

JEFFREY R. SMITH  
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

JANUARY 22, 2013

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**JEFFREY R. SMITH**

Clerk to the Board



**January 22, 2013**

**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, January 22, 2013. 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 Maria I. Suesz.

**1. CALL TO ORDER**

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

**2. INVOCATION**

~~Rabbi Michael Birnholz, Temple Beth Shalom~~ Planning Director Stan Boling delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Tim Zorc led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

**- NONE**

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

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION HONORING ALMA MILLER ON HER RETIREMENT EFFECTIVE JANUARY 31, 2013**

Commissioner Zorc read and presented the Proclamation to Alma Miller retiring from the Indian River County Health Department after twelve years of employment.

**5.B. PRESENTATION BY DALE ARMSTRONG, FOREST AREA SUPERVISOR, FLORIDA FOREST SERVICE, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, 2011-2012 WILDFIRE PROTECTION ANNUAL REPORT**

**Forest Area Supervisor Dale Armstrong** presented the annual report. He spoke of fire prevention measures in the rural areas, and spoke of training planned for the fire rescue services employees. Mr. Armstrong responded to questions from the Board.

**5.C. PRESENTATION BY MISSY ELWARD AND FRANK MANNINO, VOLUNTEER  
EVENT ORGANIZERS, ON SAINT BALDRICKS CANCER FOUNDATION**

**Frank Mannino** introduced Indian River County to the St. Baldrick's Cancer Foundation using a PowerPoint presentation (on file), advising the Board that this organization is the largest National organization that holds head shaving fundraising events to generate money for childhood cancer research.

**Missy Elward** provided specifics of the first event to be held in Indian River County March 2, 2013 at Captain Hiram's Resort in Sebastian. Ms. Elward, as a licensed cosmetologist, vowed to help volunteers with the regrowth of their hair.

The Board supported their cause and several Commissioners committed to participate.

**6. APPROVAL OF MINUTES**

**6.A. MEETING OF DECEMBER 4, 2012**

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

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the minutes of the December 4, 2012 meeting, as written.

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

**7.A. DISTRICT SCHOOL BOARD COMMITTEE MEMBERSHIPS**

## **8. CONSENT AGENDA**

### **8.A. APPROVAL OF WARRANTS – JANUARY 4, 2013 TO JANUARY 10, 2013**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller’s Office for the time period of January 4, 2013 to January 10, 2013, as requested in the memorandum of January 10, 2013.

### **8.B. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously accepted the quarterly report of the traffic education trust activity, as requested in the memorandum of January 16, 2013.

### **8.C. OUT OF COUNTY TRAVEL TO ATTEND THE 26<sup>TH</sup> ANNUAL NATIONAL CONFERENCE ON BEACH PRESERVATION TECHNOLOGY**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved out of county travel for commissioners and staff to attend the 26<sup>th</sup> Annual National Conference on Beach Preservation Technology in Jacksonville, Florida on February 13-15, 2013, as requested in the memorandum of January 14, 2013.



**8.D. WORK ORDER No. 2 WITH ARDAMAN AND ASSOCIATES, INC. FOR PROFESSIONAL GEOTECHNICAL SERVICES FOR 43<sup>RD</sup> AVENUE AND SR 60 INTERSECTION IMPROVEMENTS (18<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET) IRC PROJECT No. 0853**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved of Work Order No. 2 to Ardaman and Associates, Inc. authorizing the professional services as outlined in the Proposal for Preliminary Contamination Assessment Services, and authorized the Chairman to execute Work Order No. 2 on their behalf for a not-to-exceed amount of \$60,748.50, as recommended in the memorandum of January 8, 2013.

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

**8.E. APPROVAL OF AMENDMENT 1 TO A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR REMEDIATION OF CONTAMINATION AT THE SHADOWBROOK ESTATES PARCEL OF THE SOUTH PRONG PRESERVE CONSERVATION AREA**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved Amendment 1 to the Kimley-Horn and Associates, Inc. Agreement for professional services relating to the Shadowbrook Estates parcel remediation and authorized the County Administrator to sign the amendment on behalf of the County, as recommended in the memorandum of January 14, 2013.

