

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

AUGUST 20, 2013

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JEFFREY R. SMITH

Clerk to the Board



August 20, 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, August 20, 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 Dylan Reingold, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Planning Director Stan Boling delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Zorc 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 10.A.4. Proposed Fertilizer and Landcape Management Ordinance, Public Hearing, Consideration of Final Adoption to follow Item 14.D.1.

(Clerk's Note: During the proceedings, at the request of a public speaker, the Board agreed to discuss Item 10.A.4. following Item 12.A.1.)

**Delete: Item 10.B.4. Request to Speak from Neal Abarbanell
Regarding Long to be Resolved Problems Regarding County Code
Enforcement's and Public Safety's Failure to Address/Selection Policies and
Rules in Rural Area of Indian River County**

**Move: Item 14.A.2. City of Vero Beach Electric Sale to Florida Power & Light (FPL) to
follow Item 8.TT.**

Delete: Item 14.E.1. Lobbyist Registration

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PROCLAMATION AND RETIREMENT AWARD HONORING MARY T.
HIGHTOWER ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD
OF COUNTY COMMISSION DEPARTMENT OF GENERAL SERVICES/PARKS
DIVISION WITH THIRTY-FIVE YEARS SERVICE**

Chairman Flescher read and presented the Proclamation and Retirement Award to Mary T. Hightower, who was accompanied by several family members.

Assistant County Administrator Michael Zito was present to offer congratulations.

5.B. THERE IS NO ITEM 5.B

5.C. PRESENTATION OF PROCLAMATION RECOGNIZING AUGUST 11 THROUGH AUGUST 17, 2013 AS NATIONAL HEALTH CENTER WEEK

Vice Chairman Davis read and presented the Proclamation to Vicki Soulé, CEO of the Treasure Coast Community Health Center, who distributed information to the Board (copy on file).

5.D. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF SEPTEMBER, 2013 AS OVARIAN CANCER AWARENESS MONTH

Commissioner Solari read and presented the Proclamation to Mike Milot, Treasure Coast Ovarian Cancer Alliance, who was accompanied by a group of supporters. Mr. Milot provided informational cards for the public (copy on file) and invited everyone to attend a candlelight vigil at Our Savior Lutheran Church on September 15, 2013.

5.E. PRESENTATION OF PROCLAMATION RECOGNIZING SEPTEMBER 19, 2013 AS IT CAN WAIT NATIONAL DAY OF ACTION

Commissioner Zorc read and presented the Proclamation to Catherine McKenzie, representing AT&T, who pointed out two changes in the document: the number of people who have committed not to text and drive has grown from 1.3% to 1.8%; and the percentage of those who said it was a habit has declined from 43% to 40%.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF JULY 2, 2013

6.B. REGULAR MEETING OF JULY 9, 2013

6.C. REGULAR MEETING OF JULY 16, 2013

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

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the July 2, 2013; July 9, 2013, and July 16, 2013 meeting minutes, as written.

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

7.A. TOWN OF INDIAN RIVER SHORES 2013/2014 COMMITTEE APPOINTMENTS

The Town of Indian River Shores 2013-2014 Committee Appointees are listed on page 9 of the Agenda Package.

7.B. PROOF OF PUBLICATION OF UNCLAIMED MONIES FOR CASH BONDS DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT PRIOR TO JANUARY 1, 2012 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.C. BIENNIAL REPORT OF INDIAN RIVER COUNTY ENTRANCE FEES AND EXPENSES FOR THE SEBASTIAN INLET STATE PARK IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.D. VERO LAKES WATER CONTROL DISTRICT GENERAL FUND BUDGET FOR
THE YEAR ENDING SEPTEMBER 30, 2014 IS ON FILE IN THE OFFICE OF
THE CLERK TO THE BOARD**

8. CONSENT AGENDA

Commissioner Solari requested to pull Item 8.DD. and 8.EE. for discussion.

Chairman Flescher requested to pull Items 8.L, 8.SS, and 8.TT. for discussion.

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

Vice Chairman Davis requested to pull Item 8.NN. for discussion.

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

8.A. APPROVAL OF WARRANTS – JULY 4, 2013 TO JULY 11, 2013

ON MOTION by Commissioner Solari, 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 July 4, 2013 to July 11, 2013,
as requested in the memorandum of July 11, 2013.

8.B. APPROVAL OF WARRANTS – JULY 12, 2013 TO JULY 18, 2013

ON MOTION by Commissioner Solari, 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 July 12, 2013 to July 18, 2013, as requested in the memorandum of July 18, 2013.

8.C. APPROVAL OF WARRANTS – JULY 19, 2013 TO JULY 25, 2013

ON MOTION by Commissioner Solari, 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 July 19, 2013 to July 25, 2013, as requested in the memorandum of July 25, 2013.

8.D. APPROVAL OF WARRANTS – JULY 26, 2013 TO AUGUST 1, 2013

ON MOTION by Commissioner Solari, 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 July 26, 2013 to August 1, 2013, as requested in the memorandum of August 1, 2013.

8.E. APPROVAL OF WARRANTS – AUGUST 2, 2013 TO AUGUST 8, 2013

ON MOTION by Commissioner Solari, 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 August 2, 2013 to August 8, 2013, as requested in the memorandum of August 8, 2013.

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

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously accepted the Statement of Revenues, Expenditures and Changes in Fund Balances from October 1, 2002 through June 30, 2013, as recommended in the memorandum of July 26, 2013.

**8.G. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT
COSTS FOR QUARTER ENDING 06-30-13**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously accepted the Assessment of Additional Court Costs Quarterly Summary for the quarter ending June 30, 2013, as recommended in the memorandum of July 26, 2013.

8.H. QUARTERLY OPEB TRUST REPORT FOR QUARTER ENDING 06-30-13

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously accepted the Quarterly Other Post Employments Benefits (OPEB) Trust Report for the quarter ending June 30, 2013, as recommended in the memorandum of July 26, 2013.

8.I. QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING 06-30-2013

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously accepted the Indian River County Investment Advisory Committee Quarterly Investment Report for the quarter ending June 30, 2013, as recommended in the memorandum of July 26, 2013.

8.J. REQUEST FROM INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS, LESLIE R. SWAN, FOR ADOPTION OF A PROPOSED RESOLUTION REGARDING A CHANGE IN PROCEDURE REQUIRING ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-067**, implementing the provisions of Section 106.07(2)(a)2., Florida Statutes, requiring electronic filing of campaign finance reports of local candidates, political committees and party executive committees; establishing an electronic filing system and requiring a written acknowledgement regarding certain matters pertaining to the electronic filing system; and providing an effective date.

8.K. REQUEST FROM INDIAN RIVER COUNTY TAX COLLECTOR, CAROLE JEAN JORDAN, CFC, THAT THE BOARD OF COUNTY COMMISSION ORDER THE TAX ROLL TO BE EXTENDED PRIOR TO COMPLETION OF THE VALUE ADJUSTMENT BOARD HEARINGS

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously ordered the 2013 tax roll to be extended prior to the completion of the Value Adjustment Board hearings, as requested in the memorandum of August 12, 2013.

8.L. APPLICATION FOR BOARD OF COUNTY COMMISSIONER APPOINTEE TO THE CHILDREN'S SERVICES ADVISORY COMMITTEE (CSAC)

Chairman Flescher noted that a vote is required to fill the vacancy on the Children's Services Advisory Committee. He disclosed that there is one applicant for the position, Norman Wells, and asked if there were any other applications; there were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved the appointment of Norman Wells, to fill the vacant position of Member at Large on the Children's Services Advisory Committee, as requested in the memorandum of July 25, 2013.

8.M. OUT OF COUNTY TRAVEL TO ATTEND THE 2013-14 FLORIDA ASSOCIATION OF COUNTIES LEGISLATIVE CONFERENCE

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved out of County travel for Commissioners and staff to attend the 2013-14 Florida Association of Counties Legislative Conference in Daytona Beach, Florida on November 13 – 15, 2013, as requested in the memorandum of July 17, 2013.

8.N. OUT OF COUNTY TRAVEL TO ATTEND THE FLORIDA ASSOCIATION OF COUNTIES POLICY COMMITTEE CONFERENCE

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved out of County travel for Commissioners and staff to attend the Florida Association of Counties Policy Committee Conference held in Palm Beach County, Florida on September 18 through September 20, 2013, as requested in the memorandum of August 9, 2013.

8.O. RESOLUTION FORMALLY DESIGNATING A PORTION OF COUNTY OWNED PROPERTY ALONG OSLO ROAD TO 20TH AVENUE AS RIGHT-OF-WAY

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-068**, formally designating certain County owned property for Oslo Road right-of-way, and

directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel of property known as the South County Regional Park.

