

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF NOVEMBER 16, 2010

| | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1. | CALL TO ORDER..... | 1 |
| 2. | INVOCATION | 1 |
| 3. | PLEDGE OF ALLEGIANCE | 2 |
| | OATH OF OFFICE BOARD OF COUNTY COMMISSION..... | 2 |
| | ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN | 2 |
| | ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN..... | 3 |
| 4. | ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS | 4 |
| | Addition: Item 11.A.2. Update by County Administrator Joseph A. Baird on Items for Presentation at Upcoming Legislative Delegation Session of December 3, 2010 | 4 |
| | Addition: Item 14.A.2. Discussion by Commissioner O’Bryan Regarding Escarpment at Disney’s Vero Beach Resort | 4 |
| | Addition: Item 14.C.1. Discussion by Commissioner Davis on Town of Indian River Shores Water, Wastewater, and Reclaimed Water Service | 4 |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Move: Item 10.B.3. Todd Westover, Division Manager, Treasure Coast Refuse/Republic Services to be heard under Solid Waste Disposal District Item 15.B.2..... | 4 |
| 5. PROCLAMATIONS AND PRESENTATIONS | 4 |
| 5.A. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 21 THROUGH NOVEMBER 27, 2010 AS CHRISTIAN HERITAGE WEEK IN INDIAN RIVER COUNTY | 4 |
| 5.B. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 12 TH THROUGH NOVEMBER 18 TH , 2010 AS NATIONAL COMMUNITY FOUNDATION WEEK..... | 5 |
| 6. APPROVAL OF MINUTES | 5 |
| 6.A. PRELIMINARY BUDGET HEARING SEPTEMBER 8, 2010 | 5 |
| 7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION-NONE..... | 6 |
| 8. CONSENT AGENDA | 6 |
| 8.A. APPROVAL OF WARRANTS AND WIRES OCTOBER 29, 2010 TO NOVEMBER 4, 2010..... | 6 |
| 8.B. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND | 6 |
| 8.C. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS IN ACCORDANCE WITH 318.18 (13) FLORIDA STATUTES | 7 |
| 8.D. OPEB TRUST REPORT FOR THE PERIOD 10/1/09 THROUGH 09/30/10..... | 7 |
| 8.E. INDIAN RIVER COUNTY INVESTMENT ADVISORY COMMITTEE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING 09/30/2010 | 7 |
| 8.F. FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, FLORIDA DIVISION OF FORESTRY, ANNUAL FIRE CONTROL REPORT..... | 8 |
| 8.G. SR 60 FROM 66 TH AVENUE TO 84 TH AVENUE CONFLICT RESOLUTION WITH FDOT DRAINAGE, PAVEMENT AND TRAFFIC SIGNAL IMPROVEMENTS, FINAL PAY TO RANGER CONSTRUCTION INDUSTRIES TO RAISE VALVES, AND ARV MANHOLE TOPS, UCP # 3026 | 8 |
| 8.H. DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL..... | 8 |

| | | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 8.I. | FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE MEMORANDUM OF AGREEMENT (MOA) AND AUTHORIZING RESOLUTION FOR LANDSCAPE MAINTENANCE, SR60 BETWEEN 66 TH AVENUE AND 58 TH AVENUE, FDOT PROJECT FM # 424638-1-52-01..... | 9 |
| 8.J. | PROFESSIONAL CIVIL ENGINEERING SERVICES WITH MBV ENGINEERING, INC. QUAIL CREEK SUBDIVISION – AMENDMENT NO. 1..... | 10 |
| 8.K. | WORK ORDER NO. 19 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR CR512 BRIDGE OVER THE SOUTH PRONG OF THE SEBASTIAN RIVER, RELEASE OF RETAINAGE IRC PROJECT #9611..... | 10 |
| 8.L. | WORK ORDER NO. 20 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR 20 TH AVENUE BRIDGE OVER THE I.R.F.W.C.D. MAIN RELIEF CANAL RELEASE OF RETAINAGE | 11 |
| 8.M. | WORK ORDER NO. 21 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR CR512 BRIDGE OVER FELLSMERE WATER CONTROL DISTRICT (F.W.C.D.) PARK LATERAL CANAL RELEASE OF RETAINAGE..... | 11 |
| 8.N. | WORK ORDER NO. 22 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR CR512 BRIDGE OVER FELLSMERE WATER CONTROL DISTRICT (F.W.C.D.) LATERAL “U” CANAL RELEASE OF RETAINAGE..... | 12 |
| 8.O. | SECTOR 3 BEACH RESTORATION PROJECT, CHANGE ORDER #3, PRE-PURCHASE FOR REMAINING PROJECT SAND REQUIREMENTS, RANGER CONSTRUCTION INDUSTRIES, INC..... | 12 |
| 8.P. | APPROVAL OF WORK ORDER NO. L-1 WITH G. K. ENVIRONMENTAL, INC. AND PERMISSION TO ISSUE PURCHASE ORDERS FOR EGRET MARSH REGIONAL STORMWATER PARK PUNCH LIST ITEMS | 13 |
| 8.Q. | REQUEST TO APPROVE A ONE-YEAR CONTRACT EXTENSION WITH THE CONSERVATION FUND FOR PROFESSIONAL SERVICES RELATING TO THE COUNTY ENVIRONMENTAL LANDS PROGRAM..... | 13 |
| 8.R. | GRAVES BROTHERS DRAINAGE AGREEMENT – CR 510 AND OLD DIXIE HIGHWAY | 14 |
| 8.S. | RIGHT-OF-WAY ACQUISITION, 66 TH AVENUE PROJECT (4 TH TO 16 TH STREET), 850 66 TH AVENUE, PARCEL I.D. # 33-39-08-00001-0130-00001.1, PROJECT PARCEL | |

