

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF SEPTEMBER 14, 2010

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JEFFREY K. BARTON

Clerk to the Board



September 14, 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, September 14, 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 Attorney 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

Commissioner Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner 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 10B.1. REQUEST TO SPEAK FROM ARDRA RIGBY AND GEORGE RIGBY
REGARDING WASTE MANAGEMENT CONTRACTS*

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

5. PROCLAMATIONS AND PRESENTATIONS

*5.A. PRESENTATION OF PROCLAMATION DESIGNATING SEPTEMBER 20 – 24,
2010 AS INDUSTRY APPRECIATION WEEK IN INDIAN RIVER COUNTY,
FLORIDA*

Chairman O'Bryan read and presented Proclamations from Governor Charlie Crist and the County Commission, respectively, to Helene Caseltine, Economic Development Director of the Indian River County Chamber of Commerce, and Linda Schlitt-Gonzalez, Member-at-Large (Chairman), of the Economic Development Council.

6. APPROVAL OF MINUTES-NONE

7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS
NOT REQUIRING BOARD ACTION-NONE

8. CONSENT AGENDA

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Consent Agenda.

8.A. APPROVAL OF WARRANTS AND WIRES – AUGUST 27, 2010 TO SEPTEMBER 2, 2010

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of August 27, 2010 to September 2, 2010 as requested in the memorandum of September 2, 2010.

8.B. RESOLUTIONS CANCELLING TAXES ON PROPERTIES ACQUIRED BY THE CITY OF SEBASTIAN FOR PUBLIC PURPOSES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved:
(1) **Resolution 2010-070**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*Sebastian Harbour, Ltd. and Dancu Holding,*

Inc. to City of Sebastian for public use [preservation and conservation of working waterfront]) and

(2) **Resolution 2010-071**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*The Henry J. Dabrowski Irrevocable Trust to City of Sebastian for public use [preservation and conservation of working waterfront])*)

8.C. SECOND AMENDMENT TO AGREEMENT WITH FIRST BAPTIST CHURCH FOR SHARED PARKING LOT FOR MAIN LIBRARY

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Chairman to execute the “Second Amendment to Agreement between Indian River County and First Baptist Church of Vero Beach, Inc. For Shared Parking”, as recommended in the memorandum of September 7, 2010.

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

8.D. 5TH STREET SW BRIDGE REPLACEMENT OVER IRFWCD 43RD AVENUE CANAL AND INTERSECTION IMPROVEMENTS, IRC PROJECT No. 0206, BID No. 2008075, CHANGE ORDER No. 1

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Change Order No. 1 to Sheltra & Son Construction Company, Inc., increasing the contract amount by

\$21,380.75, as recommended in the memorandum of September 2, 2010.

8.E. APPROVAL OF ANNUAL BID AWARD FOR IRC BID NO. 2011007, ANNUAL BID FOR SULFURIC ACID

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously: (1) approved the annual contract to Shrieve Chemical Company, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid. Shrieve Chemical Company is our current supplier; (2) authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period of October 1, 2010 through September 30, 2011 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 7, 2010.

8.F. DEDICATION OF FPL EASEMENT FOR UNDERGROUND CABLE AND CONDUIT NEEDED TO FACILITATE POWER TO WELL NUMBERS 7 AND 9

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously: (1)

approved and authorized the Chairman to execute the Utility Easement with FPL (Florida, Power & Light); and (2) authorized the County Attorney to record the executed easement, as presented, and as recommended in the memorandum of September 8, 2010.

DOCUMENTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.G. ACCEPTANCE OF CHANGE ORDER #2 TO GIFFORD COMMUNITY CENTER REPAIR

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Chairman to execute Change Order No. 2 to the Gifford Community Center repair agreement with A. Thomas Construction, Inc., in the amount of \$780, bringing the revised contract amount to \$61,850, as stated and recommended in the memorandum of September 3, 2010.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.H. MISCELLANEOUS BUDGET AMENDMENT 020

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved **Resolution 2010-072**, amending the fiscal year 2009-2010 budget.

