

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

FEBRUARY 7, 2012

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS	2
	MOVE: ITEM 12.J.3. FROM DEPARTMENTAL MATTERS TO ITEM 15.B.1. SOLID WASTE DISPOSAL DISTRICT - AMENDMENT NO. 1 TO REPUBLIC SERVICES FOR LANDFILL GAS FLARE RELOCATION PROJECT	2
	MOVE: ITEM 7.D. FROM INFORMATIONAL ITEMS TO ITEM 15.C.1. ENVIRONMENTAL CONTROL BOARD - APPOINTMENT OF THE MEDICAL DOCTOR REPRESENTATIVE TO THE ENVIRONMENTAL CONTROL HEARING BOARD	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
	5.A. PRESENTATION BY BARBARA SCHLITT FORD, YOUTH GUIDANCE EXECUTIVE DIRECTOR, ON YOUTH GUIDANCE HELI-DROP BALL BASH & BBQ FUNDRAISER TO BE HELD ON FEBRUARY 11, 2012, AT VERO BEACH SPORTS VILLAGE.....	2
6.	APPROVAL OF MINUTES	3

6.A.	REGULAR MEETING OF DECEMBER 13, 2011	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	3
7.A.	2012 ELECTION OF CODE ENFORCEMENT BOARD CHAIRMAN AND VICE CHAIRMAN	3
7.B.	RESIGNATION OF THE GENERAL CONTRACTOR APPOINTEE TO THE CODE ENFORCEMENT BOARD.....	3
7.C.	2012 ELECTION OF METROPOLITAN PLANNING ORGANIZATION BICYCLE/PEDESTRIAN ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN	4
7.D.	APPOINTMENT OF THE MEDICAL DOCTOR REPRESENTATIVE TO THE ENVIRONMENTAL CONTROL HEARING BOARD – MOVED TO 15.C.1.....	4
8.	CONSENT AGENDA	4
8.A.	APPROVAL OF WARRANTS AND WIRES – JANUARY 13, 2012 TO JANUARY 19, 2012.....	4
8.B.	APPROVAL OF WARRANTS AND WIRES – JANUARY 20, 2012 TO JANUARY 26, 2012.....	5
8.C.	OPEB TRUST REPORT FOR THE PERIOD 10-01-11 THROUGH 12-31-11	5
8.D.	QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS IN ACCORDANCE WITH 318.18(13) FLORIDA STATUTES	5
8.E.	DORI SLOSBERG DRIVER EDUCATION SAFETY ACT – INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND	6
8.F.	COMMITTEE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING 12/31/2011	6
8.G.	REQUEST FOR AUTHORIZATION TO DONATE SURPLUS VEHICLE TO ARC.....	6
8.H.	MISCELLANEOUS BUDGET AMENDMENT 005	7
8.I.	REQUEST FOR AUTHORIZATION TO ADVERTISE FOR AMENDMENTS TO CODE OF INDIAN RIVER COUNTY CHAPTER 401 ADOPTING THE 2010 FLORIDA BUILDING CODE	7
8.J.	CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT WITH KIMLEY-HORN ASSOCIATES, INC. FOR INTERSECTION IMPROVEMENTS AND BRIDGE REPLACEMENT AT 66 TH AVENUE AND 41 ST STREET AMENDMENT NO. 3.....	10

