

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

OCTOBER 16, 2012

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JEFFREY R. SMITH

Clerk to the Board



October 16, 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, October 16, 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

Commissioner Davis delivered the Invocation for Pastor Roger Ball, Immanuel Church, who was not in attendance.

3. PLEDGE OF ALLEGIANCE

Commissioner Flescher led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS-
NONE**

Vice Chairman O'Bryan requested to defer Item 14.B.1., regarding the Rotary Initiative for Submerged Seagrass Awareness, to the October 23, 2012 meeting, to enable Rotary Club Sunrise President Paul Dritenbas to be in attendance. However, the Board consensus was to keep this item on today's agenda in case the public wished to comment.

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION HONORING THE HEROIC LIFESAVING
ACTIONS OF NICHOLAS LOFFLER**

Vice Chairman O'Bryan read and presented the Proclamation to Emergency Services Director John King and Assistant Fire Chief Brian Burkeen; Fire Rescue Battalion Chief Cory Richter; Eleanor and Lee Loffler; and Jean & Richard DeBlasio. Mr. DeBlasio relayed the story of his rescue and offered words of appreciation to Nicholas, Emergency Services and pool staffs, and the County Commission. It was noted that although Nicholas Loffler was not present to receive his proclamation, he was viewing the meeting on television.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF
OCTOBER, 2012 AS NATIONAL ARTS AND HUMANITIES MONTH**

Commissioner Flescher read and presented the Proclamation to Barbara Hoffman, Chairman, Cultural Council of Indian River County. Ms. Hoffman advised that information on upcoming cultural events can be found at the Arts & Cultural Information Guide for 2012-2013, or

by going online at <http://www.cultural-council.org>. She read a passage from the “National Proclamation of Arts and Humanities Month” citing the importance of the arts and humanities, and relayed that U.S. News and World Report has ranked Vero Beach and Sebastian as two of the top ten cities for the well-educated to retire, because of the abundance of cultural activities and like-minded people.

5.C. PRESENTATION BY CHUCK AND KAREN MECHLING ON THE POINTE WEST/COUNTY COOPERATIVE PROGRAM “SCREEN ON THE GREEN”

(Clerk’s Note: Chuck Mechling was not present).

Karen Mechling, Pointe West, reviewed the movie schedule for this year’s “Screen on the Green” outdoor movie event (on file). She disclosed that the first screening begins in October 2012, and that the program is a partnership between Pointe West and the County’s Recreation Department. Assistant Director of the Recreation Department, Mike Redstone, was also present.

5.D. PRESENTATION ON GRAND OPENING OF A SECOND CHANCE THRIFT STORE AND TRAINING CENTER BY ROGER SOBKOWIAK, BOARD MEMBER, HOMELESS FAMILY CENTER BOARD

Robert Sobkowiak, Vice President and Board Member, Homeless Family Center, began his presentation by introducing audience member Marilyn Rogers, who has been instrumental in the design and implementation of the Second Chance Thrift Store and Training Center (“Second Chance”). Mr. Sobkowiak stated that the mission of Second Chance was to work towards a solution for homelessness by providing funding and an internship program to teach job skills that will enhance employability. He announced that the store’s grand opening will be on November 10, 2012 at 490 Old Dixie Highway, and that donations of cash, time, and items are welcome.

5.E. GREETINGS AND UPDATE BY MARGARET LEINEN, PH.D., EXECUTIVE DIRECTOR, HARBOR BRANCH OCEANOGRAPHIC INSTITUTE AT FLORIDA ATLANTIC UNIVERSITY

Margaret Leinen, Ph.D., Executive Director, Harbor Branch Oceanographic Institute (“Harbor Branch”), and Associate Provost for Marine and Environmental Programs at Florida Atlantic University (FAU), gave a PowerPoint presentation (on file), and reviewed the contents of a handout entitled “Our Living Oceans: Research, Partnerships, and Stewardship for the Future.” She announced that Harbor Branch’s new strategic plan consists of three themes: Marine and Coastal Issues; Biotechnology, and Contemporary Social Challenges, and she also described the program known as the Indian River Lagoon Observatory, which is a cooperative effort among scientists, universities, and other organizations to explore, manage, and preserve the Lagoon. She thereafter invited the public and Commissioners to attend the 2013 Indian River Lagoon Symposium, which will be held in February, as well as the lectures and other events that are sponsored by Harbor Branch.