8.I. APPROVAL OF BID AWARD FOR IRC BID NO. 2011010, ANNUAL BID FOR CLEANING SERVICES – UTILITIES OPERATIONS CENTER, DEPARTMENT OF UTILITY SERVICES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously: (1) approved the Bid Award to Always On Time, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 2010 through September 30, 2011, with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, all as recommended in the memorandum of September 7, 2010.

8.J. BID AWARD: IRC #2011013 ANNUAL BID FOR UNIFORM RENTAL, OFFICE OF MANAGEMENT AND BUDGET / PURCHASING DIVISION

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously: (1) approved the Bid Award to Aramark Uniform Services, a division of Aramark Uniform & Career Apparel, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket

purchase orders for each department for a two (2) year period from October 2010 through September 30, 2010, with the recommended vendor; and (3) authorized the Purchasing Manager to renew this bid for three (3) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual contract is in the best interest of the County, as recommended in the memorandum of September 8, 2010.

8.K. AMENDMENT NO. 1 TO WORK ORDER NO. 9 TO PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC., RELEASE OF RETAINAGE OLD DIXIE HIGHWAY BRIDGE OVER SOUTH RELIEF CANAL IRC No. 0205

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved release of retainage for Amendment No. 1 to Work Order No. 9 with Bridge Design Associates, Inc., in the amount of \$1,140.20, as recommended in the memorandum of August 30, 2010.

8.L. WORK ORDER NO. 23 WITH BRIDGE DESIGN ASSOCIATES, INC. FOR BRIDGE CONSTRUCTION PHASE SERVICES FOR OSLO ROAD BRIDGE OVER 43RD AVENUE DITCH INDIAN RIVER COUNTY PROJECT No. 0533

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Chairman to execute Work Order No.

23 with Bridge Design Associates, Inc., for a lump sum amount of \$7,902.60, as recommended in the memorandum of August 23, 2010.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.M. ENCLAVE SUBDIVISION SHELTRA & SON CONSTRUCTION CO., INC.,
CHANGE ORDER #2, FINAL PAY AND RELEASE OF RETAINAGE, BID #
2009019**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously: (1) approved Change Order No. 2 with Sheltra & Son Construction Co., Inc., decreasing the contract amount by \$11,975.20 to a total contract price of \$76,898.00; and (2) approved final payment including release of retainage to Sheltra & Son Construction Co., Inc. in the amount of \$47,184.50, as recommended in the memorandum of August 27, 2010.

**8.N. INVITATION FROM JOHN'S ISLAND GOLF CLUB FOR STAFF TO
PARTICIPATE IN A "PUBLIC SAFETY DAY" GOLF OUTING**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the participation of Emergency Services staff in the annual "Public Safety Day" golf outing scheduled for September 26, 2010, accepting the invitation from John's Island Golf Club, as recommended in the memorandum of September 14, 2010.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF FORFEITURE TRUST FUND

Sheriff Deryl Loar provided a brief background on Florida Statute 932.7055, the Florida Contraband Forfeiture Act, which requires a percentage of forfeiture proceeds to be expended upon certain types of agencies/programs. He thereafter asked the Board to authorize him to move forward before the conclusion of this fiscal year, with the expenditure of funds from the Law Enforcement Trust Fund, supporting those programs and agencies outlined on pages 93 and 94 of the backup.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved for \$11,100.39 from the Law Enforcement Trust Fund to be used to support the following programs and agencies: (1) \$2,000.00 will be donated to the 2-1-1 Palm Beach/Treasure Coast agency; (2) \$4,600.39 will be used to support Crime Stoppers of the Treasure Coast; (3) \$2,500.00 will go to the Substance Awareness Council; (4) \$1,000.00 will go to A Child is Missing; and (5) \$1,000.00 will be used to support the annual Florida Missing Children's Day ceremony, as requested in the letter of September 7, 2010.

