

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

FEBRUARY 5, 2013

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JEFFREY R. SMITH

Clerk to the Board



February 5, 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 27th Street, Vero Beach, Florida, on Tuesday, February 5, 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 Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Chaplain William Mead, Indian River Estates East, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Solari led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Commissioner Solari requested that Item 14.D.1. Resolution in Support of Electric Referendum be heard following Item 5.E. Presentation by Amy Brunjes, External Affairs Manager, Florida Power and Light.

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF VETERAN'S CELEBRATION AT VERO BEACH AIRPORT
BY CURTIS PAULISIN, INDIAN RIVER COUNTY VETERAN'S COUNCIL
ANTHONY VECCHIARELLI AND RAYMOND GIUSTIZIA, VICE PRESIDENT,
ITALIAN AMERICAN CIVIC ASSOCIATION**

Colonel Anthony Young introduced Italian American Civic Association member Angelo Vecchiarelli and Vice President Raymond Giustizia.

Angelo Vecchiarelli provided details on the upcoming fundraiser, Salute to Our Vets, to be held on February 16, 2013 from 11:00 a.m. – 6:00 p.m., at the Vero Beach Airport Corporate Hangar, 3100 Airport Drive West. He revealed that further information about the Italian American Civic Association can be found at [www. iacavb.com](http://www.iacavb.com).

**5.B. PRESENTATION AND THANK YOU TO COMMISSIONERS FOR SUPPORT
FROM KEEP INDIAN RIVER BEAUTIFUL (KIRB) BY VICKI WILD,
EXECUTIVE DIRECTOR**

Vicki Wild, Executive Director, KIRB, gave a PowerPoint presentation (copy on file) describing the background, goals, and accomplishments of Keep Indian River Beautiful (KIRB), which was established in 1997. Ms. Wild relayed that further information is available at www.kirb.org.

Ashima Wild, President, KIRB, presented the Board with a plaque in appreciation of their support.

5.C. PRESENTATION BY TROY RICE, INDIAN RIVER LAGOON NATIONAL ESTUARY PROGRAM DIRECTOR, ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT, AMY ADAMS, CAPE CANAVERAL SCIENTIFIC, ON GRANT WRITING ASSISTANCE

(Clerk's Note: This item was heard following Item 5.D. and is placed here for continuity).

Amy Adams, President, Cape Canaveral Scientific, gave a PowerPoint presentation (copy on file) describing the free grant writing program offered by the St. John's River Water Management District's Indian River Lagoon National Estuary Program (IRL NEP).

Commissioners Flescher and Zorc invited Ms. Adams to attend the Board's March 26, 2013 Workshop on the Indian River Lagoon (*see Commissioner Zorc's Item 14.E.2*).

5.D. PRESENTATION ON UP WITH PEOPLE UPCOMING VISIT TO INDIAN RIVER COUNTY BY OSCAR NISSEN, ADVANCE TEAM MANAGER

(Clerk's Note: This item was heard following Item 5.B. and is placed here for continuity).

Oscar Nissen, Advance Team Manager, disclosed that the international group, Up With People, would be presenting two concerts at the Vero Beach High School Performing Arts Center on March 1 and 2, 2013, at 7:30 p.m., with the proceeds going to Vero Beach High School's Tribe Pride Program, the Daisy Hope Center, and the Gifford Youth Activity Center. He said that further information can be found at www.upwithpeople.org.

**5.E. PRESENTATION BY AMY BRUNJES, EXTERNAL AFFAIRS MANAGER,
FLORIDA POWER AND LIGHT - UPDATE ON CITY OF VERO BEACH
ELECTRIC SYSTEM SALE**

Amy Brunjes, External Affairs Manager, Florida Power & Light, through a PowerPoint Presentation (copy on file), updated the Board on the prospective sale of the City of Vero Beach's (the City's) Electric Utility to Florida Power and Light (FPL). She presented a cost-benefit analysis, and relayed that on January 8, 2013, FPL presented the City with a formal offer through an Asset Purchase and Sale Agreement. She reviewed the terms of the Agreement, and reported that the City Council will be holding a Workshop Meeting on February 12, 2013 and voting on February 19, 2013; the public referendum will be on March 12, 2013. Ms. Brunjes thanked the Board for considering Commissioner Solari's proposed resolution supporting the electric utility sale (*see Item 14.D.1*).