8.K.	AMENDMENT NO. 14 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARTER ASSOCIATES, INC. IRC PROJECT NO. 9810 66 TH AVENUE PAVING IMPROVEMENTS (4 TH STREET TO SR 60)	10
8.L.	VERO BEACH SPORTS VILLAGE QUADRANGLE SOFTBALL FIELDS CHANGE ORDER NO. 2 TO CONTRACT WITH BILL BRYANT & ASSOCIATES, INC. FOR ADDITION OF NEW FACILITY (MULTI-PURPOSE SOCCER FIELD) RFP NO. 2011035 – IRC PROJECT NO. 1105.....	11
8.M.	AGREEMENT BETWEEN LAWRENCE & REBECCA BARKETT AND INDIAN RIVER COUNTY FOR REPAIR OF CULVERT AT VERO SOUTH SUBDIVISION	11
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	11
10.	PUBLIC ITEMS	12
10.A.	PUBLIC HEARING(S) - NONE	12
10.B.	PUBLIC DISCUSSION ITEMS – NONE	12
10.C.	PUBLIC NOTICE ITEMS	12
10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING FEBRUARY 14, 2012: CONSIDER AMENDING SECTION 201.08(J)(4) OF THE CODE OF INDIAN RIVER COUNTY ESTABLISHING AN AMNESTY PROGRAM RELATING TO DELINQUENCY CHARGES ON CERTAIN UTILITY SERVICE AVAILABILITY CHARGES (LEGISLATIVE).....	12
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	12
12.	DEPARTMENTAL MATTERS	12
12.A.	COMMUNITY DEVELOPMENT - NONE.....	12
12.A.1.	CONSIDERATION OF EXTENDING THE TEMPORARY SUSPENSION OF THREE IMPACT FEES	12
12.A2.	CONSIDERATION OF URBAN SERVICE BOUNDARY BUFFER	13
12.B.	EMERGENCY SERVICES - NONE.....	17
12.C.	GENERAL SERVICES - NONE	17
12.D.	HUMAN RESOURCES - NONE	17
12.E.	HUMAN SERVICES - NONE	17
12.F.	LEISURE SERVICES – NONE	17

12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	17
12.G.1.	PARKS & RECREATION IMPACT FEE PROJECT TIMELINES.....	17
12.H.	RECREATION - NONE.....	18
12.I.	PUBLIC WORKS.....	18
12.I.1	ASPHALT MILLINGS FOR LOCAL ROADS.....	18
12.J.	UTILITIES SERVICES.....	21
12.J.1.	APPROVAL OF WORK ORDER NO. 1 WITH ATKINS, INC. FOR ENGINEERING SERVICES TO DESIGN THE WEST REGIONAL WASTEWATER TREATMENT FACILITY ODOR IMPROVEMENTS	21
12.J.2.	WORK ORDER NO. 1 – MOIA, BOWLES, VILLMIZAR & ASSOCIATES(MBV) SOUTH COUNTY WASTEWATER TREATMENT FACILITY HEADWORKS REHABILITATION PROJECT	21
12.J.3.	AMENDMENT NO. 1 TO REPUBLIC SERVICES FOR LANDFILL GAS FLARE RELOCATION PROJECT – MOVED TO 15.B.1.....	22
12.J.4 .	SHADY ACRES PETITION WATER SERVICE 24 TH AVENUE NORTH OF 10 TH STREET INDIAN RIVER COUNTY PROJECT NO. UCP #4082 PRELIMINARY ASSESSMENT RESOLUTIONS I AND II	22
13.	COUNTY ATTORNEY MATTERS.....	23
13.A.	RENEWAL OF LEASE WITH SCHOOL BOARD FOR ITS ADMINISTRATION BUILDING	23
14.	COMMISSIONER ITEMS.....	24
14.A.	COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE	24
14.B.	COMMISSIONER PETER D. O’BRYAN, VICE CHAIRMAN - NONE	24
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	24
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	24
14.E.	COMMISSIONER BOB SOLARI.....	24
14.E.1.	SEWER AND WATER SERVICE	24
15.	SPECIAL DISTRICTS AND BOARDS	25
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	25
15.B.	SOLID WASTE DISPOSAL DISTRICT - ADDITION	25

15.B.1.	AMENDMENT NO. 1 TO REPUBLIC SERVICES FOR LANDFILL GAS FLARE RELOCATION PROJECT	25
15.C.	ENVIRONMENTAL CONTROL BOARD - ADDITION	25
15.C.1	APPOINTMENT OF THE MEDICAL DOCTOR REPRESENTATIVE TO THE ENVIRONMENTAL CONTROL HEARING BOARD.....	26
16.	ADJOURNMENT.....	26

JEFFREY K. BARTON

Clerk to the Board



February 7, 2012

**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, February 7, 2012. Present were Chairman Gary C. Wheeler, Vice Chairman Peter D. O'Bryan, and Commissioners Wesley S. Davis and Bob Solari. Commissioner Joseph E. Flescher was absent. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Jack Diehl, Senior Pastor Our Savior Lutheran Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Vice Chairman O'Bryan led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Wheeler requested the following change(s) to the Agenda:

MOVE: ITEM 12.J.3. FROM DEPARTMENTAL MATTERS TO ITEM 15.B.1. SOLID WASTE DISPOSAL DISTRICT - AMENDMENT NO. 1 TO REPUBLIC SERVICES FOR LANDFILL GAS FLARE RELOCATION PROJECT