| | | |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| | #20 AND TEMPORARY CONSTRUCTION EASEMENT PARCEL #27, OWNER: DAVID L. AND BARBARA A. HEFFLEBOWER | 14 |
| 8.T. | ANNUAL RESOLUTION RE SIGNATORIES AND DELEGATION OF AUTHORITY CONCERNING DECLARATIONS OF STATE OF LOCAL EMERGENCIES AND TO ACT IN A STATE DECLARED EMERGENCY AFFECTING INDIAN RIVER COUNTY | 15 |
| 8.U. | RESOLUTIONS CANCELLING TAXES ON PROPERTIES ACQUIRED BY THE INDIAN RIVER COUNTY HOUSING AUTHORITY FOR PUBLIC PURPOSES | 15 |
| 9. | CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES | 21 |
| 9.A. | DERYL LOAR, INDIAN RIVER COUNTY SHERIFF..... | 21 |
| | APPROVAL TO AMEND FISCAL YEAR 2010-2011 OPERATING BUDGET..... | 21 |
| 10.A. | PUBLIC HEARINGS..... | 22 |
| 10.A.1. | PALEMA TROTTER, INC.'S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL FOR A RESIDENTIAL MIGRANT HOUSING FACILITY (SEASONAL WORKER HOUSING) (QUASI-JUDICIAL) | 22 |
| 10.B. | PUBLIC DISCUSSION ITEMS | 25 |
| 10.B.1. | REQUEST TO SPEAK FROM ROBERT T. WOOD REGARDING LANDLORDS AND RENTERS | 25 |
| 10.B.2. | REQUEST TO SPEAK FROM CITY OF VERO BEACH COUNCILMEMBER BRIAN HEADY REGARDING UPDATE ON LATEST DEVELOPMENTS REGARDING CITY OF VERO BEACH ELECTRIC UTILITY | 26 |
| 10.B.3. | REQUEST TO SPEAK FROM TODD WESTOVER, DIVISION MANAGER, TREASURE COAST REFUSE / REPUBLIC SERVICES..... | 27 |
| 10.C. | PUBLIC NOTICE ITEMS-NONE | 27 |
| 11. | COUNTY ADMINISTRATOR MATTERS..... | 27 |
| 11.A.1. | MEETINGS OF THE BOARD OF COUNTY COMMISSION, PROPOSED – 2011 MEETING DATES | 27 |
| | ADDITION: 11.A. 2. UPCOMING LEGISLATIVE SESSION: UPDATE OF ISSUES TO BE PRESENTED..... | 28 |
| 12. | DEPARTMENTAL MATTERS | 29 |
| 12.A. | COMMUNITY DEVELOPMENT | 29 |

| | | |
|---------|---------------------------------------------------------------------------------------------------------------------------|----|
| 12.A.1. | CONDEMNATION, DEMOLITION, AND REMOVAL OF UNSAFE STRUCTURES | 29 |
| 12.A.2. | REQUEST TO AMEND THE NEIGHBORHOOD STABILIZATION PROGRAM COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING ASSISTANCE PLAN..... | 32 |
| 12.B. | EMERGENCY SERVICES-NONE | 36 |
| 12.C. | GENERAL SERVICES-NONE | 36 |
| 12.D. | HUMAN RESOURCES-NONE..... | 36 |
| 12.E. | HUMAN SERVICES-NONE..... | 36 |
| 12.F. | LEISURE SERVICES-NONE..... | 37 |
| 12.G. | OFFICE OF MANAGEMENT AND BUDGET-NONE..... | 37 |
| 12.H. | RECREATION-NONE | 37 |
| 12.I. | PUBLIC WORKS-NONE..... | 37 |
| 12.J. | UTILITIES SERVICES-NONE..... | 37 |
| 13. | COUNTY ATTORNEY MATTERS-NONE..... | 37 |
| 14. | COMMISSIONER ITEMS..... | 37 |
| 14.A. | COMMISSIONER PETER D. O'BRYAN | 37 |
| 14.A.1. | COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE (CEDS)..... | 37 |
| | ADDITION: 14.A.2. ESCARPMENT LOCATED AT DISNEY'S VERO BEACH RESORT | 37 |
| 14.B. | COMMISSIONER BOB SOLARI..... | 38 |
| 14.B.1. | LETTER TO GOVERNOR..... | 38 |
| 14.B.2. | HB 697 FOLLOW-UP..... | 39 |
| 14.C. | COMMISSIONER WESLEY S. DAVIS | 40 |
| 14.C.1. | TOWN OF INDIAN RIVER SHORES - WATER, WASTEWATER AND RECLAIMED WATER..... | 40 |
| 14.D. | COMMISSIONER JOSEPH E. FLESCHER-NONE | 41 |
| 14.E. | COMMISSIONER GARY C. WHEELER-NONE..... | 41 |
| 15. | SPECIAL DISTRICTS AND BOARDS | 41 |
| 15.A. | EMERGENCY SERVICES DISTRICT-NONE | 41 |
| 15.B. | SOLID WASTE DISPOSAL DISTRICT | 41 |

15.B.1. BID AWARD FOR SOLID WASTE OPERATIONS AND MAINTENANCE
(RFB2011003)..... 42

15.C. ENVIRONMENTAL CONTROL BOARD-NONE 42

16. ADJOURNMENT.....42

JEFFREY K. BARTON

Clerk to the Board



November 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, November 16, 2010. Present were Commissioners Peter D. O'Bryan, Bob Solari, 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

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

2. INVOCATION

Jeffrey R. Smith, Chief Deputy Clerk of Circuit Court, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner O'Bryan led the Pledge of Allegiance to the Flag.

OATH OF OFFICE BOARD OF COUNTY COMMISSION

Honorable Judge David C. Morgan, Indian River County

Indian River County Court Judge David C. Morgan administered the Oath of Office to re-elected Commissioners Peter D. O'Bryan and Joseph E. Flescher.

ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN

Commissioner O'Bryan invited County Attorney Alan S. Polackwich, Sr. to conduct the election of Chairman of the Board of County Commissioners.

Attorney Polackwich opened the floor to nominations for Chairman.

Vice Chairman Wheeler nominated Commissioner Bob Solari for Chairman.

There being no other nominations, Attorney Polackwich called for a Motion to close the nominations.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner O'Bryan, to close the
nominations.

Attorney Polackwich CALLED THE QUESTION, and the Motion carried unanimously. The Board closed the nominations, electing Commissioner Bob Solari as Chairman of the Board of County Commissioners for the year 2011.

Attorney Polackwich passed the gavel to the new Chairman, Bob Solari.

ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN

Chairman Solari thanked outgoing Chairman, Commissioner O'Bryan, and 2009 Chairman, Commissioner Davis, for demonstrating good leadership. He announced that he would continue the policy of maintaining an open government and citizen input.

Chairman Solari opened the floor to nominations for Vice Chairman.

Commissioner O'Bryan nominated Commissioner Gary C. Wheeler for Vice Chairman.