Responding to questions from the Board, Ms. Brunjes relayed the following:

- Special economic development utility rates will be available for qualified businesses.
- FPL offers beneficial customer programs in addition to the lowest electric rates in the State.
- The regulatory approvals are still pending with no problems anticipated; however, neither FPL nor the City will be penalized if there is a glitch.
- FPL's rate increase and 6% franchise fee has been factored into FPL's analysis.

- The destination for the relocated substation is pending, with flexibility built into the agreement.

Vice Chairman Davis noted that, in addition to the cost-benefit analysis for the City, County, and Indian River Shores, it would be valuable for voters to have information on the School Board's projected utility cost savings if FPL becomes the electric utility provider.

Chairman Flescher thanked Ms. Brunjes, and acknowledged Glen Heran and Charles Wilson for their roles in promoting the electric utility sale.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF DECEMBER 11, 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 11, 2012 meeting, as written.

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

7.A. APPOINTMENT OF DISTRICT 3 APPOINTEE TO CHILDREN'S SERVICES ADVISORY COMMITTEE

Noted for the record was the appointment of Karen Swanson as District 3 Appointee to the Children's Services Advisory Committee.

7.B. 2013 ELECTION OF ECONOMIC DEVELOPMENT COUNCIL CHAIRMAN AND VICE CHAIRMAN

Noted for the record was the re-election of Beth Mitchell as Chairman, and Karl Zimmerman as Vice Chairman, to the Economic Development Council.

7.C. RESIGNATION OF FACA REPRESENTATIVE TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD

Noted for the record was the resignation of Florida Association Community Action Representative Sue Rux, effective immediately, from the Transportation Disadvantaged Local Coordinating Board.

8. CONSENT AGENDA

8.A. QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING 12/31/2012

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously accepted the Investment Advisory Committee Quarterly Investment Report for October 1, 2012 through December 31, 2012, as recommended in the memorandum of January 24, 2013.

8.B. QUARTERLY OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST REPORT FOR QUARTER ENDING 12/31/12

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously accepted the

Quarterly Other Post Employment Benefits (OPEB) Trust Report for the quarter ended December 31, 2012, as recommended in the memorandum of January 24, 2013.

8.C. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS FOR QUARTER ENDING 12/31/12

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously accepted the Quarterly Summary Report for Assessment of Additional Court Costs for the quarter ending December 31, 2012, as recommended in the memorandum of January 24, 2013.

8.D. APPROVAL OF WARRANTS – JANUARY 11, 2013 TO JANUARY 17, 2013

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of January 11, 2013 to January 17, 2013, as requested in the memorandum of January 17, 2013.

8.E. APPROVAL OF WARRANTS – JANUARY 18, 2013 TO JANUARY 24, 2013

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of January 18, 2013 to January 24, 2013, as requested in the memorandum of January 24, 2013.

**8.F. OUT OF COUNTY TRAVEL TO ATTEND THE 2013 FLORIDA’S RESEARCH
COAST LEGISLATIVE CONFERENCE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved out of County travel for Commissioners and staff to attend Florida’s Research Coast Legislative Conference in Tallahassee, Florida on March 13–15, 2013, as requested in the memorandum of January 29, 2013.

**8.G. SOLAR AND ENERGY LOAN FUND (“SELF”) – COUNTY’S STATUS AS
“PARTNER”**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously authorized staff to send a letter to Doug Coward, Executive Director of the Solar Energy Loan Fund (SELF), requesting that Indian River County be removed from the list of “Local Government Partners” listed on SELF’s website, as recommended in the memorandum of January 29, 2013.

