

JEFFREY R. SMITH

Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

DECEMBER 18, 2012

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JEFFREY R. SMITH

Clerk to the Board



December 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, December 18, 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 Leona Adair Allen.

1. CALL TO ORDER

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

2. INVOCATION

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner O'Bryan led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Flescher requested the following changes to the Agenda:

Move: Item 10.B. Public Discussion Items, to be Heard Following Item 8. Consent Agenda

Addition: Item 11.A. Emergency Item – Congressman Bill Posey’s Request for Space (County Administration Building A)

Move: Item 12.A.2. Seven50, to be Heard Following Item 8. Consent Agenda

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. RECOGNITION OF TIM GIRARD, PRESIDENT, GIRARD EQUIPMENT, FOR WINNING GOVERNOR’S AWARD FOR EXPORT EXCELLENCE

Chairman Flescher recognized Tim Girard, President of Girard Equipment, for winning the Governor’s Award for Export Excellence.

Tim Girard thanked the Board for their recognition, and Helene Caseltine for her assistance from the Chamber of Commerce.

Helene Caseltine, Economic Development Director for the Indian River County Chamber of Commerce elaborated on how and why Girard Equipment achieved the award.

5.B. PRESENTATION BY CHAMBER OF COMMERCE ON ECONOMIC DEVELOPMENT AND TOURISM

Helene Caseltine, Director of Economic Development, Indian River County Chamber of Commerce, using a PowerPoint presentation (on file), provided the Board with the FY 2011-2012 Economic Development Annual Report.

Allison McNeal, Director of Tourism, Indian River County Chamber of Commerce, continued the PowerPoint to provide an update on countywide tourism.

6. APPROVAL OF MINUTES - NONE

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

7.A. TOWN OF ORCHID COMMITTEE APPOINTMENTS FOR 2013

Noted for the record was the 2013 list of Committee Appointees for the Town of Orchid (see page 2 of the Agenda Packet).

8. CONSENT AGENDA

Commissioner O'Bryan requested to pull Items 8.M. and 8.P. from the Consent Agenda for discussion.

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

8.A. APPROVAL OF WARRANTS NOVEMBER 30, 2012 TO DECEMBER 6, 2012

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of November 30, 2012 to December 6, 2012, as requested in the memorandum of December 6, 2012.

**8.B. PUBLIC OFFICIAL BONDS AND RENEWAL CERTIFICATES –
CONSTITUTIONAL OFFICERS**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved the Public Official Bonds and Renewal Certificates for Constitutional Officers: Carole Jean Jordan, Tax Collector; Deryl Loar, Sheriff; and Jeffrey R. Smith, Clerk of Circuit Court and Comptroller, as requested in the memorandum of December 18, 2012.

**8.C. INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS LESLIE R. SWAN
REQUEST FOR AUTHORIZATION TO EXPEND REIMBURSEMENT REVENUES
RECEIVED FROM MUNICIPALITIES FOR COST OF MUNICIPAL ELECTIONS**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously authorized staff to expend reimbursement revenues received from the municipalities of Vero Beach, Sebastian, and Fellsmere, for the purpose of conducting municipal elections, in the amount of \$13,659.50, as requested in the letter dated December 10, 2012.

8.D. OFFER OF SETTLEMENT FROM MARINE BANK FOR RELEASE OF CODE ENFORCEMENT FINE: PROPERTY ADDRESS OF 855 11TH DRIVE SW

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously: (1) accepted \$1,000 from Marine Bank to release its Code Enforcement Lien against Lot 16, Block A, Olson Park Subdivision, Unit 1, and (2) authorized the Community Development Director to execute any release documents necessary on behalf of the Board, as recommended in the memorandum of December 11, 2012.

