

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 September 4, 2012 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

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

INVOCATION

The invocation was given by Pastor Dave Jahn, Advent Lutheran Church, Melbourne.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

The Board approved the July 31, 2012, Regular meeting minutes and the August 16, 2012, Special meeting minutes.

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

ITEM I.A., RESOLUTION, RE: PROCLAIMING THE MONTH OF SEPTEMBER 2012 AS CHILDHOOD CANCER AWARENESS MONTH

The Board adopted Resolution No. 12-175, proclaiming the month of September 2012, as Childhood Cancer Awareness Month.

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

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ITEM I.B., RESOLUTION, RE: PROCLAIMING THE WEEK OF SEPTEMBER 17 - 23, 2012, AS CONSTITUTION WEEK

Chairman Nelson read aloud, and the Board adopted, Resolution No. 12-176, proclaiming the week of September 17 - 23, 2012, as Constitution Week.

Barbara Moser, Daughters of the American Revolution, accepted the Resolution and expressed appreciation to the Board.

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

ITEM I.C., RESOLUTION, RE: PROCLAIMING SEPTEMBER 13, 2012, AS COMMODORE JOHN BARRY DAY

Commissioner Bolin Lewis read aloud, and the Board adopted, Resolution No. 12-177, proclaiming September 13, 2012, as Commodore John Barry Day.

A member of the Brevard County Ancient Order of Hibernians accepted the Resolution and expressed appreciation to the Board.

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

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

Commissioner Infantini commended her aide, Lori Helton's, daughter for saving a life in Pompano Beach; and stated her training as a nurse and quick thinking, she was able to resuscitate the person who had been electrocuted.

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

Chairman Nelson stated the Board has been asked by the East Central Florida Regional Planning Council to sign a letter in association with the rail project that the Council has received funding for from HUD; Brevard County's commitment would be to just participate in the meetings and be aware of what is happening; and stated the rail system will run from Debarry to Orlando.

The Board executed a Memorandum of Understanding with the East Central Florida Regional Planning Council (ECFRPC) to serve as a participant in the East Central Florida Sustainable Communities Consortium in accordance with the terms outlined.

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

ITEM III.A.1., APPROVAL, RE: STORAGE TANK SYSTEM COMPLIANCE VERIFICATION PROGRAM CONTRACT, GC#686, AMENDMENT NO. 2

The Board executed Amendment No. 2 of the existing contract with the Florida Department of Environmental Protection (FDEP); and authorized the County Manager or designee to approve future Contract Amendments associated with the FDEP grant agreement.

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

ITEM III.A.2., ACCEPTANCE OF AMENDED CONSERVATION EASEMENT AND RESOLUTION, RE: FARMTON LOCAL PLAN CONSERVATION EASEMENT AND TRANSFER OF DEVELOPMENT RIGHTS, CONSISTENT WITH JULY 10, 2012, BOARD ACTION

The Board accepted the Farmton Local Plan Conservation Easement, with minor amendments; and adopted Resolution No. 12-178, regarding transfer of development rights consistent with Board action taken on July 10, 2012.

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

ITEM III.A.3., RESOLUTION, RE: FEE SCHEDULE AMENDMENT ADDITION OF HOURLY BILLING PROVISION FOR UNIQUE PROJECTS NOT PREVIOUSLY CONTEMPLATED IN CURRENT FEE SCHEDULE

The Board adopted Resolution No. 12-179, revising the fee schedule to streamline the administrative process and allow for hourly billing for unique projects not previously contemplated in the current fee schedule.

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

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ITEM III.A.4., PRELIMINARY PLAT AND FINAL ENGINEERING APPROVAL WITH THE VIERA COMPANY, RE: HARNETT DRIVE 12SD-00408

The Board granted preliminary plat and final engineering approval to The Viera Company for Harnett Drive, 12SD-00408, with the developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM III.A.5., PRELIMINARY PLAT AND FINAL ENGINEERING APPROVAL WITH THE VIERA COMPANY, RE: MHW RETAIL

The Board granted preliminary plat and final engineering approval to The Viera Company for MHW Retail, 12SP-00240, subject to minor engineering changes as applicable, approval of the site plan for Viera Retail, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM III.A.6., BINDING DEVELOPMENT PLAN, RE: RONALD A. AND ELLEN M. CODY

The Board executed a Binding Development Plan with Ronald A. and Ellen M. Cody, for property located on the south side of Canaveral Groves Boulevard, approximately 0.3 mile west of Grissom Parkway.