**8.H. RATIFICATION AND ACCEPTANCE OF SEALED BID SALE PRICE FOR THE
FORMER FLEMING PROPERTY, BID # 2013020**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously ratified and accepted the winning bid of \$81,200.00 for the sale of the former Fleming property, and authorized the County

Attorney's staff to complete the necessary real estate contract with the high bidder, Exstate Holdings, LLC, Vero Beach, FL, as recommended in the memorandum of January 22, 2013.

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

**8.I. KIMLEY-HORN AND ASSOCIATES, INC. 58TH AVENUE AND SR 60
INTERSECTION AGREEMENT RELEASE OF RETAINAGE IRC PROJECT NO.
0550**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved the release of held retainage to Kimley-Horn and Associates, Inc. on Invoice No. 7035040-1012 dated October 31, 2012 in the amount of \$43,667.40, as recommended in the memorandum of January 16, 2013.

**8.J. OUT OF COUNTY TRAVEL TO ATTEND THE 2013 FLORIDA ASSOCIATION
OF COUNTIES LEGISLATIVE DAY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously authorized out of County travel for Commissioners and staff to attend the 2013 Florida Association of Counties Legislative Day in Tallahassee, Florida on Thursday, April 4, 2013, as requested in the memorandum of January 17, 2013.

8.K. MISCELLANEOUS BUDGET AMENDMENT 008

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2013-005**, amending the fiscal year 2012-2013 budget.

8.L. ACCEPTANCE OF THE FY2010 HOMELAND SECURITY COMMUNITY EMERGENCY RESPONSE TEAM (CERT) SUB-GRANT #13-CI-A6-10-40-01-XXX

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved: (1) the Community Emergency Response Team (CERT) Sub-Grant 13-CI-A6-10-40-01-XXX and the expenditures as directed in the Federally Funded Subgrant Agreements; and (2) authorized staff to make adjustments in accordance with any line-item changes that may occur after execution of the contract, as recommended in the memorandum of January 4, 2013.

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

8.M. ACCEPTANCE OF THE 2012 HOMELAND SECURITY COMMUNITY EMERGENCY RESPONSE TEAM (CERT) SUB-GRANT #13-CI-58-10-40-01-XXX

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved:

(1) the Community Emergency Response Team (CERT) Sub-Grant 13-CI-58-10-40-01-XXX and the expenditures as directed in the Federally Funded Subgrant Agreements; and (2) authorized staff to make adjustments in accordance with any line-item changes that may occur after execution of the contract, as recommended in the memorandum of January 4, 2013.

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

8.N. APPROVAL OF INDIAN RIVER COUNTY SCHOOL DISTRICT UTILITY EASEMENT FOR THE STORM GROVE STORMWATER RECLAMATION PROJECT FOR ADDITIONAL REUSE WATER SUPPLY

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously: (1) approved and authorized the Chairman to execute the Utility Easement with the School Board of Indian River County; (2) found that the project is needed to accommodate new growth in the County; and (3) found that new growth will proportionately benefit from the project, as recommended in the memorandum of January 18, 2013.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. INDIAN RIVER COUNTY SHERIFF – DERYL LOAR

Sheriff Deryl Loar explained that the Florida Contraband Forfeiture Act (FS 932.7055) requires the Sheriff's Office to return a certain percentage of seized monies to local non-profit organizations. He thereafter requested that the Board approve the allocation of the proceeds to the programs/agencies listed on pages 89 and 90 of the Agenda Packet.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved the allocation of \$24,000 from the Law Enforcement Trust Fund to support the following programs and agencies: (1) \$2,000 to the 2-1-1 Palm Beach/Treasure Coast Agency; (2) \$2,500 to support Crime Stoppers of the Treasure Coast; (3) \$1,000 to A Child is Missing; (4) \$1,500 to support the Substances Awareness Council; (5) \$8,000 to the Mental Health Collaborative; (6) \$1,000 to the Annual Florida Missing Children's Day ceremony; (7) \$2,000 to the Homeless Family Center; (8) \$1,500 to Safe Space; and (9) \$4,500 to the Narcotics Overdose Prevention & Education Task Force, Inc., as requested in the letter of January 28, 2013.

