

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

MAY 10, 2011

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS - NONE	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
5.A.	PRESENTATION OF PROCLAMATION DESIGNATING MAY 15 THROUGH MAY 21, 2011 AS INDIAN RIVER COUNTY PEACE OFFICERS' MEMORIAL WEEK.....	2
5.B.	PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY AS HISTORIC PRESERVATION MONTH	2
5.C.	PRESENTATION OF PROCLAMATION DESIGNATING MAY 20 TH AS BIKE TO WORK DAY IN INDIAN RIVER COUNTY	3
6.	APPROVAL OF MINUTES	3
6.A.	REGULAR MEETING OF APRIL 5, 2011	3

7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	3
8.	CONSENT AGENDA	3
8.A.	APPROVAL OF WARRANTS AND WIRES – APRIL 22, 2011 TO APRIL 28, 2011	4
8.B.	RELEASE OF RETAINAGE – WORK ORDER NUMBER 9 BRIDGE DESIGN ASSOCIATES, INC., OLD DIXIE HIGHWAY BRIDGE OVER SOUTH RELIEF CANAL, INDIAN RIVER COUNTY PROJECT NO. 0206	4
8.C.	RELEASE OF RETAINAGE – WORK ORDER NO. 15 BRIDGE DESIGN ASSOCIATES, INC., RESURFACING OLD DIXIE HIGHWAY FROM US1 TO 53 RD STREET, IRC PROJECT NO. 1028	4
8.D.	APPROVAL OF BID AWARD FOR IRC BID NO. 2011032 REUSE DISTRIBUTION AUTOMATION SYSTEM	5
8.E.	APPROVAL OF RENEWAL FOR A CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR AMERICAN AMBULANCE SERVICES INC. TO PROVIDE INTERFACILITY AMBULANCE TRANSPORTATION SERVICES.....	5
8.F.	AUTHORIZATION TO PREPARE AND ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ) FOR DESIGN BUILD SERVICES TO CONSTRUCT A RESTROOM SHOWER FACILITY EXPANSION PROJECT AT THE INDIAN RIVER COUNTY FAIRGROUNDS	6
8.G.	LOCAL OPTION GAS TAX DISTRIBUTION PERCENTAGES	6
8.H.	FLEET MANAGEMENT – PURCHASES OF SECURITY CAMERAS	6
8.I.	THIRD MODIFICATION TO LEASE AGREEMENT BETWEEN INDIAN RIVER COUNTY AND MARK SMITH	7
8.J.	REQUEST FOR APPROVAL TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR SERVICE TO THE INDIAN RIVER STATE COLLEGE MAIN CAMPUS (FORT PIERCE).....	7
8.K.	APPROVAL OF BID AWARD FOR IRC BID NO. 2011038 – DEMOLITION AND REMOVAL OF FIVE (5) COUNTY OWNED STRUCTURES	8
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	8
10.	PUBLIC ITEMS	8

10.A.	PUBLIC HEARING(S) - NONE	8
10.B.	PUBLIC DISCUSSION ITEMS - NONE	8
10.C.	PUBLIC NOTICE ITEMS	8
10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING MAY 17, 2011: TO CONSIDER ADOPTION OF AN ORDINANCE CREATING CHAPTER 315 OF THE CODE OF INDIAN RIVER COUNTY ENTITLED “THE INDIAN RIVER COUNTY PAIN MANAGEMENT CLINIC AND CONTROLLED SUBSTANCES ORDINANCE” (LEGISLATIVE).....	8
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	9
12.	DEPARTMENTAL MATTERS	9
12.A.	COMMUNITY DEVELOPMENT - NONE.....	9
12.B.	EMERGENCY SERVICES - NONE.....	9
12.C.	GENERAL SERVICES - NONE	9
12.D.	HUMAN RESOURCES - NONE	9
12.E.	HUMAN SERVICES - NONE	9
12.F.	LEISURE SERVICES - NONE	9
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	9
12.H.	RECREATION - NONE.....	9
12.I.	PUBLIC WORKS - NONE	9
12.J.	UTILITIES SERVICES - NONE.....	10
13.	COUNTY ATTORNEY MATTERS.....	10
13.A.	FLAVORED TOBACCO RESOLUTION	10
13.B.	FELLSMERE FIRE HYDRANT CHARGES – APPELLATE DECISION	10
14.	COMMISSIONER ITEMS.....	11
14.A.	COMMISSIONER BOB SOLARI, CHAIRMAN - NONE.....	11
14.B.	COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE	11
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	11
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	11
14.E.	COMMISSIONER PETER D. O’BRYAN - NONE	12