MOVE: ITEM 7.D. FROM INFORMATIONAL ITEMS TO ITEM 15.C.1. ENVIRONMENTAL CONTROL BOARD - APPOINTMENT OF THE MEDICAL DOCTOR REPRESENTATIVE TO THE ENVIRONMENTAL CONTROL HEARING BOARD

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION BY BARBARA SCHLITT FORD, YOUTH GUIDANCE EXECUTIVE DIRECTOR, ON YOUTH GUIDANCE HELI-DROP BALL BASH & BBQ FUNDRAISER TO BE HELD ON FEBRUARY 11, 2012, AT VERO BEACH SPORTS VILLAGE

Barbara Schlitt Ford, Youth Guidance Executive Director, provided information on the above fundraiser, to be held from 4:30 – 10:00 p.m. on February 11, 2012, at the Vero Beach Sports Village. She revealed that the money raised would support the Youth Guidance Mentoring & Activities Program.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF DECEMBER 13, 2011

The Chairman asked if there were any corrections or additions to the minutes. There were none.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Davis, by a 4-0 vote (Commissioner Flescher absent), the Board approved the minutes of the December 13, 2011 meeting, as written.

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

7.A. 2012 ELECTION OF CODE ENFORCEMENT BOARD CHAIRMAN AND VICE CHAIRMAN

Noted for the record was the election of Joe Petrulak as Chairman, and Karl Zimmermann as Vice Chairman, of the Code Enforcement Board for the year 2012.

7.B. RESIGNATION OF THE GENERAL CONTRACTOR APPOINTEE TO THE CODE ENFORCEMENT BOARD

Noted for the record was the vacancy on the Code Enforcement Board incurred by the resignation of Mr. Joseph Garone as the General Contractor Appointee.

**7.C. 2012 ELECTION OF METROPOLITAN PLANNING ORGANIZATION
BICYCLE/PEDESTRIAN ADVISORY COMMITTEE CHAIRMAN AND VICE
CHAIRMAN**

Noted for the record was the election of Terry Goff as Chairman, and George Sharpe as Vice Chairman, of the Metropolitan Planning Organization Bicycle/Pedestrian Advisory Committee for the year 2012.

**7.D. APPOINTMENT OF THE MEDICAL DOCTOR REPRESENTATIVE TO THE
ENVIRONMENTAL CONTROL HEARING BOARD – MOVED TO 15.C.1.**

This item was heard under Item 15, Environmental Control Board Item 15.C.1.

8. CONSENT AGENDA

Commissioner Solari requested to pull Item 8.I. for discussion.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved the Consent Agenda, as amended.

**8.A. APPROVAL OF WARRANTS AND WIRES – JANUARY 13, 2012 TO JANUARY
19, 2012**

ON MOTION by Commissioner Davis, SECONDED by 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

January 13, 2012 to January 19, 2012, as requested in the memorandum of January 19, 2012.

8.B. APPROVAL OF WARRANTS AND WIRES – JANUARY 20, 2012 TO JANUARY 26, 2012

ON MOTION by Commissioner Davis, SECONDED by 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 January 20, 2012 to January 26, 2012, as requested in the memorandum of January 26, 2012.

8.C. OPEB TRUST REPORT FOR THE PERIOD 10-01-11 THROUGH 12-31-11

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board accepted the OPEB (Other Post Employment Benefits) Trust Report for the quarter ended December 31, 2011, as recommended in the memorandum of January 27, 2012.

8.D. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS IN ACCORDANCE WITH 318.18(13) FLORIDA STATUTES

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board accepted the Assessment of Additional Court Costs Quarterly Summary Report for the quarter

ended December 2011, as recommended in the memorandum of January 27, 2012.

8.E. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT – INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board accepted the Statement of Revenues, Expenditures and Changes in Fund Balances, Traffic Education Program, from the inception of the \$3 fee (October 1, 2002) through December 31, 2011, as recommended in the memorandum of January 18, 2012.

8.F. COMMITTEE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING 12/31/2011

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board accepted the Investment Advisory Committee Quarterly Report for the quarter ending December 31, 2011, as recommended in the memorandum of January 27, 2012.

