

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF JANUARY 4, 2011

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JEFFREY K. BARTON

Clerk to the Board



January 4, 2011

**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, January 4, 2011. Present were Chairman Bob Solari, Vice Chairman Gary C. Wheeler, and 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 Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Jeffrey R. Smith, Chief Deputy Clerk of the Circuit Court, 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 Solari relayed the request of Attorney Polackwich to pull Item 8.C. for discussion.

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

5. PROCLAMATIONS AND PRESENTATIONS-NONE

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF OCTOBER 19, 2010

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of October 19, 2010. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Regular Meeting of October 19, 2010, as written.

6.B. REGULAR MEETING OF NOVEMBER 2, 2010

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of November 2, 2010. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of November 2, 2010, as written.

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

**7.A. RESIGNATION OF THE OWNER/OPERATOR TOURIST ACCOMMODATIONS
REPRESENTATIVE TO THE TOURIST DEVELOPMENT COUNCIL**

Noted for the record was the resignation of Kathryn Beatty-Self, Owner/Operator Tourist Accommodations Representative to the Tourist Development Council, effective immediately; her term would expire in 2013.

8. CONSENT AGENDA

Attorney Polackwich requested Item 8.C. be pulled for discussion.

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

**8.A. APPROVAL OF WARRANTS AND WIRES DECEMBER 10, 2010 TO
DECEMBER 16, 2010**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of December 10, 2010 to December 16, 2010, as requested in the memorandum of December 16, 2010.

**8.B. BLANKET AUTHORIZATION FOR COMMISSIONERS TO TRAVEL OUT OF
COUNTY**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, the Board unanimously granted approval for Board members to travel out-of-County for all current and any future assigned committee meetings, including travel to Tallahassee, Florida, as requested in the memorandum of December 28, 2010.

**8.C. MILLSTONE LANDING PD, PHASE 3, CONSENT TO SECOND
MODIFICATION TO AND ASSIGNMENT OF CONTRACT FOR CONSTRUCTION
OF REQUIRED SIDEWALK IMPROVEMENTS**

Attorney Polackwich provided background on the request of SLV Millstone, LLC, the successor developer of Millstone Landing, PD, Phase 3, to replace with a cash bond, the letter of credit guaranteeing certain sidewalk completions posted by the original developer, Shelby Homes at Millstone, Inc. Attorney Polackwich explained that the contract will be amended to

add verbiage that the successor developer may post either an acceptable letter of credit or a cash bond by January 7, 2011, and requested that the Board approve the subject contract.

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

Attorney Polackwich, responding to questions from the Commissioners, provided further details on the cash bond, and confirmed that the existing letter of credit would be pulled if SLV Millstone, LLC does not provide a new letter of credit or cash bond by January 7, 2011.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved and authorized the Chairman to execute the Second Modification to and Assignment of Contract for Construction of Required Sidewalk Improvements with SLV Millstone, LLC, the Assignee, provided, however, that the following documents are received no later than 5:00 p.m. on January 7, 2011 and are acceptable to the County Attorney's Office:

1. Executed Notice of Transfer and Assumption of Planned Residential Development Approvals and Obligations (for Phase 3);
2. Executed Second Modification to and Assignment of Contract for Construction of Required Sidewalk Improvements No. PD-04-08-14-(C)SIDEPH3 (2003100068-55786); and
3. Replacement letter of credit in the amount of \$45,168.88;

All as recommended in the memorandum of
December 28, 2010.

**8.D. FINAL APPROVAL FOR RECORDING CR 512, PHASE 4, FROM INTERSTATE
95 TO WEST OF CR 510**

ON MOTION by Commissioner O'Bryan, SECONDED
by Vice Chairman Wheeler, the Board unanimously
approved the Right-of-Way Map for CR 512, Phase 4,
from Interstate 95 (I95) to West of CR 510, for recording,
and authorized the Chairman to approve and execute the
map accordingly, as recommended in the memorandum of
December 16, 2010.

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

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS-NONE

10.B. PUBLIC DISCUSSION ITEMS

**10.B.1. REQUEST TO SPEAK FROM LEONARD KACZYNSKI REGARDING
FLORIDA STATUTE 468.604 BUILDING OFFICIAL INSPECTION OF
UNSUCCESSFUL ALTERATION OR REPAIR OF CONCRETE CONSTRUCTION**

Leonard Kaczynski, 6036 Ridge Lake Circle, addressed the Board regarding his efforts
to remediate construction defects in his pool/patio area, asking why the Building Department had

inspected and approved the concrete slabs on his patio, which later cracked. He recounted the history of his attempts to have the construction defects ameliorated, and asked the Board if they had a remedy for his situation.

After discussion and input from Building Official José Guanch, the Chairman advised Mr. Kaczynski that the County had fulfilled its statutory obligations, and the matter was between him and his contractor. He was advised that his best recourse was to seek redress through the court system.

10.C. PUBLIC NOTICE ITEMS

10.C. 1. NOTICE OF CHANGE OF LOCATION OF REGULAR MEETING

NOTICE OF SCHEDULED JOINT MEETING WITH THE CITY OF VERO BEACH

TUESDAY, JANUARY 11, 2011 – 9:00 A.M.

The Indian River County Board of County Commission will hold its regularly scheduled meeting of January 11th, 2011, at 9:00 a.m. in Building B, Conference Room B1-501 at the Indian River County Administration Complex, 1800 27th Street, Vero Beach, Fl. At this meeting, a joint meeting of the Indian River County Board of County Commissioners and the City of Vero Beach City Council will be convened to discuss possible exchange of City owned and County owned properties at the former Dodgertown complex.

County Attorney Alan S. Polackwich, Sr. read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS-NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT-NONE

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

13.A. CITY FIRST MORTGAGE CORPORATION V. INDIAN RIVER COUNTY

**CHANGE OF DATE FOR "SHADE" MEETING UNDER 286.011(8), FLORIDA
STATUTES**

Attorney Polackwich, referring to the January 11, 2011 Joint Meeting with the Vero Beach City Council mentioned in 10.C.1. Public Notice Items, proposed rescheduling from January 11, 2011 to January 18, 2011 at 10:30 a.m., the closed Attorney/Client session (Shade Meeting) originally scheduled for January 11, 2011. He noted that the Shade Meeting was to

discuss possible settlement of a lawsuit filed by City First Mortgage Corporation against Indian River County.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously recommended rescheduling the Shade Meeting to discuss possible settlement of City First Mortgage Corporation v. Indian River County, from January 11, 2011 at 10:30 a.m., to January 18, 2011, at 10:30 a.m, as recommended in the memorandum of December 28, 2010.

THE ATTORNEY/CLIENT CLOSED SESSION DOCUMENTS ARE ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

14. COMMISSIONER ITEMS

14.A. COMMISSIONER BOB SOLARI, CHAIRMAN-NONE

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-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 9:20 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Bob Solari, Chairman

Minutes Approved: _____

BCC/MG/2011Minutes