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved **Resolution 2012-123**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Ronide Cayo, 97th Street, Fellsmere)

8.F. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT WITH KIMLEY-HORN ASSOCIATES, INC. FOR INTERSECTION IMPROVEMENTS AND BRIDGE REPLACEMENT AT 66TH AVENUE AND 41ST STREET, AMENDMENT No. 4

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved Amendment No. 4 to Kimley-Horn Associates, Inc., authorizing the design services as outlined on pages 28 – 31 of the Agenda Packet, and authorized the Chairman to execute same, for a total amount of \$94,333.00, as recommended in the memorandum of November 29, 2012.

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

8.G. WORK ORDER No. 1 WITH ARDAMAN AND ASSOCIATES, INC. 66TH AVENUE ROADWAY IMPROVEMENTS – (SR60 TO NORTH OF 49TH STREET) IRC PROJECT No. 0545

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously: (1) approved Work Order No. 1 to Ardaman and Associates, Inc.; (2) authorized the professional services as outlined in the Proposal for Construction Materials Testing Services; and (3) authorized the Chairman to execute same, for a not-to-exceed amount of \$240,525.00, all as recommended in the memorandum of November 20, 2012.

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

8.H. EXTENSION OF HURRICANE DEBRIS REMOVAL CONTRACTS FOR TAG GRINDING SERVICES, INC. AND UNIFIED RECOVERY GROUP LLC

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously: (1) approved the extension of both Debris Removal Agreements, and (2) authorized the County Administrator to execute the extension upon review and approval of the County Attorney, and review and approval by all applicable staff, as recommended in the memorandum of December 3, 2012.

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

8.I. GHO FIELDSTONE RANCH CORP'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS FIELDSTONE RANCH PHASE II

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously granted final plat approval to GHO Fieldstone Ranch Corp., for the subdivision to be known as Fieldstone Ranch Phase II, as recommended in the memorandum of December 7, 2012.

8.J. REQUEST FROM SUE HOWELL ON BEHALF OF JAMIE SNOW THAT THE BOARD OF COUNTY COMMISSIONERS SET THE FINE AMOUNT DUE AND AUTHORIZE STAFF TO RELEASE THE CODE ENFORCEMENT LIEN FOR CODE VIOLATIONS AT 5962 RIDGE LAKE CIRCLE

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously authorized County staff to release the code enforcement lien upon receipt of a \$2,000 fine payment to cover administrative costs, as recommended in the memorandum of December 11, 2012.

8.K. SPOONBILL MARSH WETLAND FACILITY CONSTRUCTED LIVING OYSTER REEFS

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved Work Order No. 1 with Ecotech Consulting, Inc., as presented, in the amount of \$9,500.00, as recommended in the memorandum of December 7, 2012.

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

8.L. POSTPONE RECLAIMED WATER RATE INCREASE UNTIL JANUARY 1, 2014

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously directed staff to present an amendment to Rate Resolution 2010-014 that would postpone each of the next three rate increases by one year from the currently scheduled increase, as recommended in the memorandum of December 7, 2012.

8.M. HOLIDAY SCHEDULE FOR THE INDIAN RIVER COUNTY LIBRARY SYSTEM, NORTH COUNTY AQUATIC CENTER, SANDRIDGE GOLF COURSE AND INDIAN RIVER COUNTY PUBLIC SHOOTING RANGE

Commissioner O'Bryan described how the Indian River County Recreation Department staff works with numerous universities and colleges around the country to bring swim teams to the North County Aquatic Center during the Christmas break to train. He listed the swim team colleges scheduled to come in, and pointed out that the Center is open to the public.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved observation of the Christmas and New Year's holidays by the Libraries, Golf Course, Shooting Range, and North County Aquatic Center operations as specified (pages 68 and 69 of the Agenda Packet) and recommended in the memorandum dated December 6, 2012.

8.N. INTEREST RATE CHANGE ON ALL COUNTY FINANCING (PETITION PAVING, UTILITY ASSESSMENT PROJECTS, UTILITY IMPACT FEES, ETC.)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved the fixed interest rate of 5.75%, and that the rate remain in effect for calendar year 2013 for all County financing, with the exception of projects directly affiliated with a bond issue for which the bond covenants dictate a different interest rate, as recommended in the memorandum of December 11, 2012.

