

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF AUGUST 16, 2011

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JEFFREY K. BARTON

Clerk to the Board



August 16, 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, August 16, 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

County Planning Director Stan Boling delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Attorney Alan S. Polackwich, Sr., led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

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

MOVE: ITEM 8.Q.Q. TO ITEM 11. COUNTY ADMINISTRATOR MATTERS

DELETION: ITEM 14.A.4. SAND MINE BUFFERS

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED 2011 COMMUNITY TRANSPORTATION COORDINATOR OF THE YEAR AWARD TO INDIAN RIVER COUNTY SENIOR RESOURCE ASSOCIATION AND ITS CEO, KAREN DEIGL

Chairman Solari read and presented the Proclamation and Award to Senior Resource Association President and CEO Karen Deigl.

**5.B. PRESENTATION OF FLORIDA COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED 2011 VOLUNTEER OF THE YEAR AWARD TO INDIAN
RIVER COUNTY LOCAL COORDINATING BOARD VICE CHAIRMAN
WILLIAM “LUNDY” PARDEN**

Chairman Solari read and presented the Proclamation to William “Lundy” Parden, Vice President.

**5.C. PRESENTATION BY LINDA CARLSON, CROSS LIFE INTERNATIONAL, ON
2ND ANNUAL FAMILY JAMBOREE OF INDIAN RIVER COUNTY**

Don Burzynski, CEO, Cross Life, presented a brief overview of the Cross Life Counseling Center, and background information on the Annual Family Jamboree.

Linda Carlson, Event Coordinator, provided a handout (copy on file) to the Board, and outlined the details of the 2nd Annual Family Jamboree of Indian River County to be held on Saturday, October 8, 2011, from 11 a.m. to 8 p.m. She related that the event is affordable, with no admission or parking fees, and that the vendors are limited to County residents. She recapped the success of the 1st Annual Family Jamboree, and asked the Board to become a corporate sponsor, help publicize the event, and consider assisting with fairgrounds rental costs.

Administrator Baird reported that information and a link to the event would be posted at the County’s website.

6. APPROVAL OF MINUTES

6.A. MEETING OF JUNE 21, 2011

The Chairman asked if there were any corrections or additions to the Minutes of the Meeting of June 21, 2011. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Meeting of June 21, 2011, as written.

6.B. MEETING OF JULY 5, 2011

6.C. MEETING OF JULY 12, 2011

The Chairman asked if there were any corrections or additions to the Minutes of the Meetings of July 5, 2011 and July 12, 2011. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the Minutes of the Meetings of July 5, 2011 and July 12, 2011, as written.

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

7.A. EARLY LEARNING COALITION OF INDIAN RIVER COUNTY

Noted for the record was the appointment of Louise Hubbard as the Indian River County representative to the Early Learning Coalition.

7.B. OUTSIDE ATTORNEY BILLINGS

Noted for the record was the amount of \$1,973.35 invoiced to the County by outside attorney Bush Ross, P.A. (general bankruptcy advice) and \$5,170.00 to Attorneys Messer, Caparello & Self, P.A. (general utilities advice).

**7.C. PROOF OF PUBLICATION OF UNCLAIMED MONIES FOR CASH BONDS
DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT PRIOR TO
JANUARY 1, 2010 IS ON FILE IN THE OFFICE OF THE CLERK TO THE
BOARD**

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS AND WIRES – JULY 8, 2011 TO JULY 14, 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 July 8, 2011 to July 14, 2011, as requested in the memorandum of July 14, 2011.

8.B. APPROVAL OF WARRANTS AND WIRES – JULY 22, 2011 TO JULY 28, 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 July 22, 2011 to July 28, 2011, as requested in the memorandum of July 28, 2011.

8.C. APPROVAL OF WARRANTS AND WIRES – JULY 29, 2011 TO AUGUST 4, 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 July 29, 2011 to August 4, 2011, as requested in the memorandum of August 4, 2011.

8.D. INDIAN RIVER COUNTY INVESTMENT ADVISORY COMMITTEE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2011

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the Investment Advisory Committee Quarterly Report for the period of April 1, 2011 through June 30, 2011, as recommended in the memorandum of July 22, 2011.

**8.E. OPEB TRUST REPORT FOR THE PERIOD OCTOBER 1, 2010 THROUGH
JUNE 30, 2011**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the OPEB (Other Post-Employment Benefits) Trust Report, as recommended in the memorandum of July 22, 2011.

**8.F. 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 the Quarterly Summary Report for Assessment of Additional Court Costs for the quarter ending June 2011, as recommended in the memorandum of July 22, 2011.

**8.G. 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 for the Traffic Education Program, from the inception of the fee (October 1, 2002) through June 30, 2011, as recommended in the memorandum of July 18, 2011.

8.H. RECOMMENDATION OF AWARD FOR CONTINUING ENVIRONMENTAL AND BIOLOGICAL SUPPORT SERVICES FOR CIVIL AND ENVIRONMENTAL ENGINEERING PROJECTS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the Request for Qualifications (RFQ) Selection Committee's ranking; and (2) authorized the Chairman to execute the Continuing Service Agreement for Environmental and Biological Support Services with G.K. Environmental, Inc., as recommended in the memorandum of July 13, 2011.

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

8.I. RELEASE OF RETAINAGE – WORK ORDER NO. 9, SECTOR 3 NEARSHORE SEA TURTLE MONITORING COASTAL TECHNOLOGY CORPORATION

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the release of retainage for Work Order No. 9, Coastal Technology Corporation's Invoice No. 184017, in the amount of \$900.50, as recommended in the memorandum of July 25, 2011.

**8.J. RELEASE OF RETAINAGE FOR DONADIO AND ASSOCIATES – SPATIAL
NEEDS ASSESSMENT FOR SHERIFF’S ADMINISTRATION FACILITY**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the release of retainage amount of \$8,532.92 to Donadio and Associates, Architects, P.A., for the Sheriff’s Master Plan and Space Needs Study, as recommended in the memorandum of July 19, 2011.

**8.K. WORK ORDER NO. 13 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC
PROJECT NO. 0545 57TH STREET BRIDGE OVER LATERAL “A” CANAL
CONSTRUCTION PHASE – RELEASE OF RETAINAGE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 05-619F/R dated July 6, 2011, in the amount of \$2,413.75 for final release of retainage for Work Order No. 13, as recommended in the memorandum of July 18, 2011.

8.L. 2011 OBLIQUE AERIAL IMAGERY ACQUISITION PROJECT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the 2011 Oblique Aerial Imagery Acquisition Project, as outlined in Schedule A in the amount of \$109,200.00; and (2) authorized the Chairman

to execute the schedules and related documents, as recommended in the memorandum of August 1, 2011.