15. SPECIAL DISTRICTS AND BOARDS12
15.A. EMERGENCY SERVICES DISTRICT - NONE..... 12
15.B. SOLID WASTE DISPOSAL DISTRICT - NONE 12
15.C. ENVIRONMENTAL CONTROL BOARD - NONE..... 12

16. ADJOURNMENT.....12

JEFFREY K. BARTON

Clerk to the Board



May 10, 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, May 10, 2011. 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

Stan Boling, Planning Director, 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

- NONE

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 15 THROUGH
MAY 21, 2011 AS INDIAN RIVER COUNTY PEACE OFFICERS' MEMORIAL
WEEK**

Commissioner Flescher read and presented the Proclamation to Sheriff Deryl Loar and
members of the law enforcement multi-agency committee.

Shirley Roseman pointed out the importance of recognizing the services and sacrifices
of law enforcement officers, and those who have lost their lives in the line of duty for the safety
and protection of others.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY
AS HISTORIC PRESERVATION MONTH**

Chairman Solari read and presented the Proclamation to Executive Director Rebecca
Rickey and Board President Elizabeth Bass, Vero Heritage Inc.; and President of Indian River
County Historical Society Hilde Tripson.

**5.C. PRESENTATION OF PROCLAMATION DESIGNATING MAY 20TH AS BIKE TO
WORK DAY IN INDIAN RIVER COUNTY**

Commissioner O'Bryan read and presented the Proclamation to Metropolitan Planning Organization Staff Director Phil Matson; Bicycle Advisory Committee Chairman Libby Harrow; Fellsmere Police Chief Scott Melanson; and Rafael Ospina.

Director Matson announced the details of upcoming events.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF APRIL 5, 2011

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of April 5, 2011, as written.

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

8. CONSENT AGENDA

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the Consent Agenda, as presented.

8.A. APPROVAL OF WARRANTS AND WIRES – APRIL 22, 2011 TO APRIL 28, 2011

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of April 22, 2011 to April 28, 2011, as requested in the memorandum of April 28, 2011.

8.B. RELEASE OF RETAINAGE – WORK ORDER NUMBER 9 BRIDGE DESIGN ASSOCIATES, INC., OLD DIXIE HIGHWAY BRIDGE OVER SOUTH RELIEF CANAL, INDIAN RIVER COUNTY PROJECT No. 0206

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved payment of Bridge Design Associates, Inc., in the amount of \$3,213.96 for release of retainage for Work Order No. 9, as recommended in the memorandum of April 29, 2011.

8.C. RELEASE OF RETAINAGE – WORK ORDER No. 15 BRIDGE DESIGN ASSOCIATES, INC., RESURFACING OLD DIXIE HIGHWAY FROM US1 TO 53RD STREET, IRC PROJECT No. 1028

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 10-539/4, in the amount of \$1,099.50 for release of retainage for Work Order No. 15, as recommended in the memorandum of April 29, 2011.

**8.D. APPROVAL OF BID AWARD FOR IRC BID NO. 2011032 REUSE
DISTRIBUTION AUTOMATION SYSTEM**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the bid award to Data Flow Systems, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved the sample agreement; and (3) authorized the Chairman to execute said 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, all as recommended in the memorandum of April 28, 2011.

**8.E. APPROVAL OF RENEWAL FOR A CLASS “B” CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR AMERICAN AMBULANCE SERVICES
INC. TO PROVIDE INTERFACILITY AMBULANCE TRANSPORTATION
SERVICES**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved renewal of the Class “B” Certificate of Public Convenience and Necessity for American Ambulance Services, Inc., to be effective for a period of two (2) years from July 21, 2011, to July 21, 2013, as recommended in the memorandum of May 2, 2011.

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

8.F. AUTHORIZATION TO PREPARE AND ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ) FOR DESIGN BUILD SERVICES TO CONSTRUCT A RESTROOM SHOWER FACILITY EXPANSION PROJECT AT THE INDIAN RIVER COUNTY FAIRGROUNDS

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously authorized staff to issue a Request for Qualifications for design build services, to complete the Fairgrounds Restroom Shower Facility Expansion Project, as recommended in the memorandum of May 3, 2011.