8.O. APPROVAL OF CHANGE ORDER NO. 5 TO WORK ORDER NO. PCS-1 WITH HYDROMENTIA, INC. FOR ADDITIONAL PERMIT PROCUREMENT SERVICES AND MODIFICATION OF CHANGE ORDER NO. 4 FOR THE PC SOUTH NUTRIENT RECOVERY FACILITY

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved Change Order No. 5 with HydroMentia, Inc., reducing the contract amount by \$8,950.00, as recommended in the memorandum of December 7, 2012.

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

**8.P. APPROVAL OF DEP AGREEMENT NO. G0353 FOR THE PC SOUTH
NUTRIENT RECOVERY FACILITY**

Commissioner O'Bryan pointed out that this grant, in the amount of \$850,000, which will be used to help fund the PC South nutrient removal project, is a joint collaboration initiative with Federal, State, and local agencies.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Flescher, to approve and execute Department of Environmental Protection Agreement No. G0353.

Vice Chairman Davis did not believe that the County has an option in this decision because it is dealing with the County's drinking water supply.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**8.Q. CRIME SCENE FACILITY – BID # 2013011 RECOMMENDATION FOR
AWARD**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved Bid No. 2013011 Crime Scene Facility for construction services to Proctor Construction Company of Vero Beach, and authorized the Chairman to execute the contract documents after preparation and approval by the County

Attorney's office, as recommended in the memorandum of December 6, 2012.

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

8.R. FINAL PAYMENT TO COMMUNICATIONS INTERNATIONAL FOR IRC BID No. 2011019, 800 MHZ PUBLIC SAFETY RADIO SYSTEM UPGRADE

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved the Final Pay Request to Communications International, in the amount of \$219,709.44, for the 800 MHz Public Safety Radio System upgrade, as recommended in the memorandum of December 6, 2012.

8.S. CHANGE ORDER No. 1, 66TH AVENUE ROADWAY IMPROVEMENTS – PHASE 2 (4TH STREET TO 16TH STREET), IRC PROJECT No. 9810-B – BID No. 2012032

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved Change Order No. 1 to Guettler Brothers Construction, LLC, increasing the contract amount by \$162,402.94, and adding the additional 102 days to the contract time. The new total contract amount will be \$7,660,497.94, as recommended in the memorandum of November 30, 2012.

8.T. TRAVEL AUTHORIZATION

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously authorized the County Administrator to attend the PFM Asset Management, LLC Investment Training Seminar in Orlando, Florida, on Friday, January 25, 2013, as requested in the memorandum of December 12, 2012.

8.U. MISCELLANEOUS BUDGET AMENDMENT 004

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved **Resolution 2012-124**, amending the fiscal year 2012-2013 budget.

8.V. AWARD OF BID NO. 2013009 AND CHANGE ORDER NO. 1, SOUTH COUNTY REGIONAL PARK MULTI-PURPOSE FIELDS, IRC PROJECT NO. 1126

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously: (1) approved the bid award to Barth Construction, Inc. with approval of Change Order No. 1 for an adjusted contract amount of \$1,604,022.80; (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 21, 2012.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. COUNTY INITIATED REQUEST TO AMEND THE TEXT OF SEVERAL ELEMENTS OF THE COUNTY'S COMPREHENSIVE PLAN (LEGISLATIVE)

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

Community Development Director Robert Keating reviewed the memorandum dated December 7, 2012, providing description, conditions, and analysis on the proposed amendments to the County's Comprehensive Plan, which include: (1) the Future Land Use Element; (2) the Recreation and Open Space Element; and (3) the Potable Water Sub-Element. He announced that the Planning and Zoning Commission had reviewed and recommended approval of the proposed revisions, and that staff supports the amendments based on the changes in circumstances, and to ensure that the Comprehensive Plan remains current and applicable.

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously adopted **Ordinance 2012-040**, amending the text of the Future Land Use and the Recreation and Open Space Elements and the Potable Water Sub-Element of the County's Comprehensive Plan; and providing codification, severability, and effective date.