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

ITEM III.A.7., ACCEPTANCE OF EASEMENT FROM GEORGIA KATZ, RE: OPERATION AND MAINTENANCE OF A SEWER SYSTEM INSTALLED FOR USE BY THE FACILITY LOCATED AT 4635 U.S. HIGHWAY 1

The Board accepted an Easement from Georgia Katz in favor of Brevard County for the operation and maintenance of the sewer system servicing the facility located at 4635 U.S. Highway 1.

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

ITEM III.A.8., APPROVAL, RE: DEMOLITION OF STRUCTURES ACQUIRED FOR HOLLYWOOD BOULEVARD WIDENING PROJECT

The Board granted permission for staff to demolish structures being acquired for the Hollywood Boulevard widening project.

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

ITEM III.A.9., MAINTENANCE AGREEMENT WITH OCE NORTH AMERICA, INC., RE: MAINTENANCE OF THE TDS800 SCANNER

The Board executed a Maintenance Agreement with Oce North America, Inc., for maintenance of a TDS800 Scanner; and authorized the Chairman to execute any renewals.

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

ITEM III.A.10., SUBDIVISION INFRASTRUCTURE CONTRACT AND SURETY PERFORMANCE BOND WITH LENNAR HOMES, LLC, RE: HERITAGE ISLE, PHASE 7A

The Board executed Subdivision Infrastructure Contract and Surety Performance Bond with Lennar Homes, LLC, for Heritage Isle, Phase 7A.

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

ITEM III.A.11., RESOLUTION RELEASING SURETY PERFORMANCE BOND WITH LENNAR HOMES, LLC, RE: HERITAGE ISLE, PHASE 7A

The Board adopted Resolution No. 12-180, releasing the Contract and Surety Performance Bond dated February 7, 2012, with Lennar Homes, LLC, for Heritage Isle, Phase 7A.

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

ITEM III.A.12., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: S.R. 3 AND HALL ROAD INTERSECTION IMPROVEMENT PROJECT

The Board executed an Interlocal Agreement with the City of Cocoa for the design and construction for the relocation of their utilities, in conjunction with the S.R. 3 and Hall Road Intersection Improvement Project; and approved all Budget Change Requests needed for the project.

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

ITEM III.A.13., CONTRACT FOR PURCHASE OF EASEMENT RIGHTS WITH KIRK M. KNOEPFEL AND KATHREN T. KNOEPFEL, RE: ACQUISITION OF .015-ACRE TEMPORARY CONSTRUCTION EASEMENT

The Board executed a Contract for Purchase of Easement Rights with Kirk M. Knoepfel and Kathren T. Knoepfel for acquisition of a .015-acre Temporary Construction Easement (TCE), located approximately 700 feet north of Pluckebaum Road on the east side of Range Road, in the amount of \$75.00, for the Pluckebaum Road and Range Road Culvert Replacement Project.

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

ITEM III.A.14., ASSIGNMENT AND ASSUMPTION OF LEASE WITH THE STATE OF FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, RE: 3.97 ACRES LOCATED AT 2280 COLUMBIA BOULEVARD AND INCLUDING AN ABUTTING VACANT PARCEL

The Board executed an Assignment and Assumption of Lease No. 2834 from the State of Florida Department of Highway Safety and Motor Vehicles for property occupied by Brevard County Fire Station No. 24 and a vacant abutting parcel to be utilized by Brevard County Fire Rescue for additional security, parking, and storage of Fire Rescue vehicles and equipment, and a staging area for training.

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

ITEM III.A.15., LEASE AMENDMENT WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, RE: 3.97 ACRES LOCATED AT 2280 COLUMBIA BOULEVARD AND INCLUDING AN ABUTTING VACANT PARCEL

The Board executed Amendment No. 1 to Lease No. 2834 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for property occupied by Brevard County Fire Station No. 24 and a vacant abutting parcel to be utilized by Brevard County Fire Rescue for additional security, parking, and storage of Fire Rescue vehicles and equipment, and a staging area for training.

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

ITEM III.A.16., THREE-YEAR LEASE AGREEMENT WITH BAREFOOT BAY RECREATION DISTRICT, RE: OFFICE SPACE USED BY UTILITY SERVICES DEPARTMENT

The Board executed a three-year Lease Agreement with Barefoot Bay Recreation District for office space used by the Utility Services Department for water billing and customer service in Barefoot Bay.

