

JEFFREY K. BARTON  
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

DECEMBER 7, 2010

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**JEFFREY K. BARTON**

Clerk to the Board



**December 7, 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, December 7, 2010. Present were Chairman Bob Solari, Vice Chairman Gary C. Wheeler, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman Solari called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Planning Director Stan Boling delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Vice Chairman Wheeler led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

Chairman Solari requested the following changes to the Agenda:

**DELETION: ITEM 15.A.5. APPROVAL OF FIRE PREVENTION GRANT FROM FM GLOBAL**

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

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION ON WINTERFEST 2010 BY ~~CHUCK~~ KAREN MECHLING,  
POINTE WEST**

**Karen Mechling**, Pointe West, Inc., announced Pointe West's seventh annual WinterFest event hosted by the Indian River County Recreation Department and Pointe West, to be held on Saturday, December 18<sup>th</sup> from 2:00 p.m. to 6:00 p.m. She outlined the various activities planned and invited everyone to attend.

**6. APPROVAL OF MINUTES**

**6.A. 2010/2011 FINAL BUDGET HEARING OF SEPTEMBER 15, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the 2010/2011 Final Budget Hearing of September 15, 2010. There were none.

ON MOTION by Vice Chairman Wheeler, SECONDED  
by Commissioner Davis, the Board unanimously approved  
the Minutes of the 2010/2011 Final Budget Hearing of  
September 15, 2010, as written.

**6.B. REGULAR MEETING OF SEPTEMBER 21, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of September 21, 2010. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of September 21, 2010, as written.

**6.C. REGULAR MEETING OF OCTOBER 5, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of October 5, 2010. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of October 5, 2010, as written.

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

**7.A. RESIGNATION OF DISTRICT 5 APPOINTEE TO THE PLANNING & ZONING COMMISSION**

Noted for the record was the resignation of Ms. Pilar Turner, District 5 appointee from the Planning and Zoning Commission, effective immediately. Her term would have expired in 2011.

**7.B. MANUFACTURING APPOINTEE VACANCY ON THE ECONOMIC DEVELOPMENT COUNCIL**



Noted for the record was the vacancy for a Manufacturing Appointee on the Economic Development Council. These meetings are held on the third Tuesday of every month at 3:00 p.m., First Floor Conference Room “B1-501,” of the County Administration Building “B”, 1800 27<sup>th</sup> Street, Vero Beach, Florida. Anyone interested in serving on the Council needs to submit an application and resumé to Terri Collins-Lister at the Board of County Commissioners Office, County Administration Building “A”, Second Floor Conference Room A2-501, 1801 27<sup>th</sup> Street, Vero Beach, FL 32960. Applications can be accessed on line at [www.ircgov.com/boards/committee applications](http://www.ircgov.com/boards/committee_applications) or at the Board of County Commissioners’ Office.

**7.C. CITY OF VERO BEACH APPOINTMENTS TO COUNTY COMMITTEES AND REGIONAL BOARDS FOR 2010-2011**

The list of newly appointed Council members and appointments from the City of Vero Beach to County Committees and Regional Boards for the period of November 2010 to November 2011 is on page 5 of the Agenda Packet.

**7.D. CITY OF SEBASTIAN APPOINTMENTS TO COUNTY COMMITTEES AND REGIONAL BOARDS FOR 2010-2011**

The list of newly appointed Council members and appointments from the City of Sebastian to County Committees and Regional Boards, for the period of November 2010 to November 2011 is on pages 9 through 14 of the Agenda Packet.

**7.E. SCHOOL BOARD APPOINTMENTS TO COUNTY COMMITTEES FOR 2010-2011**

The list of newly appointed Board members, citizens, and staff appointed to serve on various County committees for 2010-2011 from the School Board is on pages 17 through 21 of the Agenda Packet.

**7.F. 2011 COMMITTEE APPOINTMENTS/REAPPOINTMENTS TO BE MADE TO COUNTY COMMITTEES BY THE BOARD OF COUNTY COMMISSIONERS**

The list of Committees accepting applications for appointments/reappointments is listed on page 22 of the Agenda Packet.

**7.G. INDIAN RIVER SHORES/CITY OF VERO BEACH WATER/SEWER REQUEST TO CITY OF VERO BEACH FOR WAIVER**

Noted for the record was the completion of a request sent to the City of Vero Beach for a waiver allowing the County to discuss water and sewer issues with the Town of Indian River Shores. Copy of letter is on page 24 of the Agenda Packet.

**8. CONSENT AGENDA**

County Attorney Alan S. Polackwich, Sr. requested to pull Item 8.M. from the Consent Agenda for comments.

