

JEFFREY R. SMITH  
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

DECEMBER 11, 2012

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**JEFFREY R. SMITH**

Clerk to the Board



**December 11, 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, December 11, 2012. Present were Chairman Joseph E. Flescher, Vice Chairman Wesley S. Davis, and Commissioners Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Planning Director Stan Boling delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Attorney Alan S. Polackwich, Sr., led the Pledge of Allegiance to the Flag.

*(Clerk's Note: County Administrator Joseph A. Baird was originally scheduled to lead the oath).*

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved the Agenda as presented.

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION BY STEVEN STEIN, PROGRAM MANAGER, FLORIDA  
PROPERTY ASSESSED CLEAN ENERGY (PACE) FUNDING AGENCY**

Director of Management and Budget Jason Brown, recalling the Board's interest in learning more about Property Assessed Clean Energy (PACE) programs, introduced Steve Stein, the program manager for the Florida Property Assessed Clean Energy Funding Agency.

**Mr. Stein** noted that he was employed by Science Applications International Corporation (SAIC), which provides administrative services for the Florida Property Assessed Clean Energy program. Through a PowerPoint presentation (on file), he provided background and details on the Florida PACE Funding Agency, a statewide financing program that will provide loans to property owners for clean energy and wind resistance improvements to their homes. Mr. Stein reviewed the eligibility and underwriting criteria for the homeowners, and stated that the County's requirements for participation in the program include the Board's adoption of an authorizing Resolution and execution of a subscription agreement sanctioning Florida PACE to provide services in the County. He advised that the loans would be repaid through special ad valorem assessments on the property owners' annual property tax bills, and that the program is slated to begin in January/February 2013.

Vice Chairman Davis asked how the property owners could ensure that they were using reputable contractors and getting competitive prices on the improvements they were making. He also asked whether the PACE Funding Agency is subject to truth-in-lending laws.

**Mr. Stein** responded that the contractors must be licensed to do business in the community, and the property owners are responsible to provide all necessary information to PACE for review. He explained that disclosures regarding the loan terms will be part of the loan closing package.

Commissioner O'Bryan requested clarification on whether there would be a "non-accelerated" clause in the loan documents, so the loan balance is not required to be paid at the closing and carries over to the new owner (*in accordance with the PACE program*), and whoever holds the first mortgage can leapfrog the tax lien.

**Mr. Stein** revealed that the PACE Board would select the financial service providers on December 17, 2012; thus, he did not yet have all the information regarding the loan conditions. He noted however, that the interest rates should be at least equivalent to market rates.

Commissioner O'Bryan expressed support for the PACE program, but requested that Attorney Polackwich explore this matter further and report back to the Board.

Attorney Polackwich affirmed that he would do so.

## **6. APPROVAL OF MINUTES**

### **6.A. REGULAR MEETING OF NOVEMBER 6, 2012**

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the minutes of the November 6, 2012 meeting, as written.

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

**7.A. TOWN OF ORCHID COMMITTEE APPOINTMENTS FOR 2013**

Noted for the record were the 2013 committee appointments for the Town of Orchid, as presented on Replacement Page 2, Attachment 7A, of the agenda package.

**7.B. TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC) AND TCRPC  
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY APPOINTMENTS**

Noted for the record were the 2013 committee appointments to the Treasure Coast Regional Planning Council (TCRPC) and the TCRPC Comprehensive Economic Development Strategy Committee, as presented on pages 4 – 7 of the agenda package.

**8. CONSENT AGENDA**

Commissioner Solari requested to pull Item 8.B. and 8.M. from the Consent Agenda for discussion.

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



**8.A. APPROVAL OF WARRANTS – NOVEMBER 16, 2012 TO NOVEMBER 29, 2012**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller’s Office for the time period of November 16, 2012 to November 29, 2012, as requested in the memorandum of November 29, 2012.

**8.B. 2013 BLANKET AUTHORIZATION FOR COMMISSIONERS TO TRAVEL OUT OF COUNTY**

Commissioner Solari suggested that after out of County travel for a non-committee event, the Commissioners should provide a notification and update to the public. He cited the example of today’s agenda Item 14.C.1, during which Commissioner O’Bryan will be discussing the Florida Association of Counties Legislative Conference that he attended in Sarasota County.

Chairman Flescher sought and received confirmation from Commissioner Solari that he wanted the Commissioner updates to be under either Informational or Commissioners Items.