10. PUBLIC ITEMS-NONE

10.A. PUBLIC HEARINGS-NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM ARDRA RIGBY AND GEORGE RIGBY
REGARDING WASTE MANAGEMENT CONTRACTS

Deleted

10.C. PUBLIC NOTICE ITEMS

Chairman O'Bryan voiced that any property owner who disagrees with the assessed value of his/her property on their TRIM (Truth in Millage) Notice, may file a petition with the Value Adjustment Board. He conveyed that the filing deadline is 5:00 p.m. today, September 14, 2010.

11. COUNTY ADMINISTRATOR MATTERS-NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT-NONE

12.A.1. REQUEST FOR AUTHORIZATION TO ABATE A PUBLIC NUISANCE AT
861 46TH AVENUE (LANDOWNERS: WILLIAM AND RACHAEL
BUCHANAN; CODE ENFORCEMENT CASE No. 2010060247)

Chief of Environmental Planning and Code Enforcement Roland DeBlois used a PowerPoint Presentation (on file) to present description and conditions of staff's request to abate a public nuisance consisting of multiple bags of trash situated on property owned by William and Rachael Buchanan and located at 861 46th Avenue in Glendale Lakes Subdivision. He relayed that the property is currently in foreclosure with the Bank of New York Trust Company, and that although the Bank had attempted to resolve the cited violations, Mr. Buchanan had disallowed it. Chief DeBlois relayed the Code Enforcement Board has determined that the trash constitutes a serious threat to public health, safety and welfare, and requested that staff ask the Board to

authorize clean-up of the property, with the ensuing costs to be recorded as a lien against the property.

Discussion ensued, as staff provided further information for the Board members regarding Code Enforcement Board lien procedures, the foreclosure process, and whether the lien would apply to any additional properties owned by the Buchanan's.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner Wheeler, to approve
staff's recommendation.

Chairman O'Bryan provided the opportunity for the Buchanan's to speak. No one addressed the Board.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board authorized the County's employees, servants, agents or contractors to enter upon the Buchanan property at 861 46th Avenue at all reasonable times, and take whatever action is necessary to abate the nuisance described in staff's report, with costs of the abatement to be recorded as a lien against the subject property, as recommended in the memorandum of September 1, 2010.

**12.A.2. REQUEST FROM STAFF AND THE GIFFORD EXECUTIVE GROUP FOR
AUTHORIZATION TO INITIATE AN LDR AMENDMENT TO CREATE THE
WEST GIFFORD INDUSTRIAL & COMMERCE DISTRICT (WGIC) AND TO
INITIATE THE REZONING OF 163 ACRES FROM IG TO WGIC**

Planning Director Stan Boling used a PowerPoint Presentation (on file) to present background and analysis on the request of staff and the Gifford Executive Group to create the West Gifford Industrial & Commerce District (WGIC), and to initiate the rezoning of 163 acres from IG (General Industrial) to WGIC. He recalled that in September 2009, the Progressive Civic League had requested to rezone the West Gifford area to Light Industrial (IL), and that after presenting this item to the Board in November 2009, staff had been directed to obtain input from the Gifford Community. Director Boling advised that meetings between staff, community members, and the newly created Gifford Executive Group had led to the development of the proposed initiative. He reviewed the uses which would be permitted in the proposed district, and outlined the requirements for the two grandfathered uses – mulch products and junk/salvage yards. Director Boling thereafter requested that the Board authorize staff to begin the formal process of initiating an LDR change to create the new WGIC commerce district regulations and to initiate rezoning of the 163 acres.

Commissioner Flescher congratulated staff, the Gifford Executive Group, and other participating community members who worked on the WGIC District initiative. He affirmed that the new district would align with the County's standard of embracing clean, light industry that would provide employment opportunities.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Wheeler, to authorize staff to: (1) initiate the formal process of amending the LDR's to create the WGIC district; and (2) initiate the process to rezone 163 acres in the West Gifford area from IG (General Industrial) to WGIC (West Gifford Industrial &

Commerce District), as recommended in the memorandum of September 2, 2010.

Vice Chairman Solari and Commissioner Wheeler applauded staff and the community for their efforts towards the development of the WGIC District.