Commissioner O'Bryan requested to pull Item 8.X. from the Consent Agenda 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 NOVEMBER 5, 2010 TO NOVEMBER 11, 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 November 5, 2010 to November 11, 2010, as requested in the memorandum of November 10, 2010.

**8.B. APPROVAL OF WARRANTS AND WIRES NOVEMBER 12, 2010 TO NOVEMBER 18, 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 November 12, 2010 to November 18, 2010, as requested in the memorandum of November 18, 2010.

**8.C. APPROVAL OF WARRANTS AND WIRES NOVEMBER 19, 2010 TO NOVEMBER 30, 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 November 19, 2010 to November 30, 2010, as requested in the memorandum of November 30, 2010.

**8.D. FY 2009-2010 RECORDS DISPOSITION COMPLIANCE STATEMENT AND RECORDS MANAGEMENT LIAISON OFFICER FORM, BOARD OF COUNTY COMMISSIONERS**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to attest the Records Disposition Compliance Statements for the period October 1, 2009 through September 30, 2010, and submit the Records Management Liaison Officer (RMLO) form to the Florida Department of State for the Indian River County Board of County Commissioners, as recommended in the memorandum of December 1, 2010.

**8.E. AUTHORIZATION TO ATTEND GOVERNMENT FINANCE OFFICERS ASSOCIATION ANNUAL CONFERENCE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the County Administrator to attend the 2011 Government Finance Officers Association (GFOA) 105<sup>th</sup> Annual Conference, “Navigating the New Normal in Government Finance”, in San Antonio, Texas, from Sunday, May 22, 2011 through Wednesday, May 25, 2011, as requested in the memorandum of November 16, 2010.

**8.F. AUTHORIZATION TO ATTEND GOVERNOR’S HURRICANE CONFERENCE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the County Administrator to attend the 2011 Governor’s Hurricane Conference, in Fort Lauderdale, Florida, from Wednesday, May 18, 2011 through Friday,

May 20, 2011, as requested in the memorandum of November 16, 2010.

**8.G. RETENTION OF EXPERT WITNESSES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved (1) The Spivey Group, Inc. Appraisers; (2) W.D. Richardi, Inc. Contractor; (3) Kelley Collins and Gentry, Inc. Professional Engineers; and (4) Russell Woodall and Joseph Waters, Landscaping as expert witnesses for the Harbourt, Ryan, and Brown eminent domain lawsuits, and authorized the County Administrator to execute individual retainer agreements with the experts for the individual parcels as needed, as recommended in the memorandum of November 15, 2010.

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

**8.H. MISCELLANEOUS BUDGET AMENDMENT 001**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-116**, amending the fiscal year 2010-2011 Budget.

**8.I. M.A.C.E. (MULTI-AGENCY CRIMINAL ENFORCEMENT UNIT) PROJECT  
GENERATED INCOME MISCELLANEOUS BUDGET AMENDMENT 002**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the utilization of Project Generated Income totaling \$11,260.59, to be disbursed to the Substance Awareness Council of Indian River County, to be used for the Life Skills Training Program; and **Resolution 2010-117**, amending the fiscal year 2010-2011 Budget.

**8.J. M.A.C.E. (MULTI-AGENCY CRIMINAL ENFORCEMENT UNIT) GRANT  
PROJECT GENERATED INCOME (PGI) MISCELLANEOUS BUDGET  
AMENDMENT 003**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the utilization of Project Generated Income (PGI) totaling \$60,141.62 to be distributed to the Sheriff's M.A.C.E. Unit to purchase miscellaneous materials, and **Resolution 2010-118**, amending the fiscal year 2010-2011 Budget.

**8.K. CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS  
PROPERTIES FOR AFFORDABLE HOUSING**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously directed staff to sell the two properties (located at 1016 Booker Street, Fellsmere, and 4256 25<sup>th</sup> Avenue, Vero Beach), and contribute the sale proceeds to the County's

affordable housing (SHIP) trust fund for the provision of affordable housing through the County's existing established affordable housing program, as recommended in the memorandum of November 29, 2010.

**8.L. RELEASE OF RETAINAGE FOR COASTAL TECH WORK ORDER #10, SECTOR 3 BEACH RESTORATION – PHASE 2, PRE-CONSTRUCTION PHASE SERVICES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the release of retainage for Work Order No. 10, in the amount of \$3,544.20, as recommended in the memorandum of November 23, 2010.