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. AMENDMENT TO SECTION 100.03(4) OF THE CODE OF INDIAN RIVER COUNTY, CODIFYING AND PUBLISHING THE ORDINANCES TO READOPT THE CODE UP TO AND INCLUDING SUPPLEMENT 94 (LEGISLATIVE)

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

County Attorney Alan S. Polackwich, Sr. revealed that Section 125.68(1)(a), Florida Statutes, requires Florida counties to update their code of ordinances on an annual basis. He asked the Board to adopt the proposed ordinance codifying and publishing the County's ordinances up to and including Supplement 94.

The Chairman opened the Public Hearing; there were no speakers and the Chairman closed the hearing.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved **Ordinance 2013-001**, 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.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM LINDA HILLMAN REGARDING GO LINE TRANSIT HUB LOCATION

Linda Hillman, 2315 18th Avenue, Original Town Neighborhood, addressed the Board with her request to move the GoLine Transit Hub (currently located at 26th Street and 17th Avenue) away from the Original Town and McAnsh Park neighborhoods. She stated that foot traffic has increased, disruptive behavior has occurred, and the Garden Club members have expressed safety concerns. Ms. Hillman further objected to the proposed relocation of the Hub to the northwest corner of the County Administration Building, and disagreed with the County's rationale for deciding not to lease the City-owned land on 17th Street and locate the hub there.

Commissioner O'Bryan acknowledged Ms. Hillman's concerns, but surmised that some of the problems might be caused by persons other than the bus riders.

Vice Chairman Davis agreed with Ms. Hillman that a more suitable location than the County Administration Building should be found for the hub.

Commissioner Zorc remarked that the GoLine Bus is one of the most efficient operating systems in the State, and the Hub must be located within certain geographic boundaries for the drivers to keep to the allotted route times.

(Clerk's Note: Chairman Flescher interjected to announce that the Board would be adjourning the County Commission meeting at 10:30 a.m. for the Attorney-Client session. The meeting was reconvened at 11:46 a.m., and Ms. Hillman continued addressing the Board).

Ms. Hillman asked what was wrong with the parcel that the City offered to lease to the County.

Commissioner Zorc noted that the proposed site would cause delays in some of the routes, and it is inconvenient to many common destinations, such as the Health Department and County Administration Building.

Discussion ensued among the Commissioners and Ms. Hillman about the necessity to have the buses adhere to their schedules, and whether those timeframes are creating safety concerns.

Chairman Flescher agreed with Commissioner O'Bryan that persons other than the bus passengers may be causing the problems the Original Town and McAnsh Park residents have noted. He acknowledged that the Administration Building would not be the optimum spot for the hub, and agreed that other options, although limited, will need to be explored.

Jessica Haley-Durkee declared that conditions in Original Town/McAnsh Park have deteriorated since the Bus Hub was stationed in the neighborhood, and attributed several negative incidents to the bus riders. She urged the Board to move the transit hub elsewhere.

Marjorie P. Jackson (Mrs. Robert) agreed with previous speakers that the County Administration complex is not an appropriate location for the bus hub. She felt that the City parcel would afford passengers close proximity to businesses and potential jobs, and asked the Board to plan for a long-term solution.

Billie Wagner, 2225 20th Avenue, related that even though the speed limit near her residence was changed from 30 to 25 miles per hour, the buses still rush by so fast her windows rattle. She feels the drivers are speeding because of the allotted times for the routes, and proposed that the time constraint be removed.

Vice Chairman Davis relayed that interested persons can give further input at this evening's Transit Development Plan public workshop at 5:30 p.m. in Building B of the County Administration Complex.

No Board Action Required or Taken

**10.B.2. REQUEST TO SPEAK FROM RON HEEN REGARDING CHANGE TO
VEHICLE HEIGHT RESTRICTION ORDINANCE IN RESIDENTIAL AREAS**

Ron Heen, 1046 22nd Avenue, addressed the Board with regards to amending County Code to increase commercial vehicle height allowances in residential areas from nine (9) feet to ten (10) feet. He provided background on his situation, explaining that he received a code violation notice for parking his business vehicle (a box truck) at home, because the truck is nine feet, six and one-half inches (9'6 ½") tall.

