

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 December 17, 2013 at 9:01 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	Vice-Chairman/Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**INVOCATION**

Pastor Eric Ward, Calvary Chapel, Viera, provided the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Robin Fisher led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the October 22, 2013, November 5, 2013, and November 19, 2013 Regular meeting minutes, and the November 7, 2013 Zoning meeting minutes.

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

**APPEARANCE, RE: SANTA CLAUS**

Santa Claus stated he is happy to be with Brevard County again this year. He presented gifts to each Commissioner, the County Manager, the County Attorney, the Deputy Assistant County Manager, the Assistant County Manager's, and the Clerk's; and wished everyone a very Merry Christmas.

**ITEM I.A., PRESENTATION, RE: EMPLOYEE LONGEVITY RECOGNITION - 35, 30, AND 25 YEAR RECIPIENTS**

The Board recognized and presented Employee Longevity Recognition plaques to Herbert Wilson, Central Services, William Quinn, Fire Rescue, Michael Brooks and Clay Henderson, Public Works, David Harvey, Solid Waste Management, Carlton Hibbard, Transit Services, and Wallace Gerstle, Utility Services, for 35 years of service; Jerry Richards, Central Services, Mark Lighthill and Robert Thirkelson, Fire Rescue, Rebecca Slack, Library Services, Michael Hadwin, Parks and Recreation, Eric Citta, Public Works, and Roger Crysler, Utility Services, for 30 years of service; and Robert Campbell, Robert Furci, Bradley Hall, Leslie Hoog, and Cecilia McDevitt,

December 17, 2013

Fire Rescue, Chenita Joiner, Housing and Human Services, Sylvia Alford, Human Resources, Marian Griffin, Library Services, Trena Brayboy, Leona Lowerre, and David Taylor, Parks and Recreation, Candace Narmore, Tourism Development, Kenneth Clark, Transit Services, and Donald Keith, Darletha Ravenscroft, John Strenth, and Michael Vitolo, Utility Services, for 25 years of service.

**ITEM I.B., VOLUNTEER RECOGNITION INITIATIVE, RE: VOLUNTEER STARS LIGHT UP BREVARD**

The Board acknowledged presentation by Margie Collins, Brevard County B.R.A.V.E. Volunteer Coordinator, who described *Volunteer Stars Light Up Brevard* initiative; and Marian Griffin, West Melbourne Public Library Director, recognized Ingrid Beres, who volunteers with the West Melbourne Public Library.

**ITEM I.C., RESOLUTION, RE: RECOGNIZING DECEMBER 20, 2013, AS NATIONAL HOMELESS PERSONS' MEMORIAL DAY**

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 13-225, recognizing December 20, 2013, as National Homeless Persons' Memorial Day.

Dr. Rochelle Jones, Executive Director, Brevard Coalition for the Hungry and Homeless Agency, expressed her thanks for the Resolution; stated housing is provided for many homeless families; it could not be done without the support of the Board; she introduced Keith Hindley, United Way of Brevard, who is staff's liaison for Brevard Homeless Coalition, that brings funds into Brevard County to help support housing for homeless individuals; and stated it is an ongoing effort and continuing problem.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM I.D., PRESENTATION BY NETA HARRIS, EXECUTIVE DIRECTOR, BREVARD NATURE ALLIANCE (BNA), RE: ECONOMIC IMPACT REPORT FOR 2013 SPACE COAST BIRDING WILDLIFE FESTIVAL, BREVARD WILDLIFE CORRIDOR EXPEDITION, AND 2014 SPACE COAST BIRDING AND WILDLIFE FESTIVAL PROGRAM**

The Board acknowledged presentation by Neta Harris, Executive Director, Brevard Nature Alliance, of Economic Impact Report for 2013 Space Coast Birding Wildlife Festival, Brevard Wildlife Corridor Expedition, and 2014 Space Coast Birding and Wildlife Festival Program.

**ITEM I.E., PRESENTATION BY MARTY SMITHSON, ADMINISTRATOR, SEBASTIAN INLET DISTRICT COMMISSION, RE: ECONOMIC IMPACTS OF THE SEBASTIAN INLET**

The Board acknowledged presentation by Marty Smithson, Administrator, Sebastian Inlet District Commission, of economic impacts of the Sebastian Inlet.

**ITEM II.A., HOWARD TIPTON**

Howard Tipton, County Manager, stated he is seeking approval from the Board for an appraisal to be done; there is a piece of property that is available; it is just north of the Merritt Island Government Complex on Courtenay Parkway; and it is kind of between the Complex and SR

December 17, 2013

528. He went on to say staff is thinking as this property is for sale it could be a nice acquisition; that particular site is short of parking; it also accommodates a number of Constitutional Offices at that site, as well as the School Board; there are buses parking there; and on busy days, people are parking all over the place. He pointed out it would be an opportunity in the short term for parking; it is also a piece of property staff believes the State will have interest in as the intersection is redone; and that is for the SR 528 expansion. He stated in time the State may take some or more of that particular property; and getting that now is a positive. He added, the benefit of this particular property is it has an entrance off of Courtenay Parkway, almost by the off ramp of SR 528; from a safety perspective it is not the safest property in the world; and if the County were to acquire it, it would close that entrance and have it come off of the main entrance. He noted the appraisal should be approximately \$2,000; and he requested the Board's permission to explore this, and if staff is able to get it done, he will be bringing it back to the Board for approval.

Commissioner Nelson stated it is a foreclosure property; the pricing will be significant; and he would support this appraisal.

Commissioner Fisher inquired if it should be under contract before the appraisal is done; and then makes it subject to an appraisal.

Commissioner Nelson replied he thinks staff is working along those lines; but if the Board was not in support of getting the appraisal to get it under contract and not be able to get the appraisal, it would not be the fair thing to do to the person who owns the property.

The Board authorized Howard Tipton, County Manager, to seek an appraisal of property located at 2625 North Courtenay Parkway, Merritt Island, not to exceed \$2,000.

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

#### **ITEM II.C., CHUCK NELSON**

Commissioner Nelson stated he just finished the holiday parade season; they had the Merritt Island, Cocoa/Rockledge, and the Cocoa Beach parade; and he has a sore arm from throwing candy. He added, he attended the annual Veterans Memorial Center Christmas party; he swore in officers at the AARP on Merritt Island; and was selected to be Vice Chair for the Regional Planning Council.

#### **ITEM II.D., TRUDIE INFANTINI**

Commissioner Infantini stated on December 13th she attended the commissioning of five officers at Florida Institute of Technology; the speaker emphasized integrity, loyalty, family, faith, and not to let the power of the position go to their heads and govern accordingly; and they serve well in the U.S. Army.

**ITEM II.E., ANDY ANDERSON**

Commissioner Anderson expressed his thanks to those who attended his Open House on Friday; stated the Hacienda Girls Ranch was the chosen charity; there was between 100 and 120 people that showed up; and the generosity of the community is unbelievable. He added, 130 new coats were donated to the Coats for Kids at Guardian Ad Lighten and there were more than enough Elves for Elders to help 68 elderly individuals; and he expressed his thanks to the community.

**ITEM II.F., ROBIN FISHER**

Commissioner Fisher wished everyone a happy holiday.

**ITEM II.G., MARY BOLIN LEWIS**

Chairman Bolin Lewis stated Merry Christmas; and she hopes for all to have good health and happiness in the new year.

**ITEM III.A.1., AMENDMENT NO. 2 TO STATE GRANT 11BE1 WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), RE: BREVARD COUNTY SHORE PROTECTION PROJECT NORTH AND SOUTH REACHES**

The Board executed Amendment 2 to Contract 11BE1 with Florida Department of Environmental Protection (FDEP) for design, permitting, and monitoring of the Federal Shore Protection Project; authorized the County Manager or designee to execute future amendments to this contract, as well as task orders or contracts to accomplish the scopes of work approved by the FDEP under the contract; and authorized any necessary budget change requests.

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

**ITEM III.A.4., AMENDMENT TO EXISTING AGREEMENT WITH FLORIDA INSTITUTE OF TECHNOLOGY (FIT), RE: USE AND MAINTENANCE OF A PAVED AND LANDSCAPED WALKWAY LOCATED IN A PORTION OF CRANE CREEK DRAINAGE DISTRICT**

The Board executed Amendment to Existing Agreement with Florida Institute of Technology (FIT) for use and maintenance of a paved and landscaped walkway located in a portion of Crane Creek Drainage District for an additional ten-year period beginning January 25, 2013.

Commissioner Infantini abstained from the vote; and she provided the Clerk with her completed Memorandum of Voting Conflict.

<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>ABSTAIN:</b>	Trudie Infantini

**ITEM III.A.5., ACCEPTANCE OF SIDEWALK EASEMENT FROM KENNEDY SPACE CENTER FEDERAL CREDIT UNION, RE: PROPERTY LOCATED AT 2200 NORTH WICKHAM ROAD (13RW-00789)**

The Board approved acceptance of a sidewalk easement from Kennedy Space Center Federal Credit Union for the proposed sidewalk associated with the construction of a professional office building.

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

**ITEM III.A.6., RESOLUTION AND NON-EXCLUSIVE WATERLINE UTILITY EASEMENT WITH CITY OF WEST MELBOURNE, RE: PROPERTY LOCATED IN MAX K. RODES PARK, SECTION 12, TOWNSHIP 28 SOUTH, RANGE 36 EAST**

The Board adopted Resolution No. 13-226, and executed a Non-Exclusive Waterline Utility Easement with the City of West Melbourne for property located in Max K. Rodes Park.

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

**ITEM III.A.7., RESOLUTION AND JOINT PARTICIPATION AGREEMENT SUPPLEMENTAL AMENDMENT NO. 3 WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: COUNTYWIDE INTELLIGENT TRANSPORTATION SYSTEM (ITS) OPERATIONS AND MAINTENANCE PROJECT**

The Board adopted Resolution No. 13-227, and executed Joint Participation Agreement Supplemental Amendment Number 3 with FDOT.

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

**ITEM III.A.8., PERMISSION TO ADVERTISE FOR PUBLIC HEARING, RE: AMENDMENT TO NON-RESIDENTIAL RATE RESOLUTION AND OTHER AMENDMENTS TO ALIGN CHAPTER 94, COUNTY CODE, AND THE SOLID WASTE COLLECTION AND RECYCLING AGREEMENT WITH CURRENT PRACTICES AND BOARD DIRECTION**

The Board approved advertisement for a public hearing to amend the Non-Residential Rate Resolution to provide two reduced rates for smaller size individual containers desired by small businesses (35- gallon and 64-gallon cart) for these types of businesses.

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

**ITEM III.A.9., TASK ORDER NO. 12 WITH WADE TRIM, INC., RE: BAREFOOT BAY WATER TREATMENT PLANT (WTP) IMPROVEMENTS**

The Board executed Task Order No. 12 with Wade Trim, Inc. for design, permitting, bidding, and construction assistance for improvements to the Barefoot Bay water supply, treatment plant, and distribution system projects identified in the Task Order; and approved associated budget changes.

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

**ITEM III.B.1., PERMISSION TO ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ), RE: VALKARIA AIRPORT ENGINEERING CONSULTANT, APPOINT SELECTION AND NEGOTIATING COMMITTEES, AND AUTHORIZE CHAIRMAN TO EXECUTE THE PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH THE SELECTED FIRM(S)**

The Board authorized the Valkaria Airport Manager to advertise Request for Qualifications (RFQ) from professional aviation engineering consultants to perform project design, permitting, and construction administration services; and approved Board appoint of selection and negotiation committees consisting of the Valkaria Airport Manager, Steve Borowski, Central Services Director, Teresa Camarata, and Public Works Director, John Denninghoff, or designees, with authority to negotiate a contract for the Chairman's signature.

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

**ITEM III.C.2., AWARD REQUEST FOR PROPOSALS (RFP) NO. P-4-14-02 TO vRIDE, INC., RE: VANPOOL MANAGEMENT SERVICES**

The Board approved award of RFP No. P-4-14-01 for Vanpool Management Services for Space Coast Area Transit to vRide, Inc.; and authorized the Chairman to execute the contract and subsequent renewals.

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

**ITEM III.C.3., AUTHORIZATION, RE:   CHANGE CAPITAL OUTLAY BUDGET AND APPROVE PURCHASE**

The Board authorized Capital Outlay changes that result in a \$22,500 decrease in the FY14 Capital Outlay budget; and authorized purchase to low bidder, or purchase of equipment using an existing State or other cooperative contracts along with any associated budgetary changes.

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

**ITEM III.C.4., AUTHORIZATION TO PIGGYBACK STATE CONTRACT NO. 991-380-10-1, RE: SECURITY OFFICER SERVICES AT BREVARD COUNTY GOVERNMENT COMPLEXES**

The Board authorized the Central Services Director to piggyback State Contract #991-380-10-1 for Security Officer Services at Brevard County Government Complexes; and authorized the Chairman to sign associated contract.

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

**ITEM III.C.6., APPROVAL, RE:   REVISIONS TO POLICIES BCC-21 - BUDGET AND FINANCIAL, AND BCC-25 - PROCUREMENT**

The Board approved revisions to BCC-21 - Budget and Financial and BCC-25 - Procurement, regarding the award of bids for tangible items, projects and equipment approved in the Annual Operating Budget and Capital Improvement Plan.

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

**ITEM III.D.4., APPROVAL, RE: ADVERTISE REQUEST FOR PROPOSALS (RFP) FOR FIRE STATION ALERTING SYSTEM, AND FIRE/RESCUE AND EMERGENCY MEDICAL SERVICES (EMS) IMPACT FEE TECHNICAL ADVISORY COMMITTEE PROJECT FUNDING RECOMMENDATIONS**

The Board approved advertising for Request for Proposals (RFP) for a fire station alerting system; approved Selection Committee consisting of Brad Hall, Assistant Chief; Fred Jodts, Division Chief of Suppression; Lesley Lewis, Fire Rescue Communications Manager; John Self, Systems Analyst, ITD; and Ryan Lugo, Dispatch Supervisor; approved Negotiation Committee consisting of Dennis Neterer, Deputy Fire Chief; Fred Jodts, Division Chief; and Fabiola Mundo, Fire Rescue Finance officer; approved the selected vendor be awarded the RFP; authorized the Chairman to execute the contract; approved the project funding recommendations as prepared by the Technical Advisory Committees for the Fire/Rescue Impact Fee Benefit District 1 and the Emergency Medical Services Impact Fee Benefit District 1 on August 21, 2013; and authorized the Budget Office to execute any budget changes required to implement project appropriations.

