

JEFFREY K. BARTON  
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

NOVEMBER 15, 2011

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**JEFFREY K. BARTON**

Clerk to the Board



**November 15, 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, November 15, 2011. Present were Chairman Bob Solari, Vice Chairman Gary C. Wheeler, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman Solari called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Jeffrey R. Smith, Chief Deputy Clerk of Circuit Court, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Davis led the Pledge of Allegiance to the Flag.

## **ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN**

Chairman Solari passed the gavel to Attorney Alan S. Polackwich, Sr. to conduct the election of the Chairman and Vice Chairman of the Board of County Commissioners.

Attorney Polackwich reminded the Board that Section 101.02 of the Indian River County Code states that annually, at its meeting on the third Tuesday, following the first Monday in November the Board shall select from its members a Chairman and Vice Chairman. The date referenced is next Tuesday, November 22, and no meeting is scheduled; therefore, the Board decided to elect the Chairman and Vice Chairman at this meeting, with the understanding that their positions will become effective on November 22, 2011.

Attorney Polackwich opened the floor to nominations for Chairman.

Commissioner O'Bryan NOMINATED Commissioner Gary C. Wheeler for Chairman.

There being no other nominations, Attorney Polackwich closed the nominations.

Attorney Polackwich CALLED FOR A VOTE on the nomination for Chairman. The Board unanimously accepted the NOMINATION and appointed Commissioner Gary C. Wheeler as Chairman for the year 2012.

## **ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN**

Attorney Polackwich opened the floor to nominations for Vice Chairman.

Commissioner Davis NOMINATED Commissioner Joseph E. Flescher for Vice Chairman.

Commissioner Wheeler NOMINATED Commissioner Peter D. O'Bryan for Vice Chairman.

There being no other nominations, Attorney Polackwich closed the nominations.

Attorney Polackwich CALLED FOR A VOTE on the NOMINATION of Joseph E. Flescher for Vice Chairman. By a 2-3 vote (Commissioners O'Bryan, Solari and Wheeler opposed), the NOMINATION FAILED.

Attorney Polackwich CALLED FOR A VOTE for the NOMINATION of Peter D. O'Bryan for Vice Chairman. The Board, by a 3-2 vote (Commissioners Davis and Flescher opposed), accepted the NOMINATION and appointed Commissioner Peter D. O'Bryan as Vice Chairman for the year 2012.

Attorney Polackwich passed the gavel back to Chairman Solari.

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

Chairman Solari requested the following changes to the Agenda:

**ADDITION: ITEM 5.I. CHILI COOK-OFF COMMENTS**

**MOVED: ITEM 14.E. ECONOMIC LEADERSHIP ALLIANCE, TO FOLLOW ITEM 5.H.**

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

#### **5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 18-24, 2011 AS NATIONAL FARM-CITY WEEK IN INDIAN RIVER COUNTY**

Commissioner Davis read and presented the Proclamation to Kay Shinn, Treasurer for the Indian River County Farm Bureau; Lindsay Adams, 4-H Agent; and Tom Hill from the Indian River County Farm Bureau.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 20 THROUGH NOVEMBER 26, 2011 AS CHRISTIAN HERITAGE WEEK IN INDIAN RIVER COUNTY**

Chairman Solari read and presented the Proclamation to Dr. Craig McGarvey, President of the American Family Association.



**5.C. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF  
NOVEMBER, 2011 AS NATIONAL ADOPTION AWARENESS MONTH**

Commissioner O'Bryan read and presented the Proclamation to Michelle King, Director of the Children's Home Society of Florida.

**5.D. PRESENTATION OF PROCLAMATION DESIGNATING DECEMBER 1, 2011 AS  
WORLD AIDS DAY IN INDIAN RIVER COUNTY**

Commissioner Flescher read and presented the Proclamation to John May and Miranda Swanson, County Health Department.

Mr. May invited the residents of Indian River County to join them on World Aids Day, December 1, 2011, from 6:00 a.m. to 8:00 p.m., at the Vero Beach Heritage Center, to be tested for aids without charge.

