

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

APRIL 3, 2012

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS-NONE.....	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
5.A.	PRESENTATION OF PROCLAMATION HONORING SEBASTIAN RIVER HIGH SCHOOL SHARKS GIRLS BASKETBALL – 2012 FHSAA CLASS 7A STATE CHAMPIONS	2
5.B.	PRESENTATION OF PROCLAMATION RECOGNIZING CLEMENS BRUNS SCHAUB FOR OUTSTANDING ACCOMPLISHMENT	2
5.C.	PRESENTATION OF PROCLAMATION HONORING SPRINGHILL SUITES AS THE MARRIOTT INTERNATIONAL 2011 HOTEL OF THE YEAR	3
5.D.	PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL 2012, AS CHILD ABUSE PREVENTION MONTH	3
6.	APPROVAL OF MINUTES	3

6.A.	REGULAR MEETING OF FEBRUARY 7, 2012.....	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	4
7.A.	RECOGNITION OF SUNNY AWARD FROM THE EDITORS OF SUNSHINE REVIEW HONORING INDIAN RIVER COUNTY FOR THE COUNTY’S WEBSITE SCORING AN “A” TRANSPARENCY GRADE OBTAINED BY ONLY 214 OF MORE THAN 6,000 WEBSITES RANKED	4
7.B.	RESPONSE FROM FLORIDA DEPARTMENT OF TRANSPORTATION TO MARCH 16, 2012 LETTER REQUESTING TIME EXTENSION FOR THE EXISTING GRANTS FOR 66 TH AVENUE PROJECT FROM SR-60 TO 41 ST STREET	4
8.	CONSENT AGENDA	5
8.A.	APPROVAL OF WARRANTS AND WIRES – MARCH 9, 2012 – MARCH 15, 2012.....	5
8.B.	APPROVAL OF WARRANTS AND WIRES – MARCH 16, 2012 – MARCH 22, 2012.....	5
8.C.	INDIAN RIVER COUNTY APPOINTMENTS TO THE ECONOMIC OPPORTUNITIES COUNCIL (EOC).....	5
8.D.	RESOLUTION CANCELLING TAXES ON PROPERTY DONATED FOR EMERGENCY SERVICES	6
8.E.	RECOGNITION AND RETIREMENT AWARD HONORING LYNN WALSH ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS LIBRARY SERVICES FOR TWENTY FIVE YEARS SERVICE	6
8.F.	RECOGNITION AND RETIREMENT AWARD HONORING ARTHUR W. MAYER ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES PARKS DIVISION FOR TWENTY ONE YEARS SERVICE.....	7
8.G.	RECOGNITION AND RETIREMENT AWARD HONORING ROBERT L. BASCOMBE ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES PARKS DIVISION FOR FIFTEEN YEARS SERVICE.....	7
8.H.	AUTHORIZATION TO DECLARE TENT SURPLUS AND TRANSFER TO THE INDIAN RIVER COUNTY SHERIFF’S DEPARTMENT	7
8.I.	MEDIATED SETTLEMENT: WILLIAM KEEN	8
8.J.	MISCELLANEOUS BUDGET AMENDMENT 009.....	8

8.K.	AWARD OF BID NO: 2012032, 66 TH AVENUE ROADWAY IMPROVEMENTS – PHASE 2 (4 TH STREET TO 16 TH STREET) IRC PROJECT NO. 9810B.....	8
8.L.	WORK ORDER NO. 1 WITH DUNKELBERGER ENGINEERING AND TESTING, INC., 66 TH AVENUE ROADWAY IMPROVEMENTS – PHASE 2 (4 TH STREET TO 16 TH STREET) IRC PROJECT NO. 9810B	9
8.M.	APPROVAL OF AMENDMENT #1 TO JMC AGREEMENT FOR CUSTODIAL SERVICES.....	9
8.N.	REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)	10
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	10
10.	PUBLIC ITEMS.....	11
10.A.	PUBLIC HEARING.....	11
10.A.1.	REQUEST FOR AUTHORIZATION TO SUBMIT AN FY 2012 GRANT APPLICATION FOR 49 USC CH. 53, SECTION 5307 MASS TRANSIT CAPITAL AND OPERATING ASSISTANCE	11
10.B.	PUBLIC DISCUSSION ITEMS.....	12
10.B.1.	REQUEST TO SPEAK FROM JOEL MOLINARI REGARDING BUILDING PERMIT FEES AND CONTRACTOR LICENSING/UNLICENSED CONTRACTING	12
10.B.2.	REQUEST TO SPEAK FROM MANUEL VIEIRA REGARDING REQUEST FOR TIME TO MAKE REPAIRS ON HOME UNDER DEMOLITION ORDER	12
10.B.3.	REQUEST TO SPEAK FROM DAVID W. WALLACE, CD&M ASSOCIATES, LLC, REGARDING CRYSTAL FALLS DEMOLITION LOT 72 AND 73.....	15
10.B.4.	REQUEST TO SPEAK FROM STEPHANIE AUSTIN, COALITION FOR HEALTH AGAINST SMART METERS.....	15
10.C.	PUBLIC NOTICE ITEMS - NONE	20
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	20
12.	DEPARTMENTAL MATTERS	20
12.A.	COMMUNITY DEVELOPMENT - NONE.....	20
12.B.	EMERGENCY SERVICES - NONE.....	20

