

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 February 4, 2014 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

Pastor Michael Hageman of Trinity Lutheran Church in Rockledge provided the invocation.

PLEDGE OF ALLEGIANCE

Chairman Bolin Lewis led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the December 17, 2013 and January 7, 2014, Regular Meeting Minutes.

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

ITEM I.A., RESOLUTION, RE: RECOGNIZING THE MONTH OF FEBRUARY 2014 AS BLACK HISTORY MONTH IN BREVARD COUNTY

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 14-019, recognizing February 2014 as Black History Month in Brevard County.

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

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ITEM I.B., PRESENTATION BY JIM GROSS, ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, RE: 2013 DISTRICT WATER PLAN

Jim Gross, St. Johns River Water Management District, provide the Board with a PowerPoint presentation regarding the 2013 District Water Plan.

Chairman Bolin Lewis requested that Mr. Gross give the place and time of the St. Johns River Water Management District meeting.

Mr. Gross stated the meeting will be held in the Florida Room at the Brevard County Government Center on the third floor at 5:00 p.m. today; they will have 30 minutes for questions and answers discussion; and they will have a brief presentation similar to what he provided the Board today.

Commissioner Nelson stated the Governor's budget has money in it for spring protection; and inquired what that money is for and what it entails. Mr. Gross explained that money is being spent already and there is more proposed; it is largely being spent on projects to improve either the flows or the quality of water and spring flows; there are some areas where there are excess nutrients getting in the water through a variety of sources; and there are projects underway to try to remove the nutrients that are getting into the spring flows that are being funded as well.

The Board acknowledged the presentation given by Jim Gross, Technical Program Manager, St. Johns River Water Management District, regarding the 2013 District Water Supply Plan.

ITEM I.C., RESOLUTION, RE: PROCLAIMING FEBRUARY 11, 2014, AS 2-1-1 DAY

Howard Tipton, County Manager, read aloud, and the Board adopted Resolution No. 14-020, proclaiming February 11, 2014, as 2-1-1 Day in Brevard County.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING EAST COAST HUMAN TRAFFICKING TASK FORCE IN BREVARD COUNTY

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 14-021, supporting all efforts to eradicate the world-wide human trafficking.

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

ITEM I.E., RESOLUTION, RE: RECOGNIZING HOPE FOR NORTH BREVARD

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 14-022, recognizing Hope for North Brevard.

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

ITEM II.A., REPORTS, RE: HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated last Friday there was a press conference at Brevard Workforce to kick off the 'Resolve to Rethink Your Commute Inaugural Event'; it is a program through the Florida Department of Transportation (FDOT) encouraging people to take the bus; and when thinking of systems in the State of Florida, the Space Coast Area Transit (SCAT) operated in Brevard County is one of the leaders. He went on to say since SCAT inception, it has carried over 17 million passengers, which is the combined Population of Chicago, Las Angeles, and New York; and just this past year there were 2.8 million passengers. He stated as part of the kick off presentation and press conference, the National Center for Transit Research and the University of South Florida gave Brevard County and SCAT recognition of being one of the best work places for commuters; and they were given a plaque at the presentation.

He stated there is a workshop scheduled for February 13, 2014, and currently because the stormwater discussion was moved to a later date, there is nothing scheduled for that workshop; and he asked the Board to approve taking that off the calendar.

Commissioner Infantini stated she thought the stormwater workshop was on February 13th; her staff sent out a notice to inform the public; but she can do another mailing to let them know. She inquired when the stormwater workshop would occur. Mr. Tipton replied it will be the March 6th zoning meeting. Commissioner Infantini inquired if the fire assessment workshop will be moved. Mr. Tipton replied no, it will be held March 13th.

ITEM II.C., REPORT, RE: COMMISSIONER CHUCK NELSON, DISTRICT 2

Commissioner Nelson stated this Friday is another meeting of the Indian River Lagoon Collaborative; it will be at Fort Pierce at the Harbor Branch facility; and the work is continuing to try to determine what the issues are and the solutions for the Lagoon. He stated this Saturday is the third annual Pioneer Day at Sam's House and at St. Luke's Church on North Merritt Island; he invites everyone to come; there are a variety of events going all day long; and it will end with a concert. He went on to say it is a great volunteer effort; if a person has not been to Sam's House to see the facility, it is the oldest house in Brevard County; and it is a nice facility that is part of the endangered lands program.