Commissioner O’Bryan stressed the importance of County involvement at the State level, and wanted the Board’s Motion to clearly reflect that the Commissioners are authorized to travel to Tallahassee on business that is not tied to their committee work.

Commissioner Solari stated he would incorporate the language from staff’s report into a Motion.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to authorize the Board members to travel out of County: (1) for all current and any future assigned committee meetings; and (2) on occasions when it is necessary for Board members to travel to Tallahassee, Florida to meet with State Representatives, Senators, the Florida Department of Environmental Protection, the Florida Department of Transportation, etc., regarding various County projects, grants, and proposed legislation.

Vice Chairman Davis requested that the County Administrator have staff pattern future recommendations regarding out of County travel on the above Motion.

Commissioner Zorc mentioned that as a new Commissioner, he would show a lot more out of town travel expenses, due to his participation in the Florida Association of Counties' Certified County Commissioner (CCC) training program.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously.

**8.C. RETIREMENT AWARD AND PROCLAMATION HONORING ANNE MOUTENOT ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS, DEPARTMENT OF GENERAL SERVICES, NORTH COUNTY LIBRARY, WITH TWENTY-ONE YEARS OF SERVICE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Retirement Award and Proclamation honoring Anne Moutenot on her retirement from the Indian River County

Board of County Commissioners, Department of General Services, North County Library.

**8.D. RETIREMENT AWARD AND PROCLAMATION HONORING WALTER (WALLY)**

**D. MERRIFIELD ON HIS RETIREMENT FROM INDIAN RIVER COUNTY**

**BOARD OF COUNTY COMMISSIONERS, DEPARTMENT OF GENERAL**

**SERVICES, SANDRIDGE GOLF CLUB, WITH ELEVEN YEARS OF SERVICE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Retirement Award and Proclamation honoring Walter (Wally) D. Merrifield on his retirement from the Indian River County Board of County Commissioners, Department of General Services, Sandridge Golf Club.

**8.E. WORK ORDER NO. 1 – FINAL PAY MOIA, BOWLES, VILLMIZAR &**

**ASSOCIATES (MBV) – SOUTH COUNTY WASTEWATER TREATMENT**

**FACILITY HEADWORKS REHABILITATION PROJECT**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved Final Pay Request for Work Order No. 1 to Moia, Bowles, Villmizar and Associates (MBV), in the amount of \$546.25 as presented, and as recommended in the memorandum of November 28, 2012.

**8.F. APPROVAL FOR FINAL PAYMENT TO A.M. CONSTRUCTION GROUP INC.  
FOR BID NO. 2012042 SOUTH REGIONAL WASTEWATER TREATMENT  
HEADWORKS REHABILITATION**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved and authorized the Chairman to execute the Final Payment with A.M. Construction Group, Inc., in the amount of \$80,200.93, as recommended in the memorandum of December 5, 2012.

**8.G. MISCELLANEOUS BUDGET AMENDMENT 018 – ADDITIONAL  
DOCUMENTATION FOR SUPERVISOR OF ELECTIONS BUDGET**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously: (1) ratified the budget adjustment completed by staff as authorized under Miscellaneous Budget Amendment 018; and (2) approved Exhibit "A" for Resolution No. 2012-072, as recommended in the memorandum of December 4, 2012.

**8.H. STIPULATED FINAL JUDGMENT FOR MARY CHARLENE BROWN PARCELS  
107A, 107B, 107C, AND 404**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Stipulated Final Judgment for Mary Charlene Brown

Parcels 107A, 107B, 107C, and 404, as recommended in the memorandum of December 5, 2012.

**8.I. REPLACEMENT COMMUNICATIONS MICROWAVE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the replacement communications microwave project, as recommended in the memorandum of December 5, 2012.

*(Clerk's Note: This project is a cooperative effort with AT&T)*

**8.J. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (PUBLIC TRANSPORTATION BLOCK GRANT)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2012-121**, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.

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

**8.K. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (NON-URBANIZED AREA FORMULA GRANT)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2012-122**, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.

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

**8.L. WINDSOR PROPERTIES REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS WINDSOR BLOCK 46**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously granted final plat approval for the Windsor Block 46 subdivision, as recommended in the memorandum of December 3, 2012.

**8.M. CAFETERIA FACILITY – BUILDING A / DAILY DOSE CAFÉ – LEASE RENEWAL**

Commissioner Solari noted his past and current opposition to this item.

