in the pool of volunteers; they schedule themselves to come in and do whatever task they want to do; and there are a lot of different types of volunteers, such as a regular volunteer, community service, high school community service, AARP, and even students. She went on to say there is an average of 127, and it goes from 85 to 150 volunteers a month; and the number of hours are approximately 1,000 a month. Commissioner Fisher inquired if these volunteers will continue to operate whether the AAB is in place or not. Ms. Torpy replied affirmatively. Commissioner Fisher inquired what the AAB does. Ms. Torpy advised a couple of members of the AAB have become volunteers at the Shelters; the board is supposed to be looking at the future, but they have not had time because of the pointed complaints and aggravations with things that are going on daily; there have been some good ideas; some of them have been implemented and some there is not enough resources to implement; but they are good ideas that could possibly be in the Shelters future.

Commissioner Bolin Lewis stated she stands by the statement that she does not want the AAB to go back in; she looked intensely at what was presented as far as the proposed Commission on Animals; and it looks like the formation of people who are interested in the welfare of the animals in the Shelters. She went on to say she is supportive of what has been proposed; an advisory board is supposed to be doing positive input giving advice; and the AAB is not doing that. She reiterated she is in favor of the new Commission on Animals staff has proposed.

Commissioner Nelson stated one person's passion is another person's abuse; if a person is being yelled at, he or she is not looking at that as passion; what was heard was not appropriate for a public body; and it cannot be written off as just being passionate. He advised that passion should be turned into action in a positive way; yelling at people is negative, and does not accomplish anything; and as much as the Board disagrees, he or she does not do that to each other here.

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Chairman Anderson stated people will have an opportunity to speak; he is a big supporter of the First Amendment; and he asked the audience to please refrain from public outburst, laughing, and shouting. He went on to say when the Board gets to the speaker cards, he wants the speakers to be polite; and if it is an employee issue, to take that up with Human Resources. He stated to be honest, he has tons of emails, and even among the group that is probably here today, everybody has a different opinion of how things should be ran; and every animal he has had came out of the South Shelter.

Patrick Fox, Executive Director of SPCA North Brevard, stated the SPCA's mission is protecting and finding a voice for the homeless pets of Brevard County; he is the one who initiated and submitted the TZI grant; and TZI assists the community to move to 'No Kill'. He went on to say he got several grants for spay/neuter, because that is a significant part of the equation; he got \$55,000 in grants to spay/neuter outside cats; and that is the main problem in Brevard. He pointed out they sent nine employees, including two board members, to the Best Friend's Conference in Jacksonville a few weeks ago; they are implementing open adoptions at the Shelter; and that is a key component to increasing Shelter adoptions. He added, only 24 percent of new pets in the country are acquired from a Shelter or rescue, and 68 percent of U.S. households own pets, which is up from 66 percent in 1988. He went on to say every year over 10 million new animals are acquired in this country; there is a significant opportunity to get more of those animals from the Shelters; there is a huge potential for growth; and Best Friends teaches a cornerstone of any of animals, adoptable animals leaving the Shelters alive.

Debbie Rich stated between the rescue groups, Central Brevard, and the SPCA, there is a difference being made; unfortunately, they do not have the accountability that is needed at the County Shelters; inquired if there were concerns over what the Animal Advisory Board (AAB) was doing, why staff was not there to see firsthand rather than listen to a DVD or CD; and stated she knows at least one Commissioner had some of their staff at some of the meetings. She inquired why an Assistant County Manager had not attended the AAB meetings; stated she has been involved with the animals for years; she was in Jacksonville at her sixth conference so she could bring new ideas back to Brevard County; and Ms. Torpy attended as well. She stated there were volunteers from the Animal Shelter there; they saw what can be done; there were lies and excuses given at the AAB meetings; and frustrations kept growing. She pointed out if the Shelter Manager's cared about what happened to the animals, he or she would have addressed the audits; there has been a checklist of things that could have been wielded; and she thinks three things have been addressed over the past two years. She noted she wished that Shelter staff would have followed the lead of communities that are already 'No Kill'; there are about 150 to 186 to date right now; a lot of those people were in Jacksonville at the conference; there have been many chances to hire competent directors and staff over the years; and when the animal advocates recommended their choices, they were ignored. She advised the County could be 'No Kill' today; Kansas City has done it in less than two years; they are the same size and have the same demographics; and all people want is accountability, which they are not getting. She stated that is why the AAB meetings were getting so heated, because of the lies; inquired why are paper records being done for volunteers checking in and out of the Shelters; she believes there was an article a few months ago saying there were 600 volunteers in the Shelters; and now Ms. Torpy says there are 100 volunteers. Since 2011, \$708,602 has been returned from the Animal Services budget to the General Fund; many of them cash donations from the community; stated people are already paying taxes and now they are giving back money that has been donated; and that money could have been spent for spay/neuter. She suggested if the Board does not know what goes on at the AAB meeting, he or she should have a staff member show up at the meetings; stated she has been at 95 percent of those AAB meetings where she takes notes; and she share those with the community who are too busy to attend.

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Eddie Gregg stated he sent the Board an email yesterday; the Board does not have the qualifications or experience in animal rescue; and it wants to appoint people who will not help this situation. He went on to say he has been fighting for the same cause for five or six years; he dedicates his life to savings animals; he has pulled several animals from the Shelters taking them to rescue groups; but like the rest of the people, he is getting frustrated. He requested the Board to meeting with him individually to discuss how to do this properly; the AAB, while the Board has good members on it, have made poor choices; change needs to be made; and he urges the Board to seriously consider what has been happening, and to go in the right direction.