8.P. RESOLUTION CANCELLING TAXES ON PROPERTY ACQUIRED BY THE CITY OF SEBASTIAN TO BECOME PART OF THE CITY'S PARK SYSTEM

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-069**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*Lot 14, Block 223, Sebastian Highlands Unit 8*)

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

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved: (1) **Resolution 2013-070**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (*1044 State Street, Fellsmere, FL; Lots 112 and 113, Block 5, Hall, Carter and James Subdivision*); (2) **Resolution 2013-071**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (*1042 Lincoln Street, Fellsmere; Lot 53, Block 2, Hall, Carter and James Subdivision*); and (3) **Resolution 2013-072**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (*194 S.*

Mulberry Street, Fellsmere, FL Lots L, M, N and O, Block 29, Replat of Town of Fellsmere).

8.R. ITEM 8.R. WAS MOVED TO ITEM 5.A PRESENTATIONS

8.S. PULTE GROUP'S (DIVOSTA HOMES) REQUEST TO MODIFY THE WATERWAY VILLAGE DRI DEVELOPMENT ORDER TO REQUIRE BIENNIAL RATHER THAN ANNUAL PROJECT STATUS REPORTS

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-073**, making findings of fact and conclusions of law pertaining to Waterway Village, a development of regional impact, and constituting this resolution as an amendment to the development order by Indian River County in compliance with law; and providing for an effective date.

8.T. RESOLUTION REQUESTING FUNDING ASSISTANCE FROM STATE OF FLORIDA BEACH EROSION CONTROL PROGRAM – FY 2014-15

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-074**, requesting assistance from the State of Florida Beach Erosion Control Program – FY 2014-2015.

**8.U. RIGHT-OF-WAY ACQUISITION: 5480 85TH STREET, SEBASTIAN, FL
32958, PROJECT PARCELS #424, #724, SELLER: ST. SEBASTIAN
CONFERENCE OF ST. VINCENT DEPAUL SOCIETY, INC.**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the purchase of the property at a total price of \$4,213.46; and (2) authorized the Chairman to execute the Purchase and Sale Agreement with St. Sebastian Conference of St. Vincent DePaul Society, Inc., as recommended in the memorandum of August 8, 2013.

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

**8.V. RIGHT-OF-WAY ACQUISITION: 4650 85TH STREET, 4695 86TH PLACE AND
4595 87TH STREET, PROJECT PARCELS #772, #473, #773, #474, # 774,
AND #874, SELLER: 510, LLC**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the purchase of the property at a price of \$47,659.89 plus attorney fees of \$2,400; and authorized the Chairman to execute the Purchase and Sale Agreement with 510, LLC, as recommended in the memorandum of August 8, 2013.

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

**8.W. APPROVAL OF THE CERT (COMMUNITY EMERGENCY RESPONSE TEAM)
PUBLIC CPR & AED TRAINING CLASSES AND EQUIPMENT**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved of expenditures as stated in the Florida Heart CPR training agreements and authorized the Chairman to execute the agreements, as recommended in the memorandum of August 9, 2013.

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

**8.X. REQUEST TO APPROVE A MEMORANDUM OF ENGAGEMENT WITH LAMB
AND LERCH FOR FOREIGN TRADE ZONE CONSULTANT SERVICES**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, authorized County staff to execute the Memorandum of Engagement with Lamb and Lerch to prepare an application to be filed with the Foreign Trade Zone (FTZ) to include Indian River County within the Service Area of FTZ No. 136, as recommended in the memorandum of August 5, 2013.

8.Y. STATE AID APPLICATION/AGREEMENT

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously authorized the Chairman to execute the Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreements, and return to the Library

Services Director to be forwarded to the appropriate State Library staff, as recommended in the memorandum of August 7, 2013.

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

**8.Z. REJECTION OF BIDS FOR IRC BID NO. 2013045 – SOUTH COUNTY RO
ACID TANK REPLACEMENT**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1) rejected Close Construction, LLC's bid for the replacement of the acid tank at the South County Reverse Osmosis Plant; and (2) authorized staff to revise the specifications and rebid this project, as recommended in the memorandum of August 12, 2013.

**8AA. REQUEST FOR RATIFICATION OF AN INDIAN RIVER COUNTY BOARD OF
COUNTY COMMISSIONERS AND THE FLORIDA HOUSING FINANCE
CORPORATION AGREEMENT FOR TENANT BASED RENTAL ASSISTANCE
THAT WAS EXECUTED BY COUNTY ADMINISTRATOR JOSEPH BAIRD
DURING THE BOARD'S SUMMER RECESS**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously ratified the County Administrator's action in executing the County/Florida Housing Finance Corporation Tenant Based Rental Assistance Agreement, as recommended in the memorandum of August 5, 2013.

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

8.BB. REQUEST FOR APPROVAL OF A REVISED TECHNICAL ASSISTANCE GRANT AGREEMENT BETWEEN THE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND INDIAN RIVER COUNTY

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the revised Technical Assistance Grant Agreement with the Department of Economic Opportunity (DEO) and authorized the Chairman to execute three copies of same, as recommended in the memorandum of August 7, 2013.

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

8.CC. RIGHT-OF-WAY ACQUISITION, 8570 US HIGHWAY 1, SEBASTIAN, FL 32958, PROJECT PARCEL #468, SELLER: CHARLES W. CARNEAL, JR. (DECEASED 9/28/11) C/O CAROLYN WENDELL MARKEY, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES WENDELL CARNEAL, JR.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the purchase of the property at a total price of \$3,914.47, and authorized the Chairman to execute the Purchase and Sale Agreement with Carolyn Wendell Markey, as Personal Representative of the Estate of Charles Wendell Carneal, Jr., as recommended in the memorandum of August 8, 2013.

8.DD. GRAND HARBOR NORTH PROJECT, PROPOSED WETLAND TREATMENT SYSTEM, PRELIMINARY PLAN AND ANALYSIS

Commissioner Solar explained that this item pertains to a study and report regarding the development of a proposed wetland treatment system on Grand Harbor property. He observed that it will be a cost-effective opportunity to reduce nutrient (nitrogen and phosphorus) runoff into the Lagoon.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously authorized Ecotech Consultants, Inc., and Masteller & Moler, Inc., to move forward with the Grand Harbor North project as proposed, under their existing continuing services contracts with the County Public Works and Utilities Departments, as recommended in the memorandum of August 14, 2013.

8.EE. APPROVAL OF LEASE AGREEMENT WITH INDIAN RIVER SPORTS COMPLEX, INC. FOR USE OF 16TH STREET BALL FIELDS

Commissioner Solari spoke in support of this public/private partnership with Indian River Sports Complex, Inc. (IRSC). He stated that IRSC will be upgrading and taking over the maintenance functions of the 16th Street Ball Field Complex to create a baseball complex.

Vice Chairman Davis praised the dedication of the volunteers who run these types of sports organizations.

The following residents addressed the Board regarding IRSC's plans:

Jason Redman, Sideline Radio Show - concerned about the loss of free fields for non-private groups such as Little League

Althea McKenzie, representing Gifford Little League – concerned about possible impacts to Gifford youth

Derek Muller, co-host of Sideline Radio Show – mentioned the need to have cost-free space available for other youth sports activities

Assistant County Administrator Michael Zito responded that IRSC's plan has been vetted through the baseball community for a year, and that they will be reinvesting all revenue back into the site. He stressed that the project is completely independent from Gifford Community Park, and that the recreational component of the Gifford Neighborhood Plan will be discussed on October 5, 2013.

Chris Thomas, Indian River Sports Complex, Inc., disclosed that he is in communication with Little League representatives. He described his plans for the 16th Street recreational site, and affirmed the group's intention to make the County a better baseball community.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Vice Chairman Davis, to approve and
authorize the Chairman to execute the Lease Agreement
with Indian River Sports Complex Inc.

Freddie Woolfork, 4950 57th Avenue, provided a history of the Gifford Progressive Civic League (GPCL) and asked that they be included in discussions involving the community.

A brief discussion ensued about pending lighting improvements that will soon be made at Gifford Community Park.

MOTION WAS AMENDED BY Commissioner Solari, SECONDED by Chairman Flescher, to include the clarification that the proposed lease agreement with Indian River Sports Complex, Inc. will not impact the Gifford Community; it will be at the recreational site located at 1900 16th Street (a/k/a the 16th Street Ball Fields) that is presently underutilized; and it will save the County money and provide a lot of opportunities for more young people.

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

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

8.FF. CHANGE ORDER No. 2, OLD DIXIE HIGHWAY SIDEWALK FROM 8TH STREET TO SR 60, IRC PROJECT No. 1102, BID No. 2012052

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved Change Order No. 2 to Timothy Rose Contracting, Inc., increasing the contract amount by \$37,473.97, and adding the additional 90 days to the contract time; the new contract amount will be \$366,801.94, as recommended in the memorandum of August 2, 2013.