ON MOTION BY Commissioner O'Bryan, SECONDED by Vice Chairman Davis, by a 4-1 vote (Commissioner

Solari opposed), the Board extended the existing lease with Julie Anderson, from August 1, 2012 through July 30, 2013, for the Daily Dose Café, located in the County Administration Building A, as recommended in the memorandum of November 15, 2012.

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

**8.N. 2013 COMMISSIONER COMMITTEE ASSIGNMENTS**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Commissioner Committee Assignments outlined on pages 78 and 79 of the agenda package, as recommended in the memorandum of December 6, 2012.

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING**

**10.A.1. McDONALDS CORPORATION'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)**

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

Planning Director Stan Boling provided background and analysis on the request of McDonalds Corporation to amend the County's Land Development Regulations (LDRs) Chapter 911 *Zoning*; and Chapter 956, *Sign Regulations*, to remove the building renovation trigger for replacing non-conforming free-standing signs. He said that the McDonald's South US1 and Roseland restaurants are undergoing renovations and have free-standing pole signs that do not conform to the existing corridor requirements for monument-style signs; McDonald's wants to upgrade the base of the sign as an interim upgrade. Director Boling relayed that the Planning & Zoning Commission recommends that the Board adopt the proposed ordinance, with the condition that the pole signs must be replaced within five years; however, staff's recommendation is for the Board to adopt the proposed ordinance and allow the free-standing signs to be upgraded and remain until the store is rebuilt or the non-conforming sign is significantly degraded or damaged. He added that the proposed amendment also contains a provision establishing a definition of "free-standing sign height."

In response to the Board's questions, Director Boling provided further information about how the current and the proposed Ordinance would apply in various situations. He revealed that the original Ordinance was designed for improved aesthetics, not for security or safety reasons.

The Chairman opened the Public Hearing.

**Fred Mensing**, Roseland Community Association President, pointed out that the goal of the Roseland Corridor Plan was to eliminate all of the pole signs. He relayed the consensus of the Roseland Community Association Board of Directors that the Board should adhere to the Corridor Plan and require McDonalds to replace the pole sign with a monument-style sign.

**Kim Binkley-Seyer**, The Seyer Group, presented arguments on behalf of McDonalds Corporation. She explained that the store renovations are minor and the two stores have come into compliance with all the other Corridor Plan requirements; the LDR amendments would allow them to retain the existing signs, provided aesthetic improvements are made to the lower



portions of same. She added that the pole signs are independent structures that were legally permitted.

**Joe Conrado** and **Sam Houston**, operators of the two McDonalds in question, described how each store is a valuable community partner.

**Bob Johnson**, Coral Wind Subdivision, voiced opposition to the proposed Ordinance. He felt that the standards in the existing corridor plan should be adhered to, and that the McDonalds signs should be brought into compliance.

**Ms. Binkley-Seyer** affirmed that when a McDonalds restaurant is built or rebuilt, there will be full compliance with the Corridor Plan sign requirements. She observed that it would be a severe penalty for the Code to dictate that a minor investment by a business would trigger the loss of its sign, and McDonalds is asking not to be penalized for upgrading their facilities by being forced to replace their pole signs. Responding to questions, she provided further details on the scope of the renovations that were done at the McDonalds, affirming that the restaurants remained open during the entire process.

Commissioner Solari viewed the McDonalds renovations as a reinvestment in the subject properties, and stated that the County was lucky to have people willing to reinvest in existing businesses. He inquired of Ms. Binkley-Seyer whether the proposed Ordinance is satisfactory.

**Ms. Binkley-Seyer** responded in the affirmative, stating that decoupling the building permit from the sign permit would allow McDonalds to retain its sign and upgrade the base for improved aesthetics. She then reviewed possible options for upgrading the existing signs.

Director Boling added that the improvements would be approved by staff, and they are not seen as an extension of the signs' longevity.

Chairman Flescher clarified for Mr. Johnson that the proposed ordinance would apply to all businesses, not specifically to McDonalds.

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

Commissioner O'Bryan observed that the Board wants to maintain a good quality of life for County residents, while being fair to businesses. He voiced support for staff's recommendation as a good compromise and a common sense solution to redevelopment.

Vice Chairman Davis was in favor of making a small concession to business owners during these hard times, and would rather see them spend their money on more employees than on complying with a bureaucratic requirement.