Pam LaSalle stated they were just ordinary citizens and they saw a need for a Shelter; she is amused and cynical of the numbers she hears who volunteer; there are five dog walkers; and her husband is one of them. She went on to say she and her husband are at the Shelter five or six days a week; lately there have been a couple of volunteers who have stepped forward and are helping; but frankly, it is a tough job. She stated a lot of people take the class but do not come back to walk the dogs once; they watch what is going on because they know it is a tough decision in how the Shelters are operated; and she tells Ms. Torpy they need help. She stated she wishes the Board heard the May, June, and July AAB meetings because they were calm, and received absolutely no response; nothing ever seems to happen; the Volunteer Coordinator does not get them more volunteers to help out; and if a dog is in there more than two weeks, it is like it is in prison. She stated the animals need human contact; there is a dog in Kennel 24 that has been there eight weeks; they took him home and he crates fine; but he jumps in the Kennel all of the time because he needs attention. She inquired why there is no foster program; stated some people seem to get to participate in the foster program; she and her husband have been signed up for the program; but they were never contacted. She advised the Board the County Manager's have known about this for a long time; and it is outrageous what is going on in the Shelter.

Howard Tipton, County Manager, stated the dollars returned to the General Fund are from the operations and are salary savings dollars; they do spend the conation dollars; and it only means the department spent only 98 percent of their budget.

Commissioner Infantini stated the people who attend the AAB meetings have passion; the Board has jumped to a wrong conclusion dismantling the AAB; she did not realize there were any problems with the AAB; and all of a sudden at a Board meeting it is disbanded. She advised the County keeps its General Fund money for other things, and then asks the public for donations; and she thinks there is something wrong with that.

Teresa Clifton, Executive Director of Central Brevard Humane Society, and former Vice Chair of the AAB, stated ten years ago when she took over the Humane Society, there was a 23 percent adoption rate; there were 6,000 animals in the Shelter, and 4,000 were killed; they were uneducated and untrained; and 10 years later the role was reversed. She stated Best Friends and TZI Project are programs that help them grow; she is a proponent of privatizing the County Shelters; but the next best thing would be this proposed Animal Advisory group consisting of three major animal welfare organizations. She went on to say she has had the unfortunate task of going every month to the AAB meetings; they started out great; and she learned a lot and took them back to her Shelter and made improvements. She stated she used to not take animals from the Shelters because they were not cared for; they are now taking animals from the Shelters because there have been improvements; that is still not enough; and zero kills is the answer. She pointed out Ms. Torpy does not have all of the answers; and people should just focus on the animals because they are the ones who suffer. When she partnered with the County with the \$25,000 spay/neuter tag money, they made a big impact on the community; more partnering is the answer; a lot of little voices do not get anywhere; and one loud voice is what gets it.

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Clara Mutter stated there have been many AAB member changes over the years; with membership changes, the focus of the AAB was lost and it became more about people's personal beliefs; and it was through these meetings that they learned about TZI. She noted she was surprised when they hired Ms. Torpy with no animal Shelter experience; she thinks it was a brilliant idea; Ms. Torpy had no preconceived notions and could be trained; she is intelligent enough to read, learn, and be progressive; and there has been a lot of improvement. She pointed out she still sees the same hi energy from Ms. Torpy, and she has not back off; she heard many complaints about Kathy Beatson, Assistant Animal Enforcement and Services Director; she worked with her one day when she was teaching a dog walking class; Ms. Beatson put her to work scrubbing cat cages; and Ms. Beatson works hard and will tell you what is on her mind. She stated privatization of the Shelters I not a bad idea; not everything is bad; there were a few people who made it miserable for everyone; and she does not know how that problem can be corrected. She stated maybe some sort of rule can be created where if people become disruptive, he or she can be removed from the committee.

Commissioner Fisher expressed his appreciation to Ms. Mutter for her service with animals in North Brevard County.

Commissioner Bolin Lewis inquired if Ms. Mutter had looked at the new proposal of putting together the Commission on Animals, what she thought of it.

Ms. Mutter replied she is for anything that keeps community involvement; she was glad what was put together was people or organizations that were involved for the same purpose; they are all educated; and they all know Shelter business. She went on to say these people are all working with the TZI progress and working towards 'No Kill'; and she thinks it is terrific. She stated the only reason it did not work before is because of all the different people working in animal Services.

Commissioner Bolin Lewis stated this is a very good advisory group that could tell the Board whether it should look at privatization.

Ms. Mutter stated the only thing she questioned was whether or not the advisory group would meet often enough; and it can stretch things out for months.

Commissioner Bolin Lewis stated she will take under advisement the frequency of the meetings.

Nancy Allen stated today she is wearing her former AAB hat; she has seen a lot of controversy; some people call that passion; but the bottom line is they were not getting enough done. She added she does not see how only meeting quarterly can work efficiently; because of the Sunshine Law, people cannot talk to one another; and she hopes the frequency of the meetings will be addressed. She went on to say she has ideas regarding the new proposed advisory group; all of them should have in depth knowledge of the County's two public and three private Shelters, and County Ordinances pertaining to animals; they should have open minds and background information on hot button issues; and they should all know about the resources in the community involved with welfare, veterinarians, and clinics who do spay/neuter. She stated many people who came to the AAB meetings were making complaints or asking for help; they need to be able to bring their issues before the new group; and the most important thing is that each member be committed to 'No Kill'. She advised the Board 186 communities in the country have gone to 'No Kill'; it can be done; and she hopes everyone involved will be equally committed.