Attorney Polackwich, assisted by Community Development Director Bob Keating, provided background on the Code Enforcement Board's action relative to this case.

Planning Director Stan Boling, through a PowerPoint Presentation (copy on file), showed slides of Mr. Heen's truck and reviewed the Land Development Regulations (LDRs), Chapter 911, which pertains to vehicle height restrictions for trucks and vans. He explained that in 2008, the 9' height restriction with respect to vans/box trucks was seen as a reasonable limit in residential zoning districts.

Commissioner O'Bryan requested that staff see whether the newer vans and trucks are being built over 9' high, so a determination can be made as to whether to amend the LDRs accordingly.

Director Boling confirmed that: (1) staff would resurvey the vehicle heights and report back to the Board; and (2) the Code Enforcement Order would be in abeyance until further analysis is done.

Commissioner Solari advocated keeping this matter highly visible to the public, and Chairman Flescher affirmed that there would be public hearings should staff propose an LDR amendment.

The Board CONSENSUS was to direct staff to re-evaluate the vehicle height restrictions in residential neighborhoods keeping in mind the standard heights of new vans and box trucks, and report back to the Board.

**10.B.3. REQUEST TO SPEAK FROM CHARLES WILSON, COMMITTEE TO
REPLACE JOE BAIRD, REGARDING GO LINE DECISION**

(Clerk's Note: This item was heard following Item 10.B.4. and is placed here for continuity).

Charles Wilson, PO Box 651114, gave a PowerPoint Presentation (on file) and played an audio interview between Morning Magazine's talk radio host Bob Soos and County Administrator Joseph Baird; the City Manager of Vero Beach (the City); James O'Connor; and the City Manager of Fellsmere, Jason Nunemaker. The interview pertained to the City's edict for the County to relocate the GoLine transit hub and their offer to lease property on 17th Street for said hub. Mr. Wilson disputed the County's decision to forego the City's proffered site because the City declined the County's request for them to provide the landscape maintenance at the site. He also spoke in opposition to the proposed relocation of the transit hub to the County Administration Building parking lot.

No Board Action Required or Taken

**10.B.4. REQUEST TO SPEAK FROM BOB CLEVENSTINE AND JIM DENMARK, OAK
CHASE HOME OWNERS ASSOCIATION (HOA), REGARDING BRIDGE
REPLACEMENT AT 33RD STREET AND 66TH AVENUE, IMPACT TO HOA**

(Clerk's Note: This item was heard following Item 10.B.2, and is placed here for continuity).

Jim Denmark, 34255 65th Avenue, and **Bob Clevensline**, Board Members Oak Chase Home Owners Association, reported that the concerns they had about the County's bridge improvement project at 33rd Street and 66th Avenue have been satisfactorily addressed. They commended County Engineer Arunja Werogoda for his cooperation and handling of this matter.

No Board Action Required or Taken

**10.B.5. REQUEST TO SPEAK FROM WILLIAM (TUCK) FERRELL REGARDING
LETTER OF SUPPORT TO LEGISLATURE FOR SUPPLEMENTAL BEACH SAND
RESTORATION ASSISTANCE**

William (Tuck) Ferrell, 12546 North Highway A1A, Beach and Shore Preservation Advisory Committee Member, and North Beach Civic Association President, spoke about the importance of the County's beaches and the need to secure additional revenues in order to repair the areas that were damaged by Hurricane Sandy in 2012. He provided to the Board sample letters that Brevard County is sending to the State Legislature seeking an appropriation of funds, and asked if the Board would join the effort to write the legislators in search of funding for supplemental beach sand restoration. He observed that pooling the Counties' efforts would probably be the most effective way to approach the State.

Vice Chairman Davis offered to make a Motion for the Chairman to draft correspondence similar to Brevard County's letter.

Chairman Flescher advised that the Board would not vote on a public speaking request, but if the Board agrees, the letter will be crafted.

Individual Commissioners expressed support for the letter.