ITEM II.D., REPORT, RE: COMMISSIONER TRUDIE INFANTINI, DISTRICT 3

Commissioner Infantini stated she went to a meeting with the St. Johns Alliance in St. Augustine; not only is there concern about the Lagoon, there is concern for the St. Johns River that kind of go hand-in-hand; and she looks forward to finding some relevant solutions to the Lagoon and St. Johns River. She expressed her appreciation to the Code Enforcement Department for going out and looking over the bridge she was worried about at Long Point Park;

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she is glad they went out and assessed it; and she appreciates they were there to enforce structures that are not well maintained.

ITEM II.F., REPORT, RE: COMMISSIONER ROBIN FISHER, DISTRICT 1

Commissioner Fisher stated they had the 5K Scrubjay Run in Titusville as part of the Birding Festival; he participated in that event; and he won the Clydesdale Division because Commissioner Anderson did not show; and he won by default. He went on to say the Miracle City Mall developer did close on that site; he has hired Rodney Honeycutt, a local engineer, to do the engineering, and an Orlando architectural firm to do some architectural work; but they are in a process of spending some of those soft cost dollars; and it has changed ownership, which people are happy about.

ITEM III.A.1., FEDERAL LOCAL AGENCY PROGRAM RESOLUTION, RE: FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TRANSPORTATION PROJECTS FOR BREVARD COUNTY

The Board adopted Resolution No. 14-023, approving the Federal Local Agency Program (LAP) with the Florida Department of Transportation (FDOT) for Brevard County transportation projects.

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

ITEM III.A.2., WATERLINE EASEMENT FROM PRAXAIR, INC., RE: EAST SIDE OF HAMMOCK ROAD, NORTH OF WILEY AVENUE

The Board approved and accepted a Waterline Esement from Praxair, Inc., for installation and maintenance of a water supply line, backflow preventino device, and a water meter on the east side of Hammock Road, approximately 300 feet north of Wiley Avenue.

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

ITEM III.A.3., LEASE AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT (FIND), RE: USE OF DREDGE MATERIAL STORED AT FIND's DREDGE MATERIAL MANAGEMENT AREA BV-2C

The Board executed Lease Agreement with Florida Inland Navigation District (FIND) for use of dredge material stored at FIND's Dredge Material Management Area BV-2C in District 1.

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

ITEM III.B.1., REAPPOINTMENTS, RE: COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY BOARD

The Board reappointed **Nancy Sewell** and **Wade Ivey** to the Community Development Block Grant Advisory Board, with terms expiring December 31, 2014.

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

ITEM III.B.2., REAPPOINTMENTS, RE: COMMUNITY ACTION AGENCY ADVISORY BOARD

The Board appointed/reappointed **Ruby Hollaway, Deborah Kelly, Ashley Molozaay, Swight Seigler,** and **Verdell Shackelford** to the Community Action Board, with terms expiring December 31, 2018.

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

ITEM III.B.3., MEMORANDUM OF AGREEMENT WITH SAWGRASS LAND DEVELOPMENT, LLC, RE: SCRUB RESTORATION WORK AT MALABAR SCRUB SANCTUARY

The Board executed Memorandum of Agreement (MOA) with Sawgrass Land Development, LLC, to allow the developer to complete scrub restoration work on the Malabar Scrub Sanctuary to satisfy the developer's mitigation permit condition.

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

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ITEM III.C.3., RESOLUTION, BILL OF SALE, AND WATERLINE EASEMENT WITH CITY OF TITUSVILLE, RE: BARBARA A. PILL LAW ENFORCEMENT FACILITY

The Board adopted Resolution No. 14-024, and executed Bill of Sale and Water Easement with City of Titusville for the purpose of constructing and maintaining a waterline with Ingress and Egress.

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

ITEM III.D.2., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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

ITEM III.C.2., ACKNOWLEDGE RECEIPT, RE: FY 2012-2013 AUDITED FINANCIAL STATEMENTS FOR THE BREVARD WORKFORCE DEVELOPMENT BOARD

Commissioner Infantini stated this is an audit of Brevard Workforce; the highlighted item is they are contributing 15 percent to their employees pension costs; they have a defined contribution plan; and now in the general workforce she really does not see that anywhere. She suggested perhaps the Brevard Workforce start to get in tune with what the rest of the public is facing and perhaps have a 401K rather than a defined contribution plan; those have followed by the wayside; and she would love to have someone set aside 15 percent of her salary into a retirement plan.