8.GG. SELECTION OF CONTINUING PROFESSIONAL SURVEYING AND MAPPING SERVICES RFQ# 2013043 – IRC PROJECT No. 1333

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1)

approved the selection of five firms: Carter & Associates, Inc., Kimley-Horn & Associates, Inc., Masteller, Moler, Reed & Taylor, Inc., Southeastern Surveying & Mapping Corp., and Morgan & Eklund, Inc.; and (2) authorized staff to continue contract negotiations on behalf of the County with the selected firms for the Continuing Professional Surveying and Mapping Services, as recommended in the memorandum of August 9, 2013.

**8.HH. F.D.O.T. SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT
AND RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE FOR
CONSTRUCTION (RESURFACING) AND CONSTRUCTION ENGINEERING
INSPECTION (CEI) SERVICES OF INDIAN RIVER BOULEVARD FROM SR-
5/US1 TO SR-656/17TH STREET, IRC PROJECT NO. 1302 FM NO. 433067-
1-58-01**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-076** with the Florida Department of Transportation, authorizing the Chairman's execution of a Small County Outreach Program Agreement for construction (resurfacing) and construction engineering inspection (CEI) services of Indian River Boulevard from SR-5/US1 to SR-656/17th Street.

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

**8.II. AMENDMENT NO. 1 TO WORK ORDER NO. 1, DUNKELBERGER
ENGINEERING AND TESTING, INC. FOR 66TH AVENUE ROADWAY
IMPROVEMENTS – PHASE 2 (4TH STREET TO 16TH STREET) IRC PROJECT
No. 9810B**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 1 to Work Order No. 1 with Dunkelberger Engineering and Testing, Inc., authorizing the above-mentioned professional services as outlined in the Scope of Services, for a not-to-exceed amount of \$42,060.00, as recommended in the memorandum of August 9, 2013.

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

**8.JJ. SELECTION OF CONTINUING ENVIRONMENTAL AND BIOLOGICAL SUPPORT
SERVICES FOR CIVIL AND ENVIRONMENTAL ENGINEERING PROJECTS
RFO# 2013044 IRC PROJECT No. 1334**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the selection of three firms: G.K. Environmental Consultants, Inc., Kimley-Horn & Associates, Inc., and Cardno ENTRIX; and (2) authorized staff to continue contract negotiations on behalf of the County with the selected firms for the Continuing Environmental and Biological Support Services for Civil and Environmental

Engineering projects, as recommended in the memorandum of August 7, 2013.

8.KK. AMENDMENT NO. 4 TO WORK ORDER NO. 1 – G.K. ENVIRONMENTAL, INC., OSLO ROAD BOAT RAMP, IRC PROJECT NO. 0381

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 4 to Work Order No. 1 with G.K. Environmental, Inc., in the not-to-exceed sum of \$19,705.00, authorizing the services as outlined in the Professional Services Agreement, as recommended in the memorandum of August 9, 2013.

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

8.LL. APPROVAL OF LEASE AGREEMENT WITH INDIAN RIVER LACROSSE ASSOCIATION, INC.

Commissioner O'Bryan noted that this is another great example of a public/private partnership, and a great opportunity. Indian River Lacrosse Association, Inc. (IRLAX) will be leasing and taking over the maintenance of the multi-purpose fields at Dick Bird Park (a/k/a South County Regional Park) to facilitate lacrosse functions in the County.

Brian Connelly, Chairman IRLAX, gave an overview of the organization and its plans to make the region a premier lacrosse site. He said that IRLAX will be partnering with the County to bring in lacrosse teams from all across the State, and a tournament is being planned in the Fall.

Commissioner O'Bryan suggested the possibility of also using the fields for ultimate Frisbee competitions.

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

Jason Redman, Sideline Radio Show, stated that he was not opposed to lacrosse, but was concerned about tying up the multipurpose fields. He was worried about running out of accessible space for football and other sports.

A brief discussion ensued about the possibility of the Vero Beach Sports Village making free space available for local youth sports teams; and about the need to have a field available for the youngsters to practice in.

Commissioner Solari suggested researching the use of the old Gifford Landfill site for sports fields, and also invited the public to let the Commissioners know what is needed in terms of playing fields.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved **Resolution 2013-077**, approving a community interest lease agreement with the Indian River Lacrosse Association, Inc., for County owned property at Dick Bird Park (f/n/a/ South County Park); and (2) approved and authorized the Chairman to execute the Lease Agreement with Indian River Lacrosse Association, Inc., as recommended in the memorandum of August 1, 2013.

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

8.MM. 26TH STREET ADVANCE ACQUISITION OF RIGHT-OF-WAY – 2605 47TH

AVENUE

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved and authorized the Chairman to execute the Contracts for Sale and Purchase of the Langdon parcel (in the Davilla Park Subdivision) for \$85,000; (2) directed that the needed right-of-way be taken from the property after purchase; and (3) authorized sale of the remainder property at sealed bid, all as recommended in the memorandum of August 13, 2013.

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

8.NN. 26TH STREET ADVANCE ACQUISITION OF RIGHT-OF-WAY – 5020 26TH

STREET

Vice Chairman Davis disclosed that he had a conflict of interest on this item, and would abstain from voting.

(Clerk's Note: Form 8.B. Memorandum of Voting Conflict is attached as Addendum A).

Attorney Reingold counseled the Board to note that this item is being approved without an appraisal being done.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Zorc, to (1) approve and authorize the Chairman to execute the Contract for Sale and Purchase with Bamaric of Vero Beach, LLC, for

\$72,911.41 (for parcel in Indian River Farms Co. Subdivision), with the understanding that no appraisal was done on the property; (2) direct that the needed right-of-way be taken from the property after purchase; and (3) authorize sale of the remainder property at sealed bid.

Commissioner O'Bryan noted that the 10% commission that is being charged on this transaction seems excessive, and questioned why the usual 6% fee on residential was not charged.

Administrator Baird explained the circumstances, affirmed that this is an overall great opportunity for the County, and acknowledged that henceforth he would be sure to have the commission amount clarified up front.

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

8.00. CONVEYANCE OF A MODIFIED EASEMENT TO FLORIDA DEPARTMENT OF TRANSPORTATION FOR NEW U.S. 1 SOUTH COUNTY BRIDGE

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-078**, authorizing the Chairman's execution of a Modified Perpetual Easement to the Florida Department of Transportation for construction of a bridge over Old Dixie Highway and the railroad tracks along US Highway 1 at the South County Line.

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

8.PP. MISCELLANEOUS BUDGET AMENDMENT 023

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-079**, amending the Fiscal Year 2012-2013 budget.

8.QQ. AMENDMENT NO. 1 TO INDIAN RIVER COUNTY SOUTH COUNTY REGIONAL PARK INTERGENERATIONAL RECREATION FACILITY PROFESSIONAL CIVIL ENGINEERING AND ARCHITECTURAL SERVICES CONSULTANT AGREEMENT RFQ No. 2012024 – IRC PROJECT NO. 1135

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 1 with Borrelli & Partners, Inc., in the amount of \$243,783.00 as recommended in the memorandum of August 13, 2013.

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

8.RR. REQUEST FOR SATISFACTION OF CODE ENFORCEMENT LIEN AT 1776 CYPRESS LANE, SEAGROVE SUBDIVISION

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

- (1) settlement of the Code Enforcement Lien at 1776 Cypress Lane (owned by Susan Callahan) for \$1,500; and
- (2) authorized staff to execute a satisfaction of the lien

upon payment of the settlement amount and the property's compliance with code, as recommended in the memorandum of August 14, 2013.

8.SS. PROCLAMATION AND RETIREMENT AWARD HONORING ALAN K. WHEATLEY ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF UTILITY SERVICES/WASTEWATER COLLECTION WITH NINETEEN YEARS SERVICE

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the Retirement Award and Proclamation honoring Alan K. Wheatley on his retirement from the Indian River County Department of Utility Services/Wastewater Collection, with nineteen years of service.

8.TT. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD HONORING GREG HALL ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF PUBLIC WORKS ROAD & BRIDGE DIVISION WITH THIRTY-SEVEN YEARS SERVICE

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the Retirement Award and Proclamation honoring Greg Hall on his retirement from the Indian River County Department of Public Works Road & Bridge Division, with thirty-seven years of service.