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

**ITEM III.D.5., APPROVAL, RE: GROUP HEALTH INSURANCE STOP LOSS (EXCESS INSURANCE) PLACEMENT**

The Board approved the placement of Stop Loss insurance with Symetra Financial for the self-insured group health insurance program; and authorized Gerard Visco, Insurance Director, to execute all documents necessary to bind this coverage effective January 1, 2014.

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

**ITEM III.D.6., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The appointed/reappointed **Bridget Geiger** and **Darleen Hunt** to the Art in Public Places Advisory Committee, with terms expiring December 31, 2014; **Byron Keck** to Animal Enforcement Dangerous Dog Hearing Council, with term expiring December 31, 2014; **Ed Fleis**, **RJ. Durham**, **Scott Carswell**, and **Michael H. Williams** to the Building and Construction Advisory Committee, with terms expiring December 31, 2014; **Terry Graham**, **Jean Morgan**, **Ed Newell**, **Pat Shearer**, and **Loretta Wilson** to the Central Brevard Library & Reference Center Advisory Board, with terms expiring December 31, 2014; **Lori Helton** and **Antonio Rovira** to the Community Action Board, with terms expiring December 31, 2014; **Luella W. King** to the Community Development Block Grant Advisory Board, with term expiring December 31, 2014; **Bud Crisafulli**, **John W. DeBickes**, **Roger Drabyk**, **Luke Miorelli**, and **Ron Nost** to the Contractors' Licensing Board, with terms expiring December 31, 2014; **Sara Ann Conkling** and **Britta Hawkins** to the Country Acres Advisory Board, with terms expiring December 31, 2014; **Debbie Harvey** and **Neal Johnson** to the Economic Development Commission of the Space Coast, with terms expiring December 31, 2014; **Jim Durocher**, **Beverly Morgan**, and

**Douglas Sphar** to the EEL Program Recreation and Education Advisory Committee, with terms expiring December 31, 2014; **Thomas Patrick O'Neill** to the Emergency Medical Services Review Committee, with term expiring December 31, 2014; **Liz Alward, Linda Mannier,** and **Marcia Newell** to the Employee Benefits and Insurance Advisory Committee, with terms expiring December 31, 2014; **Linda Behret, Priscilla Griffith, Vince Lamb, Rocky Randels,** and **Patrick Reed** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2014; **Bud Crisafulli** the Extension Advisory Council, with term expiring December 31, 2015; **Tom Schuler** to the Extension Advisory Council, with term expiring December 31, 2014; **Larry Garrison** to the Health Facilities Authority, with term expiring December 31, 2017; **Douglas Hendriksen, Louis R. Pernice,** and **Bob Swenson** to the Historical Commission; **Peter Fuscas, Kathy Wall,** and **Milo Zonka** to the Investment Committee, with terms expiring December 31, 2014; **Barbara Jagrowski** and **Tom McGill** to the Library Board, with terms expiring December 31, 2014; **Jerry Butz, Mike Cunningham, Kelly Haugh, Jeff McKnight, Ron Rincones,** and **James Rosasco** to the Marine Advisory Council, with terms expiring December 31, 2014; **Sean Anderson, John Campbell, John Ells, Ray Hoffman, Isaac Houston, Kathy Jarrell, Albert Thomas,** and **Robert Williams** to the Merritt Island/Beaches Service Sector Advisory Board, with terms expiring December 31, 2015; **John Stone** to the Onsite Sewage Disposal Variance Board, with term expiring December 31, 2014; **Richard Contrares** and **John N. Kendrick** to the Parks and Recreation South Services Sector Advisory Board, with terms expiring December 31, 2014; **Mike Cicerella, Pat Pasley,** and **Bonnie Venable** to the Personnel Council, with terms expiring December 31, 2014; **Peter Aydelotte, Andy Barber, Aneta Ott, Tommy Redmond, Patrick Reed, John Stone,** and **Clyde Thodey** to the Planning and Zoning Board, with terms expiring December 31, 2014; **Gene Cate** to the Public Golf Advisory Board, with term expiring December 31, 2014; **Jennifer Allgood, Kate Breitfeller, Lois Katzin, Dr. Rochelle Kenyon,** and **Beth Montalvo** to the Suntree/Viera Public Library Advisory Board, with terms expiring December 31, 2014; **Bob Baugher** and **Jim Ridenour** to the Tourist Development Council, with terms expiring December 31, 2017; **Bob Baugher, Peter Fuscas, Clarence H. Mills,** and **Tony Sasso** to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2014; and **George Bovell, Dave Pasley, James Rosasco,** and **Sharon Savastio** to the Zoning Board of Adjustment, with terms expiring December 31, 2014.

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

**ITEM III.D.7., APPROVAL, RE: BILLFOLDER**

The Board approved the Billfolder, as submitted.

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

**ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Infantini advised she needs to abstain from Item III.A.4., Amendment to Existing Agreement with Florida Institute of Technology (FIT), Re: Use and Maintenance of a Paved and Landscaped Walkway Located in the Portion of Crane Creek Drainage District; and stated she has turned in her Form 8B, Memorandum of Voting Conflict. She advised she will be voting no on Item III.A.1., Amendment No. 2 to Stage Grant 11BE1 with Florida Department of Environmental Protection (FDEP), Re: Brevard County Shore Protection Project North and South Reaches; she will be voting no on Item III.C.1., Approval, Re: Budget Change Requests; she would like to pull Item III.C.5., Accept Assistance to Firefighters Grant (AFG), Re: Purchase of Portable Drill Tower; she would like to pull Item III.C.7., Permission to Advertise Request for Proposals, Appoint Selection and Negotiating Committees, and Award Contract, Re: Homestead Tax Exemption Audit Services; she would like to pull Item III.C.8., Approval, Re: Tourist Development Council (TDC) FY2013-14 Advertising Media Plan and Purchase Orders for Ad Placement, Production, and Promotion Costs over \$100,000; she would like to pull Item III.D.2., Resolution, Re: Ad Valorem Tax Exemption for MC Assembly; and she would like to pull Item III.D.3., Request to Write-Off, Re: Uncollectible Emergency Medical Services (EMS) Ambulance Bills for FY 12/13.

Commissioner Nelson stated he would like to pull Item III.C.1., Approval, Re: Budget Change Requests.

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

Commissioner Nelson stated this Item is for approval of Budget Change Requests, and Commissioner Infantini is voting no; one of the items is the St. Johns Heritage Parkway Project; and he is curious of her reasoning behind voting against the Parkway.

Commissioner Infantini inquired what Commissioner Nelson's reason is for voting for the Parkway. Commissioner Nelson responded the Board had prioritized the Parkway as its number one road project; and he thinks being consistent with that priority, which Commissioner Infantini voted for several times, that she would want to see that continue to be funded.

Commissioner Infantini stated she does want to see that continue to be funded, but she has emphasized the widening of Babcock Street, which is a road that already exists and is over capacity; before another road is built, which will generate new travel, she would like to fix what is in existence; she is not opposed to the Parkway, she is completely for it; and when the Board is trying to get its priorities straight, she believes in fixing what is in existence first before building new roads. She went on to say the other item she was not happy with was the Community Redevelopment Agency (CRA); it was moving \$100,000 to Community Redevelopment Agencies, which is no big secret that she is opposed to CRA's and the way they are organized, and their spending.

Commissioner Nelson stated if there is a specific item that Commissioner Infantini is not in favor of, that she identify what she is opposed to versus voting against all of it; and maybe there should be discussions had if the Heritage Parkway is the Board's number one priority.

Commissioner Infantini stated she would love to widen an existing road that is over capacity first before moving forward; but she understands the Board's desire.

Commissioner Anderson stated the engineering has not been done on that; it would be five to 10 years before doing anything on Babcock Street; and if Commissioner Infantini understood the traffic counts and patterns, such as others do, Babcock Street does not even come close to

the traffic congestion and capacity issues on Minton Road, and the costs associated. He advised it is more advantageous for the taxpayers to have this new corridor that relieves more traffic problems; it is a priority for this Board and every elected official in Brevard County, including the Palm Bay City Council.

Commissioner Fisher stated he thinks this whole issue brings up a very important point; it is funny that Commissioner Infantini now says building or improving older roads versus building new ones is a priority; when this item was an Item three to four years ago, that was his point of view; and Commissioner Infantini voted for it to be built. He went on to say the Board makes decisions; and once those decisions are made, he thinks it is every ones responsibility to move them forward and make them successful. He stated even though they might not agree on the Item at the time it was voted on and trying to undo it once it has been decided by the Board, or to go as far as Commissioner Infantini did last week, and sit in the audience at the City of Titusville City Council meeting for four hours; and to fight against something that this Board has approved is not being supportive of the teams call. He stated the play for the Parkway makes sense to him; he wishes that as a Board, once the play has been called, to run the play, and to make sure it is successful; and take that position going into 2014. He stated he is sick and tired of seeing her fighting things that this Board has approved.

Commissioner Nelson stated he did not support the Platt acquisition, but he has supported it every other vote since then; and it needs to move on, and not continually oppose projects that the Board has moved forward. He went on to say if one does object, he or she needs to state what the objection is.

Commissioner Infantini advised Commissioner Nelson drew extra attention to this; once she became aware of Babcock being the only road that is over capacity, she changed her priorities; and as soon as one is aware of new information, it is time to regroup, and re-prioritize; she thinks the Parkway is a priority, it is not her number one priority, but her number two priority; and as a result, she continually voted consistent to show her number one priority. She went on to say she is very happy with the Parkway; but wants the Babcock Road intersection fixed.

The Board approved the Budget Change Requests, as submitted.

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

**ITEM III.C.5., ACCEPT ASSISTANCE TO FIREFIGHTERS GRANT (AFG), RE: PURCHASE OF PORTABLE DRILL TOWER**

Commissioner Infantini stated the reason she pulled this is because some grant funding has been received to purchase a portable drill tower; and she inquired if there is opportunity to use the funding for an ambulance instead because a report indicated a high number of calls for ambulances. Chief Larry Collins, Fire Rescue Director, responded no, the money is re-purposed dollars; and the grant was already awarded for the driving simulators at a better anticipated price, and going towards getting a piece of equipment that is important for safety. He went on to say the tower is portable; it is on a tractor that can be moved around and lifted to four and one-half stories; the new fire gear has a self rescue escape harness; and he is getting

December 17, 2013

kits that allow people that have to bailout of a place, to be able to utilize those, and training recruits right in his or her district.

The Board approved to appropriate remaining Assistance to Firefighters Grant (AFG) funds from the Driving simulators grant (2011) for the purpose of acquiring a portable drill tower; approved acceptance of the grant; and authorized the County Manager to approve the final purchase agreement and process and process any budget changes necessary to implement the acquisition.

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

**ITEM III.D.3., REQUEST TO WRITE-OFF, RE: UNCOLLECTIBLE EMERGENCY MEDICAL SERVICES (EMS) AMBULANCE BILLS FOR FY 12/13**

Commissioner Infantini stated this Item involves writing-off accounts that are not able to be collected; Chief Larry Collins, Fire Rescue Director, is asking the Board to write-off \$14 million in uncollectible accounts due to the Emergency Medical Services (EMS); in the accounting software she noticed the annual budget and charges for services is \$14 million; and what is being asked is to write-off a whole year's worth of charges for services.

Chief Collins stated this is strictly a financial entry into the journal, so that they can close-out the books; they will continue to pursue those dollars through the collection agency; but that is the balance from Finance, as it exists right now. He advised having write-offs every year because the federal government or Community Health Automated Medicaid of Medicare Processing Systems (CHAMPS) has agreed to pay 80 percent; and he is not allowed to pursue the other 20 percent. He advised by contract there is a deficit starting out; the agreement is entered into, if collecting dollars; this happens every year; and is a matter of adjusting and closing the books. Commissioner Infantini advised that amount being written off from the government is 50 percent and appears to be \$7 million; her co-worker mentioned to her that there is a way that they could change the collection policy, as she understands it only full payments are accepted; and inquired if there is a way to change the policy. Chief Collins replied he does not believe there is no prohibition from the collection agency or billing company working with somebody to extend terms for those payments; and he is sure they will do that and it is not an all or nothing and they will take what they are given over that period of time, and work out a multi-year payment plan. Chief Collin added, this is not part of his budget but the financial notation allowing the books to be closed out and doing the annual part of the financials.

The Board approved, in accordance with Ordinance No. 79-21, the FY 2012-2013 uncollectible Emergency Medical Services (EMS) accounts receivable.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

December 17, 2013

Commissioner Bolin Lewis advised she attended the ceremony for the new truck at Satellite Beach; and she learned how the truck can go to levels of high rise condominiums, straight across a flat roof, and can go down; and the partnership with Satellite Beach helping to service the people is amazing.

**ITEM III.C.7., PERMISSION TO ADVERTISE REQUEST FOR PROPOSALS, APPOINT SELECTION AND NEGOTIATING COMMITTEES, AND AWARD CONTRACT, RE: HOMESTEAD TAX EXEMPTION AUDIT SERVICES**

Milo Zonka, Property Appraiser Office Finance Director, advised he is available to answer any questions; he has some statistics related to the Homestead Tax Exemption Audit; he expressed his thanks to staff for putting this item together; and stated he is looking forward to a successful project.

Commissioner Infantini inquired if Dana Blickley, Property Appraiser, has considered adding the bogus agriculture exemptions to this audit, because when they worked for the Clerk of Courts as Auditors, they found numerous properties that seemed to have bogus agricultural exemptions; and that is her reason for pulling this. She went on to say there are many people who are claiming agricultural exemption when, in fact, they do not really have an agricultural purpose; inquired if that could be included in the audit; and stated if so, she will make the motion to approve. Mr. Zonka responded this item is related to the homestead audit and is an ongoing effort, which is an internal effort within the Property Appraiser Office (PAO); and as time goes on, he can provide some reporting.

The Board granted permission to advertise a Request for Proposal (RFP) for Homestead Tax Exemption Audit Services; approved the Selection Committee and Negotiation Committee members, consisting of Deputy County Manager, Brevard County Property Appraiser, and Budget Office Director or their designees; approved the selected vendor be awarded the RFP; and authorized the Chairman to execute the contract.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM III.C.8., APPROVAL, RE: TOURIST DEVELOPMENT COUNCIL (TDC) FY 2013-14 ADVERTISING MEDIA PLAN AND PURCHASE ORDERS FOR AD PLACEMENT, PRODUCTION, AND PROMOTION COSTS OVER \$100,000**

Commissioner Infantini advised she did not intent to pull the Item.