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

8.M. V. B. DEVELOPMENT, INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS SEGOVIA LAKES PD

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously granted final plat approval for the Segovia Lakes Planned Development (PD), as recommended in the memorandum of July 25, 2011.

8.N. TRAFFIC CONTROL DEVICE LEDGER

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-051** approving traffic control devices authorized by the Director of Public Works.

8.O. REQUEST FOR AUTHORIZATION TO OBTAIN BIDS FOR A TENANT LEASE OF THE PRINCIPAL RESIDENCE ON THE JONES'S PIER PROPERTY AT 7770 JUNGLE TRAIL

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized staff to solicit bids for rental of the principal residence (only) on the Jones's Pier property by a

qualified tenant, as more particularly described in the bid documents, as recommended in the memorandum of August 9, 2011.

8.P. MISCELLANEOUS BUDGET AMENDMENT 019

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-052**, amending the Fiscal Year 2010-2011 budget.

8.Q. APPROVAL OF PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) INTERLOCAL AGREEMENT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Public Safety Interoperable Communications (PSIC) Interlocal Agreement, as recommended in the memorandum of June 1, 2011.

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

**8.R. PROCLAMATION AND RETIREMENT AWARD HONORING RALPH BURON
ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS OFFICE OF MANAGEMENT & BUDGET PURCHASING
DIVISION**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Ralph Buron on his retirement from the Indian River County Office of Management & Budget Purchasing Division.

**8.S. PROCLAMATION AND RETIREMENT AWARD HONORING ESROM
DORSETT ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD
OF COUNTY COMMISSIONERS DEPARTMENT OF PUBLIC WORKS ROAD
& BRIDGE DIVISION WITH THIRTY-FOUR YEARS OF SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Esrom Dorsett on his retirement from the Indian River County Department of Public Works Road & Bridge Division.

8.T. PROCLAMATION AND RETIREMENT AWARD HONORING TESSA L. KOTHMAN ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF UTILITY SERVICES WITH NINE YEARS OF SERVICE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Tessa L. Kothman on her retirement from the Indian River County Department of Utility Services.

8.U. PROCLAMATION AND RETIREMENT AWARD HONORING PETER H. MCLEOD ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS BUILDING DIVISION WITH TWENTY-FOUR YEARS OF SERVICE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Peter H. McLeod on his retirement from the Indian River County Building Division.

8.V. PROCLAMATION AND RETIREMENT AWARD HONORING ARTHUR ZYSKOWSKI ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE WITH TWENTY-SIX YEARS OF SERVICE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Arthur Zyskowski on his retirement from the Indian River County Department of Emergency Services/Fire Rescue.

8.W. PROCLAMATION AND RETIREMENT AWARD HONORING SAMUEL BROOKE ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE WITH TWENTY-TWO YEARS OF SERVICE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring Samuel Brooke on his retirement from the Indian River County Department of Emergency Services/Fire Rescue.

**8.X. PROCLAMATION AND RETIREMENT AWARD HONORING JAMES
MICHAEL OWENS ON HIS RETIREMENT FROM INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF PUBLIC WORKS
VEHICLE MAINTENANCE DIVISION WITH THIRTY-SIX YEARS OF
SERVICE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Retirement Award and Proclamation honoring James Michael Owens on his retirement from the Indian River County Department of Public Works Vehicle Maintenance Division.

**8.Y. APPROVAL OF BID AWARD FOR IRC BID NO. 2011050 SLUDGE TANK
CLEANING**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved the Bid Award to SWS Environmental Services as the lowest most responsive and responsible 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 Certificate of Insurance and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of August 8, 2011.

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

**8.Z. APPROVAL OF BID AWARD FOR IRC BID NO. 2011053 CENTRAL
WASTEWATER ODOR CONTROL MEDIA REPLACEMENT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the Bid Award to Biorem Environmental, Inc. as the lowest most responsive and responsible 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 Certificate of Insurance and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of August 9, 2011.

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

**8.AA. APPROVAL OF FLO-380C4H091000 – NEW 2010 H.U.D. FAMILY
SHELTER PLUS CARE CONTRACT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the new 2010 Shelter Plus Care Contract with the U.S. Department of Housing and Urban Development (HUD); (2) authorized the Chairman to execute the Contract accordingly; and (3) allowed the Treasure Coast Homeless Services Council to submit the grant contract on behalf of the County, as recommended in the memorandum of August 8, 2011.

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

**8.BB. FINAL PAYMENT TO MASCI CORPORATION FOR CONVERSION OF A 16”
BRINE LINE ON 77TH STREET TO A WATER MAIN, BID NUMBER
2009064, UCP-3086**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Final Payment to the Masci Corporation in the amount of \$9,016.08 for construction associated with this project. The final payment of \$9,016.08 will release the retainage and complete the County’s obligations to the contractor, as stated and recommended in the memorandum of July 11, 2011.

**8.CC. REQUEST TO CONVEY AFFORDABLE HOUSING PROPERTY BACK TO
INDIAN RIVER COUNTY FROM EVERY DREAM HAS A PRICE, INC.**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) accepted the Quit-Claim Deed from Every Dream Has A Price, Inc. conveying to the County, Lot 8, Block 5, Spruce Park Subdivision, 4265 24th Court; and (2) authorized the Chairman to execute same indicating acceptance by the County, as recommended in the memorandum of July 27, 2011.

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

8.DD. RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR USE IN CONJUNCTION WITH ADJACENT WATER TREATMENT PLANT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-053**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Wayne Yates a/k/a/ Roy Wayne Yates)

8.EE. MOONEY DOCK LICENSE AGREEMENT COUNTRY CLUB POINTE SUBDIVISION

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved immediate termination of the License Agreement with Robert G. Mooney III and Stefanie M. Mooney; (2) authorized the Chairman to execute the Termination/Revocation of License Agreement for recordation in the public records of Indian River County; (3) agreed to provide a recorded copy of the Termination/Revocation of License Agreement to the Mooneys at their last known address; and (4) authorized the County Attorney's Office to offer a similar License Agreement for the dock and space to the next interested Country Club Pointe resident from the waiting list on file with the County Attorney's Office, with the condition that the delinquent fees are brought current by the new

licensee, all as recommended in the memorandum of August 9, 2011.

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

8.FF. DEDICATION OF RIGHTS-OF-WAY AND DRAINAGE AND UTILITY EASEMENTS FOR 24TH COURT AND 25TH AVENUE BY EVERY DREAM HAS A PRICE, INC.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved and accepted the dedications from Every Dream Has A Price, Inc., of the rights-of-way and drainage and utility easements along 24th Court and 25th Avenue; and (2) authorized the Chairman to execute the documents on behalf of the Board, as recommended in the memorandum of July 26, 2011.