There being no other nominations, Attorney Polackwich called for a Motion to close the nominations.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Davis, to close the nominations.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board closed the nominations, electing Commissioner Gary Wheeler as Vice Chairman of the Board of County Commissioners for the year 2011.

Vice Chairman Wheeler echoed the sentiments of Chairman Solari regarding the excellent chairmanship of the two previous Chairmen - Commissioners O'Bryan and Davis.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Solari requested the following changes to today's Agenda:

ADDITION: ITEM 11.A.2. UPDATE BY COUNTY ADMINISTRATOR JOSEPH A. BAIRD ON ITEMS FOR PRESENTATION AT UPCOMING LEGISLATIVE DELEGATION SESSION OF DECEMBER 3, 2010

ADDITION: ITEM 14.A.2. DISCUSSION BY COMMISSIONER O'BRYAN REGARDING ESCARPMENT AT DISNEY'S VERO BEACH RESORT

ADDITION: ITEM 14.C.1. DISCUSSION BY COMMISSIONER DAVIS ON TOWN OF INDIAN RIVER SHORES WATER, WASTEWATER, AND RECLAIMED WATER SERVICE

MOVE: ITEM 10.B.3. TODD WESTOVER, DIVISION MANAGER, TREASURE COAST REFUSE/REPUBLIC SERVICES TO BE HEARD UNDER SOLID WASTE DISPOSAL DISTRICT ITEM 15.B.2.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the Agenda as amended.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 21 THROUGH NOVEMBER 27, 2010 AS CHRISTIAN HERITAGE WEEK IN INDIAN RIVER COUNTY

Commissioner Davis read and presented the Proclamation to Dr. Craig McGarvey, President of the American Family Association. Dr. McGarvey presented to the Commissioners a pocket edition of the Declaration of Independence and the Constitution, and thanked them for their service to the community and their support for Christian Heritage Week.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 12TH THROUGH NOVEMBER 18TH, 2010 AS NATIONAL COMMUNITY FOUNDATION WEEK

Commissioner Flescher read and presented the Proclamation to Rick McDermott and Kerry Bartlett of the Indian River Community Foundation. Mr. McDermott revealed that the Foundation facilitates philanthropic activity, and that additional information is available at ircommunityfoundation.com.

6. APPROVAL OF MINUTES

6.A. PRELIMINARY BUDGET HEARING SEPTEMBER 8, 2010

The Chairman asked if there were any corrections or additions to the Minutes of the Preliminary Budget Hearing of September 8, 2010. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the Minutes of the Preliminary Budget Hearing of September 8, 2010, as written.

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

8. CONSENT AGENDA

Chairman Solari requested Item 8.O. be pulled for discussion.

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

8.A. APPROVAL OF WARRANTS AND WIRES OCTOBER 29, 2010 TO NOVEMBER 4, 2010

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of October 29, 2010 to November 4, 2010, as requested in the memorandum of November 4, 2010.

8.B. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the “Statement of Revenues, Expenditures and Changes in Fund Balances – Traffic Education Program”, through the

period ending September 30, 2010, as recommended in the memorandum of November 9, 2010.

8.C. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS IN ACCORDANCE WITH 318.18 (13) FLORIDA STATUTES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted for the quarter ending September 2010, the Quarterly Summary Report for Assessment of Additional Court Costs, as recommended in the memorandum of November 9, 2010.

8.D. OPEB TRUST REPORT FOR THE PERIOD 10/1/09 THROUGH 09/30/10

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the quarterly OPEB (Other Post Employment Benefits) Trust Report for the period October 1, 2009 through September 30, 2010, as recommended in the memorandum of November 9, 2010.

8.E. INDIAN RIVER COUNTY INVESTMENT ADVISORY COMMITTEE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING 09/30/2010

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the Investment Advisory Committee Quarterly Report for

the quarter ending September 30, 2010, as recommended in the memorandum of November 9, 2010.

8.F. FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, FLORIDA DIVISION OF FORESTRY, ANNUAL FIRE CONTROL REPORT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the Florida Division of Forestry 2009-2010 Annual Wildfire Control Report as requested in the letter of November 1, 2010.

8.G. SR 60 FROM 66TH AVENUE TO 84TH AVENUE CONFLICT RESOLUTION WITH FDOT DRAINAGE, PAVEMENT AND TRAFFIC SIGNAL IMPROVEMENTS, FINAL PAY TO RANGER CONSTRUCTION INDUSTRIES TO RAISE VALVES, AND ARV MANHOLE TOPS, UCP # 3026

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the total amount of \$40,668.00 for the valves and tops raised, and approved Final Invoice Number 796968 to Ranger Construction Industries, Inc., in the total amount of \$40,668.00, as recommended in the memorandum of November 1, 2010.

8.H. DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL

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

declared the items on the Excess Equipment List (*see pages 40-47 of the agenda packet*) surplus and authorized the sale and/or proper disposal of same; (2) authorized the delivery of the excess equipment to the Indian River County Fairgrounds to be sold at public auction at 10:00 a.m. on December 11, 2010; (3) approved the sample agreement with Karlin Daniel & Associates, Inc., Auctioneers; and (4) authorized the County Administrator to execute said Auction Agreement, as recommended in the memorandum of November 8, 2010.

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

**8.I. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE
MEMORANDUM OF AGREEMENT (MOA) AND AUTHORIZING RESOLUTION
FOR LANDSCAPE MAINTENANCE, SR60 BETWEEN 66TH AVENUE AND 58TH
AVENUE, FDOT PROJECT FM # 424638-1-52-01**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-096**, authorizing the execution of District Four Landscape Maintenance Memorandum of Agreement for SR60 from 66th Avenue (CR615) (MP 26.063) to 58th Avenue (Kings Highway) (MP 27.043) FM #424638-1-52-01.

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

**8.J. PROFESSIONAL CIVIL ENGINEERING SERVICES WITH MBV
ENGINEERING, INC. QUAIL CREEK SUBDIVISION – AMENDMENT No. 1**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized Amendment No. 1 to the Professional Civil Engineering Services Agreement with MBV Engineering, Inc. for a lump sum amount of \$3,800.00, as recommended in the memorandum of November 4, 2010.

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

**8.K. WORK ORDER No. 19 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES
AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR CR512
BRIDGE OVER THE SOUTH PRONG OF THE SEBASTIAN RIVER, RELEASE OF
RETAINAGE IRC PROJECT #9611**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 10-563/3 dated November 1, 2010, in the amount of \$196.00 for release of retainage, as recommended in the memorandum of November 5, 2010.

