

JEFFREY K. BARTON  
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

MARCH 6, 2012

1.	CALL TO ORDER.....	1
2.	INVOCATION.....	1
3.	PLEDGE OF ALLEGIANCE .....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS .....	2
	ADDITION: ITEM 14.C.1. SIGNAGE FOR INDIAN RIVER COUNTY	
	AGRICULTURAL PAVILION.....	2
5.	PROCLAMATIONS AND PRESENTATIONS .....	2
5.A.	PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING	
	DARCY R. VASILAS ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD	
	OF COUNTY COMMISSIONERS FOR ELEVEN YEARS SERVICE.....	2
5.B.	PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING	
	LIONEL OGILVIE ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF	
	COUNTY COMMISSIONERS, DEPARTMENT OF UTILITY SERVICES, FOR TWENTY-	
	ONE YEARS SERVICE .....	2
5.C.	PRESENTATION OF PROCLAMATION HONORING THE 100 <sup>TH</sup> ANNIVERSARY OF	
	GIRL SCOUTS OF THE UNITED STATES OF AMERICA AND RECOGNIZING 2012 AS	
	“THE YEAR OF THE GIRL” IN INDIAN RIVER COUNTY .....	3

5.D.	PRESENTATION BY JEFF LUTHER, INDIAN RIVER COUNTY SHERIFF’S OFFICE; MARTIN ZICKERT, VETERANS COUNCIL OF INDIAN RIVER COUNTY; AND GARY JAMES, AMERICAN SECURITY COUNCIL FOUNDATION ON ASCF VETERAN’S APPRECIATION GOLF FESTIVAL, SATURDAY, MARCH 10 <sup>TH</sup> , 2012.....	3
5.E.	PRESENTATION BY BARBARA HOFFMAN, CHAIRMAN OF BOARD OF DIRECTORS OF INDIAN RIVER COUNTY CULTURAL COUNCIL, ON ECONOMIC IMPACT STUDY OF THE CULTURAL INDUSTRY.....	3
6.	APPROVAL OF MINUTES .....	4
6.A.	MEETING OF JANUARY 10, 2012 .....	4
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	4
7.A.	2012 ELECTION OF AGRICULTURE ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN .....	4
7.B.	2012 ELECTION OF ENVIRONMENTAL CONTROL HEARING BOARD CHAIRMAN AND VICE CHAIRMAN.....	4
7.C.	2012 ELECTION OF CHAIRMAN AND VICE CHAIRMAN METROPOLITAN PLANNING ORGANIZATION TECHNICAL ADVISORY COMMITTEE.....	5
7.D.	2012 ELECTION OF TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD VICE CHAIRMAN .....	5
8.	CONSENT AGENDA .....	5
8.A.	APPROVAL OF WARRANTS AND WIRES – FEBRUARY 10, 2012 TO FEBRUARY 16, 2012.....	5
8.B.	APPROVAL OF WARRANTS AND WIRES – FEBRUARY 17, 2012 TO FEBRUARY 23, 2012.....	6
8.C.	2012-2013 BUDGET WORKSHOP / HEARING SCHEDULE.....	6
8.D.	MISCELLANEOUS BUDGET AMENDMENT 007.....	7
8.E.	FINAL PAY TO ODYSSEY MANUFACTURING COMPANY FOR BID # 2011034 SOUTH REVERSE OSMOSIS (RO) PLANT CHEMICAL SYSTEM UPGRADE.....	7