8.GG. MISCELLANEOUS BUDGET AMENDMENT 021

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-054**, amending the Fiscal Year 2010-2011 Budget.

**8.HH. GIFFORD YOUTH ACTIVITY CENTER, INC., LEASE AGREEMENT –
RENEWAL AND REPLACEMENT FUND, MAINTENANCE AND REPAIRS,
MISCELLANEOUS BUDGET AMENDMENT 020**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) reimbursement to the Gifford Youth Activity Center in the amount of \$48,500 to be used for the roof replacement; and (2) **Resolution 2011-055**, amending the Fiscal Year 2010-2011 Budget.

**8.II. REQUEST FOR APPROVAL OF A JOINT PARTICIPATION AGREEMENT
BETWEEN INDIAN RIVER COUNTY AND THE INDIAN RIVER COUNTY
HOUSING AUTHORITY**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the proposed Joint Participation Agreement with the Indian River County Housing Authority, for Rental Assistance (Section 8) Program activities under the Neighborhood Stabilization Program (NSP), as recommended in the memorandum of July 29, 2011.

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

8.JJ. WORK ORDER NO. 1 – CREECH ENGINEERS, INC., INDIAN RIVER COUNTY VERTICAL CONTROL NETWORK (BENCHMARK) DENSIFICATION, IRC PROJECT NO. 1050

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 1 with Creech Engineers, Inc., authorizing IRC Project No. 1050 as outlined in the Scope of Services, as recommended in the memorandum of August 3, 2011.

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

8.KK. THE QUAIL CREEK SUBDIVISION – BID # 2011012 CHANGE ORDER NO. 1 FINAL PAY AND RELEASE OF RETAINAGE, TIMOTHY ROSE CONTRACTING, INC.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 1 and payment of Timothy Rose Construction, Inc., Application for Payment No. 3 in the amount of \$17,269.95 for final payment and release of retainage, as recommended in the memorandum of August 3, 2011.

8.LL. LIBRARY SYSTEM LONG RANGE PLAN UPDATE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved the update to the Library System Long Range

Plan; and (2) authorized return of the Plan to the Library Services Director to be forwarded to the appropriate State Library staff, as recommended in the memorandum of July 20, 2011.

8.MM. 2011-2012 STATE AID APPLICATION/AGREEMENT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to execute the State Aid to Libraries Grant Agreement and State Aid to Libraries Grant Application Form, and return to the Library Services Director to be forwarded to the appropriate State Library staff, , as recommended in the memorandum of July 20, 2011.

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

8.NN. RIGHT-OF-WAY ACQUISITION, SR A1A & 17TH STREET INTERSECTION IMPROVEMENTS, PARCEL ID #33-40-05-00010-0000-00000.1 OWNER: NORTHERN TRUST, N.A. FORMERLY KNOWN AS NORTHERN TRUST OF FLORIDA, N.A.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved the purchase of the needed right-of-way at a price of \$25,400; and (2) authorized the Chairman to execute the Purchase and Sale Agreement with Northern Trust, NA (F/K/A Northern Trust Bank of Florida N.A.), as recommended in the memorandum of August 8, 2011.

8.OO. APPROVAL OF BID AWARD FOR IRC BID NO. 2012002 – ANNUAL BID FOR INSTRUMENT CONTROL TECH FOR WATER AND WASTEWATER UTILITIES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved awarding the bid as follows: (1) award to Control Systems Design, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2011 through September 30, 2012 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this Bid for two (2) additional one (1) year periods subject to satisfactory performance, bidder acceptance, and the determination that renewal of this annual contract is in the best interest of Indian River County, as recommended in the memorandum of August 8, 2011.

8.PP. AWARD OF RFP NO. 2011043 – FULL SERVICE AUTOMATED TELLER MACHINE (ATM) INSTALLATION AND MAINTENANCE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) awarded the Request for Proposal (RFP) to Oculina Bank,

Vero Beach, FL as the highest ranking most responsive and responsible proposer meeting the specifications as set forth in the Request for Proposal; (2) authorized staff to enter into a three (3) year agreement with the option for two, one (1) year renewals for a total of five (5) years; and (3) authorized the Chairman to execute the agreement with Oculina Bank, which has been approved as to form and legal sufficiency by the Deputy County Attorney. The Bank Certificate of Insurance has been received and approved and is on file in the Purchasing Office, all as stated and recommended in the memorandum of August 1, 2011.

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

8.QQ. 2011-2012 FINAL BUDGET HEARING SCHEDULE CHANGE

(Clerk's Note: This item was heard under Item 11. County Administrator Matters and is placed here for continuity).

County Administrator Joseph Baird asked whether the Commissioners wished to reschedule the September 14, 2011 Final Budget Hearing because the date conflicts with the Florida Shore and Beach Preservation Association Conference in Miami on September 14 – 16, 2011. He thereafter presented the rescheduling options for Board consideration.

The Commissioners deliberated the pros and cons of rescheduling.

The Board CONSENSUS was to retain the original Final Budget Hearing date (and time) of Wednesday, September 14, 2011 at 5:01 p.m.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. GRACE CLARK-LAPORTA'S REQUEST FOR ABANDONMENT OF A PORTION OF 129TH PLACE BETWEEN 81ST COURT AND ROSELAND ROAD (LEGISLATIVE)

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

Planning Director Stan Boling used a PowerPoint Presentation (copy on file) to present description, conditions, and analysis pertaining to Grace Clark-LaPorta's request for the County to abandon a portion of right-of-way located at 129th Place between 81st Court and Roseland Road. He thereafter conveyed staff's recommendation for the County to abandon the right-of-way, with the caveat of retaining a 20' wide drainage and utility easement over the center twenty feet of the site for possible drainage or utility improvements in the future. Director Boling noted that the proposed Resolution for the abandonment includes language about retaining the drainage and utility easement.

Commissioner O'Bryan confirmed with Director Boling that the neighboring property owners had no objections to the proposed right-of-way abandonment.

The Chairman opened the Public Hearing. Seeing no one, the Chairman closed the Public Hearing.

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-056**, providing for the closing, abandonment, vacation and discontinuance of a segment of 129th Place lying northwest of 81st Court and lying between Lot 10, Block 12 and Lot 6, Block 11 of the Townsite Plat of Roseland as recorded in Plat Book 1, page 43 of the public records of St. Lucie County, as described herein, said land now lying in Indian River County, Florida.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM SUSAN KROL REGARDING ELIMINATION OF FINE OF \$1500.00

Susan Krol related the circumstances that had prompted her to remove three storm-damaged scrub palm trees from her property at 2055 South U.S. Highway 1. She advised that she had spent almost \$1,000 to replace the three trees that were taken out, and asked the Board to waive the Code Enforcement Board fine that had been levied against her for the tree removal.