8.G. LOCAL OPTION GAS TAX DISTRIBUTION PERCENTAGES

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the proposed 2011-2012 revenue distribution percentages (listed on page 50 of the Agenda Packet), effective October 1, 2011, as recommended in the memorandum of April 27, 2011.

8.H. FLEET MANAGEMENT – PURCHASES OF SECURITY CAMERAS

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the purchase of security cameras for the Fleet Management facility, as recommended in the memorandum of May 4, 2011.

8.I. THIRD MODIFICATION TO LEASE AGREEMENT BETWEEN INDIAN RIVER COUNTY AND MARK SMITH

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the Third Modification to Lease Agreement with Mark Smith, extending the lease term to expire on October 30, 2011, and granting permission to Mr. Smith to include sworn corrections officers as potential replacements to assume and fulfill his duties at South County Park, as recommended in the memorandum of April 28, 2011.

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

8.J. REQUEST FOR APPROVAL TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR SERVICE TO THE INDIAN RIVER STATE COLLEGE MAIN CAMPUS (FORT PIERCE)

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2011-036**, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.

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

**8.K. APPROVAL OF BID AWARD FOR IRC BID NO. 2011038 – DEMOLITION
AND REMOVAL OF FIVE (5) COUNTY OWNED STRUCTURES**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved: (1) the bid award to DJP General Contracting Services, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; and (2) the issuance of a purchase order after receipt of the appropriate Certificate of Insurance, as recommended in the memorandum of May 3, 2011.

(Subject addresses: 6705 66th Avenue, 4705 66th Avenue, 5570 85th Street, 11296 Indian River Drive/Kroegle Homestead, and Metal Restroom Building/16th Street Ball Field)

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S) - NONE

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING MAY 17, 2011: TO
CONSIDER ADOPTION OF AN ORDINANCE CREATING CHAPTER 315 OF
THE CODE OF INDIAN RIVER COUNTY ENTITLED “THE INDIAN RIVER**

**COUNTY PAIN MANAGEMENT CLINIC AND CONTROLLED SUBSTANCES
ORDINANCE” (LEGISLATIVE)**

County Attorney Alan S. Polackwich 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. FLAVORED TOBACCO RESOLUTION

Attorney Polackwich recalled that at the May 3, 2011 Board of County Commission meeting, the Board decided that the proposed resolution, urging retailers in Indian River County to stop selling flavored tobacco products to youth should be revised to promote education and enforcement. He has since revised the resolution and is bringing it back for consideration.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-037**, urging the education of youth with respect to the harmful effects of flavored tobacco products, and the enforcement of laws prohibiting or restricting the sale of flavored tobacco products.

13.B. FELLSMERE FIRE HYDRANT CHARGES – APPELLATE DECISION

Attorney Polackwich recapped his memorandum dated May 4, 2011. After providing detailed background and analysis pertaining to Fellsmere fire hydrant maintenance charges, he explained why he felt the payment of charges were inconsistent throughout the County, with the greater burden falling on County residents, and lesser burden falling on Fellsmere residents. He recommended filing an appeal (on the April 27, 2011 Circuit Court rendered decision that the County pay the charges, interest, civil penalties of \$30 per day, and attorney's fees), to the Fourth District Court of Appeal, and directing staff to meet with Municipalities to discuss the value of pursuing a uniform Countywide system that would be fair and consistent for everyone.

Questions and discussion ensued as Attorney Polackwich provided the details and specifics regarding the \$30 per day penalty, the absence of a written agreement that would suspend the 2009 charges, and the suspension of charges for 2010 and 2011.

MOTION was made Vice Chairman Wheeler, SECONDED by Commissioner Flescher, to approve staff's recommendation.

Attorney Polackwich responded to additional concerns from the Commissioners.

County Administrator Joseph Baird mentioned that based on a study, there were very few utilities that charge Fire Districts' hydrant fees.

The Chairman CALLED THE QUESTION and the Motion carried. The Board unanimously approved to: (1) file an appeal with the Fourth District Court of Appeal, and (2) direct staff to engage in a discussion with the Municipalities to see if they wish to pursue a uniform method of payment Countywide for Fire Hydrant charges.

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 9:33 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Bob Solari, Chairman

Minutes Approved: _____

BCC/LA/2011 Minutes