8.F.	CHANGE ORDER NO. 1, 53 <sup>RD</sup> STREET ROADWAY IMPROVEMENTS (LATERAL H CANAL TO INDIAN RIVER BOULEVARD) IRC PROJECT NO. 0107 – BID NO. 2011011 .....	7
8.G.	APPROVAL OF RENEWAL FOR A CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR COASTAL HEALTH SERVICES OF BREVARD INC. TO PROVIDE INTERFACILITY AMBULANCE TRANSPORTATION SERVICES.....	8
8.H.	F.D.O.T. SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN’S SIGNATURE, RESURFACING OF 27 <sup>TH</sup> AVENUE FROM CR606/OSLO ROAD TO SR-60/20 <sup>TH</sup> STREET AND INTERSECTION IMPROVEMENTS AT 27 <sup>TH</sup> AVENUE AND SW 5 <sup>TH</sup> STREET, IRC PROJECT NO. 0391 .....	8
8.I.	ACCEPTANCE OF THE STATE HOMELAND SECURITY GRANT PROGRAM – EMERGENCY MANAGEMENT SUBGRANT AGREEMENT 12-DS-20-10-40-01-XXX .....	9
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES .....	9
9.A.	DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - FOREFEITURE TRUST FUND .....	9
9.B.	LESLIE ROSSWAY SWAN, INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS - CONSOLIDATION OF POLLING LOCATIONS AND PRECINCT BOUNDARY LINES .....	10
10.	PUBLIC ITEMS.....	11
10.A.	PUBLIC HEARING(S) .....	11
10.A.1.	SHADY ACRES SUBDIVISION PETITION WATER SERVICE, 24 <sup>TH</sup> AVENUE NORTH OF 10 <sup>TH</sup> STREET (LEGISLATIVE).....	11
10.A.2.	COUNTY INITIATED REQUEST TO AMEND CHAPTER 401 OF THE CODE OF INDIAN RIVER COUNTY TO ADOPT THE 2010 FLORIDA BUILDING CODE AND THE 2010 INDIAN RIVER COUNTY WIND SPEED MAP (LEGISLATIVE).....	12
10.B.	PUBLIC DISCUSSION ITEMS - NONE .....	17
10.C.	PUBLIC NOTICE ITEMS .....	17
10.C.1	NOTICE OF SCHEDULED PUBLIC HEARING FOR MARCH 20, 2012: ROY & DONNA WOODALL’S REQUEST FOR ABANDONMENT OF A PORTION OF 133 <sup>RD</sup> PLACE LYING BETWEEN LOTS 7 – 12, BLOCK 51 OF THE PLAT OF THE TOWN OF WAUREGAN AND THE FLORIDA EAST COAST RAILROAD (LEGISLATIVE).....	17

11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	17
12.	DEPARTMENTAL MATTERS .....	17
12.A.	COMMUNITY DEVELOPMENT - NONE.....	17
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 - NONE .....	18
12.H.	RECREATION - NONE.....	18
12.I.	PUBLIC WORKS.....	18
12.I.1	SOUTH COUNTY REGIONAL PARK INTERGENERATIONAL RECREATION FACILITY SELECTION OF FIRM TO PROVIDE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES, RFQ No. 2012024 – IRC PROJECT NO. 1135.....	18
12.J.	UTILITIES SERVICES.....	19
12.J.1.	WATER TANK MAINTENANCE PROGRAM ADDITIONAL COST GIFFORD .....	19
12.J.2.	AUTHORIZATION TO AWARD ENGINEERING STUDY TO DUNKELBERGER ENGINEERING AND TESTING FOR DETERMINING SOURCE OF WATER SEEPAGE ALONG 8 <sup>TH</sup> STREET CANAL IN VICINITY OF WEST REGIONAL WWTF – UCP 4085.....	20
12.J.3.	THE AGREEMENT FOR DELIVERY OF RECLAIMED WATER BETWEEN INDIAN RIVER COUNTY AND INEOS NEW PLANET BIOENERGY LLC.....	20
12.J.4.	RESCIND UTILITY PURCHASE OFFER TO THE CITY OF VERO BEACH AND UTILITY SERVICE OFFER TO INDIAN RIVER SHORES .....	21
13.	COUNTY ATTORNEY MATTERS - NONE.....	22
14.	COMMISSIONER ITEMS.....	22
14.A.	COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE .....	22
14.B.	COMMISSIONER PETER D. O’BRYAN, VICE CHAIRMAN - NONE .....	22
14.C.	COMMISSIONER WESLEY S. DAVIS .....	23

	ADDITION: ITEM 14.C.1. SIGNAGE FOR INDIAN RIVER COUNTY	
	AGRICULTURAL PAVILION.....	23
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE .....	23
14.E.	COMMISSIONER BOB SOLARI - NONE .....	23
15.	SPECIAL DISTRICTS AND BOARDS .....	23
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	23
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE .....	23
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	24
16.	ADJOURNMENT.....	24

**JEFFREY K. BARTON**

Clerk to the Board



**March 6, 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, March 6, 2012. Present were Chairman Gary C. Wheeler, Vice Chairman Peter D. O'Bryan, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Bob Solari. 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 Wheeler called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Planning Director Stan Boling delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Solari led the Pledge of Allegiance to the Flag.

