

JEFFREY R. SMITH
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

JULY 3, 2012

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE	1
	CONSTITUTIONAL OFFICER – OATH OF OFFICE.....	2
	CLERK OF THE CIRCUIT COURT AND COMPTROLLER AD INTERIM JEFFREY R. SMITH	2
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS	2
	MOVE: ITEM 7.B. INFORMATIONAL UPDATE ON VISTA GARDENS AND VISTA ROYALE WASTEWATER PLANTS TO 12.J.3. UTILITIES SERVICES	2
5.	PROCLAMATIONS AND PRESENTATIONS	3
5.A.	PRESENTATION OF PROCLAMATION HONORING JEFFREY K. BARTON ON HIS RETIREMENT FROM INDIAN RIVER COUNTY	3

5.B.	PRESENTATION OF PROCLAMATION RECOGNIZING THE MONTH OF JULY AS NON-PROFIT ORGANIZATIONS UNITE MONTH, IN HONOR OF THE SUN UP CENTER AND ARC MERGING TO BECOME SUN-UP ARC	3
5.C.	PRESENTATION BY THE SCOTT’S MIRACLE-GRO COMPANY ON HOMEOWNER OUTREACH AND RESIDENTIAL FERTILIZER BEST MANAGEMENT PRACTICES	3
6.	APPROVAL OF MINUTES	4
6.A.	REGULAR MEETING OF MAY 15, 2012.....	4
6.B.	REGULAR MEETING OF MAY 22, 2012.....	4
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	4
7.A.	INFORMATION ITEM REGARDING MODIFIED SCHEDULE FOR BIOSOLIDS FACILITY AT LANDFILL	5
7.B.	INFORMATIONAL UPDATE TO COMMISSION ON VISTA GARDENS AND VISTA ROYALE WASTEWATER PLANTS	5
8.	CONSENT AGENDA	5
8.A.	APPROVAL OF WARRANTS AND WIRES – JUNE 8, 2012 TO JUNE 14, 2012	5
8.B.	APPROVAL OF WARRANTS AND WIRES – JUNE 15, 2012 TO JUNE 21, 2012	5
8.C.	APPROVAL OF PUBLIC OFFICIAL BOND FOR CONSTITUTIONAL OFFICER – JEFFREY R. SMITH	6
8.D.	MEMBER-AT-LARGE APPOINTEE FOR THE CODE ENFORCEMENT BOARD	6
8.E.	AMENDMENT TO RESOLUTIONS TO CALL LETTERS OF CREDIT AND TO ACT ON BEHALF OF INDIAN RIVER COUNTY DURING THE TIME FRAMES OF JULY 18, 2012, THROUGH AND INCLUDING AUGUST 20, 2012, AND AUGUST 22, 2012, THROUGH AND INCLUDING SEPTEMBER 10, 2012	6
8.F.	2013 HOLIDAY SCHEDULE.....	7
8.G.	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	8