The Board acknowledged receipt of FY 2012-2013 audited financial statements for the Brevard Workforce Development Board, Inc.

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

ITEM V.B., CONTRACT FOR SALE AND PURCHASE WITH 192 ASSOCIATES, RE: ACQUISITION OF PARCEL 103A FOR ST. JOHN'S HERITAGE PARKWAY PROJECT

John Denninghoff, Public Works Director, stated this item and actually the next several items after it are items being brought back to the Board after some modifications to the agreements to

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pay for a portion of the Ferrell Family holdings just south of the 192 corridor, west of I-95 that are needed for the St. John's Heritage Parkway; it is a combination of a purchase and donation; and in each case the offers that were made for the property were based on the appraised value following Federal Highway Administration procedures required in order to qualify for federal funding. He went on to say the County has about \$7 million in federal funding that has been approved and dedicated for this project; and the acquisition will therefore be paid for principally by that source of revenue. He noted previously they had allocated local funds for that purpose, but with the federal funding they had to change the procedures, but the acquisition process moves forward without the use of the local funds, except for some of the closing costs and a few other items. He pointed out this item is the largest of the items at about \$762,600; the second one, item V.C., has about \$72,000 associated with it; and the reason they are divided the way they are, is the actual title is held by different legal entities associated with the ownership so they had to be divided in accordance with that. He went on to add after V.C., there is V.D., which is the donation, and V.E. is a donation for a portion of the property that is needed. He stated they are associated with retention ponds, and an easement in order to get from a retention pond to an existing drainage outfall; and Item V.F. is an agreement to construct the road, which is already planned on doing; but to also widen it a bit from what was being planned to make it a four-lane option; and the expense of doing that would be bourn on Mr. Ferrell's holdings. He noted the acquisition agreements and the construction agreement are predicated upon one another, but they stand individually.

The Board executed Contract for Sale and Purchase with 192 Associates, in the amount of \$762,600, for Parcel 103A, and waived the requirement for appraisals review by the Land Acquisition Review Committee.

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

ITEM V.C., CONTRACT FOR SALE AND PURCHASE WITH 192 ASSOCIATES, RE: ACQUISITION OF PARCEL 103B FOR ST. JOHN'S HERITAGE PARKWAY PROJECT

The Board executed Contract for Sale and Purchase with 192 Associates, in the amount of \$72,100, for Parcel 103B for the St. Johns Heritage Parkway Project.

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

ITEM V.D., DONATION AGREEMENT WITH 192 ASSOCIATES, RE: PARCEL 103D FOR ST. JOHN'S HERITAGE PARKWAY PROJECT

The Board executed Donation Agreement with 192 Associates for Parcel 103D for the St. John's Heritage Parkway Project.

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

ITEM V.E., DONATION AGREEMENT WITH DIVERSIFIED PROPERTIES, RE: PARCELS 103C AND 809 FOR ST. JOHN'S HERITAGE PARKWAY PROJECT

The Board executed Donation Agreement with Diversified Properties for Parcels 103C and 809 for the St. John's Heritage Parkway Project.

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

ITEM V.F., ROAD CONSTRUCTION AGREEMENT WITH 192 ASSOCIATES AND DIVERSIFIED PROPERTIES, RE: ST. JOHN'S HERITAGE PARKWAY PROJECT

The Board executed Road Construction Agreement with 192 Associates and Diversified Properties for the St. John's Heritage Parkway Project.

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

ITEM V.G., AMENDMENT TO RESOLUTION NO. 05-332, RE: PLACE PUBLIC COMMENT SECTION IMMEDIATELY FOLLOWING SECTION II (BOARD REPORTS AND PRESENTATIONS) IN ORDER TO ACCOMMODATE CONSTITUENTS IN HAVING THEIR VOICES HEARD FOR THREE MINUTES DUE THEM

Commissioner Infantini stated the Chairman has decided it would be best to have Public Comment at the end of the meeting; she believes it is not in the best interest of the people who would like to speak before the Board; it should be kept where it was; and she is making the motion to move Public Comments back following Board Reports, and Presentations.

Motion by Commissioner Infantini to move Public Comments back following Board Reports and Presentations.

Commissioner Anderson inquired since those items fall under Chairman's procedure under Robert's Rules which the Board has adopted, does it take a super majority vote to change something the Chairman has put in place.