Edna Corney stated she has been to a couple AAB meetings; there is a breeder on that board; and she considers herself a breeder. She went on to say any dog that she sells, or any reputable breeder sells, goes with a contract stating that if anything happens where a person

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can no longer keep the dog, that the dog be returned; there are dogs coming into the country illegally; and they come into the County unhealthy at times; the different organizations work hard. She stated there needs to be more people on the new advisory board, and there need to be meetings more than every three months.

Mary Benell stated she was one of the original members of the AAB; it took them six to nine months to do a report; and it was almost exactly like the report from Gainesville. She went on to say she helped write some of the procedures at one time, and is still helping today; the AAB listened to many people and tried to help them understand the laws in the County; the Shelter website got volunteer organizations in the Shelters working again; and asked the Board not to judge the AAB on what has happened for the last few months. She advised she is fine with having the suggested people on the new board, but to also have five people from the community on the board; it would be difficult for this group to only meet quarterly because of the Sunshine Laws; and people can fill out applications to be on the board. She stated she asked the Board not to get rid of the AAB; she understands staff should not have to deal with the difficult people on the AAB; and she hates to see a new board that is ran by private industry with no citizen members. She pointed out everyone is for the animals.

Pat Pasley stated in listening to the tapes, she can understand, because there are many times she walks away from the County Commission meeting feeling the same way; she feels like she wants to pull hair out because nobody is listening; and if she had to come back on the same issue, she probably would get louder and louder as well. She stated in reading the resolution on what the Board is proposing, just like the last speaker, she is concerned there is no community input; it is no different than if the Board of County Commissioners took input; the Board Members cannot talk to each other; and there has to be community involvement on this. She noted she is confused with what the speakers are saying today, and she is wondering where the disconnect is; if a person has an animal, he or she becomes the animal's mind; everybody that is here today, no matter who they are, are here to help the animals; and she thinks the Board Members are animal lovers as well. She inquired why the computer system is not being implemented to help have the animals get adopted; inquired what is happening with the stream of volunteers that were helping at the Shelters; and why is the truth not being told. She inquired why money is going back to the General Fund when there are things that need to be taken care of; stated there are gates without locks and fences that need to be purchased; and there are cages being thrown out. She went on to say she is hearing with the new animal board that they will meet quarterly; she has been on boards, and nothing gets done by meeting quarterly, especially with the Sunshine Law; and she hopes there are citizens added as members of the animal board. She inquired if the Board is looking at the problems and what is going on; what is going on with the Director, Ms. Torpy; is she looking into the issues; what is going on with the volunteers; and why is the computer system not being utilized. She pointed out these are major issues; these items can be put into place; and she reiterated she wants the citizens to be involved.

Chairman Anderson stated the item about the returned money to the General Fund is going to be put onto a future meeting Agenda, hopefully in the next few weeks.

Fred Allen stated he has been involved in animal welfare issues with various rescue groups in Brevard County for about three and one-half years; and he wholeheartedly supports the resolution before the Board. He went on to say intake into the Shelter needs to be reduced and the Shelters need increased adoptions; he studied extensively with Jacksonville Coalition to achieve 'No Kill', as well as 'No Kill' models developed throughout the United States; he presented to Ms. Torpy his proposal to produce an adoption event with animals from the County Shelters, SPCA of Brevard, Central Brevard Humane Society, and the rescue community at large; and Ms. Torpy and County Management embraced this concept. He pointed out Rescue Me Super Adoption Event held at Viera Regional Park on June 1st was the largest single day

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adoption event in the history of Brevard County; he has joined SPCA of Brevard as a pro bono mega adoption events coordinator, and in collaboration with Ms. Torpy and her senior staff, they are developing four mega adoption events in 2014 based on the successful model pioneered by First Coast No More Homeless Pets in Jacksonville, Florida; and the Jacksonville event held in July of this year set a national adoption record of a single event with over 1,000 adoptions. He added, 186 communities and counties throughout the United States have achieved 'No Kill'; instead of expending enormous energy criticizing Animal Services, he believes in developing constructive proposals to save animals and collaborating with Animal Services staff to implement those proposals; logic would dictate that when the County Shelter intake was dramatically reduced from the current 15,000 animals through targeted spay/neuter programs and increased public awareness, and other programs, that many of the grievances presented by opponents of County Animal Services will become mute; the 2014 SPCA Community Mega Adoption Events could re-home 2,000 at-risk animals from County Shelters; and that could reduce the euthanasia rate by 40 percent. He noted this resolution can be a crucial bridge for this community to come together and pursue proven methods and programs to achieve 'No Kill' in just a few years; and as the success of the SPCA Mega Adoption Events in collaboration with Animal Services becomes apparent, opponents will see what is really important, and that is saving lives. He asked the Board to approve the resolution as is, with perhaps one exception, to name the new board Brevard County No Kill Commission; stated this title would more accurately convey the spirit of the resolution; and it will demonstrate the County's resolve to end euthanasia deaths of adoptable and treatable animals.

