

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

MAY 15, 2012

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JEFFREY K. BARTON

Clerk to the Board



May 15, 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, May 15, 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

Jeffrey R. Smith, Chief Deputy Clerk of Circuit Court and Comptroller, delivered the invocation.

3. PLEDGE OF ALLEGIANCE

Attorney Polackwich 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 CERTIFICATES OF COMMENDATION FOR INDIAN RIVER COUNTY SHERIFF'S OFFICE DEPUTIES ADAM DEAN, FLETCHER MCCLELLAN, AND ERIK HAWKINS

Sheriff Deryl Loar read and presented the Certificates of Commendation to Deputies Adam Dean, Fletcher McClellan, and Erik Hawkins, for their exemplary and courageous activities on the evening of March 17, 2012, when confronted with an extremely dangerous event in the Gifford community.

Gifford Business Alliance members Kenny Holmes and Wanda Scott recognized and reiterated their gratitude to the deputies.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING MAY 13 THROUGH MAY 19, 2012 AS NATIONAL POLICE WEEK

Chairman Wheeler read and presented the Proclamation to multi-agency law enforcement representatives, in recognition of the designated May 15th Peace Officers' Memorial Day, and National Police Week.

**5.C. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING
ROBERT KOMARINETZ ON HIS RETIREMENT FROM INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL
SERVICES / SANDRIDGE GOLF CLUB FOR TWENTY-FIVE YEARS SERVICE**

Chairman Wheeler read and presented the Proclamation to Robert Komarinetz.

6. APPROVAL OF MINUTES

6.A. MEETING OF MARCH 13, 2012

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

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman O'Bryan, the Board unanimously approved the minutes of the March 13, 2012 meeting, as written.

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

8. CONSENT AGENDA

Commissioner Flescher requested to pull Item 8.G., and Vice Chairman O'Bryan requested to pull Items 8.E. and 8.F. from the Consent Agenda for discussion/comments.

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

8.A. APPROVAL OF WARRANTS AND WIRES – APRIL 27, 2012 TO MAY 3, 2012

ON MOTION by Vice Chairman O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of April 27, 2012 to May 3, 2012, as requested in the memorandum of May 13, 2012.

8.B. RELEASE OF TEMPORARY CONSTRUCTION EASEMENT – DAVINA MOBILE HOMES, INC.

ON MOTION by Vice Chairman O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Release of Temporary Construction Easement to Davina Mobile Home, Inc., and authorized the Chairman to execute same on the Board’s behalf, as requested in the memorandum of May 9, 2012.

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

8.C. RESOLUTION CANCELLING TAXES ON PROPERTY ACQUIRED BY INDIAN RIVER COUNTY FOR PUBLIC PURPOSES

ON MOTION by Vice Chairman O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2012-039**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Indian River County Housing Authority to Indian River County Housing Authority Neighborhood Stabilization Program [Housing and Economic Recovery Act of 2008], Indian River County Ordinance No. 2012-006, Lot 13, Block T, Vero Lake Estates, Unit H-2, 9056 104th Avenue, Vero Beach, FL.)

8.D. RESOLUTIONS CANCELLING TAXES ON PROPERTIES ACQUIRED BY THE INDIAN RIVER COUNTY HOUSING AUTHORITY FOR PUBLIC PURPOSES

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2012-040**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Federal Home Loan Mortgage Corporation to Indian River County Housing Authority Neighborhood Stabilization Program [Housing and Economic Recovery Act of 2008], Lot 15, Block J, Stevens Park, Unit 1, 135 46th Avenue, Vero Beach, FL.)

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2012-041**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Federal Home Loan Mortgage Corporation to Indian River County Housing Authority Neighborhood Stabilization Program [Housing and Economic Recovery Act of 2008], Lot 213, Waterford Lakes Subdivision, Phase III, 1100 W. 13th Square, Vero Beach, FL.)

**8.E. PROCLAMATION AND RETIREMENT AWARD HONORING BARRIS REDDIE
ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS DEPARTMENT OF PUBLIC WORKS ROAD AND BRIDGE
DIVISION WITH THIRTY-FOUR YEARS OF SERVICE**

Vice Chairman O'Bryan publicly recognized Barris Reddie for his thirty-four years of service to the County.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved the Proclamation honoring Barris Reddie on his retirement from Indian River County Board of County Commissioners Department of Public Works Road and Bridge Division.

