

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 March 5, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

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

INVOCATION

The Invocation was given by Reverend Glenn Dames, St. James A.M.E. Church, Titusville.

PLEDGE OF ALLEGIANCE

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

ITEM I.A., RESOLUTION, RE: RECOGNIZING BEN LAIRD FOR OBTAINING HIS BOY SCOUT TROOP EAGLE SCOUT AWARD

Vice Chairman Mary Bolin Lewis read aloud, and the Board adopted, Resolution No. 13-029, recognizing Ben Laird for obtaining his Boy Scout Troop Eagle Scout Award; and offered congratulations and best wishes for a successful future.

Ben Laird stated he joined the Cub Scouts when he was six years-old, and then he enjoyed the Boy Scouts through the fifth and sixth grades; and now he will be 17 on Saturday and has become an Eagle Scout. He expressed appreciation to the Board for keeping up the County parks; he has camped at a lot of them, and has gotten a lot of requirements at parks; and stated he has really enjoyed it.

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

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ITEM I.B., RESOLUTION, RE: CONGRATULATING SATELLITE HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM ON THEIR DISTRICT CHAMPIONSHIP AND OUTSTANDING SEASON

Vice Chairman Bolin Lewis read aloud, and the Board adopted Resolution No. 13-030, congratulating the Satellite High School Boys Varsity Basketball Team on their District Championship and outstanding season; and offered them best wishes for a successful future.

Vice Chairman Bolin Lewis recognized her nephew, Austin Davis, as one of the players.

The Satellite High School Boys Varsity Basketball Team Coach introduced the players and expressed appreciation to the Board for the Resolution.

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

ITEM I.D., RESOLUTION, RE: RECOGNIZING MARCH AS IRISH AMERICAN HERITAGE MONTH

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-031, recognizing March as Irish American Heritage Month.

Frank Cochran expressed appreciation to the Board for its support over the years, and it really means something in terms of the group retaining its membership; and stated it also helps the group in terms of its recruiting.

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

ITEM I.E., RESOLUTION, RE: PROCLAIMING MARCH 2013 AS EYE DONOR MONTH

Commissioner Nelson read aloud, and the Board adopted, Resolution No. 13-032, proclaiming March 2013 as Eye Donor Month; and encourage citizens to consider giving the Gift of Sight through eye donation.

Jim Wagner, Joshua Abbott Organ and Tissue Donor Registry, stated the Registry is stewards of the gift of sight; when people die their family decides to help someone by becoming a donor; and the Registry prepares the corneas and gets them ready for transplant, as well as goes through the process with the family and get them off to transplant surgeons for transplant. He noted the Registry works with every hospital in Brevard County and the ophthalmologist's

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cornea transplant surgeons; last year, the Registry restored sight to nearly 100 Brevard County residents; and the Registry is very thankful to the Board for recognizing Donor Month to help bring about awareness.

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

ITEM I.F., RESOLUTION, RE: RECOGNIZING ZACH MARKS FOR HIS ACCOMPLISHMENTS IN CREATING "GROM SOCIAL", A NETWORKING SITE FOR KIDS

Commissioner Infantini reminded the Board that the Marks Family were previously commended for the great contributions they were making to the community by bringing in youth from the outlying area of the South Beaches and looking after them.

Commissioner Infantini read aloud, and the Board adopted, Resolution No. 13-032, recognizing Zach Marks for his accomplishments in creating "Grom Social", a social networking site for kids, not only for his family's use, but for the benefit of all families who desire a safe online social experience for their children.

Zach Marks displayed Grom Social for the Board and explained the many features.

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

ITEM I.G., RESOLUTION, RE: PROCLAIMING MARCH 3-9, 2013, AS WOMEN IN CONSTRUCTION WEEK

Commissioner Fisher read aloud, and the Board adopted, Resolution No. 13-034, proclaiming March 3-9, 2013, as Women in Construction Week; recognized the Space Coast Chapter of NAWIC and its many dedicated volunteers; and encouraged the citizens to congratulate this organization on its many accomplishments.

Kathy Ogle, NAWIC, stated the organization has been in existence for almost 58 years; there has been a Chapter in Brevard County for 17 years; there is a thin membership right now due to the economy, but she looks for things to pick up; and noted Vice Chairman Bolin Lewis was nice enough to join NAWIC in November for a conference it had for the entire state.