**5.E. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 15, 2011  
AS "AMERICA RECYCLES DAY"**

Vice Chairman Wheeler read and presented the Proclamation to Executive Director Vicki Wild, Keep Indian River Beautiful; and Managing Director Himanshu Mehta, Solid Waste Disposal District.

**5.F. PRESENTATION OF 2011 CONSERVATION COOPERATOR OF THE YEAR  
AWARD TO CODY ESTES AND JIM HOFFMAN OF ESTES CITRUS, BY DAVID  
GUNTER, CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE INDIAN  
RIVER SOIL AND WATER CONSERVATION DISTRICT**

Chairman of the Indian River Soil and Water Conservation District David Gunter presented the 2011 Conservation Cooperator of the Year Award to Cody Estes and Jim Hoffman of Estes Citrus, for their example of leadership and achievement in conservation.

**5.G. PRESENTATION OF WORKFORCE SOLUTIONS TWO-YEAR STRATEGIC PLAN  
BY RICHARD STETSON, CEO AND PRESIDENT OF WORKFORCE SOLUTIONS**

Richard Stetson, CEO and President of Workforce Solutions, explained the productivity, efficiency, and effectiveness of their modified and ongoing two-year operational plan, as well as its programs.

**5.H. PRESENTATION BY TONY DONADIO, CO-CHAIR, ECONOMIC LEADERSHIP  
ALLIANCE – INDIAN RIVER COUNTY CHAMBER OF COMMERCE ECONOMIC  
DEVELOPMENT**

Tony Donadio, Co-Chair of the Economic Leadership Alliance, presented the Board with an update on the Indian River County Chamber of Commerce economic development activities.

*The Chairman called a break at 10:06 a.m., and reconvened the meeting at 10:14 a.m., with all members present.*

*(Clerk's Note: After the break, Chairman Solari requested Item 14.E., Economic Leadership Alliance, be heard as the next Agenda item.)*

**5.I. ADDITION: CHILI COOK-OFF COMMENTS**

*(Clerk's Note: This item was heard after item 14.E. and is placed here for continuity.)*

Chairman Solari commented on the eighth annual November 12<sup>th</sup> Chili Cook-Off at Riverside Park and announced the Indian River County Utility Department as the first place winner.

**6. APPROVAL OF MINUTES – NONE**

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

**7.A. DISTRICT 1 APPOINTMENT TO TREASURE COAST REGIONAL PLANNING  
COUNCIL – COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY  
(TCRPC – CEDS)**

Noted for the record was the appointment of Mark Mathis to the Treasure Coast Regional Planning Council – Comprehensive Economic Development Strategy.

**8. CONSENT AGENDA**

Vice Chairman Wheeler requested to pull Item 8.C. from the Consent Agenda for discussion.

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

**8.A. APPROVAL OF WARRANTS AND WIRES – OCTOBER 27, 2011 TO  
NOVEMBER 3, 2011**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of October 27, 2011 to November 3, 2011, as requested in the memorandum of November 3, 2011.

**8.B. ANNUAL RESOLUTION RE SIGNATORIES AND DELEGATION OF AUTHORITY  
CONCERNING DECLARATIONS OF STATE OF LOCAL EMERGENCIES AND TO  
ACT IN A STATE DECLARED EMERGENCY AFFECTING INDIAN RIVER  
COUNTY**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved **Resolution 2011-103**, directing depositories of County funds to honor certain authorized signatures on County checks, warrants, and other orders for payment; providing for Board of County Commissioners and Clerk of the Circuit Court signatories; rescinding Resolution No. 2010-097 effective November 22, 2011; delegating authority to the County Administrator to declare states of local emergencies and to act in a State of Florida declared emergency affecting Indian River County; and providing an effective date.

**8.C. REQUEST TO AMEND THE NEIGHBORHOOD STABILIZATION PROGRAM  
COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING ASSISTANCE PLAN**

At the request of Vice Chairman Wheeler, Community Development Director Bob Keating reviewed the memorandum dated November 3, 2011, to provide an overview of the proposed modification to the Neighborhood Stabilization Program Community Development Block Grant Housing Assistance plan.