5.F. PROTECTING INDIAN RIVER COUNTY WATERS – BEST MANAGEMENT PRACTICES – RESIDENTIAL FERTILIZER BY DR. IAN RODRIGUEZ, VALLEY CREST LANDSCAPE MAINTENANCE

Dr. Ian Rodriguez, Valley Crest Landscape Maintenance, gave a PowerPoint presentation (on file), outlining the best management practices for responsible selection and application of fertilizers. He also revealed other measures that can be employed to avoid polluting the surface waters and aquifers, such as: (1) managing irrigation; (2) keeping stormwater sewers clear of debris and leaves; and (3) mowing high and recycling the clippings. Dr. Rodriguez advised that further information is available at www.dep.state.fl.us/water/nonpoint/pubs.htm. Concluding his remarks, he invited the Commissioners to attend Valley Crest Landscape Maintenance’s Open House on November 1, 2012, noting that Vice Chairman O’ Bryan will be the guest speaker.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF SEPTEMBER 11, 2012

6.B. REGULAR MEETING OF SEPTEMBER 18, 2012

6.C. FINAL BUDGET HEARING OF SEPTEMBER 19, 2012

The Chairman asked if there were any corrections or additions to the regular minutes of September 11 and September 18, 2012, or the Final Budget Hearing of September 19, 2012. There were none.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Regular Minutes of September 11 and September 18, 2012, and the Final Budget Hearing of September 19, 2012, 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.G. for discussion.

Commissioner Flescher requested to pull Item 8.H for discussion.

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

8.A. APPROVAL OF WARRANTS – SEPTEMBER 28, 2012 TO SEPTEMBER 30, 2012

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of September 28, 2012 to September 30, 2012, as requested in the memorandum of September 28, 2012.

8.B. APPROVAL OF WARRANTS – OCTOBER 1, 2012 TO OCTOBER 4, 2012

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of October 1, 2012 to October 4, 2012, as requested in the memorandum of October 4, 2012.

8.C. RESOLUTIONS CANCELING TAXES ON PROPERTIES ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-105**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Rendon, Zamarripa; 259 S. Pine St., Fellsmere)

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-106**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Rendon; 185 S. Hickory St., Fellsmere)

8.D. RESOLUTION CANCELING TAXES ON PROPERTY PURCHASED FROM VISTA PROPERTIES ASSOCIATION, INC. (VISTA PLANTATION ASSOCIATION, INC.) BY INDIAN RIVER COUNTY FOR 66TH AVENUE RIGHT-OF-WAY

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution 2012-107**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Vista Plantation Association, Inc.)

8.E. AMENDMENT TO INTERLOCAL AGREEMENT ESTABLISHING THE TREASURE COAST WORKFORCE CONSORTIUM AND THE WORKFORCE DEVELOPMENT BOARD OF THE TREASURE COAST

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously ratified Commissioner Davis's signature on the Amendment to Interlocal Agreement Establishing the Treasure Coast Workforce Consortium and the Workforce Development Board of the Treasure Coast *(entered into by Indian River,*

Martin, Okeechobee, and St. Lucie Counties), on behalf of the Indian River Board of County Commissioners, as recommended in the memorandum of October 9, 2012.

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

8.F. CONSIDERATION OF AGREEMENT FOR TRANSIT ADVERTISING SERVICES IN INDIAN RIVER COUNTY

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute the Agreement for Transit Advertising Services between Indian River County and America No Line LLC d/b/a Eye Level Digital, Inc., as recommended in the memorandum of October 2, 2012.

