

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF MARCH 16, 2010

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JEFFREY K. BARTON

Clerk to the Board



March 16, 2010

**REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, March 16, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorneys William G. Collins II and Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

Chairman O'Bryan called the meeting to order at 9:00 a.m.

2. INVOCATION

Pastor ~~Steve Ponce~~ Larry Boan, Central Assembly of God, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman O'Bryan requested the following changes to today's Agenda:

DELETION: ITEM 10.B.1. REQUEST TO SPEAK FROM DONALD PERRIN, VETERAN, REGARDING BAN ON AIR BLOWER HAND DRIER, REQUIRE HEALTH CARDS FOR FOOD HANDLERS, ENFORCE ENGLISH AS LANGUAGE OF U.S. CITIZENS, AND ENFORCE IMMIGRATION LAWS

DELETION: ITEM 10.B.3. REQUEST TO SPEAK FROM STEVEN SANDERS, SANDBAR TRUCKING LLC, REGARDING 82ND AVENUE

DELETION: ITEM 15.B.1. REQUEST TO PARTNER WITH SUSTAINABLE INDIAN RIVER, INC., FOR A COMPOST DEMONSTRATION PROJECT & EPA GRANT SUBMITTAL

ON MOTION by Commissioner Flescher, SECONDED
by Commissioner Davis, the Board unanimously approved
the Agenda as amended.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF CORRECTIONS DEPUTY OF THE YEAR AWARD TO SERGEANT JAY CIRINO BY SHERIFF DERYL LOAR

Sheriff Deryl Loar presented the Corrections Deputy of the Year Award to Sergeant Jay Cirino.

5.B. PRESENTATION OF LAW ENFORCEMENT DEPUTY OF THE YEAR AWARD TO DEPUTY BRIAN REIMSNYDER BY SHERIFF DERYL LOAR

Sheriff Loar presented to Deputy Brian Reimsnyder the Law Enforcement Deputy of the Year Award.

5.C. PRESENTATION OF VOLUNTEER OF THE YEAR AWARD TO DAVE WERNER BY SHERIFF DERYL LOAR

Sheriff Loar presented the Volunteer of the Year Award to Dave Werner.

5.D. PRESENTATION OF CIVILIAN OF THE YEAR AWARD TO KELLY WALSH BY SHERIFF DERYL LOAR

Sheriff Loar announced that Kelly Walsh was the recipient of the Civilian of the Year Award.

(Clerk's Note: Ms. Walsh was unable to be present at today's meeting).

5.E. PRESENTATION OF PROCLAMATION HONORING THE OCEAN RESCUE DIVISION AS THE PROUD RECIPIENTS OF THE 2009 BEACH PATROL OF THE YEAR BY THE FLORIDA BEACH PATROL CHIEFS ASSOCIATION

Commissioner Flescher read and presented the Proclamation to John Frazier, Lifeguard Captain, and Joe McManus, Ocean Rescue Lieutenant.

5.F. PRESENTATION OF PROCLAMATION IN SUPPORT OF THE CENSUS 2010

Commissioner Flescher read and presented the Proclamation to Linda Ogle and Jeff Luther.

5.G. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD TO WILLIAM G. COLLINS, II ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS COUNTY ATTORNEY'S OFFICE WITH 22 YEARS SERVICE

Chairman O'Bryan read and presented the Proclamation to County Attorney William G. Collins II, who will be retiring after twenty-two years of service to the County.

6. APPROVAL OF MINUTES-NONE

7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION

7.A. ENVIRONMENTAL SERVICES: PURCHASE ORDERS PROCESSED NOVEMBER 3RD, 2009 THROUGH FEBRUARY 5TH, 2010 (MEMO No. 1)

Noted for the record was the processing of the Purchase Orders with G.K. Environmental, Inc., for engineering services in association with the following three projects:

- 1) Indian River Boulevard Sidewalk from 12th Street to 17th Street, IRC Project No. 0745
- 2) Oslo Road (43rd Avenue to 58th Avenue) Project No. 0517

3) SR 60 and 43rd Avenue (from 18th Street to 26th Street) IRC Project No. 0853

7.B. FORECLOSURE SALE OF THE PARK OF COMMERCE

Noted for the record was Ocean Bank's purchase at the Foreclosure Sale of the Park of Commerce property.