10.A.2. 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

Director Keating recapped the memorandum dated December 4, 2012, providing description, conditions, and analysis regarding the amendments to the 5-Year Capital Improvements Program and the supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan, which is required by State to be amended annually. He discussed the details of widening CR510 between 61st Drive and the Indian River; the projects scheduled, delayed, and/or removed from the Capital Improvements Program (CIP); and the funding changes. He recommended the Board approve the amendment to the CIE by adopting the proposed Ordinance.

Commissioner Solari announced that he would abstain from the vote and file Form 8B, Memorandum of Voting Conflict.

The Chairman opened the Public Hearing.

Joseph Paladin, President of Black Swan Consulting, thanked staff for working with him regarding the CR510 and US Highway 1 intersection project, and emphasized his support for staff's recommendation. He also wanted assurance that there would not be future changes after he moves his projects forward.

Administrator Joseph Baird expressed that staff feels the intersection project is extremely important, and is committed to expediting the project.

Bob Johnson, Coral Wind Subdivision, requested and received information pertaining to the changes in the Comprehensive Plan, posting the Public Hearing Notice, Planning and Zoning Commission involvement, and whether there would be an increase in the gas sales tax.

Christopher Marine, Gould, Cooksey, Fennell, P.A., asked the Board to support staff's recommendation.

Mike Ray, Graves Brothers Company, thanked the Board for tabling this item from the November 13, 2012, Board of County Commission meeting, and staff for meeting with him to discuss the intersection project and the benefits of moving the project forward.

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

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board, by a vote of 4-0 (Commissioner Solari abstained), adopted **Ordinance 2012-041**, amending the text of the Comprehensive Plan's Capital Improvements Element by updating the County's 5-Year Capital Improvements Program (CIP) Schedule

and Related Data and Analysis Sections; and providing severability and effective date.

FORM 8B, MEMORANDUM OF VOTING CONFLICT ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

The Chairman called for a break at 2:16 p.m., and reconvened the meeting at 2:30 p.m., with all members present. The Board thereafter addressed Item 13.A. Amendment to Agreement with Piper Aircraft, Inc. (Indian River County, Florida Closing Fund Agreement, dated May 16, 2008).

**10.A.3. CONSIDERATION OF AN AMENDMENT TO ORDINANCE
201.08(H)(1) AND (2) TO ALLOW FOR REFUND OF DEPOSITS TO TENANTS AND
TO ADDRESS OTHER MINOR HOUSEKEEPING ISSUES (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 following Item 13.A., and is placed here for continuity.)

Cindy Corrente, Utilities Finance Manager, asked that formal consideration be given for an amendment to Ordinance 201.08 (H (1) and (2) of the Code of Indian River County, to allow for the refund of deposits to tenants based on their payment history, to align the language of the provision with current practice, and to maintain consistency between tenant deposit refunds and the existing language regarding owner deposit refunds.

Commissioner Zorc sought and received clarification regarding the responsibility for payment on the termination of services for tenants/owners.

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

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously adopted **Ordinance 2012-042**, 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.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM NANCY COOK REGARDING SEVEN50

(Clerk's Note: Items 10.B.1. – 10.B.7. were heard following Item 12.A.2., and are placed here for continuity.)

Chairman Flescher noted that prior to reconvening this meeting, Community Development Director Bob Keating had provided him with letters of support (see pages 248-A-1 through 248-A-3 of the Agenda Packet) for the Seven50 Plan from the Progressive Civic League of Gifford Florida, Inc. (on file). Commissioner Solari asked that the letter from Doctor Ingui (see pages 248-B-1 through 248-B-2 of the Agenda Packet), and the letter he had written on November 30, 2012 to Michael Busha (see pages 248-C-1 through 248-C-6 of the Agenda Packet) be provided to the Clerk for the Minutes (on file).

