

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 January 6, 2015 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

The invocation was given by Officer John Pasko, City of Melbourne.

**PLEDGE OF ALLEGIANCE**

Commissioner Barfield led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the minutes of October 21, 2014 Regular Meeting Minutes; November 18, 2014 Special Meeting Minutes; and November 25, 2014 Regular Meeting Minutes.

**ITEM I.A., RESOLUTION, RE: PROCLAIMING THE WEEK OF JANUARY 5 - 9, 2015, AS FLORIDA FIRST RESPONDER APPRECIATION WEEK**

Commissioner Barfield read aloud, and the Board adopted, Resolution No. 15-001, proclaiming January 5 - 9, 2015 as Florida First Responder Appreciation Week.

The Sheriff's office stated their appreciation along with the support of the community.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Vice Chairman/Commissioner District 2
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.1., FINAL PLAT APPROVAL, RE: MHW SHOPS THREE - MHW LAKE ANDREW, LLC**

The Board granted final plat approval for MHW Shops Three Subdivision, subject to minor changes, if necessary, receipt of all documents for record, and developer responsible for obtaining all necessary jurisdictional permits; and authorized the Chairman to sign the final plat.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.2., APPROVAL, RE: LIBRARY IMPACT FEE ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS**

The Board approved the project funding recommendations as prepared by the Library Impact Fee Advisory Committee on December 10, 2014 and authorized the Budget Office to execute any budget changes required to implement project appropriations.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.3., NOTICE OF NO CONSTRUCTION FOR PUBLIC HIGHWAY PURPOSES, RE: PROPERTY LOCATED IN SECTION 19, TOWNSHIP 24 SOUTH, RANGE 37 EAST AS DESCRIBED IN OFFICIAL RECORDS BOOK 937, PAGE 999**

The Board executed Notice of No Construction for Public Highway Purposes for property located in Section 19, Township 24 South, Range 37 East, as described in Official Records Book 937, Page 999.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.2., PERMISSION TO PIGGYBACK CLAY COUNTY CONTRACT #13/14-8, RE: PARKS AMENITIES AND PLAYGROUND EQUIPMENT, AND ADD TO PURCHASING SERVICES VENDOR OF RECORD FOR BY 2015**

The Board approved piggybacking the Clay County Cooperative Purchase Contract #13/14-8 for parks amenities and playground equipment for funded Park Projects budgeted in 2015 Capital Improvement Plan (CIP)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.3., AUTHORIZATION TO ISSUE PURCHASE ORDER TO OVIVO USA, LLC, RE: PLACEMENT OF AN AERATOR AT THE SOUTH BEACHES WASTEWATER TREATMENT PLANT**

The Board authorized a Sole Source Purchase Order with Ovivo USA, LLC for \$186,750 for purchase of an aerator at the South Beaches Wastewater Treatment Plant.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.4., PERMISSION TO REJECT ALL BIDS RECEIVED IN RESPONSE TO BID #B-5-15-11, REDESIGN THE PROJECT, AND RE-SOLICIT BIDS AND AWARD TO THE LOWEST, RESPONSIVE BIDDER, RE: CDF SLURRY WALL LANDFILL PHASE V SIDE SLOPE CLOSURE**

The Board authorized Purchasing Services to reject all bids submitted for Bid #B-5-15-11/CDF Slurry Wall Landfill Phase V Side Slope Closure; authorized staff to redesign the project; and re-solicit bids and award to the lowest, responsive bidder; authorized the Chairman to execute associated contracts; and authorized budget change requests as needed.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.1., REAPPOINTMENTS, RE: INTERNAL AUDIT COMMITTEE MEMBERS**

The Board reappointed Sam Lenck, Committee Chairman; Mark Cherry, CPA; Mary Louise E. Young, CPA, CMA, Committee Vice Chairman; Roberta Stoner, CPA, MA; and Michael G. Miller to the Internal Audit Committee.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.2., ACCEPTANCE, RE: HEALTH INSURANCE THIRD-PARTY ADMINISTRATORS AUDIT REPORT, INFORMATION TECHNOLOGY BACKUP AND RECOVERY, PHASE II AUDIT REPORT (PUBLIC), AND VALKARIA AIRPORT AUDIT REPORT**