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

ITEM II.A., STOCKTON WHITTEN, DEPUTY COUNTY MANAGER

Stockton Whitten, Deputy County Manager, advised the Board there are no items scheduled for the March 7th Zoning meeting, and staff is asking the Board to cancel that meeting.

The Board cancelled the March 7, 2013, Zoning meeting.

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

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

Commissioner Fisher stated Governor Rick Scott selected three inductees into the Florida Civic Rights Hall of Fame, and one of them was Harry T. Moore; and stated the Harry T. Moore Center is doing very well in the north end of the County. He noted he spoke to a group from Miami who came to Brevard to visit the historical Harry T. Moore site.

He further reported that his office has been working hard on the Miracle City Mall, trying to get it redeveloped; on February 25th, he wanted the retailers to understand that the community is in dire need of shopping; everyone was invited to the site and they filled the parking lot; and stated the developer spoke to the crowd.

ITEM II.D., CHUCK NELSON, DISTRICT 2 COMMISSIONER

Commissioner Nelson stated he will be going to Space Day in Tallahassee tomorrow; it is the annual opportunity for the Board to talk to its legislators related to the space industry, as well as aviation in general, and to share with them where the County is and where it would like to go; and noted there are new legislators and senators that he will be talking with and sharing with them the importance of the space industry. He pointed out that Broward County has the greatest impact from aviation and space in the State of Florida, and generates thousands of jobs.

ITEM II.F., MARY BOLIN LEWIS

Vice Chairman Bolin Lewis stated she would like permission from the Board to ask the County Manager to put together a workshop on Ethics. She explained the issues going on throughout the State where Commissioners are being put in jail, and also the new rules on cell phones and public records; and stated it would be good for the Board to have refresher course.

ITEMS TO BE PULLED FROM THE CONSENT AGENDA

Commissioner Infantini advised she will be voting nay on Items III.C.1., Approval, Re: Budget Changes, and III.D.4., Approval, Re: Billfolder. She further stated she would like to pull Item III.D.2., Acceptance, Re: Financial Condition Review Updates for Housing and Human Services, Library Services, Parks and Recreation, Public Works, and Utility Services - Cash Reconciliation Cycle Audit and Fleet Services Audit Reports, to be brought back to another meeting, as it deals with audits of so many different departments, and it would be more appropriate to have the Chairman present, as well as the County Manager.

ITEM III.A.1., CHANGE ORDER NO. 3 WITH WAL-ROSE SITE DEVELOPMENT, INC., RE: REMOVAL OF ADDITIONAL ARSENIC CONTAMINATED SOIL FROM CHAIN OF LAKES SOUTHERN EXPANSION STORMWATER IMPROVEMENT PROJECT

The Board executed Change Order No. 3 with Wal-Rose Site Development, Inc., for the removal of additional arsenic contaminated soil from the Chain of Lakes Southern Expansion Stormwater Improvement Project; and approved associated budget change requests.

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

ITEM III.A.2., APPOINTMENT, RE: CHRIS RICHMOND TO SERVE AS DISTRICT DIRECTOR III FOR BREVARD MOSQUITO CONTROL

The Board, as governing Board for the Brevard Mosquito Control District, appointed Chris Redmond, Interim Mosquito Control Manager of Operations, to serve in the statutorily required position of District Director III for the Brevard Mosquito Control District; and authorized the Chairman to sign appointment and recommendation letter to the State of Florida Department of Agriculture and Consumer Services.

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

ITEM III.A.3., PRELIMINARY PLAT AND FINAL ENGINEERING APPROVAL, RE: STROM PARK SUBDIVISION - 12SD-00735

The Board granted preliminary plat and final engineering approval for Strom Park Subdivision - 12SD-0075, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

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

ITEM III.A.4., CONTRACT FOR SALE AND PURCHASE WITH INTERNATIONAL MASTER BUILDERS, INC., RE: ACQUISITION OF A PERMANENT EASEMENT FOR WEST COCOA WATERSHED SERVICE AREA 2, PHASE 2, LAKE DRIVE DRAINAGE IMPROVEMENTS PROJECT

The Board executed a Contract for Sale and Purchase and Addendum with International Master Builders, Inc., for a permanent easement, in the amount of \$68,215.25, for the West Cocoa Watershed Service Area 2, Phase 2, Lake Drive Drainage Improvements Project; approved waiving the survey requirements; and approved associated budget change requests.