Michele Mares stated she is a retired police officer; she volunteers there three days a week; and she has been doing that about three and one-half years. She advised she has seen a lot of good things there and she has seen a lot of bad things; and she inquired if the Commissioners think the treatment has gotten better at the Shelters.

Commissioner Infantini stated she did not inspect all areas the last time she was there; but the area she did visit was clean.

Chairman Anderson stated he has adopted quite a few animals from the Shelter, and it is far better now than it was five years ago.

Mr. Tipton stated he adopted a Chocolate Lab from the Shelter; the first time he toured the Shelters there was a Parvo outbreak; and when he talks about the progress being made, he has seen it at a low point and as they have climbed up the mountain.

Commissioner Fisher stated he did a surprise visit a few months ago; staff did not know who he was and was not going to let him in; he was impressed with how clean it was; there were several dogs that looked like Pit Bull's; and they are doing a good job at the Shelter.

Commissioner Bolin Lewis stated she has not been to the Shelters recently, but for the last seven years she has been involved; and they do the best they can under the circumstances.

Ms. Mares stated she hopes the Board will continue to frequent the Shelters, especially if it makes a decision as important as getting rid of the AAB and establishing another committee; and if he or she has not been there recently, to please go and check out the conditions. She went on to say she is glad there are improvements being made in the Shelters; programs need to be implemented to aggressively address spay and neuter; and there needs to be education at the schools teaching the students about being responsible pet care and ownership. She stated no matter what committee it goes with, she hopes it keeps the AAB; it is important for volunteers to work with staff; volunteers have a lot of good ideas; and Ms. Torpy is in a position of power that it would be nice if she would get with the volunteers to discuss their ideas. She pointed out when she attends the AAB meetings, she sees frustration; she has made many

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recommendations; she has a passion for the animals; and she wishes she could work more with staff because she thinks she could be helpful to them. She suggested the Board observe the Shelters before getting rid of the AAB; stated some people can be outspoken, but it is out of passion; and it is tough to continuously make suggestions and feel like nobody's listening.

John LaSalle stated he is the dog walker at the Shelter; he averages five days a week; there are five core dog walkers; and there are classes about every month on dog walking. He went on to say he attends the AAB meetings; the small portion of the tape the Board listened to does not represent the entire meeting; and he does not say he will not come back to a Board meeting because the Commissioner's are at each other's throats all of the time. He stated the adoption events sound like a positive thing. He noted if the Board eliminates the AAB, people will come to the Board of County Commissioners to address the problems and make recommendations; he considers the AAB a positive thing; most of the meetings are civil; and those portions of the tapes were not played for the Board.

Katherine McCoy, representing People Underwriting the Rescue and Rehab of Strays (PURRS), stated the Board should keep its advisory board; there needs to be independent voices; inquired what kind of legacy the Board will leave; and stated it needs to listen to the alternate voices and make an informed decision.

Sherri Binggeli stated the Board needs to make sure that group is specifically for doing projects that will enhance things for the Shelters; the complaints about the Shelters should go somewhere else; they could go to Ms. Torpy or a second committee can be formed so that more can be accomplished; and so much time of the AAB meetings was taken up with people talking about complaints rather than moving forward productively. She stated people on this committee cannot talk in between meetings; it needs to be able to move on things as they come up; and inquired if there is a way for people to be brought together without this committee being under the Sunshine Law. She stated she does not know if it can be done, but it does slow down the process.

Commissioner Infantini stated she agrees the existing AAB should continue meeting, not as a board, but as individuals; she has an office she could offer for them to meet; and it would be free of charge. She went on to say the individuals will not have to worry about speaking to each other if the AAB is disbanded; they can find a day of the week to meet in her office; and she wanted to throw that out there.

Commissioner Bolin Lewis stated the new group is representing the community as it will have a Board Member or the Executive Director of the SPCA; everyone on the list is active and would be part of the community; they will be bringing together their collective thoughts for consideration; and there will be a veterinarian, someone from private practice, and the information they have as far as a community interaction. She advised the Board she would like to move forward with this; and she would like to discuss the frequency of how often they should meet.

Commissioner Fisher stated the frequency of the meetings is a concern; they will need to meet more often; and he does not know if it should be a task force or something else. He went on to say he is not seeing a for profit person on the board; maybe someone from Petco or someone in that world would be worthwhile as a member of the group; it should be expanded in that way; but he wants to see where the Board is going regarding disbanding the AAB.

Commissioner Nelson stated he agrees with several comments made; there are some issues that need to be looked into; some of his frustration is the money being returned; as a former Department Head, he would never have let that happen; and that is the only way to use the savings to make things better. He pointed out Animal Services needs improvement; he would

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like to look at the AAB internally; it is not working the way it was originally envisioned; and the County Manager needs to look into that first. He advised then it can go to a committee in taking it to the next step. He went on to say he is concerned with organizations bringing dogs in from out of County for adoption; some of the non-profit organizations turn animals away; the County does not get that luxury; by creating a Sunshine Law group, there cannot be a moment where it sits down and tries to work through things; and he does not know how that is going to function in a way it is going to be beneficial. He stated he is supportive of the AAB; he just thinks it needs a cooling off period; it reached a point where there needed to be a separation because it was out of control in terms that nothing happening in a positive nature; and there needs to be an opportunity to take time to kind of reflect on where it is. He advised the Board he is not supportive of creating this commission because he thinks it is going to have an unintended consequence; he would like to look at the organizational structure and what is working and what is not; and then for the Board to get a report back on that. He stated he would like to look at reforming the AAB based on credentials as opposed to the way it was gone about this time.