**8.M. APPROVAL OF AGREEMENT FROM HYDROMENTIA, INC. TO DEFEND, HOLD HARMLESS, AND INDEMNIFY INDIAN RIVER COUNTY FOR ACTIVITIES AT EGRET MARSH REGIONAL STORMWATER PARK**

Attorney Polackwich stated that the *Agreement to Defend, Hold Harmless, and Indemnify*, with Hydromentia, Inc., needed minor revisions in the wording. He requested the Board review the changes, approve the Agreement, and authorize the Chairman to execute it on the County's behalf.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the *Agreement to Defend, Hold Harmless, and Indemnify*, with Hydromentia, Inc., and authorized the Chairman to execute same, as recommended in the memorandum of November 18, 2010.

**8.N. AWARD OF BID # 2011012 THE QUAIL CREEK SUBDIVISION, IRC**  
**PROJECT NO. 2004020196-45291**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the bid award to Timothy Rose Contracting, Inc. in the amount of \$143,137.95, for the remaining required improvements associated with the Land Development Permit for The Quail Creek Subdivision, as recommended in the memorandum of November 30, 2010.

**8.O. APPROVAL OF BID AWARD FOR IRC BID NO. 2011015 DEMOLITION OF**  
**TWO (2) COUNTY OWNED STRUCTURES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved bid award to L.E.B. Demolition and Consulting Contractors, Inc., in the amount of \$10,694.00, as the lowest most responsive and responsible bidder, meeting the specifications as set forth in the Invitation to Bid, for the demolition of two (2) County owned structures related to right-of-way purchases, as recommended in the memorandum of November 30, 2010.

Property No. 1: 8866 92<sup>nd</sup> Court, Vero Beach, FL

Property No. 2: 5165 66<sup>th</sup> Avenue, Vero Beach, FL



**8.P. DEMONSTRATION OF 4-LOG VIRUS TREATMENT OF GROUND WATER  
RULE NORTH & SOUTH RO FACILITIES WORK ORDER No. 19 –  
PROFESSIONAL SERVICES TO KIMLEY-HORN & ASSOCIATES, INC. FINAL  
PAY TO CONSULTANT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved final payment to Kimley Horn and Associates, Inc. in the amount of \$62.00, for professional services, as recommended in the memorandum of November 19, 2010.

**8.Q. CAMP DRESSER & MCKEE INC. FINAL PAY REQUEST WORK  
AUTHORIZATION No. 15**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved final payment to Camp Dresser and McKee, Inc., in the amount of \$1,280.00, to assist the County in water production facilities, as recommended in the memorandum of October 11, 2010.

**8.R. DECLARE ADDITIONAL EXCESS EQUIPMENT SURPLUS FOR SALE OR  
PROPER DISPOSAL**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously declared the additional listed items (page 148 of the Agenda Packet) as surplus, and authorized their sale and/or proper disposal at the public auction to be held on December 11,

2010 at the County Fairgrounds, as recommended in the memorandum of November 29, 2010.

**8.S. APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR INTEROPERABLE COMMUNICATIONS EQUIPMENT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Memorandum of Understanding (MOU) with the Florida Division of Emergency Management, and authorized the Chairman to execute the agreement for one State Law Enforcement Radio System (SLERS) interoperable radio, in the amount of \$4,994.02, as recommended in the memorandum of October 21, 2010.

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

**8.T. APPROVAL OF RENEWAL FOR A CLASS E1 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE PLACE AT VERO BEACH, INC. TO PROVIDE NON-EMERGENCY WHEELCHAIR SERVICES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved renewal of the Class E1 Certificate of Public Convenience and Necessity for The Place at Vero Beach, Inc., to be effective for a period of two (2) years, from August 10, 2010 to August 10, 2012, as recommended in the memorandum of November 19, 2010.

**8.U. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LETTER OF UNDERSTANDING (LOU) AND AUTHORIZING RESOLUTION FOR LANDSCAPE MAINTENANCE ALONG SR-5 (US-1) FROM NORTH OF HIGHLAND DRIVE MP 0.448 TO SOUTH OF OSLO ROAD MP 1.829, FM# 228583-4-52-01**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-119**, authorizing the execution of District Four Landscape Maintenance Letter of Understanding for SR-5 (US-1) from north of Highland Drive MP 0.448 to south of Oslo Road MP 1.829, FM# 228583-4-52-01.

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

**8.V. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LETTER OF UNDERSTANDING (LOU) AND AUTHORIZING RESOLUTION FOR LANDSCAPE MAINTENANCE ALONG SR-5 (US-1) FROM ST. LUCIE COUNTY LINE MP 0.00 TO MP 0.449 (NORTH OF HIGHLAND DRIVE), FM# 422955-1-52-01**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-120**, authorizing the execution of District Four Landscape Maintenance Letter of Understanding for SR-5 (US-1) from St. Lucie County Line MP 0.00 to MP 0.449, FM #422955-1-52-01.