7.C. STIPULATED ORDER OF TAKE FOR RIGHT-OF-WAY PARCELS FOR 66TH AVENUE IMPROVEMENT PROJECT

Noted for the record was the pending acquisition of the following parcels for right-of-way along 66th Avenue:

Lawrence and Phyllis Brown, Parcel 112

Stephen and Shelley Ryan, Parcel 108

John and Debra Marotta, Parcel 106

8. CONSENT AGENDA

Chairman O'Bryan requested Item 8.B. be pulled for discussion.

Commissioner Davis requested Item 8.J. be pulled for discussion.

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved the Consent Agenda, as amended.

8.A. APPROVAL OF WARRANTS AND WIRES FEBRUARY 26, 2010 TO MARCH 4, 2010

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of February 26, 2010 to March 4, 2010, as recommended in the memorandum of March 4, 2010.

8.B. DELETION OF CAPITAL ASSETS LESS THAN \$1,000

Finance Director Diane Bernardo addressed Chairman O'Bryan's question on whether there was a tracking mechanism for the capital assets which were slated for removal from the physical inventory listing.

County Administrator Joseph Baird, Budget and Management Director Jason Brown, and Finance Director Diane Bernardo responded to additional comments and queries by the Board Members.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved to delete the capital assets listed on pages 17-44, from the physical inventory listing, as requested in the memorandum of March 8, 2010.

**8.C. APPROVAL OF ANNUAL FINANCIAL REPORT BY COUNTY COMMISSIONERS
AND NOTICE OF CAFR (COMPREHENSIVE ANNUAL FINANCIAL REPORT)
COMPLETION**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously authorized the Chairman to execute the County's Local Government Annual Financial Report for fiscal year 2008-2009, as stated and recommended in the memorandum of March 12, 2010.

REPORTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.D. RESOLUTION DIRECTING NOTIFICATION TO INTERESTED MEMBERS OF
THE UNINCORPORATED GIFFORD COMMUNITY ON MATTERS OF INTEREST
TO THE GIFFORD COMMUNITY**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved **Resolution 2010-017**, providing for notice on matters of interest to the unincorporated Gifford Community.

Freddy Woolfork, 4590 57th Avenue, on behalf of the Gifford Front Porch and other area organizations, Joe Idlette III, President of the Gifford Progressive Civic League, and the Gifford citizens, thanked the Commissioners for ensuring that fair notice regarding events of interest to them will be provided to the Gifford community.

(Clerk's Note: Mr. Woolfork's input was accepted following Item 10.A.1., and is placed here for continuity).

**8.E. REQUEST FOR APPROVAL OF MODIFICATION #1 TO THE HURRICANE
WILMA COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY
INITIATIVE GRANT AGREEMENT**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved proposed Modification No. 1 to the Hurricane Wilma Community Development Block Grant and authorized the Chairman to execute the appropriate related documents for transmittal to DCA (Department of Community Affairs), as recommended in the memorandum of March 8, 2010.

DOCUMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.F. FINAL PAYMENT – FPLES PHASE I ENERGY SAVINGS PROJECT

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved Final Pay Request in the amount of \$335,367.00 for FPLES (Florida Power and Light Energy Services) for Phase I of the Energy Savings Project, as recommended in the memorandum of March 9, 2010.

**8.G. AMENDMENT NO. 2 TO CIVIL ENGINEERING AND LAND SURVEYING
AGREEMENT WITH ARCADIS U.S., INC. FOR WIDENING OF 20TH AVENUE
FROM 25TH STREET SW TO 21ST STREET SW, IRC PROJECT NO. 0541**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved Amendment No. 2 in the amount of \$2,563.36, as outlined in the Scope of Services, and authorized the Chairman to execute same to the Civil Engineering and Land Surveying Agreement with Arcadis U.S., Inc., as recommended in the memorandum of March 8, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.H. TRANSFER OF LEASE AND CONCESSION AGREEMENT WITH BETTY
NOBLES (ROSEMARY'S CAFÉ)**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously: (1) approved the requested lease assumption subject to compliance with all the current requirements of the lease, including the review of the financial operations for the purpose of determining a reasonable rent which will supersede the current rent provision of Article 3.1, and subject to the County Attorney approval of the Lease Assumption Agreement; (2) authorized the County Administrator to execute the lease assumption agreement with Ms. Julie

Anderson and Harvey Anderson; and (3) approved further that the current lease holder, Betty Nobles (who assumed lease from Capcan, Inc.) continue its operation pending the appropriate approval or transfer of any local, State, or Health permits or licenses that are required to be obtained by Ms. Julie Anderson, as recommended in the memorandum of March 10, 2010.