County Administrator Joseph Baird relayed that he has already begun speaking about this matter with Senator Joe Negron, Representative Debbie Mayfield, and Debbie Flack, President of the Florida Shore and Beach Preservation Association (FSBPA). He noted that County Coastal Engineer James Gray also sits on the Board of Directors of FSBPA. Mr. Baird added that Representative Mayfield is striving to get the County funding, and that beach repair is one of the County's top legislative priorities for the 2013 Florida Legislative Session.

The Board CONSENSUS was to authorize the Chairman to draft and execute a letter on behalf of the Indian River County Board of County Commissioners, requesting that the Florida Legislature grant a special and separate Fiscal Year 2013-2014 appropriation for beach repair post Hurricane Sandy, and to place the matter under the Consent Agenda of the February 12, 2013 Board of County Commission meeting.

The Chairman called a recess at 1:02 p.m. and reconvened the meeting at 1:28 p.m., with all members present.

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS -NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONDEMNATION, DEMOLITION, AND REMOVAL OF UNSAFE STRUCTURES

Building Division Director José Guanch displayed slides and provided background on eight condemned structures (see pages 109 through 135 of the Agenda Package) that are proposed for demolition as follows: 4560 32nd Avenue; 2755 47th Place; 3061 44th Road; 4495 31st Avenue; 4480 31st Avenue; 3081 44thRoad; 1365 US Highway 1; and 4765 34th Avenue. He reported that the structures have been deemed detrimental to the health, safety, and welfare of the general public, and that following the tear down, a recorded lien will be placed upon the

respective properties to recover demolition costs. Director Guanch thereafter presented staff's recommendation to demolish all of the structures.

Charles Johnson appeared on behalf of his mother Queen J. Ewars, owner of the structure located at 4765 34th Avenue. He noted that although he had formerly requested and received from the Board two stays of demolition, he was appealing for additional time to make the repairs to the property. He added that his contractor anticipated applying for the permit next week.

(Clerk's Note: Mr. Johnson was accompanied by William Rigby)

Director Guanch, responding to the Board's request for further details, reported that the Building Department initially posted the property as an unsafe structure on Jan 20, 2012, and the matter first came before the Board on May 15, 2012.

Deputy County Attorney Bill DeBaal confirmed that the Board granted Mr. Johnson two prior extensions on May 15, 2012 and September 11, 2012, to allow him time to refurbish the house.

A brief discussion ensued, during which the Board determined that Mr. Johnson can be accorded an additional 30 days to pull his permit.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman Flescher, to: (1) approve **Resolution 2013-006**, amended to remove from the condemnation list, the property owned by Queen J. Ewars, located at 4765 34th Avenue, providing for the demolition of unsafe structures and the recovery of costs; and (2) delay the demolition of the property owned by Queen J. Ewars, located at 4765 34th Avenue (Smith Plaza

Subdivision), providing for 30 days from February 5, 2013 for the owner's son, Charles Johnson, to pull a building permit.

Vice Chairman Davis stressed that the Board wants to see some progress on the structure.

Director Guanch confirmed for Commissioner Zorc that the building would have to be brought into compliance with the current Building Code.

Attorney Polackwich asked the Board if they were ordering the property to be demolished if the building permit is not pulled within 30 days.

Vice Chairman Davis concurred and asked Mr. Johnson whether he would consent to the above.

Mr. Johnson agreed and asked whether he could perform the demolition himself, should his plans fall through.

Director Guanch responded that Mr. Johnson can do the demolition of the structure himself provided there is no contract or fee involved.

Commissioner Zorc asked whether the Board's only request of Mr. Johnson was to apply for the permit within 30 days, even if it might not be issued within that time parameter.

Commissioner O'Bryan observed that just having Mr. Johnson apply for the building permit within 30 days doesn't impose any closed end time. He was concerned that Mr. Johnson could apply for the permit within the 30 days, but due to the amount of design/engineering it would take to bring the structure up to code, the rehab process could go on for an undetermined length of time.

After consulting with staff, the Board decided that 30 days should be enough time for Mr. Johnson to pull his permit and perform due diligence, with input from an engineer, on the proposed reconstruction of his mother's property.