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

**8.W. APPROVAL OF 2010/2011 AWARD LETTER FOR STATE HOMELAND SECURITY GRANT PROGRAM**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the State Homeland Security Grant in the amount of \$58,497.00, and authorized the Chairman to execute the Grant Agreement, as recommended in the memorandum of November 30, 2010.

**8.X. OSLO ROAD IMPROVEMENTS PHASE II, BETWEEN 43<sup>RD</sup> AVENUE AND 27<sup>TH</sup> AVENUE, IRC PROJECT NO. 0533, AMENDMENT NO. 1 TO WORK ORDER NO. 27 – GEOSYNTEC CONSULTANTS, INC., CUMBERLAND FARMS – FUEL TANK CLEANUP CLEAN UP AND CLOSURE**

Commissioner O'Bryan voiced concern over Geosyntec Consultants, Inc.'s Scope of Services for clean up services at Cumberland Farms, located at 2614 Oslo Road in Vero Beach. He wanted affirmation from staff that the impacted soil can go into the landfill as non-hazardous, and without additional costs.

Public Works Director Chris Mora confirmed that Geosyntec had taken samples of the soil and ground water, and assured staff that even though there is some petroleum contamination found in the soil, it would be considered non-hazardous, and could be disposed of at the landfill. He also mentioned that once the underground storage tanks are removed, there could be further contamination, which would need to be dealt with at that time.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, to approve staff's recommendation.

**Bob Johnson**, Coral Wind Subdivision, suggested the oak trees at Cumberland Farms be moved to the northwest corner of 43<sup>rd</sup> Avenue.

County Administrator Joe Baird requested his suggestion be brought back to the Board at a later date.

The Chairman CALLED THE QUESTION and the Motion unanimously carried. The Board approved Amendment No. 1 to Work Order No. 27, with Geosyntec Consultants, Inc., for professional services outlined in the Scope of Services, and authorized the Chairman to execute same for a not-to-exceed amount of \$180,645.32, as requested in the memorandum of November 22, 2010.

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

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING(S) - NONE**

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM BILLY HITCHCOX REGARDING GIFFORD GARDENS**

**Billy Hitchcox**, 4282 48<sup>th</sup> Avenue, Vero Beach, C&B Alternative Solutions, Inc., wanted the demolition of the abandoned Gifford Gardens apartment buildings halted, and asked for clarification on what could stop the process.

A lengthy discussion ensued as Commissioners provided comments and asked questions regarding renovations, the lack of the Bank's interest in the project, the amount of time the property has been vacant, the proposed contract with A to Z Home Management, LLC. (Copy on file), the integrity of the building's foundation, and the required building permits.

Attorney Polackwich informed the Board that the asbestos analysis/inspection was currently underway. He outlined the process and timeline of the bid award for demolition, spoke about property sale scenarios, and questioned whether recovering the County's funds would be in the best interest of the community.

**Julianne R. Price**, Chairman of the Housing Advisory Committee (AHAC), offered to meet with Mr. Hitchcox to illustrate factors and specifics that would help him to understand that the renovation costs would likely be more than what the property is worth.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.2. REQUEST TO SPEAK FROM FRED MENSING REGARDING MALFEASANCE  
OF CERTAIN COUNTY OFFICIALS**

**Fred Mensing**, 7580 129<sup>th</sup> Street, Sebastian, provided a handout (on file), and referenced his notes. He listed the dates that he previously notified the County Administrator and the Community Development Director of violations of County Code committed by Mr. C.N. Kirrie. He alleged that there are no permits for the buildings Mr. Kirrie added to his property. He advised the Board that if they do not take proper actions regarding this matter, he would take the matter to higher authority.

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. REQUEST TO AMEND THE NEIGHBORHOOD STABILIZATION PROGRAM**

#### **COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING ASSISTANCE PLAN**

Community Development Director Robert Keating reviewed his memorandum dated December 1, 2010, providing details of the Board's direction, at the November 16<sup>th</sup> Board of County Commission Meeting, for staff to make revisions to the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Assistant Plan (HAP). In addition, he proposed to eliminate paragraph three (3) in its entirety, on page 213 of the Agenda Packet, under *Section 1. Rehabilitation Standards*, pertaining to minimum property standards for applicants.

**Louise Hubbard**, Treasure Coast Homeless Services Council, supported staff's recommendation.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the proposed changes to the Neighborhood Stabilization Program Community Development Block Grant (NSP CDBG) Housing Assistance Plan, which includes the deletion of paragraph three (3) regarding minimum property standards for applicants, of the NSP (page 213 of the Agenda Packet), all as recommended in the memorandum of December 1, 2010.