12.C.	GENERAL SERVICES - NONE	20
12.D.	HUMAN RESOURCES - NONE	20
12.E.	HUMAN SERVICES - NONE	20
12.F.	LEISURE SERVICES - NONE	20
12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	20
12.G.1.	PROPERTY / CASUALTY INSURANCE 2012-13	20
12.H.	RECREATION - NONE.....	21
12.I.	PUBLIC WORKS - NONE.....	21
12.J.	UTILITIES SERVICES.....	21
12.J.1.	APPROVAL OF SEBASTIAN MASTER PLANNED SANITARY SEWER SYSTEM EXPANSION TO CENTRAL AVENUE AND DAVIS STREET.....	21
13.	COUNTY ATTORNEY MATTERS.....	23
13.A.	DEMOLITION LIENS.....	23
13.B.	REQUEST FOR LEASE EXTENSION FROM MWI CORPORATION.....	24
13.C.	CITY OF FELLSMERE FIRE HYDRANTS	25
14.	COMMISSIONER ITEMS.....	27
14.A.	COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE	27
14.B.	COMMISSIONER PETER D. O'BRYAN, VICE CHAIRMAN - NONE	27
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	27
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	27
14.E.	COMMISSIONER BOB SOLARI.....	27
14.E.1.	FLORIDA BUILDING CODE	27
15.	SPECIAL DISTRICTS AND BOARDS	27
15.A.	EMERGENCY SERVICES DISTRICT - NONE	27
15.B.	SOLID WASTE DISPOSAL DISTRICT	27
15.B.1.	ELECTRICAL POWER LINE RELOCATION AGREEMENT & UNDERGROUND EASEMENT TO FLORIDA POWER & LIGHT.....	28
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	28
16.	ADJOURNMENT.....	28

JEFFREY K. BARTON

Clerk to the Board



April 3, 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, April 3, 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 Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Officer Teddy Floyd, Indian River County Sheriff's Office, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Flescher led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY
ITEMS-NONE**

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION HONORING SEBASTIAN RIVER HIGH
SCHOOL SHARKS GIRLS BASKETBALL – 2012 FHSAA CLASS 7A STATE
CHAMPIONS**

Commissioner Flescher read and presented the Proclamation to members of the Sebastian River High School Sharks Basketball Team, and coaches Michael Stutzke, Terri Amy, Chris Jefferson, and Mia Johnson.

**5.B. PRESENTATION OF PROCLAMATION RECOGNIZING CLEMENS BRUNS
SCHAUB FOR OUTSTANDING ACCOMPLISHMENT**

Commissioner Davis read and presented the Proclamation to Clemens Bruns Schaub, AIA, Principal Architect; Christine Pokorney, Senior Design Associate; and Kathleen Yance, Architectural Team, of Clemens Bruns Schaub, AIA. Greg Burke, Architect, Board member of Florida Association of Architects, and President, Treasure Coast Chapter of the American Institution of Architects discussed some of the company's projects, achievements, and awards.

**5.C. PRESENTATION OF PROCLAMATION HONORING SPRINGHILL SUITES AS
THE MARRIOTT INTERNATIONAL 2011 HOTEL OF THE YEAR**

Vice Chairman O'Bryan read and presented the Proclamation to Amy Selby, Director of Sales, and Brenda Celano, Manager, of Springhill Suites by Marriott in Vero Beach.

**5.D. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL
2012, AS CHILD ABUSE PREVENTION MONTH**

Commissioner Solari read and presented the Proclamation to Michelle King, Director of Development; Dee Shelton, Development Specialist; Marta Schneider, Board Chair of Indian River Division; and Board members Amy Brunjes and Jeff Luther of the Children's Home Society of Florida.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF FEBRUARY 7, 2012

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 Flescher, the Board unanimously approved the minutes of the February 7, 2012 meeting, as written.