The Chairman called a recess at 10:25 a.m., and reconvened the meeting at 10:43 a.m., with all members present.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS – LESLIE R. SWAN
REQUEST FOR CERTIFICATION THAT THE BOARD OF COUNTY
COMMISSIONERS WILL PROVIDE MATCHING FUNDS FOR THE FEDERAL
ELECTION ACTIVITIES GRANT FOR FY 2013-2014

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the Certificate Regarding Matching Funds and the Certificate of Equipment for Casting and Counting Ballots, as requested in the letter of July 30, 2013.

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

9.B. INDIAN RIVER COUNTY SHERIFF – DERYL LOAR

9.B.1. EXPENDITURE FROM THE CRIMINAL AND SEX OFFENDER REGISTRANT
FEE ACCOUNT

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the expenditure of \$21,043 from the Criminal and Sex Offender Registrant Fee account for the purchase of the following items: Camera system storage upgrade; Scanner for inmate records; Fax card for copier machine; Rapid ID

device; Fixed color day/night IP cameras (12); and Chairs (10) for registrant processing area, for a total of \$21,043, as requested in the letter of July 30, 2013.

9.B.2. REQUEST FOR BUDGET AMENDMENT THAT PROCEEDS FROM AUCTION OF SURPLUS PROPERTY AND VEHICLES BE USED TO ACQUIRE LIKE-KIND PROPERTY

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously authorized the Sheriff to expend the \$32,998.00 netted from the June 27, 2013 public auction of surplus property and vehicles, for the acquisition of new like-kind property within the current fiscal year, as requested in the letter of August 12, 2013.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. COUNTY INITIATED REQUEST TO REDESIGNATE ± 70 ACRES FROM C-2, CONSERVATION-2 (UP TO 1 UNIT/40 ACRES), AND L-2, LOW-DENSITY RESIDENTIAL-2 (UP TO 6 UNITS/ACRE), TO C-1, CONSERVATION-1 (ZERO DENSITY), AND REZONE THOSE ± 70 ACRES FROM RS-6 SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE), AND RS-1, SINGLE FAMILY RESIDENTIAL DISTRICT (UP TO 1 UNIT/ACRE), TO CON-1, CONSERVATION-1 DISTRICT (ZERO DENSITY) (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 used a PowerPoint Presentation (copy on file) to provide background and analysis on the County's purchase of the Oslo Riverfront Conservation Area (ORCA) Diamond Tract. He stated that a Florida Communities Trust (FCT) 50% cost-sharing funding grant was awarded to the County for acquisition of the property, with the requirement that the County amends the Future Land Use and Zoning designations of the tract to Conservation-1 (C-1), Publicly Owned Conservation. Director Keating thereafter presented the recommendations of the Planning & Zoning Commission (P&Z) and staff for the Board to transmit the future land use amendment to state and regional review agencies, and advised that after comments are received by said parties, there will be a final public hearing.

The Chairman opened the Public Hearing.

Sharon Kolor, 545 Honeysuckle Lane, commented that she hoped that this action would make improvements to the Oslo Boat Ramp impossible.

Director Keating replied that it would have no effect on the boat ramp project.

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

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously adopted **Resolution 2013-080**, approving the transmittal of a proposed Indian River County Comprehensive Plan Future Land Use Map Amendment to state and regional review agencies.

10.A.2. CONSIDERATION OF PROPOSED LAND DEVELOPMENT REGULATION
(LDR) AMENDMENT TO SECTION 911.15(1)(D), WEST COUNTY
INDUSTRIAL PARK HEIGHT EXCEPTION (LEGISLATIVE)

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

Planning Director Stan Boling, through review of his memorandum of July 15, 2013, provided background and analysis on the Board's proposed Economic Development Initiative to amend the County's Land Development Regulations (LDRs), Section 911.15(1)(d), for the purpose of accommodating taller distribution facilities or industrial buildings. He recalled that the West County Industrial Park Height Exception was adopted in 2004 for the CVS Distribution Center west of I-95 at the Indian River Park of Commerce, and reviewed the proposed changes to the height exception regulations. He also pointed out that the sunset language in the current LDR needs to be deleted. Director Boling confirmed that both the Planning & Zoning Commission and staff recommend that the Board approve the amendments to the West County Industrial Park Height Exception, through adoption of the proposed Ordinance.

Director Boling addressed the Board's questions about the proposed setbacks and the areas where the height exceptions would be permitted.

Commissioner Zorc noted that the amendment will allow the County to accommodate burgeoning technology, such as the automated storage systems that are used by businesses such as CVS.

The Chairman opened the Public Hearing.

Daniel Lamson, Executive Director, 737 Timber Ridge Trail Apt. B, read a statement on behalf of Indian River Neighborhood Association, supporting the height exceptions and the expansion of the West County Industrial Park.

Penny Chandler, Indian River County Chamber of Commerce, recalled past struggles to accommodate CVS when they moved to the community, and voiced enthusiasm for the proposed amendment.

There were no additional speakers, and the Chairman closed the Public Hearing.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Flescher, to adopt **Ordinance 2013-010**, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 911, Zoning, by amending the West County Industrial Park Height Exception Regulations of Section 911.15; and by providing for repeal of conflicting provisions, codification, severability, and effective date.

A brief discussion ensued about the advantages of having CVS in the County.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

10.A.3. PROVIDENCE POINTE VERO BEACH, LLC'S REQUEST TO REZONE APPROXIMATELY 186.33 ACRES FROM A-1, AGRICULTURAL 1 (UP TO 1 UNIT/5 ACRES), AND RS-3, RESIDENTIAL SINGLE-FAMILY (UP TO 3 UNITS/ACRE), TO PLANNED DEVELOPMENT TRADITIONAL NEIGHBORHOOD DESIGN (PDTND) AND TO OBTAIN CONCEPTUAL PLANNED DEVELOPMENT PLAN APPROVAL FOR A PROJECT TO BE KNOWN AS PROVIDENCE POINTE (LEGISLATIVE)

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

Planning Director Stan Boling, through a PowerPoint Presentation, provided background and analysis on the request of Providence Pointe Vero Beach, LLC's to rezone a +180 acre site located south of 53rd Street, west of 58th Avenue and north of 49th Street, from Agriculture-1 (A-1) and Residential Single-Family (RS-3) to Planned Development Traditional Neighborhood Design (PDTND). He stated that the proposed community (Providence Pointe) will have many amenities, including residential units; a hotel; lake/amphitheater; golf course; clubhouse; open spaces/walkable areas; a marsh and Bald Eagle Preserve; and a marketplace area. He noted that the project will be built in phases; parts of the community will be open to the public; and the site work will include future right-of-way dedications, road improvements, and buffer zones. After reviewing the traffic circulation and stormwater plans, he conveyed the recommendations of the Planning & Zoning Commission and staff, for the Board to adopt the proposed Ordinance approving the rezoning, and approve the conceptual Planned Development Traditional Neighborhood Design Plan, with the conditions outlined in staff's report (see Motion).

Commissioner O'Bryan commented on other subdivisions that have struggled, and wanted an assurance that this project has something unique to offer.

Vice Chairman Davis wondered what would be the most effective way to build out each phase of the development with regards to the amenities.

Commissioners Flescher, Solari, and Davis spoke in support of the project, and commended the development team on the details and vision that have gone into the conceptual plan.

The Chairman opened the Public Hearing.

Renee Renzi, Waverly Place, voiced concerns about traffic impacts.

Daniel Lamson read a statement supporting the project.

Andrew Kennedy, 2050 US Highway 1, Suite 200, Project Developer, used a PowerPoint Presentation to give a comprehensive overview of the project.

Bruce Barkett, representing Providence Pointe Vero Beach LLC, advised that Providence Pointe is envisioned primarily as a long-term rental community, a new concept for Indian River County. He projected the commencement date to be June 2014, if the project is approved by the Board. Mr. Barkett also recognized the founder and CEO of Providence Point, Joseph J. Barile, who was present in the audience.

Jane Schnee, 1022 Foster Rd., Sebastian, stated that this might be a good time to get more native plantings into new developments.

Todd W. Bonnett, Bonnett Design Group, spoke about sustainability, and disclosed that the design team plans to use drought-tolerant and native plants in the landscaping.

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

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously: (1) adopted **Ordinance 2013-011**, amending the Zoning Ordinance and the accompanying Zoning Map from A-1 Agricultural 1 (up to 1 unit/5 acres), and RS-3, Residential Single-Family (up to 3 units/acre), to PDTND, Planned Development Traditional Neighborhood Design, for approximately 186.33 acres of land generally located south of 53rd Street, west of 58th Avenue, and north of 49th Street and described herein and providing for an effective

date; and (2) approved the proposed Planned Development Traditional Neighborhood Design (PDTND) rezoning and the conceptual Planned Development (PD) plan, with the following conditions:

1. Prior to or via any final plat, the applicant shall restrict the planting and maintenance of Caribbean Fruit Fly and Citrus Greening host plants on all PD sites. Said host plant prohibition shall be included in covenants and restrictions filed on project properties.