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

**8.F. APPROVAL OF BID AWARD FOR IRC BID NO. 2013016 ANNUAL BID FOR STREET SWEEPING SERVICES**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously

- 1) Awarded the bid to Clean Sweep & Vac, LLC as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid;
- 2) Authorized the Purchasing Division to issue blanket purchase orders for the period of February 1, 2013 through January 31, 2014 with the recommended bidder; and
- 3) Authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of January 16, 2013.

**8.G. EMERGENCY DUNE STABILIZATION PROJECTS – AWARD OF CONTRACT**  
**HENRY FISCHER & SONS, INC.**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved staff to issue two separate Work Orders to Henry Fischer & Sons, Inc. in the amounts of \$40,562.50 for the Wabasso Beach Park Dune Stabilization Project, and \$57,881.25 for the Golden Sand Beach Park Dune Stabilization Project, as recommended in the memorandum of January 15, 2013.

**8.H. APPROVAL OF BID AWARD FOR IRC BID NO. 2013013 WEST REGIONAL**  
**WWTP ANAEROBIC TANKS ODOR CONTROL SYSTEM DESIGN AND**  
**IMPROVEMENTS**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved 1) staff to award the bid to R. J. Sullivan Corp., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the invitation to bid; 2) approved the sample agreement authorizing the Chairman to execute said agreement after receipt and approval of the required certificate of insurance and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of January 15, 2013.

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

**10. PUBLIC ITEMS**

**10.A.1. PUBLIC HEARING(S)**

**10.A.1. CONSIDERATION OF AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTERS 911, 912, AND 971 TO ALLOW OUTDOOR VEHICLE STORAGE USE IN THE CL (LIMITED COMMERCIAL) AND CG (GENERAL COMMERCIAL) ZONING DISTRICTS AND TO ELIMINATE LIMITATIONS ON LENGTH OF RECREATIONAL VEHICLES STORED OUTSIDE ON RESIDENTIAL PROPERTIES (PUBLIC HEARING #1) (LEGISLATIVE)**

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

Planning Director Stan Boling recalled the meeting of September 11, 2012 when Mr. George Sigler requested the Board to allow paved or unpaved outdoor vehicle storage in a Commercial Limited (CL) zoning district. Thereafter staff analyzed the County's existing regulations, and on October 23, 2012, staff was directed to initiate amendments to the Land Development Regulations (LDRs). Director Boling used a PowerPoint presentation (on file) to review the criteria of a proposed LDR amendment ordinance. He advised that the Planning and Zoning Commission voted 6-0 in favor of the Board adopting the amendment Ordinance. Director Boling reminded the Board that two public hearings are required before final adoption. Director Boling responded to questions from the Board.

The Chairman opened the Public Hearing.

**Bob Johnson**, Coral Wind Subdivision, wanted language included in the amendment ordinance clarifying that no County ordinance supersedes any private regulations.

**Jack Risser**, 14345 78<sup>th</sup> Avenue, Sebastian, whose property is adjacent to property zoned CL, discussed concerns he had regarding large vehicle traffic, and the vehicles encroaching onto his property to make a U-turn.

**Jim Applegate**, 14445 80<sup>th</sup> Avenue, Sebastian, agreed with his neighbor, Mr. Risser. He gave several examples on how outside storage could become an eyesore, the possibility of storing and selling vehicles on the property, and brought photos (on file) of buffer zones in his neighborhood that the Board previously approved that were not meeting current requirements. He advocated that there was no way the Board could enforce what the amendment ordinance proposed, and asked the Board not to appease one business man by approving this ordinance.

Under discussion, the Board acknowledged that Mr. Applegate had some legitimate concerns particularly when he brought into the picture other businesses at a different location. However, it was pointed out that the ordinance specifically prohibits the sale of vehicles in a CL zoned district.

**Mr. Applegate** suggested giving Mr. Sigler a variance.

Vice Chairman Davis said he would like to do that, and he understood the Special Exception Use was the best process for the Board to follow.

Chairman Flescher commented that the residential criteria of no more than a 400 square foot area for outside storage may be too much, and thought it made more sense to rezone from CL to CG.