Commissioner Zorc pointed out that the exterior enhancements made by the subject McDonalds have added greatly to the corridor aesthetics.

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

Chairman Flescher remarked that the proposed Ordinance allows the County's businesses to continue operations and make renovations without the added expense of removing existing signs.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board adopted **Ordinance 2012-039**, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 911, Zoning, and Chapter 956 Sign Regulations, by amending Roseland Corridor

Regulations Section 911.21 pertaining to free-standing signs and compatible properties, by amending other corridors Special Development Regulations Section 911.22 pertaining to free-standing signs and compatible properties; and by amending Sign Regulations Section 956.08 pertaining to decorative sign bases, and by providing for repeal of conflicting provisions, codification, severability, and effective date.

**10.B. PUBLIC DISCUSSION ITEMS - NONE**

*The Chairman called a recess at 10:36 a.m. and reconvened the meeting at 10:49 a.m., with all members present.*

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING DECEMBER 18, 2012:**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY FLORIDA, AMENDING SECTIONS 201.08(H)(1) AND (2) OF THE CODE OF INDIAN RIVER COUNTY TO ALLOW FOR REFUNDS OF UTILITY DEPOSITS TO TENANTS UNDER CERTAIN CONDITIONS; AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE (LEGISLATIVE)**

The County Attorney read the notice 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**

**12.G.1. FRANCHISE FEE FOR NATURAL GAS UTILITIES**

Director of Management and Budget Jason Brown explained that in order to serve their customers, various utility providers are permitted access to numerous County-owned rights of way and easements throughout the region. He reported that there are currently franchise fees/agreements in place for all of the major utilities in the County: electric, water, sewer, and solid waste; however, for some reason, natural gas has not been included in these utilities. Director Brown thereafter presented staff's recommendation for the Board to authorize staff to draft code changes initiating a franchise fee for natural gas; and then move forward to establish a franchise agreement with the natural gas provider/s serving the unincorporated areas of the County.

Director Brown, with input from Administrator Baird, addressed Commissioner Zorc's questions about revenue projections and the anticipated commencement date for the new franchise fee.

Commissioner O'Bryan observed that it is fair and sensible to impose the franchise fee uniformly on all of the utilities.

*(Clerk's Note: Communications Services Tax (CST) is paid to the County by providers of various communication services, such as telephone, cable, and internet; thus, they are not included in this discussion on franchise fees).*

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

Chairman Flescher remarked that the County has to maintain the rights-of-ways, and voiced his agreement with Commissioner O'Bryan that the utilities should all pay the franchise fees.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized staff to begin the process to enter into a franchise agreement with the current natural gas provider(s). This process will include an ordinance to be approved by the Commission establishing a franchise fee for natural gas and subsequent adoption of a franchise agreement with the current natural gas provider(s) in the unincorporated area, as recommended in the memorandum of December 5, 2012.

**12.H. RECREATION - NONE**

**12.I. PUBLIC WORKS**

**12.I.1 PROFESSIONAL COASTAL ENGINEERING AND ENVIRONMENTAL SERVICES,  
REQUEST FOR QUALIFICATIONS (RFQ) No. 2012050**

Director of Public Works Chris Mora reported that the County's contracts with Coastal Technology Corporation and Applied Technology & Management, Inc. are nearing expiration, and the County needs to begin negotiating for the provision of coastal engineering and coastal environmental services. He stated that a selection committee was convened to evaluate 18 engineering firms that responded to the Request for Qualifications (RFQ) that was issued in August 2012, and displayed a chart depicting the point scores and rankings of each firm. He thereafter presented staff's recommendation to begin negotiations with the top ranked firm for Part 1. Coastal Engineering Services: Coastal Planning Engineering, Inc.; and for Part 2. Coastal Environmental Services: Ecological Associates, Inc.

Vice Chairman Davis believed that not including Coastal Technology on the selection committee's shortlist was a drawback, because the County would not be able to draw upon their knowledge of the completed beach restoration projects. He also believed it would be more cost effective to use a company that is already familiar with the projects.

Coastal Engineer James Gray, with input from Director Mora, spoke to Vice Chairman Davis's concerns. He advised that it is not uncommon to change engineers, and there would be no lapse relative to the beach projects. He also disclosed that Coastal Technology is still working for the County through completion of Work Order 13 on an extended contract.

Attorney Polackwich related the circumstances under which the County would still have some access to Coastal Technology.