Community Development Director Robert Keating explained why the removal of the trees had constituted a code violation, and attested that the fine was consistent with the penalty section of Chapter 927 of County Code, the “Tree Protection and Land Clearing Ordinance.”

Commissioner Davis advocated waiving Ms. Krol’s fine, recalling the reasons that he had voted against the Tree Protection Ordinance.

MOTION WAS MADE by Commissioner Davis, SECONDED by Vice Chairman Wheeler, to waive the \$1500 Code Enforcement Board fine levied on Susan Krol.

Vice Chairman Wheeler voiced his reasons for supporting the fine waiver, stressing that Ms. Krol had purchased three replacement trees and had not intentionally violated County Code.

Roland DeBlois, Chief of Environmental Planning and Code Enforcement, revealed that the Code Enforcement Board had met twice on this matter, and the second time had reduced Ms. Krol's fine from \$3,000 to \$1,500, in view of her replacement of the three original trees.

Commissioners O'Bryan, Solari, and Flescher provided individual explanations on their reasons for opposing the Motion. Discussion points included concerns about granting the subject appeal despite the Code Enforcement Board's review and final determination, and suggestions to re-examine the Tree Protection Ordinance, including the fine structures therein.

Chairman Solari indicated that although he would vote against the current Motion, he would support a Motion reducing the fine.

Joseph Paladin, President Black Swan Consulting, believed this type of situation should be handled on a case-by-case basis, and supported the fine waiver for Ms. Krol.

County Administrator Joseph Baird felt that it was the duty of the Code Enforcement Board to uphold the Ordinances as written. He observed that if the Board wished to see changes, the Tree Protection Ordinance may require changes.

The Chairman CALLED THE QUESTION and by a 2-3 vote (Commissioners Flescher, O'Bryan, and Solari opposed), the Motion failed.

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved to reduce Susan Krol's \$1500 Code Enforcement Board fine to \$500.00.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously directed staff to bring back for Board review, Chapter 927 of County Code, the "Tree Protection and Land Clearing Ordinance", including the fine structure for violations.

10.C. PUBLIC NOTICE ITEMS

(Clerk's Note: The following notification occurred during Item 4 Additions/Deletions to the Agenda/Emergency Items and is placed here for continuity).

Chairman Solari reminded citizens of the upcoming public hearings regarding the 2011-2012 Decennial Redistricting for the five County Commissioner districts, and announced that redistricting maps were on view in the lobby.

10.C.1. NOTICE OF SCHEDULED PUBLIC WORKSHOP AUGUST 23, 2011:

A PUBLIC WORKSHOP REGARDING THE INDIAN RIVER COUNTY DECENNIAL REDISTRICTING HAS BEEN SCHEDULED FOR TUESDAY, AUGUST 23, 2011, AT 6:30 P.M. THE PUBLIC WORKSHOP WILL BE HELD AT SEBASTIAN CITY HALL, CITY COUNCIL CHAMBERS, 1225 MAIN STREET, SEBASTIAN, FLORIDA

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

11. COUNTY ADMINISTRATOR MATTERS

11.A.1. LEGISLATIVE PRIORITIES

Administrator Baird reported that staff has begun compiling a list of items to be brought up at the 2012 State Legislative Session, as follows:

- Trim Notices – Separate the Constitutional Officers.
- Community Redevelopment Agencies (CRA) – The County should receive a greater percentage of CRA Funds to assist in providing Government services.
- Florida Retirement System (FRS) – The Legislature needs to look at maintaining the low rates in view of a proposed significant increase in July 2012.
- Florida Statutes Chapter 720 Homeowners Associations (HOA) – Strengthen the law governing Homeowners Associations to ensure proper maintenance of the common areas
- Defined Contribution Plan for New Employees - Mandate a defined contribution plan for all new employees in the FRS retirement plan.

Administrator Baird invited the Commissioners to keep him abreast of any additions to the list. He thereafter responded to concerns expressed by Commissioner Davis about the proposed increase in the FRS rates.

Chairman Solari remarked on the State mandates that required many County departments to prepare and submit lengthy reports, and asked for ideas on eliminating or reducing those documents. He also wanted to explore the possibility of having any extensive data put on CD to reduce expensive mailings.

Commissioner Davis suggested that department heads who produce a State-mandated report every 12 months or less should analyze the value of the reports.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

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

José Guanch, Building Official, provided background conditions and analysis pertaining to two structures proposed for demolition, located at 9250 East Marsh Island Drive and 4855 34th Avenue, respectively. He recalled that the Marsh Island Homeowners Association had volunteered to pay 50% of the demolition costs for the East Marsh Island Drive structure (approved at the June 21, 2011 Board of County Commission meeting), and presented staff's recommendation for demolition of both structures.

A brief discussion ensued as Mr. Guanch, with input from Deputy County Attorney William DeBaal, provided further details on the East Marsh Island Drive property, which is currently in foreclosure.

Attorney Polackwich explained why the County would be unlikely to recover the costs if a lien is recorded on the property.

Mr. Guanch confirmed for the Commissioners that the demolition of the East Marsh Island Drive structure would include removal of the slab.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-057**, providing for the demolition of unsafe structures and the recovery of costs.

Shoquist, 9250 E. Marsh Island Drive;

Clark, 4855 34th Avenue

**12.A.2. CONSIDERATION OF INEOS NEW PLANET BIOENERGY LLC'S
PROPOSED AMENDMENT TO ITS APPROVED LOCAL JOBS GRANT**

Director Keating provided background, conditions, and analysis regarding the request of INEOS New Planet BioEnergy LLC to modify its existing Local Jobs Grant, which was approved by the Board of County Commissioners on March 23, 2010. He outlined the differences between the current and proposed jobs grant, and relayed that in addition to requesting amendments to the Local Jobs Grant, INEOS has requested a one-year extension of its Qualified Target Industry (QTI) Grant from the State. Director Keating reported that the Economic Development Council (EDC) reviewed this matter, and along with staff, recommends Board approval of the amended Local Jobs Grant Agreement between the County and INEOS; and the extension of the State's QTI Grant through adoption of the proposed Resolution (on page 416 of the Agenda Packet).

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, 1216 21st Street, introduced Len Vokaty with INEOS New Planet BioEnergy, LLC.

Len Vokaty, Comptroller for INEOS, invited questions or comments; none were forthcoming.

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

Commissioner Flescher attested to the progress being made by INEOS. He voiced support for granting the request of INEOS New Plant BioEnergy, to make the amendments to the Jobs Grant Application and to support the extension of the Qualified Target Industry (QTI) Grant.