**8.F. PROCLAMATION AND RETIREMENT AWARD HONORING VICKY CHANDLER
ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS DEPARTMENT OF PUBLIC WORKS ROAD AND BRIDGE
DIVISION WITH TWENTY-TWO YEARS OF SERVICE**

Vice Chairman O'Bryan publicly recognized Vicky Chandler for her twenty-two years of service to the County.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved the Proclamation honoring Vicky Chandler on her retirement from Indian River County Board of County Commissioners Department of Public Works Road and Bridge Division.

8.G. SECTOR 3 BEACH AND DUNE RESTORATION PROJECT CHANGE ORDER #6
- CONTRACT COST REDUCTION RANGER CONSTRUCTION INDUSTRIES,
INC.

Public Works Director Chris Mora provided background regarding the Sector 3 Beach and Dune Restoration project, explained the details of Change Order No. 6, and responded to Commissioner Flescher's questions and concerns over the issue that some of the subcontractors had not received their fuel cost adjustments.

Coastal Engineer James Gray, Jr. reported that Ranger Construction Industries, Inc. (Ranger) had submitted their final payment request for release of retainage, and approximately \$450,000 would be retained until the issue can be brought before the Board for resolution.

Director Mora pointed out a provision in the contract where prior to releasing the remaining funds for payment, staff requires a Release of Lien, which shows that all subcontractors have been paid, and once this is received from all the subcontractors, staff will release the final payment. He revealed that all the subcontractors involved in the project had submitted their Releases of Lien to staff, with the exception of Henry Fischer and Sons (Fischer), who had been paid for the materials but not the fuel surcharge, which represents about \$60,000. Director Mora said that staff would be withholding this dollar amount from the final payment to Ranger until Fischer's Release of Lien is received.

County Attorney Alan S. Polackwich, Sr. verified that the final payment could be held until the conditions of the contract have been met. He also disclosed that Fischer could make a claim on the payment portion of the Payment and Performance Bond if they so desired.

Chuck Kramer, Henry Fischer and Sons, thanked Attorney Polackwich for enforcing the contract. He provided a brief history regarding the fuel cost adjustment that was requested and granted by the Board of County Commissioners on March 15, 2011. He recalled that Bob Schafer, Vice President of Ranger, had made a commitment at said meeting that everyone doing

the work would get paid, and therefore requested that the County hold the remaining funds to Ranger to ensure that everyone doing the work receives payment.

Mr. Gray confirmed for Chairman Wheeler that all fuel adjustments to date have been paid to Ranger, who in turn pays their subcontractors, who then pay their subcontractors.

Discussion ensued as to whether Ranger paid the fuel surcharges to Steve Smith of Ranch Road Lake Mine (Ranch Road) instead of Fischer, and whether Mr. Smith still owed Fischer.

Commissioner Solari stressed that before the \$450,000 retainage is paid to Ranger, staff should ensure that all Releases of Lien are received.

Chairman Wheeler summarized the Board's thoughts: (1) Ranger had a responsibility and obligation to ensure that everyone was paid properly; (2) final payment to Ranger should be held until the situation is resolved; (3) Ranger paid the full fee to Mr. Smith and Mr. Smith has not yet paid Fischer their share; and (4) Ranger is on the hook for the \$60,000 that they distributed inappropriately to Mr. Smith.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman O'Bryan, the Board unanimously approved Change Order No. 6, with the understanding that staff will conduct further discussions with Bob Schafer, Vice President of Ranger Construction Industries, Inc., before retainage is released.

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

8.H. CHANGE ORDER NO. 1, 6TH AVENUE S.W. CULVERT REPLACEMENT

NORTH OF 23RD STREET S.W., IRC PROJECT NO. 1136 – BID NO. 201033

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 1, to Timothy Rose Contracting, Inc., increasing the contract amount by \$18,958.90, and adding the additional 15 days to the contract time, the new total contract amount will be \$183,344.85, as recommended in the memorandum of May 7, 2012.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. COUNTY INITIATED REQUEST TO AMEND THE TEXT OF SEVERAL ELEMENTS AND SUB-ELEMENTS OF THE COUNTY'S COMPREHENSIVE PLAN (LEGISLATIVE)

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

Community Development Director Bob Keating, using a PowerPoint presentation (on file), provided description, conditions, and analysis on the proposed request to amend the text of numerous elements and sub-elements of the County's Comprehensive Plan. He also explained the purpose of the text amendments and how updating the Comprehensive Plan would make it

consistent with current state and local conditions. Director Keating stated that staff and the Planning and Zoning Commission recommend the Board approve the text amendments by adopting the proposed ordinance.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, questioned the monitoring of the Capital Improvements Program (CIP), and wondered whether there would be a provision in the changes that would increase the gas sales tax.