**8.L. WORK ORDER NO. 20 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES
AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR 20TH AVENUE
BRIDGE OVER THE I.R.F.W.C.D. MAIN RELIEF CANAL RELEASE OF
RETAINAGE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 10-564/3 dated November 1, 2010, in the amount of \$155.00 for release of retainage, as recommended in the memorandum of November 5, 2010.

**8.M. WORK ORDER NO. 21 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES
AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR CR512
BRIDGE OVER FELLSMERE WATER CONTROL DISTRICT (F.W.C.D.) PARK
LATERAL CANAL RELEASE OF RETAINAGE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 10-566/3 dated November 1, 2010, in the amount of \$150.00 for release of retainage, as recommended in the memorandum of November 5, 2010.

**8.N. WORK ORDER NO. 22 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES
AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR CR512
BRIDGE OVER FELLSMERE WATER CONTROL DISTRICT (F.W.C.D.)
LATERAL "U" CANAL RELEASE OF RETAINAGE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 10-567/3 dated November 1, 2010, in the amount of \$196.00 for release of retainage, as recommended in the memorandum of November 5, 2010.

8.O. SECTOR 3 BEACH RESTORATION PROJECT, CHANGE ORDER #3, PRE-PURCHASE FOR REMAINING PROJECT SAND REQUIREMENTS, RANGER CONSTRUCTION INDUSTRIES, INC.

Chairman Solari, having opposed this matter previously, indicated that he would vote against it.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-1 vote (Chairman Solari opposed), the Board approved Change Order No. 3 to Ranger Construction Industries, Inc., as recommended in the memorandum of November 5, 2010.

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

**8.P. APPROVAL OF WORK ORDER NO. L-1 WITH G. K. ENVIRONMENTAL, INC.
AND PERMISSION TO ISSUE PURCHASE ORDERS FOR EGRET MARSH
REGIONAL STORMWATER PARK PUNCH LIST ITEMS**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved and authorized the Chairman to execute Work Order No. L-1 with G.K. Environmental, Inc.; and (2) authorized staff to issue purchase orders to the following entities: Item No. 2 - Hurricane Shutters for the Prefabricated Influent and Effluent Buildings at a total cost of \$994.34, and Item No. 3 - Modification of Electrical Wiring Below the Cantilever Slab at the Lateral D Canal Pump Station at a total cost of \$3,657.07, for completion of said punch list items, as recommended in the memorandum of November 8, 2010.

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

**8.Q. REQUEST TO APPROVE A ONE-YEAR CONTRACT EXTENSION WITH THE
CONSERVATION FUND FOR PROFESSIONAL SERVICES RELATING TO THE
COUNTY ENVIRONMENTAL LANDS PROGRAM**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to execute the "3rd Amendment of Agreement for Professional Services between Indian River County and the Conservation Fund Charitable

Trust”, as recommended in the memorandum of November 8, 2010.

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

8.R. GRAVES BROTHERS DRAINAGE AGREEMENT – CR 510 AND OLD DIXIE HIGHWAY

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the “Agreement between Indian River County, Florida and Graves Brothers Company For Installation and Construction of a Drainage Ditch and Pipes Near County Road 510 and Old Dixie Highway”, as recommended in the memorandum of November 8, 2010.

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

8.S. RIGHT-OF-WAY ACQUISITION, 66TH AVENUE PROJECT (4TH TO 16TH STREET), 850 66TH AVENUE, PARCEL I.D. # 33-39-08-00001-0130-00001.1, PROJECT PARCEL #20 AND TEMPORARY CONSTRUCTION EASEMENT PARCEL #27, OWNER: DAVID L. AND BARBARA A. HEFFLEBOWER

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Agreement to Purchase and Sell Real Estate with

David L. and Barbara A. Hefflebower, for the amount of \$83,000, as recommended in the memorandum of November 8, 2010.

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

8.T. ANNUAL RESOLUTION RE SIGNATORIES AND DELEGATION OF AUTHORITY CONCERNING DECLARATIONS OF STATE OF LOCAL EMERGENCIES AND TO ACT IN A STATE DECLARED EMERGENCY AFFECTING INDIAN RIVER COUNTY

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-097**, directing depositories of County funds to honor certain authorized signatures on County checks, warrants, and other orders for payment; providing for Board of County Commissioners and Clerk of the Circuit Court signatories; rescinding Resolution No. 2009-171; delegating authority to the County Administrator to declare states of local emergencies and to act in a State of Florida declared emergency affecting Indian River County; and providing an effective date.

8.U. RESOLUTIONS CANCELLING TAXES ON PROPERTIES ACQUIRED BY THE INDIAN RIVER COUNTY HOUSING AUTHORITY FOR PUBLIC PURPOSES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-098**, cancelling certain taxes upon

publicly owned lands, pursuant to Section 196.28, Florida Statutes.

*(Lot 28, Block B, Vero Lake Estates Unit P; 8246 103rd Avenue [acquired from E*Trade Financial Corporation, a Delaware corporation])*

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-099**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 14, Block D, Vero Lake Estates Unit P; 8135 103rd Court [acquired from Federal Home Loan Mortgage Corporation])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-100**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 24, Block E, Vero Lake Estates Unit L; 7986 100th Court [acquired from The Bank of New York Mellon Trust Company, National Association as Grantor Trustee of the Protium Master Grantor Trust, a Florida corporation])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-101**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 28, Block 594, Sebastian Highlands Unit 17; 174 Spring Valley Avenue [acquired from VirtualBank, a division of Lydian Private Bank])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-102**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 27, Block 205, Sebastian Highlands Unit 8; 467 Biscayne Lane [acquired from Household Finance Corporation III])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-103**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 34, Block 261, Sebastian Highlands Unit 10 less the west 2 feet of Lot 34; 602 Atlantus Terrace [acquired from Jennifer B. Abraham])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-104**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 22, Block D, Vero Lake Estates Unit L; 7966 100th Avenue [acquired from Wells Fargo Bank N.A. as Trustee