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

Commissioner Davis requested the following change to the Agenda:

**ADDITION: ITEM 14.C.1. SIGNAGE FOR INDIAN RIVER COUNTY AGRICULTURAL  
PAVILION**

ON MOTION by Vice Chairman O’Bryan, SECONDED  
by Commissioner Solari, the Board unanimously approved  
the Agenda as amended.

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING  
DARCY R. VASILAS ON HER RETIREMENT FROM INDIAN RIVER COUNTY  
BOARD OF COUNTY COMMISSIONERS FOR ELEVEN YEARS SERVICE**

Chairman Wheeler read and presented the Proclamation to Darcy R. Vasilas.

**5.B. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING  
LIONEL OGILVIE ON HIS RETIREMENT FROM INDIAN RIVER COUNTY  
BOARD OF COUNTY COMMISSIONERS, DEPARTMENT OF UTILITY  
SERVICES, FOR TWENTY-ONE YEARS SERVICE**

Vice Chairman O’Bryan read and presented the Proclamation to Lionel Ogilvie; and  
Director of Utility Services Erik Olson accepted it on his behalf.

**5.C. PRESENTATION OF PROCLAMATION HONORING THE 100<sup>TH</sup> ANNIVERSARY OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA AND RECOGNIZING 2012 AS “THE YEAR OF THE GIRL” IN INDIAN RIVER COUNTY**

Commissioner Davis read and presented the Proclamation to Nicole Rogers, who accepted it on behalf of the Girl Scouts.

**5.D. PRESENTATION BY JEFF LUTHER, INDIAN RIVER COUNTY SHERIFF’S OFFICE; MARTIN ZICKERT, VETERANS COUNCIL OF INDIAN RIVER COUNTY; AND GARY JAMES, AMERICAN SECURITY COUNCIL FOUNDATION ON ASCF VETERAN’S APPRECIATION GOLF FESTIVAL, SATURDAY, MARCH 10<sup>TH</sup>, 2012**

Jeff Luther and Martin Zickert announced that the Veteran’s Appreciation Golf Festival/Tournament was scheduled for Saturday, March 10, 2012, with registration starting at 7:00 a.m., and kick-off at 8:30 a.m., at Grand Harbor. The fundraiser will help the Veteran’s Council purchase vans for transporting veterans.

**5.E. PRESENTATION BY BARBARA HOFFMAN, CHAIRMAN OF BOARD OF DIRECTORS OF INDIAN RIVER COUNTY CULTURAL COUNCIL, ON ECONOMIC IMPACT STUDY OF THE CULTURAL INDUSTRY**

Barbara Hoffman, Chairman of the Board of Directors of Indian River County Cultural Council, gave a presentation (on file) regarding the Cultural Council’s “Economic Impact Study of Indian River County.” The study explores the County’s creative industry and quantifies the impact of the full range of arts and culture activity.



**6. APPROVAL OF MINUTES**

**6.A. MEETING OF JANUARY 10, 2012**

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

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the minutes of the January 10, 2012 meeting, as written.

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

**7.A. 2012 ELECTION OF AGRICULTURE ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the re-election of Bob Adair as Chairman, and Louis Schacht as Vice Chairman of the Agriculture Advisory Committee (AAC) for the year 2012.

**7.B. 2012 ELECTION OF ENVIRONMENTAL CONTROL HEARING BOARD CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the re-election of Cynthia VanDeVoorde Hall as Chairman, and Richard Cahoy as Vice Chairman of the Environmental Control Hearing Board for the year 2012.