8.H.	CHILDREN’S SERVICE ADVISORY COMMITTEE’S RECOMMENDATION FOR AGENCY FUNDING ALLOCATIONS FY 2012-13	8
8.I.	CHANGE ORDER NO. 1 AND RELEASE OF RETAINAGE BRIDGE REPLACEMENT AND ROADWAY IMPROVEMENTS 82 ND AVENUE AT 4 TH STREET – IRC PROJECT No. 0208	9
8.J.	CHANGE ORDER NO. 1 TRANS-FLORIDA CENTRAL RAILROAD GREENWAY TRAIL (NORTH COUNTY REGIONAL PARK TO SEBASTIAN CROSSINGS BOULEVARD) – IRC PROJECT No. 0923A.....	9
8.K.	FINAL PAYMENT AND RELEASE OF RETAINAGE, VERO BEACH SPORTS VILLAGE QUADRANGLE SOFTBALL FIELDS IRC PROJECT No. 1105 – RFP No. 2011035	10
8.L.	APPROVAL OF CHANGE ORDER NO. 2 TO A CONTRACT WITH SAFETY & ENVIRONMENTAL SYSTEMS, INC. FOR CONSTRUCTION OF BOARDWALKS AND TRAIL SEGMENTS ON THE FLINN TRACT OF THE LAGOON GREENWAY.....	10
8.M.	RELEASE OF RETAINAGE FOR WORK ORDER NOS. 2, 3 AND 4 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ARCADIS U.S., INC. FOR 4-LANE WIDENING OF 43 RD AVENUE FROM 25 TH STREET S.W. TO OSLO ROAD (9 TH STREET S.W.) INDIAN RIVER COUNTY PROJECT No. 0702	11
8.N.	AWARD OF BID NO: 2012029, 27 TH AVENUE MILLING AND RESURFACING (OSLO ROAD TO S.R. 60), IRC PROJECT No. 0391	11
8.O.	ACCEPTANCE OF EMERGENCY MANAGEMENT SUBGRANT AGREEMENT 13-BG-06-10-40-01-031.....	12
8.P.	MISCELLANEOUS BUDGET AMENDMENT 014.....	12
8.Q.	AWARD OF BID NO: 2012040 SANDRIDGE GOLF COURSE, DRIVING RANGE TEE RENOVATIONS, IRC PROJECT No. 1210	12
8.R.	RELEASE OF PROPERTY FROM CODE ENFORCEMENT LIEN A GAINST ROBERT AND BETHANY VERNA	13
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	13
10.	PUBLIC ITEMS.....	13
10.A.	PUBLIC HEARINGS - NONE.....	13
10.B.	PUBLIC DISCUSSION ITEMS - NONE.....	13
10.C.	PUBLIC NOTICE ITEMS	14

10.C.1.A.	NOTICE OF SCHEDULED PUBLIC HEARINGS FOR JULY 17, 2012: AMENDMENT TO THE FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR ± 1,171.45 ACRES OWNED BY THE ST. JOHN 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 AND 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); AND TO REZONE THOSE PROPERTIES TO CON-1, PUBLIC LAND CONSERVATION DISTRICT (ZERO DENSITY) (LEGISLATIVE)	14
10.C.1.B.	DIANA MESSNER’S REQUEST FOR ABANDONMENT OF A PORTION OF AN ALLEYWAY BETWEEN LOTS 1, 2, 3 ON 83 RD AVENUE (SEBASTIAN AVENUE) AND LOTS 8, 9, 10 ON 82 ND COURT (BERRY AVENUE) BLOCK 2, TOWNSITE PLAT OF ROSELAND (LEGISLATIVE)	14
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	14
12.	DEPARTMENTAL MATTERS	14
12.A.	COMMUNITY DEVELOPMENT - NONE.....	15
12.B.	EMERGENCY SERVICES - NONE.....	15
12.C.	GENERAL SERVICES - NONE	15
12.D.	HUMAN RESOURCES - NONE	15
12.E.	HUMAN SERVICES - NONE	15
12.F.	LEISURE SERVICES - NONE	15
12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	15
12.G.1.	CITY OF FELLSMERE CHAPTER 180 – NATURAL GAS SERVICE AREA	15
12.H.	RECREATION - NONE.....	18
12.I.	PUBLIC WORKS - NONE	18
12.J.	UTILITIES SERVICES.....	18