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Commissioner Fisher stated Commissioner Bolin Lewis has been voted in as Chairman of the Board; and whatever she thinks is right to help move the meetings sufficiently through, he is support of it.

Commissioner Nelson stated he respects the Chairman's ability to do that; the rules as they are currently shown, show Public Comments at the end of the meeting; and he is not sure how it got where it is presently. He went on to say the Board respects everyone's right to speak whether it is five minutes for each Agenda Items, three minutes under Public Comment, and 15 minutes if an item is scheduled; everyone who comes before the Board gets heard; everyone who comes before the Board is important; and he does not know how to pick what is most important. He stated the political theatrics by Commissioner Infantini last meeting filling out a speaker card and then violating the Board's Policy on speaking of an item that was on the Agenda, does not speak well of the Commissioner; he is disappointed she would have done that, because it was on the Agenda for later; and the rules clearly state a Commissioner is not to speak on an item that is on the Agenda.

The Board considered the request to amend Resolution No. 05-332, to place the Public Comment section immediately following Section II, but took no formal action; and approved moving the Board Reports and Presentations section to the end of the meeting.

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

ITEM V.H., DISCUSSION, RE: AUTHORIZATION TO UTILIZE THE CITY OF DAYTONA BEACH CONTRACT 0113-1010 FOR CURE-IN-PLACE PIPE LINING OF SANITARY SEWERS

Robert Aldophe, Utility Services Director, stated last week staff responded to public comment from Mr. Michael Hartman who is also present today; staff followed up with a very extensive look at this comments and responded to them on the Agenda Item in writing; and the Board has had an opportunity to review. He went on to say he had a personal discussion with Mr. Hartman who indicated to him that he did not have any additional comments on this Item; and he requested the Board's pleasure at this point with this Agenda Item.

Commissioner Fisher stated he had some concern if there was a company capable of doing this job in the County and bidding it out, but staff has come back that it is not the case.

Commissioner Nelson stated he wants it to be on the record the answers to those questions, because at the last meeting it was indicated that there were local contractors; and he would like a synopsis of what the findings were that are contained here, because the public does not know them.

Mr. Adolphe stated the first comment was the Agenda request was asking the Board to approve a no-bid basis awarding work to a Jacksonville contractor; the City of Daytona Beach, a public procurement unit formerly solicited the contract in April of 2013; it was a competitive bid; it included piggybacking with other entities; and piggybacking is a form of intergovernmental cooperative purchasing in which a public purchaser requests competitive sealed bids, enters into a contract, and arranges as part of the contract for other public purchasing units to

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purchase from the selected vendor under the same terms and conditions. He pointed out it is an efficient process that reduces administrative time, and the costs involved in the procurement process are also reduced; purchasing services completes a due diligence review of the cooperative contract request, factoring the following procurement considerations: Does the cooperative purchase agreement allow the use of contract; was the procurement done by a public procurement unit; do the terms pricing conditions and scope of work meet the need; does the cooperative provide the most advantageous solution at the time of the request; and were the local regional vendors offered the opportunity to compete for the contracts. He noted all of those answers are yes. He stated comment number two by Mr. Hartman was when he looks at the write up, said Mr. Hartman, he does not see where it says this is an emergency, which could justify awarding this at no-bid basis; again, it was a bid which staff piggybacked on; it is a process which staff wants to move forward immediately; there are sewer backups in these areas; and they are the most needed in the County to fix before hurricane season. He advised comment number three by Mr. Hartman is he talked to local officials and there are local Brevard County qualified contractors to do this work; he said he spoke with one of the Cape Canaveral Councilman a few days ago; they had a local Brevard County company do exactly the same kind of work for their City; and when the job was bid out he was happy to tell him the price came in at \$100,000 lower than originally estimated. He went on to say the project Mr. Hartman was referring to was a manhole project that was not the same project as the sewer project; the Company was Hinterland; Hinterland has done work for the County; and they have done work for the County on man holes under a piggyback process. He stated they were allowed to bid on this process with the other cities, they did not; Hinterland worked on a separate project; and Hinterland does have crews that do this type of work, however they are based out of West Palm Beach.

Michael Hartman stated to clarify a couple things, he believes in the words of Ronald Reagan, "Trust but verify." He went on to say he heard some things that made him question whether or not there were local people; that is why he asked this be tabled for a week and do more due diligence; he went out and looked at a number of companies; and it turns out there was a local company that did this but they have since sold their equipment and are not longer in the business. He stated that satisfied his concerns; but it is good to double check things from time-to-time; and he does not think it held up the process long.