Chairman O'Bryan and Vice Chairman Solari were concerned about the costs for the junk/salvage yards to add landscaping screening by 2013, as would be required under the new regulations, and Vice Chairman Solari requested that staff provide cost estimates.

Staff provided further information for Chairman O'Bryan regarding the "no expansion" policy for mulch product businesses (one of the grandfathered uses).

A brief discussion ensued on whether the proposed redistricting/rezoning might result in potential Bert J. Harris Private Property Rights Protection Act (Bert Harris) issues. Vice Chairman Solari wanted to emphasize at the upcoming public hearing, that creation of the WGIC District and the rezoning would increase property values throughout the area.

County Attorney Alan Polackwich, Sr. affirmed that staff was monitoring potential Bert Harris issues closely, and would provide an opinion to the Board at the end of the redistricting and rezoning process.

Tony Brown, Gifford Executive Group member, thanked the Commissioners, talked about the cooperative nature of staff, and remarked that the WGIC District could help enhance and beautify the Gifford community.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized staff to: (1) initiate the formal process of amending the LDR's to create the WGIC district; and (2) initiate the process to

rezone 163 acres in the West Gifford area from IG (General Industrial) to WGIC (West Gifford Industrial & Commerce District), as recommended in the memorandum of September 2, 2010.

12.B. EMERGENCY SERVICES-NONE

12.C. GENERAL SERVICES-NONE

12.D. HUMAN RESOURCES-NONE

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. RIGHT-OF-WAY ACQUISITION – 66TH AVENUE WIDENING PROJECT, 6875
AND 6885 66TH AVENUE, SOUTHWEST CORNER OF 69TH STREET AND 66TH
AVENUE, MICHAEL A. AND SHARON LOUDERMILK**

Public Works Director Christopher Mora used a PowerPoint Presentation (on file) to provide details on a right-of-way acquisition located at the southwest corner of 69th Street and 66th Avenue. He explained that the property had gone into foreclosure with U.S. Bank National Association as Trustee, subsequent to the Board's approval on June 3, 2008, of a Purchase &

Sale Agreement with Michael and Sharon Loudermilk (the owners of the property at that time) for \$400,000. Director Mora reported that Attorney Rich Stringer, representing the Loudermilks, had proposed an agreement (see pages 154 through 156 of backup) which staff did not bring forward since the Loudermilk property is not part of the County's "Super 8" priority road list. Outlining two alternatives for the Board, Director Mora concluded with staff's recommendation that the Board authorize staff to bid up to \$175,000 on the subject property at an upcoming foreclosure sale.

Commissioner Wheeler was opposed to establishing a set price before the bidding.

Commissioner Davis supported moving this item forward by making an offer to the bank.

Administrator Baird felt the best approach would be to have Attorney Polackwich, who has extensive banking experience, to begin negotiating with the bank for a short sale agreement.

Attorney Rich Stringer, representing the Loudermilks, explained why he felt the property would be an important acquisition for the County, and encouraged the Board to present an offer to the bank, rather than bidding at the foreclosure sale. He observed that the Loudermilks would not be receiving revenue from the sale; however, the leaseback provision would give their two families time to secure new housing.

A brief discussion ensued, with input from staff and Attorney Stringer, on the terms of the leaseback, with Chairman O'Bryan advocating further examination of the rental agreement.

Further discussion arose, with input from Attorney Polackwich, about whether to set financial parameters for his negotiations with the bank. The Board CONSENSUS was to allow the County Attorney to have some flexibility during the negotiation process.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Flescher, to authorize the

County Attorney to negotiate a purchase price with the U.S. Bank National Associates as Trustee, for the entire property located at 6875 and 6885 66th Avenue, and to report back to the Board with the negotiated price.

Attorney Polackwich confirmed that his negotiations with the bank would involve only the purchase price, not the leaseback terms, which would have to be negotiated separately with the Loudermilks.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized the County Attorney to negotiate a purchase price with the U.S. Bank National Associates as Trustee, for the entire property located at 6875 and 6885 66th Avenue, and to report back to the Board with the negotiated price.