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

ITEM III.A.17. ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION (FAA) GRANT OFFER AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) JOINT PARTICIPATION AGREEMENT (JPA), RE: CONSTRUCTION OF NEW TAXIWAY-A AND DESIGN AND BIDDING PHASE SERVICES FOR REHABILITATION OF RUNWAY 10/28

The Board executed the FAA grant offer pending FDOT JPA for funds related to construction of new parallel Taxiway-A design and bidding phase services for rehabilitation of Runway 10/28; and accepted title to offsite wetlands mitigation acreage (-91 acres) to be paid for by the grant as required by permits needed to construct Airport improvements.

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

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

The Board approved the Budget Change Requests as submitted.

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

ITEM III.B.4., VESTED RIGHTS APPLICATION, RE: SPECIAL MAGISTRATE'S RECOMMENDED ORDER FOR DENIAL OF SAMY AND FATEN HANNA, CASE NO. 05-09

The Board affirmed the Special Magistrate's Recommended Order for denial of the Vested Rights petition and record for Samy and Faten Hanna.

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

ITEM III.B.5., APPROVAL, RE: AUTHORIZATION TO SUBMIT A LETTER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) REGARDING A VOLUNTARY HOME INVESTMENT PARTNERSHIP GRANT REDUCTION IN LIEU OF REPAYMENT OF HOME FUNDS

The Board authorized the Chairman to sign, and staff to submit, a letter to HUD regarding a voluntary HOME reduction in lieu of repayment of HOME funds.

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

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ITEM III.B.6., CONTRACT WITH UNITED WAY OF BREVARD, RE: HOMELESS SERVICE COORDINATION BETWEEN THE UNITED WAY OF BREVARD AND THE HOUSING AND HUMAN SERVICES DEPARTMENT AS LEAD AGENCY FOR THE BREVARD CONTINUUM OF CARE COALITION

The Board executed a Contract with the United Way of Brevard for homeless service coordination; and authorized the Chairman to execute future modifications, extensions, and/or amendments to the Contract, contingent upon approval of the County Attorney and Risk Management.

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

ITEM III.B.7., APPROVAL, RE: REQUEST FOR PROPERTY TRANSFER OF 816 MATHERS STREET, MELBOURNE, FLORIDA 32935 TO THE COALITION FOR THE HUNGRY AND HOMELESS OF BREVARD COUNTY, INC.

The Board adopted Resolution No. 12-181, authorizing the conveyance of property located at 816 Mathers Street, Melbourne, Florida 32935, to the Coalition for the Hungry and Homeless of Brevard County, Inc., for the development of permanent affordable housing.

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

ITEM III.B.8., APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY SERVICES, RE: STATE AID TO LIBRARIES FY 2012/2013

The Board executed the State Aid to Libraries Grant Agreement and the 2013 Annual Plan with the Florida Department of State, Division of Library Services, for State Aid for Libraries FY 2012/2013.

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

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ITEM III.B.9., RESOLUTION TO EXCHANGE PROPERTY AND AMENDMENT TO AGREEMENT TO DONATE LAND WITH A. DUDA AND SONS, INC., RE: BREVARD ZOO LINEAR PARK

The Board adopted Resolution No. 12-182, authorizing an exchange of property with A. Duda & Sons, Inc., for the Brevard Zoo Linear Park; and authorized the Chairman to execute an Amendment to Agreement to donate land and the appropriate legal documents for the exchange and donation of property, as approved by the County Attorney.

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

ITEM III.B.10., EXTENDED SERVICE AGREEMENT WITH CITY OF TITUSVILLE, RE: ADDITIONAL FIXED ROUTE BUS SERVICE ON SCAT ROUTE 2

The Board executed an Extended Service Agreement with the City of Titusville for the purpose of providing additional fixed route bus service to Route 2.

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

ITEM III.C.1., APPROVAL, RE: STIPULATION FOR DISMISSAL WITH PREJUDICE, SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH BORTNER v. WINGATE ESTATES DISTRICT ASSOCIATION, INC., AND BREVARD COUNTY, CASE NO. 05-2010-CA-039773-XXXX-XX

The Board approved a Stipulation for Dismissal with Prejudice, Settlement Agreement, and Mutual Release - Bortner v. Wingate Estates District Association, Inc., and Brevard County; and authorized the Chairman to execute the same.