Commissioner Zorc mentioned that Coastal Technology has provided valuable assistance with the permitting process for the upland sand used in the Sector 3 Beach Restoration Project;

he felt that extra points should have been given to companies with expertise in this area. He also advocated giving additional credit to firms that could help the County save on its next project.

Commissioner Solari noted that it was the County Commission's idea to use the upland sand, and he was not willing to give the engineering firm extra credit for that. He did not see the wisdom of changing the RFQ at this time.

Commissioner Zorc sought and received confirmation that a company that was locally based would no longer qualify for extra points, as had formerly been the practice.

Commissioner O'Bryan felt the rating system that was used to evaluate/rank the RFQs could lead to inconsistencies and skewed ratings.

Administrator Baird responded that the current rating method has evolved because of all the problems that have occurred with rating systems that were previously employed.

Commissioner Solari declared that if the Board wants to employ a different ratings system, that matter should be discussed at a future Board meeting. He advocated moving ahead with staff's recommendation for this specific RFQ, based on the existing procedures followed by the selection committee.

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

Commissioner Zorc spoke to the value of employing local people and wanted the Board to revisit allotting extra points to locally-based companies. He suspected that out of area firms would need to charge the County more, in order to cover their travel expenses.

Administrator Baird offered positive feedback on Coastal Technology, stressing that their omission on the shortlist is not a reflection of their work. He also relayed that henceforth, the evaluation criteria will be listed on the RFQ solicitation documents.

Commissioner O'Bryan stated he would go along with Commissioner Solari's recommendation in order to maintain consistency in how the RFQ's have been scored thus far; however, he wanted to work with the County Administrator to see if improvements can be made to the scoring process.

Administrator Baird affirmed that staff would bring this matter back for further discussion.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized staff to begin contract negotiations with the top ranked firm for Part 1. Coastal Engineering Services: Coastal Planning & Engineering, Inc.; and for Part 2. Coastal Environmental Services: Ecological Associates, Inc. In the event negotiations with Coastal Planning & Engineering, Inc. and Ecological Associates, Inc. are unsuccessful, the Board authorized staff to then negotiate with the next top ranked firms from Parts 1 and 2.

**12.J. UTILITIES SERVICES - NONE**



### **13. COUNTY ATTORNEY MATTERS**

#### **13.A. INDIAN RIVER COUNTY COMMITTEES – MEMBER REAPPOINTMENTS**

Attorney Polackwich recalled that this matter is being brought back to the Board after being tabled at the November 20, 2012 County Commission meeting. He reported that in accordance with Resolution 2011-072 (*adopted September 2011*), the County Attorney's office has concluded its review of the members serving on the 13 County committees, and their terms of appointment; and created a list of eligible incumbent members (pages 111-113 of the agenda package) who want to be reappointed. He thereafter presented staff's recommendation for the Board to consider the reappointments of the incumbent committee members, and approve those deemed appropriate. He added that the list of vacancies will be advertised, and the final reappointments made in January 2013.

Vice Chairman Davis wondered how Commissioner Zorc, newly elected, could have input on placing committee members where he would like, or make changes to the list.

Attorney Polackwich noted that the committee appointments or reappointments that are made by the individual Board Members are not part of today's agenda item.

The Board members sought and received further information from Attorney Polackwich about the committee reappointments that are to be made by the entire Commission.

Commissioner Solari felt that Commissioner Zorc, as well as the other Commissioners, might want the opportunity to further review the appointees.

MOTION WAS MADE by Commissioner Solari, to  
TABLE this matter until the first meeting of January. The  
Motion DIED for lack of a second.

Commissioner O'Bryan pointed out that this matter was already tabled once, and encouraged the Board to move forward with the incumbent committee members who wish to be reappointed. He also noted that Commissioner Zorc will have a better idea of who he wants on his committees after he has worked with them for awhile.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, for discussion, to approve the committee reappointments as listed on pages 111-113 of the agenda package.

Commissioner Zorc asked if Commissioner Solari would amend his Motion to approve the committee reappointments with the exception of the Member-at-Large appointee listings for the Economic Development Council and the Enterprise Zone Development Agency, which could both be added to the list of vacant positions.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Vice Chairman Davis, to remove from the Committee Reappointments, the Member-at-Large position to the Economic Development Council and the Enterprise Zone Development Agency, and add them to the list of vacancies.