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

8.G. REQUEST FOR BOARD APPROVAL OF A STATE RECREATIONAL TRAILS PROGRAM GRANT AGREEMENT FOR THE THIRD PHASE OF PUBLIC ACCESS IMPROVEMENTS OF THE LAGOON GREENWAY

Vice Chairman O’Bryan conveyed that the Lagoon Greenway on Indian River Boulevard is a joint project of the County, the Indian River Land Trust, and the Florida Inland Navigation District, and that grant money from the Florida Department of Environmental Protection, in the amount of \$109,000, will be used to construct a boardwalk at the site. He noted that the Greenway will be a great amenity for the County.

ON MOTION by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute on behalf of the County, the Lagoon Greenway (*Flinn Tract*) Recreational Trails Program (RTP) Grant Project Agreement with the Florida Department of Environmental Protection, as recommended in the memorandum of October 10, 2012.

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

**8.H. APPROVAL OF BID AWARD FOR IRC BID NO. 2012034 WEST WABASSO
SEWER AND DRAINAGE IMPROVEMENTS CDBG PROJECT**

Commissioner Flescher thanked Director of Utilities Erik Olson, Julianne Price, Reverend Sylvester McIntosh, Deputy Teddy Floyd, and the citizens who helped advance the West Wabasso Sewer and Drainage Improvements Project. He asked Director Olson for an estimated time of commencement.

Director Olson projected that construction would begin in November 2012, subsequent to approval by the State.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the bid award to Mancil's Tractor Service, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) found that the need for the project is caused proportionately by new growth in the area, which will benefit from the project; and (3) 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 October 10, 2012.

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 - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS - NONE

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. (INDIAN RIVER) SOIL & WATER CONSERVATION DISTRICT AND YOUTH GUIDANCE – FUNDING STRUCTURE

Administrator Baird recapped the memorandum of October 8, 2012, providing background and analysis on staff's proposal to change the funding and management structure for the County's last two component agencies, the Indian River Soil & Water Conservation District (IRSWCD) and Youth Guidance. He stated that based on a past incident when the County's financial rating was nearly jeopardized by accounting issues related to the Housing Authority (*formerly a component unit of the County - independent since July 1, 2011*), staff's recommendation is to remove IRSWCD and Youth Guidance from the County payroll, and provide them with an allocation of \$47,847, and \$66,111, respectively. He related that there has been confusion as far as administrative oversight of the employees, and affirmed that it is in the County's best interest to separate the two agencies from the County and fund them as stand-alone independent entities. Administrator Baird noted that the funding currently goes through Sept 30, 2013, with no funding guarantees for either agency after that date.

David Gunther, President of the Board of Supervisors, IRSWCD, elaborated on his request for the Commissioners to postpone their decision for 30 days, so his agency and County staff can see if there is a way for the IRSWCD to remain a County department without putting the County at risk.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved to provide funding to the Youth Guidance Department as an outside agency in the amount of \$66,111,

for fiscal year 2012-2013, and authorized staff to amend the fiscal year 2012-2013 budget to reflect this change; and (2) delayed for 30 days, the decision on staff's proposal for providing funding to the Indian River Soil & Water Conservation District as an outside agency in the amount of \$47,847.

12.G.2. PRESENTATION BY JASON BROWN, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, ON 2012 PROPOSED CONSTITUTIONAL AMENDMENTS

Director of Management and Budget Jason Brown gave a PowerPoint presentation (on file) on six of the 11 State-initiated Constitutional Amendments that will appear on the November 6, 2012 election ballot. He noted that five would affect ad valorem taxes, and one pertains to revenue limitations for the State government. An explanation and analysis was provided on the following:

AMENDMENT 2	VETERANS DISABLED DUE TO COMBAT INJURY; HOMESTEAD PROPERTY TAX DISCOUNT
AMENDMENT 3	STATE GOVERNMENT REVENUE LIMITATION
AMENDMENT 4	PROPERTY TAX LIMITATIONS; PROPERTY VALUE DECLINE: REDUCTION FOR NON-HOMESTEAD ASSESSMENT INCREASES; DELAY OF SCHEDULED REPEAL
AMENDMENT 9	HOMESTEAD PROPERTY TAX EXEMPTION FOR SURVIVING SPOUSE OF MILITARY VETERAN OR FIRST RESPONDER