8.G. REQUEST FOR AUTHORIZATION TO DONATE SURPLUS VEHICLE TO ARC

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher

absent), the Board declared the vehicle (2000 Jeep Cherokee Sport) surplus and authorized the donation of said vehicle to the Abilities Resource Center (ARC) of Indian River County, as recommended in the memorandum of January 31, 2012.

8.H. MISCELLANEOUS BUDGET AMENDMENT 005

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved **Resolution 2012-006**, amending the Fiscal Year 2011-2012 budget.

**8.I. REQUEST FOR AUTHORIZATION TO ADVERTISE FOR AMENDMENTS TO
CODE OF INDIAN RIVER COUNTY CHAPTER 401 ADOPTING THE 2010
FLORIDA BUILDING CODE**

Commissioner Solari was concerned about the financial impacts of three components of the 2010 Florida Building Code, particularly the New Energy Conservation Code which might significantly increase heating or cooling upgrades/repairs. He wanted to get an idea of what costs might be associated with the new code amendments.

Community Development Director Robert Keating noted that the County is required to adopt the new codes. He clarified that today, staff was solely seeking authorization to advertise for a public hearing to consider adoption of the revised Florida Building Code. He conveyed that the current code revisions are only available online, and staff would be returning with additional information as to the impacts of the updated code.

Attorney Polackwich elaborated on his recommendation for the Board to adopt the revised Florida Building Code.

Chairman Wheeler wondered whether any of the cost increases could be offset by any of the code provisions.

Commissioner Davis asked that the costs of inspection and permitting fees be maintained and not increased.

Director Keating responded that it was possible that the increases in wind speed requirements might result in lower insurance costs. He also advised that some of the permitting fees would be reduced.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Davis, to not move forward until further information is available on the impacts of the amendments contained within the 2010 Florida Building Code.

Director Keating, responding to Commissioner Davis's query, reported that the new code goes into effect on March 15, 2012.

The Chairman CALLED THE QUESTION, and by a 2-2 vote (Commissioners O'Bryan and Wheeler opposed; Commissioner Flescher absent), the Motion was tied.

MOTION WAS MADE by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, to direct staff to advertise for a public hearing to consider adoption of the revised 2010 Florida Building Code.

Chairman Wheeler and Vice Chairman O'Bryan shared Commissioner Solari's concerns, but felt that the County was obligated to comply with the State mandate.

Commissioner Solari disagreed, declaring that the County should take a stand and inform the State of its objections.

MOTION WAS AMENDED by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, to approve the transmittal of a letter to the Florida Legislature outlining the County's concerns relative to the 2010 Florida Building Code.

Further discussion ensued regarding the necessity for the County to adopt the 2010 Florida Building Code. Attorney Polackwich advised that the code would apply whether or not it is adopted by the County. He also stressed that County Code could not be used as an enforcement tool without incorporating into it the code revisions.

The Chairman CALLED THE QUESTION, and by a 3-1 vote (Commissioner Solari opposed; Commissioner Flescher absent), the Motion carried. The Board: (1) directed staff to advertise for a public hearing to consider adoption of the revised 2010 Florida Building Code; and (2) approved the transmittal of a letter to the Florida Legislature outlining the County's concerns relative to the 2010 Florida Building Code.

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

**8.J. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT WITH
KIMLEY-HORN ASSOCIATES, INC. FOR INTERSECTION IMPROVEMENTS
AND BRIDGE REPLACEMENT AT 66TH AVENUE AND 41ST STREET
AMENDMENT NO. 3**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved and authorized the Chairman to execute Amendment No. 3 to Kimley-Horn Associates, Inc., authorizing the design services as outlined in Amendment No. 3, for a total lump sum amount of \$15,250.00, as recommended in the memorandum of January 23, 2012.

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

**8.K. AMENDMENT NO. 14 TO THE PROFESSIONAL SERVICES AGREEMENT
WITH CARTER ASSOCIATES, INC. IRC PROJECT NO. 9810 66TH AVENUE
PAVING IMPROVEMENTS (4TH STREET TO SR 60)**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved and authorized the Chairman to execute Amendment No. 14 for a not-to-exceed amount of \$30,000.00 for Carter Associates, Inc., as outlined in the Scope of Services (Exhibit "A") dated January 13, 2012, as recommended in the memorandum of January 24, 2012.