**7.C. 2012 ELECTION OF CHAIRMAN AND VICE CHAIRMAN METROPOLITAN  
PLANNING ORGANIZATION TECHNICAL ADVISORY COMMITTEE**

Noted for the record was the re-election of Jason Nunemaker as Chairman and Chris Mora as Vice Chairman of the Metropolitan Planning Organization (MPO) Technical Advisory Committee (TAC) for the year 2012.

**7.D. 2012 ELECTION OF TRANSPORTATION DISADVANTAGED LOCAL  
COORDINATING BOARD VICE CHAIRMAN**

Noted for the record was the re-election of William Lundy Parden as Vice Chairman of the Transportation Disadvantaged Local Coordinating Board (TDLCB) for the year 2012.

**8. CONSENT AGENDA**

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

**8.A. APPROVAL OF WARRANTS AND WIRES – FEBRUARY 10, 2012 TO  
FEBRUARY 16, 2012**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of February 10, 2012 to February 16, 2012, as requested in the memorandum of February 16, 2012.

**8.B. APPROVAL OF WARRANTS AND WIRES – FEBRUARY 17, 2012 TO  
FEBRUARY 23, 2012**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of February 17, 2012 to February 23, 2012, as requested in the memorandum of February 23, 2012.

**8.C. 2012-2013 BUDGET WORKSHOP / HEARING SCHEDULE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the following budget workshop dates and the dates for the budget hearings for the 2012-2013 budgets:

**Budget Workshops:**

Budget Packet distributed to the Board of County Commissioners on Friday, July 13, 2012.

Scheduled Budget Workshops on Wednesday, July 18, 2012 at 9:00 a.m., and Thursday, July 19, 2012 at 9:00 a.m.

**Budget Hearings:**

Public Hearing on **Tentative** budget and proposed millage rates on Wednesday, September 5, 2012 at 5:01 p.m.

**Final** Budget Hearing to adopt budget and millage rates on Wednesday, September 12, 2012 at 5:01 p.m.

**8.D. MISCELLANEOUS BUDGET AMENDMENT 007**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2012-015**, amending the fiscal year 2011-2012 budget.

**8.E. FINAL PAY TO ODYSSEY MANUFACTURING COMPANY FOR BID # 2011034**  
**SOUTH REVERSE OSMOSIS (RO) PLANT CHEMICAL SYSTEM UPGRADE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized payment to Odyssey Manufacturing Company for the final invoice in the amount of \$132,040, for water improvements, as recommended in the memorandum of February 27, 2012.

**8.F. CHANGE ORDER NO. 1, 53<sup>RD</sup> STREET ROADWAY IMPROVEMENTS**  
**(LATERAL H CANAL TO INDIAN RIVER BOULEVARD) IRC PROJECT NO.**  
**0107 – BID NO. 2011011**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 1 to Dickerson Florida, Inc., increasing the contract amount by \$100,853.07, and adding the additional 150 days to the contract time. Then new total contract amount will be \$5,183,811.62, as recommended in the memorandum of February 6, 2012.

**8.G. APPROVAL OF RENEWAL FOR A CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR COASTAL HEALTH SERVICES OF BREVARD INC. TO PROVIDE INTERFACILITY AMBULANCE TRANSPORTATION SERVICES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved renewal of the Class “B” Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard Inc., to be effective for a period of two (2) years from May 4, 2012 to May 4, 2014, as recommended in the memorandum of February 16, 2012.

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

**8.H. F.D.O.T. SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN’S SIGNATURE, RESURFACING OF 27<sup>TH</sup> AVENUE FROM CR606/OSLO ROAD TO SR-60/20<sup>TH</sup> STREET AND INTERSECTION IMPROVEMENTS AT 27<sup>TH</sup> AVENUE AND SW 5<sup>TH</sup> STREET, IRC PROJECT NO. 0391**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2012-016**, authorizing the Chairman’s execution of a Small County Outreach Program Agreement for intersection improvements at 27<sup>th</sup> Avenue and SW 5<sup>th</sup> Street, and resurfacing of 27<sup>th</sup> Avenue from CR-606/Oslo Road to SR-60/20<sup>th</sup> Street.