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

**7.A. RECOGNITION OF SUNNY AWARD FROM THE EDITORS OF SUNSHINE
REVIEW HONORING INDIAN RIVER COUNTY FOR THE COUNTY'S WEBSITE
SCORING AN "A" TRANSPARENCY GRADE OBTAINED BY ONLY 214 OF
MORE THAN 6,000 WEBSITES RANKED**

Noted for the record was the County's receipt of the Sunny Award acknowledging Indian River County's website as being one of the most transparent government websites in America.

**7.B. RESPONSE FROM FLORIDA DEPARTMENT OF TRANSPORTATION TO
MARCH 16, 2012 LETTER REQUESTING TIME EXTENSION FOR THE
EXISTING GRANTS FOR 66TH AVENUE PROJECT FROM SR-60 TO 41ST
STREET**

Noted for the record was the letter from Stacy Miller Novello, Florida Department of Transportation, advising that should the County be unable to execute the Transportation Regional Incentive Grant (TRIP) Agreement by June 30th, the 66th Avenue Project would be removed from the Adopted Work Program.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS AND WIRES – MARCH 9, 2012 – MARCH 15, 2012

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of March 9, 2012 to March 15, 2012, as requested in the memorandum of March 15, 2012.

8.B. APPROVAL OF WARRANTS AND WIRES – MARCH 16, 2012 – MARCH 22, 2012

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of March 16, 2012 to March 22, 2012, as requested in the memorandum of March 22, 2012.

8.C. INDIAN RIVER COUNTY APPOINTMENTS TO THE ECONOMIC OPPORTUNITIES COUNCIL (EOC)

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved the appointments of Ms. Anjani Cirillo, Ms. Jacqueline Warrior, Mr. Reuben Lane, and Ms. Linda McConkey to

the Economic Opportunities Council of Indian River County, Inc. (EOC), as the elected officials' designees for a one-year term, as requested in the memorandum of March 26, 2012.

8.D. RESOLUTION CANCELLING TAXES ON PROPERTY DONATED FOR EMERGENCY SERVICES

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-028**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Vero Beach Jaycees, Inc. for emergency services)

8.E. RECOGNITION AND RETIREMENT AWARD HONORING LYNN WALSH ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS LIBRARY SERVICES FOR TWENTY FIVE YEARS SERVICE

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board approved the Retirement Award honoring Lynn Walsh on her retirement from Indian River County Board of County Commissioners Library Services (North County Library).

**8.F. RECOGNITION AND RETIREMENT AWARD HONORING ARTHUR W. MAYER
ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS DEPARTMENT OF GENERAL SERVICES PARKS DIVISION
FOR TWENTY ONE YEARS SERVICE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved the Retirement Award honoring Arthur W. Mayer on his retirement from Indian River County Board of County Commissioners Department of General Services Parks Division.

**8.G. RECOGNITION AND RETIREMENT AWARD HONORING ROBERT L.
BASCOMBE ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF
COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES PARKS
DIVISION FOR FIFTEEN YEARS SERVICE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved the Retirement Award honoring Robert L. Bascombe on his retirement from Indian River County Board of County Commissioners Department of General Services Parks Division.

**8.H. AUTHORIZATION TO DECLARE TENT SURPLUS AND TRANSFER TO THE
INDIAN RIVER COUNTY SHERIFF'S DEPARTMENT**

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously: (1)

declared the Parks Division's 40' x 80' tent surplus; and
(2) approved to give the subject tent to the Indian River
County Sheriff's Department, as recommended in the
memorandum of March 19, 2012.

8.I. MEDIATED SETTLEMENT: WILLIAM KEEN

ON MOTION by Commissioner Flescher, SECONDED
by Chairman Wheeler, the Board unanimously approved
the mediated settlement with William Keen, a Sheriff's
Office Corrections Deputy, of \$67,500.00 including
\$10,875.00 in attorney's fees, as recommended in the
memorandum of March 27, 2012.

8.J. MISCELLANEOUS BUDGET AMENDMENT 009

ON MOTION by Commissioner Flescher, SECONDED
by Chairman Wheeler, the Board unanimously approved
Resolution 2012-025 amending the fiscal year 2011-2012
budget.

