

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF MARCH 1, 2011

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JEFFREY K. BARTON

Clerk to the Board



March 1, 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, March 1, 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

Reverend Jack Diehl, Sr. Pastor, Our Savior Lutheran Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Administrator Baird led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

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

**ADDITION: ITEM 14.E.2. ANNOUNCEMENT OF THE VERO BEACH SPORTS VILLAGE
SPRING BASEBALL SCHEDULE**

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 1 THROUGH
MARCH 5, 2011 AS MENTALLY CHALLENGED WEEK**

Commissioner Flescher read the proclamation. No recipient was present; however,
Commissioner Flescher conveyed he would forward the document to the Knights of Columbus.

**5.B. PRESENTATION BY BARBARA SCHLITT FORD, YOUTH GUIDANCE
PROGRAM MANAGER, YOUTH GUIDANCE UPDATE**

Barbara Schlitt Ford, Executive Director, Youth Guidance Program, invited Dee
Giannotti, the Board Chairman to present an overview of the Youth Guidance Program.

Dee Giannotti, Board Chairman, presented a handout to the Board (copy on file) and reviewed the accomplishments, goals, and objectives of the Youth Guidance Activities Program. She described volunteer opportunities and invited the Board members to attend one of the Agency's board meetings.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF DECEMBER 21, 2010

6.B. REGULAR MEETING OF JANUARY 4, 2011

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meetings of December 21, 2010 or January 4, 2011. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of December 21, 2010, and the Regular Meeting of January 4, 2011, as written.

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

7.A. 2011 ELECTION OF BEACH AND SHORE PRESERVATION ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN

Noted for the record was the election of Bob Anderson as Chairman, and Bill Glynn as Vice Chairman, of the Beach and Shore Preservation Advisory Committee (BSPC) for the year 2011.

**7.B. 2011 ELECTION OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Joseph Chiarella as Chairman, and Richard Lane, as Vice Chairman, of the Enterprise Zone Development Agency (EZDA) for the year 2011.

**7.C. 2011 ELECTION OF NEIGHBORHOOD STABILIZATION PROGRAM CITIZENS
ADVISORY TASK FORCE CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Larry Lauffer as Chairman, and Cathy Thomas as Vice Chairman, of the Neighborhood Stabilization Program (NSP) Citizens Advisory Committee Task Force for the year 2011.

**7.D. 2011 ELECTION OF METROPOLITAN PLANNING ORGANIZATION
TECHNICAL ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Jason Nunemaker as Chairman, and Robert Keating as Vice Chairman, of the Metropolitan Planning Organization (MPO) Technical Advisory Committee for the year 2011.

8. CONSENT AGENDA

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

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

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

**8.A. RETIREMENT AWARD AND PROCLAMATION FOR STEPHEN BRITTINGHAM,
DEPARTMENT OF UTILITY SERVICES, SOLID WASTE DISPOSAL DISTRICT,
FOR FIFTEEN YEARS SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Stephen Brittingham on his retirement, effective December 31, 2010, from the Indian River County Department of Utility Services, Solid Waste Disposal District, after fifteen years of service.

**8.B. RETIREMENT AWARD AND PROCLAMATION FOR GERALD DEWEESE,
DEPARTMENT OF PUBLIC WORKS, ROAD & BRIDGE DIVISION, FOR
ELEVEN YEARS SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Gerald Dewese on his retirement, effective February 25, 2011, from the Indian River County Department of Public Works, Road & Bridge Division, after eleven years of service.

8.C. RETIREMENT AWARD AND PROCLAMATION FOR GARRY KELLY,
DEPARTMENT OF UTILITY SERVICES, SOLID WASTE DISPOSAL DISTRICT,
FOR TEN YEARS SERVICE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Garry Kelly on his retirement, effective December 31, 2010, from the Indian River County Department of Utility Services, Solid Waste Disposal District, after ten years of service.

8.D. RETIREMENT AWARD AND PROCLAMATION FOR RAFAEL SORIANO,
DEPARTMENT OF UTILITY SERVICES, SOLID WASTE DISPOSAL DISTRICT,
FOR FOURTEEN YEARS SERVICE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Rafael Soriano on his retirement, effective December 31, 2010, from the Indian River County Department of Utility Services, Solid Waste Disposal District, after fourteen years of service.