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

ITEM III.C.2., CONFIRMATION OF APPOINTMENT, RE: JEFF THOMPSON AS LIBRARY SERVICES DIRECTOR

The Board confirmed the appointment of Jeff Thompson as the new Brevard County Library Services Director.

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

ITEM III.C.3., CONFIRMATION OF APPOINTMENT, RE: LINDA SEALS AS UNIVERSITY OF FLORIDA BREVARD COUNTY EXTENSION DIRECTOR

The Board confirmed the appointment of Linda Seals as the new U.F./Brevard County Extension Service Director.

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

ITEM III.C.4., CANCELLATION, RE: SEPTEMBER 6, 2012, ZONING MEETING

The Board cancelled the September 6, 2012, Zoning meeting.

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

ITEM III.C.5. APPROVAL, RE: RENEWAL OPTION FOR INTERNAL AUDITING SERVICES

The Board approved execution of a renewal option for Internal Auditing Services with McGladrey LLP & Pullen, LLP and Carr, Riggs & Ingram, LLC.

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

ITEM III.C.6., REVISE AND UPDATE, RE: BOARD POLICY 69, EMPLOYEE INNOVATIONS PROGRAM

The Board approved a revised and updated Policy BCC-69, Employee Innovations Program.

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

ITEM III.C.7. RATIFICATION, RE: SUPERVISORY AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) SUPERVISORY UNIT LOCAL 2969

The Board ratified the tentatively agreed upon modifications to 67 articles in the collective bargaining agreement; and executed Supervisory Agreement with the Internal Association of Fire Fighters (IAFF) as provided for by Section 447.309, Florida Statutes.

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

ITEM III.C.10., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board reappointed **Bill Cannon** as the District 1 representative to the Planning and Zoning Board, and **Laurilee Thompson** as alternate to the Planning and Zoning Board, both with terms expiring December 31, 2012; and appointed **Catherine Mitchell** to the Community Development Block Grant Advisory Board, with term expiring December 31, 2012.

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

ITEM III.C.11., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder as submitted.

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

ITEM III.C.13., APPROVAL OF FUNDING COMMITMENT, RE: PROJECT REDLINE

The Board approved the funding Commitment outline in the memorandum of intent for Project Redline.

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

ITEM III.B.2., PERMISSION, RE: ISSUE ANNUAL SUPPLY BIDS, PROPOSALS, AND REQUEST FOR QUALIFICATIONS (FY 2012-2013) AND/OR NEGOTIATE COMPETITIVE AGREEMENTS

Commissioner Infantini stated the item allows for purchases in excess of \$100,000 to be bid by staff, and then signed off by the Chairman; and stated she would like for all of those bid contracts to come back to the Board.

Motion by Commissioner Infantini, to have bid contracts in excess of \$100,000 come back to the Board before final approval. Motion died for a lack of a second.

Chairman Nelson noted the way it is currently done is standard practice and expedites the process.

The Board granted Purchasing Services permission to perform the following actions regarding the list of commodities and services for fiscal year 2012/2013: 1.) Solicit competitive bids, quotes and/or negotiate competitive agreements and award to the lowest, responsive, and most qualified supplier; 2.) Solicit competitive proposals and requests for qualifications, establish selection committees, and award contracts and/or open purchase orders with the best-ranked proposer; 3.) Exercise renewal options upon evaluation of supplier performance, and recommendation from user departments/offices, which establishes the continuance of the contract is favorable prior to extension of the agreement; and 4.) Authorize the Chairman to execute contracts and contract renewals over \$100,000 in annual value.

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

ITEM III.B.3., PERMISSION TO ISSUE OPEN PURCHASE ORDERS (FY 2012-2013), RE: APPROVED VENDORS OF RECORD

Commissioner Infantini stated Item III.B.3. allows for the continuance of open purchase orders on items to vendors of record; there are a lot of vendors who are not aware of the County's bidding process; and she would like to see them all open to bid. She noted some items in excess of \$100,000 are reflected as sole source, and some of the items can be provided by another vendor.

Motion by Commissioner Infantini to deny Item III.B.3, and that all of the contracts be reviewed, go out to bid, and come back to the Board before final approval. Motion died for lack of a second.