Commissioner Solari wanted to do more research. He suggested having the second public hearing to hear additional conversation.

**Christine Applegate**, 14445 80<sup>th</sup> Avenue, expressed concerns about the children in the neighborhood getting hurt by a vehicle.

**Dave Stewart**, 14425 80<sup>th</sup> Avenue, Sebastian, recommended that the Board remove the residential section of the ordinance and handle it as a separate issue.

**Nancy Gabor**, 14465 80th Avenue, said it seems unfair that other neighborhoods have protection by their own ordinances, which she did not have in her neighborhood, and she did not see any benefits from these changes.

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

Chairman Flescher shared similar concerns expressed by the speakers, but he did not know how they could discern a commercial vehicle from a recreational vehicle.

Vice Chairman Davis learned that staff had not heard any resistance from the south county people, and he thought this was a good intention gone awry.

There was a CONSENSUS of the Board to direct staff to look into these concerns, and take into account other factors, and prepare alternatives for the Board to consider at the February 5, 2013 meeting.

(CLERK'S NOTE: THE CHAIRMAN CALLED A BREAK AT 11:08 A.M. AND RECONVENED THE MEETING AT 11:15 A.M. WITH ALL MEMBERS PRESENT.)

## **10.B. PUBLIC DISCUSSION ITEMS**

### **10.B.1. REQUEST TO SPEAK FROM IMPACT FEE CONSULTANTS REGARDING IMPACT FEE REFUND REVIEW AND WRAP-UP**

**Charlie Wilson**, Impact Fee Consultants, reviewed the progress taken by the County on impact fee refunds for Fund 101, crediting the Board for their actions in this matter. He spoke about Fund 103, disagreeing with the decision made by the Board not to expend the remaining \$83,000 in the fund, and he urged the Board to order staff to expend these last few remaining refunds.

County Attorney Alan S. Polackwich, Sr. addressed the allegations made by Mr. Wilson concerning impact fee refunds. He defined the refund process, stating that the process was not fully accepted by Mr. Wilson, and that this is the same argument that Mr. Wilson spoke of in the past.

**Charlie Wilson** disagreed and a discussion followed between the Board and Mr. Wilson regarding the crux of their disagreement. **Mr. Wilson** stated that the 74 people deserving of a refund fell under the 2005 Ordinance, not the revised Ordinance 2012-004 that staff followed. He failed to see how those eligible before the Ordinance was revised became disqualified for their refund.

The Board supported staff's actions as following the process defined in the Ordinance properly, and they elaborated on how the impact fee funds were expended.

**Mr. Wilson** did not relinquish his position.

Attorney Polackwich explained further that the only real change to Ordinance 2012-004 was the addition of dual noticing to the process. He also made it clear to Mr. Wilson that under the County Code, he represents the public and reports to the Board, not the County Administrator, as Mr. Wilson stated earlier.

Discussion ensued by Commissioner Zorc questioning whether the Board is limited to spending or refunding the remaining funds. He addressed the overlapping time factor and

remarked that he saw this problem occurring each quarter when there are available funds. However, Mr. Wilson said it was a one-time situation. If the ordinance had been written nine months earlier; there would not be an overlapping problem.

Administrator Baird vouched that staff's actions were appropriate as directed by the Board, and told Mr. Wilson that he did not appreciate the negative allegations made towards him and his staff.

Chairman Flescher supported staff, stating that they have been committed to the Board's direction, and he addressed some of the negative allegations Mr. Wilson directed towards Administrator Baird, the County Attorney and staff. He told Mr. Wilson it was not appropriate and that the Board would not tolerate it in the future. He invited Mr. Wilson, if he wanted to discuss this further, to point out specific areas that the Board might be concerned with, and convey them in a factual and positive manner.

**Mr. Wilson** said he did plan to come back to the Board, and advised that he was taking proper measures to form a political action committee whose responsibility would be to raise money and organize people whose express purpose will be to support candidates that will remove the current County Administrator from his position.