AMENDMENT 10	TANGIBLE PERSONAL PROPERTY TAX EXEMPTION
AMENDMENT 11	ADDITIONAL HOMESTEAD EXEMPTION; LOW-INCOME SENIORS WHO MAINTAIN LONG-TERM RESIDENCY ON PROPERTY; EQUAL TO ASSESSED VALUE

Discussion followed, during which each Commissioner provided observations/opinions on the amendments.

The Board directed the Office of Management and Budget to put the presentation on the County’s website at <http://www.ircgov.com>.

Commissioner Solari relayed that additional information about the amendments is available at the Collins Center for Public Policy at <http://collinscenter.org>.

No Board Action Was Required or Taken

The Chairman called a recess at 10:37 a.m., and reconvened the meeting at 10:43 a.m., with all members present.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1 PRESENTATION ON CENTRAL INDIAN RIVER LAGOON MANAGEMENT

PLAN BY TOM FRICK, BUREAU CHIEF, BUREAU OF WATERSHED RESTORATION, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, TALLAHASSEE

Chief Tom Frick, State Bureau of Watershed Restoration, provided a PowerPoint (on file), describing the Central Indian River Lagoon Basin Management Action Plan (BMAP). He explained that the BMAP is a cooperative effort between the State of Florida Department of

Environmental Protection (FDEP) and local stakeholders, with the goal of finding ways to reduce pollutants entering the waterways. He said that every two years, the St. Johns River Water Management District and the State conduct an aerial survey of the seagrasses, and based on data from the last eight years, the seagrasses are meeting historic evaluation. He noted that the data from the 2011 aerial survey has not yet been received, and that the next aerial survey will be in 2013. He invited anyone with questions to contact him at 850-245-7518, or visit the website at <http://publicfiles.dep.state.fl.us/DEAR/BMAP/IndianRiverLagoon>.

A lengthy discussion followed, with input from Mr. Frick, as the Board voiced concerns and asked questions about the drastic reduction/die off of seagrass in portions of the Lagoon.

Commissioner Solari requested that Mr. Frick compile a straightforward document highlighting the sources of pollutants in the Lagoon and what is being done to address them (including the County's projects).

Mr. Frick noted that many documents are available on the web, but they are often cumbersome, and agreed to work on a more comprehensible document.

Councilmember Richard Gillmor, City of Sebastian, questioned FDEP's assessment of the seagrasses, because their analysis was not based on current data. He read into the record an email (on file) outlining Indian Riverkeeper Marty Baum's concerns about the disappearance since 2010, of 32,000 acres of seagrass from the central and upper Lagoon, Banana River, and Mosquito Lagoon. He emphasized the need to obtain new data, and urged the Board to develop partnerships with other counties/organizations to discover the crux of the problem and find a solution.

Commissioner Solari agreed that there is insufficient data to pinpoint the causes of the disappearing seagrass beds. He affirmed the County's proactive stance towards cleaning the Lagoon, and relayed that staff is currently working on a proposal for monitoring the water

quality of the three relief canals. He recommended that the County and other entities consolidate their monitoring activities.

No Board Action Required or Taken

**12.I.2. APPROVAL OF CONSTRUCTION CONTRACT FOR MODIFICATION TO EGRET
MARSH STORMWATER PARK FLOWAY, BID NO. 2012053**

Public Works Director Christopher Mora, through a PowerPoint presentation (on file), provided description and conditions on staff's request to have Close Construction, LLC perform floway surface modifications to the Algal Turf Scrubber (ATS) at Egret Marsh Stormwater Park (Egret Marsh). He noted that only about 50% of the original grid is operational, and that the most durable material to replace the entire floway surface is fibermesh concrete. He thereafter imparted staff's recommendation to move forward with the project and have Close Construction, LLC perform the floway repairs at Egret Marsh.