12.J. UTILITIES SERVICES-NONE

The Chairman called a break at 10:00 a.m., and reconvened the meeting at 10:16 a.m., with all members present.

13. COUNTY ATTORNEY MATTERS

13.A. ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION ORDINANCE

PROPOSED. DOCUMENTS: EXEMPTION AGREEMENT, EXEMPTION

ORDINANCE, EXEMPTION APPLICATION AND EXEMPTION

SCORESHEET/MATRIX

County Attorney Alan S. Polackwich, Sr. reminded the Assembly that at the November 2, 2010 General Election, there would be a referendum on whether to authorize the Board to grant ad valorem tax exemptions for economic development. He recalled that on June 22, 2010, the Board had adopted Ordinance 2010-014, the Economic Development Ad Valorem Tax Exemption Ordinance, which sets forth the County's program for the ad valorem tax exemptions and which becomes effective if passed by the referendum. Attorney Polackwich explained that on August 17, 2010, he presented proposed documents pertaining to the tax exemption, and that he was returning with revisions to two of the documents, the Revised Draft Report Tax Abatement Application form and the Revised Draft Property Tax Abatement Scoring Matrix.

Vice Chairman Solari felt that in order for the tax abatement program to be a success, smaller companies should benefit by receiving the same number of points for the Level of Local Capital Investment as the larger businesses. He felt that the statutory regulations governing the percentage of New Full Time Jobs Created in order to receive the abatement, needed be amended to fit our small County, and proposed that the County approach the State to request a small County amendment to the Statute.

Commissioner Davis agreed with making the tax abatement policies as user friendly as possible, but wondered how much could be done without changing the Statute. Additionally, he inquired whether, if the Statute was changed, the item would have to be approved by referendum.

Attorney Polackwich affirmed that the point system for New Full Time Jobs Created must follow statutory guidelines; however, if the statutes were changed, the Board could amend the Ordinance without a referendum.

Vice Chairman Solari pointed out that the Level of Local Capital Investment, which was not established by Statute, could be amended at this time.

Chairman O'Bryan was in favor of keeping the Level of Local Capital Investment as presented on the scoring matrix, noting that the scoring system was modeled after St. Lucie

County's successful program. He added that it would incentivize people with larger projects to come to the County.

MOTION WAS MADE by Vice Chairman Solari, to approve staff's recommendation as is, minus the Level of Local Capital Investment. MOTION WAS SECONDED by Commissioner Davis.

(Clerk's Note: Commissioner Davis's SECOND was voiced after the Board accepted input from Helene Caseltine, and is placed here for continuity).

A lengthy discussion ensued as Board members, with input from Attorney Polackwich, debated the pros and cons of giving smaller businesses with less capital investment the maximum number of twenty (20) points for their Level of Local Capital Investment.

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, stated that it was crucial to support existing businesses and encourage them to grow. She emphasized that a tax exemption program which benefits our existing businesses is going to increase public perception of the County as a business-friendly community.

Board members continued making observations regarding the matrix scoring system for Level of Local Capital Investment.

Ms. Caseltine asked Board members to align the percentages of the Level of Average Wages (page 169) with those of the local Jobs Grant, and possibly with the State's percentages. She thereafter outlined the percentages for the Board.

MOTION WAS AMENDED by Vice Chairman Solari, SECONDED by Commissioner Davis, for discussion, to include the change to Level of Average Wages.

Chairman O’Bryan, after receiving further input from Ms. Caseltine on the State and Jobs Grant guidelines, outlined what the new percentages would be under the Level of Average Wages, as follows:

1. More than ~~80%~~ 75% but less than 100% County average wage – 10 Points
2. 100% or more but less than ~~120%~~ 115% County average wage – 18 Points
3. ~~120%~~ 115% or more but less than ~~140%~~ 150% County average wage – 25 Points
4. ~~140%~~ 150% or more – 30 Points.