8.I. MISCELLANEOUS BUDGET AMENDMENT 009

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan the Board unanimously approved **Resolution 2010-018**, amending the fiscal year 2009-2010 budget.

8.J. APPROVAL TO ISSUE A REQUEST FOR PROPOSALS FOR AUCTIONEER SERVICES FOR SALES OF SURPLUS COUNTY REAL PROPERTY

Commissioner Davis disclosed that as an auctioneer, he had a conflict of interest on this item, and would abstain from voting.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Solari, to authorize staff to proceed with issuance of a Request for Proposals to obtain auctioneer services for the sale of real property.

Staff addressed Board comments and questions, after which the following action was taken:

The Chairman CALLED THE QUESTION, and by a 4-0 vote (Commissioner Davis recused himself), the Board authorized staff to proceed with issuance of a Request for Proposals to obtain auctioneer services for the sale of real property, as recommended in the memorandum of March 9, 2010.

FORM 8.B. MEMORANDUM OF VOTING CONFLICT ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

**8.K. RETENTION OF EXPERT WITNESSES FOR ACQUISITION OF THE LAUREL
HOMES PARCEL LOCATED ON 66TH AVENUE AT 16TH STREET**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved the expert witnesses of The Spivey Group, Inc., Appraisers; and Kelly, Collins, and Gentry, Inc., Professional Engineers and Land Planners, for the Laurel Homes eminent domain lawsuit and authorized the County Administrator to execute individual retainer agreements with the experts, as recommended in the memorandum of March 10, 2010.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES-NONE**

10. PUBLIC ITEMS

10.A. PUBLIC HEARING

**10.A.1. CONSIDERATION OF ORDINANCE TO TEMPORARILY SUSPEND IMPOSITION
OF IMPACT FEES FOR FIRE/EMERGENCY SERVICES FACILITIES,
CORRECTIONAL FACILITIES, PUBLIC BUILDINGS, LAW ENFORCEMENT,
AND SOLID WASTE FACILITIES (LEGISLATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Community Development Director Robert Keating provided background, conditions, and analysis on the County-initiated request to temporarily extend for an additional one-year period, the temporary impact fee suspension (which will expire on March 31, 2010), for fire/emergency services facilities, correctional facilities, public buildings, law enforcement, and solid waste facilities. He presented staff's recommendation for adoption of the proposed Ordinance, which would provide the temporary impact fee suspension from the period of April 1, 2010 to March 31, 2011.

A brief discussion ensued, wherein several Commissioners expressed their support for the temporary suspension.

The Chairman opened the Public Hearing.

Brian Carman, Indian River Neighborhood Association (IRNA), supported the temporary impact fee suspension.

Caroline Corum made observations regarding the impacts of residential versus commercial development, and wanted to see commercial fees lowered.

Chairman O'Bryan explained to Ms. Corum that in the opinion of County Attorney Williams Collins, residential and commercial impact fees must be equitable.

Bob Johnson, Coral Wind Subdivision, asked for an explanation (provided by Chairman O'Bryan), on how the five impact fees were chosen for temporary suspension, and suggested substituting another category of impact fee for that of "law enforcement."

Chuck Mechling, 1999 Pointe West Drive, urged Commissioners to support the additional one-year suspension, and to continue to develop a long-range vision for the impact fees.

Charles Wilson, 1057 6th Avenue, supported the Board's adoption of the proposed Ordinance, and thanked Commissioner Davis for presenting this idea at the February 5, 2009 Economic Development Summit.

Mark (inaudible last name) with D.R. Horton Homes, urged the Board to approve the additional one-year suspension of the impact fees.

Jeff Thompson, Seville Avenue, supported the extension of the impact fees, and suggesting extending it to eighteen months or two years.

Joseph Paladin, President Black Swan Consulting, supported taking measures on a local level, such as the proposed Ordinance, to better the economy.

There being no additional speakers, the Chairman closed the Public Hearing.

MOTION WAS MADE by Commissioner Flescher,
SECONDED by Commissioner Davis, to approve an

exception temporarily suspending for one year the imposition of impact fees for fire/emergency services facilities, correctional facilities, public buildings, law enforcement, and solid waste facilities.

A wide-ranging discussion ensued, during which the Board majority reiterated their support for the proposed temporary impact fee suspension for the stipulated five categories. The Board Members agreed they would like to: (1) find a way to reduce commercial fees, and (2) further consider the proposal made at the March 18, 2010 Economic/Goal Summit II to collect the impact fees at the time of Certificate of Occupancy.