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

ITEM III.A.5., AUTHORIZATION FOR STAFF TO NEGOTIATE AND PURCHASE FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), RE: .19-ACRE PARCEL AT 505 HOLLYWOOD BOULEVARD FOR HOLLYWOOD BOULEVARD WIDENING PROJECT

The Board authorized staff to enter into negotiations to purchase from HUD a .19-acre parcel at 505 Hollywood Boulevard, West Melbourne, for the Hollywood Boulevard Widening Project, at a purchase price not to exceed \$45,000 or the List price, whichever is less at the time of execution (in the event that the List price is reduced); authorized the County Manager to execute a Sales Contract within 48 hours of receipt from HUD; and authorized County Finance to provide a \$500 certified check payable to the U.S. Department of Housing and Urban Development for the Contract deposit.

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

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ITEM III.A.6., CONTRACT FOR SALE AND PURCHASE WITH COCOA BEACH AREA CHAMBER OF COMMERCE, INC. (D/B/A COCOA BEACH REGIONAL CHAMBER OF COMMERCE), AND ACCEPTANCE OF PERMANENT EASEMENTS AND TEMPORARY RIGHTS OF ENTRY FROM SEVEN (7) OTHER OWNERS, RE: FORTENBERRY ROAD AND PLUMOSA STREET INTERSECTION IMPROVEMENT PROJECT

The Board executed a Contract for Sale and Purchase and Addendum with Cocoa Beach Area Chamber of Commerce, Inc., d/b/a Cocoa Beach Regional Chamber of Commerce, and accepted Permanent Easements and Temporary Rights of Entry from seven other owners, for the Fortenberry Road and Plumosa Street Intersection Improvement Project.

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

ITEM III.A.7., AMENDMENT TO LEASE AGREEMENT WITH HARMONY FARMS, RE: CARRY INSURANCE FOR SPECIAL EVENTS ONLY

The Board executed an Amendment to Lease Agreement with Harmony Farms allowing them to carry insurance only for special events.

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

ITEM III.A.8., INTERLOCAL AGREEMENT WITH VIERA EAST COMMUNITY DEVELOPMENT DISTRICT (CDD), RE: RECLAIMED WATER

The Board executed an Interlocal Agreement with Viera East Community Development District (CDD) for the continued supply and use of reclaimed water.

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

ITEM III.B.1., APPOINTMENTS, RE: COMMUNITY ACTION BOARD (CAB)

The Board approved the reappointment of Mary Williams to low-income sector seat of the Community Action Board, with term expiring December 31, 2016.

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

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

The Board approved the Budget Change Requests as submitted.

RESULT: **ADOPTED [3 TO 1]**
MOVER: Chuck Nelson, Commissioner District 2
SECONDER: Robin Fisher, Commissioner District 1
AYES: Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS: Trudie Infantini
ABSENT: Andy Anderson

ITEM III.C.2., ACKNOWLEDGEMENT, RE: RECEIPT OF ANNUAL AUDITED FINANCIAL STATEMENTS OF THE ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST, INC.

The Board acknowledged receipt of, and accepted, the annual audited financial statements for the Economic Development Commission of Florida's Space Coast, Inc.

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

ITEM III.D.1., REVISION, RE: POLICY BCC-22, RECORDS MANAGEMENT PROGRAM

The Board executed the revised and updated Policy BCC-22, governing the County's Records Management Program.

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

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ITEM III.D.3., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

There were not appointments at this time.

ITEM III.D.4., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder as submitted.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS:	Trudie Infantini
ABSENT:	Andy Anderson

ITEM III.D.2., ACCEPTANCE, RE: FINANCIAL CONDITION REVIEW UPDATES FOR HOUSING AND HUMAN SERVICES, LIBRARY SERVICES, PARKS AND RECREATION, PUBLIC WORKS, AND UTILITY SERVICES - CASH RECONCILIATION CYCLE AUDIT AND FLEET SERVICES AUDIT REPORTS

Stockton Whitten, Deputy County Manager, stated all of the topics with regards to the Financial Condition Reviews lay the foundation for budget discussions; and noted the Board will be talking about those agencies as it gets into the Budget Workshops.

Commissioner Infantini stated there were some big issues in the item with over-budgeting and changes in the format of the budgeting for the Housing and Human Services Department; and inquired if staff is willing to pull out the Housing and Human Services budget, separating what it is State mandated, or Federally mandated. She stated she ran into it as an obstacle when she was coming up with budget cutting suggestions; it was alleged that her budget cutting suggestions would immediately cut out the Veterans Administration, which was not her objective; and inquired in the interest of not misleading the public, and increasing transparency, would staff be willing to separate the portion that is mandated from the portion that is not mandated.