The Board approved the proposed FY 2013-14 advertising media plan; authorized the Tourism Development Director and the County Manager, or designee, to negotiate advertising rates and execute agreements with the vendors; and approved staff to execute purchase orders to vendors for ad placemen, production, and promotion costs over \$100,000 as recommended by the County Manager.

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

**ITEM III.D.2., RESOLUTION, RE: AD VALOREM TAX EXEMPTION FOR MC ASSEMBLY**

Commissioner Infantini stated this Item is giving Ad Valorem tax exemption to MC Assembly; they have offered to relocated to Melbourne from Palm Bay if the Board grants them with tax abatements; she is not in favor of it because she has seen tax abatements be dished out to some companies and turned down to other companies; and she is not sure how the winners and losers are chosen, because she has seen stop sticks thrown in front of the local business at Cocoa Expo that is investing \$17 million of their own money.

The Board adopted Resolution No. 13-228, an Economic Development Ad Valorem Exemption qualifying MC Assembly as an eligible business under the County's Tax Abatement program and authorized a public hearing to consider adopting an exemption ordinance.

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

**ITEM IV., PUBLIC COMMENTS**

Debbie Rich stated she is one of many animal advocates in the County, and their goal is finding very adoptable animal a home and improving the shelter operations; right now, the issue at hand is improving the horrendous conditions of the animal shelter systems in the County; as of Friday of last week, the Society of Cruelty to Animals (SPCA) had adopted out 78 adult cats in 15 days, an average of 5.2 cats per day; and the County shelters for the last month killed 1.67 animals per hour that they were open. She went on to say she has a proposal to make to the County and Animal Services and Enforcement; they would like to establish and maintain a booth at the Renninger's Flea Market on Friday, Saturday, and Sunday every week for the next three months, commencing on January 3rd; space will be available for a number of cats and/or dogs from various shelters to be on the premises to be offered for adoption; and after a three-month period, this proof of concept program will be analyzed as to its successes, and a determination will be made on whether or not to move forward as is, to expand, or to cease operations. She pointed out they have been trying to get the Animals Services and Enforcement Department to get animals there for six or seven years; the cost will be assumed by the animal advocates; perspective adoptive families will be responsible for all fees and proper paperwork for each animal; and they will pick up and deliver animals to and from the shelter each day at the south shelter. She advised the Board that she has a written proposal for its reference; the booth is located on the main isle for visibility and access; a new insulated roof is being put on this week at the flea market; that will keep things cooler, along with the ceiling mounted fans throughout; and they would like agreement to the proposal as it will require written authorization to move forward. She stated they look forward to the Board's timely response; they will be happy to answer any questions it may have or meeting with the Board Members concerning the program; and she has added her contact information at the top of the document.

December 17, 2013

Commissioner Infantini inquired what the SPCA is doing that the County shelters are not. Ms. Rich responded the SPCA takes animals out to the public at the Melbourne Square Mall; they received a grant of \$10,000 from the Lewis's who live in Satellite Beach on Lansing Island; they have decided to keep the facility open into January at least; and they are doing a phenomenal job. She stated there was a transport of cats to Maryland last week that was successful; and there is another transport offer in January that has been put out to Brevard County, but she has not heard that there is a decision to do that.

Commissioner Infantini inquired if staff has considered hiring someone like Ms. Rich as an adoption coordinator; stated instead of having a volunteer coordinator, the County needs to expand its personnel base and have an adoption coordinator; and the software can do the volunteer coordinating.

Stockton Whitten, Deputy County Manager, stated he does not know if software can coordinate volunteers; this is the first staff has heard of Ms. Rich's proposal; they are happy to look at it; obviously it has some merits and there are some issues staff would like to discuss with Ms. Rich; but he reiterated this is the first time staff has actually heard of that proposal.

Ms. Rich stated they have been waiting six to seven years for the County to do something.

Commissioner Infantini stated perhaps, because it takes someone like Ms. Rich who thinks out of the box when there is no resource in house, to go outside of the house to get that resource; there are a lot of talents she does not have; and she thinks it would be a good fit for the County.

Mr. Whitten stated he does not know if it is a box staff has not been outside of; he pulled the University of Florida audit report on Animal Services and Enforcement during the break; originally there were 109 issues were addressed by the University of Florida; and now 77 of those issues are closed.

Ms. Rich requested a copy of the report from University of Florida.

Mr. Whitten advised the report is online; and he will give a copy to Ms. Rich. Ms. Rich stated she has a copy of the audit but not the issues. Mr. Whitten stated when talking about the rhetoric of performance and looking at the data, he will point everyone to the University of Florida report, how well the Department has done in clearing those items, and the follow up reports. He went on to state there have been two follow up reports from the Internal Auditors that highlight very well how the Department progressed towards completion of those items; he would point out the live release rate; the performance measurement with regards to Animal Services and Enforcement, that statistic needs to be looked at; and Venetta Valdengo, Assistant County Manager or Karla Torpy, Animal Services and Enforcement Director can highlight the differences between this public shelter and a private shelter like SPCA. He noted staff will hold its comments until after all of the speakers, because he does not want to get into the back and forth; but he thinks staff has comments that would be beneficial for the Board and the general public.

Commissioner Infantini stated she is not criticizing the Animal Services and Enforcement Department; she is saying that there is something that could be done to improve it; and there is always room for improvement. She added perhaps there is a skill set Ms. Rich has that the Department does not have; she did an audit on the Department in 2005; she knows how bad it was and that it has improved; and she applauds staff for the improvements. She stated improvements have been made, and now that the room is clean to now work on the grades; and that is a kid's analogy because she has kids.

December 17, 2013

Mr. Whitten stated he has kids and they do a weekly pickup and a Saturday cleaning; and so staff will highlight both of those efforts for the Board.

Commissioner Fisher stated he appreciates Ms. Rich being a volunteer; and he inquired how many cats SPCA takes in on a monthly or yearly basis. Ms. Rich responded she does not have that information with her.

Commissioner Fisher inquired if staff has an idea of how many cats the County may possibly take in yearly. Ms. Valdengo responded approximately 8,000 cats is what the County took in last year; and this year it is probably 7,000. Commissioner Fisher inquired how that compares with the SPCA. Ms. Valdengo replied the differences between the SPCA and the County shelter is the County is an open admission shelter so it can never say it is full and it has met its quota; the SPCA and Central Brevard Humane Society have capacities; and they do not have to take any animal an owner wants to surrender. She pointed out if the other agencies' have a capacity of 160 animals, they will take appointments several months down the road for people who want to surrender their pet; most often the County shelter receives those animals; and that is the most significant difference. She noted the pets the County receives are sometimes not as desirable for adoption; and it does have a different animal population than the other agencies. Commissioner Fisher inquired if the shelters take in 700 cats per month. Ms. Valdengo advised the shelters take in 600 to 700 cats a month.

Pam La Salle stated for a long time she thought the problems of the shelter originated there; she no longer thinks that is the case; Brevard County Animal and Enforcement's (BASE) lack of performance is generated from the top of County Management; and the Assistant County Manager demonstrated in 2009 when it was more important to protect the current County Veterinarian than to get answers from the death of dozens of dogs. She went on to say it appears many dogs have recently had inadequate care at the shelter; Guardian was a dog killed for an alleged URI; and they chose to kill a sweet, calm Boxer dog instead of releasing him to an animal hospital. She explained a dog named Butter was adopted last week after suffering in County custody for two and a half months; Butter was under weight and her spine and ribs showed distinctively to the day she was adopted; and she was covered in raw rashes all over her body, especially her on her stomach and legs. She pointed out Butter's records indicate she received an assortment of oral medication, including Prednisone, which is a steroid; she and her husband John were present when she received medication contrary to her medical records; a dog using steroids has a voracious appetite and will eat anything, even dry food; Butter made overnight visits to their home; and at her first meal, they determined her nutritional problem was she would not eat dry food. She noted when it became apparent the staff was not feeding Butter canned food, she and John got permission to put a 'Wet Food Only' sign on her door; that sign disappeared in a few days; another volunteer tried to give Butter canned food in their absence; and she was stopped and not allowed to feed Butter because the Veterinarian insisted she could learn to eat dry food and wet food was bad for her teeth. She inquired did the Vet even look at Butter; stated the possibility of bad teeth was the least of her problems; the poor dog scratched constantly even through the night; she was half starved, and staff was only interested in her negative behavior; and she does not believe rounds are performed and Butter's experience supports that belief. She stated they did not step in for the first six weeks; there should be performance reviews to prevent such suffering; Butter's adopter already treated appropriately for Dermatitis; she was well fed and living comfortably with a small dog; and her medical improvement was radical. She advised Butter suffered needlessly. She inquired what is a volunteer supposed to do; and stated a dead dog tells no tales, then are bagged and out of the building. She stated when the media promotes BASE and its Director as innovative, she disagrees; this has occurred repeatedly for many years; and she contends it could only have happened if top County Managers retain and protect incompetent personnel. She pointed out on October 22nd, a dog named Sasha was killed for space; Sasha's kennel remained empty for

December 17, 2013

days after her death; and she does not believe Sasha was killed for space but to retaliate and intimidate them.

Fred McMillian stated he is a self-appointed advocate for the transportation and financial disadvantaged people in Brevard County; he does this with respect for people who do not have cars; and he does it in respect to people who do not have the money to buy a car. He advised he has not been here in a while because of personal issues. He went on to say he was recently in Palm Beach County at the Veteran's Administration (VA) Hospital; he was impressed as he got off the Greyhound Bus; he walked across a platform to the tri-rail that took him to the VA Hospital; and the point of this statement is to show the Board that Brevard County has a problem with transportation. He stated he has spoken with Commissioner Fisher and Jimmy Liesenfelt, Transit Services Director, and they are doing all they can to improve it. He noted that particular point in Palm Beach County, there was the Greyhound Bus, Amtrak, Tri-Rail, and the Palm Trail all converging in that one spot; there were parking spaces, maneuvering spaces, and announcement screens everywhere; if Brevard County is going to progress, it needs to reconsider the structure of the tourist's efforts to gain money, to get grants, and to start look towards the future; and he knows it cannot happen overnight. He advised the Board he cannot get to the airport or the Amtrak Station in Winter Park or Orlando without paying \$150; time is running out; and Amtrak coming from Miami to Jacksonville through the Space Coast corridor is an issue the Board needs to address.

Steve Lum stated the difference between city and County meetings are city meetings are done in the evening, and County meetings are done during the day; and he inquired if the Board would entertain his request of when an issue is going to affect a lot of people, consider who those people are and what they do, and when they work so they have opportunity to be present at meetings and workshops.

David Sheriff stated he recently had a change to visit the shelter in Indian River County; he was impressed with the way they do business; the volunteers are happy; and the volunteers are pleased with what is going on there and how they are treated. He went on to say their personnel told him they receive \$600,000 from the County for the operation; and it was clean and air conditioned. He stated it is a private SPCA, but they are still doing the same job for \$600,000; their dogs are walked five to six times a day; at the north shelter, they may only get walked one time a day; the dogs are confined and upset; but in Indian River County, the dogs are relaxed.

Howard Tipton, County Manager, stated as a point of clarification, the \$3 million budget for Animal Services and Enforcement, includes the enforcement side; half of the budget goes towards enforcement activities; and the SPCA is not charged with enforcement.

Michele Mares stated she has been sending the Board emails for a week or two concerning the issues at the shelter; one of the main problems is not having unity with the workers and not helping the volunteers; volunteers have a lot of good ideas and they submit them and talk about them; and no one ever gets back to them. She noted it would be nice to go in there and work with workers to try to make improvements; she knows the County has to take in all of the animals; but some of the conditions the animals are living in could be improved upon. She went on to say at the north shelter she does not think those animals gets walked at all; at the south shelter there is a group of dedicated volunteers who walk the dogs usually once a day; but they should be walked more than that. She informed the Board if it had policies and procedures, it could get everyone doing the same thing together among themselves, the management and volunteers; and there could be more accomplished for the animals.

Commissioner Infantini stated Ms. Mares mentioned in her emails issues as far as where the animals were fed; there is a front and back to a cage; the front of the cage is where the animals

December 17, 2013

are kept all night long; and the back of the cage is cleaned during the afternoon. She inquired if the animals were being fed in the front of the cages in the morning prior to being cleaned. Ms. Mares responded a former employee actually did get management to start feeding the animals from the backside of the kennel; the animals go to the bathroom on the front side as they are kept there all night; the animals food are put in there; and she does not think it is good for an animal to be fed where they go to the bathroom. She added, the back side of the kennel is a much larger area for them to eat; it makes additional work for staff, but they could work together along with the volunteers to accomplish that; there was a reply from Ms. Torpy that it was due to weather conditions; that is not true because it is a continuous thing; and there are many volunteers who can attest to that as well.

Commissioner Infantini inquired if there is a process, unless it is perilously cold or rainy, that the animals could be fed at the back side of its kennel. Ms. Torpy responded there are two sides in every kennel; the outside is a little bit bigger than the inside; the inside is where the water, food, and beds are; and unless it is a very cold night, the guillotines are up, and the animals can defecate away from their beds. She stated on a typical night where there are not heaters on, the guillotine is open where the animals have access to the entire kennel; staff does not put food on top of dog poop; and they will flip the bed so there is room for the animal to eat. She went on to say there are times when the volunteers walk through, the dogs have eaten and have defecated, and staff may be in the process of cleaning; the place is generally clean and it does not smell most of the time; and there is staff cleaning the dogs cages when needed. She noted Ms. Rich used the term horrendous kennels and shelters, but that is just not the case; an individual came in last week from another shelter for a walk through; and she said it was nice and smelled good. She stated it is not a new facility or bright and clean like Indian River County; the County shelter is clean because the animals are not sick there; and if they were sick, they could be getting each other sick if the kennels were not maintained and cleaned.

Pat Pasley stated on December 9th she submitted a public records request for copies of all policies and operating procedures pertaining to volunteers, the volunteer handbook, volunteer orientation material, and a copy of the operations manual for the shelter itself; the receipt of her request was acknowledged by Kathleen Cummings on December 20th; and on the same day she received an email reply to her request from Mr. Whitten. She went on to say she is present today to tell the Board she still has not received the documents; since Mr. Whitten said those documents currently exist, she does not understand the delay; she views the request as extremely important because she feels that the volunteers are being misled and confused with all the rules and regulations; and in the past, there have been several situations that reflect this. She pointed out to lessen the confusion and anxiety of the volunteers, the procedures need to be made available immediately for all to understand; when there is a lack of clear guidelines, volunteers will get frustrated and not come back; she cannot emphasize enough how important volunteers are to the animal shelters; and with proper guidance, the volunteers will become the heart and soul of the operation and a valuable asset to the County. She inquired when she could get a copy of the current procedures; and when the item will be put on the Agenda as a formal Agenda. She noted it was moved off of the October 6th Agenda, and it is moving into 2014.