**8.E. RETIREMENT AWARD AND PROCLAMATION FOR BRENDA TROUTMAN,
DEPARTMENT OF PUBLIC WORKS, ROAD & BRIDGE DIVISION, FOR
THIRTY-TWO YEARS SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Brenda Troutman on her retirement, effective October 8, 2010, from the Indian River County Department of Public Works, Road & Bridge Division, after thirty-two years of service.

**8.F. RETIREMENT AWARD AND PROCLAMATION FOR ROBERT VON BUELOW,
DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE, FOR TWENTY-
ONE YEARS SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Robert Von Buelow on his retirement, effective October 15, 2010, from the Indian River County Department of Emergency Services/Fire Rescue, after twenty-one years of service.

**8.G. RETIREMENT AWARD AND PROCLAMATION FOR RICHARD YOUNG,
DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE, FOR THIRTY
YEARS SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Richard Young on his retirement, effective March 31, 2011, from the Indian River County Department of Emergency Services/Fire Rescue, after thirty years of service.

**8.H. APPROVAL OF WARRANTS AND WIRES – FEBRUARY 4, 2011 TO FEBRUARY
10, 2011**

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 February 4, 2011 to February 10, 2011, as requested in the memorandum of February 10, 2011.

**8.I. APPROVAL OF WARRANTS AND WIRES – FEBRUARY 11, 2011 TO
FEBRUARY 17, 2011**

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 February 11, 2011 to

February 17, 2011, as requested in the memorandum of February 17, 2011.

8.J. 2011 COUNTY LEADERSHIP INSTITUTE

Commissioner Flescher questioned the expenditure of funds associated with Commissioner O'Bryan's proposed attendance at the County Leadership Institute (CLI).

Chairman Solari and Commissioners Wheeler and Davis advocated granting Commissioner O'Bryan's request to attend the program.

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Davis, by a 4-1 vote (Commissioner Flescher opposed), the Board approved the nomination of Commissioner Peter D. O'Bryan to apply to participate in the 2011 County Leadership Institute (CLI) to be held June 5 through June 9, 2011 in Washington, D.C., as requested in the memorandum of February 16, 2011.

8.K. APPROVAL OF RESOLUTION ADOPTING THE 2011 INDIAN RIVER COUNTY EMERGENCY PLAN FOR HAZARDOUS MATERIALS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-011**, approving the Indian River County Hazardous Materials Emergency Plan.

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

**8.L. REQUEST FOR SOLE SOURCE TO COMMUNICATIONS INTERNATIONAL INC.
FOR 800 MHZ COMMUNICATIONS SYSTEM MASTER SERVICE AGREEMENT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher the Board unanimously authorized the Chairman to execute the 800 MHz Communications System Master Service Agreement with Communications International, Inc., as recommended in the memorandum of February 22, 2011.

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

**8.M. JACK GREGORY'S REQUEST FOR EXTENSION OF SITE PLAN APPROVAL
FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS
PRESERVE AT OAK LAKE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher the Board unanimously approved Jack Gregory's request for a one-year extension of the site plan for Preserve at Oak Lake development with all original approval conditions to remain in effect. The new site plan approval expiration date will be February 26, 2012, as stated and recommended in the memorandum of February 18, 2011.

8.N. 2011-2012 BUDGET WORKSHOP / HEARING SCHEDULE

Chairman Solari reported that the County would soon be undergoing the budget approval process, and encouraged citizens to provide their input in the early stages of the negotiations.

Vice Chairman Wheeler requested that the Budget Workshops be moved from Wednesday, July 20, 2011 and Thursday, July 21, 2011 to Wednesday, July 13, 2011, and Thursday, July 14, 2011.

Administrator Baird confirmed that staff could accommodate the earlier dates, and that the Budget Packet would be issued on Friday, July 8, 2011.

Chairman Solari asked staff to keep the County Commission Meeting Agenda Packets light during that timeframe, so the Commissioners could have sufficient time to review the Budget Packet.