Attorney Polackwich explained that due to a transfer of positions within the Enterprise Zone Development Agency, the Member-at-Large position on that committee is already vacant.

Commissioner Zorc asked that the Motion be modified accordingly, to reflect the removal of the Member-at-Large position to the Economic Development Council from the

Committee Reappointments. He welcomed the current appointee, as well as other interested persons, to apply for the vacancy.

AMENDED MOTION WAS MODIFIED by Commissioner Solari, SECONDED by Vice Chairman Davis, to remove from the Committee Reappointments, the Member-at-Large position to the Economic Development Council and add it to the list of vacancies.

**Penny Chandler**, Executive Director, Indian River County Chamber of Commerce, commented that she did not want there to be any hesitation regarding the Enterprise Zone Development Agency, because the committee was getting ready to reconsider its plan.

The Chairman CALLED THE QUESTION, and the Modified Amended Motion carried unanimously. The Board: (1) approved the Committee Re-Appointments for 2013, as outlined on pages 111 through 113; and (2) removed from the Committee Reappointments, the Member-at-Large position to the Economic Development Council, and added it to the list of vacancies.

#### **14. COMMISSIONER ITEMS**

**14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE**

**14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE**

**14.C. COMMISSIONER PETER D. O'BRYAN**

**14.C.1. UPDATE ON THE FLORIDA ASSOCIATION OF COUNTIES LEGISLATIVE  
CONFERENCE**

Commissioner O'Bryan provided a recap and analysis of matters that were discussed at the Florida Association of Counties (FAC) Legislative Conference on November 28 – 30, 2012.

- (1) Medicaid and Affordable Care Act would lead to an expansion of eligible Medicaid recipients, and a possible fiscal impact of about \$290 million to all 67 counties.

FAC proposes to have each County pay a flat fee based upon its May 2012 Medicaid billing. OR, if the status quo continues, counties would continue to review their Medicaid bills and pay them from a County-determined funding source. The State's billing system still needs improvement, due to high error rates.

- (2) Tourist Development Tax. Pending legislation would exempt a portion of online rentals from tourist taxes.

FAC will lobby to oppose the legislation.

- (3) Department of Motor Vehicles (DMV) License Fees

FAC supports legislation to provide a more equitable sharing of the DMV license fees with the County tax collectors.

- (4) Prison Inmates

FAC is opposed to the State's proposal to change current law regarding the terms a prisoner is retained at a local jail before being transferred to a State facility. The State's proposal would result in an estimated \$100 million negative impact on all 67 Counties.

- (5) Florida Department of Juvenile Justice - Overbilling

The State is researching ways to improve billing accuracy, due to some overcharging.

(6) Pain Management Clinics

FAC opposed any State preemption of regulations for Pain Management Clinics.

(7) Florida Statutes Chapters 180, Municipal Public Works and 153, Water and Sewer Systems

There was no consensus to approve Indian River County's proposed new bill requiring that the County give consent before the municipalities can extend certain utility services into the unincorporated areas of the County.

Attorney Polackwich provided further analysis on the County's proposed new bill, and relayed that District 54 Representative Debbie Mayfield will be introducing the bill at the December 19, 2012 Indian River County Legislative Delegation meeting.

**14.C.2. DEPARTMENT OF JUVENILE JUSTICE PROGRAM**

Commissioner O'Bryan reported that at the FAC Conference, there was discussion on the State's Department of Juvenile Justice Program. He explained how the State assesses each County's costs to participate in the program, and revealed that several other counties have found it beneficial to opt out of the State program. He thereafter asked the Board to consider having the Sheriff and staff work together to evaluate whether there would be a cost benefit for the County to withdraw from the State's Program and run the juvenile justice program in-house. He believed that bringing the program in-house would save costs and help facilitate the rehabilitation of the youths.

Commissioners Zorc and Flescher, respectively, offered their support for Commissioner O'Bryan's suggestion.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously authorized staff to work with the Sheriff's Office to evaluate opting

out of the State Department of Juvenile Justice Program  
and administering the program in-house.

**14.D. COMMISSIONER BOB SOLARI - NONE**

**14.E. COMMISSIONER TIM ZORC - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT - NONE**

**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 12:29 p.m.

ATTEST:

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Jeffrey R. Smith,  
Clerk of Circuit Court & Comptroller

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Joseph E. Flescher, Chairman

Minutes Approved: \_\_\_\_\_

BCC/MG/2012Minutes