Chairman O’Bryan recapped the Motion: to change points scoring for the Level of Local Capital Investment to a maximum number of 20 points for all four categories, and to change the percentages for the Level of Average Wages, as presented above.

Chairman O’Bryan said that although he had reservations about the Level of Local Capital Investment, he would support the Motion.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the revised documents: (1) Revised Draft Property Tax Abatement Application Form; and (2) the Revised Draft Property Tax Abatement Scoring Matrix, **with the following amendments to the Indian River County Ad Valorem Tax Abatement Application Scoring Guidelines, Scoring Matrix:**

(1) **Level of Local Capital Investment Maximum Number of Points: 20:**

1. More than \$100,000 but less than \$500,000 – ~~5~~ 20 Points;

2. \$500,000 or more but less than \$1,000,000 – ~~10~~ 20 Points;
3. \$1,000,000 or more but less than \$5,000,000 – ~~15~~ 20 Points;
4. \$5,000,000 or more – 20 Points;

and

(2) Level of Average Wages, Maximum Number of Points: 30:

More than ~~80%~~ 75% but less than 100% County average wage - 10 Points

2. 100% or more but less than ~~120%~~ 115% County average wage – 18 Points
3. ~~120%~~ 115% or more but less than ~~140%~~ 150% County average wage – 25 Points;
4. ~~140%~~ 150% or more – 30 Points

13.B. COUNTER OFFER RECEIVED – PURCHASE AND SALE AGREEMENT – VERO ESTATES, LLC – NORTHEAST CORNER OF C.R. 510 AND 66TH AVENUE

Deputy County Attorney William DeBral recapped his memorandum of August 30, 2010 to present background information on a prospective purchase involving a pond site and right-of-way on property located at the northeast corner of CR510 and 66th Avenue, owned by Vero Estates, LLC. He recalled that on April 6, 2010, the Board had considered and rejected Vero Estates LLC’s initial offer to sell for a total price of \$280,617.50, and directed staff to continue negotiations with the landowner. Attorney DeBral outlined details of the negotiations, said the County’s latest counter-offer to purchase the land had been \$240,000, inclusive of all costs and fees, and revealed that Attorney Maguire (currently representing Vero Estates, LLC) had been authorized to accept a total sum of \$250,000. He observed that the project requiring the right-of-way is no longer in the “Super 8” priority road projects, but noted that it is difficult to negotiate for a pond site and that the County had a willing seller, and asked the Board to

weigh the merits of advanced purchase of right-of-way, particularly pond sites, against diminishing revenues.

Attorney DeBaal addressed Chairman O'Bryan's question regarding an offer which was never implemented, to sell the pond site for \$230,500, which had been accepted orally by Attorney Jennifer Bonifield (the former attorney on the case).

Joseph Paladin, Black Swan Consulting, Inc., representing Vero Estates, LLC, provided additional background on the negotiations which had occurred between Vero Estates LLC and the County; explained why there had been a change of attorney; and reiterated that the developers are willing sellers who will cooperate with the County's needs.

Commissioner Davis stated that although he could understand moving this purchase forward, he did not agree with the higher asking price.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Vice Chairman Solari, to counter-offer
with the County's purchase price offer of \$240,000,
inclusive of all fees and costs.

Commissioner Wheeler inquired whether the sellers would be provided a deadline to accept or reject the offer.

A brief discussion ensued, with input from Attorney DeBaal and Mr. Paladin, on an appropriate timeframe.

MOTION WAS AMENDED by Commissioner Davis,
SECONDED by Vice Chairman Solari, to extend until the
close of business on September 30, 2010, the County's

purchase price offer of \$240,000, inclusive of all fees and costs.

There being no further discussion, the Board took the following action:

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved extending until the close of business on September 30, 2010, the County's purchase price offer of \$240,000, inclusive of all fees and costs.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN-NONE

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-NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

15.B. SOLID WASTE DISPOSAL DISTRICT-NONE

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 10:59 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Peter D. O'Bryan, Chairman

Minutes Approved: _____

BCC/MG/2010Minutes