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the following budget workshop dates and the dates for the budget hearings for the 2011/2012 budgets:

Budget Workshops:

Budget Packet distributed to the Board of County Commissioners on Friday, July 8, 2011

Scheduled Budget Workshops on Wednesday, July 13 2011 at 9:00 a.m., and Thursday, July 14, 2011 at 9:00 a.m.

Budget Hearings:

Public Hearings on **Tentative** budget and proposed millage rates on Wednesday, September 7, 2011 at 5:01 p.m.

Final Budget Hearing to adopt budget and millage rates on Wednesday, September 14, 2011 at 5:01 p.m.

8.O. MISCELLANEOUS BUDGET AMENDMENT 008

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher the Board unanimously approved **Resolution 2011-012**, amending the fiscal year 2010-2011 budget.

8.P. AMENDMENT NO. 1 AND RENEWAL OF PROFESSIONAL GEOTECHNICAL SERVICES AGREEMENT 2011-2012

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute Amendment No. 1 to the Master Agreements for Annual Professional Geotechnical Engineering Services with the following firms: AM Engineering and Testing, Inc., Port St. Lucie, Florida; Ardaman & Associates, Inc., Port St. Lucie, Florida; Dunkelberger Engineering & Testing, Inc., Port St. Lucie, Florida; K.S.M. Engineering & Testing, Inc., Sebastian, Florida; and Universal Engineering Sciences, Inc., Fort Pierce, Florida; as recommended in the memorandum of February 14, 2011.

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

8.Q. EXECUTION OF 2010-2011 STATE HOMELAND SECURITY GRANT AGREEMENT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher the Board unanimously accepted the State Homeland Security Grant with the Division of Emergency Management, in the amount of \$58,497.00, and authorized the Chairman to execute the subject agreement, as recommended in the memorandum of February 22, 2011.

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

8.R. CHANGE ORDER NO. 2 – RELEASE OF RETAINAGE, ROADWAY AND DRAINAGE IMPROVEMENTS TO 16TH STREET FROM 74TH AVENUE TO 66TH AVENUE AND 66TH AVENUE FROM 16TH STREET TO S.R. 60 BID NUMBER 2009037 – J. W. CHEATHAM, LLC, IRC PROJECT No. 9920, 9810-A, 0545

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher the Board unanimously approved Change Order No. 2 and payment of J.W. Cheatham, LLC Application for Payment No. 15 for release of retainage in the amount of \$184,453.82, as recommended in the memorandum of February 14, 2011.

**8.S. CHANGE ORDER NO. 1 – FINAL PAY AND RELEASE OF RETAINAGE, 8TH
STREET SIDEWALK IMPROVEMENTS FROM 18TH COURT TO OLD DIXIE
HIGHWAY, IRC PROJECT NO. 0455 – BID NO. 2010019**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher the Board unanimously approved Change Order No. 1 and payment of SPS Contracting, Inc. Application for Payment No. 3 in the amount of \$15,502.55 for final payment and release of retainage, as recommended in the memorandum of February 7, 2011.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

**10.A.1. REQUEST FOR AUTHORIZATION TO SUBMIT AN FY 2011 GRANT
APPLICATION FOR 49 USC CH. 53, SECTION 5307 MASS TRANSIT
CAPITAL AND OPERATING ASSISTANCE (LEGISLATIVE)**

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

Metropolitan Planning Organization Staff Director Phil Matson provided background and conditions pertaining to Federal Transit Laws 49 USC Chapter 53, Section 5307, which allows program grants for the implementation of mass transportation projects. He reviewed the details of the grant and said the funds would be part of the allocation given to the Senior Resource

Association for the continuing provision and maintenance of the GoLine and the Community Coach transit services in the County. He thereafter presented staff's recommendation for the Board to authorize staff to proceed with the Fiscal Year 2011 Grant Application.

Chairman opened the Public Hearing.