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

8.L. VERO BEACH SPORTS VILLAGE QUADRANGLE SOFTBALL FIELDS
CHANGE ORDER No. 2 TO CONTRACT WITH BILL BRYANT &
ASSOCIATES, INC. FOR ADDITION OF NEW FACILITY (MULTI-PURPOSE
SOCCER FIELD) RFP No. 2011035 – IRC PROJECT No. 1105

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved Change Order No. 2 to the contract with Bill Bryant & Associates, Inc. for \$130,000.00, as recommended in the memorandum of January 25, 2012.

8.M. AGREEMENT BETWEEN LAWRENCE & REBECCA BARKETT AND INDIAN
RIVER COUNTY FOR REPAIR OF CULVERT AT VERO SOUTH
SUBDIVISION

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, by a 4-0 vote (Commissioner Flescher absent), the Board approved and authorized the Chairman to execute the agreement with Lawrence A. Barkett and Rebecca N. Barkett, as recommended in the memorandum of January 26, 2012.

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 – NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FEBRUARY 14, 2012:

CONSIDER AMENDING SECTION 201.08(J)(4) OF THE CODE OF INDIAN RIVER COUNTY ESTABLISHING AN AMNESTY PROGRAM RELATING TO DELINQUENCY CHARGES ON CERTAIN UTILITY SERVICE AVAILABILITY CHARGES (LEGISLATIVE)

Attorney Polackwich read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.A.1. CONSIDERATION OF EXTENDING THE TEMPORARY SUSPENSION OF THREE IMPACT FEES

Community Development Director Robert Keating recalled the Board's adoption in March 2009 of Ordinance 2009-003, temporarily suspending five impact fees (Emergency Services Facilities, Correctional Facilities, Public Buildings, Law Enforcement, and Solid Waste Facilities) and in March 2011 of Ordinance 2011-002, extending the suspension of three impact fees (Public Buildings, Correctional Facilities, and Solid Waste Facilities) through March 31, 2012. He said that although it is unclear whether the impact fee suspensions have stimulated

economic development, there are valid reasons for extending the temporary suspension, including deterring further economic decline and enhancing the County's business friendly image. Director Keating thereafter provided staff's recommendation for the Board to advertise for a public hearing to extend the temporary impact fee suspensions for Public Buildings, Correctional Facilities, and Solid Waste Facilities from April 1, 2012 to March 31, 2014.

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

Commissioner Solari revealed he would not support the Motion as he believed that the purpose for impact fees was to pay for development, not to regulate its advancement or decline.

The Chairman CALLED THE QUESTION, and by a 3-1 vote (Commissioner Solari opposed and Commissioner Flescher absent), the Motion carried. The Board authorized staff to advertise for a public hearing to extend the current suspension of three impact fees (Public Buildings, Correctional Facilities, and Solid Waste Facilities) from April 1, 2012 to March 31, 2014, as recommended in the memorandum of January 31, 2012.

12.A2. CONSIDERATION OF URBAN SERVICE BOUNDARY BUFFER

Planning Director Stan Boling presented the request of the Indian River Neighborhood Association (IRNA) for the Board to consider establishing buffer zones in agricultural areas adjacent to, but outside of the Urban Service Area (USA) boundary, in order to prohibit certain conditional uses normally requiring special exception use approvals. He used a PowerPoint presentation (not on file), to provide details and analysis regarding IRNA's proposal to prohibit sludge spreading; juice plants and packing houses; fruit spreading; correctional institutions;

major sports facilities; non-commercial off-road vehicle tracks; airstrips; and demolition debris sites in the three suggested buffer areas (South, Central, and North County). He thereafter conveyed staff's recommendation for the Board to direct staff to initiate the formal amendment process to consider adoption of the proposed Urban Service Area boundary buffer.

Vice Chairman O'Bryan was concerned that the buffer area might result in a concentration of all the special exception uses in the agricultural ("Ag") area not included in the buffer. He was opposed to prohibiting the traditional agricultural uses of packing houses and fruit spreading from the proposed buffer, but advocated seeking public input and more information on IRNA's proposal.

Commissioner Solari felt that IRNA's proposal would push the USA further west and increase business costs. He believed the proposal also increases the appeal of the 5-acre ranchettes outside the USA, and was concerned about the environmental impacts of the septic tanks and wells on those properties.