Chairman Flescher emphasized that the Board wants Mr. Johnson to pull the permit and obtain an engineer's input on the viability of the proposed rehabilitation of the subject structure.

MOTION WAS AMENDED by Vice Chairman Davis, SECONDED by Chairman Flescher, to include the requirement for Mr. Johnson to obtain input from an engineer regarding his plans to refurbish the subject property.

The Chairman CALLED THE QUESTION, and the AMENDED Motion carried. The Board unanimously approved: (1) **Resolution 2013-006**, *amended to remove from the condemnation list, the property owned by Queen J. Ewars, located at 4765 34th Avenue*, providing for the demolition of unsafe structures and the recovery of costs; and (2) delaying the demolition of the property owned by Queen J. Ewars, located at 4765 34th Avenue (Smith Plaza Subdivision), providing for 30 days from February 5, 2013 for the owner's son, Charles Johnson, to pull a building permit and obtain input from an engineer regarding his plans to refurbish the subject property, with the understanding that the structure will be demolished if aforesaid actions do not occur.

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. QUARTERLY BUDGET REPORT

Management and Budget Director Jason Brown presented a review and analysis of the Budget Report (pages 137 through 146 of the Agenda Packet) for the first quarter of Fiscal Year 2012-2013.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

12.J.1. APPROVAL OF PROPERTY PURCHASE AT 1400 OSLO ROAD

Director of Utility Services Vincent Burke, through a PowerPoint presentation (copy on file), provided background and analysis regarding staff's request to purchase a 3.12 acre parcel of property located at 1400 Oslo Road, adjacent to the South County Reverse Osmosis Water Treatment Facility. He explained that the property will be used for expansion of the utilities infrastructure and that its purchase will be contingent upon a title search indicating clear title to the property; a boundary survey; a satisfactory environmental report; and an appraisal. Director Burke thereafter asked the Board to approve the purchase for a total budget of \$188,670.00.

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

A brief discussion ensued as Director Burke addressed the Board's questions regarding the U.S. Fish and Wildlife Service's recommendation that the County set aside scrub jay habitat at the site, and about the expenditure of impact fee revenues for this purchase.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved and authorized the Chairman to execute the Purchase and Sale Agreement with ATLAS FL I SPE, LLC, for the purchase of the 3.12 acre parcel located at 1400 Oslo Road for a total budget of \$188,670.00; (2) found that the project is needed to accommodate new growth in the County; and (3) found that new growth will proportionately benefit from the project, all as recommended in the memorandum of January 28, 2013.

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

13. COUNTY ATTORNEY MATTERS

13.A. TIME CERTAIN – 10:30 A.M. - ATTORNEY-CLIENT SESSION:

FVP MIAMI LAKES LLC v. INDIAN RIVER COUNTY, NINETEENTH JUDICIAL CIRCUIT, CASE No. 312010CA074993

(Clerk's Note: This item occurred prior to the conclusion of Item 10.B.1, and is placed here for continuity).

The Chairman read into the record the opening remarks of the Attorney-Client Session scheduled for 10:30 a.m. The estimated time of this session was 45 minutes. Those attending were Commissioners Joseph E. Flescher, Wesley S. Davis, Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present was County Attorney Alan S. Polackwich, Sr., County Administrator Joseph A. Baird, and Certified Court Reporter Greg Campbell.

The Board returned to the Chambers at 11:46 a.m. The Chairman announced the termination of the Attorney-Client Session, and the resumption of the County Commission meeting, Item 10.B.1.

13.B. DEMOLITION LIEN

(Clerk's Note: This Item followed Item 12.J.1. and is placed here for continuity).

Deputy County Attorney William DeBraul reported that the County has completed demolition of a dilapidated single-family unfinished structure on property owned by James Anderson, Trustee, and located at 8640 92nd Avenue in Vero Lake Estates. He asked the Board to: (1) approve the proposed demolition lien of \$6,339.68, to recoup the County's costs; and (2) authorize staff to proceed with the lien.

A brief discussion arose as Attorney DeBraul addressed questions regarding the tax certificates that have been sold on the property.