Mr. Whitten explained staff is currently working on complying with Ms. Pasley's public request. Ms. Pasley quoted from Mr. Whitten's email response to her request; and advised him she would be glad to send it to him. Mr. Whitten reiterated staff is working on her request; and they will get that to her as soon as possible. Ms. Pasley inquired if there are current procedures why she cannot get a copy of them now. Mr. Whitten replied staff is working on her request; as soon as it is possible, staff will get those to her; and he advised her he answered her questions in his reply to her email. He stated there were 11 questions in the email; he answered all of those questions; and staff is currently in the process of complying with her request.

December 17, 2013

Commissioner Infantini inquired if it would be acceptable with Ms. Pasley if she went her co-worker, Linda Mannier, go to Animal Services and Enforcement Department to make a copy of those procedures, and then to drop it off to her. Ms. Pasley responded affirmatively. Commissioner Infantini inquired if that would be possible for Ms. Mannier to come over today and make a copy for Ms. Pasley.

Mr. Whitten responded the secretary has been working on it, in addition to other requests that come in; it is a prioritization of those requests; staff has not been sitting on their hands; and in addition to their every day duties, they are complying with those requests. He went on to say staff would be happy to provide that to Ms. Pasley; they are working on complying with those requests; it is a resource issue for them; and as soon as the secretary gets back, they will complete that request and get them into the hands of Ms. Pasley.

Commissioner Infantini inquired if her staff can pick up a copy, or they can borrow the book and copy it at her office, and then return it to Animal Services and Enforcement since resources are limited. Mr. Whitten replied as a part of the solution, he will sit there and make the copies with Commissioner Infantini's staff.

Peter Fusscas stated this is a great opportunity; the flea market marketing of animals is a great opportunity; it is not permanent; and it is a 90-day trial to see how it will work out. He pointed out every animal that is not adopted is killed. He stated he presumes the mission is to treat animals in the most humane way possible; marketing and adoption of the animals is extremely important; and he reiterated it is a great opportunity. He noted he was advised at previous meetings of staff's concern for the humane treatment of animals and that it was foremost in their objectives; and this should be moved forward to see what it can do.

Commissioner Nelson stated it appears the Board is going to be talking about animals at every meeting for the rest of his term in office; he suggested that an Agenda Item be placed at the end of the Agenda so it would not appear under Public Comment every time; there are people here waiting for a variety of things; and he thinks it is inappropriate to have the unknown amount of work that occurs and commentary. He went on to say he agrees with some of the speakers; the idea of the flea market is great, but it should have been a discussion with staff first and then should have come before the Board; and an Agenda should not be managed this way. He noted there were good comments, but not in this format. He stated he would like to place an Item under Miscellaneous at the end of the Agenda to discuss animal issues; it should be a routine until it is resolved or becomes unnecessary; but the Board should not be putting the amount of time that it takes on this because there is a lot of other public business that needs addressed as well.

The Board directed the County Manager to add an Agenda Item for Animal Services to the format of the Agenda.

Commissioner Infantini stated she cannot believe what she is hearing; the Board wants to stifle Public Comment on issues that are less popular for the Board to deal with in order to facilitate the forward motion of all other issues; that is silencing the public; and she is definitely not in favor of this. She pointed out once the issues are answered to the citizens liking, they will stop coming back to meetings; they have other things to do rather than attending Board meetings; and she thinks it is no delight for them either.

Chairman Bolin Lewis inquired if the motion is to move Public Comment in the Agenda to the end of the meeting.

December 17, 2013

Commissioner Nelson responded no, to the contrary of what Commissioner Infantini is saying, it is actually putting a place on the Agenda at every meeting assuring the citizens are going to be able to talk about the animal issues every timer; the Board is going to have the discussion, so have it on the Agenda, because it is not fair to the community in general; it is not even fair to animal activates; and to create a space on the Agenda until it is not necessary to talk about it anymore.

Commissioner Anderson stated whatever the Agenda Item is going to be, to have follow ups from the previous meeting, what came up, and see where it is at; it is a good way to do this; the animal issue will be talked about at every meeting; and it is certainly not done to stifle, it is to resolve issues. He went on to say that three minutes under Public Comment is not enough time; and if it is an Agenda Item, each person will be given five minutes to speak.

Mr. Tipton stated from a staff perspective, he thinks they would welcome a change to the way the dialogue is taking place; it would give staff the opportunity to provide a regular update every other week and address the issues; and staff looks forward to that.

Commissioner Infantini stated she disagrees with Commissioner Nelson; people are guaranteed a place to speak if they are held under Public Comments; the meetings can run too long; and she reiterated her opposition to this.

Commissioner Fisher inquired if the University of Florida can come back as a third party who does not seem to be as emotionally tied to the situation and look at Brevard County Animal Services and Enforcement again to see exactly how it ranks; and he stated there may be some value in that kind of follow up.

Mr. Whitten responded affirmatively. He stated there is a fee for service; as he recalls, it was not a large amount; and staff would certainly love to make that request.

Commissioner Fisher inquired if there could be conversation at some point in time about privatizing this service; and if this would be something the Board would be interested in.

Commissioner Bolin Lewis stated there is a motion on the floor, and then the Board can get back to that topic.

Chairman Bolin Lewis called for a vote on the motion.

The Board approved placing an Animal discussion at the end of the Agenda at every meeting.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

Commissioner Anderson stated the Board definitely needs to get the evaluation from the University of Florida, to bring back a study to see where the County is; and it would be nice to have a third party. He went on to say he has had 100 animal advocates say that SPCA does it better; and staff should see if the SPCA wants to look at it.

December 17, 2013

Commissioner Fisher stated even if that happens, the County will probably still have to subsidize it in some way; it is something SPCA is not used to; and there is also the enforcement side of it. He stated he just wondered if it would be something to look at.

Commissioner Anderson stated his feeling is it would be like a Request for Information (RFI) to see what the information says, because he is not completely sold on it; he is not sure the County wants to enforce it under a private entity; and he would be fine with an RFI to provide the Board with information.

Commissioner Nelson stated he does not think the County can farm out the regulatory part of it, so it would have to separate the shelter operation; he does not have a problem with talking about it; but it failed before. He stated his frustration is that there are good organizations, who are trying to assist, but there is no partnership where everyone understands their roles; it is not fair to compare Brevard County with Indian River County; and they have different populations. He advised there is a solution and the Board will need to keep working at it.

The Board reached consensus to direct staff to bring back to the Board an RFI for consideration of the shelter operations, and to ask University of Florida to follow up with the County shelter operations study.

Mr. Whitten stated staff would like the opportunity to respond to some of the things that were said today.

Ms. Valdengo stated the SPCA in Indian River County probably houses less animals than Brevard County does in its shelter; in the south shelter, there are on a daily basis 200 animals daily; there are five kennel workers who are responsible to care for those animals; and that is a ratio of 40 to one. She went on to say staff cleans the animals housing, feed them, medicate, and respond to customers. She went on to say the north shelter houses 100 animals a day with an average staff of two to three kennel technicians; they do not have the resources to walk the animals several times a day; and the volunteers help with that. She pointed out she does not think the flea market is a bad idea; any opportunity to get the animals out there and viewed is great; they do not have the resources to staff that operation; and if there is a rescue group that would like to head that up, pull the animals, and open a site for three, six, or nine months, that is great. She stated she would ask that if they commit to pull the animals, they commit to keep them until they are adopted; and she would love to see that partnership.

Commissioner Infantini stated she thinks the way they do it with the SPCA is the SPCA drops them off with the volunteer group at the mall, and then comes and picks them back up; it may be a stretch to ask a volunteer to actually house the animals on a permanent basis until the animal is adopted; and she thinks they are suggesting that the County transport them to and from the shelter. She pointed out that there is paperwork that needs to be filed with the Animal Services and Enforcement Department.

Ms. Valdengo stated that is why she is encouraging the rescue group to partner with the County; a rescue group does commit to keeping the animals; and she thinks Ms. Torpy wants to comment

Commissioner Nelson stated he cannot believe everyone is still trying to determine how to send the animals out for adoption; staff can do their job and bring it back to the Board with a mechanism that it can deal with; and to move on.

December 17, 2013

**ITEM V.A., PUBLIC INTEREST DETERMINATIONS (PIDs), RE: CROSSROADS RESORT AND MARINA - TRI-STAR DEVELOPMENT PARTNERS, LLC**

Commissioner Nelson advised he met with the applicant.

The Board approved the Public Interest Determinations (PIDs) request made by Tri-Star Development Partners, LLC (Applicant) of the proposed mixed-use redevelopment adjacent to the Barge Canal at the Crossroads Resort and Marina (f/k/a Tingley's Marina and Fish Camp/Tingley's Travel Trailer), 2750 Tingley Drive, Merritt Island, for PID No. 1 - Placement of primary structures within the Buffer; PID No. 2 - Exceedance of 30 percent of impervious coverage in the Buffer; and PID No. 3 - Dredging of Barge Canal and marina basin.

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

The Board recessed at 11:07 a.m. and reconvened at 11:20 a.m.

**ITEM V.B., RESOLUTIONS, RE: ADOPTION OF INCREASE IN RATES, FEES, AND CHARGES FOR BREVARD COUNTY AND BAREFOOT BAY WATER AND SEWER SYSTEMS**

Howard Tipton, County Manager, stated this Item is in regards to the proposed rate changes for Brevard County and Barefoot Bay Water and Sewer Systems; and has been thoroughly vetted by the staff, the Board, and the auditing firm.

Robert Adolphe, Utility Services Department Director, stated an internal audit was conducted by McGladry LLP, concerning the aging infrastructure; they recommended a long-range plan to get the infrastructure up to speed; it was followed by an engineering review in 2012, which indicated the Utility Services Department needed \$135 million in improvement; and over the next 10 years quite a bit of rehabilitation needs to be done. He added, Barefoot Bay Water and Sewer District requires over the next five years \$2.5 million; Barefoot Bay still has bonds, but is in great need of having repairs done; those repairs were kicked off today with an additional Item on the Consent Agenda, that would be \$1 million worth of repairs, and half of that will be paid by an Environmental Protection Agency (EPA) grant; it does dig into reserves; and the rate increase in needed to develop a healthy program to maintain reliability and quality of water and wastewater services.

Bruce Amoss stated he is addressing Barefoot Bay Water and Sewer District and wants to let the Board know that most of the Barefoot Bay residents are older people on fixed incomes; any increase would be a hardship to the older people; the high cost that has been paid should have included maintenance costs to begin with; and he thinks any increase of this necessity of life should be opposed by the Board.

Commissioner Nelson indicated he had concerns when the Item was to be placed for public hearing and he would like to go over his concerns with the Board; stated it is not an issue of if the Viera plant is needing to be expanded for growth capacity, which does need to be bonded, and he thinks the real issue comes down to how much is needed for it to be done and at what rate; the current proposal is about a 51 percent increase; a five percent Consumer Price Index (CPI) was advertised; it could actually go up to 70 percent over the next 10 years; and a lot of

December 17, 2013

that is being driven by the need to borrow money up front and there are 208 projects in the first five years. He stated coming out of a bad economy, there will be a lot of Departments having needs, such as stormwater, roads, and fire assessment; and he urges the Board to be careful with what it does. He advised the plan that Mr. Adolphe has in place is a good one; but at what rate and timing do they need doing. He advised the cost for the 30-year bonds for the current option being considered is about \$75 million; if the amount of bonding were reduced and backed-off a little bit on some of the projects, and spread them out more evenly, it could be reduced down to a 36 percent increase over that same 10-year period; and get about 70 percent of the same projects done. He advised in some cases there are critical needs and in other cases there is standardization; he thinks it is too gray for him to support and he would have preferred to have seen some discussion about reducing the aggressive nature of the front-end work; the \$134 million that is currently being projected is in 2013 dollars, and the rate structure actually goes out for about \$140 some million because they are projecting a three percent increase in costs; and he would like to see a reduction in the program to get the numbers down to closer to a 36 percent increase, which is still substantial and less critical projects would not get done as quickly, and some would be looked at in future years. He went on to say he hates seeing all of the goodwill from the community up front, particularly with the rate structures; the impact to the Indian River Lagoon has been talked about and is minimal in terms of what it can do for the Lagoon, because there is no extension of collections system associated with this, and it is fixing what is in place; and when talking about leaking sewer pipes, it is not sewage leaking out, but is groundwater coming in. He stated the probability of a major spill happening while it is being fixed has no advantage to the Lagoon, other than reducing the probability of failure; there is no collection system for growth; this week he had three developers from North Merritt Island visited him and told him that they will have to go on septic systems, because there are no lines up there; individually, none of them can afford to run that line to where they are; and they will end up getting their permits and having to develop on septic systems, which is an issue with the Lagoon. He stated whatever the Board chooses to do, a component needs looking at that would allow the developer to put it in and pay for it; and the Board may be in a position to pay for it upfront and recapture some of those expenses. He stated at the Lagoon Workshop, Commissioner Fisher talked about how to make it more cost effective; one way that will at least stop the bleeding, is by looking at that; in his talks with Mr. Adolphe and Jim Helmer, Finance/Support Services, there are mechanisms to extend lines; and as an individual hooks up, he or she would proportionately pay. He added, he would like to get to the point of getting existing septic off the system, but that is real expensive; and stopping future developments from being on septic would be beneficial. He stated there is no urgency in timeline and they have time to talk about it; this is a 10-year commitment; but if it means having one more meeting to talk about it, it would be great. He proposed having a less aggressive rate program and getting that number down to the 35 to 36 percent range instead of the 50 to 70 percent range now.

Commissioner Fisher stated for years District 1 sewer system has been neglected and he is finally starting to see some improvements; money is not going to be any cheaper tomorrow than it is today; the cost would be driven up as materials go up; he has received complaints about busted lines and people's hair turning orange; there will be another bond with time, financing is going up; and the problems are not going to go away. He stated he does not agree with the automated CPI at two and one-half percent; he does not want to pass-the-buck onto another board just like this was passed to this Board; he thinks it is okay for another board to address when to do inflation issues; he thinks that two and one-half percent is automatically something that he has a little heartburn with; he is okay with supporting the rates up to that point; but at end of FY2018, they need the funds to get the system in good shape and then addressing how to continue doing it.