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Chairman Nelson inquired if staff goes through a process to determine whether or not something is sole source. Steve Stultz, Central Services Director, replied the Purchasing staff goes through a process every year, and based upon the particular products that are required by the departments, staff goes back and verifies that either they are only available from that specific manufacturer, or that manufacturer has a designated distributor that can only provide that product in the Brevard County area.

Commissioner Infantini stated there could be other vendors who make similar products. She commented on the Medtronics Defibrillator and stated instead of spending \$32,000 for each defibrillator, the Board could instead purchase refurbished one's, which are well made and will save money; and stated the savings could be used to put defibrillators in places such as school gymnasiums.

Mr. Stultz stated Medtronics is the only authorized source for both the product and for the authorized service of that product. He noted one of the concerns of Fire Rescue is a specific health safety benefit that the same equipment is in ambulance units across the County; as staff rotates ambulances and shifts, they can step into an ambulance and know that they are going to be operating the same equipment and do not have to determine whether there is a different brand of equipment. Commissioner Infantini stated she is not suggesting to have different types of defibrillators; she understands that Medtronics is the only manufacturer, but they have stopped making the Life-Pack 12, and is now making the Life-Pack 15; and stated instead of upgrading to the Life-Pack 15, the Board could stay with the Life-Pack 12 and use the refurbished models, which would provide the same functionality, as well as be the same consistency for all of the fire fighters.

Chairman Nelson stated he does not want to put used equipment on ambulances.

The Board approved the use of State Contract, cooperative contracts, and other agency contracts as vendors of record; approved the use of vendors determined to be the sole source for the products or services indicated; approved the issuance of blanket purchase orders and authorized the Chairman to execute contracts to those vendors, exceeding \$100,000; and approved competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

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

ITEM III.B.11., ADOPTION, RE: THE 2013-2022 TRANSIT DEVELOPMENT PLAN FOR SPCAE COAST AREA TRANSIT

Commissioner Infantini stated she would be interested in holding a workshop on the rate structure and the bus service; she has discussed expanding the routes with Mr. Liesenfelt, but the rates have not changed in a long time; currently, there is such limited service that it is very difficult to take a bus from one location to another without a connecting route; and stated she believes the bus service should be increased and made more available to everybody instead of the limited number of people who are able to use it.

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Commissioner Anderson stated there was a study done for TPO approximately one year ago, and the Board can revisit that study; it talked about different options, including rate structure increases; and it would be a good tool for the Board to use.

Jim Liesenfelt, Transit Services Director, stated the department covered most of the projected deficit, and the State came up with some funds, but the study does supply other funding sources.

Commissioner Fisher stated there is a cost involved in increasing the routes; he would like to see as much service as possible, but the Board needs to understand that there is a cost to do that; and historically, the Board has not wanted to have those increases.

Chairman Nelson stated he is not willing to raise the rates; the increase in ridership is due to the difficult economy and rate structure that supports people riding the bus; and if the Board adds to the cost of riding the bus, it will lose ridership.

The Board adopted the 2013-2022 Transit Development Plan for Space Coast Area Transit.

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

ITEM IV., PUBLIC COMMENT

Gerald Storrs stated every lifeguard employed by Brevard County has a low enough rate of pay to be able to qualify for food stamps; the lifeguards have been bounced around from department to department; and the theory would be that a salary plan would take care of the problem. He stated there were 550 jobs analyzed in the Cody Study in 2006, but none were lifeguards; and stated the jobs could be folded into the existing Cody Study. He stated this was presented to the Board months ago and he would like to know if there has been any discussion.

Howard Tipton, County Manager, advised staff reviews salaries periodically, but as the Board is aware, the County has been trying to hold on to positions and is not looking at range adjustments; and stated he is hoping there is a chance to do that in the near future, because Brevard County is falling behind in the region, but it will not be this year.

Fred McMillian implored the Board to revisit its decision about transportation; he rides the bus regularly, as he does not drive; and he is sure there are other seniors in the community that depend on public transportation. He commented on the Greyhound bus station relocating from Titusville to Highway 50 and I-95; and noted there is no bus that goes to the Greyhound bus station. He stated he would like the route to divert to Lowes from the Mobile gas station; and stated he would also like the Board to reach a possible agreement with Lynx in Orange County to come to Route 50 in Titusville, which would allow people to shop in Orlando.

Chairman Nelson stated one thing that has been identified in the plan is how to fund all of the problems; he is sensitive to the change in bus stations in Titusville; and inquired if staff is reviewing that.

