

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

JULY 17, 2012

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JEFFREY R. SMITH

Clerk to the Board



July 17, 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 17, 2012. Present were Chairman Gary C. Wheeler, Vice Chairman Peter D. O'Bryan, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Bob Solari. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

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

3. PLEDGE OF ALLEGIANCE

Commissioner Davis led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Commissioner Solari requested the following changes to the Agenda:

DELETE: ITEM 8.I. MEDIATED SETTLEMENT

**WITHDRAWN: ITEM 10.B.1. REQUEST TO SPEAK FROM MARVIN KLEIN REGARDING
CLEANING AND MAINTENANCE OF DRAINAGE AREA ON COUNTY PROPERTY
ADJACENT TO KLEIN PROPERTY**

**ADD: ITEM 12.J.4. REQUEST TO PURCHASE 13 ACRES OF LAND, PARCEL
ID#33392300001009000001.0, ADJACENT TO THE SOUTH WATER
PLANT, BEALE ENTERPRISE, OWNER**

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING AUGUST 5 - 11, 2012 AS
INTERNATIONAL ASSISTANCE DOG WEEK**

Commissioner Flescher read and presented the Proclamation to Dogs For Life President David S. Johnson; Executive Director, Shelly Ferger; Board Members Ben Humphries, U.S. Army, Retired, and Margaret Wall; and Trainers Patty Ruble, Patti Schell, and Norine Coody. Don Schaefer, a veteran who will be receiving an assistance dog, was also present, as were service dogs Milo and Abby.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF JUNE 5, 2012

6.B. REGULAR MEETING OF JUNE 12, 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 June 5, and June 12, 2012 meetings, as written.

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

8. CONSENT AGENDA

Vice Chairman O'Bryan requested to pull Item 8.C. for discussion.

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

8.A. APPROVAL OF WARRANTS AND WIRES – JUNE 29, 2012 TO JULY 5, 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

29, 2012 to July 5, 2012, as requested in the memorandum of July 5, 2012.

8.B. ERRORS AND INSOLVENCIES REPORT FOR THE 2011 TAX ROLL

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Recapitulation of the 2011 Tax Roll, which includes a copy of the Errors and Insolvencies Report, as requested in the memorandum of July 11, 2012.

8.C. AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE THE RENEWAL AGREEMENT WITH FLORIDA BLUE FOR THE COUNTY'S BLUE MEDICARE ADVANTAGE PLAN FOR FY 2012/2013

Vice Chairman O'Bryan wondered whether retirees could be offered a choice between the Humana Medicare Advantage Plan and the Florida Blue Medicare Advantage Plan ("Florida Blue Plan"), because there are distinct advantages to each plan.

Anna Maria Studley, Managing Director, Gehring Group (the County's insurance broker), explained that if both plans are offered, Humana would have to re-rate their plan, with probable rate increases.

Human Resources Director Jim Sexton provided additional details on the two plans, noting that the Florida Blue Plan is better for retirees with a gap in their Medicare prescription coverage. He added that staff is open to suggestions if the Board would like to switch coverage; however, the insurance companies would have to re-rate their plans.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously authorized the County Administrator to renew the Florida Blue Medicare Advantage Plan for FY 2012-2013, as recommended in the memorandum of July 11, 2012.

8.D. APPROVAL OF FY 2012-13 AND 2013-2014 RADIOLOGICAL EMERGENCY PREPAREDNESS AGREEMENT (REP GRANT)

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the FY 2012-2013 and 2013-2014 Radiological Emergency Preparedness Agreement (REP Grant) with Florida Power & Light Company (FPL), and authorized the Chairman to execute the necessary documents, as recommended in the memorandum of June 27, 2012.

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

8.E. BRIDGE DESIGN SERVICES FOR 82ND AVENUE BRIDGE OVER THE I.R.F.W.C.D. LATERAL D CANAL (4TH STREET) WORK ORDER No. 16 WITH BRIDGE DESIGN ASSOCIATES, INC., RELEASE OF RETAINAGE CONSTRUCTION SERVICES – IRC PROJECT No. 0208

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Bridge Design Associates, Inc.'s Invoice No. 10-540/CR, dated 04/03/2012, for return of retainage in the amount of \$2,114.00, as recommended in the memorandum of July 3, 2012.

**8.F. CHANGE ORDER NO. 1 FOR FINAL PAYMENT AND RELEASE OF
RETAINAGE INDIAN RIVER COUNTY FAIRGROUNDS OVERFLOW AND
VEHICULAR STAGING AREA, PHASE TWO, BID NO. 2012028 IRC PROJECT
NO. 1047-2**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 and payment of Mancil's Tractor Service, Inc.'s Application for Payment No. 4 FINAL in the amount of \$10,993.92 for final payment and release of retainage, as recommended in the memorandum of July 3, 2012.

**8.G. REQUEST FOR USE OF HOLMAN STADIUM, ANNUAL GUNS VS. HOSES AND
CELEBRITY VS. GOVERNMENT SOFTBALL GAME AND BBQ FUNDRAISER
EVENT TO BE HELD OCTOBER 6, 2012**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Indian River County Holman Stadium Use Agreement with Every Dream Has A Price, Inc., as recommended in the memorandum of July 5, 2012.

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

8.H. MEDIATED SETTLEMENT: ROBERT HATTON

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the mediated settlement of \$220,000 including attorney's fees and costs, with former Sheriff's deputy, Robert Hatton, as recommended in the memorandum of July 9, 2012.

8.I. ITEM 8.I. (MEDIATED SETTLEMENT) HAS BEEN PULLED FROM THE AGENDA

8.J. MEDIATED SETTLEMENT: CHARLES P. CRAIG

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the mediated settlement of \$117,000 including attorney's fees and costs, with former Sheriff's deputy, Charles P. Craig, as recommended in the memorandum of July 9, 2012.

8.K. RELEASE OF RETAINAGE, DONADIO AND ASSOCIATES CRIME SCENE (WORK ORDER #1)

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the final pay request from Donadio and Associates in the amount of \$2,750.00 (for evaluation of former Sun Sky

roofing property), as recommended in the memorandum of June 11, 2012.

**8.L. CHANGE ORDER NO. 2 AND RELEASE OF RETAINAGE – 6TH AVENUE SW
CULVERT REPLACEMENT NORTH OF 23RD STREET SW, IRC PROJECT NO.
1136**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment to Timothy Rose Contracting, Inc., for Application for Payment No. 3 Final for release of retainage in the amount of \$5,492.24, as recommended in the memorandum of July 2, 2012.

**8.M. RE-AWARD #2012046 REQUEST FOR QUOTATION FOR SEASONAL MOBILE
CONCESSION SERVICES AT THE NORTH COUNTY AQUATIC CENTER AND
COUNTY OWNED REAL PROPERTY**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously awarded the Mobile Food Service Concessionaire Agreement to Treasure Coast Concessions, and authorized the Assistant County Administrator to execute the Agreement in the form presented on pages 99 through 107, as recommended in the memorandum of July 9, 2012.

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

(Clerk's Note: Concessionaire Agreement with Freddy's Hot Dog House, approved May 22, 2012, was terminated).

**8.N. ACCEPTANCE OF EMERGENCY MANAGEMENT FEDERALLY-FUNDED
SUBGRANT AGREEMENT 13-FG- -10-40-01-098**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Federally Funded Subgrant Agreement (13-FG-__-10-40-01-098) 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 July 10, 2012.

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 HEARINGS

**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 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)

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

Community Development Director Bob Keating, through a PowerPoint presentation (copy on file), provided background and analysis regarding the County-initiated request for a Comprehensive Plan Amendment to change the land use designation of two properties designated as AG-2, Agricultural-2; and one property designated as AG-3, Agricultural-3; to C-1, Conservation-1; and to rezone those properties to CON-1, Conservation-1 District. He reported that at its May 22, 2012 public hearing, the Board approved transmittal of the amendments to State and Regional review agencies and that this is the second and final public hearing to consider adoption of the Comprehensive Plan Amendment. He thereafter conveyed the recommendations of both the Planning and Zoning Commission and staff for the Board to adopt the proposed ordinances (2) amending the Future Land Use Map and associated rezonings of each site.

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

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, the Board unanimously adopted **Ordinance 2012-031**, amending the Future Land Use Map by changing the Land Use Designation for ±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) and providing codification, severability, and effective date.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, the Board unanimously adopted **Ordinance 2012-032**, amending the Future Land Use Map by changing the Land Use Designation for ±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 A-2, Agricultural-2 District (up to 1 unit/10 acres), to CON-1, Conservation-1 District (zero density); and to rezone ±350 acres owned by Indian River County located west of Blue Cypress Lake and approximately 6 ½ miles north of S.R. 60, from A-3, Agricultural-3 District (up to 1 unit/20 acres), to CON-1, Conservation-1 District

(zero density); and providing codification, severability, and effective date.

10.A.2. REQUEST FOR APPROVAL OF THE PROPOSED REVISED NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ABBREVIATED ACTION 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, through a PowerPoint presentation (copy on file), provided background on staff's request for the Board to approve the revised Neighborhood Stabilization Program (NSP) 3 Community Development Block Grant (CDBG) Abbreviated Action Plan. He explained that the County has received \$1.5 million in NSP3 funds, but there have not been enough foreclosed properties to buy in the current target area; the proposed expansion of the geographic boundaries is expected to increase the number of homes that can be purchased, rehabilitated, and sold by the Habitat for Humanity (the County's housing partner). He stated that the NSP CDBG Citizens Advisory Task Force (CATF) has reviewed the revision, and along with County staff, unanimously recommend that the Board approve the modifications to the Abbreviated Action Plan, and authorize transmittal to the Federal Department of Housing and Urban Development (HUD for final approval.

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

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

Chairman Wheeler stated that he would not support staff's recommendation. He felt that in light of those who had to forfeit their homes, it was unfair for the County to use government money to purchase foreclosed properties from the financial institutions.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Chairman Wheeler opposed), the Motion carried. The Board approved **Resolution 2012-061**, authorizing the Community Development Director to submit the revised Neighborhood Stabilization Program 3 Community Development Block Grant Abbreviated Action Plan to the Federal Department of Housing and Urban Development.

10.A.3. DIANA MESSNER'S REQUEST FOR ABANDONMENT OF A PORTION OF THE ALLEY LYING BETWEEN 129TH PLACE (BAIRD STREET) AND 129TH COURT (JOSIE STREET) IN BLOCK 2 TOWNSITE PLAT OF ROSELAND (LEGISLATIVE)

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

Planning Director Stan Boling provided a PowerPoint presentation (copy on file) regarding the request of Diana Messner for the County to abandon a 16' alleyway between 129th Place (Baird Street) and 129 Court (Josie Street) in the Block 2 Townsite Plat of Roseland. He revealed that if the abandonment is approved, one-half of the alley right-of-way segment will be joined to Ms. Messner's property, and one-half will be joined to the neighboring property, owned by Ms. Wilson. Director Boling explained that the alleyway is not needed for right-of-way access by the County, but would give the homeowners greater use of their lots. He relayed that FPL and County Utilities have requested that a public utility easement be retained to

accommodate potential future utility uses, and recommended Board approval of the proposed Resolution, providing for the right-of-way abandonment and easement.

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

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2012-062**, providing for the closing, abandonment, vacation and discontinuance of a portion of an alleyway between Lots 1, 2, and 3 on 83rd Avenue (Sebastian Avenue) and Lots 8, 9, and 10 on 82nd Court (Berry Avenue) Block 2 Townsite Plat of Roseland as shown in Plat Book 1, page 43 of the public records of St. Lucie County, as described herein, said land now lying in Indian River County, Florida.

(Clerk's Note: The larger boundaries of the subject alleyway are 83rd Avenue (Sebastian Avenue) and 82nd Court (Berry Avenue). The immediate boundaries of the subject alley are 129th Place (Baird Street) and 129th Court (Josie Street).

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. WITHDRAWN: REQUEST TO SPEAK FROM MARVIN KLEIN REGARDING CLEANING AND MAINTENANCE OF DRAINAGE AREA ON COUNTY PROPERTY ADJACENT TO KLEIN PROPERTY

This item was withdrawn by Marvin Klein.

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING AUGUST 21, 2012:

**STEVE SHIEDER'S REQUEST FOR ABANDONMENT OF A PORTION OF 1ST
COURT SE LYING SOUTH OF 22ND STREET BETWEEN LOT 5 BLOCK 6 AND
LOTS 1 & 2, BLOCK 2 OF THE PLAT OF FLORIDA RIDGE NO. 2
(LEGISLATIVE)**

The County Attorney read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

**12.A.1. CONSIDERATION OF PROPOSED REVISIONS TO THE BUILDING DIVISION
PERMIT FEE SCHEDULE**

Building Official José Guanch recapped his July 9, 2012 memorandum, noting two errors in the Agenda Packet: Page 225, Item 20, should read Door/Window Replacement/ Hurricane Shutters; and Page 227, Item 41, should state “Four times the original plan review fee. Mr. Guanch outlined the proposed changes to the permit fee schedule, and advised that the State has mandated that the County now perform all components of the pool inspections, eliminating the Health Department’s involvement; thus, there is an overall reduction in pool permit costs. Staff thereafter conveyed the recommendations of both the Treasure Coast Building Association and staff for Board approval of the revised permit fee schedule. Mr. Guanch added that due to concerns about a prospective funding shortfall, he would be re-addressing the Board in the future regarding certain reduced fees.

Vice Chairman O'Bryan asked whether more than one permit was required to put hurricane shutters on multiple windows.

Mr. Guanch replied that only one \$200 permit was required if a homeowner wishes to install shutters on all the windows in the home, up to a value of \$48,000.

A discussion/debate ensued among the Commissioners, County Administrator Joseph Baird, and Mr. Guanch regarding the proposed permit fees for: (1) garage door replacement –one door (proposed to go from \$200 to \$130); and (2) doors/windows/hurricane shutters (proposed to go from \$200 to \$130 for more than two openings or components).

Administrator Baird observed that after discussions with staff, it had been his understanding that the new permit fee would be \$75 to replace one garage door.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner Flescher, to direct staff to
set the permit fee at \$75 for a residential specialty permit
for replacement of one (1) garage door.

Discussion followed as Mr. Guanch, responding to Board inquiries, provided staff's rationale for recommending the \$130 permit fee to replace a garage door.

Commissioner Davis sought and received confirmation that Administrator Baird had also conversed with staff about setting the permit fee for \$75 to replace up to four openings for doors, windows, or hurricane shutters.

MOTION WAS AMENDED by Commissioner Davis,
SECONDED by Commissioner Flescher, to direct staff to
set the permit fee at \$75 for a residential specialty permit

for door/window replacement/hurricane shutters for up to four (4) components or openings.

Bob Johnson, Coral Wind Subdivision, remarking on the earlier debate, felt that further discussion might be beneficial and suggested the Board table the final decision on this matter.

Administrator Baird reiterated his support for the \$75 fee for the two aforementioned residential specialty permits.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) directed staff to set the permit fee at \$75 for the following Residential Specialty Permits: (a) for replacement of one (1) garage door; and (b) for door/window replacement/hurricane shutters for up to four (4) components or openings; and (2) approved **Resolution 2012-063**, *with the above amendments to Appendix A*, amending the fees for the various building permits and related inspections.

Commissioner Davis inquired whether there were other categories, besides pool permits, where the County and State could consolidate inspections. Mr. Guanch revealed that at this time, he was not aware of any.

Administrator Baird complimented Mr. Guanch and Building Division staff for doing a great job in difficult economic times.

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 - NONE

12.J. UTILITIES SERVICES

**12.J.1. FINAL PAY WORK ORDER NO. 2 – MOIA, BOWLES, VILLMIZAR &
ASSOCIATES (MBV) SOUTH COUNTY RO FACILITY OPERATING SYSTEM
SOFTWARE UPGRADE**

ON MOTION by Vice Chairman O’Bryan, SECONDED by Commissioner Solari, the Board unanimously approved Final Pay of Work Order No. 2 to Moia, Bowles, Villmizar & Associates (MBV) in the amount of \$2,019.25 as presented. The total for Work Order No. 2 will be \$7,950.00 as stated and recommended in the memorandum of June 28, 2012.

**12.J.2. APPROVAL OF BID AWARD FOR IRC BID NO. 2012042 SOUTH
REGIONAL WASTEWATER TREATMENT FACILITY HEADWORKS
REHABILITATION**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman O'Bryan, the Board unanimously approved the bid award to AM Construction Group, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the sample agreement; and authorized the Chairman to execute said agreement after receipt and approval of the required certificate of insurance and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of July 9, 2012.

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

**12.J.3. APPROVAL OF WORK ORDER NO. 3 WITH KIMLEY-HORN AND
ASSOCIATES FOR DESIGN AND IMPLEMENTATION OF A LIME SOFTENING
WITH CARBON DIOXIDE INJECTION AT THE TWO COUNTY REGIONAL
WATER TREATMENT FACILITIES**

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Davis, to approve staff's recommendation.

Director of Utilities Erik Olson provided background and analysis regarding the Utilities Department's request to have some modifications made to the South County and North County

Reserve Osmosis Water Treatment Facilities, in order to stabilize and improve the quality of the finished drinking water. He thereafter presented staff's recommendation for the Board to approve the project, with the work to be performed by Kimley Horn and Associates, Inc.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved the project; and (2) approved and authorized the Chairman to execute Work Order No. 3 with Kimley-Horn and Associates, Inc., in the amount of \$193,600.00.

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

The Chairman called a recess at 10:01 a.m., and reconvened the meeting at 10:11 a.m., with all members present.

**12.J.4. ADDITION: REQUEST TO PURCHASE 13 ACRES OF LAND, PARCEL
ID#33392300001009000001.0, ADJACENT TO THE SOUTH WATER
PLANT, BEALE ENTERPRISE BEALE HOLDINGS, INC., OWNER**

Director Olson provided background and analysis on the request of the County Utilities Department to purchase 13 acres of land owned by Beale Holdings, Inc., located adjacent to the South County Reverse Osmosis Water Treatment Plant. He said that the Florida Department of Environmental Protection (FDEP) has issued an Administrative Consent Order regarding the discharge of brine into the South Relief Canal, and an Algal Turf Scrubber (ATS) project would be constructed on the proposed property to reduce the nutrient flow into the lagoon and resolve the Consent Order. He explained that the project was originally proposed to be built near the County Landfill, but several factors caused costs to rise above \$10 million, and another location (the Beale parcel) was found directly adjacent to the water plant; if the ATS project is constructed there, costs will drop to approximately \$6 million. Director Olson thereafter conveyed staff's recommendation for the Board to approve the acquisition of the parcel and

authorize the County Administrator to sign the closing documents subsequent to review and approval by the County Attorney, and after a property appraisal and Phase I Environmental Audit are performed.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman O'Bryan, the Board unanimously: (1) approved the purchase of the property from Beale Holdings, Inc., for a selling price of \$650,000.00; (2) approved the County Administrator to execute closing documents upon review and approval by the County Attorney, a property appraisal, and a Phase I Environmental Audit, as recommended in the memorandum of July 16, 2012.

13. COUNTY ATTORNEY MATTERS

13.A. GOLINE TRANSPORTATION FACILITY LEASE

Deputy County Attorney Bill DeBaal relayed that on March 17, 2009, the Board enacted Resolution 2009-017, approving a 40-year ground lease with the Senior Resource Association (SRA) for 2.53 acres of land on 43rd Avenue. The purpose of the lease was to provide for the construction of the Indian River Transit Administrative and Maintenance Facility for SRA's GoLine bus fleet. He reported that the facility has now been constructed, and presented staff's recommendation for the Board to approve the new building lease, which would supersede the original lease. Attorney DeBaal noted that because the SRA must reapply every five years to become the County's Community Transportation Coordinator and Transit Service Provider; the term of the new lease is five years, with the option of renewal.

County Attorney Alan S. Polackwich, Sr. introduced and acknowledged the County's legal intern, Charles Edward (Eddy) Jarrell, for his work on the lease.

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

13.B. DEVELOPER: GHO HOLDINGS CORP., ACCEPTANCE OF TEMPORARY EASEMENT FOR UTILITIES UNTIL PROPERTY IS PLATTED DEPICTING A PERPETUAL EASEMENT

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

Attorney DeBraal informed the Board that the Grant of Easement in the agenda package on pages 297-300 indicates the grantor as GHO Holdings Corporation; however, the correct name of the grantor is GHO Fieldstone Ranch Corporation, and the final document has been amended accordingly.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved and accepted the temporary utility easement with GHO Fieldstone Ranch Corporation, and authorized the Chairman to execute same for recordation in the public records of Indian River County after the Developer has executed same, as recommended in the memorandum of July 10, 2012.

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

14. COMMISSIONER ITEMS

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

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

14.B.1. REGIONAL FIBER OPTIC NETWORK

Vice Chairman O'Bryan reviewed his handouts (copy on file) on the fiber optic cable network ("the Consortium") jointly owned by the County, City of Vero Beach, and School District. He noted that although the Consortium and the County's Traffic Engineering Division ("Traffic") share some fiber, Traffic is not considered part of the Consortium. Vice Chairman O'Bryan wanted to explore the possibility of expanding the fiber optic network by creating a regional network with St. Lucie and Martin Counties, for the purpose of fostering economic development. He explained that the City of Vero Beach ("the City") was the Consortium member who would lead this effort, and requested that the Board authorize staff to work with the City to draft an interlocal agreement, which will be brought back to the Board for further consideration.

Commissioner Davis agreed that the availability of fiber optic cable is extremely important for the future and cited how advantageous the availability of the network has been to a Sebastian company, NetBoss Technologies. He wished to see other municipalities join the network, and also wondered whether the County could work with the Florida Department of Transportation to expand the network.

Vice Chairman O'Bryan envisioned that a lot of steps would be needed to create the regional network, and that there might be a series of agreements where each step is completed before another layer is added. He stressed that the regional network would enhance the entire area.

MOTION WAS MADE by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, to direct staff to work with the City of Vero Beach to draft an interlocal agreement with the County, City of Vero Beach, Indian River County School District, Ft. Pierce Utilities Authority, St. Lucie County, and Martin County, for a Regional Fiber Optic Cable Network, and to bring the document back for Board consideration, as requested in the memorandum of July 17, 2012.

Director of Public Works Chris Mora revealed the County's plans for laying fiber optic cable along all the new road widening projects, including the 66th Avenue Project, and noted that the large amount of Traffic fiber optic cable will provide a more robust traffic engineering system. He also explained how the County's telecommunications system has benefitted by transitioning from copper to fiber optic cable.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board directed staff to work with the City of Vero Beach to draft an interlocal agreement with the County, City of Vero Beach, Indian River County School District, Ft. Pierce Utilities Authority, St. Lucie County, and Martin County, for a Regional Fiber Optic Cable Network, and to bring the document back for Board consideration, as requested in the memorandum of July 17, 2012.

14.C. COMMISSIONER WESLEY S. DAVIS - NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER

**14.D.1. REQUEST FOR DISCUSSION FOR ECONOMIC INCENTIVE FOR THE
ENTERPRISE ZONE**

Commissioner Flescher relayed that pending before the City of Vero Beach (“the City”) is a proposed Ordinance that would provide for an exemption equal to 50 percent of the Municipal Public Service Tax on electrical energy used by qualified businesses in the Indian River County-Vero Beach Enterprise Zone. He estimated that a company saving \$60-\$80 a month would reap almost \$1,000 in annual savings; with the proposed five-year cap, it could be a \$5,000 incentive for that business to come into the Enterprise Zone. He added that the savings might not convince a business to locate in the Enterprise Zone, but it is one more element that can be added to the available incentives, and it broadens the welcome mat. Commissioner Flescher pointed out that the Enterprise Zone consists of an incorporated and an unincorporated region, and wanted to see if the Board would be interested in learning whether businesses in the unincorporated area could also take advantage of the exemption.