2. Prior to approval of the Land Development Permit (LDP) plan for Phase I, the applicant shall dedicate the ultimate right-of-way for 49th Street and 58th Avenue adjacent to the project, with density credit provided for Providence Pointe, as shown on the conceptual PD plan. In addition, the applicant shall dedicate the small portion of 49th Street right-of-way shown on sheet 4 of the conceptual plan in advance of the Phase I LDP when notified by the County.

3. Prior to the issuance of a land clearing and tree removal permit, the applicant shall document that all agencies have approved the Conservation and Habitat Management Plan and issued any required jurisdictional permits.

4. Prior to approval of the preliminary PD plan for Phase I, the applicant shall enter into a developer's agreement that provides for all off-site traffic improvements and stormwater capacity for adjacent streets required by Traffic Engineering.

5. Prior to the issuance of a land development permit for Phase I, the applicant shall: a. Submit a sign package for the Market Place commercial/area and obtain approval of

the sign package from staff. The sign package must comply with County Corridor Plan requirements and demonstrate a consistent aesthetic theme for the entire project. b. Provide a final design, acceptable to Traffic Engineering and Metropolitan Planning Organization (MPO) staff, for the project transit stops. c. Provide a final design, acceptable to Engineering, for stormwater capacity for run-off from adjacent public roads.

6. Prior to the issuance of the first certificate of completion for any preliminary PD plan within any sub-phase of Phase I, the applicant shall: a. Complete or bond out the sidewalk segment on 49th Street and 58th Avenue adjacent to Phase I. b. Pave that portion of 53rd Street from 58th Avenue to the western project driveway.

c. Complete all site related traffic improvements depicted on the preliminary PD plan and listed in section 13 of the staff report that serve that portion of Phase I or sub-phase of Phase I.

7. Prior to issuance of a certificate of completion for Phase 1b, the applicant shall pave that portion of 49th Street adjacent to Phase 1b as shown on the preliminary PD plan.

8. Prior to or via the final plat approval for Phase I, the applicant shall dedicate the 120' right-of-way for 53rd Street to the County, subject to the terms of a developer's agreement.

9. Prior to the issuance of a certificate of completion for Phase II, the applicant shall complete all site-related traffic improvements required to serve Phase II, as identified by

Traffic Engineering and listed in the approved traffic impact analysis;

10. Prior to issuance of a certificate of completion for Phase III, the applicant shall complete all site-related improvements required to serve Phase III, as identified by Traffic Engineering and listed in the approved traffic impact analysis;

11. Prior to or via the final plat for Phase IIA, the applicant shall escrow the applicant's fair share for the future paving of the project's remaining 53rd Street frontage;

12. All preliminary PD plan/plats shall be subject to the following conditions: a. All Market Place blocks and all mixed use areas shall be subject to and shall demonstrate compliance with the County Corridor Criteria or Planning & Zoning Commission approved alternative requirements for landscaping. b. Preliminary PD plans shall include final architectural and streetscape designs, acceptable to the Planning and Zoning Commission, for implementing Future Land Use Policy 18.1, and demonstrate compliance with Section 915.13(5). c. All buildings at street corners in the Market Place commercial shall be designed to be accessible from both streets and street sidewalks; d. All buildings in the Market Place shall be two stories or have a vertical mass similar to a two-story building, unless otherwise approved by the Planning and Zoning Commission. e. All single-family phases shall include submittal of a plan book, approved by staff, demonstrating compliance with Policy 18.1 criteria and Section 915.13(5). f. Commercial/office uses in the Market

Place/mixed use areas shall be limited to 72,000 square feet. g. The streetscape (buildings and landscape) shall be consistent on both sides of any street, even between different use types.

13. The Providence Pointe project site shall revert to its original (current as of August 2013) zoning if construction has not commenced within seven years of the approval of the conceptual PD plan and rezoning; and

14. Prior to or via each final plat that is adjacent to the Urban Service Area boundary, the applicant will provide a notice pursuant to Florida Statutes 163.3163, if required by that statute.

The Chairman called a recess at 12:36 p.m., and reconvened the meeting at 1:07 p.m., with all members present.

**10.A.4. PROPOSED FERTILIZER AND LANDSCAPE MANAGEMENT ORDINANCE,
PUBLIC HEARING/CONSIDERATION OF FINAL ADOPTION (LEGISLATIVE)**

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

(Clerk's Note 1: The Board voted to discuss this item after Item 14.D.1; however at the request of a public speaker, the Board agreed to discuss this following Item 12.A.1. It is placed here for continuity).

County Attorney Dylan Reingold recalled the Board's direction on July 2, 2013 for the County Attorney's Office to draft an ordinance based upon the Florida Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes (the "Model Fertilizer Ordinance"), with the addition of an education/enforcement component. He stated that on July 18, 2013, a Special Call Meeting was held at which the Board

made additional changes to the Model Fertilizer Ordinance, and he is now presenting the revised draft ordinance for Board approval, with the following amendments:

- Require the use of slow release nitrogen
- Prohibit Phosphorous (without soil testing)
- Establish a 10' separation between fertilized areas and the water bodies enumerated in the Model Ordinance
- Exempt commercial applicators who receive certification through the Model Fertilizer training programs from the additional stringent standards adopted by the Board, and subject them only to the requirements consistent with the Model Fertilizer Ordinance

Vice Chairman Davis relayed the suggestions of the Agricultural Advisory Committee (AAC) regarding the proposed Ordinance and related matters:

- Reclassify the County in the University of Florida (UF) Institute of Food & Agricultural Sciences (IFAS) Extension Administrative District as a central sector
- Ensure that references to soil testing stipulate that verification of a soil or plant tissue deficiency must be verified by a UF IFAS approved testing methodology
- Encourage the slow-release nitrogen even for those who receive certification in the “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries” fertilizer Best Management Practices (BMP’s) or an equivalent program
- Employ a horticulture agent with a stormwater background for the educational component of the ordinance

Commissioner Zorc relayed that he has learned that many professional applicators are not averse to a summer ban on fertilizer application, and he has reversed his earlier position of exempting licensed applicators from several provisions in the Ordinance.

Commissioner Solari wanted to restrict nitrogen usage to no more than 2 pounds per 1,000 square feet for any residential area annually.

Chairman Flescher was concerned that individuals attaining a BMP certification through a brief course would be granted the same exemptions as certified professionals.

Commissioner O'Bryan reported that phosphorous-free landscape plant fertilizer is not available, and suggested eliminating the reference to landscape plants in Sections 316.6(a) and (b).

The Chairman called a recess at 4:11 p.m., and reconvened the meeting at 4:17 p.m., with all members present.

The Chairman opened the Public Hearing.

(Clerk's Note 2: Various speakers presented to the Board data regarding turf grasses, fertilizer, actions taken in other counties, rain patterns, issues contributing to the degradation of the Lagoon, and related matters; these documents are on file in the Office of the Clerk to the Board.

Chairman Flescher, assisted by Attorney Reingold, confirmed for Bob Johnson that the Indian River Lagoon has been declared a nutrient impaired water body by the Florida Department of Environmental Protection (FDEP), and that it is necessary for the County to adopt the proposed Ordinance.

The below speakers addressed the Board with arguments supporting a more stringent Ordinance than the FDEP's Model Fertilizer Ordinance. In addition, individuals who advocated a summer fertilizer ban are bracketed, and those who mentioned removing the exemption for certified professional applicators are indicated with an asterisk.

[Cris Costello] Sierra Club Regional Representative, 2815 Proctor Road, Sarasota

[John Beukers] 6530 36th Place, representing the Indian River Neighborhood Association
(IRNA)

[Sharon Kolor] 545 Honeysuckle Lane*

[Lange Sykes] 836 Riomar Drive*

[Cory Westbrook] 1955 3rd Street*

[Diane Morgan] 416 14th Avenue*

[John Davis] 2400 3rd Place SW

Brendan Burk, 516 Conn Way

Kevin Doty, 411 Holly Road

Jane Schnee, 1022 Foster Rd., urged the Board to ban “starter” fertilizers and weed and feed products in addition to the fertilizer restrictions.

[Judy Orcutt] 4665 Pebble Bay South*

[John Orcutt] 4665 Pebble Bay South*

[Richard Baker] Pelican Audubon Society

[Mary Sphar] 819 Heron Rd., Cocoa

Daniel Lamson, Executive Director, Indian River Neighborhood Association, presented a written statement (copy on file), supporting the restricted period and asking that the definition of heavy rain be reinserted into the Ordinance

The Chairman called a recess at 6:48 p.m., and reconvened the meeting at 6:59 p.m., with all members present.