for Option One Mortgage Loan Trust 2005-4, Asset-Backed Certificates, Series 2005-4])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-105**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 23, Block D, Vero Lake Estates Unit Q; 7976 104th Avenue [acquired from Deutsche Bank National Trust Company, as Trustee for the registered holders of Morgan Stanley Home Equity Loan Trust 2007-2 Mortgage Pass-Through Certificates, Series 2007-2])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-106**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 16, Block 243, Sebastian Highlands Unit 10; 732 Capon Terrace [acquired from PHH Mortgage Corporation])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-107**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 27, Block A, Vero Lake Estates Unit K; 8236 98th Court [acquired from Fannie Mae a/k/a/ Federal National Mortgage Association])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-108**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 12, Block E, Vero Lake Estates Unit O; 8355 104th Avenue [acquired from Deutsche Bank National Trust Company, as Trustee Under the Pooling and Servicing Agreement Relating to IMPAC Secured Assets Corporation, Mortgage Pass-Through Certificates, Series 2006-2, a California corporation])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-109**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 16, Block 569, Sebastian Highlands Unit 17; 1998 Barber Street [acquired from Fannie Mae a/k/a Federal National Mortgage Association])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-110**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 8, Block K, Vero Lake Estates Unit H-3; 8716 105th Avenue [acquired from U.S. Bank National Association, as successor Trustee to Bank of America, N.A. as successor by merger to LaSalle Bank, N.A. as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-5])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-111**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 2, Block V, Paradise Park Unit No. 2; 8880 22nd Street [acquired from Deutsche Bank National Trust Company, as Trustee for FFMLT 2006-FF4, Mortgage Pass-Through Certificates, Series 2006-FF4, by Home Loan Services, Inc., as Attorney-in-Fact])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-112**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 7, Block M, Vero Lake Estates Unit D; 9750 84th Street [acquired from U.S. Bank, National Association, as Trustee for RASC 2006EMX5])

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-113**, cancelling certain taxes upon

publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Lot 2, Block 110, Sebastian Highlands Unit 2; 668 Dempsey [acquired from Federal Home Loan Mortgage Corporation])

(Clerk's Note: The above 16 parcels of property were funded through the Housing and Economic Recovery Act of 2008, and acquired by the Indian River County Housing Authority through the Neighborhood Stabilization Program for use as affordable housing).

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF

APPROVAL TO AMEND FISCAL YEAR 2010-2011 OPERATING BUDGET

Sheriff Deryl Loar requested Board approval for the transfer of funds within the Sheriff's Agency, in accordance with Florida Statutes, Section 129.06(2)(a). He recalled that he had addressed the Board on this matter at the July 14, 2010 Budget Workshop and the August 17, 2010 Board of County Commission meeting.

Vice Chairman Wheeler reaffirmed his long-standing opposition to the Constitutional Officers transferring funds from one area to another subsequent to the budget approval process. He stated he had no problem with fund transfers within a specific category, such as salaries; however, for other transfers, he wanted the Board to be apprised of the transfer in advance of, and not subsequent to, the action.

Sheriff Loar established his need for flexibility in spending due to the budget cuts and asked the Board to support his request.

Chairman Solari agreed with Vice Chairman Wheeler that it would be fine to move funds within a designated category, but not between different categories.

Commissioner O'Bryan observed that it was the Sheriff's job to run his office as he sees fit, but requested notification when the fund transfers are made.

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Commissioner Flescher, to approve the
Sheriff's request to amend the Sheriff's fiscal year
2010/2011 Operating Budget.

Further discussion ensued as Commissioners Davis and Flescher expressed support for the Sheriff.

The Chairman CALLED THE QUESTION and by a 3-2 vote (Commissioners Solari and Wheeler opposed), the Motion carried. The Board approved the Sheriff's request to amend his fiscal year 2010-2011 Operating Budget, as requested in the letter dated November 9, 2010.

10.A. PUBLIC HEARINGS

10.A.1. PALEMA TROTting, INC.'S REQUEST FOR SPECIAL EXCEPTION USE

APPROVAL FOR A RESIDENTIAL MIGRANT HOUSING FACILITY (SEASONAL WORKER HOUSING) (QUASI-JUDICIAL)

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

Community Planning Director Stan Boling, through a PowerPoint presentation (on file), provided description, conditions, and analysis on Palema Trotting, Inc.'s request for special

exception use approval for a proposed residential migrant housing facility (dormitory building) at the southeast corner of 66th Avenue and 53rd Street. He conveyed that the Planning and Zoning Commission has reviewed the proposal, and along with County staff, unanimously recommends approval of the request, based on the conditions outlined in staff's recommendation on page 309 of the agenda packet.

Director Boling, assisted by Public Works Director Christopher Mora, addressed a series of questions/remarks posed by the Board about the capacity of the unpaved access road to accommodate traffic and vehicular increases; the definition of "seasonal"; whether the facility has the required permits for the septic and well systems; and whether there is an odor control plan for the manure.

The Chairman opened the Public Hearing.

Geoff Barkett, Schulke, Bittle, & Stoddard, LLC, Project Engineer, explained that the dormitory would house a maximum of 12 individuals seasonally, and that, since the horses would only be trucked in and out twice yearly, excessive traffic would not be generated.

Brian Carman, Indian River Neighborhood Association, encouraged the Commission to support this project.

Donna Holland, Vero Beach, said although she was pleased with the facility, she was concerned about retaining the restrictions regarding dormitory usage, should the facility be sold.

Director Boling Stan assured Ms. Holland that the use restrictions would run with the land and be enforceable through Code Enforcement.

Renee Renzi, Waverly Place, wanted to know whether local individuals could obtain a seasonal job at Palema Trotting, or whether the dorms were only for seasonal residents.

A brief discussion ensued, during which it was established that there was no prohibition against local seasonal workers. Commissioner O'Bryan surmised, however, that a particular horse's regular trainer would likely be accompanying his/her horse.