**8.K. AWARD OF BID NO: 2012032, 66TH AVENUE ROADWAY IMPROVEMENTS –
PHASE 2 (4TH STREET TO 16TH STREET) IRC PROJECT NO. 9810B**

ON MOTION by Commissioner Flescher, SECONDED
by Chairman Wheeler, the Board unanimously: (1)
approved that the project be awarded to Guettler Brothers
Construction, LLC in the amount of \$7,498,095.00; and
(2) authorized the Chairman to execute the Agreement

with Guettler Brothers Construction, LLC, as recommended in the memorandum of March 22, 2012.

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

8.L. WORK ORDER NO. 1 WITH DUNKELBERGER ENGINEERING AND TESTING, INC., 66TH AVENUE ROADWAY IMPROVEMENTS – PHASE 2 (4TH STREET TO 16TH STREET) IRC PROJECT NO. 9810B

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute Work Order No. 1 to Dunkelberger Engineering and Testing, Inc., authorizing the professional services outlined in the Scope of Services (Exhibit A), for a not-to-exceed amount of \$85,497.00, as recommended in the memorandum of March 22, 2012.

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

8.M. APPROVAL OF AMENDMENT #1 TO JMC AGREEMENT FOR CUSTODIAL SERVICES

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously accepted and authorized the Chairman to execute Amendment No. 1 with JMC Services, Inc., of Winter Park, Florida, for additional custodial services in the Sheriff's Human Resources Modular Building & Work Force Solutions

office, as recommended in the memorandum of March 22, 2012.

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

8.N. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-026**, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.

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

10.A.1. REQUEST FOR AUTHORIZATION TO SUBMIT AN FY 2012 GRANT

APPLICATION FOR 49 USC CH. 53, SECTION 5307 MASS TRANSIT

CAPITAL AND OPERATING ASSISTANCE

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

Phil Matson, Metropolitan Planning Organization (MPO) Staff Director, presented the Senior Resource Association's (SRA) request for the County to apply for the U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) Section 5307 funds. He explained that as an urbanized area with a population below 200,000, the County qualifies for the funds, which are used to sustain and expand the County's GoLine and Community Coach transit systems. He thereafter requested that the Board approve the Resolution authorizing staff to file the 2012 grant application for mass transit capital and operating assistance.

The Chairman opened the Public Hearing. There were no speakers and the Chairman closed the Public Hearing.

ON MOTION by Commissioner Flescher, SECONDED
by Commissioner Davis, the Board unanimously approved
Resolution 2012-027, authorizing the filing of a FY 2012
Grant Application for 49 USC Ch. 53, Section 5307 Mass
Transit Capital and Operating Assistance.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM JOEL MOLINARI REGARDING BUILDING

PERMIT FEES AND CONTRACTOR LICENSING/UNLICENSED CONTRACTING

Mr. Molinari was absent.

**10.B.2. REQUEST TO SPEAK FROM MANUEL VIEIRA REGARDING REQUEST FOR
TIME TO MAKE REPAIRS ON HOME UNDER DEMOLITION ORDER**

Manuel Vieira, 585 Reef Road, requested the Board suspend the demolition (approved at the February 14, 2012 Commission meeting) on two homes located at 6645 46th and 6655 46th Drive (Lots 72 and 73) in the Crystal Falls subdivision. He stated that he and his business partner, David Wallace, CD&M Associates, LLC, are ready to finish construction of the homes.

Community Development Director Bob Keating provided a brief history of the subject properties. He stated that they had been started and abandoned, the neighbors were distressed that they have remained in this condition for so long, and the property owners have had a significant amount of time to initiate construction.

Building Official José Guanch noted that construction has been abandoned for about five years and the owners have already been granted two extensions. He displayed photos as he outlined the history and condition of the properties, and relayed the consensus of the Crystal Falls Property Owners Association (POA) that the properties are unsightly and a safety hazard.

Chairman Wheeler asked Mr. Vieira to provide sufficient justification for the Board to halt the demolition.

Mr. Vieira replied that he would like to finish the houses, he felt there were no safety concerns, and he could apply for a building permit within the next few days.

David W. Wallace, 127 Keystone Drive, felt that a 30-day extension would provide Mr. Vieira and him with the necessary time to work on the two homes. He noted that builder Eli Baron had expressed interest in finishing the properties.

Discussion arose about the possibility of Mr. Baron constructing the homes. Mr. Guanch revealed that Mr. Baron had not expressed commitment to the project.