Chairman Bolin Lewis stated District 4 is growing rapidly and she has to keep ahead of the curve, otherwise, it will not be desirable to be there due to the lack of services; and she is

December 17, 2013

supporting it. She understood Commissioner Fisher's point about removing the CPI; and inquired if it could be looked at yearly, as a separate item.

Commissioner Fisher inquired why there is no ability to expand for growth in District 2, like in District 4. Commissioner Nelson responded the program could be adapted to borrow some money to do some of that, but the difficulty is typically the developer funds it up front, and the County takes over the system; and in this case, a large developer will not be seen that can afford to do that, which drives them towards septic systems on north Merritt Island. He replied to Chairman Bolin Lewis' point about it being a given in Viera, which is part of the Development of Regional Impact (DRI) and will be recaptured through impact fees, and credits; stated it is the renovation of an existing system; if 70 percent were done, it would be a huge program undertaken, and a huge dent. He went on to say that he finds it ironic that here is a Board that is coming out of the worst six years ever seen as a County Commission and responsible for when the money was available nobody would make that motion to do what needed to be done; and he thinks giving a direction to staff to come back with a kinder rate structure. He stated the issue related to the CPI helps the bonding ability if it is built in, because the concern from the bondholder's that, if there has to be a rate discussion at some point in time; they are not going to want to loan the money; and it may cost more to borrow.

Mr. Adolphe advised the two and one-half percent does affect the long-term financial health and capabilities of the utility.

Robert Ori, Public Resources Management Group, Inc. President, stated the bond market looks at a lot of things; they will be watching, in terms of rate adjustments today, depending on how much is wanted to be borrowed; there is \$70 million in the financial forecast; and there being two bond issues is correct. He stated how the Board postures itself financially is critical; rates and coverage are not solely looked at; but it will look at capital reinvestment, which is a big issue because they know there has not been a lot done over the years. He went on to say the historical rate adjustments will be looked at; rates have not been adjusted since 2008; others in the area have adjusted rates at an average of 19 percent; and indexing is important when it goes past the window of three to five years, because it is assuring to the rating agencies that the rates will always be adjusted to maintain margin, ability to pay debt, and capital improvements. He agreed with the expansion that impact fees and growth should pay for that; stated often there are timing differences, such as issuing bonds today and where growth has to occur; there may be high and low growth; but rate agencies do not like to secure bonds with impact fees or connection fees, because they are a onetime charge with a secondary identification. He advised using impact fees to pay for expansion debt is recognized in the financial forecast.

Commissioner Fisher inquired if the two and one-half percent is not there the rate will be higher and the Board cannot get bonding. Mr. Ori responded no; stated the two and one-half percent does not start until year six, because a series of rates is being adopted first, and indexing thereafter; and they do like to see the indexing as assuring the rates have potential to be adjusted out in the future. He advised many utilities have indexing now, including the Florida Public Service Commission. Commissioner Fisher inquired if two and one-half is the magic number or is it just because that is the average CPI over the years. Mr. Ori responded it is a reasonable CPI; stated the Ordinance has a cap of five percent, which is protection for if the CPI went too high, it stops; and generally, it is the two and one-half percent range. Commissioner Fisher inquired if the five-year rate structure is enough to meet the financial obligation of the bonds. Mr. Ori responded yes, based on the capital plan today of \$140 million over 10 years. Commissioner Fisher stated two and one-half percent is nice for financing and bonding purposes, but is not needed to meet the obligation. Mr. Ori stated it is needed for in the future because there will be inflation on operating and maintenance expenses; he suggested projecting three and one-half percent to four percent annually; and it is five years out as

December 17, 2013

identified in capital improvement needs. Commissioner Fisher stated the Board in five years can make the rate adjustment.

Commissioner Nelson stated there is a significant pay-as-you-go component of this; and to not have that CPI potentially puts that piece at risk. Mr. Ori advised in lieu of the CPI, the Board could come back and revisit rates like it normally would do; and if there were no CPI, it is not saying there is no rate adjustments after the five years ever again; he agreed that having that marginal increase does help preserve the pay-as-you-go funding because as inflation occurs, there is growth; and it is guaranteed to maintain revenue margins to pay operation and maintenance.

Commissioner Fisher inquired if it is automatic in five years. Mr. Adolphe responded it would be adopting the CPI after the initial rate increases, and continuing on from that point.

Commissioner Fisher stated if they did not go with this plan something would have to come off the table in each District; and inquired how it would work. Commissioner Nelson responded District 1 systems are the most significant in terms of need, and they would be on that list under any scenario because of the issues; his own District is suffering the most; and it should be on a worst-first kind of basis, which is how he thinks it was programmed.

Mr. Adolphe inquired if Commissioner Fisher does not want to go with the proposed plan rates structure as advertised. Commissioner Fisher responded that is correct. Mr. Adolphe stated they cut projects, pick and choose, and hope they do not fail before getting to them.

Commissioner Anderson stated he is not comfortable with the automatic CPI; other Commissioners have more of a vested interest; he has a little piece of beach between Indianalantic and Melbourne that is serviced by this; a majority of his unincorporated residents are skeptic's and are not affected; he does not understand the inflationary rate, other than when bonding; and inquired what the downside is from operation and maintenance standpoints. Mr. Adolphe responded currently the rates across the utility are 25 percent below the average rates, which is what starts to happen when falling behind and having no way to keep up with inflation, unless that mechanism is put in there. He advised a majority of neighboring utilities in Florida are continuing to raise rates; the rates are initiated, which have been frozen since 2008, with no CPI and adjustment, and falling behind; the rates are put in, it starts to come up, the other utilities will be going ahead; it is not a goal to keep up with them, but to keep the utility solvent, healthy, gain needed capacity, and to work on replacing the failing structures; and there would be no way of keeping up if there is no CPI because of rising costs with energy, healthcare, and benefits, that are continuously going up. Commissioner Anderson reiterated the impact on his residents is very small compared to all the other District's; and he suggested them working it out and letting him know where he needs to go with this.

Commissioner Nelson stated the more borrowed is more paid over the course of this; he thinks the difference is doing 70 percent of the project and 100 percent of the project; with what has been proposed for bonding, it is about \$25 million paid in debt over 30 years; he prefers the CPI because it has a businesslike approach to it; and he would have it deviated in the project, which is where he thinks the future Board needs to look at what is getting done instead of how to fund this list. He went on to say there are trucks in the system that are now eight to 10 years old; every Department in the organization could come up with a list like this; they all cannot be afforded; and he would like to stay with the index and look at the total amount of the project needing to be done.

Commissioner Fisher inquired how to pay interest if it is not being used yet. Mr. Ori explained it is rate structure; there is a bond amount borrowed of \$25 million; to work with the financial advisor to structure that bond is level debt services, like with a mortgage with level payments,

December 17, 2013

the debt could be ramped up to have zero payments upfront; that is more expensive in the long-term with interest, but less of an impact to the existing rate payer; the Board should be conservative in the rate structure calculations because the market hold is unknown and there are bond issues for improvements and expansion; and it is about \$70 million and 50 percent of the total program. He went on to say he does not want to go above 50 percent of the total program, because ratings look at how much debt is being issued related to projects; and once the bonds are issued, paying interest starts. Commissioner Fisher stated if rates move one or two percent over the next four or five years, it could change because it is a huge bond. Mr. Ori replied the assumption is the first bond issue will be issued by about an average interest rate of about five percent; there is no outstanding debt right now; the other part of this program is to keep the County strong financially to get a very good credit rating; rates will be going up, and when it is, is unknown; if there is borrowing with higher interest rates, more will be paid unless less debt is issue; and if the rates are kept flat and interest rates goes up, the principle amount has to drop for the same payment, and could cause a double risk there.

Commissioner Fisher advised Commissioner Nelson he has concerns with the rate issue, costs going up, and he does not have a project that he is willing to drop; he does not have confidence in what it might look like a year from now here and down-the-road; those projects may not ever get funded; there is probably more in District 2 that would be affected because Commissioner Bolin Lewis seems committed to her project; and District 5 does not have much. He stated he wants all of his projects on there; he does not want to see Commissioner Nelson getting hurt on this; he suggested for him to vote no; and he will take the blame for raising the rates.

Commissioner Infantini inquired if the bonds are being tied to the CPI; and will it be a set rate based on today's market rate. Mr. Ori responded the bonds are not tied to the CPI; and yes, it is setting rates for 2014. He explained the pledged repayment of those bonds is the net-revenues of the utility system; they are not taxes from the general government; it is the rate that is the pledge; by way of example, if the County had \$30 million in revenue which is a little bit higher than where it is today, assuming there is one percent growth, that is \$300,000, there is \$20 million in operating and maintenance expenses right now, and if it goes up three percent, that is \$600,000; and it is already a negative decline and that is why the CPI is there to preserve that net revenue margin to pay the debt, because cost is uncertain out there. He stated he is trying to set the financials and rates today to pay the debt so that in five years, if the CPI is not done, there will be the discussion again, but not looking at 15 percent rate adjustments; and it would be marginal inflation area adjustments, if anything.

Commissioner Nelson stated this list contains things that are critical, things that will need to be done within the next few years, and things that are longer term; if nothing was done, they would keep the system up and running with more of a challenge; this is literally rebuilding the whole car at one time; and he thinks when a business is going to see the kinds of increases being talked about will have an impact. He added, the Board got beat to death over Solid Waste for 13 percent; and this is a 51percent increase, potentially up to 70 percent, and he cannot get there. He advised the alternative is borrowing less and doing more pay as it goes, and to reset it in several years to see where it has gone to is where he would like to go.

The Board adopted Resolution No. 13-229, amending Resolution No. 08-200, increasing the schedule of rates, fees, and charges for water, sewer, and reclaimed water, including the systems located in the South Central Services Area; and adopted Resolution No. 13-002, amending Resolution No. 08-002, increasing the schedule of rates, fees, and charges for water, sewer, and reclaimed water for Barefoot Bay Water and Sewer District.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Mary Bolin Lewis
<b>NAYS:</b>	Chuck Nelson, Andy Anderson

Mr. Tipton inquired if the Board will consider adding to the action taken to authorize staff, the County's bond counsel, and the financial advisor to begin working on the financing of all or part of the approved capital improvements authorized in the Agenda Item.

Commissioner Nelson stated he would like for staff to take a look at the ability to do some extension of lines, whether it's in the Grant/Micco area, because he thinks there is opportunity to abate the County off to try to get the ability to front some money so there are fewer septic systems; and to bring it back to the Board for it to see what that looks like.

Commissioner Infantini suggested the Melbourne Beach area has somebody that is working very hard to extend the lines down to their community for conversion.

Mr. Adolphe advised there is a mechanism right now that is set for transmission zones that has a connection fee for the plant, but there is also a connection fee for setting up the transmission, if collection is ended.

Commissioner Fisher stated this is an opportunity to get the system in shape for expansion and growth.

The Board authorized staff, the County's Bond Council, and the Financial Advisor to begin working on the financing of all or part of the approved Capital Improvements authorized in the Agenda Item.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM VI.A., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMEND ZONING REGULATIONS TO PROVIDE FOR OVER HEIGHT SCOREBOARDS AND OTHER SIMILAR OR ASSOCIATED OUTDOOR VIDEO DISPLAYS**

Commissioner Infantini stated she placed this Item on the Agenda and she would like to pull it; and she will be bringing it back at a later date.

Chairman Bolin Lewis advised she needs to discuss with the Board how to handle such additions to the Agenda; this is a reproduced of a former Item that was already processed, voted on, and approved; and she thinks that if it is going to be an Agenda Item, it needs to be something new, not recycled, and the reason for it to be on the Agenda, which would be in the purpose slot on the Agenda Item.

Commissioner Fisher advised he did not understand the Agenda Item itself.

Chairman Bolin Lewis noted that all Agenda Items must have a pertinent issue and a fresh indicator on the Agenda Report.

The Board took no action regarding legislative intent and permission to advertise amended Zoning regulations to provide for over height scoreboards and other similar or associated outdoor video displays; and directed staff to ensure all future Agenda Items be pertinent to the issue and be a fresh indicator.

**ITEM VII.A.1., VAIVER REQUEST, RE: MODEL HOMES FOR ARRIVAS VILLAGE (13WV-00968) - THE VIERA COMPANY**

The Board approved waiver to Section 62-2845, of the requirement allowing up to two single-family building permits for model homes, and allowing four permits for models on residentially-zoned property in Arrivas Village, as petitioned by The Viera Company.

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

**ITEM VII.A.2., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE AMENDING BREVARD COUNTY CODE CHAPTER 46, ARTICLE VIII, ENTITLED FERTILIZER USE ON URBAN LANDSCAPE**

Ernie Brown, Natural Resources Management Director, stated staff is bringing before the Board today legislative intent and permission to advertise amendments to the Fertilizer Ordinance; it may recall on October 17th at the Lagoon House there was a special workshop on the Indian River Lagoon; there was an excess of 300 citizens in attendance there; it was a very in depth conversation; and this Board unanimously directed staff to bring these elements back for its consideration. He went on to say in 2012 when staff first looked at a Fertilizer Ordinance, the Local Planning Agency (LPA) had made several recommendations for a stronger ordinance; and staff has based their recommendations around the LPA's recommendations to the Board. He stated during the October 17th meeting, there was a lot of conversation about the catastrophic decline of the Indian River Lagoon; he does not think there is a debate that the Lagoon has lost a great deal of its resiliency, and that more is needed to effectively address the restoration of that system; there is no debate any longer that the economic vitality is also linked to the Lagoon; and in the sentiment of the Board in that context, there were several items it asked staff to bring back, and this was one of them. He pointed out what is before the Board is just legislative intent and permission to advertise; and staff is requesting the Board set a date for a public hearing on this. He advised the Board he wants to highlight stronger elements of the existing Ordinance; the LPA last year asked the Board to consider no fertilizer containing phosphorous to be applied to turf and landscape plants in Brevard County unless the soil or plant tissue efficient is verified by the University of Florida; they also asked the Board to consider that the nitrogen content of fertilizer applied to turf or landscape plants within Brevard County should contain at least 50 percent soil release nitrogen per guaranteed analysis label; they also asked the Board to consider the prohibition of fertilizer application during what they call a restricted application period of June 1 through September 30; and they asked the Board to consider increasing the width of the fertilizer free zone, which is existing in the Ordinance now, from 10 feet to 15 feet along the waterways, and delete a three-foot exception for those applications that are using a spreader shield. He went on to say they also asked the Board to

December 17, 2013

consider increasing the width of the voluntary low maintenance zone, which also exists in the current Code from 10 to 15 feet; and he has attached the existing Code and the proposed amendments, what they would look like, for the Board's consideration as an attachment. He noted the existing Ordinance does require a great deal of education, because staff believes it is an education-based Ordinance and that additional work the County would need to make investments in the educational element to the community.