NO BOARD ACTION REQUIRED OR TAKEN

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF**

**10.C.1. NOTICE OF SCHEDULED ATTORNEY-CLIENT SESSION FEBRUARY 5, 2013 AT THE TIME SPECIFIC OF 10:30 A.M.: THE INDIAN RIVER COUNTY ATTORNEY DESIRES AN ATTORNEY-CLIENT SESSION RE FVP MIAMI LAKES LLC V. INDIAN RIVER COUNTY PENDING IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, CASE No. 312010CA074993**



(LEGISLATIVE)

**10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING FEBRUARY 5, 2013: TO CONSIDER ADOPTION OF A PROPOSED ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 100.03(4) OF THE CODE OF INDIAN RIVER COUNTY (“THE CODE”), CODIFYING AND PUBLISHING THE ORDINANCES UP TO AND INCLUDING SUPPLEMENT 94 THERETO, READOPTING THE CODE, DESIGNATING THE CODE AS THE BEST EVIDENCE OF THE CURRENT LAW OF INDIAN RIVER COUNTY, FLORIDA, AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE (LEGISLATIVE)**

County Attorney Polackwich read the notices into the record.

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A. 1725 17<sup>TH</sup> AVENUE – OLD JAIL PROPERTY**

County Administrator Joseph Baird reviewed his memorandum regarding the ownership of the old jail property. He brought the Board up to date, advising that since the Board’s December 4, 2012 meeting, staff had followed their direction and contacted the Boys and Girls Club and St. Francis Manor regarding any interest they may have in leasing the old jail property. Both organizations responded by letter (on file) with a proposal that the land be split between the two, and asked that it be added to their respective current \$1 per year lease, as an opportunity for both organizations to set aside land for future expansion and outside activities. He also advised that according to the County Attorney, the Board cannot dispose of this property, as he previously recommended, which left the Board the options to sell the property at fair market value based on an appraisal; sell the property by auction, or sell the property by sealed bid. According to the Property Appraiser’s records, Administrator Baird advised that the total value

of the property was \$841,970, and he did not think an auction or sale would reap anywhere near that amount.

**Jay McNamara**, Co-Chairman of the Boys and Girls Club, spoke about the mission of the organization and advised that they were seeking this land for outdoor activities.

**Louis Schacht**, President of the Board of Directors of St. Francis Manor, said that the majority of their residents live on less than a thousand dollars of income a month. “The Manor’s rents are small and the waiting list is large,” he said. He provided several reasons for the Board to approve his request to grant this lease.

**Glenn Heran**, President of the Taxpayers Association, relayed the taxpayers’ position in this matter, and suggested the Board sell this property for fair market value, and put it back on the tax roll to allow the charities to do what they do without government intervention.

City Manager **Jason Nunemaker**, Fellsmere, commented on the City of Fellsmere’s experience with the Boys and Girls Club, stating that their service has been outstanding, and the City recognizes that government could not afford to provide the same services as inexpensively, or more efficiently than they do.

Chairman Flescher reflected on his experience with the Boys and Girls Club from his former career and showed appreciation for Mayor Nunemaker’s comments. He asked the Board to review the report provided to them (not available) showing the funds allocated over the past twelve years to the Club.

Vice Chairman Davis did not feel it was the right time to sell the property.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, to direct the County Attorney to add this property to the existing leases of the Boys and Girls Club and St. Francis Manor.

Under discussion, it was the opinion of Commissioner Solari and Chairman Flescher to avoid government intervention with charitable organizations, sell the land, and place the property back on the tax roll.

The Chairman CALL THE QUESTION and the Motion carried, by a 3-2 vote (Chairman Flescher and Commissioner Solari opposed).

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT**

#### **12.A.1. GO-LINE BUS HUB STATUS UPDATE**

(CLERK'S NOTE: THIS ITEM WAS HEARD FOLLOWING COUNTY ATTORNEY MATTERS ITEM 13.A. AND IS PLACED HERE FOR CONTINUITY. VICE CHAIRMAN DAVIS LEFT THE MEETING AT THE CONCLUSION OF ITEM 13.A. TO ATTEND ANOTHER MEETING).