Commissioner Nelson stated the Board knew all of those things last Tuesday; if Mr. Hartman would have talked with staff, he could have gotten all of those answers at that time; and in the future, it would be beneficial to have that conversation when he sees something on the Agenda, and then raise a question if he feels he has not gotten an answer he did not find satisfying.

Commissioner Infantini stated she appreciates Mr. Hartman's public comment; and she thanked him for coming forward.

The Board authorized the use of the City of Daytona Beach Contract 0113-1010 for Cure-in-Place Pipe Lining of Sanitary Sewers.

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

ITEM VI.A.1., PERMISSION TO APPLY, RE: TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) FUNDING FOR ST. JOHN'S HERITAGE PARKWAY

John Denninghoff, Public Works Director, stated this item is informational and staff is requesting authorization to apply for a TRIP Grant; the County has previously received two TRIP grants that he is aware of, one for the extension of the Pineda Causeway and the widening of Barnes Boulevard; they only recently received that one; it had been allocated quite some time ago; and those funds were in jeopardy because of the economic recession. He went on to say staff has been made aware of two projects that did not use all of their TRIP Grant funds and the State has about \$3 million in funding that is available; time is of the essence as far as applying for that grant; and this is to get the Board's support of applying for that grant.

Commissioner Fisher inquired if from a matching standpoint will the County be able to use some of its previous expenditures that it has spent dollars on to help justify a match with the State.

Mr. Denninghoff responded the County cannot use funds that were previously expended, however the funds already allocated that have not been spent, which far exceed the \$3 million, will qualify as the match funds; and it is a 50/50 grant, so the County would get the \$3 million when spending another \$3 million.

The Board granted permission to apply for Transportation Regional Incentive Program (TRIP) grant program for the St. John's Heritage Parkway Project in the amount of up to \$3,000,000.

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

ITEM VI.A.2., AMENDMENT 1 TO CONTRACT FOR SALE AND PURCHASE WITH MICHAEL AND SHARON BROSS, RE: ACQUISITION OF PROPERTY LOCATED AT 6794 BABCOCK STREET FOR BABCOCK STREET WIDENING PROJECT

Howard Tipton, County Manager, stated staff is bringing this item back to the Board; it had been previously approved; and there was a delay in the closing.

Commissioner Nelson stated from time-to-time Commissioner Infantini has chastised this Board for purchasing properties in excess of the assessed value; this property is on the tax rolls for \$61,200, the County is paying three times that at \$185,000; and he wants to make sure when the Board talks about prioritizing things, he would be happy to see this go to the Parkway as opposed to Babcock Street because it will move that project along faster. He went on to say the traffic counts on Babcock Street are equal to the traffic counts on Tropical Trail between Pineda and SR 520; yet somehow this has risen to some level of expectation that goes well beyond the issue; what it needs is resurfacing, it does not need to be widened; and additionally, there was a comment made by Commissioner Infantini related to spending money in cities. He pointed out the example was the City of Melbourne should take care of itself and the County should take care of the County; this is in the City of Palm Bay; the County is spending Local Option Gas Tax (LOGT) to purchase lands in the City of Palm Bay for a road; and the Board is borrowing money for road projects based on unincorporated and spend it in the cities.

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Commissioner Infantini stated the Board paid five times the assessed value for the property the County purchased from Tuck Ferrell; she agreed to it to get the Parkway completed; this is the only road that remains over capacity in Brevard County; and yet it has not gotten fixed.

Commissioner Fisher stated he is favor of moving it to the Parkway, that is a priority.

Commissioner Anderson stated he appreciates that, but at some point the acquisition costs at Babcock Street will only get higher.

Commissioner Infantini inquired if Commissioner Fisher realizes he is representing the entire County. She stated just because she does not always vote with Commissioner Fisher does not mean she does not support the topics that come before this Board.

Commissioner Nelson stated he struggles to find anything Commissioner Infantini has ever supported for him. Commissioner Fisher agreed with Commissioner Nelson.

Commissioner Infantini inquired if the Board remembered the item for rezoning in Merritt Island, which was a standoff between an automotive guy that wanted to make a repair.