Commissioner Wheeler supported fellow Commissioners in their desire to find a means to reduce commercial fees; however, he believed the impact fee suspension was unfair because of the developers who have already paid their fees and are sitting with vacant commercial and residential properties, and thus would not support the Motion.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Wheeler opposed), the Motion carried. The Board adopted **Ordinance 2010-002**, amending Title X, Impact Fees, of the Code of Indian River County to amend Code Section 1000.06 "Imposition" to provide an exception temporarily suspending for one year the imposition of impact fees for fire/emergency services facilities, correctional facilities, public buildings, law enforcement, and solid waste facilities; and providing for codification; severability; and effective date.

The Chairman called for a break at 10:33 a.m. and reconvened the meeting at 11:02 a.m., with all members present.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM DONALD PERRIN, VETERAN, REGARDING BAN ON AIR BLOWER HAND DRIER, REQUIRE HEALTH CARDS FOR FOOD HANDLERS, ENFORCE ENGLISH AS LANGUAGE OF U.S. CITIZENS, AND ENFORCE IMMIGRATION LAWS

This item was withdrawn.

10.B.2. REQUEST TO SPEAK FROM ED NELSON REGARDING COUNTRYSIDE WATER AND SEWER SERVICE

Ed Nelson, 8775 20th Street, Lot 286, used a handout (copy on file), to provide background information on his plea for the Board to reverse its decision of March 2, 2010, at which time a Memorandum of Understanding (MOU) was approved between County Utilities and Equity LifeStyle Properties, Inc. (ELS) [the current owners of the Countryside North Mobile Home Park], which provided for the mobile home park owners, rather than the County, to bill each homeowner for utility services. Mr. Nelson stated it was the unanimous desire of the homeowners to have County Utilities bill for the water and sewer, and believed changing the billing system would be a violation of the original 1993 agreement with then owner Realcor-Vero Beach Associates, d/b/a Countryside North Mobile Home Park, and the Countryside North Homeowners Association, Inc., which authorized County utilities to monitor water meters and collect the utility payments. He wished to have this matter addressed by the County Attorney.

County Attorney Polackwich declared that the MOU was part of a larger picture, and he wished to review from a legal perspective all the events leading up to the MOU, and then report back to the Board.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to direct the County Attorney to examine from a legal standpoint, the Memorandum of Understanding between Indian River County Utilities and Equity Lifestyles Properties, Inc. for MHC Countryside North LLC, which was approved on March 2, 2010, as well as prior agreements regarding utilities at Countryside North Mobile Home Park, and to hold the MOU in abeyance until the County Attorney provides an opinion on the legal issue of whether the Board may change the billing procedures outlined in the MOU.

Assistant Director of Utilities Cindy Corrente outlined the factors and reasoning associated with the MOU. She reported that in light of staff's discussions with Mr. Nelson, ELS has been asked to consider having the County handle the reading and billing of the water and sewer meters at Countryside North.

Discussion ensued between Board Members and staff, which focused on whether it would be legally advisable to switch courses subsequent to the Board's approval and execution of the MOU approved on March 2, 2010. Also mentioned was the desire to confirm that the majority of homeowners actually wanted the County to read the meters.

Attorney Polackwich suggested staff meet with Mr. Nelson, ELS, and the Countryside North Homeowners Association to obtain all existing agreements with respect to utilities, after which he would review the documents and provide legal opinion to the Board.

Further discussion occurred regarding the legal issues of putting the MOU into abeyance until the County Attorney has examined the documents.

Staff advised that there was some concern about the homeowners having potable water at this time, and said the MOU could be followed temporarily, and later amended, if necessary.

Attorney Polackwich pointed out that much seems to have been done in reliance upon the MOU, and the Board needed to consider whether the action of not performing the agreement would cause potential damages to somebody.

MOTION WAS AMENDED by Commissioner Davis, SECONDED by Commissioner Flescher, to direct the County Attorney to review the Memorandum of Understanding (MOU) between Indian River County Utilities and Equity Lifestyles Properties, Inc. for MHC Countryside North LLC, as approved on March 2, 2010, and any other prior agreements regarding utilities at Countryside North Mobile Home Park to: (1) ascertain the legality of the MOU, and (2) whether it would be appropriate from a legal standpoint to not perform the MOU; and to return with legal opinion to the Board, after which a policy decision would be made on whether the County would read and bill for the water meters at Countryside North Mobile Home Park.

Jeff Leeds, Regional Manager for ELS, disclosed that ELS would soon be making a decision, and they were inclined towards having the County handle the billing.