Community Development Director Bob Keating reviewed his memorandum, advising the Board that on January 10, 2013, the City of Vero Beach sent the County a Code Enforcement citation stating that the current lease location of the Go-Line Bus Hub is not consistent with City zoning, and the County has until February 22, 2013 to vacate the property. Director Keating said that staff has been working with the City to find a new location, and advised that the County Attorney has asked the City to dismiss the citation in the interim. Director Keating presented several parking lot designs (on file) as suggested at the Board's December 18, 2012 meeting, to relocate the bus hub to the parking lot west of Building A within the County Administration

Complex. He was seeking feedback and conceptual approval from the Board, for staff to move forward and to work further on the engineering design.

Discussion ensued and the Commissioners spoke of how they were bothered by the demands from the City of Vero Beach, and their lack of financial support. Several Commissioners expressed their appreciation to the smaller municipalities for their recognition of the benefits of having public transportation provided throughout their cities, and thanked them for their financial support.

Chairman Flescher wished that the County had the opportunity to leave the bus hub at its current location, or the adjoining property that used to be occupied by County government for many years.

Commissioner Solari professed what a tremendous asset the transportation service is to the citizens of the community, and he hoped the City of Vero Beach could work this out with the County.

MOTION WAS MADE by Commissioner Solari,  
SECONDED BY Commissioner O'Bryan, to move  
forward with staff's recommendation to work on  
relocating the Go-Line bus hub, as presented.

Discussion continued with questions from the Board to staff regarding the flow of traffic expected in the designs presented.

Chairman Flescher wanted staff to take into account any needs or concerns the Constitutional Officers may have regarding the changes to the parking lots, so the Board could address them while they were in the design stage.

Public Works Director Chris Mora said staff would look at the whole parking lot scheme once the spaces are used by the bus hub.

**Bob Johnson**, Coral Wind Subdivision commented that it appeared the driving force was to obtain Federal grant money.

**Mr. Nunemaker** believed a long term range of sustainable funding does need to be arrived at, and Fellsmere would like to participate in that strategy.

Attorney Polackwich anticipates the code enforcement hearing to take place on February 22, 2013, and asked for a Resolution from this Board specifically stating that action be deferred until the County completes this solution.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Commissioner O'Bryan, to have staff bring back in early February a Resolution asking the Code Enforcement Board to defer action.

The Chairman CALLED THE QUESTION and the Motion carried, by a 4-0 vote (Commissioner Davis absent). The Board approved to move forward, authorizing staff to work on the relocation of the Go-Line bus hub, as presented in the back up, and bring back in early February a Resolution specifically asking the Code Enforcement Board to defer action until the County completes this solution.

**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 - NONE**

**13. COUNTY ATTORNEY MATTERS**

**13.A. 2013 COMMITTEES VACANCIES – APPOINTMENTS**

(Clerk’s note: This item was heard following Item 11.A. and is placed here for continuity).

Attorney Polackwich reviewed his memorandum, and read the list of vacancies and names of applicants who have submitted their application, and proceeded with the nomination process.

Chairman Flescher opened the floor for nominations for the Representative of Horticulture Industry for the Agriculture Advisory Committee.

Vice Chairman Davis nominated David Howard.

Commissioner O’Bryan seconded the nomination.

Commissioner Solari nominated Robert Lindsay, Jr.  
There was no SECOND, and the nomination failed.

There were no other nominations. The Chairman closed the floor for nominations.

Chairman Flescher CALLED FOR THE VOTE on the nomination of David Howard, and by a 3-2 vote (Commissioner Solari and Chairman Flescher opposed) the Board accepted the nomination and appointed David Howard as Representative of the Horticulture Industry for the Agricultural Advisory Committee.

Chairman Flescher opened the floor for nominations for the Member at Large for the Children's Services Advisory Committee.

Commissioner Solari nominated Paul Reeves.  
Vice Chairman Davis seconded the nomination.

There were no other nominations. Chairman Flescher closed the floor for nominations.

The Chairman CALLED FOR THE VOTE on the nomination of Paul Reeves and the Board unanimously accepted the nomination and appointed Paul Reeves as Member at Large for the Children's Services Advisory Committee.

Attorney Polackwich pointed out that there is only one applicant and one position for Inspector or Plans Examiner for the Construction Board of Adjustment, Michael Lue, P. E.