No party in interest appeared before the Board to contest the lien amount.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the lien amount of \$6,339.68, and authorized the Chairman to execute the lien for recordation in the public records, as recommended in the memorandum of January 23, 2013.

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. RESOLUTION IN SUPPORT OF ELECTRIC REFERENDUM

(Clerk's Note: This item was heard following Item 5.D. Presentation by Amy Brunjes)

Commissioner Solari conveyed that his proposed Resolution establishes the Board's position that every citizen in the City of Vero Beach should vote "yes" on the sale of the City's Electric Utility to Florida Power & Light (FPL). He declared that there would be no greater boon to the County, because it will stimulate economic development for years to come, and provide an annual savings of \$25 million Countywide. He thereafter commended FPL staff, sale advocates Glen Heran and Charlie Wilson, and City Council Members.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-007**, stating its *(the Board's)* position on the referendum question relating to the sale of the City of Vero Beach Electric Utility to Florida Power & Light Company, to be submitted to the voters of the City of Vero Beach on March 12, 2013.

14.E. COMMISSIONER TIM ZORC

14.E.1. CONSIDERATION FOR OFFICE ACCOMMODATIONS FOR ELECTED STATE OFFICIALS AT THE COUNTY'S ADMINISTRATION COMPLEX

(Clerk's Note: This item was heard following Item 13.B, and is placed here for continuity).

Commissioner Zorc noted that the Grand Opening of Congressman Bill Posey's Vero Beach Office in the County Administration Building (Building A), is on February 19, 2013. He stated that he had sought and received confirmation from Senator Joe Negron, Senator Thad Altman, and Secretary of State Kurt Browning that they, too, would find it beneficial to have office space here, and asked whether there is any location within the Administration Building to accommodate the state officials.

Individual Board Members expressed their support for Commissioner Zorc's proposal. It was determined that two possible locations for offices are the law library in the Board of County Commission office, and the space in the County Administrator's office formerly occupied by Assistant County Administrator Michael Zito. The Board also proposed that the officials stagger their occupancy times, so they can share one office space.

Vice Chairman Davis suggested that the Commissioner Assistants check with the officials to ascertain what their needs are.

Administrator Baird affirmed that the County would find space for the officials.

Chairman Flescher advocated maintaining the library space for the use of the Commissioners and staff if possible, and wanted to explore additional options for locating the proposed office.

The Board CONSENSUS was to: (1) direct staff to discuss further with the State Officials their needs and the possibility of sharing one office space; and (2) consider the possibilities for providing that office space within the County Administration Building.

14.E.2. SAVE THE DATE: PUBLIC WORKSHOP ON INDIAN RIVER LAGOON

Commissioner Zorc requested that the Board schedule a public workshop on the Indian River Lagoon on March 26, 2013, from 9:00 a.m. to 5:00 p.m. in the Board of County Commission Chambers. He stated that the purpose of the workshop will be to bring together environmental experts, interested parties, and available Commissioners, to work on developing initiatives to conserve the Indian River Lagoon. He also noted that the workshop will be videotaped.

Commissioner O'Bryan pointed out that March 26 is the week of Spring Break for the County schools, and there is a possibility that family engagements may deter him and others from attending the workshop.

Administrator Baird advised that should it be deemed advisable, the Commissioners can change the date.

The Board CONSENSUS was to tentatively schedule on March 26, 2013, a public workshop to discuss the preservation of the Indian River Lagoon, to be held in the County Commission Chambers from 9:00 a.m. to 5:00 p.m., with the option to change the date should the Board deem it advisable.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

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

15.A.1. APPROVAL OF MINUTES MEETING OF DECEMBER 4, 2012

15.A.2. APPROVAL OF PHASE 3 WORK FOR FIRE RESCUE FLEET OPERATIONS SITE (4TH STREET AND 43RD AVENUE)

15.A.3. UPDATE OF THE EMERGENCY SERVICES DISTRICT FIRE/EMERGENCY SERVICES (EMS) CONSOLIDATION AND FINANCIAL ANALYSIS

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 4:07 p.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court & Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MG/2013Minutes