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

ON MOTION by Commissioner Flescher SECONDED by Commissioner Davis the Board unanimously approved **Resolution 2011-013**, authorizing the filing of a Fiscal Year 2011 Grant Application for 49 USC Chapter 53, Section 5307 Mass Transit Capital and Operating Assistance.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM DAVID LEELAND REGARDING GIFFORD GARDENS

David Leeland was absent; however, the Board accepted input from Billy Hitchcox.

Billy Hitchcox reported that he had obtained a quit-claim deed to the Gifford Gardens Apartments property at 4730 40th Avenue, and anticipated acquiring title to the property through a short sale on March 7, 2011. He outlined his plans for allocating \$2 million towards rehabilitation of the structure, and requested delay of the demolition of Gifford Gardens that was approved by the Board on November 16, 2010.

The Board questioned Mr. Hitchcox on his intentions and whether he had sufficient means to carry the project through to completion.

Discussion/debate continued, with input from County Attorney Polackwich, about the status of the County's demolition lien and how it would be affected if the lien is placed on the property prior to the sale and acquisition by a new owner or after a new owner acquires a Certificate of Title. Attorney Polackwich projected that the bid award for the demolition would be approved or denied at the March 8, 2011 County Commission meeting, and that unless the Commission votes to adjust the schedule, demolition would commence in late March or early April 2011. He mentioned that the Board would later have to approve a Resolution to impose a lien for the demolition costs.

Chairman Solari stated that based on past experiences, it was time to rid the community of the unsafe structure.

Commissioner Flescher foresaw that Mr. Hitchcox's proposed investment would not be enough to affect completion of the rehabilitation project.

José Guanch, Building Official, stated that due to the deteriorated state of the building, the project would probably take more than Mr. Hitchcox anticipated.

Discussion continued as the Board sought further information on Mr. Hitchcox's goals and ability to carry out the project.

Mr. Hitchcox conveyed that he had the background and funding to carry out the project, which he stressed would have beneficial impacts to not only the neighboring community, but to the entire County.

Commissioner O'Bryan supported proceeding with the demolition. He suggested that Mr. Hitchcox use his funding to build something new for the community.

Mr. Hitchcox, responding to Commissioner Wheeler's request for further information on his qualifications, provided a recap of his background and experience in construction.

Commissioner Davis wanted to know if Mr. Hitchcox could sue if the County demolishes a property in which he has rights.

Mr. Hitchcox suggested that the County Attorney discuss this matter with Barry Segal, P.A., his attorney.

No Board Action Required or Taken

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 8, 2011:

**CONSIDER ADOPTION OF AN ORDINANCE TO CODIFY THE CODE OF
INDIAN RIVER COUNTY (LEGISLATIVE)**

Chairman Solari 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

12.G.1. GOVERNOR'S RECOMMENDATION ON PENSION REFORM

Management & Budget Director Jason Brown updated the Board on the “Governor’s Recommendation on Pension Reform”, which contains: (1) a provision for County employees to contribute 5% of their salary towards their pension; and (2) the requirement to rebate to the State, through a reduction in State Revenue Sharing (sales tax) revenues, any resultant savings by the County. He explained that the taxing funds and the MSTU fund would bear the brunt of the impacts, with the MSTU losing about \$1.1 million if the plan was implemented today. He reported that also pending is Senate Bill 1130 (SB 1130), which requires a 2% contribution from the employees with no similar rebate provision, which if approved as drafted, would affect a \$1.1 million savings to the County. He pointed out that the companion House Bill has not yet surfaced, and emphasized that the County needs to ensure that a provision about the State revenue sharing would not be put into the final law.

Commissioner O’Bryan was not opposed to the employee contributions to their pensions; however, he objected to the State’s taking sales tax revenues away from the County. He inquired whether the Board should at this time, draft a Resolution opposing the Governor’s proposal.

Director Brown indicated that for now, the Board should keep the various legislative issues in mind, and encourage the Legislature to keep the rebate requirement out of Senate Bill 1130.

Vice Chairman Wheeler supported the employee contributions to their pensions and agreed that a portion of the revenues should go to the State, but wanted the State to re-evaluate

the apportionment of the money. He felt that the County and State could find a beneficial compromise.