The below speakers provided arguments opposing a rainy season ban on fertilizer application:

Pete Snyder, Executive Director, Florida Turf Grass Association

Todd Josco, 2800 West Azele Street, Tampa, representing the Florida Turfgrass Association

Bryan Combs, Regional Field Trainer with Arrow Exterminators

Greg Pheneger, 607 Cypress Rd.

Robert Schleis, 885 23rd Place SW

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

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to adopt **Ordinance 2013-012**, amending the code of Indian River County to establish a new Chapter 316, entitled "Fertilizer and Landscape Management;" adopting the Florida Department of Environmental Protection's (FDEP's) Model Ordinance for Florida-Friendly Use of Fertilizer on Urban Landscapes, providing for severability, codification and an effective date, with the following modifications and findings: (1) fertilizer shall not be applied within ten feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection, or from the top of a seawall; (2) no fertilizer containing phosphorous shall be applied to turf or landscape plants unless a soil or plant tissue deficiency is verified by a University of Florida Institute of Food and Agriculture Sciences approved testing methodology; (3) the nitrogen content of fertilizer applied to turf or landscape plants shall contain at least 50% slow release nitrogen per guaranteed analysis label; and (4) there will be no exemptions from the above additional requirements for licensed professional applicators.

Commissioner O'Bryan stated that given the conflicting data presented by various public speakers, the Board should err on the side of protecting the Lagoon and saving the seagrasses.

Commissioner Solari asked that the County Attorney post a summary of the Ordinance on the County's website, with a link to the actual document, and allow the public 30 days to become familiar with the new legislation before it takes effect.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Commissioner O'Bryan, to include establishing the effective date of the ordinance to be 30 days subsequent to the County Attorney's posting on the website a summary of the Ordinance with a link to the actual document.

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

(Clerk's Note: Following are additional actions that were taken with regards to the above Motion and Amendment for incorporation into the Ordinance).

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Flescher, to add to Ordinance 2013-012, Section 316.3. Timing of Fertilizer Application, a restricted season prohibiting fertilizer application in the months of June, July, August, and September.

Chairman Flescher stated that he had reversed his position, and would now support the restricted period, because all possible measures should be employed to restore the Lagoon's health.

Vice Chairman Davis declared that based on science, he was opposed to the summer fertilizer restriction, and that the Board appears to be moving more towards enforcement than education.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Solari and Davis opposed), the Motion carried.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, to add a new position to the Public Works Department to address issues pertaining to Chapter 315, Fertilizer and Landscape Management.

Commissioner Zorc suggested checking with other counties to see how they are monitoring the success of their fertilizer ordinances. He also wanted to incorporate any applicable portions of the “Be Floridian” program to the County’s educational plan.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Chairman Flescher, to include direction to the new Public Works employee to update the Board on the “Be Floridian” educational program, and to explore ways to monitor the impact of the ordinance on the Lagoon’s health.

Administrator Baird stated that he would begin advertising the Public Works position and make the necessary budget amendments to accommodate the new position.

Discussion ensued regarding the responsibilities of the new person. It was clarified that the Public Works employee would be handling both the code enforcement and educational issues pertaining to fertilizer and landscape management.

Attorney Reingold advised that he would return to the Board with details on the new position; an amendment to Resolution 92-59 regarding penalties for County Code Violations; and recommendations on fines and timeframes relative to notices and satisfactions of violations of Ordinance 2013-012.

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

Vice Chairman Davis reiterated the recommendations of the Agricultural Advisory Committee.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved to reclassify the County as a central region in the University of Florida (UF) Institute of Food & Agricultural Sciences (IFAS) Extension Administrative Districts.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, to insert in the last sentence of Section 316.7(c) that "nitrogen or phosphorous fertilizer shall not be applied ...unless a soil or plant tissue deficiency has been verified by a University of Florida Institute of Food and Agricultural Sciences approved testing methodology."

Attorney Reingold advised that relative to Commissioner Solari's Motion to apply the Ordinance to licensed professional applicators as well as individuals, the provision might no longer be applicable.

The Commissioners acknowledged that the provision may not need to be inserted, but wished to proceed with the vote nonetheless.

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

After a brief discussion, with input from Attorney Reingold and **Ms. Costello**, the Board decided to include in its version the same definition of heavy rain that was in FDEP's Model Ordinance.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved to add to the definition section of Ordinance 2013-012, "Heavy Rain" shall mean rainfall greater than 50 mm (2 inches) in a 24 hour period.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM B. J. MCCLURE, ATTORNEY FOR INDIAN RIVER AERODROME PROPERTY OWNERS ASSOCIATION (IRAPOA) REGARDING TERMINATION OF IRAPOA WATER PROJECT UCP-4100

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

B. J. McClure, Esquire, 395 Nieuport Drive, representing the Indian River Aerodrome Property Owners Association (IRAPOA) alleged that on April 16, 2013, Water Project No. UCP-

4100 was approved by mistake, inadvertence, neglect, and/or misrepresentation. He directed the Board's attention to the petitions (pages 597 through 604 of the agenda package) that were recently signed by 73.6% of the owners, asking the Board to terminate the enterprise. He said that the homeowners feel they were misled, and that the original petitions were executed on the basis that no cost was involved to the owners and taxpayers; they thought they were only requesting an estimate of the costs involved in getting the water service. He disagreed with the concept of obtaining survey and engineering costs before the project starts, and stressed that the majority of property owners do not want County-supplied potable water or reuse water service at the Indian River Aerodrome subdivision.

Commissioner O'Bryan explained that on April 16, 2013, the Board's sole approval was related to proceeding with an engineering survey to determine costs, before the owners make a decision.

A discussion followed and the Board encouraged the homeowners to wait for the cost analysis to come forward.

Commissioner Zorc suggested improving the water service petition to make it clearer, and emailing the petitioners to keep them informed, with assurances that they are receiving an informational communication, not making a commitment.

Director of Utilities Vincent Burke advised that the residents had come to the County requesting the water service, and that after cost estimates for the project are reviewed, there will be a meeting with the homeowners. He also noted that utilities' staff is working on updating its policies and procedures.

No Board Action Required or Taken

**10.B.2. REQUEST TO SPEAK FROM JIM DAVIS REGARDING INDIAN RIVER
AERODROME WATER PROJECT NO. UCP-4100 REINSTATEMENT OF
ESTIMATE STUDY FOR COUNTY WATER**

Jim Davis, 270 Nieuport Drive, spoke in favor of continuing with the cost survey. He affirmed that the original petition was signed by 66% of the residents, and it clearly stated that the County would be conducting the study at no cost to the homeowners. He outlined his concerns about the safety of the water in the area and the lack of a nearby fire hydrant, and asked the Board to direct the Utility Department to complete the survey and present its findings to the residents at a future meeting so every resident can decide whether or not to have County water service.

Chairman Flescher affirmed that the Board had voted only to proceed with getting the cost estimates for the survey, not to go ahead with the project.

Commissioner Solari deemed that the Board was doing the right thing by finding out what the costs would be for a project that could potentially minimize the use of wells, which can lead to environmental issues.

Bill Ford, Aerodrome property owner, sought and received confirmation that residents will have ample opportunity to approve or reject the proposed water service.

A speaker (name undisclosed) advised that while the homeowners may be assessed for the project if it comes to fruition, they are not mandated to hook up to County water.

Gwen Garner, 8520 Waco Way, declared that the original petitions were not circulated to 100% of the homeowners, and felt that the Utilities Department should have contacted each petitioner to confirm they wanted the water service. She asked the Board to scrap both petitions and find out how many owners want County water.

Responding to Board questions, Director Burke discussed the notification process that is used in the Utilities Department, and agreed that a section for email addresses could be added to the petition document.

Director Burke advised that the cost estimate for the water project will be distributed to all residents who live within the confines of the Aerodrome; and after the residents vote on whether or not to proceed, the new information will be presented to the Board.

Vice Chairman Davis reminded the homeowners that they may qualify for an insurance discount if their homes are proximate to a fire hydrant.

No Board Action Required or Taken

**10.B.3. REQUEST TO SPEAK FROM ARDRA AND BILL RIGBY REGARDING
EQUALITY AND AFFIRMATIVE OPPORTUNITY**

(Clerk's Note: Ardra Rigby was not present)

William Rigby, 8465 59th Avenue, sought information from the Board regarding the location of the HUBZone (Historically Underutilized Business Area) in the County, and about the Comprehensive Plan.

Attorney Reingold suggested that the Board defer engaging in dialogue with the speaker, as he has filed a lawsuit alleging Civil Rights Action claims.

A brief discussion followed, wherein Mr. Rigby was advised to get the information from Senior Planner Bill Schutt in the Community Development Department.