Commissioner O'Bryan requested that staff return with this matter, if possible, at the March 23, 2010 Board of County Commission meeting, and asked Commissioner Davis if he wished to amend his Motion accordingly.

MOTION WAS AMENDED by Commissioner Davis,
SECONDED by Commissioner Flescher, to direct the
County Attorney to return with a legal opinion to the
Board on the target date of March 23, 2010.

Ms. Corrente confirmed for Commissioner O'Bryan the water and sewer charges and addressed questions from Commissioner Wheeler regarding the reading of the water meters, after which the following action was taken:

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board directed the County Attorney to review the Memorandum of Understanding (MOU) between Indian River County Utilities and Equity Lifestyles Properties, Inc. for MHC Countryside North LLC, as approved on March 2, 2010, and any other prior agreements regarding utilities at Countryside North Mobile Home Park to: (1) ascertain the legality of the MOU, and (2) whether it would be appropriate from a legal standpoint to not perform the MOU; and to return to the Board with legal opinion on

the target date of March 23, 2010, after which a policy decision would be made on whether the County would read and bill for the water meters at Countryside North Mobile Home Park.

**10.B.3. REQUEST TO SPEAK FROM STEVEN SANDERS, SAND BAR TRUCKING LLC,
REGARDING 82ND AVENUE**

Deleted

**10.B.4. REQUEST TO SPEAK FROM CITY OF VERO BEACH COUNCILMEMBER
BRIAN HEADY REGARDING UPDATE ON LATEST DEVELOPMENTS
REGARDING CITY OF VERO BEACH ELECTRIC UTILITY**

Brian Heady, City of Vero Beach Council Member, presented an update on the ongoing issues with the City of Vero Beach Electric Utility.

Glenn Heran gave a slideshow presentation on the Utility, and requested to present at a future Board meeting, Dr. Stephen Faherty and his [Mr. Heran's] interactive financial model, which shows the outcome of various options regarding the sale of the City of Vero Beach's Electric System.

Chairman O'Bryan requested Mr. Heran bring his presentation to the April 1, 2010 Utility Advisory Committee, after which the Committee could make a recommendation to bring it before the Board.

Lengthy discussion ensued among the Board Members, Mr. Heran, and Mr. Heady, with input from citizens **Caroline Corum** and **Charlie Wilson**.

No Board Action Required or Taken

10.C. PUBLIC NOTICE ITEMS-NONE

11. COUNTY ADMINISTRATOR MATTERS-NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONDEMNATION, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES

MOTION WAS MADE by Vice Chairman Solari,
SECONDED by Commissioner Davis, to approve staff's
recommendation.

Staff confirmed for Chairman O'Bryan that the affected parties had received adequate notification.

The Chairman CALLED THE QUESTION, and the Motion carried. The Board unanimously: (1) declared the subject structures (listed below) unsafe and a nuisance, and ordered the buildings demolished with related debris removed from the property by a private vendor approved through standard bid procedures; (2) approved a necessary

budget amendment to cover the demolition and removal of the structures and any other necessary legal expenses, as recommended in the memorandum of March 2, 2010, and (3) approved **Resolution 2010-019**, providing for the demolition of unsafe structures and the recovery of costs.

(Clerk's Note: Affected by the above Motion are the following structures: 4606 32nd Avenue, owned by Carrie Copeland and Lillian Cleare Perry; 1820 38th Lane, aka 3865-3875 18th Avenue, owned by R.I.G. Williams, LLC; 1946 24th Street S.W., owned by Bryan J. Baclaski; and 12995 100th Place, Fellsmere, owned by Lula Fortson c/o Lillian Stephens).

12.B. EMERGENCY SERVICES-NONE

12.C. GENERAL SERVICES-NONE

12.D. HUMAN RESOURCES

12.D.1. REQUEST FOR QUALIFICATIONS FOR HEALTH INSURANCE/EXCESS LOSS REINSURANCE BROKERAGE AND ACTUARIAL SERVICES – COMMITTEE RECOMMENDATION

MOTION WAS MADE by Commissioner Wheeler to approve staff's recommendation. MOTION DIED for lack of a Second.

Chairman O'Bryan preferred to defer this matter for one week and obtain additional input on how staff arrived at their recommendation.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved to TABLE this item to March 23, 2010.

County Administrator Joseph Baird conveyed that he was re-evaluating this matter and considering changing staff's recommendation.

The Chairman called for a break at 12:27 p.m. and reconvened the meeting at 12:37 p.m., with all members present.