Vice Chairman Wheeler sought further details from Director Keating, and pointed out that gap financing would increase the loan by 50%, instead of 35%. He felt this program was another bail-out on a local level to disguise where the money is really coming from so the Federal Government does not take all the heat for bailing out the banks.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-1 vote (Vice Chairman Wheeler opposed), the Board approved the proposed change to the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Assistance Plan, and authorized the Chairman to execute the revised Housing Assistance Plan (HAP), as recommended in the memorandum of November 3, 2011.

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

**8.D. FORMER CATTLE DIP SITE – GEOSYNTEC CONSULTANTS, INC.**  
**AMENDMENT NO. 1 TO WORK ORDER # 24 – SITE ASSESSMENT**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved Amendment No. 1 to Work Order No. 24, authorizing the services outlined in the Scope of Services (Attachment A, Attachment B, and Figure 1), and authorized the Chairman to execute Amendment No. 1 on their behalf, all as recommended in the memorandum of November 4, 2011.

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

**8.E. ARCHIE SMITH SOVEREIGNTY SUBMERGED LANDS FEE WAIVED LEASE**  
**RENEWAL**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the lease renewal and authorized the Chairman to execute the Sovereignty Submerged Lands Fee Waived Lease Renewal on behalf of the Board, as recommended in the memorandum of November 8, 2011.

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

**8.F. APPROVAL OF EXPENDITURES FOR EMERGENCY MANAGEMENT  
FEDERALLY-FUNDED SUBGRANT AGREEMENTS 12-FG-R3-10-40-01-  
098, SUBGRANT AGREEMENT 12-BG-05-10-40-01-031, AND HAZARD  
ANALYSIS SUBGRANT 12-CP-03-10-40-01-196**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the expenditures as directed in the Federally Funded Subgrant Agreements (12-BG-05-10-40-01-031 and 12-FG-R3-10-40-01-098) and the 2011-2012 Hazard Analysis Subgrant Agreement (12-CP-03-10-40-01-196), as recommended in the memorandum of November 1, 2011.

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

**10. PUBLIC ITEMS - NONE**

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT - NONE**

**12.B. EMERGENCY SERVICES - NONE**

**12.C. GENERAL SERVICES - NONE**

**12.D. HUMAN RESOURCES – NONE**

**12.E. HUMAN SERVICES - NONE**

**12.F. LEISURE SERVICES - NONE**

**12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE**

**12.H. RECREATION**

**12.H.1. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS FOR  
DESIGN/BUILD SERVICES TO CONSTRUCT THE SOUTH COUNTY REGIONAL  
PARK INTERGENERATIONAL RECREATION FACILITY**

Assistant County Administrator Michael Zito, recapped his memorandum dated November 8, 2011, to provide background, alternatives, analysis, and funding details regarding the request to increase the size of the multipurpose building by 20,000 additional square feet. He recommended the Board find the expansion necessary to accommodate the population growth in the South County area, find that the County would benefit from the expansion, and authorize the issuance of a request for proposals to design/build an Intergenerational Recreation Center at South County Regional Park.

Vice Chairman Wheeler voiced concerns over population growth and spending the money to expand the facility at this time.

Administrator Baird felt this would be a great opportunity for the County since the costs would be offset by partnering with non-profit organizations. He stated that the Center would be primarily occupied by the senior population during the day, the school students after school, and



would serve the needs of the recreation programs in the evenings and on weekends. He also pointed out that this item has been in the Comprehensive Plan since 2003, and the original suggestion to increase the facility by 30,000 square feet, has been cut back to 20,000 square feet.

Assistant Administrator Zito responded to Commissioner Flescher's questions regarding the lack of available indoor facilities that could be used by local youth.

**Charlie Wilson**, 1057 6<sup>th</sup> Avenue, emphasized that impact fees cannot be used for future needs when the level of service has not been exceeded, or for future needs outside of the six-year time frame from when the fees were paid. He voiced concern, and asked the Board to make a decision on refunding the 101 Fund.

Attorney Polackwich provided Mr. Wilson with a brief history of the 101 Fund issue and disclosed that it would come back to the Board in December with a recommendation.

**Joe Wiggins**, 895 11<sup>th</sup> Street SW, encouraged the Board to take care of the local youth by moving forward with the proposed construction to the South County Regional Park multipurpose facility.