Commissioner Nelson stated he agreed to pay Commissioner Infantini's attorney's fees for the ethics violation. Commissioner Infantini stated it was not an ethics violation, that is why the attorney fees were paid, because it was a bogus claim. Commissioner Nelson stated he does not understand how it could mention it was Commissioner Infantini's employer twice on camera, and yet she did not know it was her employer. Commissioner Infantini stated Deputy County Manager Stockton Whitten testified in front of the judge that there was no disclosure that was her employer.

The Board executed Amendment 1 to Contract for Sale and Purchase with Michael and Sharon Bross for acquisition of property located at 6794 Babcock Street for Babcock Street Widening Project.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Robin Fisher, Trudie Infantini, Andy Anderson
NAYS:	Chuck Nelson, Mary Bolin Lewis

ITEM VI.C.1., RESOLUTION AND LEASE AGREEMENT WITH JUDICIAL CORRECTION SERVICES, INC., RE: PRE-TRIAL RELEASE AND MISDEMEANOR PROBATION SPACE AT COUNTY COURTHOUSES

County Manager Howard Tipton stated this is a super majority request for the Board; it is something the Board has done in the past when the vendor taking care of probation services for the County needs spacing for the courthouse facilities to meet with clients as they are coming out of the courtroom; this is a small space for around \$1; and he reiterated it has been done before.

Commissioner Anderson stated he has to abstain from this vote because Judicial Correction Services, Inc. are associated with a company his wife does business with; and he filed the Memorandum of Voting Conflict form with the Clerk.

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The Board adopted Resolution No. 14-025, and executed Lease Agreement with Judicial Correction Services, Inc. allowing the non-competitive lease of County property for pre-trial release and misdemeanor probation office space at the three (3) County Courthouses.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Trudie Infantini, Mary Bolin Lewis
ABSTAIN:	Andy Anderson

ITEM VI.C.2., REAPPOINTMENTS, RE: NORTH BREVARD ECONOMIC DEVELOPMENT ZONE (NBEDZ) SPECIAL DISTRICT

Commissioner Fisher stated Brenda S. Fettrow is the District 1 Commissioner appointment, and Dan Aton and Stanley Retz must be confirmed by the City of Titusville.

The Board reappointed **Dan Aton, Brenda S. Fettrow, and Stanley Retz** to the North Brevard Economic Development Zone Special District Board, with terms expiring December 31, 2016.

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

ITEM VI.E.1., DISCUSSION, RE: ANIMAL SERVICES ITEMS/PUBLIC COMMENTS

Karla Torpy, Animal Services Director, stated the first shipments of Hill's Science Diet food was delivered last week; there is a Valentine's Day promotion going on; at both shelters, the week of February 9-15, 2014, there will be half price adoption events, and this will extend to the Flea Market; and on Valentine's Day itself, the animal adoption fee will be \$14. She went on to say they are excited to host an event at the South Shelter for the School Board; they are working with Virginia Hamilton who is the Canine Commandos Coordinator and a teacher for Brevard County Schools; she will be conducting a teacher in-service day for humane education for students; and they had a capacity of 20 teachers who will be at the Shelter. She pointed out there will be an individual coming in from the Humane Society of the United States as the guest speaker; and they will be doing a tour at the Shelter.

Debbie Rich provided the Board with a handout. She stated there were four cats adopted at Renninger's Flea Market; she understands not all of the cats are receiving their rabies shots; they need to be spayed/neutered in a timely manner; and they can get them out to homes. She inquired if there could be help by Dr. Asher or a volunteer Veterinarian comes in to help out. She inquired if they can get more animals from NACC to SACC for backfill since SACC is more of an adoption facility, and there are not as many adoptions going on at NACC.

Ms. Torpy replied they do that regularly.

Ms. Rich stated they had trouble finding cats to put up for adoption this weekend; they did get four adopted; one is currently being fostered for her. She inquired if they could get a coupon for

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those who go to the flea market. Ms. Torpy advised she and Ms. Rich needs to meet separately to discuss all of the questions. Ms. Rich expressed her appreciation for the signage to show the location of the South Animal Care Center, it is at the exit coming out of Renninger's Flea Market now. She stated Scott Ellis was able to bring Jewel over, a boxer mix; they were able to assess the temperament of the cats, plus Jewel, since there were dogs and cats there; that is key on getting a good home for the animals doing those assessments; and in the Shelters they are not seeing wheel chairs, walkers, and people of all ages coming through.

Commissioner Nelson expressed his appreciation to Ms. Rich. He inquired why the County cannot do the \$14 adoption fee up until Valentine's Day; he understands it is not as much money, but that is not the purpose, it is to adopt animals out.