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

**8.I. ACCEPTANCE OF THE STATE HOMELAND SECURITY GRANT PROGRAM –  
EMERGENCY MANAGEMENT SUBGRANT AGREEMENT 12-DS-20-10-40-  
01-XXX**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Federally Funded State Homeland Security Grant Program (SHSGP) Subgrant Agreement (12-DS-20-10-40-01-XXX), and authorized the Chairman to execute same, as recommended in the memorandum of February 21, 2012.

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

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL  
AGENCIES**

**9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - FOREFEITURE TRUST  
FUND**

Sheriff Deryl Loar announced that it was time to address the Florida Contraband Forfeiture Act, which requires that not less than 15% of fiscal year forfeiture proceeds be expended or donated to support the operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer programs. He requested the Board approve the proceeds to be expended to the local nonprofits as listed on pages 79 and 80 of the Agenda Packet.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to approve the dispersal of \$12,000 from the Law Enforcement Trust Fund to support the following programs and agencies: (1) \$2,000 to the 2-1-1 Palm Beach/Treasure Coast Agency; (2) \$2,500 to support Crime Stoppers of the Treasure Coast; (3) \$1,000 to A Child is Missing; (4) \$1,500 to support the Substances Awareness Council; (5) \$4,000 to the Mental Health Collaborative; and 6) \$1,000 to the Annual Florida Missing Children's Day ceremony, as requested in the letter of February 17, 2012.

Vice Chairman O'Bryan read the agencies that are being supported.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**9.B. LESLIE ROSSWAY SWAN, INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS - CONSOLIDATION OF POLLING LOCATIONS AND PRECINCT BOUNDARY LINES**

Supervisor of Elections Leslie Rossway Swan provided background, and used a PowerPoint presentation (on file), to explain her plan for consolidating polling locations and precincts in the County, based on the October 18, 2011 approval for redistricting the five County Commissioner Districts. She proposed reducing the number of precincts in the County from the current 54 to 36, and stated that once the Congressional and Legislative district boundary lines are approved, she would come before the Board of County Commission to seek final approval of the proposed consolidated precincts. She spoke about the ballot styles for conducting a primary election and the savings to the taxpayer by decreasing the precincts.

Gary Gordon, Supervisor of Elections Manager, displayed a map (on file) of the current 54 precincts in Indian River County, and explained how they would be decreased to 36 precincts.

Ms. Swan requested the Board's authorization to move forward.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously authorized the Supervisor of Elections to move forward with the plan to decrease the number of precincts from 54 to 36, as recommended in the letter dated February 28, 2012.

## **10. PUBLIC ITEMS**

### **10.A. PUBLIC HEARING(S)**

#### **10.A.1. SHADY ACRES SUBDIVISION PETITION WATER SERVICE, 24<sup>TH</sup> AVENUE NORTH OF 10<sup>TH</sup> STREET (LEGISLATIVE)**

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

Jesse Roland, Department of Utility Services Plans Reviewer, requested the Board approve the proposed Resolutions. One affirms the preliminary assessment roll on the properties, and the other accepts the dedication of utility easements in Shady Acres Subdivision.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.



ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) **Resolution 2012-017**, confirming the special assessments in connection with water main expansion to Shady Acres Subdivision in Indian River County, Florida; and providing for special assessment liens to be made of record; and (2) **Resolution 2012-018**, formally accepting the dedication of the 15-foot utility easement along each side of the 30-foot private road (24<sup>th</sup> Avenue) as depicted on the plat of Shady Acres Subdivision, recorded in Plat Book 8, Page 90 of the Public Records of Indian River County, Florida for the purpose of creating a special water assessment.