Howard Tipton, County Manager, stated on the Agenda Item staff offered February 13, 2014, as a date the Board could consider for the public hearing; staff would propose that be moved to March 6, 2014; it is a Zoning meeting at night to address the item; and staff anticipates a lot of public interest.

Rick Mariani, Treasurer of the American's Men's Club of Brevard, stated he grew up in Brevard County in a different environment; there is a lot of development since he was born in 1959; and on the 4th of July they used to eat a lot of oysters locally. He went on to state there are terrible things going on in the Lagoon; there is no doubt that putting a lot of nitrogen and phosphorous into the water system is bad; the Board cannot fix it all on its own; and it needs to work together with other agencies. He pointed out the citizens have the responsibility to help clean up the Lagoon. He noted regarding enforcement of a strict ordinance, for the Board to give incentives to the homeowners and businesses to comply and work for cleaner waters. He asked the Board to demonstrate leadership and cooperation and to help with this issue.

Ron Bobay stated he is present to express his support for the public hearing; common sense and good judgment make this a prudent action; and he wants to be sure there is a voice of support for all of the reasons the Board is aware of.

Jason Steele stated the Board knows people love the Indian River Lagoon; and there is no one present who does not want to see the Indian River Lagoon thrive. He stated there are literally 100 different things that can be pointed at that is detrimental to the Indian River Lagoon; today the Board is asked to choose the one basic thing which is fertilizer; the Board accepted the model ordinance about a year ago; and that model ordinance said if the Board is adding anything more stringent to the model ordinance, it must be based on science. He stated there is no science that the proper application of fertilizer is the deterrent to the Lagoon; there is science that says the opposite; and inquired why the Board is pointing its finger at the application of fertilizer in yards where there is no science that says it is detrimental to the Indian River Lagoon. He stated one of the things Waste Management does is recycle, yet he does not see the Board offering up an ordinance for mandatory recycling. He went on to say education is important; and he has worked with the Marine Resources Council and the fertilizer industry to talk about ways to solve these problems; if everyone pulls together and not fight about it, everyone will be a lot better off. He stated the stormwater fee will give the Board the science it will need to know; there are a lot of people who are doing their jobs correctly; and the people who will be mostly penalized are those people.

David Laster stated he has been in the fertilizer industry for 32 years; he has been to every lawn ordinance meeting held; scientific proof apparently does not mean much from some of the feedback people are getting; the Board is passing an ordinance; and he inquired how to enforce this ordinance. He went on to say the Board would be passing an ordinance that could not be enforced in the private sector; if a person can buy three bags for less of another product that is not 50 percent soil release nitrogen, he or she will buy it; and it comes very discriminatory. He pointed out the professional industry is not applying products over top of what is needed; there was a test study in Wekiva said that homeowners were applying one pound of nitrogen per 1,000 square feet and the professionals were applying two to three pounds of nitrogen per 1,000 square feet; and as a professional, he knows that much nitrogen will burn a lawn. He stated they know when a lawn needs products; they add them to create a healthy lawn, which

December 17, 2013

stops runoff; it makes for a healthy lawn in the growing season when the products are needed; and a thicker, healthier lawn keeps it from leaching. He noted there are so many things that have happened over the past ten years, such as the three storms in a row; the clamming industry came in 15 years ago and clamed out the river, dug up the grass beds, dug up the bottom, created silt, and cut off the photosynthesis right off the bat; and they took out the natural filtering system of the Lagoon. He stated IFIS and University of Florida back up the lawn industry; it is very discriminatory and does not make a lot of sense; and the County cannot really enforce this program to really make it work and to be successful.

David Massey, Massey Services, stated he and his family frequent the Lagoon every single moment they have free time. He stated he loves the Lagoon probably more than the environmental agencies that are fighting for stricter ordinances; what concerns him is they are trying to take a cup to catch a drop of water during a flood; previous speakers touched on other reasons the Lagoon is declining; and that is what needs to be focused upon. He stated what they provide as an industry is a filtration system for water; if the County takes nutrients that are necessary for that filtration system away, the lawns die; and they are trying to restrict a growing organism from the food it needs to provide. He went on to say the restrictive ordinance being considered is trying to impose a nitrogen restriction during the time when grass and plants need nitrogen the most; it would be handcuffing the industry where it now has to overload nitrogen on the front end and back end; and that is defeating the purpose. He stated the Board should allow trained professionals to continue to provide the professional job.

Steve Konrath, Scott's Lawn Service, stated he helps protect the Indian River Lagoon by managing the Brevard County customers lawns according to the model ordinance; they have several green industry best practices master trainers on staff; each and every one of them are DEP GIBMP certified; they put into practice the best application methods for Florida's unique climate; and the combination of research-based regulatory and industry initiatives create powerful response to water quality concerns in the urban environments. He went on to say the model ordinance is working as it was developed by a broad group of experts, environmental groups, state agencies, water management districts, and university researchers; and it is a comprehensive ordinance that has proven successful in the cities and counties that have endorsed it. He pointed out the proposed changes regarding summertime fertilizer restrictions are not based on science and likely will not produce any meaningful results; it is already confirmed that lawn fertilizers are a very minor source of nutrients coming into the waterways; the model ordinance adopted last year is addressing this; everyone depends on a healthy environment; and the lawn care professionals are committed to doing their part in helping protect Florida waters. He requested the Board make a fact-based decision based on science; and to keep the current State model ordinance in place as it is working.

Commissioner Bolin Lewis's absence was noted at this time.

Carl Ferry, Scott's Lawn Service, stated the model ordinance that was passed by the Board is working; it is based on science; and anything over and above that would raise a question if it was based on science or if it is just emotions.

Elliot Zace stated the meeting was opened with a prayer; and he sincerely hopes the Board stays true to the prayer in being fair and just. He stated it gets difficult in listening to the claims of what fertilizer is doing; articles have been written about the Lagoon and its state of health; inquired if nitrogen and phosphorous from fertilizer is the culprit, why are people pointing at virus's, changes in salinity, freshwater from Lake Okeechobee, septic tanks, cold snaps, and the major cause of the decline of the Lagoon; and stated to date, there has been no proof to show that urban fertilizer is causing the Lagoon's health issues. He advised it is untrue to say people cannot have the Lagoon and fertilizer; to force companies to go with a completely different program is simply wrong and unfair; inquired what if the Board's decision to adopt a stricter

December 17, 2013

ordinance is wrong and causes more harm than good; what if lawns decline over time and accelerate leaching and runoff; and what will the Board do to correct that wrong. He asked the Board that what it decides today exempts the professionals. He advised the Board in the private sector, this would not be enforceable.

Commissioner Bolin Lewis's presence was noted at this time.

Ed Wegerif, Director of Public Works, City of Cocoa, stated the City of Cocoa City Council passed an ordinance similar to the County ordinance with direction to staff to bring it back to them for additional consideration; the City Council directed staff to bring back a rainy season ban on nitrogen and phosphorous from June through September, use of fertilizer with at least 50 percent slow release nitrogen, and a fertilizer free zone east of Indian River Drive and Riverside in Cocoa; and the City is in favor of a comprehensive and consistent ordinance Countywide.

Commissioner Nelson inquired would the City of Cocoa support an opt out provision. Mr. Wegerif stated he cannot speak on behalf of the City Council.

Steve Lum, President of Slug-a-Bug, stated there is no question that there needs to be education; everyone should join in and seek to solve the issue and heal the Lagoon; as the Board crafts its ordinance and consider new restrictions, he would like the Board to consider what not to do; it is fundamentally wrong to enact ordinances that become nothing more than feel good, when those ordinances do not provide for enforcement on a broad scale due to a lack of resources and consequently will not be fairly enforced or enforced at all; and it is fundamentally wrong when counties and cities routinely excuse themselves from the ordinance. He went on to say it is wrong when each city and county create a patchwork of ordinances where each agency creates differences in their ordinances to one up each other to say how their city loves the Lagoon more than someone else's city; and that is reality today. He pointed out it is wrong to pass restrictions that increase the cost of business, and force small businesses to increase prices when it is not even proven that the restrictions work or are necessary; it is wrong to make best guess formulas or opinions that will definitely hurt people when the Board is really unsure what to do; it is wrong to assume that additional restrictions that have not been justified are not a big deal for small businesses; and he represents dozens of one, two, five-man businesses. He added, it is wrong to assume that actions and ordinances done elsewhere actually prove to apply in this area to Brevard County's unique conditions; it is wrong when it only affects one sub-set of people, the people who have been trained, educated, certified, and as of January 1st, every member of the pest management industry must be licensed and have to submit a specific license to apply; and it is wrong to be singled out as it feels discriminatory. He stated it is wrong to tell private property owners that they do not have the right to decide which beneficial life organism, grass, to put on their lawns because it takes more to care for it; it is wrong to create an ordinance that advertises itself as an educational tool without providing for any of that education; the pest management industry support beneficial regulations; they are for the model ordinance because it does not do the things that should not be done; and when the science says something has to be done, they do it. He stated he wants to make a lasting legacy; time and time again when the right thing is to sacrifice, pay more, and cost increase, they will invest more; and as an industry, they are required to do whatever the Board says. He advised if the Board does not have the right tools to make the right decision to add the restrictions.

Thomas Wilson, Slug-a-Bug, stated his wife is a marine biologist who works with the Lagoon; he attended the Marine Resources Council meeting and knows a lot of the scientists who have served their; and he knows some of them on a personal level. He noted the general perspective they have discussed is absolutely true as there is no silver bullet in saving the Lagoon. He pointed out what the Board is asking the lawn control business to do if it goes with a stricter ordinance, is for them to become the problem; it is asking them to make applications to plant

December 17, 2013

material and grass in a manner that would contribute more towards being a problem to the Lagoon; the way they do things now, the way the model ordinance is set up, is the way things should be done; and there is a reason why that is the case. He went on to say IFIS is who came up with the model ordinance; they were the main researcher and most heavily invested in researcher in the State; and it is who everyone relies on for just about everything. He inquired why anything beyond that is being talked about. He stated the Board has already approved the model ordinance; and inquired if it knows it is right, why it would go beyond that to put things into place that would force the lawn control industry to become part of the problem. He stated the model ordinance is set up to give everyone a set of parameters that does not damage the Lagoon, does not damage waterways, it is focused on non-point source of pollution, which is the problem; and it still keeps the filter healthy. He stated what are needed is industry professionals and private citizens, who are educated and know how to do this the right way, keep the filter strong, and that is the industry's portion of keeping the Lagoon healthy. He asked the Board to stick with the model ordinance and make sure what it does is scientifically based.

Todd Josko, Florida Turfgrass Association, stated the Ordinance the Board adopted was not really what the industry or others wanted; it was the right decision then and is the right decision now; nothing has changed scientifically in a year; and obviously, the situation has changed with the Indian River Lagoon. He went on to say there are costs involved with these restrictions; the two that are the worst are the blackout period and the 50 percent slow release; for a County this size to enact a 50 percent slow release mandate on professionals, is probably \$100,000 a year in increased fertilizer costs; and that could put companies out of business. He stated the 50 percent has been taken out of thin air; there is nothing that says that is the number; there is a slow release requirement on the books already; and he reiterated it will be devastating for businesses. He stated the Board is looking at taking professionals out of production for four or more months to prohibit them from fertilizing for five days. He asked the Board to move forward but not to include a black out period or 50 percent slow release rate.

Mary Sphar stated consistency along local government boundaries avoids a hodge podge of regulation which no one wants; consistency is essential to a strong educational message; and the Fertilizer Ordinance works through education. She went on to say after the 2012 LPA meeting where it made the recommendations for a strong ordinance, they had hopes that the County would pass the LPA recommendations and that the municipalities would pass similar ordinances; that opportunity has passed; the municipalities are in the process or passing strong ordinances that are consistent with each other; and now it is the County's turn to join the municipalities initiative and make the County Ordinance consistent with the municipal ordinances. She noted the most similar draft produced by the County to the strong municipal ordinances is the LPA recommendations; she supports using the draft ordinance proposed by staff with the LPA recommendations because it is similar to the municipal ordinances; the Board has before it a chart that compares the proposed County ordinance to strong municipal ordinances that have been through at least one public hearing; and on the chart, the Board can see the municipal ordinances are consistent with regard to the rainy season ban, no phosphorous without a soil test, at least 50 percent slow release nitrogen required, and with regard to the golf courses, athletic fields exemption. She went on to say they do differ in the fertilizer free zone because of local conditions regarding the Lagoon shoreline; there are some minor differences between what staff has proposed and the municipal ordinances, which are all in line; and she would like the Board to make minor clean up changes to the Ordinance that would make it come into compliance with the strong municipal ordinances, because municipalities have valued consistency. She provided the Board with suggestions of minor changes to the proposed ordinance. She requested the Board advertise for a public hearing with those three clean-up items.

James Lindblom, Tru Green, provided the Board with a picture of one of their lawns from 2008; stated it was taken in April; this is from a lawn that gets consistent applications throughout the

December 17, 2013

year, including the summer time; the Board can see where the fertilizer stays where it is put; and the ring from the grass to the water that is not fertilized. He requested the Board stay with the model ordinance with no further restrictions.

Maureen Rupe stated this has worked well on the West Coast; if there were numbers, the turf industry would have told the Board how many jobs that have been lost there; and that has been in effect for some years. She stated they are even building more buildings for the industry. She stated the public needs to be educated; and she talked to the Board about other County Ordinances that could not be enforced. She advised the Board in 2011 she had an email from the duck hunters that showed that Scott's had vowed to get rid of phosphorous by 2012; she does not know what happened to that; but it appeared to her if they were ready to get rid of phosphorous in their fertilizers, there must be something wrong with it. She noted people think because they are environmentalists in their boards that they do not have scientist on them, but they do. She stated it is water quality that is being discussed; and she requested the Board go forward with the public hearing.

Commissioner Infantini stated many of the speakers before Ms. Rupe have referred to the science, they said make a decision but base it on science; she tries to pride herself on doing that; and inquired what scientific data is there to support stricter requirements such as not putting fertilizer on the lawns during the rainy season. Ms. Rupe replied stated she can send Commissioner Infantini the scientific proof. Commissioner Infantini stated she wants to make the right decision for the right reasons. Ms. Rupe pointed out it is not just one thing, it is a number of things; and people only need to look at the river.