Mr. Whitten noted that was staff's suggestion; the Board has a number of State and Federal mandates throughout all of the departments; staff's suggestion is to set those aside as a program within the budget so that it is very clear to the general public what the mandates are, as in the expenses the Board does not control; and so that is easy for staff to do, and the benefit for the Department is that it does not get penalized for expenses that are beyond its control when in a budget cutting situation.

Commissioner Infantini stated that should make it a lot more transparent for the viewers; and stated she thinks the auditors did an excellent job pointing out a lot of issues within a lot of departments and the budgeting process for those departments. She further stated she hopes the Board takes the time to listen to the recommendations that they have provided.

The Board accepted the Audit Committee's Financial Condition Review Updates for Housing and Human Services, Library Services, Parks and Recreation, Public Works, and Utility Services; and accepted Cash Reconciliation Cycle Audit and Fleet Services Audit Reports.

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

ITEM IV. PUBLIC COMMENTS

Charles Tovey, Jr., stated he calls all of the Commissioners to make them aware of things he notices in the County; he seldom calls Commissioner Fisher because of the problem he has getting through and leaving messages; he calls Commissioner Bolin Lewis the least out of all of the Commissioners; he does not call Chairman Anderson at all; and stated he only relays the messages to Commissioner Bolin Lewis because he lives in her District and she should care. He stated he does not appreciate being told he cannot call public officials; he appreciates Commissioner Nelson's tolerance and patience with his phone calls, but they are not threatening; and stated he also appreciates Commissioner Infantini answering his phone calls. He stated he has been given misleading information from the County Attorney's Office.

ITEM V.A. PUBLIC HEARING, RE: CONSIDERATION IF IN THE PUBLIC INTEREST FOR PUBLIC WORKS TO PERFORM SERVICES NECESSARY FOR CONSTRUCTION OF THE FORTENBERRY ROAD AND PLUMOSA STREET INTERSECTION DRAINAGE AND UTILITY IMPROVEMENT PROJECT

Vice Chairman Bolin called for the public hearing to consider if in the public interest for Public Works to perform services necessary for construction of the Fortenberry Road and Plumosa Street Intersection Drainage and Utility Improvement Project.

There being no objections, the Board approved finding it in the public's interest for the Public Works Department (Road and Bridge Program) to perform the services necessary for the construction of the Fortenberry Road and Plumosa Street Intersection, Drainage and Utility Improvement Project; and approved the Budget Change Requests needed.

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

ITEM V.B., PUBLIC HEARING, RE: ORDINANCE REPEALING SECTIONS 202-266 TO 202-274 OF THE CODE OF ORDINANCES RELATING TO THE SPACE COAST COMMERCE PARK BOARD, AND AMENDING SECTION 98-147 OF THE CODE

Vice Chairman Bolin Lewis called for the public hearing to consider an ordinance repealing Sections 202-266 to 202-274 of the Code of Ordinances relating to the Space Coast Commerce Park Board, and amending Section 98-147 of the Code.

There being no objections, the Board adopted Ordinance No. 13-08, repealing Sections 202-266 to 202-274 of the Code of Ordinances of Brevard County, Florida, relating to the Space

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Coast Commerce Park Advisory Board; amending Section 98-147 of the Code by creating new subparagraphs (12), (13) and (14) setting forth additional powers of the North Brevard Economic Development District to include acting as Brevard County's agent for the purpose of negotiating and recommending contracts for sale of property in Spacecoast Commerce Park together with the authority to prepare plans and advise the County Commission on revisions to deed restrictions affecting Spacecoast Commerce Park; creating a new Section 98-147A relating to use of proceeds from the sale of real property at the Spaceport Commerce Park; providing for severability; providing for an effective date.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS:	Trudie Infantini
ABSENT:	Andy Anderson

ITEM V.C.,PUBLIC HEARING, RE: ORDINANCE GRANTING ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR D4 ENERGY GROUP, INC.

Vice Chairman Bolin Lewis called for the public hearing to consider an ordinance granting Economic Development Ad Valorem Tax Exemption for D4 Energy Group, Inc.