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

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Flescher, the Board unanimously:

A. **Found**, that in conjunction with the recommended conditions:

- (1) It is empowered under the provisions of Chapter 971 to review the special exception applied for;
- (2) The granting of the special exception will not adversely affect the public interest;
- (3) The application satisfies the general and specific criteria required for special exception approval; and
- (4) The conditions stated below are adequate to ensure compatibility between the special exception use and surrounding land uses; and

B. **Granted** special exception use approval for Palema Trotting, Inc.'s request for a worker housing facility, with the following conditions:

- (1) Prior to site plan release, the applicant shall:
 - a. Dedicate a 40' corner clip right-of-way at 53rd Street and 66th Avenue, without compensation, and
 - b. Submit and obtain planning staff approval of final architectural plans for the dormitory building, showing that the building has a residential or agricultural appearance;

(2) Prior to issuance of a certificate of occupancy (C.O.), all required landscape buffers and opaque features shall be installed;

(3) Residents of the worker housing dormitory building shall be restricted to workers performing duties at the on-site commercial stable facility and limited to a maximum of 12 residents, all as stated and recommended in the memorandum of November 1, 2010.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM ROBERT T. WOOD REGARDING LANDLORDS AND RENTERS

Robert Todd Wood, 1691 4th Court, Rockridge Subdivision, addressed the Board about a situation occurring at 1671 4th Court, where a rental property has been leased to drug users/dealers. He stated that he has already spoken to the landlord, and noted that the Sheriff and Emergency Services have made over 30 trips to the subject property. Mr. Wood felt the situation was a drain on tax dollars, unsafe, and unhealthy, and asked the Board if there was any remedy relative to Section 973.04 of Chapter 973, the Public Nuisance Code.

Vice Chairman Wheeler revealed that if a landlord knowingly allows illegal activity on his or her property, the property is subject to confiscation. He advised Mr. Wood to pursue this matter with the Sheriff.

County Attorney Alan Polackwich, Sr., agreed that if the property is being used for illegal activity with the owner's knowledge, there may be a forfeiture possibility. He stated that the nuisance ordinance does not deal with this issue and that there is no local remedy at this time; thus a solution should be sought in the domain of criminal law.

Commissioner Davis encouraged Mr. Wood to seek a legal remedy with the Sheriff, and failing that, it would be incumbent upon the Board to seek a remedy by Ordinance.

No Board Action Required or Taken

10.B.2. 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 Councilmember, speaking as a City of Vero Beach Councilmember and a citizen, averred that the City would have an open and transparent government under the new mayor, Jay Kramer. He expressed appreciation for the County's policy of transparency and openness, which has helped to keep the public informed on the electric utility issue. Mr. Heady reported that Tracy Carroll and Pilar Turner are the City's new liaisons for matters pertaining to the Electric Utility, and the Water, Wastewater, and Reclaimed Water Utility, respectively, and asked the Board to continue to allow the City's updates on those issues.

Commissioner O'Bryan mentioned that Mayor Kramer had attended the last Board of County Commission meeting. He extended a welcome to audience members City of Vero Beach Vice Mayor Pilar Turner and Councilmember Tracy Carroll, and stated he was looking forward to a new openness and communication with the City.

Chairman Solari remarked on the spirit of cooperation occurring between the County and the City at the November 14, 2010 Annual Firefighters Chili Cook-Off, and affirmed that he, too, was looking forward to working with the Vero Beach Councilmembers.

**10.B.3. REQUEST TO SPEAK FROM TODD WESTOVER, DIVISION MANAGER,
TREASURE COAST REFUSE / REPUBLIC SERVICES**

(Clerk's Note: Item 10.B.3. was moved and heard in conjunction with SWDD Item 15.B.1.)

10.C. PUBLIC NOTICE ITEMS-NONE

11. COUNTY ADMINISTRATOR MATTERS

**11.A.1. MEETINGS OF THE BOARD OF COUNTY COMMISSION, PROPOSED – 2011
MEETING DATES**

Commissioner Flescher proposed eliminating the September 6, 2011 Board Meeting and adding one or more meetings in August 2011. He discussed the need for continuity throughout the summer; the difficulties inherent in holding a meeting on September 6, 2011, the day after Labor Day; and divulged that a prior obligation would preclude his attending the September 6 meeting.

Discussion followed, as individual Board members opined on whether to modify the upcoming schedule for the Board of County Commission meetings.

In order to accommodate Commissioner Flescher's schedule, Chairman Solari suggested switching the September 6, 2011 meeting to August 23, 2011.

MOTION WAS MADE by Commissioner Flescher to reschedule the September 6, 2011 Board of County Commission meeting to August 23, 2011. MOTION DIED for lack of a Second.

Further deliberations occurred, after which Commissioner O'Bryan suggested the Board approve the proposed schedule and ensure nothing controversial is put on the September 6, 2011 meeting agenda.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-1 vote (Commissioner Flescher opposed), the Board approved the proposed schedule of Board of County Commission 2011 meeting dates, as presented on page 325 of the agenda packet.

ADDITION: 11.A. 2. UPCOMING LEGISLATIVE DELEGATION SESSION: UPDATE OF ISSUES TO BE PRESENTED

County Administrator Joseph A. Baird outlined for the Board's review, the following topics that would be discussed at the upcoming Legislative Delegation Session: (1) Trim Notices; (2) Community Redevelopment Agencies (CRA); (3) Pain Clinics; (4) Medicaid; (5) Florida Retirement System Defined Benefit; (6) St. John's River Water Management District (SJRWMD) irrigation ordinances; and (7) HB 697 (proposed rules for the Energy Conservation Map). He inquired whether the list was acceptable to the Board and if they had any additions, and invited any Commissioner who wished to represent the County on a particular topic to do so.

Commissioners Davis and O'Bryan wanted to have the County's presentation on the CRA's include specific details on the program's impact on the County's General Fund. In addition, Commissioner O'Bryan suggested changing the name of "Florida Retirement System Defined Benefit" to "Florida Retirement System Defined Contribution."

Chairman Solari wanted to express the County's opposition to not only the SJRWMD's irrigation ordinance, but to all of SJRWMD's proposed ordinances that would infringe upon residents' private property rights.

Vice Chairman Wheeler wanted to see unfunded mandates to local governments addressed at the State level, stressing that the State should pay for such mandates.

Administrator Baird confirmed for Commissioner Davis that there would be no legislative changes to the County's procedure of having the Clerk of the Circuit Court oversee the County's funds.

The Board CONSENSUS was to approve the roster of topics, and to allow any Commissioner who desired to make a presentation to do so.

The Chairman called a break at 10:36 a.m. and reconvened the meeting at 10:51 a.m., with all members present.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

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

José Guanch, Building Official, provided description, conditions, and analysis pertaining to staff's request for the Board to consider condemnation, demolition, and removal of an unsafe structure consisting of six buildings and 55 units located at 4730 40th Avenue, known as Gifford Gardens Apartments. He used a PowerPoint presentation (on file), to illustrate the unsafe, unsanitary, and deteriorating conditions at the site; affirmed that the structures are a nuisance to the community; and conveyed staff's recommendation for the Board to approve the demolition of the Gifford Gardens Apartment buildings.