Becky Moon, Secretary of the Crystal Falls Property Owner's Association (POA), advised that the POA had not received any plans from Messrs. Vieira and Wallace, and asked the Board to proceed with the demolition of the properties.

Jim Sanford provided his analysis that building out the two structures would generate a capital loss for the builder/s. He also mentioned that the buildings had received an exemption to have less square footage than the other properties, and was uncertain whether this allowance would remain with the property since the permits have expired.

Jay Allen, Chairman, Architectural Control Committee (ACC), explained that the exception in the square footage had been granted by the original developer, MGB, and when the POA took over, they decided to allow the variance if construction of the two homes proceeded. He said that the current owners were initially eager to build; however, after three years, no plans have been received by the ACC, and the POA must send violation letters to get the lawn mowed.

Leona Allen, former Secretary of the Crystal Falls POA (2005 – January 2012) provided a description of the subject properties, followed by a chronological history of actions taken by the County Building Department, the POA, and the homeowners to get the owners to finish constructing the partially built structures. She stressed that the homeowners are upset by the unsightliness, concerned about potential loss of home sales, feel they have waited long enough for the structures to be built out, and believe the structures are now unsafe to build upon. She

urged the Board to stand by their February 14, 2012 Motion approving demolition of the structures.

Mr. Vieira asked the Board to give Mr. Wallace and him thirty days to take care of the property. He also refuted that the property was dangerous.

Chairman Wheeler stated that the owners have had ample time to correct the issues with the property, and saw no reason to give them additional time.

Vice Chairman O'Bryan stated there was no concrete evidence indicating improvements would commence on the properties; thus, he could not support an extension.

MOTION WAS MADE by Vice Chairman O'Bryan,
SECONDED by Commissioner Flescher, to deny Manual
Vieira's request.

Mr. Vieira and **Mr. Wallace** urged the Board to grant them the time to rebuild the structures.

Vice Chairman O'Bryan and Commissioner Flescher provided further reasons for their support of the demolition of the structures.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board denied Manual Vieira's request for a time extension to make repairs on two structures located at 6645 46th Drive, and 6655 46th Drive (Lots 72 and 73), and approved to move forward with the demolition of the subject structures.

10.B.3. REQUEST TO SPEAK FROM DAVID W. WALLACE, CD&M ASSOCIATES, LLC, REGARDING CRYSTAL FALLS DEMOLITION LOT 72 AND 73

This item was heard in conjunction with Item 10.B.2.

The Chairman called a recess at 10:10 a.m., and reconvened the meeting at 10:24 a.m., with all members present.

10.B.4. REQUEST TO SPEAK FROM STEPHANIE AUSTIN, COALITION FOR HEALTH AGAINST SMART METERS

Stephanie Austin, 6250 Arrowhead Lane, Coalition For Health Against Smart Meters, read a statement opposing Florida Power and Light's (FPL) program known as Smart Meter Advanced Metering Infrastructure (AMI) deployment. She stated that the meters would be emitting/receiving doses of non-thermal radiation, and was concerned about the impacts on human health. She wanted to see FPL implement a fair opt out program that would not have a punitive start up or monthly fee; not allow large banks of smart meters on condominium or apartment walls; not be a one-time only mandate; and would allow entire communities to opt out and retain their analog meters. She thanked the Commissioners for their support at the February 14, 2012 County Commission meeting of a smart meter opt out provision, and asked them to approve a Resolution opposing forced smart meter deployment.

Val (inaudible surname), observed that the human body cannot handle the ever increasing onslaught of electromagnetic fields. She beseeched the Board to inform themselves about the health effects of smart meters on the human body.

Suzanne Eovaldi, St. Lucie West, asserted that the Public Instruction Act portion of U.S. Energy Policy Act of 2005 is not being followed by FPL, as some customers are unaware of the smart meter installations. She declared that the smart meters are an invasion of privacy and a health concern.

Bill (inaudible surname), Sebastian, outlined concerns about violations of personal privacy, loss of meter reader jobs, detrimental health impacts, and potential peak hour rate increases. He urged the Board to protect the County's citizens.

Phyllis Frey, 275 Date Palm Road, considered the installation of the smart meters to be a violation of individual freedom. She was concerned about FPL controlling residents' energy usage and imposing tariffs on peak use hours. She implored the Commissioners to seek a mechanism for citizens to opt out of the smart meter mandate without penalty.

John Moler, St. Lucie West, maintained that smart meters are a violation of citizens' rights to privacy within the home. He supported the development of a penalty-free opt-out policy.