Commissioner Infantini inquired if this item is for Northrop Grumman. Stockton Whitten, Deputy County Manager, replied no, the name of the company is D4 Energy Group.

There being no further comments, the Board adopted Ordinance No. 13-09, granting Economic Development Ad Valorem Exemption to D4 Energy Group, Inc., specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; D4 Energy Group, Inc.; providing an effective date.

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

ITEM VII.D.1., AGREEMENT FOR PROFESSIONAL SERVICES WITH THE OFFICE OF THE STATE ATTORNEY, RE: PROSECUTION OF VIOLATIONS OF COUNTY ORDINANCES, PURSUANT TO SECTION 27.34, FLORIDA STATUTES

The Board executed an Agreement for Professional Services with the State Attorney of the Eighteenth Judicial Circuit Court to prosecute violations of County Ordinances, pursuant to Section 27.34, Florida Statutes.

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

ITEM VII.D.2., AGREEMENT FOR PROFESSIONAL SERVICES WITH THE OFFICE OF THE PUBLIC DEFENDER, RE: PROVIDE A PUBLIC DEFENDER TO REPRESENT INDIGENT DEFENDANTS IN PROSECUTION OF VIOLATIONS OF COUNTY ORDINANCES, PURSUANT TO SECTION 27.54, FLORIDA STATUTES

The Board executed an Agreement with the Public Defender of the Eighteenth Judicial Circuit Court to provide a public defender to represent indigent defendants in prosecution of violations of County Ordinances, pursuant to Section 27-54, Florida Statutes.

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

ITEM VII.E.1., DENIAL OF REQUEST FOR AD VALOREM TAX ABATEMENT, RE: PROJECT SANGUINE

Greg Weiner, Economic Development Commission (EDC), stated the EDC is not empowered to approve or deny State and local incentives; the EDC's contract with the County allows it to strategically manage projects, and that means the EDC seeks to manage projects in the way that most likely leads to a successful outcome, which is defined as bringing a company to Brevard County and creating jobs; and stated it does not mean choosing winners and losers. He stated in the course of managing a project under normal circumstances, the EDC assesses a wide range of factors, including involving clients about the applicability of giving incentives; part of the process is also determining the need for giving incentives; and that process involves a certain amount of due diligence to ensure that incentives that are presented for approval by various governing bodies do conform to relevant statutory requirements. He noted the State also performs a similar function; normally, an application the EDC believes is flawed in some way is discussed with the prospect and never goes any further than that; and in this particular case with Project Sanguine, the EDC's concerns from a due diligence standpoint were discussed with the prospect and the prospect opted to move forward with the process. He stated the EDC advised the client of its concerns and presented those concerns to the AVT Commission who took the unusual step of denying the application; the concerns were about the company being a publicly traded entity; there was a disclosure about the sale of the company; and stated there was a provision for something to take place after the conclusion of the sale. He went on to say one of the items related to, if the incentives were retained, what would happen if they got them; according to the AK filing, 75 percent of those incentives would have gone to the selling partners, as opposed to the company that would actually make the decision; and under those circumstances, the EDC felt that the incentives were not going to the investment decision maker, and therefore, granting the incentives would be inappropriate.

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The Board denied the request to adopt an Economic Tax Abatement Resolution qualifying Project Sanguine as an eligible business under the County's Tax Abatement program.

Commissioner Fisher congratulated Mr. Weiner and the EDC on the 920 Northrop Grumman jobs. Mr. Weiner stated it was an unusual project that was under a Non-disclosure Agreement in the beginning; and it was unusual because of the scope of the project and because of the pace in which it moved. He stated the project came from a well-known site selection firm; neither the State nor the EDC knew who the client was; the EDC was tasked with putting together a package; once accepted, the president of the company called the governor and let him know that Florida won; and when the project goes through, with respect to the incentives, will no longer be confidential at the company's request. He added there are some contingencies. He stated the company had decided that some reorganization was necessary, but the question would become how they would rearrange their chips; Brevard County would have gotten what it got, or potentially lost a piece of what it has; and the company was looking at other locations. He stated Brevard County is fortunate to win it, and the EDC looks forward to working through the process.

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

ADJOURNMENT

Upon consensus of the Board, the meeting was adjourned at 9:49 a.m.

Commissioner Fisher stated he thought there was another agenda item.

RECONVENE

The Board reconvened at 9:49 a.m.