**Bob Johnson**, Coral Wind Subdivision, believed a workshop should have been announced to discuss the need for the increase to the facility. He believed that if an indoor recreation facility is truly needed, the Dodgertown location should be considered.

Commissioner O'Bryan conveyed that the public wanted this project and he was glad to see it moving forward. He pointed out that District 4 has had significant growth, that under the current redistricting they had given up territory to get the numbers down, and that it is the smallest geographical district, yet one of the top three in population.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Flescher, to (1) find the expansion of the project from 20,000 square feet to 40,000 square feet is necessary to accommodate growth in the South County area, and that such growth will benefit from the expansion; and (2) authorize the issuance of a Request for Proposals to design/build an Intergenerational Recreation Center at South County Regional Park, as recommended in the memorandum of November 8, 2011.

Discussion ensued regarding the projected operation of the facility, looking at all alternatives, this being a joint effort with the Senior Resource Center and the Boys' and Girls' Club, the high usage of the South County Park, and this proposal being in the Master Plan since the 1990's.

Attorney Polackwich did not believe the use of impact fees would be an improper use of money because the total project budget is about \$5.5 million, with \$2.2 million (about 40%) coming from impact fees. He said that under the law, it is appropriate to use impact fees to pay the proportionate share of the new infrastructure that is necessary to accommodate the expansion of the facility.

Administrator Baird said staff would see what it would cost to have the structure hardened so it could be used as a hurricane evacuation center.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**12.I. PUBLIC WORKS – NONE**

**12.J. UTILITIES SERVICES**

**12.J.1. APPROVAL AND EXECUTION OF CONTINUING SERVICES CONTRACT TO  
ENGINEERING CONSULTANTS FOR PUBLIC WORKS, SOLID WASTE  
DISPOSAL AND UTILITIES PROJECTS**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the continuing services contracts with authorized engineering firms (listed on page 70 of the Agenda Packet) for a three (3) year contract; allowed for a three (3) year contract renewal; and authorized the Chairman to execute same, all as recommended in the memorandum of November 4, 2011.

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

**13. COUNTY ATTORNEY MATTERS**

**13.A. INDIAN RIVER COUNTY COMMITTEES – MEMBER REAPPOINTMENTS**

Attorney Polackwich provided background regarding the adoption of Resolution 2011-072, which deals with the County Attorney's Office monitoring committee member terms. He conveyed that his office had contacted the committee members whose terms will expire in January 2012 and created a list (page 74 of the Agenda Packet) of the members who have requested reappointment. He asked the Board to review and consider the committee members listed for reappointment.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the list of committee members requesting reappointment, as listed and recommended in the memorandum of November 3, 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. ECONOMIC LEADERSHIP ALLIANCE**

*(Clerk's Note: This item was heard following Item 5. H. and is placed here for continuity.)*

Commissioner O'Bryan provided background regarding the level of funding from different Counties, as well as the importance of the relationship between the level of funding and the level of success. He wanted to improve the image of Indian River County as being business-friendly and committed to providing incentives for local businesses; therefore, he proposed that the Chamber of Commerce solicit private industry to raise additional funds for economic development, with the County participating in the fundraising effort by providing \$1.00 (up to a maximum cap of \$25,000) for every \$3.00 raised by the private sector.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Wheeler, that the County pledge to match \$1.00 for every \$3.00 raised by the private sector, with a maximum County cap of \$25,000.

Chairman Solari sought and received information regarding when the matching funds would start. He suggested the Chamber of Commerce ask the Municipalities for additional matching funds.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

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

### **15.B. SOLID WASTE DISPOSAL DISTRICT**

The Chairman announced that immediately upon adjournment, 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 REGULAR MEETING OF SEPTEMBER 13, 2011**

#### **15.B.2. WORK ORDER NO. 1 TO GEOSYNTEC FOR PREPARATION OF TITLE V AIR OPERATION PERMIT RENEWAL AND TIER 2 TESTING FOR THE COUNTY LANDFILL**

### **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  
11:08 a.m.

ATTEST:

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

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

*(Clerk's Note: These minutes were signed by the current Chairman at the time of the Board's approval.)*

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

BCC/LA/2011 Minutes