Janet Campbell, 188 Moccasin Trail, Jupiter, cited health and privacy issues in her statement opposing the smart meters. She advised the Board to take this matter seriously.

Robert (surname inaudible), St. Lucie County, cited concerns about health issues, safety (including fire hazards), and invasions of privacy to support his request for a permanent opt out policy from the smart meters.

Bea Gardner, Indian River County, requested that the Commission enact a Resolution that would allow people to opt out of the smart meter program. She also wanted to see what could be done to inform the public that they can have a smart meter removed if it has been installed without their knowledge.

Matthew Rensen, Port St. Lucie, was concerned about FPL dictating the maximum amount of energy that can be used by a household, and feared price spikes and pricing tiers where people pay more for higher energy usage. He also objected to having in the home, the new appliances that have the technology to communicate with the smart meters.

Chairman Wheeler asked Attorney Polackwich to clarify whether the Board has any legal authority to address the residents' concerns.

Attorney Polackwich explained that the Board has no authority to override the Public Service Commission (PSC), which through the Florida Statutes, has exclusive jurisdiction over this matter. He stated that the Board can only express its concerns and ask for consideration from the PSC, the Florida Legislature, or FPL.

Lisa (surname inaudible), Port St Lucie, spoke about a rapid and severe deterioration of health she had experienced after her neighbor's smart meter was installed. She stressed that it is a health risk, told of other communities where the smart meters were being removed, and urged the Board to find a way for citizens to opt out.

Susan Keiffer, Sebastian, was concerned about the effects of radiation, especially on children. She cited some studies showing that the waves emanating from the smart meters destroy the molecular structure of water, which our bodies are primarily composed of. She advised that Californians who requested smart meter removal had ended up being charged a removal fee and a monthly tax, and said she would email the Commissioners a link to some pertinent websites.

Gerrick Busl, Port St. Lucie, urged the Board to draft a Resolution suggesting that FPL allow a permanent opt out from the smart meters. His primary concerns centered on privacy, and FPL's monopoly.

Mary Burton, Ft. Pierce, voiced concerns about power bills tripling after the installation of the smart meters and about the health impacts. She asked the Board if they could bring another power company into the community and provide citizens with a choice.

Chairman Wheeler asked whether the County could legally start its own power company.

Attorney Polackwich responded that the County could not do so without revising or breaching its exclusive long-term franchise with FPL.

Jodi Pacicca, 735 Broadway St., Vero Beach, stated that some fires have been caused by smart meters and the insurance companies have refused to cover the damages.

Barbara (surname inaudible), Port St. Lucie, asserted that the smart meters were a surveillance tactic.

Commissioner Davis did not foresee a problem with developing some type of non-punitive opt out for those who do not want the smart meters.

Chairman Wheeler stressed that electric customers should have a choice about the smart meters. He advocated that the Board draft a Resolution to the Public Service Commission urging them to provide an opt out provision to the smart meter program.

MOTION WAS MADE by Commissioner Davis, SECONDED by Chairman Wheeler, to direct staff to draft a Resolution to the Florida Public Service Commission (FPSC) requesting that Florida Power & Light's (FPL's) electric utility customers be provided with the choice to permanently opt out of the Smart Meter program.

Amy Brunjes, Treasure Coast External Affairs Manager for Florida Power and Light (FP&L), reported that FPL is permitting people to temporarily opt out of the smart meter installations until the current deployment concludes in 2013. She emphasized that FPL is taking customers' concerns seriously, and exploring the health issues and other concerns brought to their attention.

Vice Chairman O'Bryan advocated for an opt out policy without any type of penalty, in order to give people a comfort level that they would not be forced into smart meter usage in the future.

Ms. Brunjes requested that the Board allow FPL the time to develop a policy addressing the needs of the entire service area.

(Clerk's Note: Commissioner Davis left at 11:50 a.m. to attend another commitment and returned at 1:30 p.m.)

Commissioner Flescher attested to his positive experience with a smart meter installation. He did not believe the device was capable of surveillance in the home, and believed that the best approach was to keep an open dialogue with FPL.

Commissioner Solari advocated preserving some aspects of private life and choices for citizens. He supported the proposed Resolution providing for a permanent opt out from smart meter installation.

The Chairman CALLED THE QUESTION, and by a 4-0 vote (Commissioner Davis absent), the Motion carried. The Board directed staff to draft a Resolution to the Florida Public Service Commission (FPSC) requesting that Florida Power & Light's (FPL's) electric utility customers be provided with the choice to permanently opt out of the Smart Meter program.