The Chairman called for a motion.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously appointed Michael Lue, P. E. as Inspector or Plans Examiner for the Construction Board of Adjustment.

Chairman Flescher opened the floor for nominations for the Local Manufacturing Representative of the Economic Development Council.

Commissioner O'Bryan nominated Mark Caslow.  
Commissioner Zorc seconded the nomination.

There were no other nominations. The Chairman closed the floor for nominations.

The Chairman CALLED FOR THE VOTE on the nomination of Mark Caslow, and the Board unanimously accepted the nomination, and appointed Mark Caslow as Local Manufacturing Representative for the Economic Development Council.

Attorney Polackwich announced that Aaron Bowles recently withdrew his application from consideration.

Chairman Flescher opened the floor for nominations for two vacancies for Member-at-Large for the Economic Development Council.



Chairman Flescher nominated Karl Zimmermann and Todd Howder. Commissioner Solari seconded the nominations.

Commissioner Zorc believed that the list of applicants was weighted by backgrounds in real estate, and questioned how the Board could engage others to obtain diversification.

Chairman Flescher and Commissioner Solari elaborated on the additional experience and knowledge of the nominees and other applicants.

**Karl Zimmermann** stated he had been in Vero Beach for 42 years, and he spent the last two years filling the seat of someone else. He has been active in the real estate business only since 2001, after he left the Tax Collector's office. Knowing some of the applicants, he believed there was diversity among those listed.

Commissioner Zorc nominated Kevin Berry and John Dryer. Vice Chairman Davis seconded the nomination, for discussion.

There was no further discussion, and there were no other nominations. The Chairman closed the floor for nominations.

The Chairman CALLED FOR THE VOTE on the nomination for Karl Zimmermann and Todd Howder, and by a 4-1 vote (Commissioner Zorc opposed), the Board accepted the nomination and appointed Karl Zimmermann and Tom Howder for Members-at-Large on the Economic Development Council.

Chairman Flescher opened the floor for nomination for Member from the Community at Large for the Enterprise Zone Development Agency.

Commissioner O'Bryan nominated Chris Russell. Vice Chairman Davis seconded the nomination.

There were no other nominations. The Chairman closed the floor for nominations.

The Chairman CALLED FOR THE VOTE on the nomination of Chris Russell, and the Board unanimously accepted the nomination, and appointed Chris Russell for Member from the Community at Large for the Enterprise Zone Development Agency.

Commissioner Davis exited the meeting.

#### **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**

**14.D.1. REVERSAL OF RELIEF CANALS**

Commissioner Solari asked for the Board's consensus to work with staff on developing a plan to reverse the waters from the three relief canals to storage areas to the west, and wanted to

start the identification process of those who would be involved and look at how to fund the project.

Commissioner Zorc said he would provide him with a map made to visually see where the water was coming from.

Commissioner O'Bryan asked that he look at the storage and treatment of the water in a way to get a more consistent flow into the Lagoon.

Chairman Flescher thanked Commissioner Solari for bringing this item forward, and said he did not need a motion to proceed.

**14.E. COMMISSIONER TIM ZORC**

**14.E.1. CONSIDERATION FOR THE USE OF THE COUNTY'S ADMINISTRATION**

**COMPLEX PARKING AREA**

Commissioner Zorc asked the Board if it would be acceptable to use the County Administration Complex parking areas as overflow for the Gospel Fest being held February 1-2, 2013 at the Vero Beach Municipal Airport.

Commissioner O'Bryan was skeptical on what this pastor was bringing to the community, and did not support this event.

ON MOTION by Commissioner Zorc, SECONDED BY Commissioner Solari, by a 3-1 vote (Commissioner O'Bryan opposed, and Vice Chairman Davis absent), the Board approved the use of the County parking areas as overflow for the Gospel Event at the Airport on February 1-2, 2013, provided the County Attorney found no insurance issues.

## **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 meeting adjourned at 12:50 p.m.

ATTEST:

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Jeffrey R. Smith  
Clerk of Circuit Court and Comptroller

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Joseph E. Flescher, Chairman

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

BCC/MS/2013Minutes