Mr. Vokaty thanked the Board and advised that the INEOS New Planet BioEnergy facility was scheduled for completion in April 2012.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved and authorized the Chairman to execute the amended Local Jobs Grant Agreement of up to \$297,000 for INEOS New Plant BioEnergy LLC, after approval of the agreement by appropriate County staff and the County Attorney's office; and (2) approved and authorized the Chairman to execute the approved **Resolution 2011-058**, recommending to Enterprise Florida that INEOS New Planet BioEnergy, LLC's Qualified Target Industry Economic Recovery Extension Application be approved pursuant to s.288.106, Florida Statutes; and providing an appropriation of \$33,000 as part of a Local Jobs Grant Program for local participation in the Qualified Target Industry Tax Refund Program for Fiscal Years 2012-13; 2013-14; 2014-15, 2015-16, 2016-17, 2017-18, and 2018-19 and providing for an effective date, all as recommended in the memorandum of August 5, 2011.

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

**12.A.3 CONSIDERATION OF AGREEMENT BETWEEN INDIAN RIVER HABITAT
FOR HUMANITY AND INDIAN RIVER COUNTY FOR NEIGHBORHOOD
STABILIZATION PROGRAM 3 (NSP3) COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) PROGRAMMATIC SERVICES AND NSP3
SINGLE-FAMILY PURCHASE, REDEVELOPMENT AND SALES PROGRAM
MANUAL**

Director Keating provided background and analysis pertaining to the Neighborhood Stabilization Program 3 (NSP3) Community Development Block Grant (CDBG), which will involve partnering with Habitat for Humanity to purchase and rehabilitate foreclosed/abandoned homes to sell to qualified households. He explained that the program will be funded directly by the Department of Housing and Urban Development (HUD) and presented staff's recommendation for the Board to proceed with the NSP3 CDBG project by approving the following required documents:

- The NSP3 Agreement with Habitat for Humanity for services related to the CDBG
- The proposed NSP3 Single-Family Purchase, Redevelopment and Sales Program Manual

Andy Bowler, President/CEO, Habitat for Humanity, thanked the Board and spoke to the advantages of the NSP3 Program.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the proposed agreement with Indian River Habitat for Humanity for programmatic services related to the County's Neighborhood Stabilization Program 3 Community Development Block Grant; (2) approved the

proposed NSP3 Single-Family Purchase, Redevelopment and Sales Program Manual; (3) authorized the Community Development Director to make modifications to the agreement and program manual that may be required by the U.S. Department of Housing and Urban Development and/or the County Attorney; and (4) authorized the Chairman to execute both the agreement and the program manual, all as recommended in the memorandum of August 9, 2011.

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

The Chairman called a recess at 10:22 a.m. and reconvened the meeting at 10:37 a.m., with all members present.

12.A.4. REQUEST FOR APPROVAL OF A RESOLUTION URGING THE FLORIDA INLAND NAVIGATION DISTRICT TO ADDRESS CONCERNS RAISED BY COUNTY CITIZENS ABOUT DREDGED MATERIAL MANAGEMENT AREA IR-2

Roland DeBlois, Chief of Environmental Planning and Code Enforcement, reported that pursuant to the Board's direction at the June 7, 2011 Board meeting, he was bringing forth a draft Resolution pertaining to a Florida Inland Navigation District (FIND) Project known as Dredged Material Management Area IR-2 (DMMA IR-2) at 9910 US Highway 1 (formerly Vickers Grove). He recalled that at the June 7th meeting, FIND CEO David Roach had discussed the project, and lengthy discourse had followed as concerned citizens expressed their qualms about the project. Chief DeBlois advised that the draft Resolution was arrived at subsequent to feedback from both FIND and concerned citizens, and through his PowerPoint Presentation (copy on file), described how the Resolution was structured. He thereafter

presented staff's recommendation for the Board to approve the proposed Resolution, and to afterwards provide the document to the Florida Inland Navigation District.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2011-059**, urging the Florida Inland Navigation District to address concerns raised by County citizens about Dredged Material Management Area IR-2.

Commissioner Davis remarked that he wished to see initiated a plan for citizens to have public access to a three-acre segment of the DMMA IR-2 site known as Duck Point; the Board agreed to explore that option.

(Clerk's Note: The below discussion occurred following Item 12.A.5. and is placed here for continuity).

Renee Renzi, Waverly Place, asked if concerned citizens had been involved in the discussions regarding the FIND site. She also asked about FIND's choice to dredge this particular channel of the Intracoastal Waterway versus other sections that have a greater need to be excavated.

Chairman Solari, Commissioner Davis, and staff addressed Ms. Renzi's queries.

12.A.5. REQUEST TO APPROVE A PURCHASE OF 350 ACRES FROM PRESSLEY RANCH, INC. FOR CONSERVATION PURPOSES, USING GRANT FUNDS AWARDED UNDER THE NORTH AMERICAN WETLANDS CONSERVATION ACT

Chief DeBlois used a PowerPoint Presentation (copy on file) to provide description and conditions regarding staff's request for the Board to approve the purchase from Pressley Ranch, Inc., of 350 acres located at the northwest corner of Blue Cypress Lake for conservation purposes. He stated that the purchase would be funded 100% with North American Wetlands Conservation Act (NAWCA) funds, which are administered by the United States Fish and Wildlife Services; however, the County would pay The Conservation Fund (TCF) fees for grant writing and negotiation of the purchase fee out of County environmental land bond funds. Chief DeBlois thereafter proffered staff's recommendation for the Board to approve the sale and purchase contract with Pressley Ranch, Inc.

The Board sought additional information from Chief DeBlois regarding the purchase.

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

Chief DeBlois, with input from Attorney Polackwich, addressed a series of questions and comments posed by **Bob Johnson**, Coral Wind Subdivision.

Additional conversation ensued as Chief DeBlois, with input from Matt Sexton, The Conservation Fund, responded to questions and observations from Commissioner Davis.

The Chairman CALLED THE QUESTION, and the Motion carried. The Board unanimously: (1) approved and authorized the Chairman to execute the contract for sale and purchase of the Pressley Ranch North American Wetlands Conservation Act (NAWCA) Tract; and (2) authorized staff to proceed with due diligence and close the purchase with Pressley Ranch, as recommended in the memorandum of August 8, 2011.

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

12.A.6. CONSIDERATION OF IMPACT FEE ISSUES

Director Keating, through review of his memorandum of August 5, 2011, provided a synopsis of several impact fee concerns raised at the July 12, 2011 Board of County Commission meeting by Charlie Wilson, President, Asset Research and Recovery, LLC (ARR). Among other concerns cited, Mr. Wilson contended that the \$200 cost of the impact fee refund application was too high, and that the application fee should not have to be paid when the application was initially filed. Director Keating noted that the County Attorney will be addressing the impact fee issues of a legal nature at a future meeting.