Commissioner Bolin Lewis inquired if Commissioner Nelson wants everything put on time out while the Board works with Animal Services. Commissioner Nelson responded affirmatively. He stated a real analysis needs to be done on what is going on, what the needs are both from an employee basis but also from a facility and infrastructure basis, because there obviously is a big gap in terms of how it is viewed and that is what needs to be brought back to the Board first. Commissioner Bolin Lewis stated the committee being discussed is a good group of representatives who could work closely with the Shelter situation; the group could be beneficial to Animal Services for insight; and she would still like to see this go into effect while the tandem of the suggestions that Commissioner Nelson has are being addressed. Commissioner Nelson stated his thoughts are the County Manager or Ms. Torpy can pull that group together without the Board having to create a Sunshine Committee so that those individuals can have discussions; and they will have the benefit of the discussion without the negative side of not being able to talk to one another after they leave the room. Commissioner Bolin Lewis inquired if Commissioner Nelson wants to assist the Animal Services Department to move forward to perfect things that need to run above excellent, and there will not be meetings of any type until he feels comfortable to move forward.

Commissioner Infantini stated she would recommend the AAB be disbanded because now they cannot talk; she reiterated they could meet in her office once a month; and she would like to disband them until the Board reorganizes them.

Commissioner Nelson stated he thinks there is a future of having an advisory board; staff needs to do background work now; he has no problem disbanding the AAB if that is appropriate so they can talk; but things need to be accomplished before they come back. He went on to say Ms. Torpy needs to find a way to respond to the suggestions; if someone give her a suggestion, she needs to respond to it; and to get back to the person in a timely fashion.

Motion by Commissioner Infantini to disband the AAB until such time they reorganize so they can find a new method.

Commissioner Fisher stated the advisory board should continue; people need to still volunteer if their motive is to make the Shelter better; and hopefully the AAB Members will continue to do that what the Board figures out the best format for the AAB. He stated it concerns him there is not an average citizen on the proposed animal commission; maybe each Commissioner could appoint someone to the advisory board; and it could ultimately be a 10 to 11 member board. He went on to say if they had the right people and their motives were in the right place, and they care about making the Shelter better, then having good involvement with the citizenry is good.

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Commissioner Infantini inquired if the AAB Members are allowed to meet because the Board shut them down for a cooling off period.

Attorney Knox replied if they are still members of the AAB, he or she cannot meet and discuss matters that might come before that board if the AAB ever comes back together again.

Chairman Anderson advised he does not mind waiting; he does want the AAB back; and he is not in favor of getting rid of it. He went on to say there needs to be internal reorganization; he is fine having a time limit when the AAB comes back; and he wants private citizens on the board no matter how they are chosen.

Commissioner Nelson stated he does not know what the AAB will look like when the Board decides to reconstitute it; there may be some changes in the membership makeup and those kinds of things; he is fine with disbanding the AAB so they can continue to talk; and then at a later date it can come back to the Board with some sort of modification.

Chairman Anderson requested that an amendment be added to the motion; he wants a time frame of when this issue is revisited; he thinks maybe 90 days to revisit this; and at least the Board will be continuing the dialogue.

Commissioner Infantini agreed to the amendment to her motion.

Commissioner Nelson stated he believes in transparency; there needs to be public meetings as part of the evaluation process that the AAB needs to go through; and it does not require the Sunshine Law. He suggested those be scheduled in North, Central, and South Brevard areas.

Commissioner Fisher stated he is not in favor of disbanding the AAB, because he does not think that is a good idea right now.

The Board disbanded the Animal Advisory Board (AAB), and to revisit the issue in 90 days to re-establish the AAB at that time.

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

ITEM VI.B., APPROVAL OF PROJECT LISTING AND DIRECTION ON ESTABLISHMENT OF RATES, RE: COUNTYWIDE AND BAREFOOT BAY WATER AND SEWER DISTRICT

Commissioner Fisher stated his concern is the Mims Water Plant has been shut down; he has notices going out to the residents from time to time regarding boiling their water; he knows those lines need to be replaced; and he ran into someone who is on a septic tank and their last bill was \$14. He advised the Board his water bill is \$130 to \$140 a month. He stated the lines have been in the ground for a long time and they need to be replaced.

Chairman Anderson stated this is a direct impact to the Indian River Lagoon, which is a topic of conversation for the Board right now.

Commissioner Nelson stated the Board asked for a prioritized listing and it never received that, it got a re-balancing of how this is to be expended; he believes there is a lower rate available that would cause less debt over time; and he will not support the item.

The Board approved Option One, which fully-funds the Countywide Capital Program over 10 years and the Barefoot Bay Capital Program over five years; and authorized permission to advertise rates as directed by the Board.

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

ITEM VI.C., RATIFICATION OF CONTRACT LANGUAGE WITH IAFF, IAFF RANK & FILE, AND LIUNA, RE: WAGES

Howard Tipton, County Manager, stated this is part of the raise the Board approved at the last budget hearing; staff mentioned at that time it would need to negotiate these items with the bargaining units; and these contracts reflect that.