The Board approved the adoption fee during the entire event be \$14.

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

Pat Pasley stated these promotions are helping; and she expressed her appreciation for those working with the people. She inquired what happened the AMIkids; they met with Mr. Whitten, Ms. Torpy, and Vendetta Valdango, Assistant County Manager, talking about the AMIkids coming out and helping a the shelter; and is there an update on that.

Ms. Torpy responded she will be meeting with someone on Thursday; and they have lists of things to do, and hopefully they will be there this coming weekend.

Ms. Pasley stated this is a positive thing; the kids are excited to be helping; and there is a possibility of working like the Sheriff's Department does with therapy dogs and such. She stated this item is kept under New Business on the Agenda; since there have been changes done to the Agenda, she thinks it should be under Unfinished Business; and she is disappointed Public Comments have been moved to the end of the Agenda.

Mr. Tipton stated the Board asked the Animal Services item be placed at the end of the meeting, and that is why it is where it is at.

Michele Mares stated she would like Ms. Torpy to bring back the volunteers that have been banned; it seems to her a lot of them are doing a lot of Shelter volunteering anyway, but they are not allowed in the Shelter; and the dogs at the North Shelter do not look too great. She stated someone should be able to come back and take pictures of the animals; and it would help the animals get adopted. She stated more advertising is needed; and a possible weekly listing of the animals that are running out of time with their pictures to give the public the opportunity to come in and adopt them. She noted there are repeat offenders at the Shelter, and maybe free spaying/neutering could be offered so people do not continuously bring in litters of kittens and puppies. She stated she thought the ACL Animal Enforcement Officers main jobs were responding to calls from the public with issues on animals to be picked; there seem to be an awful lot of animals being brought into the Shelters; and when the Shelters are full, there is no place for those animals to go.

The Board acknowledged staff's announcement that the first shipment of Hill's Science Diet pet food was delivered; the North and South Shelters are having a Valentine's Day promotion

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February 9 - 15, 2014, with the adoption fee during the entire event to be \$14; and the South Shelter is hosting an event with the School Board conducting a teacher's in-service day for humane education for students, and the key speaker to be from the Humane Society of the United States.

ITEM VI.F.1., APPOINTMENT, RE: BREVARD FAMILY PARTNERSHIP BOARD

The Board tabled consideration of appointment of Eric Smith to the Brevard Family Partnership Board to its February 6, 2014, Board meeting.

ITEM VI.F.2., CITIZEN REQUEST BY JUDY EDWARDS, RE: REMOVAL OF FLUORIDE IN OUR WATER

Judy Edwards stated in the summertime she was AT a conference in New England and got bitten by a tick and came down with Lyme disease, which is really nasty; in her process of healing herself, she had to go through a period of detoxification; and the only thing she could not detoxify from was the fluoride in the water. She went on to say she comes from 25 years of being in the dental field; without thinking about it, she thought fluoride in the water is like fluoride on the teeth; but it is a toxic waste from the fertilizer and aluminum industries, which is a neurotoxin. She pointed out a filter for water will not get rid of it.

Nonnie Chrystal stated Brevard County is a corporation under the Buck Act of 1940, and Uniform Commercial Code, which is Florida Statutes Chapter 670-680 is the corporate contract law of the land. She stated she is a private independent medical researcher, internationally published author on the perils of fluoride, and an international speaker on the perils of fluoride. She pointed out iodine is the substance of life; fluoride is an anti-thyroid drug; and she talked about the flouridealert.org website that says fluoride is an anti-thyroid drug. She stated the Board unanimously passed an opt-out for the Smart Meters. She showed the Board her Resolution for having the Greenest House in the World. She concluded by saying iodine disinfects the water and it is a vital nutrient for not only increasing a person's IQ, but also the substance of life.

Robert Adolphe, Utility Services Director, stated he provided the Board a packet concerning the Mims fluoride frequently asked questions, and a sheet from the Florida Department of Health and their policy statement on community water fluoridation. He stated in a mail out survey to the water bills, a response of 3,200 water bills, 70 percent responded affirmatively they wanted the water fluoridated in April of 1999.

Commissioner Infantini stated her daughters have been researching things, and they are more in tune with things; and there are a lot of people doing their own homework and not relying on government. She stated it is worthy of reconsideration as far as fluoride. She stated that community voted to have fluoride added.

The Board acknowledged citizen request of Judy Edwards regarding removal of fluoride in our water, but took no formal action.