Nancy Cook, 710 Riomar Drive, Vero Beach, requested the Board to stop the County's participation in the Seven50 plan.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.2. REQUEST TO SPEAK FROM PHYLLIS FREY REGARDING SEVEN50
SFRP (SOUTH FLORIDA REGIONAL PLANNING) COUNCIL**

Phyllis Frey, 275 Date Palm Road, Vero Beach, asked the Board to sever all ties and agreements between Indian River County and the agents of Seven50, in order to maintain local control.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.3. REQUEST TO SPEAK FROM JANET CAMPBELL REGARDING
SEVEN50**

Janet Campbell, 188 Moccasin Trail, Jupiter, voiced opposition to the Seven50 partnership, and asked the Commissioners to nurture and preserve Indian River County as represented by the people.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.4. REQUEST TO SPEAK FROM STEPHANIE AUSTIN REGARDING
SEVEN50 REGIONAL PLANNING**

Stephanie Austin, 6250 Arrowhead Lane, Vero Beach, provided the Board with background information on regional planning, and asked the Board to dissolve membership in the Seven50 program.

NO BOARD ACTION REQUIRED OR TAKEN

10.B.5. REQUEST TO SPEAK FROM ROSEMARIE B. WILSON REGARDING SEVEN50

Rosemarie B. Wilson, 1490 5th Avenue, Vero Beach, explained the Seven50 program, and requested that the Board remove Indian River County from the Seven50 partnership.

NO BOARD ACTION REQUIRED OR TAKEN

10.B.6. REQUEST TO SPEAK FROM NICHOLAS SCHAUS REGARDING SEVEN50

Nicholas Schaus, 137 Anchor Drive, Vero Beach, urged the Board to have no obligation to the Southeast Florida Regional Partnership.

NO BOARD ACTION REQUIRED OR TAKEN

10.B.7. REQUEST TO SPEAK FROM MELINDA MEIKLE REGARDING AGENDA 21 – SEVEN50 PLAN REPEAL

Melinda Meikle, 1612 W. Camino Del Rio, Vero Beach, used supportive documentation (on file) to explain why she supported the incentives of Seven50 for the Lagoon, but opposed its redistribution of property and population.

In addition to the above speakers, the following individuals also spoke in **opposition** to the Seven50 Plan:

Bill Walker, 2295 Saint Christopher Lane, Vero Beach

Rosemarie Frigerio, 845 Crescent Beach Road, Vero Beach (her presentation notes are on pages 248-D-1 through 248-D-2 in the Agenda Packet)

Glenn Heran, 1964 Gray Falcon Circle, Vero Beach, President of the Indian River County Taxpayers Association, and on behalf of the Association

Lamarre Notargiacomo, 1725 8th Avenue SW, Vero Beach

John Lier, 6565 Caicos Court, Vero Beach

Jeff Brewster, 360 Farleys Court, Vero Beach

Bea Gardner, 4480 25th Court, Vero Beach

Lisa Brewster, 360 Farleys Court, Vero Beach

Paul Tanner, 5265 Sapphire SW, Vero Beach

Henry Noonan, 607 Calamondin Way SW, Vero Beach

Dorothy Frances, 558 6th Lane, Vero Beach

Joseph Paladin, 6450 Tropical Way, Vero Beach

Bob Webster, 2881 Saint Barts Square, Vero Beach

John Featherstone, 875 Crescent Beach, Vero Beach

James Patrick Hill, 685 Lake Drive, Vero Beach, on behalf of the Indian River Tea Party

Dan Corrigan, 1720 East Rosewood Court, Vero Beach

Peter Robinson, 315 Greytwig Road, Vero Beach

Charlotte Munsick, 1416 15th Avenue, Vero Beach

Fred Luongo, 845 10th Court SW, Vero Beach

The following individuals spoke in **support** of the Seven50 Plan:

Kevin Foley, Chairman of the Treasure Coast Regional Planning Council, gave a brief account of his background and experience; described the Seven50 Program; explained what the program has been doing and what it will do in the future; and also stressed that the program is not what today's speakers believe it to be. He urged the Board to postpone the consideration of withdrawing from the Seven50 partnership.

