

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

MAY 22, 2012

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS	2
	ADDITION: EMERGENCY ITEM 5.C. PRESENTATION OF PROCLAMATION DESIGNATING MAY 20-26, 2012 AS EMERGENCY MEDICAL SERVICES WEEK.....	2
	ADDITION: EMERGENCY ITEM 15.B.5. PERMISSION TO ISSUE NOTICE OF PUBLIC HEARING TO AMEND SOLID WASTE DISPOSAL DISTRICT (SWDD) RATES BY RESOLUTION 2012-001	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
5.A.	PRESENTATION OF PROCLAMATION DESIGNATING MAY 28, 2012 AS MEMORIAL DAY	2
5.B.	PRESENTATION ANNOUNCING 35 TH ANNUAL TROPICAL NIGHT LUAU, SATURDAY JUNE 2 ND , 2012, BY BARBARA SCHLITT FORD, EXECUTIVE DIRECTOR, YOUTH GUIDANCE MENTORING AND ACTIVITIES PROGRAM OF INDIAN RIVER COUNTY	3

5.C.	ADDITION - EMERGENCY ITEM: PRESENTATION OF PROCLAMATION DESIGNATING MAY 20-26, 2012 AS EMERGENCY MEDICAL SERVICES WEEK.....	3
6.	APPROVAL OF MINUTES	3
6.A.	MEETING OF MARCH 20, 2012	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	4
8.	CONSENT AGENDA	4
8.A.	APPROVAL OF WARRANTS AND WIRES MAY 4, 2012 TO MAY 10, 2012	4
8.B.	RESOLUTION SUPPORTING THE USE OF FLORIDA NATIVE WILDFLOWERS	4
8.C.	MISCELLANEOUS BUDGET AMENDMENT 011	5
8.D.	M.A.C.E. (MULTI-AGENCY CRIMINAL ENFORCEMENT UNIT) PROJECT GENERATED INCOME (PGI) MISCELLANEOUS BUDGET AMENDMENT 012	5
8.E.	FINAL PAY TO MASTELLER AND MOLER, INC. FOR WORK ORDER NO. 12 ASSOCIATED WITH DEVELOPMENT OF A NORTH COUNTY RECLAIMED WATER SYSTEM IMPLEMENTATION PLAN.....	6
8.F.	APPROVAL OF CHANGE ORDER No. 4 TO WORK ORDER No. PCS-1 WITH HYDROMENTIA, INC. FOR ADDITIONAL ENGINEERING AND PERMIT PROCUREMENT SERVICES, AND ELECTRICAL AND STRUCTURAL DESIGN SERVICES FOR THE PC SOUTH NUTRIENT RECOVERY FACILITY	6
8.G.	APPROVAL OF CHANGE ORDER No. 1 TO A CONTRACT WITH SAFETY & ENVIRONMENTAL SYSTEMS, INC. FOR CONSTRUCTION OF BOARDWALKS AND TRAIL SEGMENTS ON THE FLINN TRACT OF THE LAGOON GREENWAY.....	7
8.H.	AWARD OF BID # 2012046 FOR REQUEST FOR QUOTATION/PROPOSAL FOR SEASONAL MOBILE CONCESSION SERVICES AT THE NORTH COUNTY AQUATIC CENTER	8
8.I.	PROFESSIONAL GEOTECHNICAL SERVICES AGREEMENT FOR ANNUAL PROFESSIONAL GEOTECHNICAL ENGINEERING SERVICES FOR A.M. ENGINEERING AND TESTING, INC. RFQ No. 2010021 CHANGE OF NAME.....	10