Jim Liesenfelt, Transportation Director, stated where Routes 1, 2, and 5 meet at the courthouse six-story building, with the new agreement with Titusville, on October 1st, that stop will be

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switched to Searstown Mall; Route 1 will not have to travel all the way up to the six-story courthouse, which should help the route with its on-time performance. He stated route 5 will be traveling the route that route 1 has, so people will not lose any service, but the transfer point will move south. He noted that route 1 will keep the 7:00 a.m. and 5:00 p.m. service to the courthouse. He stated one issue with Greyhound stations is that they move quite a bit; Cocoa does not have a Greyhound station anymore; but staff will take a look at it during the next review of route changes.

Commissioner Infantini stated another thing she would like to address is the fact that so many bus stops are uncovered; there is no place for people to sit and there is no cover for them; stated she thought there had been an offer to the Board to receive free bus stops where there are covered benches, and all the Board would have to do is allow businesses to advertise on the benches; and she thinks the Board should explore that opportunity.

Chairman Nelson stated there are bus stops throughout the County that need covered benches, but it comes down to money. Mr. Liesenfelt stated the County has a contract with 20/20 Media to put bus stops with advertising in the unincorporated areas of the County.

Mr. McMillian stated the weekend service needs to be improved, as there is only one bus available to him on Saturdays, and no buses on Sunday.

**ITEM V.A., PUBLIC HEARING, RE: ORDINANCE AMENDING CHAPTER 10
"AMUSEMENTS AND ENTERTAINMENTS" TO ELIMINATE PROOF OF INSURANCE
REQUIREMENTS FOR SPECIAL EVENTS ON PRIVATE PROPERTY**

Chairman Nelson opened the public hearing to consider an amendment to Chapter 10, "Amusements and Entertainments" to eliminate proof of insurance requirements for special events on private property.

Commissioner Infantini noted one of the changes in the insurance for public events changes the insurance requirement from \$300,000 to \$1 million per occurrence; and stated she would like to go back to the \$300,000, because she does not know why there would be a need for \$1 million of insurance per occurrence, since most accidents at a public event are under the \$300,000 range.

Jerry Visco, Insurance Director, stated staff has been using \$1 million as a base because it has been an industry standard for many years; it is not difficult to have an incident go to \$1 million fairly quickly; it does not make sense for every special event, or every permit issued, but anything that involves children, heavy machinery, or high-contact sports, offers a lot of opportunity to generate \$1 million quickly. He advised, as far as availability is concerned, it is not that significant a burden on the policy holders; \$1 million in coverage is very standard and relatively affordable.

Commissioner Infantini inquired how many times in the last two years that the County had an incident that exceeded \$300,000. Mr. Visco stated there have not been any from a special event permit. Commissioner Infantini stated if there has not been any in the last two years that exceeded \$300,000, she does not understand; stated industry standards are excessive; and she would like to leave it at \$300,000.

Commissioner Anderson stated the certificate of insurance to change from \$300,000 to \$1 million for special events is very nominal to the applicant; one broken neck at one event is \$1.5 million, easily; and \$300,000 is below what it should be.

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Commissioner Fisher stated \$300,000 is more of a limit for homeowners insurance; and agreed with Commissioner Anderson that the cost to the applicant for the additional insurance is nominal.

Commissioner Infantini stated she does not think it is in the best interest of all of the consumers; it is a 25 percent increase in cost; and anytime she can save costs without jeopardizing public safety, it is a good idea.

Commissioner Anderson stated the other issue is then the Board is putting the taxpayers on the cost of the liability; and he is not willing to force taxpayers to pay for an accident at an event that they had no interest in.

Chairman Nelson noted the Board's ultimate responsibility is to protect the taxpayers of the County, not the individual who is holding the event; there has been litigation connected to events that were not special events that far exceeded \$300,000.

There being no further comments, the Board adopted Ordinance No. 12-27, amending Chapter 10, "Amusements and Entertainments" to eliminate proof of insurance requirements for special events on private property.

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

ITEM V.B., PUBLIC HEARING, RE: ORDINANCE AMENDING CHAPTER 62, ARTICLE XIII, DIVISION 2 ENTITLED LANDSCAPING, LAND CLEARING, AND TREE PROTECTION

Chairman Nelson called for the public hearing to consider amendments to Chapter 62, Article XIII, Division 2, entitled Landscaping, Land Clearing, and Tree Protection.