Nancy Higgs stated the waters of the Indian River Lagoon are impaired; the citizens as the keepers are charged with taking steps to help it be less impaired; there is no one way to heal the Lagoon; what the model ordinance says if the Board accepts the model ordinance, is it will get credits against its Total Maximum Daily Load (TMDL); and if the County does take action, it will be good. She stated there is a reason for the Board to act in a practical sense relating to TMDL that are required to the area. She stated this is something IFIS has recommended for years. She pointed out she has lived in Florida all of her life; she cannot predict the weather; there is some guidance needed as to how to have a standard so people will not be in violation of the ordinance unwillingly; and she urged the Board to pass the recommendations that the LPA sent to the Board several months ago.

Commissioner Anderson stated the Lagoon is too important not to have the conversation, so he is fine to advertise, have the conversation, and bring it back; he has not received anything from staff or anyone who is in favor of the Fertilizer Ordinance how to enforce it, what it looks like, how to enforce it without violating personal property rights, is the County going to be proactive or reactive, and how intrusive should the County be; and he has to have all those answers before he gets close. He stated the County Parks have to be a part of it; the biggest city in the County is going with the model ordinance; and the County can do everything it wants but there will be over half the County population will going by the model ordinance.

Commissioner Infantini stated she is not for certain exemptions for the County and then to say other people have to do something different; she would like staff to entertain is she thinks most of the abusers are individuals, not corporations; if there are going to be a class of exemptions, the professionals should be exempted; they are not the problem; and individuals who do not do their homework are the ones over-applying the fertilizer. She inquired who will enforce this ordinance.

Commissioner Nelson stated the Board has to have the discussion as it promised its citizens it would. He went on to say he watched the County's contractor applying fertilizer in the rain; everyone is human; and it does not always work out the way a person thinks it does. He stated

December 17, 2013

he agrees with consistency; if it gets approved to allow the cities to opt out; but at least it gives framework for everyone to follow. He stated the Lagoon was beautiful before yards and people started living on the Lagoon; there is no single answer; the Board needs to seriously look at this; and if the industry is right and is all he has done is his grass is not as green as it could be. He stated he is fine to give benefit of the doubt for closure for one-third of the year to protect the Lagoon, it is not a bad choice.

Commissioner Fisher stated the Board needs to have the conversation; he asked Joe Duda how it will affect his golf course; and Mr. Duda said it would not affect him at all. He stated he is not sure if the County should exempt its parks because he is not sure if they can really be controlled, but there is an educational process, and most people want to obey the law. He stated he would like to see this to have a time period to see if it improves the Lagoon to see what happens over a period of time. He stated he would like to hear from the industry how it would affect them.

The Board approved legislative intent to consider amendments to Brevard County Code, Chapter 46, Environment, Amending Article VIII, Entitled Fertilizer Use on Urban Landscape; and directed staff to schedule the public hearing for March 6, 2013, and to notify the public.

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

The Board recessed at 1:11 p.m. and reconvened at 1:18 p.m.

### **ITEM VII.A.3., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: STORMWATER UTILITY ASSESSMENT**

Ernie Brown, Natural Resources Management Director, stated what staff has before the Board today is another action directed by the Board at the October 17, 2013, meeting at the Lagoon House; the question came up as it relates to the stormwater utility assessment; the stormwater utility assessment was instituted by the County in 1991; and it was \$36 a year, and has not changed since that time. He went on to say staff has put together for the Board some scenarios that are available for the Board's consideration; and they are seeking direction how the Board would like to advertise this information. He noted staff did a willingness to pay study in 2009; this was before the clear and convincing evidence of the Lagoon's collapse; and that was in the County's economic down turn period. He pointed out approximately 54 percent of those who were surveyed were willing to pay approximately \$19.61 more to improve water quality and flood control more than the existing \$36 fee; and the medium response was approximately \$15 more to effect water quality and improve flood control. He stated if there had been a mechanism to keep up with the Consumer Price Index (CPI), the \$36 in 1991 would be \$64 today as far as buying power. He stated staff is presenting these to the Board in the context of what it would like staff to be advertised; if staff advertises this as a public hearing, they cannot go above that, but they can always go back; in this particular scenario each individual rate payer the proposed amount that they may be impacted by, any maximum or worse case scenario the Board may take; the first is raising the fee from \$36 to \$52; and the second is raising the fee from \$36 to \$64. He stated other considerations staff would like the Board to deliberate upon is if the credit structure should be revised; currently, the County has a 20 percent maintenance credit, with up to 80 percent credit for design; in 1991 if a stormwater system was designed and implemented, the County would get a credit against its stormwater assessment; and he inquired

December 17, 2013

if the Board would like to reconsider those as well. He went on to say the third element is raising the minimum fee to \$5; back when the Ordinance was established, the minimum fee was \$2.35; if a person received a bill less than \$2.35, he or she did not receive a bill; and everyone else has established that as a \$5 minimum. He stated the fourth item is if the Board is willing to entertain adding the CPI to future year rates to keep up with inflation and ensure relatively constant buying power. He provided the Board with a PowerPoint presentation. He stated starting on October 17, 2013, staff looked at a broad view restoration strategy for the Indian River Lagoon; the first component is to continue to reduce the detrimental inputs coming into the Lagoon; to remove the muck; and to restore the filter feeders, oysters and clams. He pointed out the Board boldly took action to immediately initiate the Oyster Restoration Program in October; that is moving forward by programmatic standards that will be implemented in January; they will be rolling out 100,000 oysters in January, 300,000 in February, and 600,000 in March to meet the goal; and that partnership with the Brevard County Zoo is extraordinary. He stated there is a lot of conversation in Tallahassee about a \$20 million a year allocation for a given period of time to address the muck; there is a lot of momentum there; and they recognize the need for that. He stated there is from five and seven million cubic yards of muck in the Lagoon that is deemed detrimental; and that area is moving forward as well. He explained to the Board where the County is short is reducing the inputs. He stated there are over 1,500 stormwater outfalls in Brevard County; that is a lot of discharge points; breaking those down, 669 outfalls are in the cities, 874 are in the County; in the County, only 11 percent have some form of stormwater treatment; and almost 90 percent of those are dumping untreated stormwater straight into the Lagoon. He stated the County does not have the funds to accomplish this; there have been over 400 stormwater projects; that was an excess of \$40 investment from the County and from grants; and from 2007 forward, the County has been able to leverage its limited resources with State and Federal grants to almost double the amount of money available to implement. He stated now the County's ability to do so is compromised because the revenues; the number of staffing has been static since 1991; and there is a great deal of outsourcing for consultants and things of that nature. He stated the funds would be going to implement the improvements and the infrastructure and the maintenance of those. He stated stormwater program directives have been since 1991 focusing on water quality and flood mitigation; the County has invested a lot into the community as it relates to flood mitigation; the County has invested over \$7 million of local dollars and State and Federal dollars to drastically mitigate those flood impacts; and there is a lot of work to be done. He stated the dollars would be targeted to retrofit projects, such as baffle boxes and treatments ponds and untreated discharges; it would go to support and partner with St. Johns River Water Management District and other entities for the re-diversion and treatment of fresh water inflows back to the St. Johns River; the dollars would also target aquatic weed harvesting; and they would assist in increased street sweeping and baffle box maintenance. He went on to say other elements are to sustain the filtration restoration programs, oysters, clams, and wetlands effort; and then targeted research and public outreach. He stated he provided the Board with rate examples as to where Brevard County is; he looked at the large municipalities in Brevard County, and set it within the fray of that; and no one has less than \$3 a month, which is where the County currently stands, equating to \$36 a year. He stated Melbourne is \$3, Rockledge \$3.75, Palm Bay \$4.47, Satellite Beach \$4.50, Cocoa \$5, Cocoa Beach \$6, and Titusville \$6.46 per equivalent residential unit. He added, Volusia County is at \$6, Sarasota County is at \$7.55, and Charlotte County is at \$10.71 per equivalent residential unit; and the FSA Statewide average is \$5.52 per equivalent residential unit. He noted Brevard County is one of the lowest with frankly the greatest problems; the County has the responsibility of 77 percent of the water body of the Indian River Lagoon; that is no small feat; and it is a significant responsibility. He pointed out it would put Brevard County in the middle of the pack if it went from \$36 to \$52; and it would put the County below the State average at \$5.33 a month if it goes to \$64 a year. He stated this would mean approximately an \$85,000 investment to revise the stormwater program to do the advertising because staff has to go out and provide the specific information to each rate payer; and he inquired how the Board would like staff to proceed.

December 17, 2013

Rick Mariani stated one of the earlier comments made by a gentleman from the lawn and pest industry was about property rights; unfortunately there is a precedent that a person does not have an unlimited right to do what he or she wants to do; Florida would be exactly like Arizona except for the huge aquifer it has up north; and it pumps in tons of fresh water every day that Florida benefits from. He stated people need to do what they can to save the Lagoon; and it is not just any one thing. He stated to bring on the scientific tests, because he is confident that they will back up the fact by reducing the amount of fertilizer and managing water, there will be positive results.

Ron Bobay stated a professional friend told him three things he should remember, to be short, sisinked, and to be seated. He went on to say he is in support of the advertisement on this particular ordinance; the Board realizes it is a multi-faceted approach; there have been gains made in this area; but there is more progress that can be made. He advised he would be an advocate of at least the State average if possible; it has been many years since the adjustment has been made; the cost of doing business has continually risen; and if the County is going to keep the same level of support, it needs to provide the same level of financial support for this.

Commissioner Infantini stated she did a little homework and she found that in 1991 this rate was implemented; the Board started charging a stormwater assessment; prior to that all of stormwater management was taken from the General Fund; it was an allocation of tax revenue; but they wanted to increase the revenue stream and have a dedicated source so a charge of \$36 was implemented per year. She went on to say in 2009 a survey was done and they found that 53 percent of individuals would support a tax increase; in 2013, just a couple of months ago, *Florida TODAY* did another study; and they found that 82 percent of the people said they would not support a tax increase to make improvements to the Lagoon. She pointed out that does not mean people do not want a clean Lagoon, it means after two consecutive years, 2010 and 2011, the taxpayers feel the County has received enough; and the County should fix it, reallocate it, and reprioritize it. She stated for her she is 100 percent opposed to even doing an advertisement for a hearing; the Board needs to allocate its spending; things need to be reprioritized where it is spending money; and the amount of money coming from the Florida Power and Light Plant every year going to the NEBDZ more than exceeds the amount of revenue that would be generated if the stormwater fees are doubled.

Commissioner Fisher stated he spoke to staff yesterday, and he told them the conversation needs to be had and this needs to be advertized, but there needs to be a clear understanding where the money is going to go; and hopefully something will be done to clean up the Lagoon. He went on to say the County needs to address the amount of outfalls not getting not treating the stormwater; that is something the Board can do; if this has support in coming back to the Board, he would like to see a good understanding of exactly how the Board is going to spend the money; and he is not supportive of revising the credit. He pointed out those people made those improvements when they did it, if that was taken away, their increase would be bigger than what has been discussed; he needs a good understanding of how this will affect the commercial rate; the Board discussed the priorities, and the Lagoon is a huge economic driver force; and the Board needs to talk about if it is going to do its part to clean up the Lagoon.

Howard Tipton, County Manager, stated to Commissioner Infantini's point, if she could provide the Board a copy of that study; he knows *Florida TODAY* did a survey; some of that was based on the TPO looking at the roads issue; he does not think it was the Lagoon, the one he is thinking of; and inquired if Commissioner Infantini could provide staff with the survey on the Lagoon, it would be appreciated.

Commissioner Infantini stated as soon as she realized this agenda item would be presented, she mentioned the 82 percent because her husband reads the surveys all of the time; they went back and they pulled it; the study was done just before the Lagoon Workshop; and there were

December 17, 2013

items on there from September. She stated perhaps Dave Berman would be kind enough to get the study for her.

Commissioner Anderson stated he would like to see that because his recollection was 82 percent in favor of paying more, because he was shocked when he saw it. He stated that is a non-scientific poll.

Commissioner Nelson stated to correct something Commissioner Infantini was eluding to that the Board deals with stormwater in the unincorporated portions of the County, it does not deal with it in the cities; it would be inappropriate to take a Countywide funding source to do what she is saying; and it cannot be done, it would be illegal. He went on to say he would like to advertise the \$64, because that can come down; he down not know where he stands on that, because he wants to see some of the information; he Board is going to philosophically change what it does in all aspects of government, whether it is road building, to treating water, or going back and doing retrofits, because it is not a single solution for the Lagoon; and the Board should be prepared to deal with a variety of those.

Commissioner Anderson stated the Lagoon is an important topic; he is not totally there on the rates and where they should be set; but they might as well be set at the highest level; and he wants to hear what the public has to say.

Commissioner Infantini stated it is completely legal to allocate General Fund money there, and if not from Fund 1 from Fund 2 it definitely is legal, because the Lagoon benefits the entire County.

Commissioner Anderson stated as a City of Palm Bay resident, it does bother him, because they pay a lot in stormwater fees; and people in unincorporated where the water runs through does not pay as much as him; and he inquired how is that fair.

The Board approved legislative intent and granted permission to advertise revision to the Stormwater Utility Assessment from \$36 to \$64, increasing the level of service for flood protection and to meet federal and State water quality mandates, adding the Consumer Price Index (CPI) to future year rates, and to maintain the current credit rate structure; and approved the March 6, 2013, Zoning meeting as the public hearing date.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Chuck Nelson, Commissioner District 2
<b>AYES:</b>	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM VII.C.2., PERMISSION TO TERMINATE, RE: CURRENT TOURISM DEVELOPMENT WEBSITE VENDOR CONTRACT WITH FLORIDA TODAY COMMUNICATIONS, AND NEGOTIATE CONTRACT WITH SECOND PLACE VENDOR, SIMPLEVIEW**

Rob Varley, Tourism Development Director, stated what staff is asking is they contracted with a web development company, actually *Florida TODAY*, and their Gannett Home office in Nashville to rebuild their site; they were chosen by the Tourist Development Council; they realized through mutual agreement that contract was not going to be able to be fulfilled with the technology their portion in Nashville was providing; and they agreed to mutually terminate the contract and go to the second provider. He went on to say *Florida TODAY* gave them great

December 17, 2013

content from the local office, and a rich selection of photographs and a video, but the guys in Nashville were not able to provide them the technology to make it a competitive site.