The Board accepted the Audit Committee's Health Insurance Third-Party Administrators Audit Report, the Information Technology Backup and Recovery, Phase II Audit Report, and the Valkaria Airport Audit Report.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.3., APPROVAL, RE: AWARD EMS TRUST FUND GRANTS FOR 2015**

The Board approved Awarding EMS Trust Funding to local EMS providers who have submitted grant applications; and County Manager to approve all budget changes necessary for this process.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.4., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed/reappointed **Barbara Davis** and **Pat Shearer** to the Central Brevard Library & Reference Center Advisory Board, with terms expiring December 31, 2015; **Peter Fuscas** to the Citizens Budget Review, with term expiring December 31, 2015; **Kerry Gardner** to the Contractors' Licensing Board, with term expiring December 31, 2015; **Suzanne Valencia** to the EEL Program Recreation and Education Advisory Committee, with term expiring December 31, 2015; **Thomas Patrick O'Neil** to the Emergency Medical Services Review Committee, with term expiring December 31, 2015; **Linda Behret** and **Priscilla Griffith** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2015; **Billy Kempfer** to the Extension Advisory Council, with term expiring December 31, 2015; **Louis R. Pernice**, **Dan Reiter**, and **Helen Stubbs** to the Historical Commission, with terms expiring December 31, 2015; **Bob DiBella** to the Investment Committee, with term expiring December 31, 2015; **Paula Bamforth-Potter** to the North Brevard Library District Board, with term expiring December 31, 2016; and **Marcia Booth** and **Richard Contreras** to the Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2015.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.6., APPROVAL, RE: ANNUAL INVESTMENT PERFORMANCE REPORT, YEAR ENDED SEPTEMBER 30, 2014**

The Board approved acceptance of the Annual Investment Performance Report for the Year Ending September 30, 2014.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

### ITEM III. PUBLIC COMMENTS

Kinley Nagle stated there is a great need for the community to be educating regarding learning disabilities; her work is extremely relevant, vital, and important to the future of the children and it cannot be overlooked; and there has to be a committee formed. She added, she speaks in front of people with indifference; these children are not born with learning disabilities; she is a certified Special Ed Teacher; she has worked with the children in the public schools for several years; and she is extremely successful when she recognizes its these children's emotional needs that are interfering in their learning. She continued to say these children are not stupid; they are terrified; and as adults, community members, or teachers, they have an obligation to become educated and to realize the significance of what is going on with the children. She stated society, and the bullying leads to anxiety, fear, violence, and mental illness; that is what is going on in the schools; one can no longer just blame parents and the schools; society is too terrified to look at what is going on; and hopefully today is where it will start. She added, this is horrific what is going on; and for people to make like nothing is happening is a sin. She asked to join in a committee to educate.

Charles Tovey stated he has not been able to do anything for his medical issues, and he is still trying to protect his property; at the property there were trucks that he had for his business; he used to hide behind the trucks so he did not get shot; and when he approached the police about it they want to search him for guns.

John Schantzen stated he is on the board of the Pine Island Preservation Society and a volunteer for Environmentally Endangered Lands program; as a volunteer he opens and closes the conservation area each day to protect it from vandalism; and he is before the Board on a positive note. He added his compliments to the Road and Bridge Department, to the EELs program, the Parks and Recreation Department, and the contractor that were responsible for the completion of the last phase of the Pine Island Conservation area flood control and the Indian River Lagoon preservation project; and the project will not only help preserve the Lagoon from the runoff of pollution from the Pine Island canal, it will also mitigate the historical flooding of the main artery into Pine Island Road. He noted, as a secondary benefit, the wetlands areas along Rinker Canal have been restored to its original and historic elevation.

Pamela LeSalle stated it is close to two years that she has been advocating to correct problems in the County animal shelters; she learned it takes constant pressure to make the smallest improvements; and instead of simply correcting management deficiencies the prior Board decided last March to pass responsibility for Animal Services to the Sheriff. She added, the Sheriff is legally a contractor of the Board, and is ultimately responsible for its contractors; some advocates expected the Sheriff to be responsive as he is subject to re-election; she feels he is not responsive at all; the shelter is not a jail; and the animals who have the misfortune to be there are not there because they were bad or deviant, they are there because humans or society have failed them. She stated the Brevard County Sheriff's Office (BCSO) has not made it easy to get public records, and transparency has proven to be expensive as well; she does not believe any contractor has the capacity and resources to care as much as a government employee who is properly managed; contractors focus on profit; and it is not hard to operate a shelter, but success has to be the goal.