Chairman Solari acknowledged that an eventual compromise might be required, but he objected to the State securing a good percentage of the revenues generated through the County.

Commissioners Wheeler and Davis agreed that the County and State should work together, as residents of both the County and State, to find mutually beneficial solutions in these difficult economic times.

Commissioner Flescher, alluding to unfunded mandates, deemed the Governor's proposed initiative to be an "unrefunded" mandate, and believed the County should take appropriate action.

Chairman Solari requested that Director Brown provide him with a one-page brief that he can use when he meets with State Legislators in Tallahassee.

No Board Action Required or Taken

12.H. RECREATION-NONE

12.I. PUBLIC WORKS-NONE

12.J. UTILITIES SERVICES

**12.J.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2011029 FLOATING MAT
SYSTEM FOR SPOONBILL MARSH WETLAND FACILITY**

Chairman Solari related that Charles Sembler had showed the Indian River Lagoon Advisory Committee how oysters were being seeded and used as a water filtration mechanism at

the Spoonbill Marsh Wetland Facility, and the group had been impressed by the County's use of cutting edge technology.

Director of Utilities Erik Olson revealed that the oyster seeding was a pilot project and that the oysters filter the reject, or brine, water from the County's reverse osmosis water system. He said that the project has been very successful and is attracting positive attention from other utilities across the State, as well as the Department of Environmental Protection. He provided background on the use and function of the floating vegetation mats, and presented staff's recommendation for the Board to approve the bid award to Beemats, LLC, for the marine vegetation mats.

Discussion ensued, wherein Director Olson addressed questions about the floating mats, and about whether there was any potential downside to the program. He advised that staff anticipated holding an open ribbon cutting ceremony at Spoonbill Marsh in May 2011.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved the bid award to Beemats, LLC as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; and (2) approved the sample agreement; and (3) authorized the Chairman to execute the agreement after receipt and approval of the required Public Construction Bond and certificate of insurance and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of February 22, 2011.

13. COUNTY ATTORNEY MATTERS

13.A. APPROVAL OF MEDIATED SETTLEMENT AGREEMENT WITH STEPHEN AND SHELLY RYAN, 6775 66TH AVENUE, VERO BEACH

Deputy County Attorney William DeBral provided background on staff's request for the Board to approve a mediated settlement agreement with Stephen and Shelly Ryan for approximately one acre of right-of-way property on 66th Avenue. He used an aerial view to depict the Ryan property boundaries and area of take, and recommended the Board approve the proposed mediated settlement agreement for the total cost of \$268,267.15.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute the Mediated Settlement Agreement with Stephen R. Ryan and Shelly A. Ryan, as recommended in the memorandum of February 16, 2011.

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

14. COMMISSIONER ITEMS

14.A. COMMISSIONER BOB SOLARI, CHAIRMAN

14.A.1. STATE SEPTIC TANK LAWS

Chairman Solari provided background on Senate Bill 550 (SB 550), which creates new septic tank maintenance and inspection requirements. He explained that the Bill has been temporarily suspended and asked if the Board wanted the County Attorney to draft a Resolution asking the Florida Legislature to make the suspension permanent.

Commissioner Davis disclosed a conflict of interest stemming from his brother's septic tank business, and declared that he would abstain from voting.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Wheeler, by a 4-0 vote (Commissioner Davis recused himself), the Board directed the County Attorney to draft a Resolution of Opposition to Senate Bill 550, as requested in the memorandum of February 23, 2011.

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

14.A.2. TALLAHASSEE

Chairman Solari, who would be meeting with State Legislators, asked if any Commissioner wanted to add anything to the list of Legislative Issues for 2011 (copy on file).

Vice Chairman Wheeler divulged that he wanted to be kept informed on the Governor's Recommendation on Pension Reform, and on Senate Bill 270, which would increase discount rates for early payment of property taxes.

Administrator Baird advised Chairman Solari he had inadvertently omitted from the list of Legislative Issues, House Bill 697, which mandated inclusion of an energy conservation map in the County's Comprehensive Plan.