Commissioner Davis raised concerns about the proposed prohibition on fruit spreading, which he explained was a means of feeding cattle and keeping fruit spoils or excesses out of the landfill.

Chairman Wheeler stated that the proposal has some good points, such as helping to protect the 5-acre ranchettes. He advocated moving forward and getting input from the public, the Agricultural Advisory Committee (AAC), and the Planning & Zoning Commission (P & Z) before making a decision.

The Chairman accepted input from the following individuals who all advocated going forward with the public hearing process, with additional points of view as follows:

Amy Banov, Architect and Contractor, 6700 Carson Trail, affirmed her support for the buffer zone concept, noting that there has been a substantial increase of residences in the agricultural zoned areas.

Robert Inhoff, 5704 Riverboat Circle SW, representing the South County Preservation Society, spoke to the importance of basing the Board's decision on what is best for all County residents.

Brian Carman, IRNA, pointed out that the Board was being asked at this time to approve the concept of the buffer area, not the individual components of the proposal.

Chuck Mechling, 5215 Tradewinds Drive, believed that the proposal might make it difficult for certain firms to conduct business.

Jens Tripson, 2525 14th Street, cautioned the Board to be careful not to put in place any regulations that would affect genuine agricultural practices. He advised that precise definitions be included for uses that are bona fide agricultural practices and proposed to be prohibited.

BJ McClure, 395 Nieuport Drive, Aerodrome, voiced concerns about deficits in the current system of special exception and administrative use permits. He also spoke of excessive truck traffic being generated by INEOS New Planet BioEnergy, and stressed that protections were needed for the residents of the Indian River Aerodrome and neighboring communities.

Robert Adair, Agricultural Advisory Committee, affirmed the importance of the Agricultural Advisory Committee's involvement with the discussions on the proposal. He asked that small farmers be allowed to maintain their agricultural practices and a decent lifestyle. Mr. Adair also requested permission to show the County's Planning Department a publication about maintaining viable agriculture in urban areas.

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

Commissioner Davis, Commissioner Liaison to the Agricultural Advisory Committee, stated that a committee meeting will be scheduled as soon as possible to discuss the Urban Service Boundary Buffer proposal.

Commissioner Solari expressed support for the public hearing process. However, he reiterated concerns about promoting urban sprawl; negative impacts on business; and environmental impacts from the septic tanks and wells on the 5-acre ranchettes. He requested that he participate in discussions on the latter, as information comes forward.

The Chairman CALLED THE QUESTION, and by a 4-0 vote (Commissioner Flescher absent), the Board directed staff to obtain input from the Agricultural Advisory Committee, conduct a public workshop, and initiate a formal amendment of the Land Development Regulations to implement the Urban Services Boundary Buffer concept by changing the specific land use criteria for the following eight use categories:

- Sludge Spreading
- Vegetable/Fruit Juice Plants and Packing Houses
- Fruit Spreading
- Correctional Institutions
- Major Sports Facilities
- Off-Road Vehicle Tracks
- Airstrips
- Demolition Debris Sites

The Chairman called a recess at 10:04 a.m. and reconvened the meeting at 10:14 a.m., with all members present.

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

12.G.1. PARKS & RECREATION IMPACT FEE PROJECT TIMELINES

Director of Management and Budget Jason Brown recalled that after considering a proposed ordinance concerning impact fee refunds at the January 17, 2012 County Commission meeting, the Board asked staff to report on the status of various projects that have been funded with Parks and Recreation Impact Fees. He provided background, time lines, and analysis on the following five projects: (1) South County Park – Intergenerational Facility; (2) South County Park – Multi-Purpose Fields; (3) Shooting Range – Sporting Clays Course; (4) Fairgrounds – RV Parking, Electric, and Restroom Improvements; and (5) Oslo Boat Ramp Improvements. Director Brown refuted the public perception that the County has rushed the projects in order to expend the fees and avoid disbursing the refunds. He added that the projects were long-planned improvements that were often delayed by funding constraints; concerns about operating expenses; and permitting issues.

Charles Wilson, 1057 6th Avenue, presented some comparisons of impact fee expenditures over the last five years and the last twelve months to support his stance that the County was quickly expending the impact fees to avoid dispensing the refunds.

County Administrator Joseph Baird responded that it takes time to accumulate the funds for big projects, such as jail improvements, and stressed that the projects are needed for future growth.

