

JEFFREY R. SMITH
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

MARCH 12, 2013

1.	CALL TO ORDER.....	1
2.	INVOCATION.....	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS.....	2
	ADDITION: ITEM 5.B. PRESENTATION BY TOBY TURNER REGARDING A BENEFIT RAFFLE.....	2
5.	PROCLAMATIONS AND PRESENTATIONS.....	2
5.A.	PRESENTATION BY HELENE CASELTINE, CECD, DIRECTOR OF ECONOMIC DEVELOPMENT, INDIAN RIVER COUNTY CHAMBER OF COMMERCE, ENTERPRISE ZONE LEGISLATION SUMMARIES.....	2
	ADDITION: 5.B. PRESENTATION BY TOBY TURNER REGARDING A BENEFIT RAFFLE.....	4
6.	APPROVAL OF MINUTES - NONE.....	4

7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	4
8.	CONSENT AGENDA	4
8.A.	APPROVAL OF WARRANTS – FEBRUARY 22, 2013 TO FEBRUARY 28, 2013	4
8.B.	RETIREMENT AWARD AND PROCLAMATION HONORING CHARLES (CHUCK) LEKNISKAS ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF RECREATION WITH TEN YEARS SERVICE	5
8.C.	RETIREMENT AWARD AND PROCLAMATION HONORING TOMMY A. ELLIS ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF UTILITIES SERVICES WITH NINETEEN YEARS SERVICE	5
8.D.	RETIREMENT AWARD AND PROCLAMATION HONORING BENJAMIN SULLIVAN ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF UTILITIES SERVICES WITH TWENTY YEARS SERVICE	6
8.E.	RETIREMENT AWARD AND PROCLAMATION HONORING CYNTHIA R. KRUPP ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES/LIBRARY SERVICES WITH TWENTY-SIX YEARS SERVICE.....	6
8.F.	LEASE EXTENSION, 6855 66 TH AVENUE, VERO BEACH, FL., 66 TH AVENUE FUTURE 4-LANING PROJECT, OWNER: INDIAN RIVER COUNTY, TENANT: JOHN A. JACKSON, JR.	7
8.G.	457 DEFERRED COMPENSATION LOAN PROGRAM	7
8.H.	LIBRARY SYSTEM POLICIES AND PROCEDURES MANUAL	8
8.I.	BUILDING DIVISION STAFFING – MISCELLANEOUS BUDGET AMENDMENT 009.....	8
8.J.	REQUEST FOR AUTHORIZATION TO DONATE SURPLUS EQUIPMENT TO YOUTH GUIDANCE	9
8.K.	AUTHORIZATION FOR TRAVEL OUT OF COUNTY TO ATTEND THE 27 TH ANNUAL GOVERNOR’S HURRICANE CONFERENCE	9
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	9

10.	PUBLIC ITEMS.....	9
10.A.	PUBLIC HEARINGS - NONE.....	9
10.B.	PUBLIC DISCUSSION ITEMS - NONE.....	9
10.C.	PUBLIC NOTICE ITEMS - NONE.....	10
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	10
12.	DEPARTMENTAL MATTERS.....	10
12.A.	COMMUNITY DEVELOPMENT - NONE.....	10
12.B.	EMERGENCY SERVICES - NONE.....	10
12.C.	GENERAL SERVICES - NONE.....	10
12.D.	HUMAN RESOURCES - NONE.....	10
12.E.	HUMAN SERVICES - NONE.....	10
12.F.	LEISURE SERVICES - NONE.....	10
12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	10
12.G.1.	FITCH RATINGS – INDIAN RIVER COUNTY’S WATER & SEWER BONDS.....	10
12.H.	RECREATION - NONE.....	11
12.I.	PUBLIC WORKS - NONE.....	11
12.J.	UTILITIES SERVICES - NONE.....	11
13.	COUNTY ATTORNEY MATTERS.....	11
13.A.	ATTORNEY-CLIENT SESSION – TIME CERTAIN 10:30 A.M.....	11
	FREDERICK D. MENSING, III, AND RITA F. MENSING V. INDIAN RIVER COUNTY, PENDING IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, CASE No. 312010CA075009, AND FREDERICK D. MENSING, III V. INDIAN RIVER COUNTY, ROBERT SOLARI, GARY C. WHEELER, WESLEY S. DAVIS, PETER D. O’BRIAN (SIC), WILLIAM G. COLLINS, II, ROBERT KEATING, CHRISTOPHER N. KIRRIE, CHRISTOPHER WILLIAM KIRRIE, AND ROBERT CHESTER KIRRIE, PENDING IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, CASE No. 312012CA000976.....	11
13.B.	MENSING LAWSUITS.....	12
14.	COMMISSIONER ITEMS.....	12