Director Keating reported on the two types of impact fee refunds in the County's Impact Fee Ordinance: (1) Non-Commencement, when the fee payer opts not to start construction of his project; and (2) Failure-to-Expend Funds, when the County fails to spend the funds within six years of collection. He stated in light of ARR's concerns, staff has established an application fee collection process where upfront payment is no longer required; the fee is subtracted from the application fee refund amount. Regarding the impact fee refund application fee, staff has prepared for Board consideration a Resolution reducing the fee from \$200 to \$75 and recommends the Board apply the fee to both types of refunds. Director Keating thereafter provided details on a tracking mechanism that could be used to generate reports and possibly email notifications about eligibility for an impact fee refund.

Chairman Solari requested that the Board keep the Motions separate for the Non-Commencement impact fee refunds and Failure-to-Expend Funds impact fee refunds.

Director Keating, responding to Commissioner O'Bryan's inquiries, provided staff's definition of "non-commencement of construction," and confirmed that the structure on Marsh Island (discussed under Item 12.A.1.), would not qualify for an impact fee refund.

Attorney Polackwich clarified that Chapter 1000 of County Code, the Impact Fee Ordinance, does not use the term "non-commencement of construction" - it talks about the

Building Permit or initial One-Year Concurrency Certificate as having been revoked, withdrawn, or expired. He stated that he would include interpretations of “non-commencement” in an upcoming presentation addressing impact fees of a legal nature.

Charlie Wilson, 1057 6th Avenue, although he disagreed with their definition of “non-commencement,” supported staff’s recommendation regarding the cost of the impact fee refund applications and the timing of the payment. He reported on the system that ARR has developed to track and notify potential eligible persons, and offered ARR’s assistance with the tracking and notification process.

Commissioner Davis disclosed that he might be purchasing from Mr. Wilson some data pertaining to open permits, and would abstain from voting.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, in association with impact fee refund applications associated with building permits or concurrency certificates that have been issued for a project and been revoked, expired, or withdrawn (*also referred to as Non-Commencement*), the Board, by a 4-0 vote (Commissioner Davis recused himself): (1) approved to deduct the impact fee refund application fee from the gross amount of the refund due to the fee payer; and (2) approved **Resolution 2011-060**, revising fees for processing impact fee refund applications.

Discussion ensued about the importance of the County having a notification system on refund eligibility, so persons eligible for a refund do not have to track down their own refund.

Chairman Solari felt that if someone has discovered that they are owed a refund because the County has not utilized the funds within six years, they should not be charged the impact fee refund application fee.

Budget and Management Director Jason Brown, addressing Commissioner Davis's question, stated that the County Attorney would be returning with further input on how to determine the distribution of refunds for partially expended funds.

Chairman Solari suggested the Board wait for input from the County Attorney before deciding whether to impose an impact fee refund application fee for rebates associated with non-expended impact fees.

Attorney Polackwich reported that not much law exists on impact fee refunds; however, his office is compiling the State law that deals with impact fees. He hoped to bring further information back to the Board in September 2011.

Commissioner O'Bryan asked whether the proposed Resolution needed to be amended to reflect that the Board is not at this time acting on the six-year Failure-to-Expend Impact Fee Refunds.

Attorney Polackwich responded that since the Board has elected at this time not to impose a fee on the six-year Failure-to-Expend fees, staff should amend the text of the Resolution to reflect that the fee at this time pertains only to the Non-Commencement impact fees.

MOTION WAS MADE by Commissioner Flescher,
SECONDED by Chairman Solari, by a 4-0 vote
(Commissioner Davis abstained) to suspend any fees for
impact fee refund applications associated with the
County's failure to expend impact fees within six years,

with this matter to be brought back for further consideration.

FORM 8.B. MEMORANDUM OF VOTING CONFLICT 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. APPROVAL OF BID AWARD FOR IRC BID NO. 2011034 SOUTH
REVERSE OSMOSIS PLANT CHEMICAL SYSTEM UPGRADE**

ON MOTION by Commissioner Flescher, SECONDED
by Commissioner O'Bryan, the Board unanimously

approved the Bid Award to Odyssey Manufacturing Company as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of August 2, 2011.

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

12.J.2. CHANGE ORDER NO. 1 TO IRC BID NO. 2011032 TO DATA FLOW SYSTEM INC. FOR UPGRADE AND AUTOMATION OF THE REUSE DISTRIBUTION SYSTEM UCP 4065

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute Change Order No. 1 with Data Flow System Inc. in the amount of \$16,839.65, as recommended in the memorandum of August 1, 2011.

12.J.3. AMENDMENT #1 TO WORK ORDER NO. 26 WITH GEOSYNTEC CONSULTANTS, INC. FOR GROUND WATER ASSESSMENT AND MONITORING PROPOSAL NORTH COUNTY WATER PLANT

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

Commissioner O'Bryan remarked on the Florida Department of Environmental Protection's (FDEP) tendency to impose what seem to be unreasonable restrictions/requirements on County projects.

Director Olson acknowledged that the FDEP has historically mandated additional requirements that seemed unjustified and burdensome on the County's projects; however, in the past six or so months, the agency seems to have had a paradigm shift. Responding to direction from Chairman Solari, he agreed to compile for the County Administrator a list (to be added to the items for the Legislative Delegation) of examples of unnecessary restrictions imposed by the FDEP and other regulatory agencies.

(Clerk's Note: Vice Chairman Wheeler exited the meeting at 11:46 a.m.)

The Chairman CALLED THE QUESTION, and by a 4-0 vote (Vice Chairman Wheeler absent), the Board approved Amendment No. 1 to Work Order No. 26 with Geosyntec for additional sampling and reporting to the National Attenuation Monitoring Plan in the amount of \$7,179.00, as recommended in the memorandum of July 18, 2011.

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

(Clerk's Note: Vice Chairman Wheeler rejoined the meeting at 11:49 a.m.)

12.J.4. 82ND AVENUE BRIDGE AT 4TH STREET FORCE MAIN AND REUSE FORCE MAIN CONFLICT, RESOLUTION AND INTERCHANGE FOR LIFT STATION NO. 19 FORCE MAIN PRESSURE REDUCTION, APPROVAL OF WORK AUTHORIZATION NO. 2010-002-UCP 4070, WIP NO. 471-23536-044699-11503

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

A brief discussion ensued between Commissioner Davis and Director Olson about the benefits of the project, including the provision of a sewer connection to the INEOS New Planet BioEnergy facility.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the total cost estimated for the project of \$365,638.57, and approved and authorized the Chairman to execute Work Authorization No. 2010-002 to Melvin Bush Construction, Inc., for an amount of \$194,009.24 for labor, as recommended in the memorandum of July 29, 2011.