Director Brown explained why there were yearly variations in the impact fee dollars expended for various capital projects, and affirmed that the County is using impact fees properly.

Assistant County Administrator Michael Zito noted that the impact fees for the South County Park are not being used to correct an existing deficiency, but to address the expansion and increased demand for the facility since the inception of the impact fee.

No Board Action Required or Taken

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1 ASPHALT MILLINGS FOR LOCAL ROADS

Public Works Director Christopher Mora provided background and analysis on the feasibility of instituting a petition paving program using asphalt millings on unpaved neighborhood streets. He revealed that the County's first large-scale millings project at Blue Cypress Lake Road was holding up well. He reported that the cost of a millings paving project would be around \$100,000 per mile, compared to approximately \$850,000 per mile for a petition paving project, with the cost split between the petitioners (75%) and the County (25%). He noted that in a petition paving project, the residents are given five years to pay their assessment; however, due to the uncertain longevity of the millings, staff recommended a two-year payback

period for the petition millings projects. He thereafter proffered staff's recommendation for the Board to offer a petition millings alternative to residents desiring to participate in the petition paving program, with the assessment payoff period of two years.

Chairman Wheeler believed it might be a hardship to reduce the residents' payoff periods from five to two years.

Commissioner Solari asked Director Mora to report back on the estimated costs for the residents participating in the petition millings projects.

Commissioner Davis asked about the possibility of Vero Lake Estates applying some of its Municipal Services Benefit Unit (MSBU) revenues towards a petition milling program.

Administrator Baird, with input from Director Mora, acknowledged that some of the Vero Lake Estates roads needed to be improved, and explained the requirements for the MSBU's. He stated that the County would explore the possibility of developing a plan with the Vero Lake Estates Homeowners Association.

Alexander Introcaso, 6446 5th Street, Pine Tree Park, reported that the County's current practice of grading the dirt roads in his neighborhood is not working, and asked the Board to explore the petition millings alternative.

John Culp, 6245 7th Place, Pine Tree Park, discussed the problems with the grading process, and spoke in support of the millings project.

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

Vice Chairman O'Bryan mentioned that some unintended consequences of the millings paving project might be complaints about the increase in the additional and higher speed traffic that accompanies road improvements.

A brief discussion ensued wherein it was established that the petition paving projects could be done road by road.

Chairman Wheeler discussed the importance of educating the residents on the pros and potential cons of millings so they clearly understand what they are signing up for. He noted it would be helpful for the County to have a record of that acknowledgement.

Susan Thomasson, 8275 105th Avenue, Vero Lake Estates, relayed that the residents of Vero Lake Estates are anxious to have their roads improved. She suggested that Vero Lake Estates residents have two avenues of funding: (1) apply a portion of the MSBU towards some roads; and (2) provide residents with the option of participating in a petition millings program.

A brief discussion ensued between Ms. Thomasson and Administrator Baird regarding the possibility of temporarily increasing the Vero Lake Estates MSBU in order to expedite the road project.

Commissioner Davis stated he would contact Ms. Thomasson to discuss the situation at Vero Lake Estates.

The Chairman CALLED THE QUESTION, and by a 4-0 vote (Commissioner Flescher absent), the Board: (1) approved staff's analysis; (2) authorized staff to offer a "petition millings" alternative to residents desiring to participate in the petition paving program; and (3) directed staff to return to the Board with further information on the

assessment payoff schedule and the anticipated average costs to the residents.

12.J. UTILITIES SERVICES

12.J.1. APPROVAL OF WORK ORDER NO. 1 WITH ATKINS, INC. FOR ENGINEERING SERVICES TO DESIGN THE WEST REGIONAL WASTEWATER TREATMENT FACILITY ODOR IMPROVEMENTS

ON MOTION by Commissioner Solari, SECONDED by Commissioner Davis, by a 4-0 vote (Commissioner Flescher absent), the Board approved and authorized the Chairman to execute Work Order No. 1 with Atkins, North America, Inc. (ANA) in the amount of \$109,980.00; found that the project is needed to accommodate new growth in the County; and found that new growth will proportionately benefit from the project; as recommended in the memorandum of January 26, 2012.