12.J.1.	FINAL PAY AMENDMENT #1 TO WORK ORDER NO. 26 WITH GEOSYNTEC CONSULTANTS, INC. FOR GROUND WATER ASSESSMENT AND MONITORING PROPOSAL NORTH COUNTY WATER PLANT	18
12.J.2.	SHADY ACRES WATER ASSESSMENT PROJECT, APPROVAL OF RETAINING UTILITY LABOR CONTRACTOR TO CONSTRUCT THE WATER SYSTEM.....	19
12.J.3.	MOVED FROM 7.B. UPDATE TO COMMISSION ON VISTA GARDENS AND VISTA ROYALE WASTEWATER PLANTS	20
13.	COUNTY ATTORNEY MATTERS - NONE.....	21
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.	AN UPDATE OF THE FLORIDA ASSOCIATION OF COUNTIES ANNUAL CONFERENCE.....	21
14.C.	COMMISSIONER WESLEY S. DAVIS	22
14.D.	COMMISSIONER JOSEPH E. FLESCHER	22
14.E.	COMMISSIONER BOB SOLARI.....	22
15.	SPECIAL DISTRICTS AND BOARDS	22
15.A.	EMERGENCY SERVICES DISTRICT	22
15.A.1.	HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT BETWEEN INDIAN RIVER STATE COLLEGE AND INDIAN RIVER COUNTY DEPARTMENT OF EMERGENCY SERVICES	22
15.B.	SOLID WASTE DISPOSAL DISTRICT	22
15.B.1.	APPROVAL OF MINUTES MEETING OF MAY 22, 2012	23
15.B.2.	FINAL PAY FOR GEOSYNTEC WORK ORDER No. 3, GAS FLARE STATION RELOCATION	23
15.C.	ENVIRONMENTAL CONTROL BOARD	23
15.C.1.	APPROVAL OF MINUTES MEETING OF MAY 15, 2012	23
15.C.2.	APPROVAL OF MINUTES MEETING OF MAY 22, 2012	23
15.C.3.	RELEASE OF LIEN – WILLIAM R. BUCHANAN & RACHAEL BUCHANAN ENVIRONMENTAL CONTROL HEARING BOARD CASE 468-09	23

16. ADJOURNMENT.....23

JEFFREY R. SMITH

Clerk to the Board



July 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, July 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 Baird, Deputy County Attorney William DeBaal, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Shelly Satran, Our Savior Lutheran Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Wheeler led the Pledge of Allegiance to the Flag.

CONSTITUTIONAL OFFICER – OATH OF OFFICE
CLERK OF THE CIRCUIT COURT AND COMPTROLLER AD
INTERIM JEFFREY R. SMITH

The Honorable Judge Joe A. Wild, Indian River County Court, commended Mr. Barton, retiring Clerk of the Circuit Court and Comptroller, on his professionalism and hard work in achieving smooth and efficient court operations. He thereafter administered the Oath of Office to Jeffrey R. Smith, incoming Clerk of the Circuit Court and Comptroller.

Mr. Smith noted that under Mr. Barton's tutelage, the Finance Department has received for 28 consecutive years, the Certificate of Achievement for Excellence in Financial Reporting; e-filing has been initiated in several departments; and the Clerk's Office received in 2003, The Indian River County Best Places to Work award.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

(Clerk's Note: This item followed Item 5.A. and is placed here for continuity).

Chairman Wheeler requested the following change to the Agenda:

MOVE: ITEM 7.B. INFORMATIONAL UPDATE ON VISTA GARDENS AND VISTA
ROYALE WASTEWATER PLANTS TO 12.J.3. UTILITIES SERVICES

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION HONORING JEFFREY K. BARTON ON HIS RETIREMENT FROM INDIAN RIVER COUNTY

(Clerk's Note: This item followed the Oath of Office and is placed here for continuity).

Chairman Wheeler read and presented the Proclamation honoring Jeffrey K. Barton, Clerk of Circuit Court and Comptroller, on his retirement from Indian River County effective June 30, 2012.

5.B. PRESENTATION OF PROCLAMATION RECOGNIZING THE MONTH OF JULY AS NON-PROFIT ORGANIZATIONS UNITE MONTH, IN HONOR OF THE SUN UP CENTER AND ARC MERGING TO BECOME SUN-UP ARC

(Clerk's Note: This item followed Item 4 and is placed here for continuity).

Commissioner Flescher read and presented the Proclamation to Chuck Bradley, Executive Director, Mary Beth Vallar, Board of Directors Chairperson, Mary Ellen Replogle, Board Member Emeritus, and Patricia Moody, Advocate Director, of the SunUp Abilities Resource Center (ARC). He noted that Ms. Moody provides the sign language for the Special Olympics.

5.C. PRESENTATION BY THE SCOTT'S MIRACLE-GRO COMPANY ON HOMEOWNER OUTREACH AND RESIDENTIAL FERTILIZER BEST MANAGEMENT PRACTICES

Molly Jennings, representing Scotts Miracle-Gro ("Scotts"), provided a PowerPoint presentation (copy on file) regarding the GroGood Sustainability Initiatives that Scotts is

developing to promote “Florida-Friendly Landscaping.” She thereafter conveyed Scotts’ willingness to partner with representatives from the County’s stormwater education program to help disseminate information about the best practices for healthy lawns and clean water.

Commissioner Solari related that he and Vice Chairman O’Bryan were working on some best management practices, and asked Utilities staff to explore the cost for including a one-page informational insert in the monthly utility bills.

Commissioner Davis stated that the Commission would be glad to help facilitate any educational workshops that Scotts might conduct at home and garden centers.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF MAY 15, 2012

6.B. REGULAR MEETING OF MAY 22, 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 May 15, and May 22, 2012 meetings, as written.

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

7.A. INFORMATION ITEM REGARDING MODIFIED SCHEDULE FOR BIOSOLIDS FACILITY AT LANDFILL

Noted for the record was the change in the schedule of the Biosolids facility at the County Landfill. Effective June 18, 2012, the hours and days will be 7:00 a.m. to 4:45 p.m. seven (7) days per week.

7.B. INFORMATIONAL UPDATE TO COMMISSION ON VISTA GARDENS AND VISTA ROYALE WASTEWATER PLANTS

This item was moved to 12.J.3.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS AND WIRES – JUNE 8, 2012 TO JUNE 14, 2012

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires for the time period of June 8, 2012 to June 14, 2012, as requested in the memorandum of June 14, 2012.

8.B. APPROVAL OF WARRANTS AND WIRES – JUNE 15, 2012 TO JUNE 21, 2012

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires for the time period of June 15, 2012 to June 21, 2012, as requested in the memorandum of June 21, 2012.

**8.C. APPROVAL OF PUBLIC OFFICIAL BOND FOR CONSTITUTIONAL OFFICER –
JEFFREY R. SMITH**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Public Official Bond, effective July 1, 2012 to January 3, 2013, for Jeffrey R. Smith, Clerk of Circuit Court and Comptroller, as requested in the memorandum of June 27, 2012.

BOND IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.D. MEMBER-AT-LARGE APPOINTEE FOR THE CODE ENFORCEMENT BOARD

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Anthony (Tony) Gervasio, Sr. as a Member-At-Large Appointee to the Code Enforcement Board, as requested in the memorandum of June 25, 2012.

**8.E. AMENDMENT TO RESOLUTIONS TO CALL LETTERS OF CREDIT AND TO ACT
ON BEHALF OF INDIAN RIVER COUNTY DURING THE TIME FRAMES OF
JULY 18, 2012, THROUGH AND INCLUDING AUGUST 20, 2012, AND
AUGUST 22, 2012, THROUGH AND INCLUDING SEPTEMBER 10, 2012**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-058**, amending Resolution No. 2012-056, to delegate authority to the County Administrator or

his designee, to execute resolutions calling letters of credit as necessary during the period commencing July 18, 2012, through and including August 20, 2012, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing July 18, 2012, through and including August 20, 2012.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-059**, amending Resolution No. 2012-057, to delegate authority to the County Administrator or his designee, to execute resolutions calling letters of credit as necessary during the period commencing August 22, 2012 through and including September 10, 2012, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing August 22, 2012, through and including September 10, 2012.

8.F. 2013 HOLIDAY SCHEDULE

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the proposed schedule of holidays (outlined on page 45 of the agenda packet), for Indian River County employees for 2013, as recommended in the memorandum of June 18, 2012.

8.G. 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 acknowledged HydroMentia for cooperating with the Board's request to reduce certain fees, pursuant to discussion at the May 22, 2012 County Commission meeting.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 4 with HydroMentia, Inc., for a not-to-exceed amount of \$83,990, as recommended in the memorandum of June 21, 2012.

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

8.H. CHILDREN'S SERVICE ADVISORY COMMITTEE'S RECOMMENDATION FOR AGENCY FUNDING ALLOCATIONS FY 2012-13

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved to fund the 16 programs designated on page 66 of the agenda packet for the total funding amount of \$623,890, and authorized the Chairman to execute the individual contracts, as recommended in the memorandum of June 25, 2012.

8.I. CHANGE ORDER NO. 1 AND RELEASE OF RETAINAGE BRIDGE
REPLACEMENT AND ROADWAY IMPROVEMENTS 82ND AVENUE AT 4TH
STREET – IRC PROJECT NO. 0208

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 and payment of Lucas Marine Acquisition Company, LLC Application for Payment No. 6 Final Retainage in the amount of \$52,642.08 for release of retainage, as recommended in the memorandum of June 20, 2012.

8.J. CHANGE ORDER NO. 1 TRANS-FLORIDA CENTRAL RAILROAD GREENWAY
TRAIL (NORTH COUNTY REGIONAL PARK TO SEBASTIAN CROSSINGS
BOULEVARD) – IRC PROJECT NO. 0923A

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 to Timothy Rose Contracting, Inc., in the amount of \$50,000.00, which will increase the total contract amount to \$211,184.96, as recommended in the memorandum of June 12, 2012.

**8.K. FINAL PAYMENT AND RELEASE OF RETAINAGE, VERO BEACH SPORTS
VILLAGE QUADRANGLE SOFTBALL FIELDS IRC PROJECT No. 1105 –
RFP No. 2011035**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Bill Bryant & Associates, Inc. pay application dated June 11, 2012, in the amount of \$106,179.80, for final payment and release of retainage, as recommended in the memorandum of June 21, 2012.

**8.L. APPROVAL OF CHANGE ORDER NO. 2 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 Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 2 to the Lagoon Greenway Phase IIA Construction Agreement with Safety & Environmental Systems, Inc., and authorized the County Administrator to execute the Change Order on behalf of the County, as recommended in the memorandum of June 26, 2012.

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

8.M. RELEASE OF RETAINAGE FOR WORK ORDER NOS. 2, 3 AND 4 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ARCADIS U.S., INC. FOR 4-LANE WIDENING OF 43RD AVENUE FROM 25TH STREET S.W. TO OSLO ROAD (9TH STREET S.W.) INDIAN RIVER COUNTY PROJECT No. 0702

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Arcadis U.S., Inc.'s release of retainage Invoice No. 056000-RET, dated June 15, 2012, in the amount of \$28,219.04, as recommended in the memorandum of June 20, 2012.

8.N. AWARD OF BID No: 2012029, 27TH AVENUE MILLING AND RESURFACING (OSLO ROAD TO S.R. 60), IRC PROJECT No. 0391

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the project award to Ranger Construction Industries, Inc., in the amount of \$1,293,157.53; (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 June 18, 2012.

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

8.O. ACCEPTANCE OF EMERGENCY MANAGEMENT SUBGRANT AGREEMENT

13-BG-06-10-40-01-031

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Federally Funded Subgrant Agreement (13-BG-06-10-40-01-031), and authorized the Chairman to execute this agreement between Indian River County Emergency Management and the State of Florida Division of Emergency Management, as recommended in the memorandum of June 20, 2012.

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

8.P. MISCELLANEOUS BUDGET AMENDMENT 014

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-060**, amending the Fiscal Year 2011-2012 Budget.

8.Q. AWARD OF BID NO: 2012040 SANDRIDGE GOLF COURSE, DRIVING

RANGE TEE RENOVATIONS, IRC PROJECT No. 1210

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved to award the project to Ag-Scape Services, Inc., in the amount of \$108,637.83; (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 June 14, 2012.

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

**8.R. RELEASE OF PROPERTY FROM CODE ENFORCEMENT LIEN AGAINST
ROBERT AND BETHANY VERNA**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the release of the property in Grace Grove Subdivision, formerly owned by Robert and Bethany Verna, from its Code Enforcement lien, and allowed Habitat for Humanity to continue with its closing on the property, as recommended in the memorandum of June 28, 2012.

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

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES - NONE**

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1.A. NOTICE OF SCHEDULED PUBLIC HEARINGS FOR JULY 17, 2012:

AMENDMENT TO THE FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR ±1,171.45 ACRES OWNED BY THE ST. JOHN 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 AND 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); AND TO REZONE THOSE PROPERTIES TO CON-1, PUBLIC LAND CONSERVATION DISTRICT (ZERO DENSITY) (LEGISLATIVE)

10.C.1.B. DIANA MESSNER'S REQUEST FOR ABANDONMENT OF A PORTION OF AN ALLEYWAY BETWEEN LOTS 1, 2, 3 ON 83RD AVENUE (SEBASTIAN AVENUE) AND LOTS 8, 9, 10 ON 82ND COURT (BERRY AVENUE) BLOCK 2, TOWNSITE PLAT OF ROSELAND (LEGISLATIVE)

Deputy County Attorney DeBral read the notices into the record.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

The Chairman called a recess at 9:41 a.m. and reconvened the meeting at 9:45 a.m., with all members present.

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. CITY OF FELLSMERE CHAPTER 180 – NATURAL GAS SERVICE AREA

Director of Management and Budget Jason Brown reviewed his memorandum of June 27, 2012; the County Administrator's letter to the City of Fellsmere, and the legal opinion from outside counsel Nabors Giblin & Nickerson, to provide background and analysis pertaining to Fellsmere's proposed Ordinance 2012-17 to establish the "City of Fellsmere Natural Gas Utility Chapter 180 Reserve Area" which includes not only the City, but a large portion of the unincorporated County outside of city limits. He divulged that County staff had asked Fellsmere to shrink the reserve area back to city limits; however, City Manager Jason Nunemaker has indicated that they will move forward with the entire proposed district. Director Brown stated that he was concerned that Fellsmere has been working on this matter for 1 ½ years without seeking the County's input, and was uncertain whether the proposal would subject the residents of the unincorporated County to rate changes, franchise fees, or mandatory connections.

County Administrator Joseph Baird advocated challenging the proposal, questioning why Fellsmere staff and City Council Members have been working on the proposal for 1 ½ years without discussing it with the County . He stated that the majority of the proposed reserve area is outside of Fellsmere City Limits, and that it is the County’s responsibility to protect its residents.

Vice Chairman O’Bryan was opposed to Fellsmere’s proposal. He explained that they wanted to establish a natural gas line to the proposed future Florida Organic Aquaculture site, but did not need to establish a new service territory to do so, since Florida City Gas has already agreed to run said pipeline. Noting that the Fellsmere City Council would be meeting on July 5, 2012, he asked the Deputy County Attorney to outline the Board’s options.

Deputy County Attorney Bill DeBraal stated that “Indian River County’s Statement of Objections to City of Fellsmere Proposed Ordinance 2012-17” (see pages 167-171 of the agenda package) has been filed with the Fellsmere City Manager, City Attorney, and Council Members, and the County should have an opportunity to be heard. He declared that should Fellsmere decide to expand beyond its city limits, it would be open to a legal challenge.

Commissioner Davis felt that appealing to the Public Service Commission (PSC) would be the best way for the Board to dissuade Fellsmere from moving ahead.

Commissioner Solari preferred to support Fellsmere’s initiative to establish the natural gas franchise within their area, but to stress that the Board is opposed to extending the service boundaries into the unincorporated County. He did not want to see the County residents placed in the position of having to pay taxes without representation.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Vice Chairman O’Bryan, to direct staff
to assist wherever possible, the City of Fellsmere in

setting up its natural gas franchise, with the Service Territory to INCLUDE the geographic area of Fellsmere, and to EXCLUDE the geographic area of the unincorporated County.

Commissioner Davis stressed that the Board's Motion alone will not be a deterrent if Fellsmere decides to advance with its original proposal for the natural gas district, and stressed the need to protect the residents of the unincorporated County from any type of extra fees.

Discussion ensued, with input from Administrator Baird and Director Brown, regarding the fact that Florida City Gas is already able to run gas lines in the County, both within and outside of the Fellsmere boundary area.

Director Brown observed that Fellsmere's wish to proceed rapidly with the natural gas project could be accomplished by granting the County's request to limit the service territory to Fellsmere City limits (with the possibility of future expansion).

Vice Chairman O'Bryan agreed, noting that if the service territory is wrapped over into its unincorporated area, the County will file a legal challenge that will delay the project. He added that if Fellsmere needs a larger service area to enhance their Community Development Block Grant application, they need to undertake a joint project with the County.

Commissioner Davis wanted to know if the County's potential challenge to Fellsmere would be made through the PSC or the circuit court.

Administrator Baird replied that based on input from the County Attorney, the challenge would be handled through the court system.

Commissioner Flescher commended the Fellsmere City Council for moving forward with a gas line. However, he did not see their proposal as beneficial to the unincorporated County's residents, because the current natural gas provider is already willing to run gas lines.

Chairman Wheeler was also opposed to Fellsmere's proposal. He was concerned about the possible imposition of mandatory natural gas connections, and echoed Commissioner Solari's sentiment that the proposed franchise would constitute taxation without representation.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board directed staff to assist wherever possible, the City of Fellsmere in setting up its natural gas franchise, with the Service Territory to INCLUDE the geographic area of Fellsmere, and to EXCLUDE the geographic area of the unincorporated County.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

**12.J.1. FINAL PAY AMENDMENT #1 TO WORK ORDER NO. 26 WITH
GEOSYNTEC CONSULTANTS, INC. FOR GROUND WATER ASSESSMENT AND
MONITORING PROPOSAL NORTH COUNTY WATER PLANT**

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

Commissioner Solari asked whether Geosyntec Consultants, Inc.'s final pay request was for the work order or for completion of the water assessment and monitoring project.

Director of Utilities Erik Olson affirmed that Geosyntec has concluded its obligations; the County will assume responsibility for the monitoring activities at the North County Water Plant.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the Final Pay Request to Amendment No. 1 to Work Order No. 26 with Geosyntec Consultants, Inc., for additional sampling and reporting to the Natural Attenuation Monitoring (NAM) Plan, in the amount of \$73.83, as recommended in the memorandum of June 12, 2012.

**12.J.2. SHADY ACRES WATER ASSESSMENT PROJECT, APPROVAL OF
RETAINING UTILITY LABOR CONTRACTOR TO CONSTRUCT THE WATER
SYSTEM**

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

Commissioner Solari wanted to make sure that the residents of Shady Acres understand they would have to pay for an entirely new water line, should they decide to add fire protection services to the water service.

Director Olson confirmed that the residents have been apprised of the pros and cons of the project, and want to proceed.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the retainage of the Utility Department Labor Contractor, Melvin Bush Construction, Inc. for the assessment project; approved an amount up to \$14,218.43 for labor and materials; and authorized the Chairman to execute Work Authorization No. 2010-009 with the Department of Utilities Labor Contractor for \$7,859.50, as presented, and as recommended in the memorandum of June 25, 2012.