8.J.	CHANGE ORDER NO. 1 – FINAL PAYMENT AND RELEASE OF RETAINAGE INDIAN RIVER BOULEVARD & 17 TH STREET INTERSECTION IMPROVEMENTS BID NO. 2011048 IRC PROJECT NO. 1024	10
8.K.	WORK ORDER NO. 3 – MASTELLER, MOLER, REED AND TAYLOR, INC. 87 TH STREET RIGHT-OF-WAY AND TOPOGRAPHIC SURVEY FROM CR 510 TO 101 ST AVENUE IRC PROJECT NO. 1205	11
8.L.	FDOT LOCAL AGENCY PROGRAM (LAP) AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN’S SIGNATURE, OLD DIXIE HIGHWAY SIDEWALK FROM 8 TH STREET TO 20 TH STREET, IRC PROJECT NO. 1102 – FM#: 425710-1-58-01	11
8.M.	F.D.O.T. TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN’S SIGNATURE IRC PROJECT NO. 0545B – 66 TH AVENUE FROM SR-60 TO 41 ST STREET FM#: 425883-1-58-01	12
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	12
10.	PUBLIC ITEMS	12
10.A.	PUBLIC HEARING(S)	12
10.A.1.	COUNTY INITIATED REQUEST TO REDESIGNATE ± 1,171.45 ACRES OWNED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) (±531.68 ACRES LOCATED SOUTH OF CITY OF FELLSMERE AND 3 ½ MILES NORTH OF S.R. 60, AND ±639.77 ACRES LOCATED 1 ½ MILES NORTH OF S.R. 60 AND 3 MILES WEST OF I-95), FROM AG-2, AGRICULTURAL-2 (UP TO 1 UNIT /10 ACRES), TO C-1, CONSERVATION-1 (ZERO DENSITY), AND TO REDESIGNATE ±350 ACRES OWNED BY INDIAN RIVER COUNTY LOCATED WEST OF BLUE CYPRESS LAKE AND APPROXIMATELY 6 ½ MILES NORTH OF S.R. 60, FROM AG-3, AGRICULTURAL-3 (UP TO 1 UNIT/20 ACRES), TO C-1, CONSERVATION-1 (ZERO DENSITY); (LUDA 2012030079-68142) (LEGISLATIVE)	12
10.A.2.	CONSIDERATION OF REQUEST BY DR. JOHN CAIRNS TO AMEND ROAD WIDTH REQUIREMENTS FOR MINING HAUL ROUTE ROAD SEGMENTS NOT USED BY THE GENERAL PUBLIC (LEGISLATIVE)	14
10.A.3.	PUBLIC HEARING TO CONSIDER REVENUE DISTRIBUTION FORMULA FOR 6¢ LOCAL OPTION GAS TAX (ADMINISTRATIVE).....	16

10.B.	PUBLIC DISCUSSION ITEMS - NONE	16
10.C.	PUBLIC NOTICE ITEMS - NONE	16
11.	COUNTY ADMINISTRATOR MATTERS – NONE.....	16
12.	DEPARTMENTAL MATTERS	16
12.A.	COMMUNITY DEVELOPMENT	16
12.A.1.	CONSIDERATION OF A REQUEST FROM NYLACARB CORPORATION FOR A LOCAL JOBS GRANT	17
12.B.	EMERGENCY SERVICES - NONE.....	17
12.C.	GENERAL SERVICES - NONE	18
12.D.	HUMAN RESOURCES - NONE	18
12.E.	HUMAN SERVICES - NONE	18
12.F.	LEISURE SERVICES - NONE	18
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	18
12.H.	RECREATION - NONE.....	18
12.I.	PUBLIC WORKS.....	18
12.I.1.	AWARD OF BID NO: 2012036 OSLO ROAD PHASE III ROADWAY IMPROVEMENTS (58 TH AVENUE TO 43 RD AVENUE) IRC PROJECT NO. 0517	18
12.J.	UTILITIES SERVICES.....	19
12.J.1.	APPROVAL FOR RETAINING THE UTILITIES DEPARTMENT LABOR CONTRACTOR TO CONSTRUCT AN ADDITIONAL FIRE HYDRANT AT THE THOMPSON ELEMENTARY SCHOOL FOR SCHOOL DISTRICT OF INDIAN RIVER COUNTY AND APPROVAL OF WORK AUTHORIZATION No. 2010-005 TO MELVIN BUSH CONSTRUCTION, INC. – UCP 4089	19
13.	COUNTY ATTORNEY MATTERS.....	20
13.A.	PROPOSED PLAN, SURVEY FORM, ETC. FOR WATER/WASTEWATER SURVEY; SELECTION OF CPA FIRM TO RECEIVE COMPLETED SURVEY FORMS	20
14.	COMMISSIONER ITEMS.....	21
14.A.	COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE	21
14.B.	COMMISSIONER PETER D. O’BRYAN, VICE CHAIRMAN.....	21

14.B.1.	CONSIDERATION TO SUSPEND IMPACT FEES	21
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	24
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	24
14.E.	COMMISSIONER BOB SOLARI - NONE	24
15.	SPECIAL DISTRICTS AND BOARDS	24
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	24
15.B.	SOLID WASTE DISPOSAL DISTRICT	25
15.B.1.	APPROVAL OF MINUTES MEETING OF MARCH 13, 2012	25
15.B.2	APPROVAL OF MINUTES MEETING OF MARCH 20, 2012	25
15.B.3.	REQUEST TO PARTICIPATE IN THE “2012 GREEN SERIES” AT INDIAN RIVER MALL	25
15.B.4.	MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FELLSMERE AND INDIAN RIVER COUNTY SOLID WASTE DISPOSAL DISTRICT FOR A SINGLE STREAM RECYCLING PILOT PROGRAM	25
15.B.5.	ADDITION – EMERGENCY ITEM: PERMISSION TO ISSUE NOTICE OF PUBLIC HEARING TO AMEND SOLID WASTE DISPOSAL DISTRICT (SWDD) RATES BY RESOLUTION 2012-001.....	25
15.C.	ENVIRONMENTAL CONTROL BOARD	25
15.C.1.	REPORT OF ACTIVITIES FOR SECOND QUARTER FY 11-12 (JANUARY THROUGH MARCH, 2012)	26
16.	ADJOURNMENT.....	26

JEFFREY K. BARTON

Clerk to the Board



May 22, 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 22, 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 Maria Suesz.