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

12.J.2. WORK ORDER NO. 1 – MOIA, BOWLES, VILLMIZAR & ASSOCIATES(MBV) SOUTH COUNTY WASTEWATER TREATMENT FACILITY HEADWORKS REHABILITATION PROJECT

ON MOTION by Commissioner Solari, SECONDED by Commissioner Davis, by a 4-0 vote (Commissioner Flescher absent), the Board approved Work Order No. 1 to Moia, Bowles, Villmizar & Associates (MBV)

Engineering, Inc., in the amount of \$11,250.00 as recommended in the memorandum of January 18, 2012.

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

12.J.3. AMENDMENT NO. 1 TO REPUBLIC SERVICES FOR LANDFILL GAS FLARE RELOCATION PROJECT – MOVED TO 15.B.1.

This item was heard under Item 15, Solid Waste Disposal District Item 15.B.1.

12.J.4. SHADY ACRES PETITION WATER SERVICE 24TH AVENUE NORTH OF 10TH STREET INDIAN RIVER COUNTY PROJECT NO. UCP #4082 PRELIMINARY ASSESSMENT RESOLUTIONS I AND II

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

Director of Utilities Erik Olson confirmed for Vice Chairman O’Bryan that the petition for the installation of the County water system was updated and signed by a majority of the property owners.

The Chairman CALLED THE QUESTION, and by a 4-0 vote (Commissioner Flescher absent), the Board approved: (1) **Resolution 2012-007**, providing for water main expansion to Shady Acres Subdivision in Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served; and (2) **Resolution 2012-008**, setting a time and place at

which the owners of properties, located in Shady Acres Subdivision in Indian River County, Florida, and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby.

13. COUNTY ATTORNEY MATTERS

13.A. RENEWAL OF LEASE WITH SCHOOL BOARD FOR ITS ADMINISTRATION BUILDING

Deputy County Attorney William DeBraul reported that the School Board's lease for the old County Administration Building is set to expire on February 29, 2012 (due to Leap Year), and the School Board has approved the proposed lease extension commencing March 1, 2012. He outlined the terms of the lease and pointed out two changes - the County would no longer insure the building against fire or property damage or be responsible for building repairs, including the roof; however, it would continue performing grounds maintenance.

Commissioner Solari questioned why the lease agreement indicates a commencement date of March 5, 2012. Attorney DeBraul stated that the date would be corrected to March 1, 2012.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, by a 4-0 vote (Commissioner Flescher absent), the Board approved and authorized the Chairman to execute the Lease Agreement with the School Board (with a renewal option for five (5) one (1) year

terms), as recommended in the memorandum of January 31, 2012.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE

14.B. COMMISSIONER PETER D. O'BRYAN, VICE CHAIRMAN - NONE

14.C. COMMISSIONER WESLEY S. DAVIS - NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.E. COMMISSIONER BOB SOLARI

14.E.1. SEWER AND WATER SERVICE

Commissioner Solari read a quote from John Dickinson (a 1767 Pennsylvania farmer), on individual liberties and government taxation to reference the situation of ratepayers who reside in the County, but receive water and sewer utilities from the City of Vero Beach (the City). He thought it unjust that those citizens, such as South Barrier Island residents, have their utility taxes go into the City's General Fund in order to keep City taxes low. He asked his fellow Commissioners if they would support a one-precinct referendum for Precinct 512 to establish whether the City's County customers would prefer to continue having their utility services provided by the City of Vero Beach or by the County, subsequent to the 2016 expiration of their Water and Sewer Franchise Agreement.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman O'Bryan, by a 4-0 vote (Commissioner Flescher absent), the Board authorized the County Attorney to draft a one-precinct referendum question for

the November 6, 2012 General Election Ballot, for the purpose of determining whether the residents of Precinct 512, subsequent to the expiration of their current Water and Sewer Franchise Agreement with the City of Vero Beach, would prefer to have their water, sewer, and wastewater utility services provided by the City of Vero Beach or Indian River County.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - ADDITION

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. AMENDMENT NO. 1 TO REPUBLIC SERVICES FOR LANDFILL GAS FLARE RELOCATION PROJECT

Moved from 12.J.3.

15.C. ENVIRONMENTAL CONTROL BOARD - ADDITION

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 APPOINTMENT OF THE MEDICAL DOCTOR REPRESENTATIVE TO THE ENVIRONMENTAL CONTROL HEARING BOARD

Moved from 7.D.

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 11:43 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2012 Minutes