Mr. Rigby quoted statistics from the Equal Employment Opportunity Plan (EEO) to point out the absence of African-American men and women in administrative and executive

positions in the County. He urged the Board to work with the community and civic groups to address this disparity, so that all citizens can participate in the economic development process.

No Board Action Required or Taken

10.B.4. DELETED: REQUEST TO SPEAK FROM NEAL ABARBANELL REGARDING LONG TO BE RESOLVED PROBLEMS REGARDING COUNTY CODE ENFORCEMENT'S AND PUBLIC SAFETY'S FAILURE TO ADDRESS/SELECTION POLICIES AND RULES IN RURAL AREA OF INDIAN RIVER COUNTY

10.B.5. REQUEST TO SPEAK FROM CHARLES WILSON REGARDING DEPOSITING MONEY WITH THE COUNTY

The Chairman called a recess at 2:48 p.m., and reconvened the meeting at 3:02 p.m., with Vice Chairman Davis presiding until Chairman Flescher rejoined the Board at 3:05 p.m.

Charlie Wilson, 2001 9th Ave., challenged policies and procedures regarding impact fee refunds to Sebastian residents; the noticing to individuals prior to the expiration of their escrow fund deposits; and the reclassification of the \$1 million received from the Windsor land swap with the County, from an escrow account into the General Fund.

Following discussion, Commissioner O'Bryan asked Director Keating to see if the City of Sebastian's Building Department will implement a notification policy similar to the County's, on impact fee refunds.

Clerk of the Circuit Court and Comptroller Jeffrey Smith confirmed that his office reviews the escrow deposits annually with County staff to see if any monies need to be refunded. Regarding the County's land swap with Windsor, he advised that the funds were transferred due

to a change in governmental accounting standards. He stressed that the funds are in a restricted fund that cannot be spent without Board approval at an open meeting.

Budget Director Jason Brown affirmed that the State monitors the funds to ensure they are spent properly, and displayed the County's Comprehensive Annual Financial Report (CAFR) showing a \$1 million fund balance for Parks and Recreational Projects.

No Board Action Required or Taken

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS- NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

**12.A.1. REQUEST TO APPROVE AN AMENDED AND RE-STATED AGREEMENT
BETWEEN INDIAN RIVER HABITAT FOR HUMANITY AND INDIAN RIVER
COUNTY FOR NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMMATIC
SERVICES AND AMENDED AND RE-STATED NSP3 SINGLE-FAMILY
PURCHASE, REDEVELOPMENT AND SALES PROGRAM MANUAL**

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

Commissioner O'Bryan mentioned that the lender which had been buying Habitat for Humanity's zero interest mortgage rates is no longer buying the loans. He wondered if Habitat

for Humanity (Habitat) has inquired about the possibility of charging a minimal interest rate in order to find a lender.

Andy Bowler, 4568 North US Highway 1, disclosed that, as a 501c3 nonprofit organization, Habit may not charge interest.

At this time, **Lange Sykes** approached the Board to request that they initiate the public hearing on the fertilizer ordinance. The Board CONSENSUS was to do so after the vote is taken on the Motion.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved the proposed Amended and Re-stated Neighborhood Stabilization Program 3 (NSP3) Developer's Agreement between Indian River County and Indian River Habitat for Humanity; (2) approved the proposed Amended and Re-stated NSP3 Single-Family Purchase, Redevelopment and Sales Program Manual; (3) authorized the Community Development Director to make any changes to the proposed Amended and Re-stated NSP3 Developer's Agreement between Indian River County and Indian River Habitat for Humanity and to the proposed modifications to the NSP3 Single-Family Purchase, Redevelopment and Sales Program Manual that may be required by the U.S. Department of Housing and Urban Development; (4) authorized the Chairman to execute the proposed Amended and Re-stated NSP3 Developer's Agreement between Indian River County and Indian River Habitat for Humanity; and (5) authorized the Chairman to execute the proposed Amended and Re-stated NSP3 Single-Family

Purchase, Redevelopment and Sales Program Manual, as recommended in the memorandum of August 12, 2013.

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

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. RECREATIONAL REVENUE REFUNDING BONDS, SERIES 2003,
APPROVAL OF RESOLUTION FOR EARLY PAYOFF**

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2013-081**, authorizing the redemption and payment of the County's outstanding recreational revenue refunding bonds, Series 2003; authorizing an interfund loan from General Fund Reserves in the amount of \$1,565,000 to the Golf Course to fund the redemption of the Series 2003 bonds, authorizing the proper officers of the County to do all acts necessary and proper for carrying

out the transactions contemplated by this Resolution; and providing for an effective date.

12.G.2. SPRING TRAINING FACILITY REVENUE BONDS, SERIES 2001 APPROVAL OF RESOLUTION FOR PARTIAL EARLY PAYOFF BUDGET AMENDMENT 024

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved: (1) **Resolution 2013-082**, authorizing the redemption and payment of a portion of the County's outstanding Spring Training Facility Revenue Bonds, Series 2001; authorizing the use of General Fund Reserves in the amount of \$2,275,000 to pay down this debt; authorizing the proper officers of the County to do all acts necessary and proper for carrying out the transactions contemplated by this Resolution; and providing for an effective date; and (2) **Resolution 2013-083**, amending the Fiscal Year 2012-2013 budget.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

12.J.1. EVALUATION OF RECEIVING TOTAL MAXIMUM DAILY LOAD (TMDL) CREDITS FOR PAST PROJECTS

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved and authorized the Chairman to execute Work Order No. 8

with MBV Engineering, Inc., authorizing professional services for a Phase I lump sum amount of \$9,600.00, and Phase II hourly not to exceed amount of \$51,900.00, contingent on a second agenda item and subsequent approval of the additional work, as outlined and recommended in the memorandum of August 9, 2013.

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

12.J.2. SEWER FEASIBILITY STUDY FOR THE NORTH SEBASTIAN AREA – UCP

4101

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

Vice Chairman Davis inquired about the possibility of extending the limits of the feasibility study to all areas east of the Florida East Coast Railway (FEC), and Little Hollywood in south Brevard County.

During discussion, it was agreed that the priority would be to get sewer services in North Sebastian first, then direct staff to approach Brevard County about providing sewer service in Little Hollywood.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Chairman Flescher to extend the feasibility study geographical boundaries to include all areas east of the Florida East Coast Railway (FEC), with the possibility of later adding the additional study area of Little Hollywood in south Brevard County.

Administrator Baird stated that the price for the feasibility analysis doesn't include a larger design, and requested returning to the Board with information on extending the limits of the study.

Commissioner Solari agreed that the Board should approve the proposed feasibility study, and in the future, speak with Brevard County about the possibility of the County extending sewer service to Little Hollywood.

Commissioner O'Bryan withdrew his amended Motion.

The Chairman CALLED THE QUESTION and the Original Motion carried unanimously. The Board approved and authorized the Chairman to execute Work Order No. 6 for a lump sum amount of \$29,600.00 to Masteller & Moler, Inc., for the Sewer Feasibility Study for the North Sebastian area.

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

12.J.3. SEWER FEASIBILITY STUDY FOR THE SUMMERPLACE AREA – UCP

4101

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 4 authorizing the professional services for a lump sum amount of \$38,500.00 to Schulke, Bittle and Stoddard, LLC, as defined and recommended in the memorandum of August 9, 2013.

13. COUNTY ATTORNEY MATTERS

**13.A. CONSIDERATION OF PURCHASE OF SURPLUS STATE LAND – FORMER
INDIAN RIVER CORRECTIONAL INSTITUTE**

Deputy County Attorney Bill DeBraal recalled the Board's approval on August 21, 2012 of Resolution 2012-070, proposing to acquire surplus State land at the site of the former Indian River Correctional Institution, subject to the results of a real estate appraisal and other terms/conditions agreed upon by both parties. He reported that the appraisal price lists the 99-acre facility at \$815,000 for the grounds and buildings, minus any improvements, and asked the Board whether they would like to move ahead or pass on the purchase.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Chairman Flescher, to pass on the
purchase of the surplus State land at the site of the former
Indian River Correctional Institution.

Discussion ensued regarding several issues that would factor into the Board's decision: (1) the possibility that the Florida Department of Transportation (FDOT) will approve the proposed I-95 Oslo Road Interchange and how that might affect the future capacity of the subject site; (2) whether a company who has expressed interest in the former Calpine site might prefer the larger State site; (3) that asbestos might be found in the facility, in which case a reappraisal would have to be done and approved by the State; and (4) whether a 45 to 60-day delay could be requested from the State to allow time for the Board to find out the status of the I-95 Oslo Road Interchange, and to see if the above-referenced company is still considering the County as a possible business location.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Chairman Flescher, to request an additional sixty days to notify the State of Florida on the Board's decision regarding the purchase of the former Indian River Correctional Institute property.