There being no objections, the Board adopted Ordinance No. 12-28, amending Chapter 62, Article XIII, Division 2, entitled Landscaping, Land Clearing, and Tree Protection.

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

ITEM V.C., APPROVAL, RE: COCOA EXPO SPORTS CENTER, LLC, REQUESTED LANDSCAPE BUFFER WAIVER HEARING PER PROPOSED SECTION 62-4346 OF LANDSCAPING, LAND CLEARING, AND TREE PROTECTION CODE FOR 500 FRIDAY ROAD, COCOA

Chairman Nelson called for the public hearing to consider the request by Cocoa Expo Sports Center, LLC, for a Landscape Buffer Waiver hearing per proposed Section 62-4346 of Landscaping, Land Clearing, and Tree Protection Code for Parcel ID 24-35-26-00-502.

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Ernie Brown, Natural Resources Management Office Director, stated the Cocoa Expo Center, LLC, has requested a waiver from the Type-A buffer along the northern border; the request is to eliminate the Type-A buffer; and in accordance with Ordinance change that the Board just passed, this would be a permissible waiver; and it would enable the applicant to build that ballfield to a certain regulation standard. He noted on the other side of the area is a residential mobile home park property; it is currently heavily forested, but it is residential use and requires the Board to hear that in a public hearing to ensure that all the property owners that may be affected have an opportunity to express their thoughts or concerns to the Board.

Susan Young stated there are trees along the southeast side of her property that have been there for over 30 years; the trees are in the 20-foot landscaping buffer; and she wants to make sure that the trees are preserved. She stated on the northeast corner of the property, it looks like the ballfield goes into the buffer; and she does not understand how the ballfield could be in the buffer.

Mr. Brown stated the vegetative buffer requires four trees per 100 feet, and they can be clustered, modified or moved within that buffer; where the ballfield angles across the buffer and actually intersects with the property line, they could move those trees and shrubs around to different areas that would still have to be grassed and vegetated; cars cannot be parked in that 20 feet, they cannot build structures in that 20 feet, and they cannot put a warning tract in that 20 feet; and the applicant has agreed that it would be vegetated along that area and there will be no structures or parking in that area at any time. He noted that the particular corner that Ms. Young is referring to is not part of the waiver request. He stated there are two oak trees that are not physically attached to the fence, and there is one that has the fence actually growing into the tree; those trees are integral to the existing buffer; because it is a commercial facility larger than three acres, they would be required to maintain and retain those trees as part of the buffer, unless they had some sort of unique situation where they would have to be removed.

Chairman Nelson stated he supported allowing the waiver, but he is still not comfortable; the ballfields are right up against the property line, and occasionally a ball will leave the property; there is a future car dealership on one side, and residential on the other side; and Friday Road on one side, and S.R. 520 on the other. He inquired how the applicant is going to keep balls from flying off of the property.

Hassan Kamal, representing the applicant, replied one of the things the applicant looked at when the site was being developed was trying to understand the historic uses; when looking at the site plan, it has to be understood that the property has been used as baseball fields for a long time; and there was a great deal of effort made to minimize the impacts on the properties that will remain. He displayed a photo from 1972 showing TR-1 zoned property, and stated that is the property that Ms. Young spoke about; stated as the property developed, in 1983 and 1993, there is a baseball field right up against that property line; and in that scenario, any foul ball hit down the third base line would have come to that sign.

Chairman Nelson inquired if there is any indication that that actually came back to a previous Board of County Commissioners for approval of a change in the site plan. He stated his fear is that over time it evolved and no one was challenging whether or not they put the ballfield there, they just did it; there was no approval process or attempt to try to understand if they put the ballfield there; and they were doing it for commercial purposes as opposed to if it was the best placement on the site. Mr. Kamal stated it does not look like there were any buffers back then. He stated he does not know the permitting history, but moving forward to what the proposed site plan is going to look like, the area to the west is not a play area, it is an open part of the facility that is not used for baseball fields; the applicants have done everything they can with the site plan and moving the field away from the one location, plus keeping in mind that the 20-foot buffer is being provided and also a higher fence than what was required. He stated he cannot

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say that there will never be a baseball or softball hit over the fence, but everything reasonable has been done to realign the fields and set the site plan to minimize those things.