*The Chairman called for a break at 9:55 a.m., and reconvened the meeting at 10:06 a.m., with all members present.*

**10.A.2. COUNTY INITIATED REQUEST TO AMEND CHAPTER 401 OF THE CODE OF INDIAN RIVER COUNTY TO ADOPT THE 2010 FLORIDA BUILDING CODE AND THE 2010 INDIAN RIVER COUNTY WIND SPEED MAP (LEGISLATIVE)**

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

County Building Official José Guanch, using a PowerPoint presentation (on file), recapped his memorandum, providing history, conditions, and analysis on the 2010 Florida Building Code. He announced that on March 15<sup>th</sup>, 2012, the 2010 Florida Building Code will be officially adopted throughout the State, and to meet the State uniform building code requirement the County must approve the proposed amendments to Chapter 401 of the Indian River County

Code to adopt the 2010 Florida Building Code, the 2010 Building Officials Association of Florida (BOAF) Model Administrative Code, and the revised Wind Speed Map. He requested the Board adopt the proposed ordinance, amending Chapter 401 of the Indian River County Code.

The Chairman opened the Public Hearing.

**Bob Johnson**, Coral Wind Subdivision, sought and received rationale as to why the existing wind speed zones would go from 3 to 2, and what impact the wind speed map changes would have on insurance rates.

Community Development Director Bob Keating detailed the increased wind speed requirements, and believed that houses being built under the new code will withstand higher wind speeds, which could lower insurance rates.

There being no other speakers, the Chairman closed the Public Hearing.

The Board discussed several aspects of the Building Code changes and how they would affect the citizens of Indian River County.

County Attorney Alan S. Polackwich stated that staff's requested changes were only housekeeping measures, and that all of today's arguments had been foreclosed by State law. He reported that the State of Florida Building Commission adopted the code on a State wide basis, and the Board's only role in this process is to create more stringent requirements (not less) than what exists in the State adopted code. He further clarified that State Statute contemplates that the Florida Building Commission adopts the code, and local government enforces it.

Attorney Polackwich redirected the Board's discussion, explaining that the Florida Building Commission has adopted the Code revisions, and it was this Board's responsibility to enforce them.

Director Keating said the Wind Speed Map (page 100 of the Agenda Packet, under Section 401.07) also needs to be changed from 2004 to 2010, and recommended the Board adopt that component.

Commissioner Solari believed it would make a stronger case if the Board does not vote for the changes, allows them to go into effect, then take the issue to our Legislators informing them that they felt pushed against the wall and forced to oppose them.

Attorney Polack informed the Board that the Wind Speed Map could be approved separately.

Administrator Baird stressed that Mr. Guanch is licensed with the State, highly regulated, and required to enforce the codes. He felt the Board would be putting him in an awkward predicament if they did not approve the code amendments. He urged the Board to approve the 2010 Florida Building Code, and go through the professional organizations to lobby for change, or explain in a letter, the desire to discuss this with our Legislators. He also pointed out that if the amendment is not approved, the Ordinance would be confusing to the public because it will continue to read 2004.

Mr. Guanch emphasized that the proposed Wind Speed Map is based on the American Society of Civil Engineers (ASCE) 710, which was adopted under Florida Building Code 2010, so if the map is adopted and not the code, the County will be in conflict with the adopted ASCE standard.

A lengthy discussion ensued regarding the consequences of not adopting the code and/or wind speed map; the maps being based on the current 2010 code; and wind speed contours, requirements, and calculations.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously adopted the revised wind speed map, and authorized staff to move the contour line to I-95.

Vice Chairman O'Bryan wanted to vote down the proposed amendments and send them back to Tallahassee to get their attention.

MOTION was made by Commissioner Flescher, to reject staff's recommendation. Motion DIED for lack of a SECOND.

MOTION was made by Commissioner Solari, to not adopt the 2010 Florida Building Code, and direct staff to send letters to State Representatives and other appropriate offices, stating why it was not adopted. Motion DIED for lack of a SECOND.

Commissioner Davis wanted the adoption postponed indefinitely.

Attorney Polackwich reiterated why the Board needed to approve the 2010 code since it is State law and mandated.

Chairman Wheeler pointed out that whether the Board approves the code or not, it is still mandated, and approving it today would be the same as "rubber stamping" it.

MOTION was made by Vice Chairman O'Bryan to: (1) not adopt the 2010 Florida Building Code; (2) send the minutes to Tallahassee showing the Board voted not to adopt it; and (3) have staff bring this back to the Board on March 13, 2012. Motion DIED for lack of a SECOND.

