

JEFFREY R. SMITH

Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

NOVEMBER 13, 2012

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JEFFREY R. SMITH

Clerk to the Board



November 13, 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 November 13, 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

Stan Boling, Planning Director, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Vice Chairman O'Bryan led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

- NONE

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD TO W. ERIK OLSON ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSION DEPARTMENT OF UTILITIES SERVICES WITH 11 YEARS SERVICE

Commissioner Solari read and presented the Proclamation and Retirement Award to W. Erik Olson.

The Commissioners and Administrator voiced their gratitude to Mr. Olson for his job performance, hard work, dedication, professionalism, and eleven years of service in the Department of Utility Services.

Mr. Olson thanked his staff and the Commissioners for the Proclamation, Retirement Award, and their support throughout his career.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER, 2012 AS NATIONAL ADOPTION AWARENESS MONTH

Commissioner Solari read the Proclamation. Michelle King, Director of Development; Kristine Tipton, Adoptions Case Manager; and Stephanie Mednick, Development Specialist; accepted the Proclamation on behalf of the Children's Home Society of Florida.

5.C. PRESENTATION OF PROCLAMATION – THE TOBACCO FREE PARTNERSHIP AND INDIAN RIVER COUNTY PROMOTES THE GREAT AMERICAN SMOKE OUT NOVEMBER 15, 2012

Commissioner Flescher read the Proclamation. Leslie Spurlock accepted the Proclamation on behalf of the American Cancer Society, all students working against tobacco, and the Tobacco Free Partnership of Indian River County.

5.D. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER, 2012, AS NATIONAL RUNAWAY PREVENTION MONTH

Vice Chairman O'Bryan read the Proclamation. Michelle King, Director of Development; Kristine Tipton, Adoptions Case Manager; and Stephanie Mednick, Development Specialist; accepted the Proclamation on behalf of the Children's Home Society of Florida, Treasure Coast Division.

5.E. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 18 THROUGH NOVEMBER 24, 2012, AS CHRISTIAN HERITAGE WEEK IN INDIAN RIVER COUNTY

Commissioner Davis read and presented the Proclamation to Dr. Craig McGarvey, President of the Indian River American Family Association.

5.F. PRESENTATION BY TAXPAYERS ASSOCIATION OF INDIAN RIVER COUNTY BY MR. PAUL TERESI, PAST PRESIDENT

On behalf of the Taxpayers Association of Indian River County, Paul Teresi, past President, presented Chairman Wheeler with a plaque recognizing his years of service as Sheriff and County Commissioner.

5.G. PRESENTATION OF PROCLAMATION – TIME CERTAIN: 10:00 A.M. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING COMMISSIONER GARY C. WHEELER FOR HIS 22 YEARS OF PUBLIC SERVICE TO INDIAN RIVER COUNTY (FOLLOWED BY A BRIEF RECESS/RECEPTION)

Vice Chairman O'Bryan read the Proclamation and presented the Retirement Award to Chairman Wheeler, and additionally presented him with numerous mementos.

Commissioners and staff expressed their gratitude and appreciation to Chairman Wheeler for his 22 years of dedicated service. They also provided him with words of wisdom as they wished him well in his retirement.

Jackie Solari presented Chairman Wheeler and his wife Donna, with two folding camp chairs as a farewell present.

Vice Chairman O'Bryan opened the floor to public comments.

The following speakers alternately thanked Chairman Wheeler for his support, professionalism, personal interest, and outstanding public service to the County; they also congratulated and wished him well on his retirement:

Ralph Poppell, former member of the Florida House of Representatives

Carol Johnson, Indian River School Board member

Bud Spencer, Chief Deputy, on behalf of Sheriff Deryl Loar and the Indian River County Sheriff's Office

Debbie Mayfield, Florida House of Representatives

Brian Carman, Executive Director of Indian River Neighborhood Association

Joseph Paladin, President of Black Swan Consulting

Penny Chandler, President of the Indian River County Chamber of Commerce, and on behalf of the Chamber

Jeff Smith, Clerk of Circuit Court and Comptroller, on behalf of the Clerk's Office

Bill Jordan

Carole Jean Jordan, Indian River County Tax Collector

Tim Zorc, Commissioner elect

Jason Nunemaker, Fellsmere City Manager

Stephen Sczurek, 945 37th Avenue

Chairman Wheeler thanked those who spoke, and recognized those who helped him during his 22 years of public service. He provided a brief synopsis of his career, and thanked his family, friends, and predecessors for their advice and support throughout his career. He

considered the Board of County Commissioners the best Board he has ever served on, and gave praise to County staff for their professionalism.

Vice Chairman O'Bryan called a break for Chairman Wheeler's retirement reception at 10:42 a.m., and reconvened the meeting at 11:12 a.m., with all members present, to conduct Item 10.A.1.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF OCTOBER 16, 2012

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

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the minutes of the October 16, 2012 meeting, as written.