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Commissioner Fisher stated the Sheriff took over October 1, 2014. Pam LaSalle stated he knew in March 2014 and could have started preparing in March. Commissioner Fisher asked if she thought they were giving him fair enough time to try to get the organization running smoothly. Ms. LaSalle responded she thinks he should have been working all summer; and there were BCSO employees in the shelter in the summer. Commissioner Fisher asked to be patient and give the Sheriff time to get everything in place so that he can be successful and hopes for Ms. LaSalle's support.

Fred McMillian stated the Brevard County transportation system is a mess; and thanked Commissioner Fisher for being so transparent with District 1; he has been so concerned about Miracle City Mall and it is great to see the progress going on there. He continued to say he has a problem with District 1 and Waste Management; he has requested, through the District 1 office, to collect containers for him; and there is a piece on his property that does not have any County issued containers. He went on to say his neighbor next door, Mr. Al Harris, has an issue with trash pickup; he has not had trash pickup for three months; people who are contracted to pickup bulk trash are up and down US Highway 1 all day long; and he knows they have assigned areas, but something is not right. Commissioner Fisher stated he will get to the issue of the trash.

**ITEM VI.B.1., AGREEMENT TO EXTEND EXISTING CONTRACT WITH FIRST VEHICLE SERVICES, INC., RE: SPACE COAST AREA TRANSIT VEHICLE FLEET MAINTENANCE AND REPAIR MANAGEMENT SERVICES**

Jim Liesenfelt, Transit Services Director, stated this is a request to extend the contract with First Vehicle Services to the end of April; First Vehicle Services provides the maintenance and fleet management for all the buses and vans; their contract is up at the end of January; and the extension is to get them through the rest of Request for Proposal (RFP) process.

The Board executed Agreement to Extend Existing Contract with First Vehicle Services, Inc., to provide vehicle fleet maintenance and repair management services for Space Coast Area Transit (SCAT) for an additional three months until April 30, 2015, in order to complete the Request for Proposal (RFP) process.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VI.E.1., APPROVAL, RE: SALE OF SURPLUS REAL PROPERTY BY BIDDING PROCESS**

Stockton Whitten, County Manager, stated this Item is a request of the sale of surplus real property through the bidding process that is outlined in Florida Statute 125.35(1)(a); there are three parcels totally, 114 acres in the Suntree area that staff would like to attempt to put out for bid; and when the bids come back staff will bring it before the Board. He added, if the Board is not happy with the bid amounts they can reject the bids and staff can reassess in regards with the process of selling the parcels.

Commissioner Barfield stated that is one of the things he thinks the Board needs to do a lot more of; and if there is other property that the Board needs to be looking at that the County can get off ownership and put it back on the tax rolls, he is all for it.

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Commissioner Fisher stated as the bids come back his concern is that the value that is going to be created in the parcels will be whether someone can solve the access problem; and he would like to create the value now because the taxpayer would be getting more for it if the access problems were resolved.

Commissioner Infantini stated she thinks it may be a better idea if the County is going to be selling to generate the right-of-way because it does seem to be covered by other properties, and it does look like he or she would have a problem gaining access.

The Board granted permission to have three (3) properties, Parcel ID 26360200500, Parcel ID 26360200502, and Parcel ID 263611006, appraised; to advertise for sale by auction to the highest and best use bidder; and receipt of an acceptable offer a contract for sale will be submitted to the Board of approval.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VIII.A, REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER**

Stockton Whitten stated he is asking for an additional Budget workshop for February 5, 2015, from 1:00 - 5:00 p.m.; and this a Zoning meeting day; and he is not able to fit in all the departments into the proposed schedule.