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

**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**

**12.J.1. LETTERS OF UTILITY INTEREST TO THE CITY OF VERO BEACH AND THE  
TOWN OF INDIAN RIVER SHORES**

Director of Utility Services Erik Olson recapped his memorandum dated November 30, 2010. He provided background and recalled direction given at the November 16, 2010 Board of County Commission meeting where the County Attorney had been directed to send a letter to the City of Vero Beach (the City) requesting a waiver of the Franchise Agreement that would allow the County to speak with Indian River Shores about the possibility of consolidating water, sewer and reclaimed water. He reported that he had received a letter from Mayor William Kenyon, Town of Indian River Shores (the Town), requesting the County declare its interest, or lack thereof, in providing water, wastewater, and reclaimed water to the Town. He said that staff has since prepared two proposed letters: (1) to Mayor Kenyon, outlining two concerns: (a) the



apparent conflict of interest that appears to exist with the Consultant (GAI), and (b) the terms of the draft Agreement that indicate “essential” elements are required without exploring opportunities from an Agreement with more open terms; and (2) to Mayor Jay Kramer, City of Vero Beach, outlining the County’s willingness to begin policy discussions with the City pertaining to utility services, and he asked for the Board’s approval.

A lengthy discussion/debate ensued regarding the content of the proposed letters, developing a plan/agreement for moving forward, resetting the process in order to start with an open and transparent operation, conducting a workshop with the Town and City to discuss and develop a regional water system that would benefit all users, whether there was a conflict of interest with the consultant (representing both the Town of Indian River Shores and the City of Vero Beach), and whether a consultant was necessary.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the letters as presented; (2) sending the letters to Mayor William Kenyon, Town of Indian River Shores, and Mayor Jay Kramer, City of Vero Beach; and (3) inviting the Town of Indian River Shores and the City of Vero Beach to attend a workshop to discuss a regional water system.

**13. COUNTY ATTORNEY MATTERS - NONE**

**14. COMMISSIONER ITEMS**

**14.A. COMMISSIONER BOB SOLARI, CHAIRMAN**

**14.A.1. MAYORS WORKSHOP IN SEBASTIAN**

Chairman Solari informed the Board that he had received a call from Mayor Richard Dunlop, Town of Orchid, wanting to know if the Commissioners had an interest in attending a

workshop with the five Mayors of Indian River County. The meeting would be scheduled for January 10, 2011 at 9:00 a.m., in Sebastian, to discuss economic development. The majority of Commissioners showed an interest in attending.

**14.A.2. CORRESPONDENCE DATED OCTOBER 29, 2010, FROM JIM DIMARZO,  
PREMIER ESTATE PROPERTIES**

Chairman Solari stated that he had received a letter from Jim DiMarzo, Premier Estate Properties, focusing on economic development and exemplifying the fact that Indian River County is “open for business.” He recapped the letter (page 232 of the Agenda Packet) and expressed that over the past couple years, the Board has continued to understand the needs of the businesses, is working for them, and doing as much as possible to ensure that those businesses succeed and prosper within the County.

**14.B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE**

**14.C. COMMISSIONER WESLEY S. DAVIS - NONE**

**14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE**

**14.E. COMMISSIONER PETER D. O'BRYAN - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT**

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

**15.A.1. APPROVAL OF MINUTES REGULAR MEETING OF AUGUST 17, 2010**

**15.A.2. APPROVAL OF MINUTES REGULAR MEETING OF SEPTEMBER 21, 2010**

**15.A.3. APPROVAL OF MINUTES REGULAR MEETING OF OCTOBER 5, 2010**

**15.A.4. FY 2009-2010 RECORDS DISPOSITION COMPLIANCE STATEMENT AND  
RECORDS MANAGEMENT LIAISON OFFICER FORM – EMERGENCY  
SERVICES DISTRICT**

**15.A.5. APPROVAL OF FIRE PREVENTION GRANT FROM FM GLOBAL**

Deleted

**15.B. SOLID WASTE DISPOSAL DISTRICT**

The Chairman announced that immediately upon adjournment of the 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. APPROVAL OF MINUTES REGULAR MEETING OF OCTOBER 5, 2010**

**15.B.2. FY 2009-2010 RECORDS DISPOSITION COMPLIANCE STATEMENT AND  
RECORDS MANAGEMENT LIAISON OFFICER FORM – SOLID WASTE  
DISPOSAL DISTRICT**

**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  
10:17 a.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Bob Solari, Chairman

Minutes Approved: \_\_\_\_\_

BCC/LA/2010 Minutes