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

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, the Board unanimously adopted **Ordinance 2012-008**, amending the Comprehensive Plan's text of the introductory, Future Land Use, Housing, Economic Development, Conservation, and Intergovernmental Coordination Elements, and the Solid Waste and Stormwater Management sub-elements of the County's Comprehensive Plan; and providing codification, severability, and effective date.

The Chairman called for a break at 9:56 a.m., and reconvened the meeting at 10:04 a.m., with all members present.

10.A.2. ORCHID QUAY, LLC; TC PROPERTY VENTURE, LLC; AND WILLIAM HUNTER'S REQUEST TO AMEND THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO REDESIGNATE ± 28.56 ACRES, LOCATED APPROXIMATELY ±900 FEET SOUTH OF C.R. 510 AND EAST OF 46TH AVENUE AND U.S. #1, FROM M-1, MEDIUM-DENSITY RESIDENTIAL-1 (UP TO 8 UNITS/ACRE), TO C/I, COMMERCIAL/ INDUSTRIAL; AND SIMULTANEOUSLY CHANGE THE LAND USE DESIGNATION OF ±9.21 ACRES, LOCATED SOUTH OF C.R. 510, AND EAST OF 46TH AVENUE, FROM C/I, COMMERCIAL/INDUSTRIAL, TO M-1, MEDIUM DENSITY RESIDENTIAL – 1 (UP TO 8 UNITS/ACRE); AND CHANGE THE LAND USE DESIGNATION OF ±20.11 ACRES, LOCATED APPROXIMATELY ±1300 FEET SOUTH OF 65TH STREET AND WEST OF THE FEC RAILROAD, FROM C/I, COMMERCIAL AND INDUSTRIAL, TO L-2, LOW DENSITY RESIDENTIAL-2 (UP TO 6 UNITS/ACRE); AND TO REZONE APPROXIMATELY ±28.30 ACRES, LOCATED APPROXIMATELY 900 FEET SOUTH OF C.R. 510 AND EAST OF 46TH AVENUE AND U.S. #1, FROM RM-6, MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE), TO CG, GENERAL COMMERCIAL DISTRICT; TO REZONE ±0.26 ACRES, LOCATED APPROXIMATELY ±74 FEET EAST OF U.S. #1 AND SOUTH OF 84TH STREET, FROM RS-6, SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE), TO CG, GENERAL COMMERCIAL DISTRICT; TO REZONE ±0.08 ACRES, LOCATED EAST OF U.S. #1 AND ±150 FEET SOUTH OF 84TH STREET, FROM CL, LIMITED COMMERCIAL DISTRICT, TO CG, GENERAL COMMERCIAL DISTRICT; TO REZONE ±3.19 ACRES, LOCATED SOUTH OF C.R. 510, AND ±600 FEET EAST OF 46TH AVENUE, FROM OCR, OFFICE, COMMERCIAL, RESIDENTIAL DISTRICT, TO RM-6, MULTI-FAMILY RESIDENTIAL

DISTRICT (UP TO 6 UNITS/ACRE); TO REZONE ±6.02 ACRES, LOCATED SOUTH OF C.R. 510 AND EAST OF 46TH AVENUE, FROM CG, GENERAL COMMERCIAL DISTRICT, TO RM-6, MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE); TO REZONE ±13.71 ACRES, LOCATED EAST OF U.S. #1 AND NORTH OF 82ND STREET, FROM OCR, OFFICE, COMMERCIAL, RESIDENTIAL DISTRICT, TO CG, GENERAL COMMERCIAL DISTRICT; AND TO REZONE ±11.26 ACRES, LOCATED APPROXIMATELY 1500 FEET EAST OF U.S. #1 AND NORTH OF 82ND STREET, FROM RS-1, SINGLE FAMILY RESIDENTIAL DISTRICT (UP TO 1 UNIT/ACRE), TO CON-2, ESTUARINE WETLANDS CONSERVATION DISTRICT (UP TO 1 UNIT/40 ACRES) (LEGISLATIVE)

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

Commissioner Solari announced that due to a conflict of interest, he would be abstaining from voting on this item.