Chairman Solari responded that the Board's concerns about House Bill 697 would dovetail with his general focus of encouraging the Legislators to enact less State regulations, especially in matters such as septic tanks, fertilizers, and irrigation. He requested that Administrator Baird write a one-page brief on the most important topics.

14.B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN

14.B.1. REQUEST FOR DISCUSSION

Vice Chairman Wheeler questioned the need for the extensive research that staff has been conducting on the terms of members of various County committees, boards and councils (collectively “committees”).

Attorney Polackwich relayed that there have been periodic changes in the staff members responsible for updating committee information, and some of the member terms have gotten out of alignment with the foundation documents governing the members’ terms. He affirmed that research was almost concluded, and that staff would return to the Board with an Ordinance correcting Section 103.02 of Chapter 103 *Commissions and Boards*, which has internal inconsistencies regarding the staggering of committee member terms with the election terms of Board members; a Resolution laying out the various committee member terms according to their foundations’ documents; and staff’s suggestion for deciding the committee member terms henceforth. He anticipated that at the conclusion of this project, the Commissioner Assistants would be responsible for updating the committee member terms.

14.C. COMMISSIONER WESLEY S. DAVIS-NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER-NONE

14.E. COMMISSIONER PETER D. O’BRYAN

14.E.1. RESOLUTION OPPOSING SENATE BILL 270 AND HOUSE BILL 511;

INCREASE IN DISCOUNT FOR EARLY PAYMENT OF TAXES

Commissioner O’Bryan reported that Senate Bill 270 and House Bill 511 propose to, at a minimum, double the early payment discount for property taxes. He objected to the State handing down another unfunded mandate and meddling in the County’s budget, which according

to calculations from the Budget Office would suffer a \$3.6 to \$3.7 million reduction in certain ad valorem taxes. He suspected that lower income residents might be unable to pay their taxes early, and additionally might have to face increased taxes due to predicted revenue shortfalls.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Flescher, to approve the Resolution opposing the increase in discount rates for early payment of property taxes contained in Senate Bill 270 and House Bill 511.

Vice Chairman Wheeler opposed the Motion, contending that lower income people would take advantage of the early payment discount, and that the Bills would benefit commercial development and businesses. He opined that the County could consider more cuts to government, rather than increased millage rates.

Commissioner Davis also disagreed with the Motion. He calculated that the contributions of commercial properties to the tax base are disproportionately greater than their requirements for County services, and wanted to give them the chance to take advantage of the tax discounts.

Commissioner Flescher supported the Motion because he agreed that many citizens would be unable to reap the benefits of early tax payments.

Chairman Solari felt that the proposed Bills did not reflect the original intent of the early tax payment discounts. He believed the new Bills were another example of unfunded State mandates and an attempt to modify taxpayer behavior through the tax code.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Davis and Wheeler opposed), the Board approved **Resolution 2011-014**, in opposition to increasing discount rates for early payment of property taxes contained in Senate Bill 270 and House Bill 511.

14.E.2. ANNOUNCEMENT OF VERO BEACH SPORTS VILLAGE SPRING BASEBALL SCHEDULE

Commissioner O'Bryan reported that Minor League Baseball (MiLB) has scheduled over 70 teams for spring training at the Vero Beach Sports Village (F/K/A Dodgertown). He asked the Commissioners if they would agree to provide a link to the Vero Beach Sports Village Spring Baseball Schedule on the County's website, www.ircgov.com. He spoke about how the sporting events benefit the County's economy, and invited everyone to go see some good baseball.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously authorized staff to provide a link to the Vero Beach Sports Village Spring Baseball Schedule on the County's website, www.ircgov.com.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

15.B. SOLID WASTE DISPOSAL DISTRICT-NONE

15.C. ENVIRONMENTAL CONTROL BOARD

The Chairman announced that immediately upon adjournment of the regular Board of County Commission meeting, the Board would reconvene as the Board of Commissioners of the Environmental Control Board. Those Minutes are being prepared separately.

15.C.1. QUARTERLY REPORT FOR THE 1ST QUARTER – FISCAL YEAR 2010-2011 FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS

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 10:45 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Bob Solari, Chairman

Minutes Approved: _____

BCC/MG/2011Minutes