(Clerk's Note: The Chairman called a recess at 11:59 a.m. The meeting was reconvened and chaired by Vice Chairman O'Bryan at 1:30 p.m., with all members present (Commissioner Davis returned at 1:30 p.m.), except for Chairman Wheeler, who was absent for the afternoon session.)

10.C. PUBLIC NOTICE 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

12.G.1. PROPERTY / CASUALTY INSURANCE 2012-13

Management and Budget Director Jason Brown stated that Arthur J. Gallagher Risk Management Services, Inc. (AJG) was selected last year as the insurance broker for a five-year period, and that a new program is presented annually to the County. He reported that this year's total coverage has increased from approximately \$1.4 (last year) to \$1.7 million; however, the County will reap a savings of \$375,000 through staff's recommendation to reduce this year's wind storm coverage from \$50 million to \$25 million. He pointed out that the financial data on

page 95 of the agenda packet is missing the cost for Terrorism – Property and Terrorism – Liability coverage, and that the total premium for excess coverage is \$1,771,904.

Discussion followed regarding the increased durability of the new structures and fire stations built by the County since the 2004-2005 storms.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler absent), the Board approved: (1) the renewal of the County's property/casualty insurance with Arthur J. Gallagher Risk Management Services, Inc. (AJG), with excess property insurance limits of \$25 million for named storms and \$150 million for other property losses; and (2) authorized staff to bind coverage for May 1, 2012 through April 30, 2013 with a current annual premium of \$1,771,904 based upon the current schedule of values and coverage selections, as recommended in the memorandum of March 27, 2012.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

12.J.1. APPROVAL OF SEBASTIAN MASTER PLANNED SANITARY SEWER SYSTEM EXPANSION TO CENTRAL AVENUE AND DAVIS STREET

Director of Utility Services Erik Olson provided background and analysis regarding the County's master plan for sanitary sewer expansion within the City of Sebastian. He revealed

that the lack of sewer in certain areas has hindered commercial development. He thereafter outlined the County's goals and objectives for the provision of sewer service into priority areas in the north county, such as the commercial area of Central Avenue and Davis Street which is currently under consideration.

Vice Chairman O'Bryan wondered why the City Council of Sebastian had asked the Board to eliminate all impact fees, yet they were requesting that the County subsidize the sewer expansion project, which is funded from capital funds generated from impact revenues.

Al Minner, Sebastian City Manager, replied that he could not speak for the entire City Council. He stressed that the overall issue was one of economic development, and getting the infrastructure would enhance development, thus helping both municipalities by generating property tax revenues. He also revealed that the City would be absorbing the costs for fixing up the roads subsequent to the placement of the infrastructure.

Commissioner Solari confirmed with Director Olson that using fees on this project would not jeopardize any other necessary capital project. He observed that needed infrastructure improvements should be made, if the money is available.

Commissioner Davis relayed that the Sebastian Economic Development Committee had suggested that an expanded sewer system would make it easier for individuals to initiate or grow a business.

Commissioner Flescher stated he would support this item for the health, safety, and welfare of the citizens of the north County.

Vice Chairman O'Bryan thought it would be short sighted to eliminate impact fees, as they provide funding for these types of projects.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler absent), the Board approved: (1) the Sebastian Master Planned Sanitary Sewer System Expansion to Central Avenue and Davis Street Project in the amount of \$402,500.00; (2) found that the project is needed to accommodate new growth in the County; (3) found that new growth will proportionately benefit from the project; and (4) authorized staff to proceed with design, permitting, bidding and construction project management of the project, as recommended in the memorandum of March 22, 2012.

13. COUNTY ATTORNEY MATTERS

13.A. DEMOLITION LIENS

Deputy County Attorney William DeBraal provided background on two demolitions that have been completed on dilapidated structures located at 4730 40th Avenue (formerly Gifford Gardens), and 9250 E. Marsh Island Drive. He noted that the Marsh Island Property Owners Association has contributed half the demolition cost for the Marsh Island Drive structure and proffered staff's recommendation for the Board to assess the liens in the amounts of \$85,996.74 and \$19,749.68 for the 40th Avenue and Marsh Island Drive structures, respectively.

No person of interest appeared to contest the lien amounts.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler absent), the Board approved the lien amounts of \$19,749.68 on property at 9250 E. Marsh Island Drive, owned by Paul Wayne and Shannon Yu-Hang Shoquist;

and \$85,996.74 on property located at 4730 40th Avenue, owned by MNMB, LLC (and A TO Z HOME MANAGEMENT, LLC), and authorized the Chairman to execute the liens for recordation in the public records, as recommended in the memorandum of March 20, 2012.