SCHOOL BOARD'S DECISION TO CLOSE THREE SCHOOLS

Commissioner Fisher stated yesterday a group of citizens filed an injunction against the School Board; and inquired if the Board has the ability to revisit the issue. Scott Knox, County Attorney, replied the Board has the ability to revisit the issue. Commissioner Fisher inquired if the Board has the ability to vote on the issue today. Attorney Knox replied yes, the Board could vote on it today if someone makes a motion to rescind the prior action and start again.

Vice Chairman Bolin Lewis inquired if the Board would be able to be added onto the citizens' lawsuit, or does it need to do one on its own. Attorney Knox responded, the Board's lawsuit is based on a contract where the School Board did not fulfill the terms of the contract; from the Board's point of view, the contract still has not been fulfilled, nor from the City of Titusville's point of view, as both have asked for dispute resolutions; and stated the Board is still in that process.

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Commissioner Infantini inquired if the Board does not have a responsibility to the public for some sort of transparency, that before it is going to discuss an item that it is going to be voting on that it should be disclosed to the public. Attorney Knox replied technically, things can get added to an Agenda.

Commissioner Fisher stated his desire would be to make a motion to bring the topic back up for discussion, and at that point in time he would like to discuss the fact that the School Board still has not honored its contract with the County Commission.

Vice Chairman Bolin Lewis inquired when is the Board's next meeting. Stockton Whitten, Deputy County Manager, advised the next Regular Board meeting is March 19th. Commissioner Fisher stated he would like to discuss it today.

Commissioner Nelson stated in terms of the injunction that was filed yesterday, there is a timeliness issue the Board did not know about; and it is moving rapidly because the closures are moving forward in spite of what has been community support for continuing the discussion. He stated he does not see the Board has any choice but to talk about it, because otherwise it will miss the opportunity.

Vice Chairman Bolin Lewis inquired if there has been any feedback from the School Board on the dispute resolution it adopted. Attorney Knox stated the School Board is trying to schedule a meeting, which will be approximately the second week of April.

The Board approved revisiting the topic of the school closures.

Commissioner Fisher stated he would like to ask the County Attorney to file an injunction based on the contract with the Community Outlay Committee (COC), that the School Board has violated that agreement in the Board's eyes and the Committee's eyes; noted the COC recommended no school closures for a year; and he is asking Attorney Knox to file whatever he needs to file with the courts to stop the process until that committee can agree on a solution.

Attorney Knox advised that would required four votes. Commissioner Fisher stated he thought it was a vote of the majority of the Board that is present. Attorney Knox replied it is a three-fourths vote of the governing board, which would be all five members. Vice Chairman Bolin Lewis stated the Board will not be able to address the issue until March 19th. Commissioner Fisher stated it can be put on the Agenda for the 19th; and inquired if there is anything the Board can do that it has not already done. Attorney Knox stated the only thing it can do is move forward with the assessment process, which is in April; and after that, the Board will see what happens with the lawsuit.

Commissioner Fisher inquired if the Board is allowed to piggyback off of the lawsuit that has already been filed. Attorney Knox replied, the Board could move to intervene, but that also may require four votes.

March 5, 2013

RESULT:	ADOPTED [3 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS:	Trudie Infantini
ABSENT:	Andy Anderson

LETTER TO SCHOOL BOARD

Commissioner Nelson inquired what vote it would take to send a letter to the School Board stating the County Commission's position relating to both the injunction as well as the school closings. Attorney Knox replied it would require a majority vote.

Commissioner Nelson stated while the Board is not intervening at this point, the Board could at least send a letter that would be in support of the injunction as well as in support of keeping the schools open until the conclusion of the discussion with the mediation. Commissioner Fisher inquired if the letter is going to ask the School Board to stall on making any final decisions on closures. Commissioner Nelson responded, yes, and the Board shares that with the citizens who filed the injunction, as well as all the cities and the School Board.

The Board authorized the County Attorney to draft a letter for the Chairman, or Vice Chairman's signature, to the Brevard County School Board supporting the recent injunction filed by private citizens, and expressing the Board's support of keeping South Lake Elementary, Gardendale Elementary, and Clear Lake Elementary schools open until the conclusion of the discussion with the mediation.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis
NAYS:	Trudie Infantini
ABSENT:	Andy Anderson

ADJOURNMENT

Upon consensus of the Board, the meeting was adjourned at 9:58 a.m.

ATTEST:

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

SCOTT ELLIS, CLERK