

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 6, 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 THE MONTH OF SEPTEMBER AS SICKLE CELL AWARENESS MONTH.....	2
5.B.	PRESENTATION BY VICKI WILD, EXECUTIVE DIRECTOR, KEEP INDIAN RIVER BEAUTIFUL, PROMOTING THE INTERNATIONAL COASTAL CLEANUP EVENT AND THE OCEAN CONSERVANCY ON SEPTEMBER 17, 2011	2
6.	APPROVAL OF MINUTES	3
6.A.	BUDGET WORKSHOP OF JULY 13, 2011	3
6.B.	REGULAR MEETING OF JULY 19, 2011	3

7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	3
7.A.	JUVENILE JUSTICE COUNCIL	3
8.	CONSENT AGENDA	4
8.A.	APPROVAL OF WARRANTS AND WIRES – JULY 15, 2011 TO JULY 21, 2011	4
8.B.	APPROVAL OF WARRANTS AND WIRES – AUGUST 5, 2011 TO AUGUST 11, 2011	4
8.C.	APPROVAL OF WARRANTS AND WIRES – AUGUST 12, 2011 TO AUGUST 18, 2011	4
8.D.	APPROVAL OF WARRANTS AND WIRES – AUGUST 19, 2011 TO AUGUST 25, 2011	5
8.E.	CAROLE JEAN JORDAN, INDIAN RIVER COUNTY TAX COLLECTOR, CERTIFICATION OF TAX ROLL	5
8.F.	INEOS NEW PLANET BIOENERGY CASH DEPOSIT AND ESCROW AGREEMENT FOR COMPLIANCE INCIDENTAL MINING	6
8.G.	DEVELOPER: NORTH SHORE CLUB, LLC ACCEPTANCE OF TEMPORARY EASEMENT FOR UTILITIES UNTIL PROPERTY IS PLATTED DEPICTING A PERPETUAL EASEMENT	6
8.H.	RESOLUTIONS CANCELLING TAXES ON PROPERTIES ACQUIRED BY THE INDIAN RIVER COUNTY HOUSING AUTHORITY FOR PUBLIC PURPOSES	7
8.I.	APPROVAL OF ATTORNEY’S FEES AND EXPENSES IN CRF PANTHER BANKRUPTCY	8
8.J.	APPROVAL OF RENEWAL OF A CLASS “E” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ARC OF INDIAN RIVER COUNTY TO PROVIDE WHEELCHAIR SERVICES	8
8.K.	APPROVAL OF RENEWAL FOR A CLASS “E” AND CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ALL COUNTY AMBULANCE INC. TO PROVIDE WHEELCHAIR/STRETCHER AND INTERFACILITY AMBULANCE TRANSPORTATION SERVICES	9
8.L.	APPROVAL OF RENEWAL FOR A CLASS “E” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SENIOR RESOURCE ASSOCIATION TO PROVIDE WHEELCHAIR SERVICES	9
8.M.	REQUEST FOR USE OF HOLMAN STADIUM – “THIRD ANNUAL CELEBRITY VS. GOVERNMENT SOFTBALL GAME FUNDRAISER”	10
8.N.	REQUEST FOR USE OF HOLMAN STADIUM – “SIXTH ANNUAL MARDY’S TENNIS AND JAKE’S MUSIC FEST”	10

8.O.	CONSIDERATION OF INDIAN RIVER COUNTY’S 2011 SHIP PROGRAM ANNUAL REPORTS	11
8.P.	JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR: UPGRADES TO TRAFFIC SIGNAL SYSTEM EQUIPMENT FM# 228613-3-54-01	11
8.Q.	MAINTENANCE OF COUNTY BEACH PARKS AND BEACH ACCESS POINTS	12
8.R.	F.D.O.T. LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN’S SIGNATURE FPN NO. 418136-1-58-01 INDIAN RIVER BOULEVARD SIDEWALK IMPROVEMENTS FROM 12 TH ST. TO 17 TH ST. IRC PROJECT NO. 0745	12
8.S.	AGREEMENT FOR PROFESSIONAL CIVIL ENGINEERING SERVICES WITH BRIDGE DESIGN ASSOCIATES, INC. FOR IRC PROJECT NO. 0517 OSLO ROAD PHASE III FROM 58 TH AVENUE TO 43 RD AVENUE	13
8.T.	MISCELLANEOUS BUDGET AMENDMENT 022	13
8.U.	APPROVAL OF BID AWARD FOR IRC BID NO. 2012003 ANNUAL BID TO FURNISH AND DELIVER POLYMER.....	14
8.V.	F.D.O.T. CONSTRUCTION AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN’S SIGNATURE 66 TH AVENUE AND SR 60 – IRC PROJECT NO. 0545	15
8.W.	APPROVAL OF BID AWARD FOR IRC BID NO. 2011051 DEMOLITION OF TWO (2) CONDEMNED STRUCTURES	15
8.X.	APPROVAL OF BID AWARD FOR IRC BID NO. 2012004 ANNUAL BID FOR ALUMINUM SIGN BLANKS AND HARDWARE	16
8.Y.	ACCEPTANCE OF EMERGENCY MANAGEMENT SUBGRANT AGREEMENT 12-BG-10-40-01-031.....	17
8.Z.	ACCEPTANCE OF EMERGENCY MANAGEMENT FEDERALLY-FUNDED SUBGRANT AGREEMENT 12-FG-10-40-01-098.....	17
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	18
10.	PUBLIC ITEMS.....	18
10.A.	PUBLIC HEARING(S) - NONE	18
10.B.	PUBLIC DISCUSSION ITEMS	18
10.B.1.	REQUEST TO SPEAK FROM PETE SHARMAN REGARDING PEP REEF	18
10.C.	PUBLIC NOTICE ITEMS	19