Attorney Polackwich related that the old Gifford Gardens property is in the process of being foreclosed on.

Commissioner Davis suggested that the County participate if a sale ensues on the property.

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

13.B. REQUEST FOR LEASE EXTENSION FROM MWI CORPORATION

Attorney DeBraal provided background and analysis on the request of Moving Waters, Incorporated (MWI), to extend their lease agreement for a 20-acre site located at 7775 9th Street SW, purchased from MWI by the County for a possible landfill expansion. He relayed that on August 16, 2011 the Board had approved a five-year lease extension with flexibility and had indicated a willingness to extend the term for longer if MWI develops a definite plan to expand its facility. He revealed that subsequent to that time, MWI has expressed interest in purchasing an additional 10 acres (of the 20 acres) for expansion, and staff recommends the Board approve the proposed lease extension until June 30, 2012, in order to continue negotiations between the County and MWI.

Dana Eller, President, MWI, 201 North Federal Highway, Deerfield Beach, provided an overview of MWI's long-term plans for expansion of their pump manufacturing/repair business, and invited questions from the Board.

Vice Chairman O'Bryan wondered whether MWI and the County would have sufficient time to complete negotiations by June 30, 2012.

Commissioner Flescher suggested that the expiration date be changed to September 30, 2012.

Commissioner Davis wanted to accommodate MWI's needs, but felt the County might not want to tie up property so close to the landfill. He preferred exploring a long-term lease that will work for MWI versus a purchase.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board approved and authorized the Chairman to execute the Agreement for Lease Extension, amending the expiration date from June 30, 2012 to September 30, 2012, between Indian River County Solid Waste Disposal District and Moving Waters Incorporated (MWI Corporation).

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

13.C. CITY OF FELLSMERE FIRE HYDRANTS

County Attorney Alan S. Polackwich, Sr., provided background on the County's challenge to the City of Fellsmere's annual fire protection charge to the County of \$225 per hydrant. He stated that subsequent to a court decision to uphold the charge, he entered into negotiations with Fellsmere's City Manager, Jason Nunemaker, to find a way to reduce costs for County taxpayers. He advised that in the proposed agreement, the County would absorb Fellsmere's hydrants into the County's hydrant maintenance program, for approximately \$60 per hydrant for maintenance, plus \$51 per hydrant for Fellsmere's replacement and water capacity

expenses, reducing the overall cost per hydrant from \$225 to approximately \$111 per hydrant. He noted that if the Board approves the proposal in concept, Mr. Nunemaker will seek approval from the City Council, after which the Board will be provided with a draft agreement for consideration.

Commissioner Davis asked if it would be possible to have a similar arrangement with the City of Vero Beach.

Attorney Polackwich explained why it was not feasible at this time.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler absent), the Board approved in concept the following proposal:

- (1) The County Utilities Department will take over the maintenance, inspection, and repair of Fellsmere's fire hydrants, effectively absorbing Fellsmere's 117 hydrants in the County's existing program for its own 4112 hydrants, with the estimated cost of serving Fellsmere's hydrants \$60 per hydrant to be billed to the Emergency Services Department each year;
- (2) Fellsmere will retain ownership and responsibility for replacement of its hydrants;
- (3) Emergency Services Department (ESD) will pay Fellsmere \$51 per hydrant per year for Fellsmere's cost of replacing hydrants and of operating and maintaining the capacity in its water system needed to supply the hydrants; and
- (4) The arrangement will be set forth in a written interlocal agreement between the City of Fellsmere and

the County, to become effective at the start of the next fiscal year (October 1, 2012), if conceptually approved by the Board and the Fellsmere City Council, all as stated and recommended in the memorandum of March 27, 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. FLORIDA BUILDING CODE

Commissioner Solari read a segment of a letter from a homeowner who had updated his air conditioning system and incurred additional costs for an unnecessary inspection that was mandated by the updated Florida Building Code that went into effect on March 15, 2012. He declared that this is an example of an irrational and unnecessary Code provision.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Regular Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

**15.B.1. ELECTRICAL POWER LINE RELOCATION AGREEMENT &
UNDERGROUND EASEMENT TO FLORIDA POWER & LIGHT**

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 BCC meeting adjourned at 2:15 p.m.

ATTEST:

Jeffrey K. Barton, Clerk
Clerk of Circuit Court & Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2012 Minutes