The Board approved an additional Budget Workshop for February 5, 2015 to 1:00 p.m. to 5:00 p.m.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Vice Chairman/Commissioner District 2
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VIII.F., REPORT, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER/VICE CHAIRMAN**

The Board appointed **Michael Slotkin** to the Citizens Budget Review Committee, with appointment expiring December 31, 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

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The Board appointed **John Ells** to the District 2 Canal Dredging Committee, with appointment expiring December 31, 2018.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Vice Chairman/Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VIII.G., REPORT, RE: ROBIN FISHER, DISTRICT 1 COMMISSIONER/CHAIRMAN**

Commissioner Fisher stated when he approached Doug Baker to serve on the Citizen Budget Review Committee, he asked if he would be able to look at the whole thing, and stated he has been given the crust and not the pie; and he explained the Board controls a very small part of the budget as far as the what the County does. He continued to say if the Citizen Budget Review Committee does not have the authorization to look at the Constitutional Officers then he is not looking at the whole picture, and therefore he would not be able to give a clear recommendation; and he stated that is an issue.

Commissioner Infantini stated she likes having two Certified Public Accountants (CPA) on the Citizen Budget Review Committee; and she would like to reach out to the Constitutional Officers to make sure they are on board to be part of the whole budget review process, because if the Board is looking for efficiency it needs to look at everything.

Commissioner Smith stated he talked about this with Mr. Whitten and he suggested expanding the size of the Citizens Budget Review Committee to include some Constitutional Officers, to let them appoint someone also.

Stockton Whitten, County Manager, stated he has concerns with the process because the only time the Board is going to see the entire County Budget, including the Charter Officers, is when the County Manager presents the Board with a balanced budget proposal; when the Board looks at the most recent Resolution, which is a 2005 Resolution, that needs some updating so the process is clear, the membership is clear; and if the Board wants this committee to be as A-political and as inclusive as possible it should not meet unless it has all five of the commission appointees represented. He asked for an opportunity to revise the Resolution, which is dated now; he is not sure where the Charter Officers are going to be, he thinks some of them have a Citizen Budget Review Committee of their own; and maybe the Citizen Budget Review process starts when the Board gets the Budget in July so the staff has time, and they have a product they can review.

Commissioner Smith suggested the Constitutional Officers recommend someone to the Commissioners for the Citizen Budget Review Committee; and then there would be five alternates.

Scott Knox, County Attorney, suggested since there are two new Commissioners, and since the Citizen Budget Review Committee is looking to expand beyond the roll they have had in the past, that maybe it would be a good idea for the County Attorney's office to put together some kind of memo explaining who has control over the what budgets, and how they get approved, and what he or she can and cannot do, because that would give more guidance of where one can do things.



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Mr. Whitten stated he was going to talk about that at one of the workshops; the Tax Collector submits her budget to the Department of Revenue; the Department of Revenue approves her budget and the Board has some appeal ability to the Department of Revenue, but once it is approved by the Department of Revenue, her budget is set. He added, his issue is that the Board has a series of Budget Workshops starting on January 15th, going until March; Tom Rosenberg, Budget Office Director, and the Budget staff need to be available to Mr. Whitten to prep for the workshops; the Citizens Budget Review Committee should be sitting in on the workshops with the Commissioners getting an education on what the budget is; and for him, that is starting the Citizen Budget Review Committee because they have to be educated. He stated as the Boards manager, the start is inviting the Citizen Budget Review Committee to sit in on the workshop; the Resolution actually says that they can attend with the Board of County Commissioners to the Budget workshops and also the briefings; committee members may submit questions and recommendations to their appointing Commissioner; and that is the best start. He continued to say if this is truly a value added process their going to be at the workshop learning what the County Budget is, just as the new Commissioners are; it is not an attempt to stifle anything; he thinks staff can answer any questions that the Board post on the County Budget; and if this is going to be a process that is meaningful for the Board of County Commissioners and the citizens of Brevard then the start for him is participating with the Board in the up and coming workshops.

The Board directed Stockton Whitten, County Manager, to encourage the Citizen Budget Review Committee Members to sit in on the Budget Workshops; and to make revisions to Resolution No. 05-120, regarding increasing the membership of the Citizen Budget Review Committee and making the process more clear.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

The Board directed Scott Knox, County Attorney, to draft a memorandum explaining who has control over what budgets, how they get approved, and what can and cannot be done to give more guidance to the Citizens Budget Review Committee Members and the new Commissioners.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

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Upon consensus of the Board, the meeting adjourned at 10:10 a.m.

ATTEST:

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ROBIN FISHER, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

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SCOTT ELLIS, CLERK