14.A.	COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE	12
14.B.	COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN.....	12
14.B.1.	COUNTY’S SCHEDULED COMMITTEE MEETINGS WHICH HAVE CITY OF VERO BEACH REPRESENTATION	12
14.C.	COMMISSIONER PETER D. O’BRYAN - NONE	13
14.D.	COMMISSIONER BOB SOLARI.....	13
14.D.1.	WALK IN MY SHOES JOURNEY.....	13
14.E.	COMMISSIONER TIM ZORC - NONE.....	14
15.	SPECIAL DISTRICTS AND BOARDS	14
15.A.	EMERGENCY SERVICES DISTRICT - NONE	15
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE	15
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	15
16.	ADJOURNMENT.....	15

JEFFREY R. SMITH

Clerk to the Board



March 12, 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, March 12, 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

Reverend Benny Rhyant, New Mt. Sinai Baptist Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Zorc led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Flescher requested the following change to the Agenda:

ADDITION: ITEM 5.B. PRESENTATION BY TOBY TURNER REGARDING A BENEFIT RAFFLE

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 BY HELENE CASELTINE, CECD, DIRECTOR OF ECONOMIC DEVELOPMENT, INDIAN RIVER COUNTY CHAMBER OF COMMERCE, ENTERPRISE ZONE LEGISLATION SUMMARIES

Helene Caseltine, Director of Economic Development for the Chamber of Commerce, and Enterprise Zone Coordinator, reviewed proposed legislation, House Bill 965 [HB 965] relating to the Enterprise Zone Program. She summarized two of the proposed revisions to the Florida Enterprise Zone Program:

Jobs Tax Credit on Sales Tax/Corporate Tax

Allow a business to hire an Enterprise Zone resident to fill an existing job, rather than create a new job, to apply for the credits

Business Equipment Sales Tax Refund Program

Lower the minimum purchase price on equipment from \$5,000 to \$2,500

Ms. Caseltine relayed that Enterprise Zone officials and other stakeholders would support HB 965 if the minimum purchase price for equipment is reduced to \$500, rather than the proposed \$2,500.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, to: (1) direct the County Attorney to draft a letter of support for House Bill 965, contingent upon changing under the Business Equipment Sales Tax Refund Program, the minimum purchase price on business equipment from the proposed \$2,500 to \$500; and (2) to authorize the Chairman to execute same for mailing to the State Legislature.

Commissioner O'Bryan voiced concerns about the proposed change to the Jobs Tax Credit. He supported retaining the criterion for granting the tax credit for a newly created, not an existing, job.

Discussion continued on the Jobs Tax Credit, after which the following action was taken:

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner O'Bryan opposed), the Motion carried.

ADDITION: 5.B. PRESENTATION BY TOBY TURNER REGARDING A BENEFIT

RAFFLE

Toby Turner, 300 8th Terrace, Firefighters Fair General Manager, provided details on a benefit raffle being held at the 2013 Firefighters Fair on March 8, 2013, to assist Firefighter Scott Chnupa and his family, who recently lost their home in a fire. Monetary donations can also be sent to the International Association of Fire Fighters at 1818 Commerce Avenue.

6. APPROVAL OF MINUTES - NONE

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

8. CONSENT AGENDA

Chairman Flescher requested to pull Items 8.B through 8.E. from the Consent Agenda for discussion.

Commissioner O'Bryan requested to pull Item 8.I. for discussion.

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

8.A. APPROVAL OF WARRANTS – FEBRUARY 22, 2013 TO FEBRUARY 28, 2013

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's

Office for the time period of February 22, 2013 to February 28, 2013, as requested in the memorandum of February 28, 2013.