Marcella Camblor, Project Director for Seven50, Southeast Florida Regional Partnership Initiative, clarified that the regional data warehouse (a work product developed through the Seven50 process) is a key element that the consultant team is using while the Seven50 is under development. She used a PowerPoint presentation (see pages 248-E-1 through 248-E-6 of the Agenda Packet) to describe the proposed Seven50 Plan and its goals; and thereafter urged the Board to not withdraw from Seven50 until there is a plan in place.

Stephen Sczurek, 945 37th Avenue, Vero Beach, said the Seven50 is not a mandate, but a guide/model for planning how to make communities more effective through newer concepts. He asked the Board to research the Seven50 program thoroughly, and consider how it would benefit the County.

The Chairman called for a break at 12:54 p.m., and reconvened the meeting at 1:05 p.m., with all members present.

Commissioner O'Bryan explained why he supported the Seven50 Plan, and said he wanted to remain in the partnership to see what portions of the final plan would benefit the County.

Discussion continued with Commissioners Davis, Flescher, Solari and Zorc expressing their individual concerns and opposition to the Seven50 Program and how it is structured.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board by a 4-1 vote (Commissioner O'Bryan opposed), directed staff to withdraw Indian River County's participation in the Seven50 Project.

(Clerk's Note: Vice Chairman Davis requested, and the Board agreed, to hear Item 13.A. County Attorney Matters, at a time certain of 2:30 p.m., to address the Piper issue.)

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS

11.A. ADDITION: EMERGENCY ITEM - CONGRESSMAN BILL POSEY'S REQUEST FOR SPACE (COUNTY ADMINISTRATION BUILDING A)

(Clerk's Note: This Item was heard following Item 10.A.3. and is placed here for continuity.)

Administrator Baird informed the Board that Congressman Bill Posey's staff had met with him to request office space in County Administration Building "A", adjacent to the Commission Chambers. He said there would be no required changes or alterations to the requested office space, they would like to occupy it three days per week, and would start using it on or about January 1, 2013.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the use of requested office space in County Administration Building "A," for Congressman Bill Posey and his staff, as requested in the memorandum dated December 14, 2012.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONSIDERATION OF LEASE AGREEMENT WITH THE CITY OF VERO BEACH FOR NEW TRANSIT HUB AT 17TH STREET

Metropolitan Planning Organization (MPO) Director Phillip Matson recapped his memorandum dated December 10, 2012, regarding Indian River County's public transportation system - the GoLine, and its current transit hub site located in the County's old parking lot on

26th Street. He explained the criteria and process of locating a new site location. He felt that since the City of Vero Beach is unwilling to accept landscape maintenance responsibilities at the proposed 17th Street location, and since the current site works fairly well, the Board should reject the proposal for the 17th Street draft transit hub lease and direct staff to apply the Bus Livability Grant Program funding to the existing site for transit improvements.

Director Matson responded to the Commissioners' questions and concerns regarding the current and the new proposed site, landscape maintenance issues, and future hub improvements.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously rejected the draft Transit Hub Lease for the 17th Street site, and directed staff to explore applying the Bus Livability Grant Program funding to making transit improvements to the existing site at the County Administration Building, as recommended in the memorandum of December 10, 2012.

12.A.2. SEVEN50

(Clerk's Note: This item was addressed following Item 8.V., and is placed here for continuity.)

Community Development Director Bob Keating recalled that this item had been deferred from the December 4, 2012 Board of County Commission meeting, where several individuals spoke against the Seven50 process. He recapped his memorandum dated December 10, 2012, provided background, explained the advantages of continuing to be partners with the Seven50 process, and the disadvantages of terminating participation.

The Board sought clarification regarding the technical work products developed through the Seven50 process (regional data warehouse, sea level rise, transportation, and future trends models); how the work products are paid for; and the public's restrictions to accessing the information.