The Board approved ratification of the tentatively agreed upon modifications to the IAFF Rank and File, IAFF Supervisor, and the LIUNA wage articles in the collective bargaining agreements; and authorized the County Manager to execute said Wage Articles as provided for in Section 447.309, Florida Statutes.

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

ITEM VI.D., DISCUSSION, RE: SOLID WASTE COLLECTION AGREEMENT

Commissioner Infantini stated she wanted to bring up the Solid Waste Contract; during a meeting a couple of months ago, the Board discussed bringing back corrections to the Contract, because the Contract language specifically stated that lost or damaged carts would be the burden of the individual; and during the presentation, it was stated that was not the case. She went on to say she wanted to make sure the Contract was modified to reflect the verbiage that was stated during the PowerPoint presentation. Commissioner Infantini inquired if there have been any issues with quality control; stated she has had a few individuals calling her office; and she has people complaining the wheels are falling off of the carts, and lids blowing off.

George Galetco, Waste Management, replied the 35 gallon carts is the new process; these carts are about the size of a traditional garbage can; and with the semi-automated system, they have had a few problems on this size carts. He pointed out typically they are dumping those manually. He stated they will be building the CNG fueling station; that will be completed in

December; they will be receiving the new equipment in January; and hopefully all of the new equipment will be out by February 15, 2014.

Commissioner Infantini inquired if there has been any agreement regarding the replacement of stolen carts. Mr. Galetco stated in the Contract it states the County will make the final judgment; if a cart is missing or stolen, the County will make the final judgment; they have had a pilot program going since 2006; and he cannot recall charging anyone for a cart except for the recent situation where a customer sawed two carts in half. Commissioner Infantini inquired if there was anything on the materials recycling facility; and the deadline is coming up close. Mr. Galetco stated they have two locations selected; the zoning is proper; and he is sure they will come to an agreement sometime at the end of November and will be bringing that site and location to the Board sometime in December.

The Board discussed the amended Waste Management (WM) Solid Waste Collection Agreement, Page 9, Section 4, (Scope of Work) B, (Automated Carts) (2) for further clarification regarding the customer's responsibility against the \$75 cost to replace stolen or damaged cart, but took no formal action.

ITEM VI.E., AUTHORIZATION, RE: PERFORMANCE-BASED AUDIT OF THE ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST

Commissioner Infantini stated the Board discussed looking into the pricing to have the external/internal procedural audit done of the Economic Development Commission (EDC).

Stockton Whitten, Deputy County Manager, advised the internal audit is between \$25,000 to \$35,000 per audit, so he thinks a performance audit, through the internal auditing Contract, would be priced in that range.

Commissioner Infantini inquired if staff went out and asked anyone else other than the existing, because the current auditors cannot be used since they are on the board of the EDC. Mr. Whitten advised there are two companies that do the internal auditor Contract; he can get the Board a ballpark estimate from some other firms; but generally he thinks it will be in that range. Commissioner Infantini stated she would like a price range on that; Lee County has done the procedural audit, and she thought it was well done.

The Board acknowledged Commissioner Infantini's request to authorize the External/Internal Auditors of Brevard County to conduct a performance based audit of the Economic Development Commission of Florida's Space Coast, but took no formal action.

ITEM VII.B.1., LOW INCOME POOL AGREEMENTS WITH STATE OF FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, RE: BREVARD HEALTH ALLIANCE

The Board executed the Low Income Pool Agreements with State of Florida Agency for Health Care Administration, which was approved by the County Attorney and Risk Management; accepted a cash donation; and approved an increase of \$657,908 in Housing and Human Services Department General Fund transfer for the required Low Income Pool match.

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

ITEM VII.F.1., DISCUSSION, RE: DISCUSSION, RE: CAPITAL AND CONSTRUCTION CONTRACTS EXCEEDING \$100,000

Steve Burdett, County Finance Director, stated he is present on behalf of Scott Ellis, Clerk of Courts; Mr. Ellis asked him to speak regarding the contracts for capital outlay and construction improvements totaling over \$100,000; many of the payment requests do not go before the Board at all; and he understands what the Policy reads, but what he wants to bring before the Board are a couple of comments. He inquired why the Board has a purchasing Policy requiring contracts \$100,000 and above be publicly brought before the Board if most of the CIP and construction contracts are approved by one action as part of the annual budget; stated \$100,000 and above Policy infers, at least to him, that the Board and the public see how major contracts are procured; but the reality is, it does not happen. He went on to say when the Policy was changed, the dollar amount brought before the Board could have been raised, but it appears that the obvious goal was for these contracts to just not come before the Board; the Clerk's Office views the Capital Plan as a plan, not as a big purchasing list; the Clerk's Office has checked the procurement policies of several neighboring counties, and none of them have procurement policies as blunt as saying that if it is approved in the budget the Board does not need to see the item; and it could be one of Brevard County's \$14 million road contracts and neither the Board nor the public see it. He pointed out the Clerk's position is that the Board annually approves a CIP plan, not a bunch of purchases; inquired what the purpose of the procurement Policy if the governing body is not going to approve any major level of adherence; stated in 2009, the Board awarded a proposal and established the baseline price for pumper and aerial fire trucks; in fiscal year 2012/2013, aerals were purchased for more than \$900,000 each; and the vehicles purchased were more than the \$100,000 baseline price. He went on to say it should have gone back before the Board for approval. He noted in 2009 the County Manager approved a \$10 lease to locate a modular emergency medical facility on corporate property; taxpayers are now having to come up with another half a million dollar to relocate the facility; and this is just another example of policies and decisions that require limited scrutiny by elected officials because they end up costing significant dollars. He advised the Board that Mr. Ellis' position is that if a future item is over \$100,000 and not approved on an individual Agenda, the Clerk will put it before the Board before payment; to clarify, if a contract comes before the Board, that same contract will not be coming again, so the Board will be just approving the contract; they are not holding anyone guilty on this, but the payment request will still come before the Board; and this may interfere with prompt payment.