8.B. RETIREMENT AWARD AND PROCLAMATION HONORING CHARLES (CHUCK) LEKNISKAS ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF RECREATION WITH TEN YEARS SERVICE

(Clerk's Note: The Chairman offered comments on Items 8.B. through 8.E. conjointly).

The Chairman recognized Mr. Lecniskas, Mr. Ellis, Mr. Sullivan, and Ms. Krupp, respectively, on their years of service to the County.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Retirement Award and Proclamation honoring Charles (Chuck) Lecniskas on his retirement from the Indian River County Department of Recreation.

8.C. RETIREMENT AWARD AND PROCLAMATION HONORING TOMMY A. ELLIS ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF UTILITIES SERVICES WITH NINETEEN YEARS SERVICE

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Retirement Award and Proclamation

honoring Tommy A. Ellis on his retirement from the Indian River County Department of Utility Services.

8.D. RETIREMENT AWARD AND PROCLAMATION HONORING BENJAMIN SULLIVAN ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF UTILITIES SERVICES WITH TWENTY YEARS SERVICE

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Retirement Award and Proclamation honoring Benjamin Sullivan on his retirement from the Indian River County Department of Utility Services.

8.E. RETIREMENT AWARD AND PROCLAMATION HONORING CYNTHIA R. KRUPP ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES/LIBRARY SERVICES WITH TWENTY-SIX YEARS SERVICE

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Retirement Award and Proclamation honoring Cynthia R. Krupp on her retirement from the Indian River County Department of General Services/Library Services.

**8.F. LEASE EXTENSION, 6855 66TH AVENUE, VERO BEACH, FL., 66TH AVENUE
FUTURE 4-LANING PROJECT, OWNER: INDIAN RIVER COUNTY, TENANT:
JOHN A. JACKSON, JR.**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the Lease Renewal Agreement as presented, allowing John A. Jackson, Jr. to remain on the premises and the lease to terminate within 60 days after advertisement of bid to widen and improve the section of 66th Avenue near the tenant's property, at \$800 per month, due and payable on the 10th day of March 2013, and the 10th day of every month thereafter, as recommended in the memorandum of February 21, 2013.

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

8.G. 457 DEFERRED COMPENSATION LOAN PROGRAM

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously authorized amending the plan document with Nationwide Retirement Solutions so that employees may obtain loans from their 457 Deferred Compensation accounts, as recommended in the memorandum March 6, 2013.

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

8.H. LIBRARY SYSTEM POLICIES AND PROCEDURES MANUAL

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved: (1) the new Library System Policies and Procedures Manual; and (2) directed staff to implement the revised fee, fine, and rate schedule, effective March 12, 2013, as recommended in the memorandum of March 5, 2013.

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

8.I. BUILDING DIVISION STAFFING – MISCELLANEOUS BUDGET AMENDMENT

009

Commissioner O’Bryan noted that the Building Division’s request to add and fill a new position (Plans Examiner II) to keep up with the increase in building activity is a positive economic indicator for the County.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Solari, the Board unanimously approved: (1) funding for the new position of Plans Examiner II in the Building Division; (2) funding to cover the necessary overtime for building inspection/plans exam staff; and (3) **Resolution 2013-018**, amending the fiscal year 2012-2013 budget.

8.J. REQUEST FOR AUTHORIZATION TO DONATE SURPLUS EQUIPMENT TO YOUTH GUIDANCE

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously declared the US1 27” Laminator and the Dell Latitude D620 Laptop Computer surplus, and authorized the donation of said equipment to Youth Guidance in accordance with Section 274.05, Florida Statutes, as recommended in the memorandum of March 4, 2013.

8.K. AUTHORIZATION FOR TRAVEL OUT OF COUNTY TO ATTEND THE 27TH ANNUAL GOVERNOR’S HURRICANE CONFERENCE

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved out of County travel for Commissioners and staff to attend the 27th Annual Governor’s Hurricane Conference to be held on May 5 – 10, 2013 at the Greater Fort Lauderdale Broward County Convention Center, as requested in the memorandum of March 6, 2013.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. FITCH RATINGS – INDIAN RIVER COUNTY’S WATER & SEWER BONDS

Budget Director Jason Brown reported that Fitch Ratings has affirmed the County’s Water & Sewer System Revenue Bonds at “AAA”, and provided analysis on the key rating drivers.