10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING SEPTEMBER 13, 2011: TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 103 OF THE CODE WITH RESPECT TO COMMITTEE MEMBER TERMS AND TO ADDRESS AND CORRECT CERTAIN INCONSISTENCIES AND HOUSEKEEPING MATTERS (LEGISLATIVE).....	19
10.C.2.	NOTICE OF SCHEDULED PUBLIC HEARING SEPTEMBER 13, 2011: TO CONSIDER ADOPTION OF AN ORDINANCE REMOVING FROM THE CODE ANY PROVISIONS RELATING TO FIREARMS AND AMMUNITION (LEGISLATIVE).....	19
10.C.3.	NOTICE OF SCHEDULED PUBLIC HEARINGS SEPTEMBER 13, 2011, SEPTEMBER 20, 2011, AND OCTOBER 18, 2011: RELATING TO REDISTRICTING OF INDIAN RIVER COUNTY COMMISSIONER DISTRICTS (ADMINISTRATIVE).....	19
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	19
12.	DEPARTMENTAL MATTERS	20
12.A.	COMMUNITY DEVELOPMENT	20
12.A.1.	REQUEST FROM WATERWAY VILLAGE DEVELOPER TO EXTEND TIMEFRAMES FOR COMPLETING INTERNAL SIDEWALKS AND SECOND (FINAL) LIFT OF ASPHALT	20
12.B.	EMERGENCY SERVICES - NONE.....	21
12.C.	GENERAL SERVICES - NONE	21
12.D.	HUMAN RESOURCES - NONE	21
12.E.	HUMAN SERVICES - NONE	21
12.F.	LEISURE SERVICES - NONE	21
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	21
12.H.	RECREATION - NONE.....	21
12.I.	PUBLIC WORKS - NONE	22
12.J.	UTILITIES SERVICES.....	22
12.J.1.	WEST REGIONAL ODOR CONTROL STUDY – FINAL PAY REQUEST	22
12.J.2.	UTILITY CONSTRUCTION STANDARDS SEPTEMBER 2011 – UCP 3110	22
12.J.3.	SPOONBILL MARSH WETLAND FACILITY – ADDITIONAL OYSTER BEDS	23
13.	COUNTY ATTORNEY MATTERS.....	23

13.A.	INITIAL REVIEW AND DISCUSSION OF PROPOSED INDIAN RIVER COUNTY SECONDARY METALS RECYCLERS ORDINANCE	23
13.B.	QUASI-JUDICIAL PROCEEDINGS	27
13.C.	AMENDED RESOLUTION OF NECESSITY FOR THE LAUREL HOMES PARCEL OF PROPERTY LOCATED ON 66 TH AVENUE SOUTH OF 15 TH STREET	28
14.	COMMISSIONER ITEMS.....	29
14.A.	COMMISSIONER BOB SOLARI, CHAIRMAN - NONE.....	29
14.B.	COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE	29
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	29
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	30
14.E.	COMMISSIONER PETER D. O'BRYAN - NONE	30
15.	SPECIAL DISTRICTS AND BOARDS	30
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	30
15.B.	SOLID WASTE DISPOSAL DISTRICT	30
15.B.1.	APPROVAL OF MINUTES SWDD BUDGET HEARING JULY 13, 2011	30
15.B.2.	APPROVAL OF MINUTES MEETING OF JULY 19, 2011	30
15.B.3.	2011 PETITION HEARING – SOLID WASTE DISPOSAL DISTRICT ASSESSMENT FEES.....	30
15.C.	ENVIRONMENTAL CONTROL BOARD	30
15.C.1.	APPROVAL OF MINUTES MEETING OF MAY 24, 2011	30
15.C.2.	REPORT OF ACTIVITIES FOR THIRD QUARTER FY10-11 (APRIL THROUGH JUNE 2011)	31
16.	ADJOURNMENT.....	31