Deputy County Attorney Bill DeBraal reminded the Board that since this is a public hearing, if the Board requests this be brought back next week, the Board will need to continue the public hearing as well.

**Bob Johnson**, Coral Wind Subdivision, appreciated staff's comments on this issue, but reminded the Board that they were elected to make decisions separate from staff's comments. He urged the Board to vote no, since there is still no decision on the impact of insurance.

A brief discussion ensued regarding this item being brought back to the Board at a later date.

Commissioner Davis requested that the County Attorney obtain clarification on what the ramifications would be if the Board does not approve the 2010 Florida Building Code.

MOTION was made by Commissioner Flescher, SECONDED by Commissioner Davis, to not adopt the 2010 Florida Building Code at this date and time; and to extend the public hearing to a time certain of March 13, 2012.

The Chairman CALLED THE QUESTION and the motion carried unanimously.

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

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1 NOTICE OF SCHEDULED PUBLIC HEARING FOR MARCH 20, 2012: ROY &  
DONNA WOODALL'S REQUEST FOR ABANDONMENT OF A PORTION OF  
133<sup>RD</sup> PLACE LYING BETWEEN LOTS 7 – 12, BLOCK 51 OF THE PLAT OF  
THE TOWN OF WAUREGAN AND THE FLORIDA EAST COAST RAILROAD  
(LEGISLATIVE)**

Attorney Polackwich read the notice into the record.

**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 - NONE**

**12.I. PUBLIC WORKS**

**12.I.1 SOUTH COUNTY REGIONAL PARK INTERGENERATIONAL RECREATION**

**FACILITY SELECTION OF FIRM TO PROVIDE PROFESSIONAL**

**ARCHITECTURAL AND ENGINEERING SERVICES, RFQ No. 2012024 – IRC**

**PROJECT No. 1135**

*(Clerk's Note: This item was heard following Item 14.C.1., and is placed here for continuity.)*

Public Works Director Chris Mora recapped the memorandum dated February 26, 2012, providing description and conditions on the Request for Qualifications (RFQ) for professional architectural and civil/structural engineering services for site planning, design, permitting, and construction of the new Intergenerational Recreation Facility at South County Regional Park (aerial map on file). He explained staff's ranking process of the qualified firms, and recommended the Board authorize staff to begin contract negotiations with their top choice, Borrelli and Partners, Inc. and in the event staff is unable to negotiate successfully, they could move to the committee's second choice, Thomas Architecture and Design, Inc.

A brief discussion ensued regarding the placement of the facility, parking, stormwater retention, future space for recreational facilities, and future interconnectivity between Oslo Road and the four multi-purpose fields (quads).

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to begin contract negotiations with Borrelli and Partners, Inc., and in the event negotiations with said company are unsuccessful, staff would negotiate with the second ranked firm (Thomas Architecture and Design, Inc.), as recommended in the memorandum of February 26, 2012.

**Bob Johnson**, Coral Wind Subdivision, wanted a definition for the terms “inter-generational” and “multipurpose” buildings; asked staff to use one term instead of both; and to have the engineers review the proposed location for endangered birds that once inhabited this location.

Administrator Baird explained that an “inter-generational” facility means that it will be used by elderly, middle-aged, and young people; and the previous term, “multipurpose” carries an association of youth-oriented sports.

The Chairman CALLED THE QUESTION and the motion carried unanimously.

## **12.J. UTILITIES SERVICES**

### **12.J.1. WATER TANK MAINTENANCE PROGRAM ADDITIONAL COST GIFFORD**

Vice Chairman O’Bryan asked if staff would be pursuing the cellular companies for the \$22,200 since they did not move their equipment within the requested time frame.

Attorney Polackwich acknowledged that staff is currently reviewing the situation, and disclosed that the leases with the cellular companies basically say that their equipment will not interfere with the maintenance of the water storage tanks. He revealed that if the facts turn out to



be as suggested in the February 27, 2012 Agenda Memorandum, then there will be a legitimate claim, and his office will pursue it further.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved payment to Utility Service Company, Inc., Perry, GA (USC), in the amount of \$22,200 for work performed on the Gifford tank, as recommended in the memorandum of February 27, 2012.