(Clerk's Note: the second property proposed to be demolished is mentioned later in the meeting by Deputy County Attorney Bill DeBaal).

Responding to Commissioner Davis's query, Attorney Polackwich explained that City National Bank holds the mortgage and note on the property, has entered a judgment against the property owner, and will in the near future hold a foreclosure sale. He said that City National had provided a proposal to the County for boarding and fencing the subject property, but it was contingent upon the County taking no action relative to the condemnation order which it has imposed.

Discussion followed, during which it was established that the effective date for the County's lien, which would be imposed to recover the cost of demolition, would be the date of the recording of the document.

Chairman Solari wished to establish for the record that everyone's property rights have been respected. He further remarked that the Gifford Gardens site is clearly hazardous to the public and emergency personnel, and a blight on the neighborhood. He viewed City National's estimate of \$1 million to secure the property as vastly understated and supported proceeding with the demolition as soon as legally possible.

The following persons appeared before the Commission with commentary and arguments imploring the Board to approve the demolition of the Gifford Gardens property:

Julianne Price, Indian River County Health Department

Freddie Woolfork, 4590 57th Avenue

Tony Brown, President, Indian River County, NAACP

Deputy Sheriff Roberta Barker

Bob Johnson, Coral Wind Subdivision, suggested that the property be used for Habitat for Humanity.

Mr. Johnson's suggestion was considered, but due to the extensive cost of rehabbing the property, it was felt that Habitat could not make use of the property.

Commissioner Flescher relayed that when he was in law enforcement, he had responded to the Gifford Gardens site many times, and thanked everyone who has been working over the years to affect a cleanup of this property.

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

Attorney Polackwich suggested adding language to the proposed Resolution, stating that the matter come back for actual imposition of the lien once the costs on the demolition of Gifford Gardens Apartments are known.

MOTION WAS AMENDED by Commissioner Flescher,
SECONDED by Chairman Solari, to approve staff's
recommendation, with an amendment to the proposed
resolution to include language regarding imposing the lien
for Gifford Gardens, located at 4730 40th Avenue, once
the costs are known.

Attorney DeBraal noted for the record, that the County Building inspectors had inspected every apartment at Gifford Gardens. He also pointed out an additional unsafe structure, located at 4230 29th Avenue has been included in the resolution for demolition.

Attorney Polackwich clarified that the additional language about the lien pertained only to the Gifford Gardens property.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board unanimously: (1) declared the subject structures, located at 4730 40th Avenue and 4230 29th Avenue, 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; and (2) approved **Resolution 2010-114**, *as amended to impose the lien for Gifford Gardens, located at 4730 40th Avenue, once the costs are known, providing for the demolition of unsafe structures and the recovery of costs. (LLC [ADR] & A to Z Home Management, 4730 40th Avenue; and Lufleta Battle & Will Battle, 4230 29th Avenue).*

12.A.2. REQUEST TO AMEND THE NEIGHBORHOOD STABILIZATION PROGRAM
COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING ASSISTANCE
PLAN

Community Development Director Robert Keating recapped staff's memorandum of November 5, 2010, providing background and conditions pertaining to staff's request to update the Neighborhood Stabilization Program Community Development Block Grant (NSP CDBG) Housing Assistance Plan (HAP). He stated that the County's rental and resale partners in the program are the Treasure Coast Homeless Services Council, Inc. (TCHSC), and the Indian River County Housing Authority, respectively. Director Keating divulged that the principal changes needed to the Housing Assistance Plan are as follows:

1. Conflict of Interest Procedures

Director Keating stated that in addition to the information in his report, he had received an email on November 15, 2010 from the Department of Community Affairs (DCA), emphasizing the importance of addressing the conflict of interest issue.

He declared that the proposed amendments to the HAP would allow for conflict of interest disclosure, while addressing the TCHSC's concerns about confidentiality and public disclosure of the names of the qualifying applicants of the properties.

2. Resale Procedures for Housing Authority Units

Director Keating conveyed that the proposed amendments to the HAP would add details regarding the housing resale activity, such as how the applicants are selected and how they would in turn, choose among the available housing units; how the County would allocate the housing units among the applicants; and how much financial assistance would be provided by the County to purchasers.

Discussion ensued regarding whether the Conflict of Interest matter needed to be resolved today. The Board CONSENSUS was to separate the two issues to allow the Resale Procedure amendments to go forward, while allowing time to get feedback from Louise Hubbard, TCHSC, on the conflict of interest issue.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Davis, to handle separately the two issues pertaining to the proposed amendments to the Neighborhood Stabilization Program Community Development Block Grant Housing Assistance Plan, as follows: (1) Conflict of Interest

Requirements, and (2) Resale Procedures for Housing Authority Units.

Commissioner O'Bryan emphasized the need to have a full disclosure of any conflicts of interest declared by the Board, once the applicant closes on the property.

Fred Fox, CDBG Consultant, explained that DCA has a waiver process which would allow the applicant to go forward with the rental or purchase of the property, if he or she is granted the waiver. He stressed the importance of having the conflict of interests disclosed early in the rental/resale process.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved to handle separately the two issues pertaining to the proposed amendments to the Neighborhood Stabilization Program Community Development Block Grant Housing Assistance Plan, as follows: (1) Conflict of Interest Requirements, and (2) Resale Procedures for Housing Authority Units.

Louise Hubbard, Executive Director, Treasure Coast Homeless Services Council, explained the necessity to keep confidential the names of the rental applicants. She asked the Board to allow her some time to work with planning staff and DCA, and to review the HAP.

After a brief consultation with staff, and additional input from Ms. Hubbard, the Board CONSENSUS was to defer the vote on the conflict of interest amendments, contingent upon TCHSC not renting any more units until this matter has been resolved.

Commissioner O'Bryan asked Director Keating if he was comfortable delaying the conflict of interest amendments until the next Board of County Commission meeting on December 7, 2010.

Director Keating agreed with deferring the conflict of interest portion of the amendments. However, he told the Board that the Housing Authority was interested in proceeding with the sale of units, and asked if the Board concurred with the proposed specifications regarding the resale units, such as the percentages of assistance, and the process staff has established for ranking the buyers.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, to approve the proposed amendments to the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Assistance Plan (HAP) for the Resale Procedures for Housing Authority Units.