Commissioner Zorc asked staff to bring back a report on the County’s overall bond debt.

Director Brown affirmed that staff would return with the requested data.

The Board extended kudos to the County Administration and staff for their excellent management of the County Utility System.

No Board Action Required or Taken

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES - NONE

13. COUNTY ATTORNEY MATTERS

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

FREDERICK D. MENSING, III, AND RITA F. MENSING V. INDIAN RIVER COUNTY, PENDING IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, CASE No. 312010CA075009, AND FREDERICK D. MENSING, III V. INDIAN RIVER COUNTY, ROBERT SOLARI, GARY C. WHEELER, WESLEY S. DAVIS, PETER D. O'BRIAN (SIC), WILLIAM G. COLLINS, II, ROBERT KEATING, CHRISTOPHER N. KIRRIE, CHRISTOPHER WILLIAM KIRRIE, AND ROBERT CHESTER KIRRIE, PENDING IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, CASE No. 312012CA000976

(Clerk's Note: This item was heard following Item 14.D.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 in attendance were Commissioners Joseph E. Flescher, Wesley S. Davis, Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were County Attorney Alan S. Polackwich, Sr., County Administrator Joseph A. Baird, and Certified Court Reporter Greg Campbell.

The Board reconvened in the Chambers at 11:37 a.m., and the Chairman closed the Attorney-Client Session. The County Commission meeting resumed with Item 13.B.

13.B. MENSING LAWSUITS

Chairman Flescher requested to defer discussion on this matter until the County Commission meeting of March 19, 2013.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Zorc, the Board unanimously approved to defer discussion on the Mensing Lawsuits until the County Commission meeting of March 19, 2013.

14. COMMISSIONER ITEMS

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

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN

14.B.1. COUNTY'S SCHEDULED COMMITTEE MEETINGS WHICH HAVE CITY OF VERO BEACH REPRESENTATION

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

Vice Chairman Davis reported that this matter relates to a letter sent to the County by the City Manager of Vero Beach, James O'Connor. Mr. O'Connor had requested that the County avoid scheduling committee meetings on Tuesdays, the same day Council meetings are held.

Discussion ensued. It was revealed that the letter referred to a Tourist Development Council (TDC) meeting that had been rescheduled from its regular meeting day, Wednesday, to a Tuesday, due to the unavailability of the Board Chairman who is also the Chair of the TDC.

Commissioner Davis added that it was more of a scheduling matter than anything intentional, and he did not believe it was truly an issue.

Chairman Flescher pointed out that everyone was given advance notice of the scheduling change.

County Administrator Baird affirmed that he had responded to the City's letter, and that the County works hard to avoid conflicts with all the municipalities.

Commissioner Zorc noted that the Economic Development Council (EDC) is considering a change in meeting dates and times, because of potential conflicts with the City of Vero Beach.

No Board Action Required or Taken

14.C. COMMISSIONER PETER D. O'BRYAN - NONE

14.D. COMMISSIONER BOB SOLARI

14.D.1. WALK IN MY SHOES JOURNEY

Commissioner Solari invited County Tax Collector Carole Jean Jordan to give a presentation.

Ms. Jordan provided background on an organization created by Lauren Book, "Lauren's Kids" which is dedicated to raising awareness of childhood sexual abuse. She requested that the Board authorize a rally-style event, "Lauren's Kids - Walk In My Shoes 2013", outside the Tax Collector's office on March 28, 2013 from 3:30 – 5:00 p.m.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to authorize the Tax Collector to hold the event, "Lauren's Kids - Walk In My Shoes 2013" on Thursday, March 28, 2013.

In response to the Board's comments, Mrs. Jordan provided further details on the upcoming event.

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

The Chairman called a recess at 9:41 a.m., after announcing the conclusion of all the Agenda Items except for Item 13A. Attorney-Client Session – Time Certain 10:30 a.m., and Item 13B. Mensing Lawsuits.

(Clerk's Note: The Chairman reconvened the meeting at 10:29 a.m., with all members present, to convene the Attorney-Client Session [see Item 10.A.1.])

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the Board of County Commission meeting adjourned at 11:38 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MG/2013Minutes