JEFFREY K. BARTON

Clerk to the Board



September 6, 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, September 6, 2011. Present were Chairman Bob Solari, Vice Chairman Gary C. Wheeler, Commissioners Wesley S. Davis and Peter D. O'Bryan. Commissioner Joseph E. Flescher was absent. 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

Deputy Teddy Floyd, Indian River County Sheriff's Department, 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

- NONE

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Flescher absent), the Board approved the Agenda as presented.

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF
SEPTEMBER AS SICKLE CELL AWARENESS MONTH**

Commissioner Davis read and presented the Proclamation to Yvette Coursey, Chief Executive Officer for the Sickle Cell Foundation of Palm Beach County and the Treasure Coast. She thanked the Board for the Proclamation, provided information regarding upcoming activities, and announced that further information could be obtained by calling (561) 833-3113, or e-mailing the West Palm Beach office at thesicklecellfoundation@yahoo.com.

**5.B. PRESENTATION BY VICKI WILD, EXECUTIVE DIRECTOR, KEEP INDIAN
RIVER BEAUTIFUL, PROMOTING THE INTERNATIONAL COASTAL CLEANUP
EVENT AND THE OCEAN CONSERVANCY ON SEPTEMBER 17, 2011**

Vicki Wild was absent.

6. APPROVAL OF MINUTES

6.A. BUDGET WORKSHOP OF JULY 13, 2011

The Chairman asked if there were any corrections or additions to the Minutes of the Budget Workshop Meeting of July 13, 2011. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Flescher absent), the Board approved the Minutes of the Budget Workshop of July 13, 2011, as written.

6.B. REGULAR MEETING OF JULY 19, 2011

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of July 19, 2011. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Commissioner Flescher absent), the Board approved the Minutes of the Regular Meeting of July 19, 2011, as written.

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

7.A. JUVENILE JUSTICE COUNCIL

Noted for the record was the request from the Juvenile Justice Council for Commissioner Joseph E. Flescher to serve as a Council member. This appointment/membership is a State requirement.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS AND WIRES – JULY 15, 2011 TO JULY 21, 2011

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of July 15, 2011 to July 21, 2011, as requested in the memorandum of July 21, 2011.

8.B. APPROVAL OF WARRANTS AND WIRES – AUGUST 5, 2011 TO AUGUST 11, 2011

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of August 5, 2011 to August 11, 2011, as requested in the memorandum of August 11, 2011.

8.C. APPROVAL OF WARRANTS AND WIRES – AUGUST 12, 2011 TO AUGUST 18, 2011

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of August 12, 2011 to August 18, 2011, as requested in the memorandum of August 18, 2011.

8.D. APPROVAL OF WARRANTS AND WIRES – AUGUST 19, 2011 TO AUGUST 25, 2011

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of August 19, 2011 to August 25, 2011, as requested in the memorandum of August 25, 2011.

8.E. CAROLE JEAN JORDAN, INDIAN RIVER COUNTY TAX COLLECTOR, CERTIFICATION OF TAX ROLL

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board ordered the certification of the 2011 tax roll to be extended prior to the completion of the Value Adjustment Board (VAB) hearings, if completion of the hearings would otherwise be the only cause for a delay in the issuance of tax notices beyond November 1, 2011, as requested in the Tax Collector’s memorandum dated August 25, 2011.

**8.F. INEOS NEW PLANET BIOENERGY CASH DEPOSIT AND ESCROW
AGREEMENT FOR COMPLIANCE INCIDENTAL MINING**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board authorized the Chairman to execute the Cash Deposit and Escrow Agreement for Compliance, as recommended in the memorandum of August 19, 2011.

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

**8.G. DEVELOPER: NORTH SHORE CLUB, LLC ACCEPTANCE OF TEMPORARY
EASEMENT FOR UTILITIES UNTIL PROPERTY IS PLATTED DEPICTING A
PERPETUAL EASEMENT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved and accepted the Temporary Utility Easement and authorized the Chairman to execute same, for recordation in the Public Records of Indian River County, as recommended in the memorandum of August 26, 2011.

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

**8.H. RESOLUTIONS CANCELLING TAXES ON PROPERTIES ACQUIRED BY THE
INDIAN RIVER COUNTY HOUSING AUTHORITY FOR PUBLIC PURPOSES**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved:

(1) **Resolution 2011-061**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Federal National Mortgage Association to Indian River County Housing Authority Neighborhood Stabilization Program)

(2) **Resolution 2011-062**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Bank of America, N.A. to Indian River County Housing Authority Neighborhood Stabilization Program)

(3) **Resolution 2011-063**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(HSBC Bank USA, National Association, as Trustee for the holders of Deutsche Alt-A Securities Mortgage Loan Trust, Series 2006-AR1 to Indian River County Housing Authority Neighborhood Stabilization Program)

(4) **Resolution 2011- 064**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(HSBC Bank USA, National Association, as Trustee for Wells Fargo Asset Securities Corporation Home Equity Asset Backed Certificates, Series 2006-1 to Indian River County Housing Authority Neighborhood Stabilization Program)

**8.I. APPROVAL OF ATTORNEY’S FEES AND EXPENSES IN CRF PANTHER
BANKRUPTCY**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved payment of the Bush Ross final invoice in the amount of \$1,682.82, as recommended in the memorandum of August 23, 2011.

**8.J. APPROVAL OF RENEWAL OF A CLASS “E” CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR ARC OF INDIAN RIVER COUNTY TO
PROVIDE WHEELCHAIR SERVICES**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved renewal of the Class “E” Certificate of Public Convenience and Necessity for Abilities Resource Center (ARC) of Indian River County, to be effective for a period of two (2) years, commencing October 5, 2011, and expiring October 5, 2013, as recommended in the memorandum of August 15, 2011.

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

8.K. APPROVAL OF RENEWAL FOR A CLASS “E” AND CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ALL COUNTY AMBULANCE INC. TO PROVIDE WHEELCHAIR/STRETCHER AND INTERFACILITY AMBULANCE TRANSPORTATION SERVICES

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved renewal of the Class “E” and Class “B” Certificate of Public convenience and Necessity for All County Ambulance, Inc., to be effective for a period of two (2) years, from October 2, 2011 to October 2, 2013, as recommended in the memorandum of August 9, 2011.

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

8.L. APPROVAL OF RENEWAL FOR A CLASS “E” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SENIOR RESOURCE ASSOCIATION TO PROVIDE WHEELCHAIR SERVICES

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved renewal of the Class “E” Certificate of Public Convenience and Necessity for the Senior Resource Association, to be effective for a period of two (2) years from October 2, 2011 to October 2, 2013, as recommended in the memorandum of August 15, 2011.

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

**8.M. REQUEST FOR USE OF HOLMAN STADIUM – “THIRD ANNUAL CELEBRITY
VS. GOVERNMENT SOFTBALL GAME FUNDRAISER”**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the Holman Stadium Use Agreement with Every Dream Has a Price, Inc.; (2) authorized the County Administrator or his designee to execute the Agreement; and (3) granted the User Group’s request for waiver of the standard security deposit and deletion of the alcohol prohibition required under Section E of Exhibit 1 to the standard Stadium Use Agreement, all as recommended in the memorandum of July 20, 2011

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

**8.N. REQUEST FOR USE OF HOLMAN STADIUM – “SIXTH ANNUAL MARDY’S
TENNIS AND JAKE’S MUSIC FEST”**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the Holman Stadium Use Agreement with the Jake Owen Foundation; (2) authorized the County Administrator or his designee to execute the Agreement; and (3) granted the User Group’s request for reduction of the standard security deposit and deletion of the alcohol prohibition required under Section

E of Exhibit 1 to the standard Stadium Use Agreement, all as recommended in the memorandum of July 28, 2011.

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

8.O. CONSIDERATION OF INDIAN RIVER COUNTY'S 2011 SHIP PROGRAM ANNUAL REPORTS

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the State Housing Initiatives Partnership (SHIP) annual reports; and (2) authorized the Chairman to execute the report's certification pages, as recommended in the memorandum of August 15, 2011.

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

8.P. JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR: UPGRADES TO TRAFFIC SIGNAL SYSTEM EQUIPMENT FM# 228613-3-54-01

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved **Resolution 2011-065**, authorizing a Joint Participation Agreement for traffic signal system enhancements.

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

8.O. MAINTENANCE OF COUNTY BEACH PARKS AND BEACH ACCESS POINTS

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board authorized an invitation to bid the service functions associated with routine beach park maintenance and return to the Board at a future date to determine whether to award a contract to the successful bidder, or to reject all bids and continue the operation in-house, as recommended in the memorandum of August 26, 2011.

8.R. F.D.O.T. LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE FPN No. 418136-1-58-01 INDIAN RIVER BOULEVARD SIDEWALK IMPROVEMENTS FROM 12TH ST. TO 17TH ST. IRC PROJECT No. 0745

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved **Resolution 2011-066**, authorizing execution of a Supplemental Local Agency Program Agreement for Indian River Boulevard sidewalk improvements from 12th Street to 17th Street, with the State of Florida, Department of Transportation.

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

**8.S. AGREEMENT FOR PROFESSIONAL CIVIL ENGINEERING SERVICES WITH
BRIDGE DESIGN ASSOCIATES, INC. FOR IRC PROJECT NO. 0517 OSLO
ROAD PHASE III FROM 58TH AVENUE TO 43RD AVENUE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the Professional Civil Engineering Services Agreement with Bridge Design Associates, Inc., authorizing design and construction phase services as outlined in the proposal; and (2) authorized the Chairman to execute the Agreement for the not-to-exceed amount of \$66,630.00, as recommended in the memorandum of August 9, 2011.

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

8.T. MISCELLANEOUS BUDGET AMENDMENT 022

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved **Resolution 2011-067**, amending the fiscal year 2010-2011 Budget.

**8.U. APPROVAL OF BID AWARD FOR IRC BID NO. 2012003 ANNUAL BID TO
FURNISH AND DELIVER POLYMER**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the bid award to Polydyne, 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, vendor acceptance, and the determination that renewal of this bid is in the best interest of Indian River County, all as recommended in the memorandum of August 30, 2011.

8.V. F.D.O.T. CONSTRUCTION AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE 66TH AVENUE AND SR 60 – IRC PROJECT No. 0545

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved **Resolution 2011-068**, authorizing execution of a Construction Agreement for construction, for the widening of 66th Avenue at SR 60 within the State right-of-way with the State of Florida, Department of Transportation and providing an effective date.

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

8.W. APPROVAL OF BID AWARD FOR IRC BID NO. 2011051 DEMOLITION OF TWO (2) CONDEMNED STRUCTURES

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved: (1) bid award to LGT Enterprises, LLC 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 and approval of the appropriate Certificate of Insurance, as recommended in the memorandum of August 5, 2011.

8.X. APPROVAL OF BID AWARD FOR IRC BID NO. 2012004 ANNUAL BID FOR ALUMINUM SIGN BLANKS AND HARDWARE

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the bid award to Universal Signs and Accessories 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 or individual job 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, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of August 25, 2011.

8.Y. ACCEPTANCE OF EMERGENCY MANAGEMENT SUBGRANT AGREEMENT
12-BG-10-40-01-031

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the Federally Funded Subgrant Agreement (12-BG-__-10-40-01-031); and (2) authorized the Chairman to execute said Agreement between Indian River County Emergency Management and the State of Florida, Division of Emergency Management, as recommended in the memorandum of August 25, 2011.

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

8.Z. ACCEPTANCE OF EMERGENCY MANAGEMENT FEDERALLY-FUNDED
SUBGRANT AGREEMENT 12-FG-10-40-01-098

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved the Federally Funded Subgrant Agreement (12-FG-__-10-40-01-098); and (2) authorized the Chairman to execute said Agreement between Indian River County Emergency Management and the State of Florida, Division of Emergency Management, as recommended in the memorandum of August 25, 2011.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S) - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM PETE SHARMAN REGARDING PEP REEF

Pete Sharman proposed building another reef to help protect the barrier island from beach erosion. He suggested building the permanent reef from concrete rubble of buildings, bridges, and roads being demolished. He also suggested procuring a dredge, tug, and barge that could deliver sand to the reef site during construction, replenish beaches as necessary, and even do private dredging. He said his proposal would provide jobs, save debris from going into the solid waste site, create new fishing and diving areas, and save money on dredging.

NO BOARD ACTION REQUIRED OR TAKEN

Commissioners Davis and O'Bryan acknowledged that this item would be further discussed at the Coastal Structures Workshop, scheduled for Monday, September 19, 2011, at 3:00 p.m., in Building "B", Room 1-501.

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING SEPTEMBER 13, 2011: To CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 103 OF THE CODE WITH RESPECT TO COMMITTEE MEMBER TERMS AND TO ADDRESS AND CORRECT CERTAIN INCONSISTENCIES AND HOUSEKEEPING MATTERS (LEGISLATIVE)

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING SEPTEMBER 13, 2011: To CONSIDER ADOPTION OF AN ORDINANCE REMOVING FROM THE CODE ANY PROVISIONS RELATING TO FIREARMS AND AMMUNITION (LEGISLATIVE)

10.C.3. NOTICE OF SCHEDULED PUBLIC HEARINGS SEPTEMBER 13, 2011, SEPTEMBER 20, 2011, AND OCTOBER 18, 2011: RELATING TO REDISTRICTING OF INDIAN RIVER COUNTY COMMISSIONER DISTRICTS (ADMINISTRATIVE)

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

Chairman Solari announced that proposed redistricting maps are located on the County's website, and in the Foyer of Administration Building "A."

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. REQUEST FROM WATERWAY VILLAGE DEVELOPER TO EXTEND TIMEFRAMES FOR COMPLETING INTERNAL SIDEWALKS AND SECOND (FINAL) LIFT OF ASPHALT

Community Development Planning Director Stan Boling recapped his memorandum of August 22, 2011, by using a PowerPoint presentation (on file). He provided background; interpreted the subdivision regulations and changes made in 2009; and reviewed the request from the Waterway Village Developer to extend the bond-out timeframes for internal sidewalks and the second lifts of asphalt, from two to four years. He recommended the Board extend the optional bond-out period for internal sidewalks and the second lift of asphalt from the current code provision of two years to four years, invoke the pending ordinance doctrine, and allow the processing of extensions.

Chairman Solari sought and received information on the provisions for current and new homeowners regarding the notifications of timeframe requirements.

Attorney Bruce Barkett, representing the Waterway Village Developer, said he would add the notification to the residents in a newsletter.

Commissioner O'Bryan supported staff's proposal and believed the extension was a logical compromise.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, by a 4-0 vote (Commissioner Flescher absent), the Board: (1) directed staff to initiate the process of amending the subdivision and site plan regulations to allow a total construction/bond-out timeframe of four (4) years for construction of internal sidewalks and installation of second (final) lifts of asphalt on internal streets; and (2) invoked the pending ordinance doctrine to allow staff to process and execute contracts to extend timeframes for constructing sidewalks and for installing second lifts of asphalt, as recommended in the memorandum of August 22, 2011.

Chairman Solari further clarified the changes to the timeframe involved with the installation of sidewalks and the second (final) lifts of asphalt.

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. WEST REGIONAL ODOR CONTROL STUDY – FINAL PAY REQUEST

ON MOTION by Commissioner Davis, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Commissioner Flescher absent), the Board approved final payment to Atkins North America, Inc. (formerly known as PBS&J) in the amount of \$6,840.00, as recommended in the memorandum of August 29, 2011.

12.J.2. UTILITY CONSTRUCTION STANDARDS SEPTEMBER 2011 – UCP 3110

Director of Utility Services Erik Olson noted that this was an annual review of construction standards, and explained how the Florida Department of Transportation’s new rulings have driven a technical modification to water and wastewater construction standards. He conveyed that the intent and technological integrity of the document remains intact, and all revisions are considered to be clarifications. He responded to questions from the Board.

ON MOTION by Commissioner Davis, SECONDED by Chairman Solari, by a 4-0 vote (Commissioner Flescher absent), the Board approved adoption of the revised Indian River County Department of Utility Services Water and Wastewater Utility Standards, dated September 2011, as presented and recommended in the memorandum of August 19, 2011.

12.J.3. SPOONBILL MARSH WETLAND FACILITY – ADDITIONAL OYSTER BEDS

Director Olson elaborated on the success of the oyster colonization project at the Spoonbill Marsh, and requested approval to increase the total amount of rock oyster clusters without advertising for bid.

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

Director Olson noted the positive effects of the nutrient removal requirements and addressed questions from the Board.

The Chairman CALLED THE QUESTION and the Motion carried. The Board by a 4-0 vote (Commissioner Flescher absent), approved the Sembler and Sembler, Inc. proposal as presented, in the amount of \$45,000.00, for the installation of rock oyster clusters, as recommended in the memorandum of August 30, 2011.

13. COUNTY ATTORNEY MATTERS

13.A. INITIAL REVIEW AND DISCUSSION OF PROPOSED INDIAN RIVER COUNTY SECONDARY METALS RECYCLERS ORDINANCE

Assistant County Attorney Brooke Odom recapped her memorandum dated August 31, 2011. She provided background; explained how Chapter 538 of the Florida Statutes regulates secondary metals recyclers and the purchase and sale of regulated metals property; and reviewed the proposed ordinance, which imposes additional and more restrictive regulations upon secondary metals recyclers. She requested the Board determine whether to move forward with

the adoption of the proposed ordinance, and if so, offer suggestions and comments. She also requested the Board authorize advertising for a Public Hearing to consider final adoption.

Attorney Polackwich acknowledged that there are five secondary recyclers in the County, and that all had been provided Notice.

Attorney Odom addressed questions and concerns from the Board.

Sheriff Deryl Loar urged the Board to adopt the proposed ordinance at the Public Hearing. He pointed out that the current crime trends throughout the State for copper, brass, and aluminum being traded with secondary recyclers, has been overwhelming.

James Harpring, General Counsel, Sheriff's Office, said the ordinance would be an important tool for the Sheriff's Office, and did not think it would impede any lawful businesses.

A brief discussion ensued regarding the current laws and restrictions, and regulated metals.

Attorney Polackwich clarified that the State Law states that if any secondary metal is sold in a transaction of \$1,000 or more, the seller cannot be paid in cash, whereby the proposed ordinance would tighten the loop hole in the State law, and not allow cash transactions.

Shannon Cook, Indian River Scrap Metal, explained why he did not support the proposed ordinance; defined his company's policies and procedures; and said he had no problems issuing a check to his customers for regulated metals, but expressed concerns about mailing their checks. He spoke about the process, the information required from his customers, and the security used (driver's licenses, video cameras, how everything is saved, thumb printed, identified, and signed for) when purchasing regulated metals. He believed that everything required for restricted/regulated items was already in place and that the requirement would be "one more form of documentation." He said that at the end of every workday he could/would

e-mail, fax, or hand-carry information to the Sheriff's Office regarding each regulated metal he purchased.

Discussion ensued regarding the records for regulated metals and the inconvenience of mailing checks.

Richard Hutton, 1975 SW 1st Place SW, did not think the proposed ordinance would affect the honest man, only the criminal.

Chris Lange, Mr. Scrap, Inc., 4455 45th Street, stated that the majority of secondary recyclers do not condone stealing, and that most have been victims at their own facilities. He described his operation and noted that everything is electronic, with cameras, thumb prints, and driver's license swiping. He applauded the County for their efforts, but believed that if too many restrictions are put on thieves, they simply go to another County. He emphasized that one cannot stop a thief with more regulations, but rather investigations, and catching them in the act.

Keith Tagg, Mr. Scrapp, Inc., conveyed that his business does not purchase man-hole covers, electric light poles, guard rails, street signs, funeral markers, or suspicious items. He clarified his business process and procedures, and described recent incidents that occurred at his salvage yard. His main concern, at this time, was the proposed requirement of mailing checks to the customer for regulated metals, which has already been documented, and would create one more piece of documentation, that he believes is over regulating.

Vice Chairman Wheeler reiterated that the ordinance would not be adopted today, but rather refined for the Public Hearing. He did not believe that mailing the check for regulated metals would accomplish anything since the information will have already been documented, along with scanned driver's licenses, videos, and thumb prints.

Questions and discussion ensued regarding stolen merchandise, the three-day timeframe to write a check, fraudulent identification, and the need to disseminate information to all local agencies through the Sheriff's Office.

Teresa Vez and **Alex Vez**, Cash In Recycling Center in Roseland, spoke conjointly as they provided background regarding their recycling business. She stated that their business uses video surveillance, driver's license scanning, fingerprinting, hand written receipts, and a liaison detective who works directly with them. They also opposed sending checks to their customers because the premise of their business is, as the name implies, "cash in", which is what her customers prefer, cash in their pockets when they leave. They believed that sending checks to their customers for regulated metals would negatively affect their customers and their business.

Ricardo Camp, 4105 32nd Avenue, Vero Beach, Property Manager, provided details regarding an incident whereby an abandoned car was left on his property, and after contacting Mr. Scrap, was informed that he could not receive cash for the car, only a check, and only after providing his fingerprints, driver's license, and military identification card. He felt the businesses were respectable, and their processes substantial. He asked the Board to take a common sense approach.

The Commissioners supported secondary metals recyclers writing checks to their customers for regulated materials, but did not believe it should be a requirement to mail them.

Attorney Polackwich said this would be brought back to the Board in October, and that Notice would be sent to all local recyclers in advance.

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Davis, by a 4-0 vote (Commissioner Flescher absent), the Board approved staff to bring the proposed ordinance back to the Board, and authorized the County Attorney's Office to advertise for a Public Hearing to consider final adoption.

The Chairman called a break at 11:16 a.m., and reconvened the meeting at 11:26 a.m., with all members present.

13.B. QUASI-JUDICIAL PROCEEDINGS

Attorney Polackwich provided background regarding the Board's adoption and repeals of Resolution 2009-004. He said he brought this proposed resolution, along with the Board's suggested revisions to the language of the Quasi-Judicial Guidelines (pages 394 to 401 of the Agenda Packet), back to the Board for adoption. He believed the adoption of the proposed resolution and guidelines will ensure that everyone involved in quasi-judicial proceedings will have a clear understanding of how the proceedings will be conducted, reducing the likelihood of misunderstandings, errors, and legal challenges. He recommended the Board adopt the resolution, which repeals Resolution 2009-004 and incorporates new guidelines.

Commissioner O'Bryan requested the word "contested," to be deleted under **Pre-Hearing Matters**, Item No. 1. Notice to Commissioners, in the Quasi-Judicial Guidelines (page 396 of Agenda Packet). He wanted notification on all quasi-judicial matters.

Discussion ensued regarding controversial/contested issues, ex parte communication, and staff sending e-mail notifications, on all quasi-judicial matters, to each Commissioner.

Attorney Polackwich pointed out that the proposed guidelines do not prevent the Board from considering an uncontested quasi-judicial matter on the Consent Agenda.

Vice Chairman Wheeler questioned the impact it would have on staff if the word “contested” was be deleted, whereby staff would notify the Commissioners on all quasi-judicial matters (not just contested). He also voiced concern over trying to keep a running list of the quasi-judicial issues/projects that would probably come before the Board for a decision.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Davis, by a 3-1 vote (Commissioner Flescher absent and Vice Chairman Wheeler opposed), the Board approved **Resolution 2011-069**, establishing guidelines for quasi-judicial proceedings before the Board; and approved the Quasi-Judicial Guidelines *as amended to delete of the word “contested,” under **Pre-Hearing Matters, Item No. 1. Notice to Commissioners.***

After the Motion, and in response to Vice Chairman Wheeler’s question, Community Development Director Bob Keating said staff would probably send the Commissioners Pre-Application Notices and Technical Review Committee Meeting Notices since they list all the projects that are quasi-judicial.

13.C. AMENDED RESOLUTION OF NECESSITY FOR THE LAUREL HOMES PARCEL OF PROPERTY LOCATED ON 66TH AVENUE SOUTH OF 15TH STREET

Deputy County Attorney William DeBraul reported that the Resolution of Necessity, approved on February 1, 2011, for acquisition of right-of-way, the pond parcel, and the temporary construction easements (TCE) needed from Laurel Homes, Inc. for the 66th Avenue South Improvement Project, now requires amending to include a specific length of time for the two temporary construction easements, Parcel 16 and 16A. He said the appraisal report values the TCE based on an 18-month period; therefore, the amended Resolution of Necessity would include a duration of 18 months. He requested the Board approve the amended Resolution and

direct staff to proceed with the necessary right-of-way acquisition through the County's power of Eminent Domain.

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

Commissioner O'Bryan questioned the 18-month time period and when the work would start.

THE Chairman CALLED THE QUESTION and the Motion carried. The Board by a 4-0 vote (Commissioner Flescher absent), approved an amended **Resolution 2011-070**, declaring a reasonable necessity to acquire certain real property for the purposes of improving and constructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in Eminent Domain, and providing an effective date. (Properties defined in Exhibit A of Resolution)

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

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 Solid Waste Disposal District. Those Minutes are being prepared separately.

15.B.1. APPROVAL OF MINUTES SWDD BUDGET HEARING JULY 13, 2011

15.B.2. APPROVAL OF MINUTES MEETING OF JULY 19, 2011

**15.B.3. 2011 PETITION HEARING – SOLID WASTE DISPOSAL DISTRICT
ASSESSMENT FEES**

15.C. ENVIRONMENTAL CONTROL BOARD

The Chairman announced that immediately upon adjournment of the Solid Waste Disposal District Meeting, the Board would reconvene as the Board of Commissioners of the Environmental Control Board. Those Minutes are being prepared separately.

15.C.1. APPROVAL OF MINUTES MEETING OF MAY 24, 2011

**15.C.2. REPORT OF ACTIVITIES FOR THIRD QUARTER FY10-11 (APRIL
THROUGH JUNE 2011)**

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
11:49 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Bob Solari, Chairman

Minutes Approved: _____

BCC/LA/2011 Minutes