1. CALL TO ORDER

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

2. INVOCATION

Commissioner Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Administrator Baird led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Wheeler requested the following changes to the Agenda:

ADDITION: EMERGENCY ITEM 5.C. PRESENTATION OF PROCLAMATION

DESIGNATING MAY 20-26, 2012 AS EMERGENCY MEDICAL SERVICES

WEEK

ADDITION: EMERGENCY ITEM 15.B.5. PERMISSION TO ISSUE NOTICE OF

PUBLIC HEARING TO AMEND SOLID WASTE DISPOSAL DISTRICT (SWDD)

RATES BY RESOLUTION 2012-001

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 28, 2012 AS

MEMORIAL DAY

(Clerk's note: This item followed Item 14.B. and is placed here for continuity).

Commissioner Flescher read the proclamation into the record. He, along with Commissioners Solari and Wheeler, encouraged everyone to attend the Memorial Day ceremony at 9:00 a.m. on May 28, 2012, at the Veterans Memorial Island Sanctuary.

5.B. PRESENTATION ANNOUNCING 35TH ANNUAL TROPICAL NIGHT LUAU, SATURDAY JUNE 2ND, 2012, BY BARBARA SCHLITT FORD, EXECUTIVE DIRECTOR, YOUTH GUIDANCE MENTORING AND ACTIVITIES PROGRAM OF INDIAN RIVER COUNTY

Barbara Schlitt Ford, Executive Director, Youth Guidance Program, accompanied by several committee members, provided information on the upcoming Tropical Night Luau to be held at Quail Valley River Club on June 2, 2012, from 7:00 – 11:00 p.m. She invited everyone to attend and relayed that the proceeds would fund summer camp scholarships and the year-round Youth Guidance programs.

5.C. ADDITION - EMERGENCY ITEM: PRESENTATION OF PROCLAMATION DESIGNATING MAY 20-26, 2012 AS EMERGENCY MEDICAL SERVICES WEEK

Vice Chairman O'Bryan read and presented the Proclamation to Assistant Fire Chief Brian Burkeen, who accepted on behalf of the Emergency Services staff.

6. APPROVAL OF MINUTES

6.A. MEETING OF MARCH 20, 2012

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

ON MOTION by Commissioner Flescher, SECONDED by Chairman Wheeler, the Board unanimously approved the minutes of the March 20, 2012 meeting, as written.

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

8. CONSENT AGENDA

Commissioner Solari requested Item B. be pulled for discussion.

Vice Chairman O'Bryan requested Item F. be pulled for discussion.

Commissioner Flescher requested Item H. be pulled for discussion.

ON MOTION by Commissioner Davis, SECONDED by
Chairman Wheeler, the Board unanimously approved the
Consent Agenda, as amended.

8.A. APPROVAL OF WARRANTS AND WIRES MAY 4, 2012 TO MAY 10, 2012

ON MOTION by Commissioner Davis, 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 May 4, 2012 to May 10,
2012, as requested in the memorandum of May 10, 2012.

8.B. RESOLUTION SUPPORTING THE USE OF FLORIDA NATIVE WILDFLOWERS

Commissioner Solari requested further information about the proposed resolution.

Ruth Stanbridge, 4835 66th Avenue, Board Member of the Indian River County
Historical Society, relayed the Historical Society's request for the Board to approve the proposed
Resolution supporting the use of Florida native wildflowers. She stated that the wildflowers
would be planted for educational purposes by a private landscaper on the Hallstrom Farmstead,

and that the Historical Society encourages all landscapers to use native plants. She noted that there is no cost to the County; the landscaper will be working pro bono and her fee will be used as a match for the grant funds offered by the Florida Wildflower Foundation.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2012-044**, supporting the use of Florida native wildflowers in Indian River County, Florida.

8.C. MISCELLANEOUS BUDGET AMENDMENT 011

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-045**, amending the Fiscal Year 2011-2012 Budget.

**8.D. M.A.C.E. (MULTI-AGENCY CRIMINAL ENFORCEMENT UNIT) PROJECT
GENERATED INCOME (PGI) MISCELLANEOUS BUDGET AMENDMENT 012**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-046**, amending the Fiscal Year 2011-2012 Budget.

**8.E. FINAL PAY TO MASTELLER AND MOLER, INC. FOR WORK ORDER NO. 12
ASSOCIATED WITH DEVELOPMENT OF A NORTH COUNTY RECLAIMED
WATER SYSTEM IMPLEMENTATION PLAN**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved: (1) final payment in the amount of \$2,075.90 to Masteller and Moler, Inc. (M&M), for Work Order No. 12 for consulting services; (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) approved the project as presented, and as recommended in the memorandum of May 10, 2012.

**8.F. APPROVAL OF CHANGE ORDER NO. 4 TO WORK ORDER NO. PCS-1 WITH
HYDROMENTIA, INC. FOR ADDITIONAL ENGINEERING AND PERMIT
PROCUREMENT SERVICES, AND ELECTRICAL AND STRUCTURAL DESIGN
SERVICES FOR THE PC SOUTH NUTRIENT RECOVERY FACILITY**

Vice Chairman O'Bryan objected to what he felt were excessive administrative costs in the proposed agreement with HydroMentia.

Public Works Director Christopher Mora explained that an ongoing issue with the fees has been that HydroMentia, Inc. is the patent holder on the algal turf scrubber process that will be used at the Pollution Control (PC) South Nutrient Recovery Facility adjacent to the South Relief Canal. He relayed, too, that additional permitting and engineering requirements imposed by the Florida Department of Environmental Protection (FDEP) have resulted in increased costs. Director Mora stated that staff would see if HydroMentia would lower their fees, and whether it

would be more cost-effective to have other companies perform some of the engineering and structural services.

County Administrator Joseph Baird affirmed that staff would bring this item back to a future County Commission meeting.

Discussion followed as Director Mora provided an overview of the project and addressed the Board's questions and comments.

Commissioner Solari commented on the County government's proactive stance on lagoon preservation.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved to defer the decision on the proposed Change Order No. 4 with Hydromentia, Inc., until the matter is presented at a future Board meeting.

8.G. APPROVAL OF CHANGE ORDER NO. 1 TO A CONTRACT WITH SAFETY & ENVIRONMENTAL SYSTEMS, INC. FOR CONSTRUCTION OF BOARDWALKS AND TRAIL SEGMENTS ON THE FLINN TRACT OF THE LAGOON GREENWAY

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute Change Order No. 1 to the Lagoon Greenway Phase IIa Construction Agreement with Safety & Environmental Systems, Inc. (SESI), as recommended in the memorandum of May 14, 2012.

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

8.H. AWARD OF BID # 2012046 FOR REQUEST FOR QUOTATION/PROPOSAL FOR SEASONAL MOBILE CONCESSION SERVICES AT THE NORTH COUNTY AQUATIC CENTER

Commissioner Flescher voiced support for the proposed concession services at the North County Aquatic Center. He also declared that it would be beneficial for patrons to be able to purchase a meal at the Indian River County Shooting Range, and wanted to see whether the proposed concessionaire Joseph M. Waddy dba/Freddy's Hot Dog House ("Freddy's Hot Dog House"), would expand his proposal to include food service at the Range.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman Wheeler, to: (1) approve staff's recommendation; and (2) to direct staff to explore whether the proposed Concessionaire Agreement with Freddy's Hot Dog House can be expanded to include the provision of concession services at the Indian River County Public Shooting Range.

County Administrator Baird noted that several inquiries have been made about providing food services at remote locations like Round Island Park, and Treasure Shores and Golden Sands Beach Parks. He offered to put forth a Request for Quotation/Proposal or see if the concessionaire agreement with Freddy's Hotdog House can be expanded to include additional locations.

Attorney Polackwich confirmed that it would be legal for the County to bring a food vendor into its park areas.

MOTION WAS AMENDED BY Commissioner Flescher, SECONDED by Chairman Wheeler, to direct staff to explore whether the proposed Concessionaire Agreement with Freddy's Hot Dog House can be expanded to include additional concession services at the Indian River County Public Shooting Range, and the proposed locations of Round Island Park, and Treasure Shores and/or Golden Sands Beach Parks.

The Chairman CALLED THE QUESTION and the Motion carried. The Board unanimously: (1) approved to award a Seasonal Mobile Food Service Contract to Joseph M. Waddy dba/Freddy's Hot Dog House; (2) authorized the Chairman to execute a Concessionaire Agreement according to the general terms outlined on page 55 of the agenda packet, to be prepared and approved by the County Attorney, and (3) directed staff to see whether the Concessionaire Agreement can be expanded to include additional concession services at the Indian River County Shooting Range, and the proposed locations of Round Island Park, and Treasure Shores and/or Golden Sands Beach Parks.

CONCESSIONAIRE AGREEMENT AND ADDENDUM ON FILE IN THE OFFICE
OF THE CLERK TO THE BOARD

**8.I. PROFESSIONAL GEOTECHNICAL SERVICES AGREEMENT FOR ANNUAL
PROFESSIONAL GEOTECHNICAL ENGINEERING SERVICES FOR A.M.
ENGINEERING AND TESTING, INC. RFQ No. 2010021 CHANGE OF NAME**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously assigned the Professional Geotechnical Services Agreement for Annual Professional Geotechnical Engineering Services from A.M. Engineering and Testing, Inc. to GFA International, Inc., as recommended in the memorandum of May 10, 2012.

**8.J. CHANGE ORDER NO. 1 – FINAL PAYMENT AND RELEASE OF RETAINAGE
INDIAN RIVER BOULEVARD & 17TH STREET INTERSECTION
IMPROVEMENTS BID NO. 2011048 IRC PROJECT NO. 1024**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved Change Order No. 1 and payment of Timothy Rose Contracting, Inc. Application for Payment No. 3 FINAL in the amount of \$10,905.30 for final payment and release of retainage, as recommended in the memorandum of May 9, 2012.

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

8.K. WORK ORDER NO. 3 – MASTELLER, MOLER, REED AND TAYLOR, INC. 87TH
STREET RIGHT-OF-WAY AND TOPOGRAPHIC SURVEY FROM CR 510 TO
101ST AVENUE IRC PROJECT NO. 1205

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute Work Order No. 3 with Masteller, Moler, Reed and Taylor, Inc., authorizing the project as outlined in the Scope of Services, as recommended in the memorandum of May 9, 2012.

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

8.L. FDOT LOCAL AGENCY PROGRAM (LAP) AGREEMENT AND RESOLUTION
AUTHORIZING THE CHAIRMAN'S SIGNATURE, OLD DIXIE HIGHWAY
SIDEWALK FROM 8TH STREET TO 20TH STREET, IRC PROJECT NO. 1102 –
FM#: 425710-1-58-01

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-047**, authorizing the Chairman's execution of a Local Agency Program Agreement for construction of a 5-foot sidewalk along the east side of Old Dixie Highway from 8th Street to 20th Street.

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

**8.M. F.D.O.T. TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP)
AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN'S
SIGNATURE IRC PROJECT NO. 0545B – 66TH AVENUE FROM SR-60 TO
41ST STREET FM#: 425883-1-58-01**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-048**, with the Florida Department of Transportation authorizing the Chairman's execution of a Transportation Regional Incentive Program Agreement for construction (widening and reconstruction) along 66th Avenue from SR-60 to 41st Street.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. COUNTY INITIATED REQUEST TO REDESIGNATE ±1,171.45 ACRES OWNED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) (±531.68 ACRES LOCATED SOUTH OF CITY OF FELLSMERE AND 3 ½ MILES NORTH OF S.R. 60, AND ±639.77 ACRES LOCATED 1 ½ MILES NORTH OF S.R. 60 AND 3 MILES WEST OF I-95), FROM AG-2, AGRICULTURAL-2 (UP TO 1 UNIT /10 ACRES), TO C-1, CONSERVATION-1 (ZERO DENSITY), AND TO REDESIGNATE ±350 ACRES OWNED BY INDIAN

RIVER COUNTY LOCATED WEST OF BLUE CYPRESS LAKE AND
APPROXIMATELY 6 ½ MILES NORTH OF S.R. 60, FROM AG-3,
AGRICULTURAL-3 (UP TO 1 UNIT/20 ACRES), TO C-1, CONSERVATION-1
(ZERO DENSITY); (LUDA 2012030079-68142) (LEGISLATIVE)

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

Community Development Director Robert Keating, through a PowerPoint presentation (copy on file), provided a description and analysis of the County-initiated request to rezone to Conservation-1 (C-1), one County-owned property from Agriculture-3 (AG-3), and two Agriculture-2 (AG-2) properties owned by the St. John's River Water Management District. He said that if the Board approves the transmittal of the proposed amendment to the review agencies, staff would address any concerns raised by the agencies, and a second public hearing would be scheduled to adopt the amendment. He thereafter conveyed the recommendations of the Planning and Zoning Commission and staff for the County Commission to: (1) approve the proposed Resolution to transmit the proposed Future Land Use Map Amendment to the review agencies; and (2) to announce the Board's intention to advertise and hold a final public hearing at the adoption stage of the Comprehensive Plan Amendment process.

The Chairman opened the Public Hearing.

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

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

Commissioner Davis sought and received confirmation from Director Keating that the Department of Community Affairs (DCA) has eliminated the requirement to submit the

Comprehensive Plan Amendments only twice a year. He was concerned that the twice-yearly submittals of Comprehensive Plan Amendments might adversely affect the business community, and wanted to explore the possibility of the County having a thirty-day submittal window.

Director Keating affirmed that staff would research this matter and report back to the Board.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved **Resolution 2012-049**, approving the transmittal of a proposed Indian River County Comprehensive Plan Future Land Use Map Amendment to State and Regional Review Agencies.

10.A.2. CONSIDERATION OF REQUEST BY DR. JOHN CAIRNS TO AMEND ROAD WIDTH REQUIREMENTS FOR MINING HAUL ROUTE ROAD SEGMENTS NOT USED BY THE GENERAL PUBLIC (LEGISLATIVE)

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

Planning Director Stan Boling used a PowerPoint presentation (on file), to provide background and analysis on the request of Dr. John Cairns (owner of Cairns 80 Acre Sand Mine), for the County to allow haul route segments not used by the general public to be less than the 24-foot minimum width required in the Land Development Regulations (LDR's). He thereafter conveyed the recommendations of the Planning and Zoning Commission and staff for the Board to adopt the proposed Ordinance amending Chapter 934 *Excavating and Mining* of the LDRs to allow haul route segments to be less than 24 feet wide, if reduced by the Public Works Director for haul route segments not used by the general public.

Vice Chairman O'Bryan wondered whether the Ordinance should be structured to include a requirement for a minimum width of 20 feet for the haul routes that would qualify for the LDR change.

A brief discussion ensued among the Board, with input from Director Boling, after which it was decided to make no change to the proposed Ordinance.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Winds Subdivision, asked whether the proposed LDR change should be restricted to dirt roads west of I-95.

Director Boling responded that it was conceivable that the LDR amendment could apply to some areas east of I-95, and said that he preferred to keep the Ordinance as structured.

Aaron Bowles, MBV Engineering, 1835 20th Street, invited questions from the Board. There were none.

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

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance 2012-012**, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 934, Excavation and Mining, by amending Mining Traffic and Nuisance Mitigation Standards Section 934.06(4); and by providing for repeal of conflicting provisions; codification; severability; and effective date.

**10.A.3. PUBLIC HEARING TO CONSIDER REVENUE DISTRIBUTION FORMULA FOR
6¢ LOCAL OPTION GAS TAX (ADMINISTRATIVE)**

Public Works Director Christopher Mora conveyed that the Board is required to hold a Public Hearing every two years to approve the revenue distribution formula for the 6¢ Local Option Gas Tax. He directed the Board's attention to the distribution formulas for Indian River County, Vero Beach, Fellsmere, Sebastian, Orchid, and Indian River Shores outlined on page 204 of the agenda packet (*see Addendum A of these minutes*), and presented staff's recommendation to approve the formulas as presented.

The Chairman opened the Public Hearing.

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

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the 2012-2013 revenue distribution percentages (*see Addendum A of these minutes*), as recommended in the memorandum of May 2, 2012.

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. CONSIDERATION OF A REQUEST FROM NYLACARB CORPORATION FOR A
LOCAL JOBS GRANT**

Director Keating presented background on Nylacarb Corporation's ("Nylacarb") request for a local jobs grant to expand their plastics injection molded products company, which is located on 98th Avenue, south of State Road 60. He revealed that the company currently employs 30 people and plans to hire 12 more workers. He thereafter conveyed the recommendations of the Economic Development Council (EDC) and staff for the Board to approve the jobs grant in an amount not to exceed \$38,000.

Scott Cooley, Nylacarb Corporation, relayed that Nylacarb has been operating in Indian River County since 1987, and invited questions from the Board.

Vice Chairman O'Bryan observed that it was nice to see the Jobs Grant Program benefitting an old, established business. He recalled that the County had not been too receptive when the company first came to the County, and hoped Nylacarb would notice a favorable change in the County's attitude.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) a local jobs grant of up to \$38,000 for Nylacarb Corporation; and (2) authorized the Chairman to execute the Jobs Grant Agreement with Nylacarb Corporation after approval of the agreement by appropriate County staff and the County Attorney's office, as recommended in the memorandum of May 11, 2012.

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

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. AWARD OF BID NO: 2012036 OSLO ROAD PHASE III ROADWAY

IMPROVEMENTS (58TH AVENUE TO 43RD AVENUE) IRC PROJECT No. 0517

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

Vice Chairman O'Bryan commented that this continuation of the Oslo Road expansion project would provide a 4-lane roadway from 58th Avenue to 43rd Avenue. He also mentioned that he was pleased a local contractor would be awarded the bid.

Commissioner Davis sought and received confirmation from Director Mora that fiber optic cable was being installed in conjunction with the road project.

A brief discussion followed, with input from Director Mora and Project Engineer Arjuna Weragoda, about the possibility of incorporating natural gas distribution lines into the County's infrastructure.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved the project award for IRC Project No. 0517 to Timothy Rose Contracting, Inc., in the amount of \$3,812,202.37; (2) approved the sample agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and certificate of insurance and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of May 7, 2012.