John Pilley stated everyone should check before even a dollar goes out and leaves his or her bank account to make sure it is for what they thought it was for; maybe everyone who works for the County is 100 percent ethical and will never slip anything to get a friend a job; and he is sure that has never happened in the County. He went on to say it is better to have a second set of eyes; before a check goes out for over \$100,000, he thinks the citizens expect the Board to take a look to make sure it is what the Board thought it was purchasing; it is the public's money, not the Board's; and the Board is supposed to be looking out for the public's best interest. He concluded by reiterating the community wants oversight and accountability.

Stockton Whitten, Deputy County Manager, stated he does not know what the appropriate response will be because the Clerk has simply said the Board has set Policy and he disagrees with that Policy; he can speak to the oversight and checks and balances that are in the process; and he can talk specifically about the items that were put before the Board on the Agenda Report. He went on to say a Department Director cannot just issue a Purchase Order (PO) for \$100,000 and have that walk out the door; it is somewhat a centralized purchasing process; when the Board looks at its audits and internal audit function, that is oversight; and there have been two audits since the contracted internal auditors took over. He pointed out the auditors did a comprehensive audit of purchasing and contracts compliance in 2009; and the Board, as part of the adoption of the budget, is approving Capital Outlay and capital projects. He explained to

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the Board an example is the Wickham Road Widening Project; within the 2011 and 2012 Capital Improvement Plan, the Board saw the item; the Board adopted the budget with that as a five-year Capital Improvement Plan; Mr. Denninghoff has been back before the Board on that project 15 times; most of the contracts have selection committees; and those are all brought back before the Board. He noted most of the Capital Improvement Projects will be in excess of \$100,000; they go through a competitive process; there are checks and balances within the organization; the Department requests a purchasing action; and the Purchasing Department takes over from there. He stated Volusia County allows their directors to award under any purchasing method up to \$50,000; there are different methods associated with different procurement offices, and different county offices; but at the end of the day, the Brevard County's system is one that has checks and balances and has had very few hiccups in terms of compliance audits; and those performance audits have been conducted over the last eight years.

Chairman Anderson stated his one concern is if, for example, the Board approves in the budget for Public Works to purchase three dump trucks at \$100,000 apiece; after they go to the vendors, they find out it is going to be \$150,000 apiece, and the Department can only afford two dump trucks; that would be changing the scope of the item; and he thinks that should probably come back before the Board.

Mr. Whitten stated staff agrees, that is a grey area; staff can provide the Board language that addresses those sort of scope changes or mission changes; if the fire department was approved for three aerials and they only had the resources for two, there is some service area that is going to have to do without; and in those cases, it can either come back before the Board, or can be submitted to it as a variance report through the County Manager.

Commissioner Infantini stated she thinks what Mr. Pilley said is important, and the Board is just the final set of eyes; she expects to spend the entire day on Tuesday Board meetings; she does not think that many acquisitions are more than \$100,000; and she thinks these can be fit in during the Board meetings. She went on to say there have been times she was going to send an email, and just before she sends it she has that final set of eyes; it is better to have a last set of eyes for transparency to know the Board is going to have to justify it to the public that it is spending at least \$100,000; and the Board should just allocate a couple more acquisitions in the interest of transparency. She pointed out it would be one final checks and balances on the whole process.

Commissioner Fisher stated referencing a set of eyes, the Board approves it at the budget process; it has been approved; and he requested staff to walk him through the process.

Leslie Rothering, Purchasing Department, stated Purchasing obtains approval, which includes whether it goes through the budget process; they look at the Capital Outlay, and if it is not on those lists, it would either come back to the Board if it is over \$100,000 or to the County Manager for approval if it is under \$100,000; and then Purchasing processes formal solicitation. She went on to say they verify with the Department staff, based on the bids that are received, whether they have funds available; if additional funds are needed, Budget Change Requests need to be processed; and all of that is verified. She noted the request is submitted to the SAP financial system, which verifies funds are available before they proceed with issuing a Purchase Order; and that is the highlight of the process.

Commissioner Fisher stated he agrees with Chairman Anderson regarding the change of scope issue; the intention of how the Board approves the capital budget plan and the mission changed a bit, it should come back before the Board; as far as micro-managing a group of professionals that have been doing this stuff for a long time, he thinks they are competent; they have their

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own checks and balances internally; and he is fine with the County's Policy as it has worked well.

Chairman Anderson stated when the mission or scope changes, the Board should look at that change; and the public records in Florida are free and open to anyone who wants to look at them.

Commissioner Bolin Lewis stated she agrees with the fire trucks and the mission change; but she does not think the dumps trucks as an example is really a mission change; and it is just the price went up and the Board cannot afford as many.