12.E. HUMAN SERVICES-NONE

12.F. LEISURE SERVICES-NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET-NONE

12.H. RECREATION-NONE

12.I. PUBLIC WORKS

12.I.1. STAFF UPDATE – SECTOR 3 BEACH RENOURISHMENT PROJECT

Public Works Director Christopher Mora used a slide presentation (on file) to provide a project summary and contract update pertaining to the Sector 3 Beach Renourishment Project. He, assisted by Administrator Baird, addressed the Board's comments and queries regarding the revisions to Change Orders 1 and 2 to the original contract with Ranger Construction Industries, Inc.

Chairman O'Bryan recognized Patrick Flynn, Construction Manager, who provided details on Ranger's progress. Mr. Flynn requested a timely resolution of the contract dispute.

Attorney Polackwich advised the Commissioners to establish a final contract price through Change Orders No. 1 and 2.

12.J. UTILITIES SERVICES

12.J.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2010024 NORTH WATER TREATMENT PLANT RAW WATER TRANSMISSION SYSTEM

Commissioner O'Bryan wanted to make approval of the bid award contingent upon a thorough review of the shop drawings for the well pumps being installed by H&D Construction Co., Inc.

Director of Utilities Erik Olson agreed to proffer the Bid Award to H & D subsequent to review of the shop drawings.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board, subject to a complete and thorough review of the shop drawings for the well pumps, approved: (1) the Bid Award to H&D Construction Co., Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved the Sample Agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance,

and after the County Attorney has approved the Agreement as to form and legal sufficiency.

12.J2. PRESENTATION – FUTURE OF SEWER AND WATER SERVICES IN INDIAN RIVER COUNTY

Director of Utilities Erik Olson, through a PowerPoint Presentation (on file), provided a detailed overview of current and future water and sewer operations. He reported that the Utility Department had received an AA+ rating on the Fitch Rating for 2009 Utility Bond Refinancing, and provided statistics relative to water demand vs. water capacity, for 2010 and beyond.

Director Olson's report was followed by Board comments and queries, after which kudos were extended to Director Olson and to County Administrator Baird for their roles in the success of the Utilities Department.

13. COUNTY ATTORNEY MATTERS

13.A. CONSIDERATION OF PROPOSED SETTLEMENT BETWEEN THE CITY OF FELLSMERE, DEPARTMENT OF COMMUNITY AFFAIRS, FELLSMERE JOINT VENTURE, AND INDIAN RIVER COUNTY

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the Settlement Agreement with the State of Florida, Department of Community Affairs, the City of Fellsmere, Fellsmere Joint Venture, LLP, Bernard A. Egan Groves, Inc., and Fellsmere Estates, LLC, and authorized the Chairman to execute the settlement

documents, as recommended in the memorandum of March 10, 2010.

Chairman O'Bryan noted for the record, that last week the Board Members had received the final version of the subject agreement.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the Settlement Agreement with the State of Florida, Department of Community Affairs, the City of Fellsmere, Fellsmere Joint Venture, LLP, Bernard A. Egan Groves, Inc., and Fellsmere Estates, LLC, and authorized the Chairman to execute the settlement documents, as recommended in the memorandum of March 10, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN

14.A.1. APPOINTMENT TO THE COUNTY CANVASSING BOARD

Chairman O'Bryan explained that, as an active candidate in a contested race for County Commissioner in the upcoming 2010 Primary and General Elections, he cannot comply with Supervisor of Elections Kay Clem's request for his participation on the County Canvassing Board. He asked the Board to approve the appointment in his stead of Chairman Bob Solari.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Vice Chairman Bob Solari to the County Canvassing Board for the Primary Election on August 24, 2010, and the General Election on November 2, 2010, as requested in the memorandum of March 9, 2010.

14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN-NONE

14.C. COMMISSIONER WESLEY S. DAVIS-NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER-NONE

14.E. COMMISSIONER GARY C. WHEELER

14.E.1. DISCUSSION ITEM – STATUS OF 2010 CENSUS

Withdrawn by Commissioner Wheeler

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

**15.B.1. REQUEST TO PARTNER WITH SUSTAINABLE INDIAN RIVER, INC. FOR A
COMPOST DEMONSTRATION PROJECT & EPA GRANT SUBMITTAL**

Deleted

15.C. ENVIRONMENTAL CONTROL BOARD-NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE
OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 1:32
p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Peter D. O'Bryan, Chairman

Minutes Approved: _____

BCC/MG/2010Minutes