Chairman Nelson stated a field has been added in the northwest corner that was never there; he wants the property owner to be successful, but it is also an opportunity to fix some of the deficiencies; he likes the fact that one of the fields has been moved; and pointed out that balls will leave the area in the northern fields, because those will be high school and college-level players. He inquired of staff if the applicant is allowed to put netting in the buffer area. Mr. Brown stated yes, they would be able to do so. Chairman Nelson stated some of the netting could be 30 to 40 feet tall. Mr. Brown stated Natural Resources does not restrict the height.

Commissioner Fisher stated he hopes the applicant takes the neighbors into consideration and puts the smaller kids on the fields closest to the residential areas.

Commissioner Bolin Lewis stated it is her understanding that if any area becomes a problem, there are two solutions, either have the smaller children playing on the fields, or netting can be put up. Mr. Brown stated the buffers allow for fencing structures, which netting would be considered; as part of a waiver process, conditions can be placed on the applicant to address the concerns the Board has if that is the direction it wants to go; and the stipulation for netting-type fencing would be allowable under the Code. Commissioner Bolin Lewis stated the Board could go forward and approve the location and the buffer with the stipulation that if down the road, the Board could request netting. Chairman Nelson stated he believes that is in the Binding Development Plan.

Robin Sobrino, Planning and Development Director, advised that as far as an over-height net, more than likely it would require a variance down the road; staff could work that into the schedule at a later date. Chairman Nelson stated what needs to be worked into the Binding Development Plan is the opportunity for the Board to deal with it if it becomes a problem.

Chairman Nelson stated he wanted to see the entire package so he understood what it was all going to be; what the Board is seeing is pieces coming in one at a time, which may impact other pieces; and stated that is what he has been uncomfortable with. He noted the traffic issues are still not resolved, which might change some of the design. He stated he would like to create the ability to revisit this should there be a traffic issue, that the buffer becomes part of the solution. He stated the last thing he wants to have is Mr. Kamal saying he cannot do that because the buffer is there.

Chairman Nelson inquired if there have been any discussions in regards to potential impacts to the property owner to the east, which is the proposed car dealership. Mr. Kamal stated the Mr. Unnerstall, Cocoa Expo property owner, has spoken with them in working out drainage easement issues; and they have not expressed a concern about any of the ballfields in that area.

There being no further comments or objections, the Board approved Type A Landscape Buffer Waiver, and delegated final approval of the Alternative Landscape Enhancement Plan (ALEP) mitigation to the Natural Resources Management Office Director.

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.A., STAFF DIRECTION, RE: BINDING DEVELOPMENT PLAN FROM DIANE A. BUCKLEY

Chairman Nelson stated at the Zoning meeting, the Board specifically said no commercial activity on the property; the applicant now wants commercial activity in the Binding Development Plan, which is contrary to what the Board approved; and stated he is not in favor of approving the Binding Development Plan, which is inconsistent with what the Board approved at that time.

Robin Sobrino, Planning and Development Director, clarified that the Board is approving Option No. 1.

The Board accepted a Binding Development Plan from Diane A. Buckley that reflects the Board's motion from May 31, 2012, prohibiting commercial uses on the property, and subject to receipt of the joinder prior to the recording deadline.

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

ITEM VII.A.1., INTERLOCAL AGREEMENT RENEWAL WITH TOWN OF MALABAR, RE: STORMWATER PROGRAM

The Board executed an Interlocal Agreement with the Town of Malabar, as amended, to allow the County to administer and manage the Town's Stormwater Program.

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

ITEM VII.A.2., RESOLUTION AND AIRSPACE AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RE: LEASE OF AIRSPACE ALLOWING FOR A PEDESTRIAN CROSSING AT BREVARD ZOO LINEAR PARK

The Board adopted Resolution No. 12-183, and executed an Airspace Agreement with the State of Florida Department of Transportation for the purpose of allowing a pedestrian crossing over Water Retention Pond E7 for the Brevard Zoo Linear Project.

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

ITEM VII.D.1., RESOLUTION, RE: AMENDMENT TO THE FLORIDA ASSOCIATION OF COUNTIES TRUST AGREEMENT

The Board adopted Resolution No. 12-184, approving the Florida Association of Counties Trust proposed changes in accounting procedure.

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

ADJOURNMENT

Upon consensus by the Board, the meeting was adjourned at 10:20 a.m.

ATTEST:

MITCH NEEDELMAN, CLERK

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