13. COUNTY ATTORNEY MATTERS

13.A. PROPOSED ORDINANCE ELIMINATING ALL REFERENCES TO FIREARMS FROM THE CODE OF INDIAN RIVER COUNTY

Assistant County Attorney Brooke Odom provided background information on State and local legislation regulating the field of firearms. She explained that Florida Statutes, Section 790.33 preempts the entire field of firearms to the State of Florida, thus superseding County Code, and that the State imposes penalties upon Counties for non-compliance. Attorney Odom recalled that on March 22, 2011, the Board adopted Ordinance 2011-003, permitting the carrying or possession of concealed weapons or firearms in parks and recreational areas, in order to bring the County's Code in compliance with State law. She thereafter presented staff's recommendation for the Board to additionally eliminate from County Code, all references to guns, firearms, ammunition, and the discharge of any firearms, through adoption of the proposed Ordinance, subsequent to a public hearing on this matter.

A brief discussion ensued during which Attorney Odom addressed Commissioner O'Bryan's question about the State laws pertaining to firearm discharge. She also confirmed that the County can still impose safety rules at the local gun ranges.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the County Attorney's office to advertise for a public hearing to consider final adoption of the proposed Ordinance eliminating all references to firearms from the Code of Indian River County.

13.B. PURCHASE OF RIGHT-OF-WAY LOCATED AT 5265 66TH AVENUE, PARCEL 105, OWNED BY THE ESTATE OF ERMA LEE LEWIS

Deputy County Attorney Bill DeBaal, through review of his memorandum of August 2, 2011, provided background and analysis on a right-of-way purchase of approximately 0.679 acres owned by the Estate of Erma Lee Lewis. He described the parcel (which will be used for the 66th Avenue Improvement Project), provided a breakdown of costs, and presented staff's recommendation for Board approval of the right-of-way purchase at the all-inclusive price of \$124,574.59.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Purchase Agreement for purchase of the necessary right-of-way from the Estate of Erma L. Lewis at a price of \$118,335 and attorney's fees of \$6,212.59, as recommended in the memorandum of August 2, 2011.

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

The Chairman called a recess at 11:58 a.m. and reconvened the meeting at 12:12 p.m., with all members present.

13.C. COST SHARING AGREEMENT BETWEEN MARSH ISLAND AND THE COUNTY FOR DEMOLITION OF UNCOMPLETED HOME, LOT 15 MARSH ISLAND SUBDIVISION, 9250 EAST MARSH ISLAND DRIVE

Attorney DeBraal recalled that the Marsh Island Homeowner's Association (MIHOA) had offered to contribute one-half the cost, up to a maximum of \$15,000, for demolition of a dilapidated structure located on Lot 15, Marsh Island Subdivision. He advised that pursuant to Board direction on June 21, 2011, staff was returning with a proposed cost-sharing agreement between the County and the MIHOA, and presented staff's recommendation for approval of same.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and directed the Chairman to execute the Cost Share Agreement between the Marsh Island Homeowners' Association (MIHOA) and the County for the demolition of the structures on Lot 15, Marsh Island Subdivision, as recommended in the memorandum of August 3, 2011.

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

13.D. COST SHARING AGREEMENT BETWEEN INDIAN RIVER COUNTY AND RUSSELL J. KELLY

Attorney DeBraal stated that Russell J. Kelly, owner of property located at 905 Bowline Drive, had alerted the County about a section of seawall on his property that appears to have

damage from a broken drainage pipe in the County's easement. He related that Mr. Kelly had agreed to split the costs of the repairs 50/50 with the County, and asked the Board to approve the cost-sharing agreement, with the County's cost not to exceed \$8,635.00.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Cost Sharing Agreement with Russell J. Kelly. Upon completion and approval of the construction work and receipt of all liens, the County will issue a joint check to Mr. Kelly and Wilco Construction in full satisfaction of this matter, all as recommended and stated in the memorandum of August 9, 2011.

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

13.E. INITIAL BOARD REVIEW OF COMMITTEE TERMS ISSUES

Attorney Polackwich, through review of his August 1, 2011 memorandum, presented background and analysis on some issues regarding committee member terms. He explained that some of the tracking data for committee member terms, appointments, and reappointments, had been incomplete, and to remedy that, the County Attorney's office has constructed a new baseline for committee member terms (as outlined in the proposed Resolution). He said that in order to correct an internal inconsistency involving the committee member terms, wherein half the members are up for reappointment after each County Commissioner election every two years, staff recommends amending Section 103.02 of County Code to change the default terms from two to four years. Attorney Polackwich suggested the Board consider appointing an individual ("the Monitor") to oversee committee terms going forward, with likely candidates being the County Commissioner's assistants; the County Administrator's office, or the County Attorney's

office. He advised that he was seeking the Board's guidance in how to proceed, and that a public hearing on this matter would occur in September 2011.

Discussion followed regarding the best choice for the committee appointee Monitor.

Administrator Baird and Chairman Solari felt that the County Commission office should oversee the monitoring of the committee member assignments.

Commissioner Davis and Vice Chairman Wheeler preferred having the County Attorney's office monitor the committee appointees.

Commissioner O'Bryan questioned whether a term of service needs to be stipulated for those committee members serving at the pleasure of an individual Commissioner.

Attorney Polackwich explained that the proposed amendments to Section 103.02 contain language specifying that a committee member appointed by an individual Commissioner serves at his/her pleasure.

Commissioner Davis asked about the terms for the "at-large" positions, which are appointed by the Board of County Commissioners.

Attorney Polackwich suggested that the Board add a general provision to the amendments stating that all members that are appointed by the Board of County Commissioners serve at the will of the Board.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Vice Chairman Wheeler, to approve
staff's recommendation, with the addition of the language
that any County-appointed individual serves at the will of
the County Commission.

Commissioner Davis mentioned he was not averse to having someone in the Commission Office monitor the committee member terms, provided the County Attorney was ready to resolve any questions/issues.

Attorney Polackwich advised he would leave blank the designation for the Monitor until the Board re-examines this matter in September 2011. He emphasized, however, that it would be best for one designated individual to handle the task.

The Chairman CALLED THE QUESTION, and the Motion carried. The Board unanimously: (1) authorized staff to provide notice for a public hearing to be held in September 2011, regarding the proposed Ordinance pertaining to Commissions and Boards and directed staff to finalize the proposed Ordinance; and (2) directed staff to finalize the proposed Resolution, including wording stating that all members that are appointed by the County Commission serve at the will of the County Commission, re-establishing the terms of members of certain boards and committees and establishing a process to monitor terms in the future, with no individual/s to be appointed to monitor committee terms going forward until this item is brought back in September 2011.

13.F. QUASI-JUDICIAL PROCEEDINGS

Attorney Polackwich, through review of his August 1, 2011 memorandum, provided background and analysis on staff's request to adopt written guidelines for the quasi-judicial hearings of the Board of County Commissioners. He stated that he was not necessarily seeking

approval today, but wanted the Board's assessment of whether staff was on the right track with the proposed Resolution establishing those guidelines.