In response to the Board's questions, staff provided additional information regarding whether there would be any environmental impacts from the fibermesh concrete as it ages; how the algae would be harvested and if it was usable afterwards; and the composition of the concrete fibermesh material.

Vice Chairman O'Bryan asked about HydroMentia, Inc.'s patent on the ATS technology, what the warranty was for the Algal Turf Scrubber at Egret Marsh, and whether the County should seek a patent on the fibermesh grid system that will replace the old grid material.

Staff disclosed that there had been a 10-year warranty and the materials (the membrane and polyester grid mesh) had lasted two years. They also revealed that because HydroMentia has a patent on the ATS process, the company expects to receive a technology fee at the new PC South Nutrient Recovery Facility.

County Attorney Alan S. Polackwich, Sr. explained that HydroMentia has a process patent, and the type of material (concrete vs. mesh) is only one component of that process. He advised the Board not to pursue a patent on the concrete floway. He mentioned that the primary causes for the materials' failure were unforeseeable; the current project was primarily funded through grants (one of which was obtained by HydroMentia itself); and that taking into consideration all factors, he had asked HydroMentia to consider reducing their fee.

Director Mora stressed that it was urgent to proceed with the PC South Project so the County can comply with the Florida Department of Environmental Protection's (FDEP) Administrative Consent Order regarding the discharge of brine from the South Regional Wastewater Treatment Facility.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the construction contract with Close Construction, LLC for \$1,288,482.00, for modifications to the Egret Marsh Stormwater Park Floway, and authorized the Chairman to execute same after review and approval of the Public Construction Bond, Agreement, and Insurance Certificates by appropriate staff, as recommended in the memorandum of October 1, 2012.

12.J. UTILITIES SERVICES

12.J.1. IRC Bid No. 201242, PROJECT: SOUTH REGIONAL WASTEWATER TREATMENT FACILITY HEADWORKS REHABILITATION

ON MOTION by Vice Chairman O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved and authorized the Chairman to execute Change Order No. 1 with A.M. Construction Group, for the South Regional

Wastewater Treatment Facility Headworks Rehabilitation project, in the amount of \$27,200.00, as recommended in the memorandum of September 17, 2012.

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

13. COUNTY ATTORNEY MATTERS

13.A. ACQUISITION OF RIGHT-OF-WAY PARCEL(S) AT THE CORNER OF STATE ROAD 60 AND 66TH AVENUE FROM VERO BEACH ASSOCIATES RETAIL, LLC

Deputy County Attorney William DeBraul provided background and conditions regarding the County-initiated request to purchase 0.069 acres of right-of-way and a temporary construction easement located at the corner of 66th Avenue and State Road 60, the site of a commercial development known as Plantation Plaza. He relayed that an additional construction easement will be granted to the County for the duration of the project, and that as a sale condition, the County has agreed to relocate a dumpster and move or replace two signs currently on site. He thereafter presented staff's recommendation for the Board to approve the purchase for the total acquisition cost of \$156,895, which includes \$110,000 for the parcel, and attorney, engineering, and appraisal costs.

Vice Chairman O'Bryan asserted that the purchase price of \$110,000 for the 0.069 acre parcel was excessive.

Attorney DeBraul stated that the purchase price is supported by the appraisal value of the property.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-1 vote (Vice Chairman O'Bryan opposed), the Board approved the contract for

purchase of the parcels from Vero Beach Associates Retail, LLC, for \$110,000 together with attorney's fees of \$15,485.71, engineering costs of \$29,210.00, and appraisal fees of \$2,200 for a total acquisition cost of \$156,895.71, as recommended in the memorandum of October 10, 2012.