The Chairman called for a break at 10:08 a.m., and reconvened the meeting at 10:22 a.m., with all members present. Upon return, the Board addressed Items 10.B.1. – 10.B.7., where discussion continued regarding the Seven50.

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

**12.I.1. CANAL MONITORING DEVICES FOR NORTH, SOUTH AND MAIN RELIEF
CANALS TO MEASURE NITROGEN / NUTRIENT LOADS ENTERING INDIAN RIVER
LAGOON DECLARATION OF SOLE SOURCE FOR INSTALLATION OF THREE
“KILROY” SYSTEMS**

(Clerk’s Note: This Item was heard following 12. A.1., and is placed here for continuity.)

Public Works Director Chris Mora summarized his memorandum dated December 10, 2012, regarding the studies performed by the U.S. Environmental Protection Agency (EPA), the Florida Department of Environmental Protection (FDEP), the St. Johns River Water Management District (SJRWMD), and others that have shown that the Indian River Lagoon basin is becoming more polluted due to drainage canals discharging nitrogen and phosphorus into the Lagoon. He reported that staff had consulted with Dr. Edith Widder of the Ocean Research and Conservation Association (ORCA), and found that a canal monitoring system, the “Kilroy”, would be capable of measuring the nitrogen content and flow volume of the water, and transmit the measurements to a nearby station for compilation. Since ORCA is the only known vendor reasonably capable of providing this service, he recommended the Board approve a sole source purchase and installation of the Kilroy monitoring system in the North, South, and Main Relief Canals, which empty into the Lagoon.

Director Mora pointed out that the phosphorous testing science is still being developed, and the process of measuring the water’s phosphorous levels is more difficult and labor intensive because it requires grab sampling of the water with routine sampling. He revealed ORCA’s recommendation that the County implement the nitrogen and flow volume testing program to show how much water is going into the Lagoon from the three main relief canals, and he proposed installing the devices into each one.

Discussions ensued as the Commissioners deliberated the monitoring devices, total maximum daily load (TMDL) calculations, researching the nitrogen content of rainfall, future monitoring for orthophosphate, detecting the contributing factors to Lagoon pollution, adding additional Kilroy monitoring devices upstream, and considering the process as a two or three step process.

Warren Falls, Managing Director of ORCA, explained the Kilroy water sampling process, and addressed the Commissioners' questions.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously authorized: (1) the declaration of Ocean Research and Conservation Association (ORCA) as the sole source for purchase and installation of the Kilroy canal monitoring system; (2) the issuance of purchase orders for said item in accordance with the project; and (3) staff to work with Warren Falls or other experts to find the best measuring devices available for nitrogen, phosphorous, and rainfall.

The Chairman called for a break at 3:39 p.m., and reconvened the meeting at 3:44 p.m., with all members present.

12.I.2. AWARD OF BID NO: 2013008, 66TH AVENUE ROADWAY IMPROVEMENTS (S.R.60 TO 49TH STREET), IRC PROJECT NO. 0545 AND 0370

Director Mora reviewed his memorandum dated December 6, 2012. He described the proposed 4-lane widening and reconstruction project for 66th Avenue. He reported that the low bidder on the project was Dickerson Florida, Inc. (Dickerson), Fort Pierce, and the second low bidder was Felix Associates of Florida, Inc. (Felix), Stuart. He informed the Board that Ron

Richards of Felix had e-mailed a Letter of Protest to the Purchasing Division, stating that Dickerson had not submitted a copy of the bid in their submittal. He said the Purchasing Manager reviewed and denied their request in a letter dated December 3, 2012, referencing paragraph 1.3 (D) "Waiver of Technicalities and Irregularities" (see pages 291 – 292 of the Agenda Packet). He thereafter conveyed that staff recommends the project be awarded to Dickerson.

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

Director Mora provided the Board with funding details; confirmed that the Trillium Homeowners Association had reviewed and approved the roadway alignment; affirmed that the project would include repairing the old bridges on 33rd, 37th, 41st, 45th, and 49th Streets; and that the project would be completed during the summer of 2014.