**12.J.2. AUTHORIZATION TO AWARD ENGINEERING STUDY TO DUNKELBERGER ENGINEERING AND TESTING FOR DETERMINING SOURCE OF WATER SEEPAGE ALONG 8<sup>TH</sup> STREET CANAL IN VICINITY OF WEST REGIONAL WWTF – UCP 4085**

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, the Board unanimously authorized the proposal with Dunkelberger Engineering and Testing, Inc. (DET), in the amount of \$10,800, to evaluate seepage into the 8<sup>th</sup> Street Canal, as recommended in the memorandum of February 29, 2012.

**12.J.3. THE AGREEMENT FOR DELIVERY OF RECLAIMED WATER BETWEEN INDIAN RIVER COUNTY AND INEOS NEW PLANET BIOENERGY LLC**

MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman O'Bryan, to approve the Agreement for the Delivery of Reclaimed Water with INEOS New Planet Bioenergy LLC, for the delivery of

reclaimed water, as recommended in the memorandum of February 6, 2012.

Vice Chairman O'Bryan wanted to know if this was the standard contract for reuse water.

Director of Utility Services Erik Olson conveyed that the agreement is basically identical to past agreements, but it was updated to define the quantity of water required and the ownership of meters.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**12.J.4. RESCIND UTILITY PURCHASE OFFER TO THE CITY OF VERO BEACH AND UTILITY SERVICE OFFER TO INDIAN RIVER SHORES**

MOTION was made by Commissioner Solari, SECONDED by Vice Chairman O'Bryan, to authorize the County to: (1) formally withdraw its offer to purchase/acquire the City of Vero Beach utility system; (2) withdraw its offer to serve the Town of Indian River Shores utilities through a Franchise Agreement; and (3) formally withdraw its offer to construct reuse lines down A1A south of CR 510 to Winter Beach Road, as recommended in the memorandum of February 27, 2012.

Commissioner Solari recognized staff for a job well done with the process to rescind the utility purchase offer to the City of Vero Beach (City) and utility service offer to the Town of

Indian River Shores (Town), the Franchise Agreement for the Town, and for always putting the interests of the County's citizens first.

Commissioner Davis wanted to know if the City officially approved their agreement with the Town.

Commissioner Solari conveyed that at this time there has been no final agreement to go before either the Town Council or the City Council.

Director Olson relayed background and details regarding the last meeting with the City and Town.

The Board discussed the commitment to the residents of Indian River Shores to ensure that the City follows through with the agreement; rescinding the utility purchase offer to the City and the utility service offer to the Town; and the options that could unilaterally be used against the County.

Commissioner Davis opposed removing the County's part in a three-party discussion.

The Chairman CALLED THE QUESTION, by a 4-1 vote  
(Commissioner Davis opposed), the Motion carried.

### **13. COUNTY ATTORNEY MATTERS - NONE**

### **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**

**ADDITION: ITEM 14.C.1. SIGNAGE FOR INDIAN RIVER COUNTY AGRICULTURAL  
PAVILION**

*(Clerk's Note: This item was heard following Item 10.C.1, and is placed here for continuity.)*

Commissioner Davis conveyed that Calvin Reams, Agency Manager of the Indian River County Farm Bureau, had requested permission to replace the damaged sign atop the Agricultural Pavilion at the Indian River County Fairgrounds, with a new one (photo on page 168 of the Agenda Packet); and he wanted it installed before the Indian River County Firefighter's Fair, which begins on March 9, 2012.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman O'Bryan, the Board unanimously approved the replacement of the sign atop the Agricultural Pavilion in the Indian River County Fairgrounds, by the Indian River County Farm Bureau, as requested in the memorandum of March 5, 2012.

**14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE**

**14.E. COMMISSIONER BOB SOLARI - NONE**

**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**

There being no further business, the Chairman declared the meeting adjourned at 11:25 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton,  
Clerk of Circuit Court and Comptroller

\_\_\_\_\_  
Gary C. Wheeler, Chairman

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

BCC/LA/2012 Minutes