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

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS – OCTOBER 26, 2012 TO NOVEMBER 1, 2012

ON MOTION by Vice Chairman O'Bryan, 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 October 26, 2012 to November 1, 2012, as requested in the memorandum of October 26, 2012.

8.B. REQUEST TO APPROVE A PROJECT AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT FOR PHASE B-2 PUBLIC ACCESS IMPROVEMENTS ON THE FLINN TRACT OF THE LAGOON GREENWAY

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the Lagoon Greenway Phase B-2 Florida Inland Navigation District (FIND) Grant Project Agreement, with the Florida Inland Navigation District, and authorized the Chairman to execute same on behalf of the County, as recommended in the memorandum of November 6, 2012.

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

8.C. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING BETWEEN ENTERPRISE FLORIDA, INC. AND INDIAN RIVER COUNTY CHAMBER OF COMMERCE

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the Memorandum of Understanding between Enterprise Florida, Inc. (EFI) and the Indian River County Chamber of Commerce, and authorized the Chairman to execute same, as recommended in the memorandum of November 6, 2012.

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

**8.D. AUTHORIZATION TO ATTEND GOVERNMENT FINANCE OFFICERS
ASSOCIATION ANNUAL CONFERENCE**

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Davis, the Board unanimously authorized the County Administrator to attend the 2013 Government Finance Officers Association (GFOA) 107th Annual Conference "Bridges to Financial Sustainability" on June 2 – 5, 2013, as requested in the memorandum of November 7, 2012.

**8.E. AWARD OF BID OLD DIXIE HIGHWAY SIDEWALK FROM 8TH STREET TO SR
60 IRC PROJECT NO. 1102, BID NO. 2012052**

ON MOTION by Vice Chairman O'Bryan, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the bid award to Timothy Rose Contracting, Inc., in the amount of \$329,327.97, with approval of Change Order No. 1, as the lowest and most responsive bidder meeting the specifications as set for the in the Invitation to Bid; (2) approved the sample Agreement; and (3) authorized the Chairman to execute said Agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency, all as recommended in the memorandum of October 26, 2012.

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

**8.F. APPROVAL OF BID AWARD FOR IRC BID NO. 2013010 – REHABILITATION
OF THE RYALL HOUSE AT THE SOUTH PRONG PRESERVE CONSERVATION
AREA**

ON MOTION by Vice Chairman O’Bryan, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the bid award to TC Enterprise of the Treasure Coast, Inc., in the amount of \$38,922.00, as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved the sample Agreement; and (3) authorized the Chairman to execute said Agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency, all as recommended in the memorandum of November 6, 2012.

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

**8.G. AMENDMENT TO AGREEMENT BETWEEN INDIAN RIVER COUNTY AND THE
BOARD OF TRUSTEES OF THE INDIAN RIVER COUNTY LAW LIBRARY**

ON MOTION by Vice Chairman O’Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the Amendment to Agreement between Indian River County, Florida, and the Board of Trustees, Indian River County Law Library; and authorized the Chairman to execute same, as recommended in the memorandum of November 7, 2012.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A. JEFFREY R. SMITH, INDIAN RIVER COUNTY CLERK OF CIRCUIT COURT -
CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2011-
2012**

Clerk of Circuit Court and Comptroller Jeffrey Smith presented the Board with the Fiscal Year 2011-2012 Financial Report, and a check in the amount of \$5,374.58.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman O'Bryan, the Board unanimously accepted the Indian River County Clerk of the Circuit Court Constitutional Officer Financial Report for Fiscal Year 2011-2012, as submitted under cover letter dated October 26, 2012.

**9.B. LESLIE R. SWAN, INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS -
CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2011-
2012**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously accepted the Indian River County Supervisor of Elections Constitutional Officer Financial Report for Fiscal Year 2011-2012, as submitted under cover letter dated October 26, 2012.

9.C. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2011-2012

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously accepted the Indian River County Sheriff Constitutional Officer Financial Report for Fiscal Year 2011-2012, as submitted under cover letter dated October 23, 2012.

9.D. DAVID C. NOLTE, INDIAN RIVER COUNTY PROPERTY APPRAISER - CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2011-2012

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the Indian River County Property Appraiser Constitutional Officer Financial Report for Fiscal Year 2011-2012, as submitted.

9.E. CAROLE JEAN JORDAN, INDIAN RIVER COUNTY TAX COLLECTOR - CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2011-2012

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously accepted the Indian River County Tax Collector's Constitutional Officer Financial Report for Fiscal Year 2011-2012, as submitted under cover letter dated October 31, 2012.

Tax Collector Carole Jean Jordan was not present; Vice Chairman O'Bryan disclosed that the Tax Collector's Office would be returning a check to the Board of County Commissioners in the amount of \$2,368,532, and \$337,711 to the other taxing districts.

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. COUNTY INITIATED REQUEST TO AMEND THE 5-YEAR CAPITAL IMPROVEMENTS PROGRAM AND SUPPORTING DATA AND ANALYSIS OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE)

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

(Clerk's Note: This item was heard at 11:12 a.m., following Chairman Wheeler's retirement reception.)