Commissioner Davis observed that he liked the flexibility in the proposed guidelines. He also requested that staff provide to the Commissioners a brief synopsis of the legal requirements that they must adhere to.

Attorney Polackwich suggested adding to the guidelines, the requirement for the Commissioners to be given notice *as soon as* staff learns about a forthcoming quasi-judicial hearing. He added that the notice was to contain a brief summary reminder of the rules the Board needs to follow.

Commissioner Davis advised Attorney Polackwich that staff was on the right track; however, he was not ready to approve the Resolution today.

Attorney Polackwich indicated that he would bring the proposed Resolution back in September 2011, with a change reflecting that staff is to provide to the Commissioners, *as soon as possible*, the notice and a reminder of the requirements.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Wheeler, the Board unanimously directed the County Attorney to return in September 2011 with the proposed Resolution establishing guidelines for Quasi-Judicial proceedings before the Board, to include direction for staff to provide, *as soon as possible*, notice to the Commissioners about a forthcoming quasi-judicial hearing, with the notice to contain a synopsis of the rules that must be followed.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER BOB SOLARI, CHAIRMAN

14.A.1. PUBLIC RECORDS

Chairman Solari brought to the Board's attention a newspaper editorial alleging that the County needs to have improved public access to public records, including Commissioner emails. He wanted to explore the possibility of setting up a system that is equivalent in costs and labor to the current system, for the purpose of making Commissioner emails more readily accessible to the public.

An extensive discussion followed, with input from Computer Services Manager Basil Dancy, and Budget and Management Director Jason Brown, regarding the County's: (1) current operating procedure and charges for public records searches; (2) manpower and budget for computer support services, and potential cost of setting up a new system; (3) establishing a screening process to protect confidential information that is divulged in emails to the Commissioners and County Administrator; (4) how to organize the emails into a central database for the public to access; (5) the system used in Martin County; and (6) which emails are considered "public record."

No Board Action Required or Taken

14.A.2. FLORIDA TREND ARTICLE

Chairman Solari reported that this month (August 2011), the online publication *floridatrend.com*. included a favorable write-up about some of the amenities available in Vero Beach.

No Board Action Required or Taken

14.A.3. LEMONADE FREEDOM DAY

Chairman Solari provided background on a situation occurring in several states, wherein children selling lemonade have been shut down by regulatory authorities for code violations. He wanted to ensure that there are no County regulations that would prohibit children from selling lemonade. He noted that Lemonade Freedom Day is August 20, 2011.

No Board Action Required or Taken

14.A.4. SAND MINE BUFFERS - DELETED

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

14.C. COMMISSIONER WESLEY S. DAVIS

14.C.1. SECONDARY METALS RECYCLERS

Commissioner Davis reported that metal theft has been on the rise, referencing a non-profit organization that recently had an air conditioning unit stolen. He felt the Board should investigate whether something can be done to deter these types of crimes.

Chairman Solari suggested that the County Attorney discuss this matter with the Sheriff, to see if some deterrent to the metal thefts can be found that would not place an onerous burden upon honest citizens.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner Flescher, to direct the
County Attorney to discuss with the Sheriff, possible
deterrents to metal theft.

Board discussion about this issue ensued, with input by Administrator Baird, who noted several instances where the County had been affected by this type of theft.

The Chairman CALLED THE QUESTION and the Motion carried. The Board unanimously directed the County Attorney to discuss with the Sheriff, possible deterrents to metal theft.

14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.E. COMMISSIONER PETER D. O'BRYAN

14.E.1. ARTIFICIAL REEF STUDY WORKSHOP

Commissioner O'Bryan relayed the request of Mayor Richard Dunlop, Town of Orchid, to have a Joint Workshop with the County Commissioners, the Beach and Shore Preservation Advisory Committee, and the Mayors of the four neighboring municipalities, for the purpose of discussing artificial reefs as a means to control beach erosion. He asked fellow Board members for their input on the workshop, noting that the next Beach and Shore Preservation Advisory Committee meeting will be held on Monday, September 19, 2011.

Administrator Baird mentioned that there would be discussion on artificial reefs at the Florida Shore & Beach Preservation Association (FSBPA) Annual Conference to be held September 14 – 16, 2011, in Miami, and that County Coastal Engineer James Gray would be attending said conference.

Chairman Solari preferred to have staff provide an update with a global perspective on erosion control options, before deciding that artificial reefs would be the best option.

Commissioner Flescher declared that the Mayors were not looking for a specific remedy, and that the Joint Workshop would be a good venue to discuss potential beach erosion solutions.

After further discussion, the Board agreed that Mr. Gray could brief the Board and the Mayors with an update on the beach erosion options discussed at the FSBPA Conference at the next Beach & Shore Preservation Advisory Committee meeting on September 19, 2011.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to schedule a Joint Workshop Meeting with Mayors Richard Dunlop, Town of Orchid; Susan Adams, City of Fellsmere; Thomas Cadden, Town of Indian River Shores; Jim Hill, City of Sebastian; and Jay Kramer, City of Vero Beach; to be held in conjunction with the Beach & Shore Preservation Advisory Committee meeting scheduled for September 19, 2011, for the purpose of discussing solutions to beach erosion, pending acceptance of the County's invitation to the aforementioned 5 mayors.

Chairman Solari recapped that the Board wished to invite the Mayors to a Joint Workshop, to be held in conjunction with the next Beach & Shore Preservation Advisory Committee, with Coastal Engineer James Gray to give a presentation on possible beach erosion solutions.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

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 Emergency Services District. Those Minutes are being prepared separately.

15.A.1. DESIGN/BUILD CONTRACT WITH BARTH CONSTRUCTION FOR THE RENOVATION AND CONSTRUCTION OF EMERGENCY SERVICES FIRE RESCUE STATIONS (RFQ #2011036)

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. APPROVAL OF MINUTES MEETING OF JUNE 21, 2011

15.B.2. APPROVAL OF MINUTES MEETING OF JULY 12, 2011

15.B.3. APPROVAL OF BID AWARD FOR IRC BID NO. 2011055, FENCING IMPROVEMENTS AT INDIAN RIVER COUNTY LANDFILL RECYCLING CENTER

15.B.4. REQUEST TO RENEW LEASE BY MWI CORPORATION

**15.B.5. AGREEMENT FOR PROCESSING AND RECYCLING OF YARD WASTE
WITH CONSOLIDATED RESOURCES RECOVERY**

15.B.6. WASTE OIL SERVICE AGREEMENT WITH FCC ENVIRONMENTAL

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 1:32
p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Bob Solari, Chairman

Minutes Approved: _____

BCC/MG/2011Minutes