County Attorney Scott Knox stated he is concerned with the position the clerk has taken, and it needs to be reconciled quickly, because if it is not, there will be big problems; the County cannot award construction contracts and expect them to come back to the Board for \$100,000 approval; typically, what happens when the Board awards a construction contract, it goes to the lowest bidder; and once it has been identified who is going to get the bid, the contract is awarded. He advised as he understands it, the Clerk wants every contract over \$100,000 to come back before the Board.

Mr. Burdett stated that is correct.

Attorney Knox stated the only way for the Board to do that is to change the bid procedure a little bit by saying that all bids will be awarded by the Board period and then it has to come back before it; and it will not get the three-inch contract, but it will get the details.

Chairman Anderson stated they would never break ground; he knows this from doing the Parkway on Wickham Road; and if it was done that way, it would still be the same old Wickham Road. He went on to say they could not even negotiate any of the land deals; it would take 10 years to do a sidewalk; there is no way the County can operate that way; and the County needs to work like a business. He pointed out it is not anyone's fault, it is just the State has Sunshine Laws.

Attorney Knox stated it can come back if there is a significant difference than what was originally budgeted for versus what was actually purchased because of the increase in price or whatever; and staff can come back and orally give the Board a report of what is going on so it will know what happened. Chairman Anderson stated he does think the Policy needs to be changed.

Commissioner Nelson advised there needs to be something there that deals with the exceptions; if the Board approved three and they only buy two, that is appropriate; the issue at hand is did the Board follow County Policy and if the Policy is legal; if the answer to that is yes, he is concerned that the Clerk is saying he will not follow legal County Policy; and he is saying he is greater in terms of those issues. He stated the Clerk has every right to check out the payment before he makes it, but to force the Board to do something contrary to its Policy is questionable; it is irony that the example used was the Clerk's office, who violated the law; the County has check and balances; the Board does not see the Clerk's books to see if someone is screwing up; and he understands it was not the current Clerk where that happened. He pointed out if the Board has a Policy that is legal, he does not know how the Clerk can say he is going to do that, because his responsibility to the Board is to follow the law as well.

Commissioner Infantini stated the Clerk is completely within the realm of his jurisdiction to question the Board's expenditures; what he is saying is the Board can approve anything it wants but he will just bring it back before the Board; she thinks it is a good idea; and she is concerned the Board is afraid it will take up too much of its time.

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Chairman Anderson pointed out it will slow down the processes beyond belief.

Commissioner Infantini stated the Clerk is talking about the initial contract; on road deals, he is only talking about the initial contract; it is a one-time thing; and to think two weeks will slow down a road project, those go on for years. She added, the Board does not have anything to fear from public scrutiny overseeing what the Board is spending the taxpayer's money on.

Chairman Anderson stated it happens during the budget process; and inquired why it is being repeated.

Commissioner Infantini stated there are probably 3,000 items in the Capital Improvement Plan (CPI). Chairman Anderson stated most of them are unfunded; they were not supposed to be funded this year; and the actual expenditures were far less than that. Commissioner Infantini advised she does not see why this cannot come back before the Board; and the Board can provide the final set of eyes for the public. Chairman Anderson pointed out there are public records that can be pulled at anytime. Commissioner Infantini stated she is not going to do a public records request every week; and there has to be a better way.

Chairman Anderson noted he does not know why people are struggling with this; and he can see what is being spent, especially public works items. Commissioner Infantini advised the Board she is not comfortable with its spending.

Attorney Knox stated another thing the Board can do is before it goes out to bid, to bring the bid documents before it for approval, because the bid documents include the contract.

Chairman Anderson stated he does not want the process to be slowed down.

Mr. Whitten stated the mechanics of this is that after Department requisitions, Purchasing goes through the bid process, and the Board has approved that; there is notice to proceed that is issued to the contractor; and he inquired if he is waiting for Mr. Ellis to put the item on the agenda. He stated it is a process that has checks and balances; and the vendor is going to have to wait on the Clerk's office to bring the item forward.

Chairman Anderson stated people put statements out there like there are hidden agendas or some evil justification behind doing this; and he has not met any County staff like that.

Commissioner Fisher inquired if the BlueWare process has any of the scrutiny the Board has; the Clerk had a big issue the way he went out to bid; he made the decision on his own, he did not have five Board Members; he did not have a procurement thing; and he awarded a \$10 million contract. He went on to say the Board does not see any of that; it is interesting that the Clerk wants to see more of the Board stuff, and it goes through a public meeting, budget process, and it sees it several times in the budget process; it then goes through the Purchasing Department; but the Clerk can sign a \$10 million contract.

Mr. Burdett advised the Board spends a lot more money than the Clerk does.

Chairman Anderson stated the point is the Board is scrutinized more than any other officials; inquired what is to stop a Constitutional Officer from signing a contract tomorrow with no public scrutiny; and only the Sheriff has to approve his budget through the Board.

Mr. Burdett stated the Clerk does not account for the Constitutional Officers funds, they only account for the County's funds.

The Board directed staff to look at the Policy change on the scope of mission change.

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ITEM VII.F., DISCUSSION, RE: HOWARD TIPTON'S RIGHT TO SEVERANCE

Steve Burdett, County Finance Director, stated the Clerk of Courts is fine with Mr. Tipton's letter.

The Board took no formal action regarding Howard Tipton's right to severance.

Upon consensus of the Board, the meeting adjourned at 1:08 p.m.

ATTEST:

ANDY ANDERSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK