

JEFFREY R. SMITH

Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 18, 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 8.L. LETTER OF SUPPORT – SOLAR ENERGY LOAN FUND (SELF)	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
5.A.	PRESENTATION OF PROCLAMATION DESIGNATING SEPTEMBER 17-21, 2012 AS INDUSTRY APPRECIATION WEEK IN INDIAN RIVER COUNTY, FLORIDA	2
5.B.	PRESENTATION OF PROCLAMATION RECOGNIZING SEPTEMBER 2012 AS HUNGER ACTION MONTH	2
5.C.	PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF SEPTEMBER AS SICKLE CELL AWARENESS MONTH.....	3

5.D.	PRESENTATION OF PROCLAMATION HONORING BATTALION CHIEF CORY RICHTER FOR ACHIEVING RECOGNITION BY THE STATE OF FLORIDA FOR EXCELLENCE IN EMERGENCY MEDICAL SERVICES (EMS).....	3
5.E.	PRESENTATION OF FLORIDA GREEN COMMERCIAL BUILDING CERTIFICATION FOR INDIAN RIVER COUNTY TRANSIT FACILITY BY CINDY HALL, PRESIDENT, FLORIDA GREEN BUILDING COALITION.....	3
6.	APPROVAL OF MINUTES	4
6.A.	BUDGET WORKSHOP – JULY 18, 2012	4
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	4
7.A.	APPOINTMENT BY THE INDIAN RIVER COUNTY SCHOOL BOARD TO THE METROPOLITAN PLANNING ORGANIZATION CITIZENS ADVISORY COMMITTEE (MPO CAC)	4
8.	CONSENT AGENDA	5
8.A.	APPROVAL OF WARRANTS – AUGUST 31, 2012 TO SEPTEMBER 6, 2012	5
8.B.	COUNTY CAPITAL ASSET INVENTORIES	5
8.C.	PIPER AIRCRAFT, INC. RETENTION AGREEMENT – RECLASSIFICATION OF FUND BALANCE FROM COMMITTED TO UNASSIGNED	6
8.D.	RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM	6
8.E.	RESOLUTIONS CANCELING TAXES ON PROPERTIES ACQUIRED BY INDIAN RIVER COUNTY FOR PUBLIC PURPOSES	7
8.F.	APPROVAL OF BID AWARD FOR IRC BID No. 2013001, ANNUAL BID FOR CARTRIDGE FILTERS	8
8.G.	BID AWARD: IRC #2013002 ANNUAL BID FOR PEST CONTROL SERVICES.....	8
8.H.	APPROVAL OF BID AWARD FOR IRC BID No. 2013003 ANNUAL BID FOR HYDROFLUOSILICIC ACID.....	9
8.I.	APPROVAL OF BID AWARD FOR IRC BID No. 2013005 ANNUAL BID FOR MOWING AT WATER TREATMENT PLANTS.....	10

8.J.	MISCELLANEOUS BUDGET AMENDMENT 019.....	10
8.K.	AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH HM LIFE INSURANCE COMPANY FOR THE COUNTY’S EXCESS LOSS/REINSURANCE POLICY FOR FY 2012-2013.....	11
8.L.	ADDITION – EMERGENCY ITEM: LETTER OF SUPPORT - SOLAR ENERGY LOAN FUND (SELF).....	11
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES	12
9.A.1.	INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS LESLIE ROSSWAY SWAN: FEDERAL ELECTION ACTIVITIES FUNDS	12
10.	PUBLIC ITEMS.....	12
10.A.	PUBLIC HEARING(S) - NONE	12
10.B.	PUBLIC DISCUSSION ITEMS - NONE	12
10.C.	PUBLIC NOTICE ITEMS - NONE	12
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	13
12.	DEPARTMENTAL MATTERS	13
12.A.	COMMUNITY DEVELOPMENT - NONE.....	13
12.B.	EMERGENCY SERVICES - NONE.....	13
12.C.	GENERAL SERVICES - NONE	13
12.D.	HUMAN RESOURCES - NONE.....	13
12.E.	HUMAN SERVICES - NONE	13
12.F.	LEISURE SERVICES - NONE.....	13
12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	13
12.G.1.	QUARTERLY BUDGET REPORT	13
12.H.	RECREATION - NONE.....	14
12.I.	PUBLIC WORKS - NONE.....	14
12.J.	UTILITIES SERVICES.....	14
12.J.1.	CHANGE ORDER NO. 1 WITH SWS FOR IRC BID NO. 2011050 CLEANING OF THREE SLUDGE HOLDING TANKS.....	14

12.J.2.	REQUEST FOR SOLE SOURCE FOR THE PURCHASE OF A 20” VENTURI FLOW METER FOR NORTH COUNTY RO WATER PLANT	14
12.J.3.	APPROVAL OF WORK ORDER NO. 4 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES TO ASSIST IN DESIGN OF THE PC SOUTH ALGAL TURF SCRUBBER SYSTEM AT 1225 5 TH STREET S.W. – UCP No. 4086.....	15
13.	COUNTY ATTORNEY MATTERS.....	15
13.A.	ATTORNEY-CLIENT SESSION - TIME CERTAIN: 10:30 A.M., INDIAN RIVER COUNTY V. TURNER CONSTRUCTION COMPANY, ET AL., NINETEENTH JUDICIAL CIRCUIT, CASE No. 312011CA002999.....	15
13.B.	WATER/WASTEWATER SURVEY – MINOR REVISIONS TO EXPLANATION AND INSTRUCTIONS FORMS.....	16
13.C.	MEDIATED SETTLEMENT AGREEMENT FOR MARY CHARLENE BROWN PARCELS 107A, 107B, 107C AND 404.....	16
14.	COMMISSIONER ITEMS.....	17
14.A.	COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE	17
14.B.	COMMISSIONER PETER D. O’BRYAN, VICE CHAIRMAN.....	17
14.B.1.	UPDATE FROM SEPTEMBER 5 MEETING OF TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS.....	17
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	17
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	17
14.E.	COMMISSIONER BOB SOLARI.....	18
14.E.1.	RESIDENTIAL – FERTILIZER BEST MANAGEMENT PRACTICES.....	18
15.	SPECIAL DISTRICTS AND BOARDS	19
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	19
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE	19
15.C.	ENVIRONMENTAL CONTROL BOARD	19
15.C.1.	RELEASE OF LIEN – O & N INVESTMENTS, LLC, ENVIRONMENTAL CONTROL HEARING BOARD CASE 485-11	19

16. ADJOURNMENT20

JEFFREY R. SMITH

Clerk to the Board



September 18, 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, September 18, 2012. Present were Chairman Gary C. Wheeler, Vice Chairman Peter D. O'Bryan, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Bob Solari. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

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

2. INVOCATION

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

3. PLEDGE OF ALLEGIANCE

Commissioner Solari led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Wheeler requested the following change to the Agenda:

Addition: Emergency Item 8.L. Letter of Support – Solar Energy Loan Fund (SELF)

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING SEPTEMBER 17-21, 2012 AS INDUSTRY APPRECIATION WEEK IN INDIAN RIVER COUNTY, FLORIDA

Commissioner Flescher read and presented the Proclamation to Bill Penney, President of Marine Bank; Helene Caseltine, Economic Development Director; and several County Industry Appreciation Awards Committee members.

5.B. PRESENTATION OF PROCLAMATION RECOGNIZING SEPTEMBER 2012 AS HUNGER ACTION MONTH

Vice Chairman O’Bryan read and presented the Proclamation to Tricia Jenkins, Vice President of Development, Treasure Coast Food Bank. She provided an update on hunger awareness, a Treasure Coast Food Bank brochure, and their September calendar (on file).

**5.C. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF
SEPTEMBER AS SICKLE CELL AWARENESS MONTH**

Commissioner Solari read the Proclamation. Bill Glover, Supervisor of the Sickle Cell Foundation of Palm Beach and Treasure Coast, was not in attendance to receive the Proclamation.

**5.D. PRESENTATION OF PROCLAMATION HONORING BATTALION CHIEF CORY
RICHTER FOR ACHIEVING RECOGNITION BY THE STATE OF FLORIDA FOR
EXCELLENCE IN EMERGENCY MEDICAL SERVICES (EMS)**

Chairman Wheeler read and presented the Proclamation to Battalion Chief Cory Richter.

Assistant Fire Chief Brian Burkeen described Chief Richter's dedication and achievements, and read portions of an award that he had received earlier in the year.

Chief Richter thanked his Department and the Board for their support.

**5.E. PRESENTATION OF FLORIDA GREEN COMMERCIAL BUILDING
CERTIFICATION FOR INDIAN RIVER COUNTY TRANSIT FACILITY BY CINDY
HALL, PRESIDENT, FLORIDA GREEN BUILDING COALITION**

Cindy Hall, President of the Florida Green Building Coalition (FGBC), presented an update on the program and the standards set for green buildings. She congratulated the Board and all individuals involved, on the County's first green commercial building – the Indian River County Transit Facility.

6. APPROVAL OF MINUTES

6.A. BUDGET WORKSHOP – JULY 18, 2012

The Chairman asked if there were any corrections or additions to the minutes.

Commissioner Solari asked that a clarification be made to the Emergency Services portion of the Budget Workshop Minutes of July 18, 2012, page 8, paragraph 2, by amending Vice Chairman O’Bryan’s statement to read, “...we should start thinking about going back to the rollback rate in Emergency Services.”

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the minutes of the July 18, 2012 Budget Workshop, as amended.

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

**7.A. APPOINTMENT BY THE INDIAN RIVER COUNTY SCHOOL BOARD TO THE
METROPOLITAN PLANNING ORGANIZATION CITIZENS ADVISORY
COMMITTEE (MPO CAC)**

Noted for the record was the appointment of Ryan R. Wilson, whose position was previously held by Michael Durwin.

8. CONSENT AGENDA

Vice Chairman O'Bryan requested to pull Item 8.C. from the Consent Agenda 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 – AUGUST 31, 2012 TO SEPTEMBER 6, 2012

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of August 31, 2012 to September 6, 2012, as requested in the memorandum of September 6, 2012.

8.B. COUNTY CAPITAL ASSET INVENTORIES

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the list of capital assets for deletion from the County inventory system, as requested in the memorandum of August 8, 2012.

8.C. PIPER AIRCRAFT, INC. RETENTION AGREEMENT – RECLASSIFICATION OF FUND BALANCE FROM COMMITTED TO UNASSIGNED

Vice Chairman O’Bryan summarized the 2008 incentive package plan that would have given \$12 million to Piper Aircraft, Inc. (Piper) to remain in Vero Beach, make Piper Altaire jets, and increase its workforce. He said that Piper officials had notified the County that they do not plan to seek the remaining \$8 million, and that today’s action would basically be a bookkeeping action.

MOTION WAS MADE by Vice Chairman O’Bryan, SECONDED by Chairman Wheeler, to approve the reclassification of funds from the committed fund balance to the unassigned fund balance in the General Fund.

Administrator Baird pointed out that today’s transaction would move the remaining \$8 million from a restricted reserve to an unrestricted reserve.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

8.D. RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-075**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Acquired via foreclosure of a water lien [Francisco and Billie Jo Salinas], used exclusively by municipality for the benefit of the municipal water system.)

8.E. RESOLUTIONS CANCELING TAXES ON PROPERTIES ACQUIRED BY INDIAN RIVER COUNTY FOR PUBLIC PURPOSES

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-076**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Indian River County Housing Authority to Indian River County Neighborhood Stabilization Program, Housing and Economic Recovery Act of 2008, Ordinance 2012-006, Lot 3, Block O, Vero Lake Estates, Unit H-3, 8755 105th Court, Vero Beach, FL.)

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-077**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Federal Home Loan Mortgage Corporation to Indian River County Neighborhood Stabilization Program, Housing and Economic Recovery Act of 2008, Ordinance 2012-006, Lot 25 and the northwesterly ½ of Lot 26, Block 276, Sebastian Highlands, Unit 10, 1338 Haverford Lane, Sebastian, FL.)

8.F. APPROVAL OF BID AWARD FOR IRC BID NO. 2013001, ANNUAL BID FOR CARTRIDGE FILTERS

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved: (1) the award to Waco Filters Corporation as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period of October 1, 2012 through September 30, 2013 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 12, 2012.

8.G. BID AWARD: IRC #2013002 ANNUAL BID FOR PEST CONTROL SERVICES

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved: (1) the award to Van Wal Services, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2012 through

September 30, 2013 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 11, 2012.

8.H. APPROVAL OF BID AWARD FOR IRC BID NO. 2013003 ANNUAL BID FOR HYDROFLUOSILICIC ACID

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved: (1) the award to The Dumont Company, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2012 through September 30, 2013 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 10, 2012.

8.I. APPROVAL OF BID AWARD FOR IRC BID NO. 2013005 ANNUAL BID FOR MOWING AT WATER TREATMENT PLANTS

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved: (1) award to B&E Property Maintenance as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2012 through September 30, 2013 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 10, 2012.

8.J. MISCELLANEOUS BUDGET AMENDMENT 019

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2012-078**, amending the Fiscal Year 2011-2012 budget.

**8.K. AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH
HM LIFE INSURANCE COMPANY FOR THE COUNTY'S EXCESS
LOSS/REINSURANCE POLICY FOR FY 2012-2013**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously authorized the County Administrator to execute an agreement with HM Life Insurance Company for specific and aggregate stop loss insurance for the County's self-funded health insurance program for fiscal year 2012-2013, as recommended in the memorandum of July 10, 2012.

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

**8.L. ADDITION – EMERGENCY ITEM: LETTER OF SUPPORT - SOLAR ENERGY
LOAN FUND (SELF)**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the letter of support for submittal to the Solar Energy Loan Fund, as recommended in the memorandum of September 14, 2012.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A.1. INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS LESLIE ROSSWAY
SWAN: FEDERAL ELECTION ACTIVITIES FUNDS**

Supervisor of Elections Leslie Rossway Swan sought approval for matching funds for the Federal Election Activities grant which was appropriated by the Legislature. In order to receive the funds, the Legislature requires the Chairman of the Board of County Commissioners to certify that the County will match the State funds of \$24,059.94, with a 15% County match of \$3,608.99.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Solari, the Board unanimously authorized the Chairman to certify that the County will match the State funds of \$24,059.94, with a 15% County match, or \$3,608.99, as requested in the letter of September 6, 2012.

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

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S) - NONE

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. QUARTERLY BUDGET REPORT

Management and Budget Director Jason Brown outlined the Quarterly Budget Report for the third quarter of fiscal year 2011-2012, as presented on pages 76 through 84 of the Agenda Packet. He concluded his overview by pointing out that the Budget is where he anticipated it to be for this fiscal year.

Discussion ensued as the Board sought additional information from Director Brown and Administrator Baird regarding this year's inflation rate, the net gain for privatizing the snack bar operation at the Golf Course, the intention of moving the Shooting Range from the Recreation Fund back into the Enterprise Fund, and the beachfront park privatization.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

**12.J.1. CHANGE ORDER NO. 1 WITH SWS FOR IRC BID NO. 2011050 CLEANING
OF THREE SLUDGE HOLDING TANKS**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 with SWS Environmental Services, for sludge tank cleaning, in the amount of \$10,000, as recommended in the memorandum of August 1, 2012.

**12.J.2. REQUEST FOR SOLE SOURCE FOR THE PURCHASE OF A 20" VENTURI
FLOW METER FOR NORTH COUNTY RO WATER PLANT**

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Davis, the Board unanimously authorized the Purchasing Department to waive the bid process to purchase a new HVT-FV 20" venturi flow meter from Primary Flow Signal Company, Cranston, Rhode Island, for \$34,550, as recommended in the memorandum of September 4, 2012.

12.J.3. APPROVAL OF WORK ORDER NO. 4 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES TO ASSIST IN DESIGN OF THE PC SOUTH ALGAL TURF SCRUBBER SYSTEM AT 1225 5TH STREET S.W. – UCP No. 4086

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 4 with Kimley-Horn and Associates, Inc., for engineering services, in the amount of \$94,700, and authorized the Chairman to execute same, as recommended in the memorandum of September 11, 2012.

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

13. COUNTY ATTORNEY MATTERS

13.A. ATTORNEY-CLIENT SESSION - TIME CERTAIN: 10:30 A.M., INDIAN RIVER COUNTY V. TURNER CONSTRUCTION COMPANY, ET AL., NINETEENTH JUDICIAL CIRCUIT, CASE No. 312011CA002999

(Clerk's Note: This item was heard following Item 15.C.1. at 10:30 a.m. The Chairman announced that the Board would retreat to the County Commission Conference Room to conduct the Attorney-Client Session.)

Chairman Wheeler read the following into the record: “This is the commencement of the Attorney-Client Session. The estimated time of the closed Attorney-Client Session is 45 minutes. Present at the meeting will be Commissioners Wesley S. Davis, Joseph E. Flescher, Peter D. O’Bryan, Bob Solari, and Gary Wheeler. Also present will be County Attorney Alan S.

Polackwich, Sr., County Administrator Joseph Baird, and a certified Court Reporter (Greg Campbell). At the conclusion of the closed Attorney-Client Session this public meeting will be reopened.”

(Clerk’s Note: The Commissioners returned to the Chambers at 11:44 a.m. and the Chairman closed the Attorney-Client Session.

13.B. WATER/WASTEWATER SURVEY – MINOR REVISIONS TO EXPLANATION AND INSTRUCTIONS FORMS

Attorney Polackwich provided background regarding the water and wastewater survey form that was approved by the Board on May 22, 2012, that will allow certain areas of the unincorporated County to determine their preference of water/sewer service when the existing franchise with the City of Vero Beach expires March 4, 2017. He explained that minor revisions needed to be made to the Explanation and Instructions portion of the survey form (shown on page 108 of the Agenda Packet), and asked the Board for approval to proceed.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously approved the revised Explanation and Instructions form, as recommended in the memorandum of September 12, 2012.

13.C. MEDIATED SETTLEMENT AGREEMENT FOR MARY CHARLENE BROWN PARCELS 107A, 107B, 107C AND 404

Deputy County Attorney William DeBraul reviewed his memorandum of September 12, 2012. He provided background, risk assessment, mediation details, and funding information regarding the Mediated Settlement Agreement for the purchase of right-of-way necessary for the

66th Avenue project, from Mary Charlene Brown, owner of four adjoining lots that will be impacted by the 66th Avenue Improvement Project.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the Mediated Settlement Agreement, and authorized the Chairman to execute any documents in furtherance of the agreement on behalf of the Board, as recommended in the memorandum of September 12, 2012.

The Chairman called for a break at 10:02 a.m., and reconvened the meeting at 10:11 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. UPDATE FROM SEPTEMBER 5 MEETING OF TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS

Vice Chairman O'Bryan provided an update from the September 5, 2012, Treasure Coast Council of Local Governments meeting regarding current economic data, and the two programs being sponsored by Workforce Solutions – 100 Heroes in 100 Days, and a Job Fair scheduled for October 3, 2012, at the Fenn Center in St. Lucie County.

14.C. COMMISSIONER WESLEY S. DAVIS - NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.E. COMMISSIONER BOB SOLARI

14.E.1. RESIDENTIAL – FERTILIZER BEST MANAGEMENT PRACTICES

Commissioners O’Bryan and Solari gave an overview of two proposed educational resources - a brochure on “Best Management Practices” from Scotts Miracle-Gro Company, and a “Best Management Practices – Residential Fertilizer” informational letter (both on file). They also discussed the printing of the brochures and methods of disbursement.

The Board debated which publication would be best to mail; which would be best for the County’s website; and whether it would be permissible to send the brochures out with the County’s utility bills.

Commissioner Solari suggested that staff put the following four “Best Management Practices” on the County’s website: fertilizer, water conservation, recycling, and septic tanks. He also wanted to eventually have more links added for additional information.

Bob Johnson, Coral Wind Subdivision, felt this would be great advertising for Scotts Miracle-Gro Company, and wondered if other businesses would ask for the same publicity. He felt the goal is to educate residents, and believed the information should be put on the website.

MOTION WAS MADE by Vice Chairman O’Bryan, SECONDED by Commissioner Davis, to: (1) utilize the 50,000 brochures printed courtesy of Scotts Miracle-Gro; (2) send out 44,000 brochures along with the County’s utility bills; (3) distribute the remaining 6,000 the best way possible; and (4) direct staff to start posting “Best Management Practices” on the County’s website.

A brief discussion ensued as the Commissioners acknowledged Mr. Johnson’s concerns.

Attorney Polackwich said the County cannot use public funds to promote a private business, and even though Scotts name is on the back of the brochure, it does not appear to be anything more than a minor incidental benefit, which would make the brochure legal.

Commissioner Solari asked Vice Chairman O'Bryan to call Scotts Miracle-Gro Company Representative, Molly Jennings, to see if it would be possible to coordinate some public service announcements with the mailing of the brochure.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.C. ENVIRONMENTAL CONTROL BOARD

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

15.C.1. RELEASE OF LIEN – O & N INVESTMENTS, LLC, ENVIRONMENTAL CONTROL HEARING BOARD CASE 485-11

(Clerk's Note: After addressing this item, the Chairman called for a break at 10:25 a.m. and reconvened the meeting at 10:30 a.m., with all members present, announcing Item 13.A.)

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

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at
11:45 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/LA/2012 Minutes