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

13.B. APPOINTMENT OF A COMMISSIONER TO THE BOARD OF TRUSTEES AND TO THE ADVISORY COMMITTEE OF THE INDIAN RIVER COUNTY LAW LIBRARY

Attorney Polackwich provided background on the Indian River County Law Library, recalling the 1989 agreement with the Board of Trustees (created by the Florida Legislature in 1957) for the County to operate and maintain the library, in conjunction with an Advisory Committee. He reported that there are some proposed changes to library operations that should be reviewed by the Board of Trustees, and that both boards require a Commissioner appointee. He recommended that the Board select one Board Member to sit on both the Advisory Committee and the Board of Trustees.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman O'Bryan, the Board unanimously appointed Commissioner Solari to serve on both the Board of Trustees and the Advisory Committee of the Law Library.

13.C. ADMINISTRATION BUILDING ROOFS

Attorney Polackwich recapped his October 9, 2012 memorandum to provide an update and analysis on the Board's options for correcting the roof leaks occurring at the two County Administration Buildings (*Building "A" and Building "B"*). He relayed that roofing expert Joseph Williams of A/R/C Associates, Inc., performed a study and concluded that there are fundamental systematic problems with the roofs, and the only remedy is replacement. He outlined the actions that the County has taken thus far, including the filing of a lawsuit and subsequent mediation sessions with the defendants, with a third session scheduled for November 1, 2012. He advised the Board to pursue a solution that eliminates all roof deficiencies (*known and discovered during the remediation process*), and provides for correction of any damage caused by the leaks, and outlined staff's recommendation for the Board to:

- Place a formal demand on the defendants in the lawsuit to correct all roof deficiencies, including replacement of any deficient roof components discovered during the corrective work and replacement of any other building components found to be damaged as a result of the leaks.
- Authorize staff, in the event that the defendants do not agree to perform the work, to issue a design/build Request for Qualifications (RFQ) to hire a third party to correct the deficiencies.
- Authorize the County Attorney's office to hire the law firm of Murphy & Walker, to work in a cooperative effort with the County Attorney's office to prepare to move forward with the lawsuit.

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

Attorney Polackwich addressed Commissioner Wheeler's query about which parties are involved in the lawsuit.

The Chairman CALLED THE QUESTION, and the Motion carried. The Board unanimously: (1) authorized the presentation of a formal demand to the defendants to correct all roof deficiencies outlined in staff's report (pages 188 and 189 of the agenda package); (2) authorized staff to issue a Request For Qualifications (RFQ) for design-build services to correct all deficiencies in the roof, if the defendants do not agree to perform the work; and (3) authorized the hiring of the local law firm of Murphy & Walker to act as co-counsel with the County Attorney's office in prosecuting the pending lawsuit, all as recommended in the memorandum of October 9, 2012.

14. COMMISSIONER ITEMS

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

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

14.B.1. CONSIDERATION TO FINANCIALLY SUPPORT THE ROTARY INITIATIVE FOR SUBMERGED SEAGRASS AWARENESS (RISSA)

As discussed under Item 4, Vice Chairman O'Bryan wanted to defer this matter until October 23, 2012, at which time Paul Dritenbas of the Vero Beach Sunrise Rotary Club will be giving a presentation. The Board had requested leaving this matter on the agenda to provide an opportunity for public comment.

No speaker addressed the Board.

14.B.2. NOTICE OF THE SEVEN50 WORK GROUP ROAD SHOW

Vice Chairman O'Bryan announced that the Seven50 Work Group, in conjunction with the Southeast Florida and Treasure Coast Regional Planning Councils, are providing a series of work group meetings focused on developing a long-term blueprint for the future of the seven-county region of Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, and Indian River. He relayed that the public is encouraged to attend the Thursday, October 25, 2012 work group meeting in the County Commission Chambers, and may register for the event at <http://seven50.org/next-step-for-seven50-work-group-road-show>.

No Board Action Required or Taken

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. FIRE STATION 13 – DEDICATION OF RIGHT-OF-WAY ALONG 4TH STREET AND 43RD AVENUE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

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 12:11 p.m.

ATTEST:

Jeffrey R. Smith
Clerk of Circuit Court & Comptroller

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2012Minutes