Director Keating addressed questions from Commissioner Davis on how the County's mortgages on the resale units will be structured, and whether the resale units are available for purchase when they are sold or whether they are deed restricted, and Ms. Hubbard responded to questioning about whether the rental properties must remain so in perpetuity.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the proposed amendments to the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Assistance Plan (HAP) for the Resale Procedures for Housing Authority Units.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Flescher, to TABLE until a time certain of December 7, 2010, further action on the proposed amendments to the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Assistance Plan (HAP) pertaining to the Conflict of Interest/Confidentiality Issues.

Chairman Solari directed the County Attorney to work with Community Development and the Treasure Coast Regional Planning Council on the Conflict of Interest and Confidentiality issues.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board TABLED until a time certain of December 7, 2010, further action on the proposed amendments to the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Assistance Plan (HAP) pertaining to the Conflict of Interest Requirements.

The Chairman called a break at 11:55 a.m., and reconvened the meeting at 12:06 p.m., with all members present.

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-NONE

12.J. UTILITIES SERVICES-NONE

13. COUNTY ATTORNEY MATTERS-NONE

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN

**14.A.1. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE
(CEDS)**

Commissioner O'Bryan reported that the Treasure Coast Regional Planning Council (TCRPC) had requested that each Commissioner ratify for the January 2011 through December 2012 term, the current appointments to the Treasure Coast Regional Planning Council TCRPC Comprehensive Economic Development Strategy Committee (CEDS), as follows: District 1 – Raymond Coniglio; District 2 - Rich Stringer; District 3 –Helene Caseltine; District 4 –Randy Riley; and District 5 –Andrew Kennedy, or make new appointments. He observed that the Commissioners could notify the TCRPC or the County Administrator of their choices.

ADDITION: 14.A.2. ESCARPMENT LOCATED AT DISNEY'S VERO BEACH RESORT

Commissioner O’Bryan relayed that staff had notified him of ten (10) to twelve (12) foot escarpments that have arisen in portions of the Sector 3 – Phase 1 project area, including the area along Disney’s Vero Resort. He recapped staff’s memorandum of November 16, 2010 to provide details regarding the situation’s impact on the Resort and the area’s economy, and asked the Board to authorize staff to hire a contractor to level the escarpments.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously authorized staff to hire a contractor to correct the escarpments along the shoreline adjacent to the crosswalk of the Disney Vero Beach Resort, as requested in the memorandum of November 16, 2010.

14.B. COMMISSIONER BOB SOLARI

14.B.1. LETTER TO GOVERNOR

Chairman Solari asked fellow Board members if they wished to send a letter to Governor-Elect Rick Scott, congratulating him on his election and mentioning some items on which the Board wanted him to work.

Discussion ensued, after which the Board CONSENSUS was to include in the letter, the County’s desire for Governor-Elect Scott to explore the following:

- Smaller Government, including striving to keep local decisions at a local level, particularly in relation to property taxes
- Consolidation of County and State services if there is an overlap, and where applicable
- Reduction of bureaucracy

Vice Chairman Wheeler cautioned that any consolidation of County and State services should be carefully evaluated. He provided the example of the need in law enforcement to have both the Sheriff, and local and State Police Departments.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute a letter to Governor-Elect Rick Scott, to remind the Governor-Elect of his declaration of intent to keep local decisions at a local level, particularly in relation to property taxes; establish that the County and Governor-Elect Scott share a desire for a smaller government; and confirm the County's willingness to work with him to reduce bureaucracy, and to consolidate and prevent duplication of government services.

14.B.2. HB 697 FOLLOW-UP

Chairman Solari recalled that when the Board adopted the EAR based Amendments to the 2020 Comprehensive Plan on October 12, 2010, staff had to comply with the Department of Community Affairs' (DCA) directive to establish, in accordance with HB697, an Energy Conservation Map in the County's Future Land Use Element. He believed there is another example of future State interference with local government and an indicator of possible future problems in DCA's Notice of Proposed Rule", Future Land Use Element, Section 9J-5.006(i) Items 1-5 (see page 375 of the agenda packet), where the verbiage favors design standards utilizing higher densities, a policy direction not in accordance with the County's.

No Board Action Required or Taken

14.C. COMMISSIONER WESLEY S. DAVIS

**14.C.1. TOWN OF INDIAN RIVER SHORES - WATER, WASTEWATER AND
RECLAIMED WATER**

Commissioner Davis addressed fellow Commissioners about a recent request from the Town of Indian River Shores (the Town) for the County to explore the possibility of providing water, wastewater, and reclaimed water services to the Town. He recalled that the Town has an existing franchise with the City of Vero Beach (the City) which does not expire until 2016, and believed the Board currently has two options: (1) to defer discussion/negotiations on possible franchise opportunities until 2016; or (2) to solicit permission from the City to allow the County to engage in dialogue with the Town on water, wastewater, and reclaimed water services.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to direct the County Attorney to draft an agreement wherein the City of Vero Beach would affirm the County was not in violation of the existing franchise by entering into dialogue with the Town of Indian River Shores regarding the possible provision by the County of water, wastewater, and reclaimed water services to the Town.

A lengthy discussion/debate followed, during which Commissioners Flescher, O'Bryan, and Wheeler expressed support for Commissioner Davis's request.

Chairman Solari agreed that it would be appropriate to draft, but not send, the agreement at this time. He wanted to give the new City Councilmembers time to get adjusted and study the matter; he did not want the County involved in any potential conflict of interest resulting from the City and the Town using the same consultant; and he wanted to see this issue be treated in an open and transparent manner by the concerned parties before the County starts to dialogue with the Shores.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Chairman Solari opposed), the Board authorized staff to draft an agreement wherein the City of Vero Beach would affirm the County was not in violation of the existing franchise by entering into dialogue with the Town of Indian River Shores regarding the possible provision by the County of water, wastewater, and reclaimed water services to the Town.

Attorney Polackwich clarified that the Board's direction was for him to draft *and send* the agreement to the City of Vero Beach.

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

The Chairman announced that immediately upon adjournment of the Regular Emergency Services District Meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately.

15.B.1. BID AWARD FOR SOLID WASTE OPERATIONS AND MAINTENANCE
(RFB2011003)

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 12:24 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Bob Solari, Chairman

Minutes Approved: _____

BCC/MG/2010Minutes