Community Development Director Bob Keating, using a PowerPoint presentation (on file), explained the proposed request and the reasons for updating the 5-Year Capital Improvements Program (CIP) component, and the supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan. He outlined and discussed the purpose of the Comprehensive Plan text amendment; the CIE process, preparation, and proposed change; the reduction of projected County revenue; projects and expenditures; the projected transportation revenue; road status; and the transportation projects with deficient links. He recommended the Board approve the update to the 5-year CIP and supporting data and analysis of the CIE by adopting the proposed Ordinance.

A lengthy discussion ensued regarding the 5-Year Capital Improvements Plan expenditures, the improvement projects listed on the 5-year plan, and concurrency.

The Chairman opened the Public Hearing.

Joseph Paladin, President of Black Swan Consulting, sought and received information from staff regarding the estimated completion time for the improvements at the intersection of CR510 and US Highway 1, and asked the Board to support him in moving forward with his projects.

The Board discussed accelerating the CR510 project, the options of paying for the project, and the significant amount of right-of-way to acquire before moving forward.

Administrator Baird suggested that staff bring this item back to the Board in 30 days.

Bob Johnson, Coral Wind Subdivision, sought and received information regarding gas tax increases in years 4 and 5 of the 5-Year Capital Improvements Plan, and recommended tabling this item for 30 days so Tim Zorc can be sworn in as County Commissioner, and have the opportunity to review the plan and presentation from staff.

Mike Ray, Graves Brothers, believed there is a demand to improve the CR510 and US Highway 1 intersection, and asked the Board to allow development in this area to move forward. He urged the Board to table the approval of this item, reprioritize the transportation category expenditures, and move Mr. Paladin's project forward to the early years of the 5-Year Capital Improvements Plan.

Management and Budget Director Jason Brown explained the project priority system.

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

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to not adopt the proposed Ordinance. The public hearing was TABLED to a time certain of December 18, 2012.

The Chairman CALLED THE QUESTION and the motion carried unanimously.

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING NOVEMBER 20, 2012:

COUNTY INITIATED REQUEST TO CONSIDER AMENDING CHAPTER 205 OF THE CODE OF INDIAN RIVER COUNTY RELATING TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE INDIAN RIVER COUNTY FAIRGROUNDS, THE PLANNED SOUTH COUNTY INTERGENERATIONAL RECREATION CENTER, AND THE FACILITY FORMERLY KNOWN AS DODGERTOWN; MAKING FINDINGS AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (LEGISLATIVE)

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING DECEMBER 4, 2012:

INDIAN RIVER COUNTY'S REQUEST FOR MAJOR SITE PLAN AND SPECIAL EXCEPTION USE APPROVAL FOR THE SOUTH COUNTY ALGAL TURF SCRUBBER STORMWATER TREATMENT FACILITY (QUASI-JUDICIAL)

10.C.3. NOTICE OF SCHEDULED PUBLIC HEARING DECEMBER 4, 2012:

10.C.3.A. McDONALDS CORP.'S REQUEST TO AMEND LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTERS 911 AND 956 TO MODIFY THE NON-CONFORMING FREE-STANDING SIGN REGULATIONS IN THE ROSELAND AND OTHER CORRIDORS (LEGISLATIVE)

10.C.3.B. CONSIDERATION OF AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTERS 904 AND 917 TO ALLOW USE OF AN ACCESSORY STRUCTURE SERVING A PRINCIPAL STRUCTURE DAMAGED OR DESTROYED BY A DISASTER (LEGISLATIVE)

County Attorney Alan S. Polackwich, Sr. read the notices into the record.

11. COUNTY ADMINISTRATOR MATTERS- NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

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 FOR SWS ENVIRONMENTAL SERVICES FOR IRC BID NO.
2011050, CLEANING OF THREE SLUDGE HOLDING TANKS**

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the Final Pay Request to SWS Environmental Services, for professional services, in the amount of \$12,856.75, as recommended in the memorandum of November 6, 2012.

13. COUNTY ATTORNEY MATTERS – NONE

14. COMMISSIONER ITEMS

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

14.B. COMMISSIONER PETER D. O'BRYAN, VICE CHAIRMAN - NONE

14.C. COMMISSIONER WESLEY S. DAVIS - NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.E. COMMISSIONER BOB SOLARI - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

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

**15.B.1. THIRD AMENDMENT TO SWDD FEEDSTOCK SUPPLY AGREEMENT WITH
INEOS NEW PLANET BIOENERGY, LLC (INPB)**

**15.B.2. FINAL PAY TO CDM SMITH FOR WORK ORDER NO. 1 – ANNUAL
FINANCIAL REPORTS FOR IRC LANDFILL**

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

The Chairman called a break at 9:45 a.m., following completion of the District Meeting, and reconvened the meeting at 9:54 a.m., with all members present, to conduct Item 5.G.

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 12:28 p.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/LA/2012 Minutes