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

12.J. UTILITIES SERVICES

12.J.1. APPROVAL FOR RETAINING THE UTILITIES DEPARTMENT LABOR

CONTRACTOR TO CONSTRUCT AN ADDITIONAL FIRE HYDRANT AT THE THOMPSON ELEMENTARY SCHOOL FOR SCHOOL DISTRICT OF INDIAN RIVER COUNTY AND APPROVAL OF WORK AUTHORIZATION No. 2010-005 TO MELVIN BUSH CONSTRUCTION, INC. – UCP 4089

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the amount of \$7,376.55 for the 57th Street Stormwater Restoration Project; (2) approved using the Utility Department Labor Contractor to install a fire hydrant for the School District; (3) approved and

authorized the Chairman to execute Work Authorization No. 2010-005 to Melvin Bush Construction, Inc., for an amount of \$3,091.55 for labor; and (4) found that new growth will proportionately benefit from the project; all as recommended in the memorandum of May 14, 2012.

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

13. COUNTY ATTORNEY MATTERS

13.A. PROPOSED PLAN, SURVEY FORM, ETC. FOR WATER/WASTEWATER

SURVEY; SELECTION OF CPA FIRM TO RECEIVE COMPLETED SURVEY FORMS

County Attorney Alan S. Polackwich, Sr. provided a brief history of the County's Water and Wastewater Franchise agreements with the City of Vero Beach ("the City") for the provision of utility services to certain areas of the unincorporated County. He recalled that the franchises are scheduled to expire in March 2017, and at the April 17, 2012 County Commission meeting, the Board approved to conduct a mail survey to see if the affected residents would rather have the City or County provide their utilities. He reviewed the proposed plan and documents for implementing the survey and reminded the Board they would need to select a CPA firm to handle the survey forms and compile the results. He anticipated that the surveys would be sent out on November 9, 2012, and the final results announced by the CPA by December 14, 2012. He thereafter presented staff's recommendation for the Board to approve the plan and associated documents, and to select the CPA firm of Harris, Cotherman, Jones, Price & Associates.

Commissioner Solari observed that the State is more apt to make the service area changes if the majority of customers would prefer County water/wastewater services.

ON MOTION by Commissioner Solari, SECONDED by Chairman Wheeler, the Board unanimously approved: (1) the survey plan and related documents attached as Composite Exhibit B on pages 256-260 of the agenda package; and (2) the firm of Harris, Cotherman, Jones, Price & Associates to receive completed survey forms and tabulate the results, as recommended in the memorandum of May 14, 2012.

The Chairman called a recess at 10:06 a.m., and reconvened the meeting at 10:15 a.m., with all members present.

14. COMMISSIONER ITEMS

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

14.B. COMMISSIONER PETER D. O'BRYAN, VICE CHAIRMAN

14.B.1. CONSIDERATION TO SUSPEND IMPACT FEES

Vice Chairman O'Bryan relayed the Economic Development Council's (EDC) request for the Board to suspend all impact fees for the next two fiscal years, and asked if the Commissioners wanted to hold a public hearing on whether or not to suspend said fees. He also addressed Chairman Wheeler's question regarding EDC's vote tally, about which there had been some confusion.

Don Wright, Vice Mayor of Sebastian (speaking as a citizen), believed that impact fees pose a significant start-up cost, and their temporary suspension would help advance commercial development. He advocated increasing the optional fuel tax from six (6) to twelve (12) cents to help fund transportation costs, and encouraged the Board to hold the public hearing to discuss the proposed two-year suspension of the fees.

Joseph Paladin opined that eliminating the impact fees would lead to increased taxes, a reduction in services, and the inability to maintain or grow the infrastructure. He believed that commercial/retail establishments create less demand on the infrastructure and suggested businesses be allowed to finance their fees over a period of years.

Chuck Mechling, 1999 Point West Drive, supported retaining the impact fees as an essential revenue source. He agreed with Vice Mayor Wright's suggestion for the Board to consider an increase to the local option gas tax for transportation revenues. He also wanted the Board to discuss how the impact fee rates are calculated.

Brian Carman, Indian River Neighborhood Association, was opposed to the elimination of the impact fees, because you may remove the fee, but the impact remains, and he did not want an additional burden placed on the taxpayers. He requested further discussion on the calculation of commercial impact fees.

Charlie Wilson, 1057 6th Avenue, spoke about the effects of impact fees on the economy and the County's high unemployment rate. He pointed out that there seems to be a consensus among the Board and speakers that there is a difference between the impacts created by commercial and residential development, and suggested that the commercial impact fees be restructured.

Commissioner Solari declared that impact fees were designed to pay for growth, not economic development, and that the temporary hiatus would not be effective. He felt that the most positive impact the County could have on businesses would be through its programs, such as the local jobs grant awarded to Nylacarb Corporation today (*see Item 12.A. Community Development*).