The Chairman CALLED THE QUESTION and the motion carried unanimously. The Board: (1) approved the Waiver of Technicalities and Irregularities denying Felix Associates of Florida, Inc.'s Letter of Protest and that the project be awarded to Dickerson Florida, Inc., in the amount of \$20,773,389.09; (2) approved the sample agreement; and (3) authorized the Chairman to execute 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, as recommended in the memorandum of December 6, 2012.

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

12.J. UTILITIES SERVICES

**12.J.1. APPROVAL OF AMENDMENT NO. 1 TO 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 O'Bryan the Board unanimously: (1) approved Amendment No. 1 to Work Order No. 4 with Kimley-Horn and Associates, Inc. (KHA) in the amount of \$40,800.00; (2) approved the total amount of \$331,200.00 for the project; and (3) authorized the Chairman to execute Amendment No. 1 as presented, all as recommended in the memorandum of December 6, 2012.

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

13. COUNTY ATTORNEY MATTERS

13.A. AMENDMENT TO AGREEMENT WITH PIPER AIRCRAFT, INC. (INDIAN RIVER COUNTY, FLORIDA CLOSING FUND AGREEMENT, DATED MAY 16, 2008)

(Clerk's Note: This Item was heard at a time certain of 2:30 p.m., following Item 10.A.2.)

County Attorney Alan S. Polackwich proposed that the Board consider an amendment to the Piper Aircraft, Inc. (Piper) Agreement of May 16, 2008, because Piper could no longer meet the employment level objective of the agreement. He described the key factors in the State and

County agreements; negotiated terms; wage and capital investment objectives; employment levels; and the new performance objectives. He believed the proposed agreement is fair to both the community and Piper, and thereafter responded to questions from the Board.

Frank Harkins, Piper Aircraft, Inc. Vice President and General Counsel, invited questions, there were none.

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Vice Chairman Davis, to approve and
authorize the Chairman to execute the proposed County
Amendment Agreement with Piper Aircraft, Inc.

Commissioner Solari did not support the Motion. He believed that Piper is great for the community, but voiced concern that they did not provide him with requested financial information. He said he had also asked them that in lieu of the requested information, the \$2 million (half of the \$4 million Piper received from the County in 2008) be secured, and was informed it would not be possible.

Chairman Flescher stated that he had also requested financial information and received none, and recently asked for employment numbers, which was delayed. He believed the Commissioners require this type of information in order to make an informed decision; therefore, he did not support the Motion.

Administrator Baird thought Piper had been extremely cooperative throughout the process. He revealed that their numbers change constantly, that staff had received information showing the number of planes sold, levels of employment, and like most private companies, the company is reluctant to give out their financial information due to their competitors.

The Chairman CALLED THE QUESTION and the Motion carried. The Board, by a 3-2 vote (Commissioners Flescher and Solari opposed), approved the proposed County Amendment Agreement with Piper Aircraft, Inc., and authorized the Chairman to sign it on behalf of the County, as recommended in the memorandum of December 12, 2012.

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

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 - NONE

14.D. COMMISSIONER BOB SOLARI - NONE

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

15.A.1. APPROVAL OF MINUTES NOVEMBER 6, 2012

**15.A.2. APPROVAL OF AGREEMENT TO CONSTRUCT RECEIVING/ STORAGE/
DISTRIBUTION (RSD) CENTER AT THE EMERGENCY OPERATIONS CENTER
COMPLEX**

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. RESOLUTION TO AMEND POLICIES & PROCEDURES FOR VACANCY
CREDITS FOR COMMERCIAL PROPERTIES**

**15.B.2. WORK ORDER NO. 6 TO GEOSYNTEC FOR ENGINEERING &
CONSTRUCTION SUPPORT SERVICES FOR LANDFILL EXPANSION PROJECT**

**15.B.3. REQUEST FOR GENERAL FUNDS – PACE PROJECT AND OTHER
COMMUNITY PROJECTS**

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 meeting adjourned at 4:01 p.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/LA/2012 Minutes