Director Keating noted that this is a Land Use Plan Map Amendment, and the second of two Comprehensive Plan Amendment Public Hearings. He said the Land Use Amendment involves three separate properties on two different sites - two of the properties are proposed to be changed from Commercial/Industrial to Residential, and one from Residential to Commercial/Industrial. Using a PowerPoint presentation (on file), he recapped past actions, outlined the details of the Comprehensive Plan amendment changes, explained the rezoning of the parcels, discussed the impact of the land use pattern for the swap of property, and specified that from a concurrency standpoint, the yield from the various properties will be a lessening of intensity. Director Keating also spoke to the compatibility of the subject properties, addressed environmental impacts that have already occurred, noted that all proposed changes are consistent

with the Comprehensive Plan, and recommended the Board adopt the proposed ordinances for approval of the proposed future land use map amendment and rezoning.

The Chairman opened the Public Hearing.

Joseph Paladin, President of Black Swan Consulting, expressed that he is anxious about moving forward with this project, serious about making the project something the entire County can be proud of, and revealed that all financing is currently in place. He also pointed out that there is nothing that the County has requested that he has not agreed to do.

Christopher Marine, Gould Cooksey Fennell, P.A., representing the owners of the commercial site located at the northwest corner of said property, conveyed that there are a host of adverse conditions on the site which eliminates their ability to sell or develop the property, and as of this morning, there is a commitment and agreement with Mr. Paladin to work together to correct earlier concerns.

Vice Chairman O'Bryan was pleased that everyone was working together, but was concerned over a couple of individual property owners. He hoped that the applicant would work things out with those individuals.

Thomas Farnsworth, Jr., Indian River Shores, representing one of the principals of the group that owns the property along CR510, was very pleased that an agreement was reached this morning. He voiced concerns over agreements that were made years ago pertaining to restrictions on the property, and an easement and road that runs through the property.

A brief discussion ensued regarding the access road for ingress and egress.

Director Keating stated that currently 46th Avenue is an unpaved road, and that last year the Board of County Commissioners abandoned the right-of-way, but retained an easement over 46th Avenue until the internal project roads were accepted by the County. He conveyed that staff

had spoken with the representative of the applicant, and did not believe it would be too difficult to make the necessary improvements.

Donald Proctor believed that it took a cooperative effort in resolving the problems.

Mike Ray, 440 Greystone Court, property owner to the west of subject property, sought and received information regarding the process of the land swap, proposed improvements, and zoning the site.

Jim McAlhany, 4625 84th Street, property owner of a 3.2-acre triangular piece of property on US 1, asked if he could apply for an exchange of use so he can zone his property as commercial.

Director Keating directed Mr. McAlhany to bring his request to staff after he meets with the applicant (Mr. Paladin).

Ken Kennedy, Kennedy Holdings, property owner in the subject area, voiced his support for the land use change and the proposed project.

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

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board, by a vote of 4-0 (Commissioner Solari abstained) adopted **Ordinance 2012-009**, amending the future Land Use Map by changing the land use designation for ±28.56 acres, located approximately 900 feet south of C.R. 510 and east of 46th Avenue and U.S. #1, from M-1, Medium-Density Residential-1 (up to 8 units/acre), to C/I, Commercial/Industrial; and simultaneously changing the Land Use

Designation of ±9.21 acres, located south of C.R. 510, and east of 46th Avenue, from C/I, Commercial/Industrial, to M-1, Medium Density Residential – 1 (up to 8 units/acre); and changing the Land Use Designation of ±20.11 Acres, located approximately ±1300 feet south of 65th Street and west of the FEC Railroad, from C/I, Commercial and Industrial, to L-2, Low Density Residential-2 (up to 6 units/acre), and providing codification, severability, and effective date.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board by a vote of 4-0 (Commissioner Solari abstained) adopted **Ordinance 2012-010**, amending the Zoning Ordinance and Zoning Map for ±28.30 acres, located approximately 900 feet south of C.R. 510 and east of 46th Avenue and U.S. #1, from RM-6, Multi-Family Residential District (up to 6 units/acre), to CG, General Commercial District; ±0.26 acres, located approximately 74 feet east of U.S. #1, and south of 84th Street, from RS-6, Single-Family Residential District (up to 6 units/acre), to CG, General Commercial District; ±0.08 acres, located east of U.S. #1 and ±150 feet south of 84th Street, from CL, Limited Commercial District, to CG, General Commercial District; ±3.19 acres, located south of C.R. 510, and ±600 feet east of 46th Avenue, from OCR, Office, Commercial, Residential District, to RM-6, Multi-Family Residential District (up to 6 units/acre); ±6.02 acres, located south of C.R. 510 and east of 46th Avenue, from CG, General Commercial District, to RM-6, Multi-Family Residential District (up to

6 units/acre); ±13.71 acres, located east of U.S. #1 and north of 82nd Street, from OCR, Office, Commercial, Residential District, to CG, General Commercial District; and ±11.26 acres, located approximately 1500 feet east of U.S. #1 and north of 82nd Street, from RS-1, Single Family Residential District (up to 1 unit/acre), to CON-2, Estuarine Wetlands Conservation District (up to 1 unit/40 acres); and providing codification, severability, and effective date.

FORM 8B, MEMORANDUM OF VOTING CONFLICT ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

**10.A.3. PUBLIC HEARING, AND FINAL CONSIDERATION AND ADOPTION OF
PROPOSED ORDINANCE AMENDING CHAPTER 204 (SOLID WASTE
DISPOSAL) OF THE IRC CODE (LEGISLATIVE)**

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

Attorney Polackwich reviewed his memorandum of May 8, 2012, recalling that on April 10, 2012 the Board of County Commissioners preliminarily considered a proposed ordinance that would amend Chapter 204 of the Indian River County Code. He explained that the amendments relate to processors of Construction and Demolition (C&D) debris, recyclable materials, and the haulers of C&D materials. He thereafter discussed and analyzed the financial impact to the changes, and expressed that he believes the ordinance would provide the fundamental requirements for a workable system.

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 **Ordinance 2012-011**, amending and adding various sections of Chapter 204 (Solid Waste Disposal) of the Code of Indian River County; eliminating the requirement that processors of Construction and Demolition Debris (“C&D materials”) or recyclable materials obtain a franchise; simplifying the process for granting non-exclusive construction and demolition debris franchises to persons who collect or transport C&D materials for profit (“C&D Haulers”); and requiring processors of C&D materials to collect a franchise fee from C&D haulers, and to remit the fee to the Solid Waste Disposal District or appropriate Municipality; making findings; and providing for severability, codification, and an effective date.

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONDEMNATION, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES

Building Official José Guanch described the unsafe structures located at 8640 92nd Avenue in Vero Lake Estates, and 4765 34th Avenue in Smith Plaza Subdivision. He requested the Board declare them unsafe and a nuisance, and order them demolished with related debris removed from the property by a private vendor.

Charles Johnson asked the Board for a three-month extension on the demolition of the structure located at 4765 34th Avenue so he can bring it up to code.

Commissioner Davis suggested giving Mr. Johnson a three-month extension, and if there is no action at the end of that time period, then the County will move forward with the demolition.

Mr. Johnson reasoned that if he cannot handle the situation, he will apply for a permit to tear the structure down.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously:

- (1) authorized Charles Johnson three months to show improvement on the property located at 4765 34th Avenue, or staff will move forward with the demolition; and
- (2) approved **Resolution 2012-042**, providing for the demolition of unsafe structures and the recovery of costs.

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. QUARTERLY BUDGET REPORT

Management and Budget Director Jason Brown presented the Board with the Budget Report for the second quarter of Fiscal Year 2011-2012 (pages 262 through 271 of the Agenda Packet).

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

**12.J.1. CHANGE ORDER No. 2 TO IRC BID No. 2011022, FINAL PAYMENT AND
RELEASE OF RETAINAGE TO TIM (TIMOTHY) ROSE CONTRACTING, INC.
FOR CONSTRUCTION OF BARRIER ISLAND RECLAIMED WATER SYSTEM**

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved Change Order No. 2 with Timothy Rose Contracting, Inc., for a contract deduction in the amount of \$8,169.75 to \$860,816.50; (2) approved final payment and release of retainage in the amount of \$43,040.80; (3) found that the project is needed to accommodate new growth in the County; (4) found that new growth will proportionately benefit from the project; (5) approved the project; and (6) authorized the Chairman to execute same, all as recommended in the memorandum of May 1, 2012.