ITEM VII. PUBLIC COMMENTS

John Pilley stated he wants to speak about the Economic Development Commission (EDC) and the hearing held in Titusville last week; and he talked about some of the things that were said in open court by the EDC. He stated he would want some answers if he were the Board; it needs to get informed about the EDC; and not to just say they created jobs and that is not true.

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Commissioner Infantini inquired if the EDC in sworn testimony stated their job is only to help companies with their tax abatements not to help the County.

Mr. Pilley replied it was in the opening statement by their attorney. He stated he realizes the EDC is trying to win a court case, but to him they are losing the strategic battle for their existence as far as public funding.

Commissioner Infantini stated she questions the Board's decision to continually fund the EDC with \$1.4 million when they said they do not perform a government function, they are there to benefit the companies who apply; everywhere else in the world if a benefit is received they would have to pay for it; and inquired why the County is paying for something that will just benefit a very few chosen companies. She stated it is a \$1.4 million savings the County can have. She pointed out Commissioner Fisher always points out the fact she has never approved the budget, because it is for spending like this; and she can never buy in to this type of spending.

Katherine McCoy stated she wants to give the Board three good ideas to help the animals in the County. She stated Pit Bulls are pointed out in the Animal Services reports and so on as a draw back because no one wants them; years ago Pit Bulls were the family dog of America; they are not bad dogs; and they need to be marketed correctly. She stated they could put bandanas on them, do an expo of Pit Bulls on Parade, and get them adopted. She went on to say there are dog exchanges across the Country. She stated there are some healthy young men and women there who could help with dog walking. She noted the volunteers should be recognized. She stated there is an article relating to getting the Upper Respiratory Rate down to five percent in cats; and it is very simple things.

Judy Edwards stated she is concerned with the lack of concern; when she found she was showering and drinking with toxic waste, she could not stand it; and that is what started the whole thing. She went on to say she understands it is a re-education process; and the people need to vote after being educated. She asked the Board for any suggestions as to how she can get the Fluoride out of the water, she would be grateful.

Commissioner Fisher stated the Governor's Office and Department of Health disagree with Ms. Edwards' position.

Ms. Edwards pointed out they are all controlled by the American Dental Association which financially backs them.

Commissioner Fisher stated at the end of the day, the Department of Health is a government agency that feels like they are looking out for the benefit of the citizens of Florida.

Ms. Edwards inquired if Commissioner Fisher is happy that the Governor's Office says it is okay for him to drink toxic waste products.

Commissioner Fisher pointed out this is Ms. Edwards' opinions and thoughts; the Board has faith in the Department of Health in the State of Florida; their recommendation is different than Ms. Edwards; she asked if there is anything the Board can do; and he thinks she needs to educate the Department of Health of her concerns on this issues. He stated maybe they will come to a different ruling to help the citizens in the future.

Mel Scott, Assistant County Manager, stated the City of Cocoa provides the water to Viera where Ms. Edwards lives; the County has the source in Mims; and the County has Barefoot Bay, which does not have fluoride in the water. He pointed out 95 percent of the customers on potable water in Brevard County are Cities of Titusville, Palm Bay, Melbourne, and Cocoa.

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Commissioner Fisher stated the Board has no jurisdiction over the City of Cocoa; and she could ask the City of Cocoa City Council if they would stop putting fluoride in the water.

Nonnie Crystal stated the original studies were done with calcium fluoride; that is not extremely healthy; but it is far healthier than sodium fluoride. She pointed out this is documented in the *Fluoride Deception*. She reiterated that iodine gives a person energy. She urged the Board through the Uniform Commercial Code to voice for people to remove the poisons from the water.

Howard Tipton, County Manager, stated on Item VI.C.1., the JCS leasing of the space; he mentioned the lease was \$1 a year; but in the Lease and Resolution it is \$1,680 total lease for the three locations; on Item III.C.2., Brevard Workforce item; the comment was made regarding a retirement plan; and they are in a 403B, which is the non-profits version of a 401K. He stated the 15 percent employee contribution to retirement was excessive; and for elected officials the Florida Retirement System (FRS) contribution required of the employer is 33 percent.

Commissioner Infantini stated it is not fair that the general public and County employees do not have that type of contribution; and it is excessive.

Upon consensus of the Board, the meeting adjourned at 11:31 a.m.

ATTEST:

MARY BOLIN LEWIS
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK