

JEFFREY K. BARTON  
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING  
OF BOARD OF COUNTY COMMISSIONERS  
OF SEPTEMBER 20, 2011

1.	CALL TO ORDER.....	1
2.	INVOCATION .....	1
3.	PLEDGE OF ALLEGIANCE .....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS .....	2
5.	PROCLAMATIONS AND PRESENTATIONS .....	2
5.A.	PRESENTATION BY CHRIS AND DON LOFTUS, CO-CHAIRS, UNITED WAY OF INDIAN RIVER COUNTY 2011-2012 ANNUAL CAMPAIGN.....	2
5.B.	PRESENTATION OF PROCLAMATION CELEBRATING SEBASTIAN CHARTER JUNIOR HIGH SCHOOL’S ELEVENTH ANNIVERSARY WITH THE OCTOBER 8, 2011 LATIN FESTIVAL CHARITY EVENT.....	2
6.	APPROVAL OF MINUTES - NONE .....	2
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	2

8.	CONSENT AGENDA .....	3
8.A.	APPROVAL OF WARRANTS AND WIRES – SEPTEMBER 2, 2011 TO SEPTEMBER 8, 2011.....	3
8.B.	THIRD PARTY CLAIMS ADMINISTRATION AGREEMENT .....	3
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE .....	3
10.	PUBLIC ITEMS.....	4
10.A.	PUBLIC HEARINGS.....	4
10.A.1.	DISCUSSION OF 2011 REDISTRICTING OF COUNTY COMMISSIONER DISTRICTS (ADMINISTRATIVE) .....	4
10.B.	PUBLIC DISCUSSION ITEMS - NONE.....	6
10.C.	PUBLIC NOTICE ITEMS - NONE .....	6
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	6
12.	DEPARTMENTAL MATTERS .....	7
12.A.	COMMUNITY DEVELOPMENT .....	7
12.A.1.	DISCUSSION REGARDING ARCHIE SMITH FISH HOUSE .....	7
12.B.	EMERGENCY SERVICES - NONE.....	7
12.C.	GENERAL SERVICES - NONE .....	7
12.D.	HUMAN RESOURCES - NONE.....	7
12.E.	HUMAN SERVICES - NONE .....	7
12.F.	LEISURE SERVICES - NONE .....	7
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE .....	7
12.H.	RECREATION.....	8
12.H.1.	STATE SPECIAL OLYMPICS AQUATIC CHAMPIONSHIP SWIM MEET .....	8
12.I.	PUBLIC WORKS - NONE.....	8
12.J.	UTILITIES SERVICES - NONE.....	8
13.	COUNTY ATTORNEY MATTERS.....	8
13.A.	PURCHASE OF RIGHT-OF-WAY AT 6580 33 <sup>RD</sup> STREET .....	8

13.B.	APPROVAL OF EXPERT WITNESS FEES AND COSTS FOR EVANGELOS AND ANN ABAZIS, ROW (RIGHT-OF-WAY) PARCEL 134 .....	9
14.	COMMISSIONER ITEMS.....	10
14.A.	COMMISSIONER BOB SOLARI, CHAIRMAN - NONE.....	10
14.B.	COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE .....	10
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	10
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE .....	10
14.E.	COMMISSIONER PETER D. O'BRYAN .....	10
14.E.1.	DISCUSSION REGARDING ECONOMIC DEVELOPMENT .....	10
15.	SPECIAL DISTRICTS AND BOARDS .....	11
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	11
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE .....	11
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	11
16.	ADJOURNMENT.....	11

**JEFFREY K. BARTON**

Clerk to the Board



**September 20, 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 City Council Chambers, City of Sebastian, 1225 Main Street, Sebastian, Florida, on Tuesday, September 20, 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**

Commissioner Davis delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Chairman Solari led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

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

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION BY CHRIS AND DON LOFTUS, CO-CHAIRS, UNITED WAY OF INDIAN RIVER COUNTY 2011-2012 ANNUAL CAMPAIGN**

Chris and Don Loftus, Co-Chairs, United Way, reported that United Way had just celebrated its 50<sup>th</sup> Anniversary, and provided an overview of the accomplishments, goals, and objectives of the local branch of the organization.

**5.B. PRESENTATION OF PROCLAMATION CELEBRATING SEBASTIAN CHARTER JUNIOR HIGH SCHOOL'S ELEVENTH ANNIVERSARY WITH THE OCTOBER 8, 2011 LATIN FESTIVAL CHARITY EVENT**

Commissioner Flescher read and presented the Proclamation to President and Chairman of the Board, John V. Rivera, who was accompanied by Martha McAdams, Principal, and several charter students of Sebastian Charter Junior High. Mr. Rivera discussed the goals of the school and invited everyone to attend the school's fundraiser, the Latin Festival Charity Event, to be held on October 8, 2011 at the Sebastian Municipal Airport.

**6. APPROVAL OF MINUTES - NONE**

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

**8. CONSENT AGENDA**

**8.A. APPROVAL OF WARRANTS AND WIRES – SEPTEMBER 2, 2011 TO  
SEPTEMBER 8, 2011**

ON MOTION by Commissioner O’Bryan, 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 September 2, 2011 to September 8, 2011, as requested in the memorandum of September 8, 2011.

**8.B. THIRD PARTY CLAIMS ADMINISTRATION AGREEMENT**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute Addendum Number 1 to Service Contract for Multiple Lines Claims Handling with Johns Eastern Company, Inc., for third party claims administration services for the self-insurance program, as recommended in the memorandum of September 12, 2011.

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

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

## **10. PUBLIC ITEMS**

### **10.A. PUBLIC HEARINGS**

#### **10.A.1. DISCUSSION OF 2011 REDISTRICTING OF COUNTY COMMISSIONER DISTRICTS (ADMINISTRATIVE)**

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

County Attorney Alan S. Polackwich, Sr. provided background and defined the objectives for the 2011 redistricting of the five County Commissioner Districts, noting that one of the key goals is distributing the population as equally as possible among the Districts. He relayed that Will Rice, County Geographic Information Systems (GIS) Manager; in coordination with Dori Roy, Executive Assistant, County Administrator; Supervisor of Elections Leslie Swan and IT Manager Gary Gordon; Judith Stang, Executive Assistant, School Board; and Assistant County Attorney Brooke Odom has drafted two Redistricting Proposals for Board consideration today. Attorney Polackwich conveyed that this is the third public hearing on this matter, and asked the Board to approve one of the two proposals so final redistricting documents can be prepared for the last public hearing on October 18, 2011.

Mr. Rice used a PowerPoint presentation (copy on file), to provide background and analysis on the redistricting objectives and criteria set forth in the 2011 Redistricting Guidelines adopted by the Board on July 12, 2011. He reported that based on current County population, when the districts are reallocated, each should contain an ideal target population of approximately 27,606 people per district (plus or minus three percent). He displayed maps to illustrate the population distribution in the existing County Commissioner districts, and summarized 2011 Redistricting Proposals 1 and 2 as follows:

## **REDISTRICTING PROPOSAL 1**

Mr. Rice pointed out the existing boundaries and outlined the proposed changes as follows:

**Sebastian:** The municipal boundaries would be moved to Sebastian Boulevard (County Road 512 [CR 512]) and Laconia Street. The northern boundary of District 5 on the Barrier Island would be moved to County Road 510 (CR 510).

**Vero Beach:** The existing boundaries for the center of the County and Vero Beach would be moved to 66<sup>th</sup> Avenue, 41st Street, and the Florida East Coast Railroad (FEC).

**South County:** Mr. Rice pointed out an area of one square mile proposed to be transferred from District 4 to District 3, in order to balance population in the two districts.

## **REDISTRICTING PROPOSAL 2**

Mr. Rice relayed that there were no changes to Districts 1, 3, or 4 in Proposal 2, and presented the following changes to Districts 2 and 5:

**District 5:** The entire Barrier Island would be allocated to District 5.

**Mainland:** A one-mile square rectangular area between 41<sup>st</sup> Street and 45<sup>th</sup> Street would be shifted from District 5 to District 2 and exchanged for the Barrier Island north of CR 510.

Mr. Rice affirmed that both Redistricting Proposals meet the redistricting criteria for population.

Attorney Polackwich observed that when the final Redistricting Proposal comes back in October, there will be a Resolution to adopt maps of the five Commissioner Districts, to which



legal descriptions will be attached. He commended Public Works Director Christopher Mora and his staff for saving the County a significant amount of money by having the in-house surveyors work on the legal descriptions and draw the precinct boundaries for the Supervisor of Elections.

*The Chairman opened the Public Hearing.*

**Richard Gillmor**, Sebastian City Council Member, commended County staff and relayed that Sebastian residents would be happy with either Redistricting Proposal.

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

MOTION WAS MADE by Vice Chairman Wheeler, SECONDED by Commissioner Davis, to direct staff to prepare final redistricting documents based on Redistricting Proposal 1, for consideration and approval at the October 18, 2011 Board of County Commission meeting.

Commissioner Davis and Chairman Solari extended kudos to staff for a job well done.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**10.B. PUBLIC DISCUSSION ITEMS - NONE**

**10.C. PUBLIC NOTICE ITEMS - NONE**

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT**

#### **12.A.1. DISCUSSION REGARDING ARCHIE SMITH FISH HOUSE**

Community Development Director Robert Keating provided a status update on a historic Sebastian property listed on the National Register of Historic Places. He recalled that when the County acquired the parcel in 2007, the original plans were to rehabilitate the residence for use as a small museum; to repair the dock and provide boat access; and to restore the ice house. He described initial improvements that staff made since the purchase, including the demolition of a derelict building, but said that with high restoration costs and few funding prospects, the County will probably not be able to undertake the final renovation of the structures in the near future. He relayed that subsequent to the County's purchase of the property, the City of Sebastian established its Working Waterfront Project, which might lead to some degree of City involvement.

Responding to Commissioner Davis's query, Director Keating confirmed that he did not perceive any safety issues.

### **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**

**12.H.1. STATE SPECIAL OLYMPICS AQUATIC CHAMPIONSHIP SWIM MEET**

Assistant County Administrator Michael Zito, accompanied by Mike Redstone, Assistant Recreation Director; and Fawna Mavis, Aquatic Supervisor, provided an overview of the State Special Olympics Aquatic Championship Swim Meet, to be hosted for the sixth consecutive year at the North County Aquatic Center on Saturday, October 1, and Sunday, October 2, 2011. He showed a video of last year's Special Olympics Swim Meet, described upcoming event highlights, and encouraged people to become involved by volunteering or attending the swim meet.

Commissioner O'Bryan mentioned that he had volunteered at the Special Olympics for three years, attesting that working with these athletes is a life changing experience. He encouraged citizens to volunteer.

**12.I. PUBLIC WORKS - NONE**

**12.J. UTILITIES SERVICES - NONE**

**13. COUNTY ATTORNEY MATTERS**

**13.A. PURCHASE OF RIGHT-OF-WAY AT 6580 33<sup>RD</sup> STREET**

Deputy County Attorney Bill DeBaal, through review of his September 14, 2011 memorandum, provided background description on a right-of-way purchase of 0.14 acres on 33<sup>rd</sup> Street, owned by Frank and Victoria Richardson. He displayed an aerial view of the property (needed for the 66<sup>th</sup> Avenue Improvement Project), and recommended that the Board approve the purchase at the all-inclusive price of \$40,800.00, with the stipulation that the County delivers to

the seller 10 palm trees and a truckload of millings; and upgrades the culvert when the road improvements are constructed.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved and authorized the Chairman to execute the Purchase and Sale Agreement with Frank D. and Victoria L. Richardson; and (2) directed the parties to proceed to closing on the parcels and authorized staff to execute any documents incidental to the closing, as recommended in the memorandum of September 14, 2011.

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

**13.B. APPROVAL OF EXPERT WITNESS FEES AND COSTS FOR EVANGELOS AND ANN ABAZIS, ROW (RIGHT-OF-WAY) PARCEL 134**

Attorney DeBaal recapped his memorandum of September 14, 2011, to provide details relating to the payment of expert witness fees and costs associated with the County's purchase of a 50' x 331' strip of right-of-way from Evangelos and Ann Abazis (known as Parcel 134). He relayed that negotiations for the purchase (needed for the 66<sup>th</sup> Avenue Improvement Project) have concluded; however, payment is outstanding for the expert witness fees of Rod Gillis, the Abazis' appraiser. He explained that staff had negotiated with Mr. Gillis and his initial fee of \$22,522.50 was reduced to \$16,000. Attorney DeBaal recommended that the Board approve the \$16,000 payment to Mr. Gillis, in order to avoid additional costs if this matter goes to court.

Commissioner O'Bryan voiced that some of the appraisers were setting their fees excessively high, and that this was unfair to the taxpayers.

Commissioner Davis agreed with Commissioner O’Bryan. He declared that it might be better to purchase a property from a willing seller in advance of a project, rather than taking the property and establishing a price through the Eminent Domain process.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved and authorized the Chairman to execute the Stipulated Order for Expert Witness Fees (*for defendants Evangelos Abazis and Ann Abazis*); and (2) directed staff to make payment of \$16,000 to Simon & Holloway Trust Account, as outlined in the stipulated order, as recommended in the memorandum of September 14, 2011.

#### **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**

**14.E.1. DISCUSSION REGARDING ECONOMIC DEVELOPMENT**

Commissioner O’Bryan reported that the County’s Local Jobs Grant Program has attracted two new companies, NetBoss Technologies, Inc., and SMI Telecoms, to Sebastian. He reported that because of his positive experience in locating his business here, Jim Odom, the

CEO of NetBoss, had recruited SMI Telecoms (one of its partners) to locate its North American headquarters in Sebastian.

Commissioner Davis elaborated on the criteria that businesses must fulfill in order to receive the Local Jobs Grant funding.

## **15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT - NONE**

**15.B. SOLID WASTE DISPOSAL DISTRICT - NONE**

**15.C. ENVIRONMENTAL CONTROL BOARD - NONE**

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

## **16. ADJOURNMENT**

Chairman Solari thanked the City of Sebastian Council members and staff for hosting and facilitating today's Board of County Commission meeting.

There being no further business, the Chairman declared the meeting adjourned at 10:12 a.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Bob Solari, Chairman

Minutes Approved: \_\_\_\_\_

BCC/MG/2011Minutes