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

12.J.3. MOVED FROM 7.B. UPDATE TO COMMISSION ON VISTA GARDENS AND VISTA ROYALE WASTEWATER PLANTS

Director of Utility Services Erik Olson, through a PowerPoint presentation (copy on file), provided history and conditions pertaining to the demolition of two inactive County wastewater treatment plants that were adjacent to Vista Gardens and Vista Royale, respectively. He said that in response to a letter from Mike Banyas, the manager of Vista Gardens, expressing concerns about potential safety issues, staff had examined the Vista Gardens site, as well as the larger Vista Royale Wastewater site, and deemed that both plants should be demolished. Director Olson related that initial bids and estimates ranged from almost \$26,000 to \$40,000; however, the successful bidder, Staski Demolition, performed the demolition for the cost of one penny (\$0.01).

Congratulations on a fine job were extended by Commissioner Solari, Director Olson, and Administrator Baird, respectively, to Terry Southard, Utility Operations Manager, and the Utilities Department.

No Board Action Required or Taken

13. COUNTY ATTORNEY MATTERS - NONE

14. COMMISSIONER ITEMS

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

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

**14.B.1. AN UPDATE OF THE FLORIDA ASSOCIATION OF COUNTIES ANNUAL
CONFERENCE**

Vice Chairman O'Bryan reported that a main topic of discussion at the Florida Association of Counties (FAC) Annual Conference was the impact of House Bill 5301 (which authorizes the State to collect back payments for Medicaid bills that were disputed and unpaid) on Florida counties. He divulged that in August 2012, the Agency for Healthcare Administration ("AHCA") will certify the final amount of the County's bill, which is currently estimated at \$1 million. The Board, in September 2012, must decide whether to pay the entire assessed amount and get a 15% discount, or pay the entire amount and try to get a refund on the disputed amount. He mentioned that staff will be using the Department of Children and Families (DCF) database to help them verify whether or not a patient lived in the County at the time of treatment. Vice Chairman O'Bryan also relayed that there has been some positive economic development, with a decline in the State's unemployment rate and a rise in tourism.

Commissioner Davis wanted to ensure that staff has the necessary resources to make a recommendation regarding the State's invoice, so the Board can act in the best interest of the taxpayers.

Director Brown explained that the State bases its decisions on residency through the DCF database. He conveyed that staff will use the database to assess how many erroneous billings

there are, and make a recommendation to the Board based on that percentage. He explained that if it looks like the County has 25% “winners”, staff would recommend challenging the State; however, if appears to be less than 15%, it would be prudent to accept the State’s determination and take the 15% discount.

Administrator Baird stated that staff would report on this matter at the August 21, 2012 County Commission meeting.

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

The Regular Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

**15.A.1. HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT BETWEEN
INDIAN RIVER STATE COLLEGE AND INDIAN RIVER COUNTY
DEPARTMENT OF EMERGENCY SERVICES**

15.B. SOLID WASTE DISPOSAL DISTRICT

The Board of the Emergency Services District 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 MAY 22, 2012

**15.B.2. FINAL PAY FOR GEOSYNTEC WORK ORDER NO. 3, GAS FLARE STATION
RELOCATION**

15.C. ENVIRONMENTAL CONTROL BOARD

The Emergency Services District Board reconvened as the Board of Commissioners of the Environmental Control Board. Those Minutes are available separately.

15.C.1. APPROVAL OF MINUTES MEETING OF MAY 15, 2012

15.C.2. APPROVAL OF MINUTES MEETING OF MAY 22, 2012

**15.C.3. RELEASE OF LIEN – WILLIAM R. BUCHANAN & RACHAEL BUCHANAN
ENVIRONMENTAL CONTROL HEARING BOARD CASE 468-09**

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 10:48 a.m.

ATTEST:

Jeffrey R. Smith
Clerk of Circuit Court & Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2012 Minutes