MOTION WAS MADE by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, to DENY the Economic Development Council's recommendation to suspend impact fees for the next two fiscal years.

Commissioner Flescher was opposed to the temporary abeyance of the impact fees. He observed that they were intended to fund new development, not growth, and feared that suspending the fees would lead to a tax increase.

Chairman Wheeler declared that it is necessary to have a source of funding for roads and new development.

Commissioner Davis opposed the Motion because he felt that the debate on commercial impact fees being too high has not been addressed.

Vice Chairman O'Bryan summarized that the Board's decisions will be whether to suspend all impact fees for the next two fiscal years, and whether to have staff re-evaluate how commercial impact fees are derived. He talked about the success of the local jobs grant program and noted that the Board can work with any business that finds the impact fees a deterrent to moving forward.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Davis opposed), the Motion carried. The Board DENIED the Economic Development Council's recommendation to suspend impact fees for the next two fiscal years.

MOTION WAS MADE by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, to direct staff to evaluate how commercial impact fees are calculated and report back to the Board.

Commissioner Davis was dismayed with how much impact fees escalate for businesses trying to expand or convert an existing facility to another use. He also disagreed with the way the trips are calculated for commercial development, such as when a bank is located in a residential neighborhood.

Chairman Wheeler agreed that it is residential, not commercial, development that creates the demand for infrastructure.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board directed staff to evaluate how commercial impact fees are calculated, and report back to the Board.

14.C. COMMISSIONER WESLEY S. DAVIS - NONE

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

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

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

15.B.2 APPROVAL OF MINUTES MEETING OF MARCH 20, 2012

15.B.3. REQUEST TO PARTICIPATE IN THE “2012 GREEN SERIES” AT INDIAN RIVER MALL

15.B.4. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FELLSMERE AND INDIAN RIVER COUNTY SOLID WASTE DISPOSAL DISTRICT FOR A SINGLE STREAM RECYCLING PILOT PROGRAM

15.B.5. ADDITION – EMERGENCY ITEM: PERMISSION TO ISSUE NOTICE OF PUBLIC HEARING TO AMEND SOLID WASTE DISPOSAL DISTRICT (SWDD) RATES BY RESOLUTION 2012-001

15.C. ENVIRONMENTAL CONTROL BOARD

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

**15.C.1. REPORT OF ACTIVITIES FOR SECOND QUARTER FY 11-12 (JANUARY
THROUGH MARCH, 2012)**

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 Board of County Commission meeting adjourned at 11:03 a.m.

ATTEST:

Jeffrey R. Smith
Clerk of Circuit Court & Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2012 Minutes

INDIAN RIVER COUNTY
LOCAL OPTION GAS TAX DISTRIBUTION FORMULA
MAY 2012

ITEM	INDIAN RIVER COUNTY	VERO BEACH	FELLSMERE	SEBASTIAN	ORCHID	INDIAN RIVER SHORES	TOTAL
lane Miles)	1,362.46	203.5	54.8	314	7	4.97	
74		5	0	5	0	0	
1,510.46	213.5	54.8	324	7	4.97	4.97	2,114.73
71.43%	10.10%	2.59%	15.32%	0.33%	0.24%	0.24%	100.00%
Expenditures							
	\$35,872,005	\$4,746,242	\$1,246,876	\$4,728,857	\$14,858	\$246,705	
	\$35,280,942	\$7,466,829	\$1,128,788	\$3,615,645	\$29,695	\$216,477	
	\$45,961,542	\$5,650,106	\$1,991,641	\$4,396,555	\$19,196	\$204,657	
	\$57,945,938	\$5,031,714	\$953,471	\$3,814,669	\$45,330	\$184,302	
	\$59,252,397	\$4,503,836	\$3,292,545	\$3,851,824	\$41,265	\$170,272	
	\$234,312,824	\$27,398,727	\$8,613,321	\$20,407,550	\$150,344	\$1,022,413	\$291,905,179
ent	80.27%	9.39%	2.95%	6.99%	0.05%	0.35%	100.00%
U (2010)*	91,366	15,220	5,197	21,929	415	3,901	138,028
%	66.19%	11.03%	3.77%	15.89%	0.30%	2.83%	100%
PERCENTAGE							
FOR 2012/2013)	72.63%	10.17%	3.10%	12.73%	0.23%	1.14%	100%
PERCENTAGE	72.36%	10.72%	3.08%	12.56%	0.20%	1.08%	100%

ADDENDUM A

Formula is equal to one-third of the entity's percentage of total equivalent lane miles of road plus one-third of the entity's percentage of transportation expenditures over the previous one-third of the entity's total percentage of population based upon most recent estimate from the University of Florida Bureau of Economic and Business Research (BEBR) economic and Business Research, University of Florida Census Population Counts 2010