Further discussion ensued in response to Chairman Flescher's disclosure that there may be heavy pollutants in the area and inside the lake.

Attorney DeBraul conveyed that the Board could make successful Phase II Environmental Assessment part of the conditions for purchase of the site.

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

13.B. DEVELOPER REQUEST FOR ADDITIONAL 2-YEAR EXTENSION TO CONSTRUCT REQUIRED SIDEWALK IMPROVEMENTS

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously: (1) authorized staff to proceed with advertising for the Board to hold a public hearing to consider amending portions of Chapter 913 with respect to sidewalk extensions on subdivisions that were platted prior to 2009; (2) approved a grace period for the developers from having to construct the sidewalks while the Board considers the adoption of an ordinance amendment to provide for an additional 2-year extension to the existing sidewalk contracts; if the Ordinance amendment is not adopted, the Board will allow the developers a 90-day grace period from the date

of the public hearing to complete the sidewalk construction so long as the security, if in the form of a letter of credit, is appropriately extended; if the developer does not complete the sidewalk construction within the 90-day grace period, staff was authorized to proceed to call the security, due to the contract being in default.

13.C. APPROVAL OF EXPERT WITNESS FEES FOR WILLIAM BETHEL: PARCEL 108

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

Commissioner O'Bryan declared his opposition to the Motion.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner O'Bryan opposed), the Motion carried. The Board approved the Stipulated Order awarding the defendant, William Bethel, experts' costs and fees in the amount of \$102,960.34, as recommended in the memorandum of August 14, 2013.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN

14.A.1. CORRESPONDENCE WITH THE PRESIDENT OF THE UNITED STATES

Chairman Flescher proposed that the Board seek assistance from the President to stop the Lake Okeechobee freshwater releases.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute a letter to President Barack Obama requesting that the U.S. Army Corps of Engineers cease releasing freshwater from Lake Okeechobee into the Indian River Lagoon.

14.A.2. CITY OF VERO BEACH ELECTRIC SALE TO FLORIDA POWER & LIGHT (FPL)

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

Chairman Flescher recalled that municipal voters had approved the sale of the City of Vero Beach (the City) Electric Utility (Vero Electric) to Florida Power & Light (FPL) for the purpose of lowering electricity costs for residents within the City and in the unincorporated areas of the County. He noted that the City has been moving forward with the sale, but some new concerns have arisen.

Glenn Heran used a PowerPoint Presentation (copy on file) to provide an overview of the prospective sale of the City of Vero Beach (the City) Electric Utility to Florida Power & Light (FPL). He provided a rate comparison (copy on file) of municipal vs. private providers FPL, Duke Energy, and TECO Energy Company, and stressed that changing from City Electric to FPL will result in tremendous cost savings to ratepayers. He provided background on the Florida Municipal Power Agency (FMPA), which has 31 member municipalities, including the City, and said that the City's FMPA entitlement assets (St. Lucie Nuclear Unit II; Stanton I Coal; and Stanton II Coal) must be transferred in order to consummate the sale, but the FMPA and the FMEA (Florida Municipal Electric Association) have said there are costly penalties for doing so. Mr. Heran asked the Board to partner with Indian River Shores to hire a public affairs lobbyist to

educate relevant legislators on the issues which could impede the sale of the City of Vero Beach Electric Utility to Florida Power and Light.

Several Board members voiced support for getting a lobbyist to assist in this important economic development issue.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, to direct staff to coordinate and engage with Indian River Shores about the possibility of contributing to the initiative to hire a lobbyist and prepare a plan to educate relevant state and local leaders on the plight of the municipal utility ratepayers, including those within City limits and in the unincorporated areas of the County.

Commissioner Zorc asked Commissioner Solari if he would amend his Motion to include other ratepayers in the community who may want to help in these efforts.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Chairman Flescher, to include direction to staff to discuss with all interested parties the possibility of contributing to the initiative to hire a lobbyist and prepare a plan to educate relevant state and local leaders.

There was a brief conversation about the possibility of issuing a Request for Qualifications (RFQ) for the lobbyist.

Administrator Baird explained that the lobbyist process works differently than other services, and suggested that the best option for the Board today would be to allocate \$100,000 for a lobbyist.

A SECOND AMENDMENT was made to the Motion, SECONDED by Chairman Flescher, to include authorization of an initial allocation of \$100,000 to hire a lobbyist.

Commissioner Zorc remarked that a lobbyist was likely to cost more than \$100,000, but it was possible that some ratepayers might donate funding.

Dr. Stephen Faherty, spoke about the plight of Vero Electric and other municipal electric customers in the unincorporated areas of the County, who pay \$160 million a year more in rates statewide than if they were with FPL, with no representation.

The Chairman CALLED THE QUESTION, and the Motion and Amendments carried unanimously. The Board: (1) approved to direct staff to coordinate and engage with Indian River Shores and all interested parties about the possibility of contributing to the initiative to hire a lobbyist, with an initial allocation of \$100,000 in County funds; and (2) to prepare a plan to educate relevant state and local leaders on the issues which could impede the sale of the City of Vero Beach Electric Utility to Florida Power and Light.

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

14.C. COMMISSIONER PETER D. O'BRYAN

14.C.1. FLORIDA ATLANTIC UNIVERSITY RELATIONS INTERNSHIP PROGRAM

Commissioner O'Bryan discussed the offer he had received from Heather Kurstin, Local Relations Director for Florida Atlantic University (FAU), to place an unpaid student intern in the Board of County Commission office for the fall term beginning in September. The students will earn credit for their term work in Political Science.

The Board deliberated on the possibility of having an intern. Discussion points focused on developing a strategy that would allow the student to work productively; ascertaining which department/s the individual could work in; and assigning one Commissioner to take ownership of this plan.

Commissioner O'Bryan offered to contact FAU for more details, and to oversee the intern's schedule. He asked if he would be able to talk to individual Commissioners to see what their requirements for assistance might be.

Administrator Baird stated that he would coordinate that aspect of this endeavor.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved to host a Florida Atlantic University (FAU) Political Science student intern with the details to be worked out by Commissioner O'Bryan.

14.D. COMMISSIONER BOB SOLARI

14.D.1. FELLSMERE AND THE ENTERPRISE ZONE

Commissioner Solari relayed that Fellsmere City Manager Jason Nunemaker has asked the Enterprise Zone Development Agency (EZDA) to relay to the County Commission his

request to seek from the State a change to the enabling legislation, to add Fellsmere to its Enterprise Zone designations. He added that the municipality would not receive a zone at this time, but the change would allow for the possibility in the future.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, approved to direct a request from the Board of County Commissioners to the State of Florida Legislative Delegation for an amendment to the enabling legislation for Enterprise Zones, adding the City of Fellsmere to areas of the County where a portion of an Enterprise Zone could be located, as requested in the memorandum of August 5, 2013.

Commissioner O'Bryan stated that he would like the Gifford residents to be kept well informed, as most of the Enterprise Zone (EZ) is currently in the Gifford Area.

Commissioner Solari surmised that the addition of an EZ in Fellsmere would not affect Gifford residents, but he welcomed their input.

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

14.E. COMMISSIONER TIM ZORC

14.E.1. DELETED: LOBBYIST REGISTRATION

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 JUNE 18, 2013

15.A.2. CITY OF FELLSMERE FIRE MARSHAL'S OFFICE

15.B. SOLID WASTE DISPOSAL DISTRICT

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

15.B.1. APPROVAL OF MINUTES MEETING OF JUNE 11, 2013

15.B.2. APPROVAL OF MINUTES MEETING OF JUNE 18, 2013

**15.B.3. FINAL PAY FOR AMENDMENT NO. 2 TO REPUBLIC SERVICES FOR
LANDFILL DITCH ENHANCEMENT PROJECT**

**15.B.4. SIXTH AMENDMENT TO SWDD FEEDSTOCK SUPPLY AGREEMENT WITH
INEOS NEW PLANET BIOENERGY (INPB)**

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 8:38 p.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MG/2013Minutes

Item 8.NN.
ADDENDUM A

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Davis - Wesley</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Board of County Commissioners</i>
MAILING ADDRESS <i>1801 27th Street, Bldg A Indian River</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Vero Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Indian River</i>
DATE ON WHICH VOTE OCCURRED <i>8/20/13</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE
COUNTY <i>32960</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

Item 8.NN.
ADDENDUM A

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Wesley S. Davis, hereby disclose that on August 20, 2013:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate, Rick Baker, Associate Auctioneer

inured to the special gain or loss of my relative, _____;

inured to the special gain or loss of _____, by whom I am retained; or

inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

8-20-13
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.