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

**12.J.2. NORTH COUNTY REVERSE OSMOSIS WATER TREATMENT PLANT,
FLORIDAN AQUIFER WELL MONITORING PROGRAM – WORK ORDER NO.
4 WITH CDMS**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Solari, the Board unanimously approved Work Order No. 4 with Camp Dresser McKee Smith (CDMS), in the amount of \$25,000, and authorized the Chairman to execute the same, as presented, and as recommended in the memorandum of May 7, 2012.

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

13. COUNTY ATTORNEY MATTERS

13.A. SCHOOL DISTRICT RESOLUTION DIRECTING THE COUNTY TO PLACE A REFERENDUM ON THE PRIMARY ELECTION BALLOT

Assistant County Attorney Brooke W. Odom recapped her memorandum dated May 10, 2012. She provided background on the School District Resolution (Resolution 2012-07) which directs the Board of County Commissioners to call for an election, which will place a referendum on the August 14, 2012 Primary election ballot, where electors within the School District can vote on the approval of an additional ad valorem millage of 0.60 mill for four (4) years, to be used for essential operating purposes of the School District.

In response to the Commissioners, Attorney Odom explained that this is coming before the Board of County Commissioners because Section 1011.73(2) of the Florida Statutes states that the School Board is supposed to pass a resolution that directs the County to call an election to place it on the ballot. She further clarified that the referendum is being put on the Primary election ballot so there will be no additional expenses incurred for holding an election. She also pointed out that the Supervisor of Elections had stated that putting this on the Primary election ballot will reach everyone, just as the General election ballot would.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, by a vote of 4-1 (Chairman Wheeler opposed), the Board approved **Resolution 2012-043**, to call an election for a Referendum to be placed on the Ballot of the August 14, 2012 Primary Election.

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

14.C.1. REQUEST FOR RESOLUTION (FLORIDA NATIVE WILDFLOWERS)

Vice Chairman O'Bryan said he had asked Director Mora to contact other counties that participated in the Florida Native Wildflowers program, and to date he has not received results; therefore, he suggested tabling this item until he receives an answer from staff.

Commissioner Davis explained that the proposed resolution regarding the use of Florida native wildflowers is a draft.

After a brief discussion, Commissioner Solari suggested moving forward with the understanding that the report will be forthcoming.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously directed staff to prepare a Resolution in support of passing the Wildflower Resolution, and bring same back to the next Board of County Commissioners meeting for final approval, as requested in the memorandum of May 10, 2012.

14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

(Clerk's Note: Due to the Commissioners' prior commitments and the amount of time it may take to hear Item 14.E.1. Commissioner's Car Allowance, the Board adjourned and reconvened at 11:27 a.m., as the Environmental Control District Board to conduct business under Item 15.C. Environmental Control Board. The Commissioners thereafter reconvened at 11:29 a.m., as the Board of County Commissioners to address Item 14.E.1. Commissioners' Car Allowance.)

14.E. COMMISSIONER BOB SOLARI

14.E.1. COMMISSIONERS' CAR ALLOWANCE

(Clerk's Note: This item was heard following Item 15.C. and is placed here for continuity purposes.)

Commissioner Solari specified that this item deals with the Commissioners' car allowance, not the travel budget. He recalled that on May 17, 2011, the Commissioners reduced their car allowance by 10%, and afterwards he sent a letter to Administrator Baird stating that he would be willing to reduce his allowance by 50%. He revealed that after six months with half of the car allowance, he feels no reason to justify the high car allowance by driving all over, and believes it to be a great tool to keep everyone focused on limited government.

ON MOTION by Commissioner Solari, SECONDED by Chairman Wheeler, the Board unanimously approved that Commissioners cut their car allowance by at least one-half of the original allowance (from \$4,200 to \$2,100 per year) in the coming fiscal year, as requested in the memorandum of May 9, 2012.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.C. ENVIRONMENTAL CONTROL BOARD

The Board reconvened as the Board of Commissioners of the Environmental Control Board. Those Minutes are being prepared separately.

15.C.1. APPROVAL OF MINUTES MEETING OF MARCH 13, 2012

**15.C.2. RELEASE OF LIEN – GWINN, INC. D/B/A/ SUNSET CAFÉ AND VERO
BEACH SHOPPING CENTER ASSOCIATES LIMITED PARTNERSHIP
ENVIRONMENTAL CONTROL HEARING BOARD CASE 488-11**

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 11:30 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/LA/2012 Minutes