Commissioner Infantini stated she wanted to consider instead of giving it to another contractor, she has worked with individuals at Florida Technology that are both students or outside subcontractors; they more than have the capability to design this type of website; and it would be one individual person accountable for the work.

Mr. Varley stated the reason staff is recommending to go with this company is the TDC agreed that the Simpleview actually was the only company that the marketing committee rated number one; and this company maintains over 200 destinations websites around the world.

The Board granted permission to terminate current Tourism Development Office Website vendor contract with Cape Publications, d/b/a/ *Florida TODAY* Communications; approved to allow the Tourism Development Director, County Attorney, and County Manager to negotiate with the second place vendor, Simpleview, for website development, maintenance, and a Customer Relationship Management (CRM) system; and authorized the Chairman to execute the agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chuck Nelson, Commissioner District 2
<b>SECONDER:</b>	Robin Fisher, Vice-Chairman/Commissioner District 1
<b>AYES:</b>	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

**ITEM VII.D.1., AUTHORIZATION, RE: FILE ADMINISTRATIVE CHALLENGE OF THE 2012-2013 FINAL RECONCILIATION OF JUVENILE DETENTION COST SHARE ISSUED BY THE DEPARTMENT OF JUVENILE JUSTICE (DJJ)**

Scott Knox, County Attorney, stated this is a request for authorization to file a petition, to challenge a decision that did not grant credit for the payments that were made by the County; and it appears that Department of Juvenile Justice (DJJ) has subsequently send out a letter saying it may not be necessary to do this, but staff wanted to reserve that right just in case.

The Board authorized the County Attorney to file an administrative challenge of the 2012-2013 Final Reconciliation of juvenile detention cost share issued by the Department of Juvenile Justice (DJJ), pursuant to Florida Administrative Code 63G-1.017, to be filed with the State of Florida, Division of Administrative hearings; and granted authority to file any other appropriate legal action necessary to obtain the credit.

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

**ITEM VII.E.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE RELATING TO THE ENFORCEMENT AND COLLECTION OF THE TOURIST DEVELOPMENT TAX**

Stockton Whitten, Deputy County Manager, stated this Item is legislative intent and permission to advertise an ordinance that would require the establishment of an account with the Tax Collector prior to any company or individual offering or renting living quarters or operating a vacation rental property; and this item would put in place the ability for the Tax Collector, by virtue of requirement to have an account to be audited; and to examine the records of those folks that are not in compliance. He went on to say the proposed penalty for not establishing an account is \$500 per day; as he was advised by the County Attorney, there is in the proposed ordinance a time requirement but the Board does not have to go with that requirement; the County Manager has passed out to the Board some revisions made yesterday; and he will walk the Board through that. He pointed out this is an issue of fairness with regards to those folks who are currently in voluntary compliance or actually comply with remittance of the Tourist Development Tax and sales tax; staff sees this as an issue of fairness with regard to those that are not in compliance. He noted in terms of the ordinance, there were some strike-throughs that are proposed under the definition of 'Living Quarters', to strike through 'Mobile Home Parks, Recreational Vehicle Parks, and Condominiums'; on the second page the account requirement again is to be placed on those folks who are renting, and there is a requirement to establish an account even if a person is advertising for the renting of living quarters or vacation rentals; and in Section 102-125, there is suggested a 90-day sort of grace period from the establishment of the ordinance. He explained as this is permission to advertise, the Board will see the ordinance again; the suggestion is a 90-day grace period; and the Board may want to set it as a grace period from any notice to property owners that they are now falling up under this requirement. He advised Section 3 would suggest that the Tax Collector now has the ability to warrant or lien any of those individuals or companies that are not in compliance or have not paid their Tourist Development Tax; the teeth is the ability to place a lien on those individuals who are not in compliance and the \$500 per day fine is if a person is found out of compliance; there has been a lot of discussion about the under collecting of the Tourist Development Tax; and staff believes this is a proactive step, at least in terms of an educational or voluntary initiative that would contribute to additional collections of the tax.

Mike Blair stated he read in the newspaper on Sunday, that the government is proposing to put him and a lot of his friends in jail for 60 days if taxes are not paid properly on a short-term lease; someone said 60 days and a fine of \$500; and inquired if there are already Internal Revenue laws against paying taxes.

Mr. Whitten replied the Tourist Development Tax is a local tax that is State required after the local ordinance is adopted, the IRS is a reporting of income in taxes; it is repetitive with regards to that; but nevertheless, if a person is in the business of renting quarters or vacation rentals, there is a requirement to remit Tourist Development Tax and the State Sales Tax.

Mr. Blair stated it feels like big government; the Board needs to make sure he or she understands the scope of the problem; and the majority of short-term rentals are managed by management companies or realtors. He stated \$1 million at a \$1,000 a week rental would be 20,000 incidents of not paying; and the math does not work. He stated it says tourism and hotels are down; some people are under pressure; and it is going against individual homeowners. He pointed out people who rent pay taxes; and he does not think new rules should be created for them. He stated the people who are managing the condos, they list on Vacation Rental By Owners (VRBO); a permit number could be asked for to be placed on VRBO or HomeAway; there are solutions; and it is manageable. He stated threatening homeowners should be a last resort; it is bullish and easy; and there are already laws on the books. He asked the Board to dig into the details and make sure of the math.

December 17, 2013

Commissioner Infantini inquired if he is one of the individuals who rents their property for six months or less, and will be receiving the value of the tax he would pay into the Tourist Development Tax. Mr. Blair advised he is not sure he understood the question. Commissioner Infantini stated it was rhetorical, the point is he is likely to get nothing. Mr. Blair stated he called the County asking for three licenses to rent short-term; he asked which one he should get first; and staff did not know what he should do.

Commissioner Nelson stated Mr. Blair indicated he did short-term rentals; and inquired when is typical rental periods, because the County has in an Ordinance, and there is a short-term rental Policy; and a person is not permitted to rent for less than 90 days if he is in unincorporated Brevard County unless he previously filed a grandfathering for a period of time. Mr. Blair responded he lives in Cocoa Beach and he is zoned specifically for transient rentals. Commissioner Nelson stated what the Board is doing will not impact him; the Ordinance for short-term rentals does not impact him, because his zoning does not impact him. He stated Mr. Blair should be paying the tax anyway. Mr. Blair stated he is not proposing people not pay taxes. Commissioner Nelson pointed out the tourist dollars are used to advertise the community, the beach and other things associated with tourism; and he inquired if Mr. Blair is proposing that short-term rental should not but the hoteliers should. Mr. Blair replied no. Commissioner Nelson stated what the Board is trying to accomplish is creating the fairness; he did not write the article so he can blame the newspaper; and reiterated what the Board is interested in is the fairness question, and that is what will be achieved.

Howard Tipton, County Manager, stated the question is what is the value of the tax; one of the things the Board needs to remember is it uses this for beach re-nourishment the local match is the Tourist Tax; from an economic impact incentive, the County knows it has spent \$100 million on beach re-nourishment from 2000 to 2010, and the return of that is eight to one, which is an \$800 million economic impact to the community through that beach re-nourishment; and that is the local match funding source.

David Spain stated Tom Hermanson asked him to read his statement into the record. "Commissioners, Tom Hermanson, Cocoa Beach, representing the Cocoa Beach Hotel Association. Brevard County, like in every other county in the State, we have a bed tax, aka tourist tax, permitted by Florida Statute and required by Brevard County Ordinance, anyone that rents their property, be it a hotel, motel, apartment, condo, or single-family residence on a transients basis, which is defined as less than six month, is supposed to collect both sales tax and bed tax on the value of that rental. The law requires it. As Commissioners, you know the value of the bed tax. It funds many activities that are important to Brevard. The local share of beach re-nourishment, the Viera Stadium, the Zoo, Brevard Cultural Alliance, and many different cultural organizations and numerous capital projects around the County. Most importantly, 2.5 million of the eight million collected is used to market the County and support of an industry that has a \$2.9 billion annual economic impact. An industry that pays millions of dollars in property taxes and employees thousands of Brevard residents. While the number of vacation rentals in Brevard has increased significantly, there is very little effort being made to ensure compliance with a requirement to collect the tax. Estimates vary, but there is likely several million in bed taxes that go uncollected annually from unregistered vacation rentals due to a lack of understanding of the rules or disregarding. To be clear, at the heart of the problem is not the odd property owner that wishes to rent their condo to a friend for a few months once a year, we are talking about large condominium complexes and entire apartment buildings, houses up and down the beaches that are listed online as open for transient rental year round. There is currently no one asking these owners who list their properties online year round, do you collect bed tax and sales taxes as required by law. This Commission and County Tax Collector must collect the issue. Ms. Cullen claims that she lacks enforcement power to better ensure collection when the taxes are due. I encourage her to provide her office the tools to increase compliance with the requirement to collect the bed tax by all who choose to rent their

December 17, 2013

properties transiently. I would ask that you support this ordinance as written and assist the Tax Collector in educating those in the County that choose to rent their properties transiently that they are required to collect sales taxes and bed taxes on these rentals." He stated he thinks there are literally thousands of individual rentals on the beaches that whether they are paying taxes or not, the County does not know. He stated when he was on the Tourist Development Council, the County got better collection; with the State it would be 90 to 120 days to see an estimate of how much money it would get; the Tax Collector agreed to add two auditors for six months to a year and he doubled the number of collectors; and those were people who were renting individual units. He stated he is advocating keeping it fair, as it benefits everyone in the County.

Mayor Dave Nettles, Cocoa Beach, stated as elected officials, they try to keep taxes low and fair; one of the best ways to keep taxes low and fair is to make sure the taxes are collected fairly; and he expressed his appreciation to the Board and staff for working with the Tax Collectors Office and others. He stated he supports the ordinance.

Commissioner Fisher stated one of his concerns is if he was a landlord and he owned a condo on the beach, and the ordinance was not in place, he would not be sure how he would know it was in place; Ms. Cullen put a notice in the Tax bill; but a person would have to search for that. He stated there has to be some sort of official notification to non-homestead owners; a person needs to know he or she is responsible for paying this tax; and he does not think everyone will know it through current notification process. He inquired how to do that and if that is part of the ordinance or enforcement.

Scott Knox, County Attorney, stated a provision can be added to the proposed draft that would say a notice would have a 90-day period from the time they received the notice, assuming they can find everyone who is in this business as that is the problem.

Commissioner Fisher stated anybody that did not have a homestead could possibly be in this business. Attorney Knox stated it would be a good starting point. Commissioner Fisher stated it is not right to implement this and not properly notify someone they are responsible for it. Attorney Knox stated it may be the Board's position, but under law people who are supposed to be following the law are presumed to know it; right now under the existing ordinance, these people are supposed to be paying, they are not; and what this ordinance does it to try to get them to come forward and sign up to pay it without having to go back and collect what should have been paid at this point. Commissioner Fisher stated on a rental house, a person would not have to typically pay that tax, but a commercial building he or she would pay the sales tax. He stated some of these that will qualify for that will be a home; that is why it is not clear the average Joe would know he is responsible for this.

Mr. Whitten stated the thought process is in Section 102.125(2), as opposed to saying that the person has 90 days from the date of enactment of the ordinance, it would probably be from the mailing of an official notification from the Tax Collector; that will be on a Use Code basis; and what staff will do is bring back those they think apply when the ordinance is brought back to the Board. He stated staff suggests the Board add the notice requirement; the Tourist Development Tax is going to have to incur that cost to notify certain Use Code; and staff can swap that out to be some period of time after the mailing of the notice, similar to the notice of taxes.

Commissioner Nelson stated he did not see \$500 a day in the proposed ordinance.

Commissioner Infantini advised it is on the second page of the drafted ordinance says, each day that a person rents living quarters or operates a vacation rental without having received a Tourist Development Tax account as required by Section 102-104 shall be deemed a separate violation of this ordinance; and imprisonment in the County jail of 60 days. She inquired who

December 17, 2013

drafted the ordinance. Attorney Knox responded he drafted the ordinance from the Florida Statutes. She went on to say often times people rent because they are conducting business temporarily in a location; typically six-month rentals are not vacation; and most rentals are less than six months and it should venture closer to three months.

Commissioner Fisher advised the law says if renting under six months the tax needs to be paid.

Commissioner Anderson advised this is already a State Law that people can enforce jail; all this is doing is telling the Tax Collector to go collect from those short-term renters; Craigslist advertises hundreds of weekly rentals not ran by management companies; and they are getting the benefit of the promotional money that the law bidders are paying into and riding piggyback. He stated this is a State Law and if the law needs changing than it needs lobbying Tallahassee; it is not fair that they have to pay under those threats of action; and if Mr. Spain does not pay, he is going to jail. He advised this is legislative intent and the debate is ahead of schedule; he agreed that there needs to be a grace period; and he would like 120 days after official notification.

Commissioner Infantini inquired if jail time is being left in. Commissioner Anderson responded it is State law. Commissioner Infantini stated it is in the ordinance and it can be taken out of the ordinance. Commissioner Anderson stated for the legislative intent it will reflect the State Statute and he does not want to hide that they are under the threat of jail by the State.

Attorney Knox advised all the changes being talked about can be made; and all that will be advertised is the title, which is broad enough to cover all of these changes.

Commissioner Anderson advised the Board is not putting any one in jail and it is the Statute; and if people to not it they need to call one of their Legislatures and get them to change the law, and he would support them on that.

Attorney Knox advised the State law being talking about is County Ordinance violation law.

The Board approved legislative intent and granted permission to advertise an ordinance amending Section 102, Brevard county Code of Ordinances, which would require individuals and/or companies engaged in renting living quarters or operating a vacation rental to establish an account with the Brevard County Tax Collector's Office; and approved including a grace period of 120 days after official notification.

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

**ITEM VII.E.2., ACCEPTANCE, RE: TOURISM DEVELOPMENT OFFICE AND EDUCATIONAL IMPACT FEE AUDIT REPORTS**

The Board accepted the Audit Committee's Tourism Development Office and Education Impact Fee Audit Reports.

December 17, 2013

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

Commissioner Nelson advised he will be following up with some questions about the impact fees.

Commissioner Infantini advised she has questions about the Tourism Development Office; she expressed her thanks for them doing an excellent job on the audit and for forwarding her the spreadsheet she requested; and she noticed some of the exceptions.

Chas Hoyman, Currings and Ingrahm, stated if Tourism Development is being talked about, that audit was done by McGladrey, and the representative had to leave; and Currings and Ingrahm did the School Board audit.

By consensus of the Board, the meeting adjourned at 2:30 p.m.

ATTEST:

\_\_\_\_\_  
MARY BOLIN LEWIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
SCOTT ELLIS, CLERK