Attorney Polackwich remarked that while the State Statute deals with local government incentives for enterprise zones, it is a somewhat gray area. However, he noted that State law does encourage local governments to create incentives within the enterprise zone.

Commissioner Flescher, in response to Commissioner Davis’s inquiry, explained that the form to apply for the 50% exemption is available on the Department of Revenue’s website, as Form DR-15JEZ *Application for the Exemption of Electrical Energy Used in an Enterprise Zone*.

Chairman Wheeler wanted to have staff return with further information on this matter.

Commissioner Flescher reiterated that he was seeking staff’s analysis on the feasibility of offering the exemption on utility taxes for electrical energy to businesses in the unincorporated area of the Enterprise Zone, as well as within the City Limits.

Attorney Polackwich advised that staff's approach would be to explore the entire spectrum of incentives that can be offered to businesses in the Enterprise Zone, and report back to the Board.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Davis, to direct staff to research and report back to the Commission on: (1) the viability of providing for an exemption equal to 50% of the municipal tax on electrical energy to businesses in the unincorporated region of the Enterprise Zone; and (2) all available options that can be offered to businesses in the Enterprise Zone.

Helene Caseltine, Economic Development Director, Indian River Chamber of Commerce, 1216 21st St, and Enterprise Zone Coordinator, revealed that only a handful of the enterprise zones in Florida are providing the 50% exemption as a local government incentive. She noted that although the incentive doesn't have a huge financial impact, it does, as Commissioner Flescher stated, "broaden the welcome mat" and give the County an additional incentive for businesses in the Enterprise Zone.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board directed staff to research and report back to the Commission on: (1) the viability of providing for an exemption equal to 50% of the municipal tax on electrical energy to businesses in the unincorporated region of the Enterprise Zone; and (2) all available options that can be offered to businesses in the Enterprise Zone.

14.D.2. DISCUSSION ON EX-PARTE COMMUNICATION

Commissioner Flescher advised that subsequent to his ex-parte declaration at the quasi-judicial public hearing of July 10, 2012, he had recalled a conversation with former District 29 Representative Ralph Poppell about the Agenda Item under discussion (10.A.1.) He brought up this matter in order to affirm that his decision on July 10 had been based on the evidence and applicable law, and not influenced by said discourse.

(Clerk's Note: The matter discussed at the July 10, 2012 public hearing (quasi-judicial) was Item 10.A.1, the Pelican Island Audubon Society's request for a special exception use approval to build a community center).

14.E. COMMISSIONER BOB SOLARI

14.E.1. LYNN CAROL ELLIOTT MEMORIAL DEDICATION

On behalf of the Elliott family, Commissioner Solari extended an invitation to his fellow Commissioners and the public to attend the memorial dedication for Lynn Carol Elliott to be held at the Tracking Station Park on July 26, 2012 at 5:30 p.m.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

The Chairman announced that immediately upon adjournment, the Regular Board would reconvene as the Board of Commissioners of the Emergency Services District. Those Minutes are being prepared separately.

15.A.1. AWARD LETTER AND EXPENDITURE APPROVAL FOR AGREEMENT

#EMW-2011-FO-01142 (FEMA ASSISTANCE TO FIREFIGHTERS GRANT)

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 JUNE 5, 2012

15.B.2. APPROVAL OF MINUTES MEETING OF JUNE 12, 2012

**15.B.3. WORK ORDER NO. 5 TO GEOSYNTEC FOR ONE YEAR OF GROUNDWATER
MONITORING/REPORTING AND RELATED ACTIVITIES AT THE FORMER
SOUTH GIFFORD ROAD LANDFILL**

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the Board of County Commission meeting adjourned at 10:53 a.m.

ATTEST:

Jeffrey R. Smith
Clerk of Circuit Court & Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2012 Minutes