

JEFFREY R. SMITH  
Clerk to the Board



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### BOARD OF COUNTY COMMISSIONERS

MARCH 19, 2013

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**JEFFREY R. SMITH**

Clerk to the Board



**March 19, 2013**

**REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, March 19, 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 Leona Adair Allen.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Elder Vick Campbell, Vero Beach Alliance Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

~~Commissioner Flescher~~ Joseph Matthew Cash, Eagle Scout of Boy Scout Troop 558 led the Pledge of Allegiance to the Flag.

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

**- NONE**

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

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION HONORING JOSEPH MATTHEW CASH  
FOR ATTAINING THE RANK OF EAGLE SCOUT**

Chairman Flescher read and presented the Proclamation to Joseph Matthew Cash.

**5.B. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD TO JOSEPH  
G. ERIKSEN ON HIS RETIREMENT FROM INDIAN RIVER COUNTY  
DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE WITH TWENTY-  
FOUR YEARS SERVICE**

Commissioner Zorc read and presented the Proclamation to Joseph G. Eriksen.

**5.C. PRESENTATION OF PROCLAMATION RECOGNIZING MARCH 24 – 30, 2013,  
AS HUMANE SOCIETY OF VERO BEACH AND INDIAN RIVER COUNTY WEEK**

Vice Chairman Davis read and presented the Proclamation to Chalmers Morse, Executive  
Director, and Ilka Daniel, Director of Animal Protection Services.



**5.D. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 17 – 23, 2013,  
AS SURVEYORS WEEK**

Commissioner Solari read and presented the Proclamation to Chris Demeter, Kimley-Horn and Associates, and numerous Indian River County surveyors and mappers.

**5.E. PRESENTATION OF PROCLAMATION INDIAN RIVER COUNTY CELEBRATING  
CHILDREN'S WEEK**

Commissioner O'Bryan read and presented the Proclamation to Jacki Jackson, Executive Director of the Early Learning Coalition of Indian River, Martin, and Okeechobee Counties.

**5.F. PRESENTATION OF PROCLAMATION RECOGNIZING THE MONTH OF  
MARCH, 2013, AS ST. BALDRICK'S FOUNDATION CHILDHOOD CANCER  
AWARENESS MONTH**

Chairman Flescher read and presented the Proclamation to Missy Elward, Volunteer Organizer for the St. Baldrick's Foundation. Ms. Elward thanked the Board for their support, and showed a slide presentation of the head-shaving event that raised over \$100,000+ for St. Baldrick's Foundation.

**5.G. PRESENTATION BY TROY RICE, DIRECTOR, INDIAN RIVER LAGOON  
NATIONAL ESTUARY PROGRAM, ST. JOHNS RIVER WATER MANAGEMENT  
DISTRICT**

Troy Rice, Director of the Indian River Lagoon National Estuary Program, using a PowerPoint presentation (on file), provided an overview of the Indian River Lagoon National Estuary Program. He announced that the next meeting of the Indian River Lagoon Advisory Board is scheduled for April 24, 2013, at 10:00 a.m., in County Administration Building B,

where a presentation will be given on the St. Lucie River Estuary B map, and the fork plan for the next fiscal year.

**5.H. PRESENTATION BY KATHY HURT, DIRECTOR OF DEVELOPMENT – HANLEY CENTER GATE LODGE, AND DAVID JACKSON, DIRECTOR OF COMMUNITY AFFAIRS, OFFICE OF U.S. REPRESENTATIVE BILL POSEY, REGARDING MARCH 20<sup>TH</sup> DRUG ABUSE RESOURCE SYMPOSIUM**

Kathy Hurt and David Jackson presented the Board with a short video relating to the drug abuse epidemic on the Treasure Coast.

**6. APPROVAL OF MINUTES**

**6.A. MEETING OF FEBRUARY 5, 2013**

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the minutes of the February 5, 2013 meeting, as written.

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

**8. CONSENT AGENDA**

Commissioner O'Bryan requested to pull Item 8.H. from the Consent Agenda for discussion.

Commissioner Zorc requested to pull Item 8.A. for discussion/comments.

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

**8.A. APPROVAL OF WARRANTS – MARCH 1, 2013 TO MARCH 7, 2013**

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board by a 4-0 vote (Commissioner Zorc abstained), approved the list of Warrants and Wires as issued by the Comptroller's Office for the time period of March 1, 2013 to March 7, 2013, as requested in the memorandum of March 7, 2013.

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

**8.B. APPROVAL OF ANNUAL FINANCIAL REPORT BY COUNTY COMMISSIONERS  
AND NOTICE OF CAFR (COMPREHENSIVE ANNUAL FINANCIAL REPORT  
COMPLETION)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously authorized the Chairman to execute the County's Local Government Annual Financial Report; and accepted the Comprehensive Annual Financial Report (CAFR) as

presented for fiscal year 2011-2012, as recommended in the memorandum of March 13, 2013.

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

**8.C. PROCLAMATION AND RETIREMENT AWARD FOR MARGARET BEEBE ON HER RETIREMENT FROM INDIAN RIVER COUNTY DEPARTMENT OF PUBLIC WORKS ROAD AND BRIDGE DIVISION WITH SEVEN YEARS SERVICE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Proclamation and Retirement Award honoring Margaret Beebe on her retirement from the Public Works Road and Bridge Division.

**8.D. APPROVAL OF PROFESSIONAL COASTAL ENGINEERING AND COASTAL ENVIRONMENTAL SERVICES AGREEMENT, RFO No. 2012050**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the fee schedules and agreements between the County and (1) Coastal Planning and Engineering, Inc. (now a CB&I Company), and (2) Ecological Associates, Inc. and authorized the Chairman to execute same, as recommended in the memorandum of March 8, 2013.

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

**8.E. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE  
MEMORANDUM OF AGREEMENT (MMOA) AND AUTHORIZING  
RESOLUTION FOR LANDSCAPE MAINTENANCE ON ONE AND ONE-HALF  
MILES OF SR A1A ALONG THE MOORINGS COMMUNITY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved **Resolution 2013-019**, authorizing the execution of District Four Landscape Maintenance Memorandum of Agreement for SR A1A along the southern one and one-half mile Moorings Corridor.

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

**8.F. CHILDREN’S SERVICES – FUNDING ALLOCATION FOR FISCAL YEAR  
2013/2014**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved funding for Children’s Service agencies at the current fiscal year allocation of \$623,890 for fiscal year 2013-2014, as recommended in the memorandum of March 11, 2013.

**8.G. MISCELLANEOUS BUDGET AMENDMENT 010**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2013-020**, amending the fiscal year 2012-2013 budget.

**8.H. MISCELLANEOUS BUDGET AMENDMENT 011, COURT ADMINISTRATION  
19<sup>TH</sup> JUDICIAL CIRCUIT, FUNDING OF AISMARTBENCH JUDICIAL VIEWER  
SYSTEM**

Commissioner O'Bryan asked where the ongoing annual maintenance fee of \$52,387 would be coming from if the 19<sup>th</sup> Judicial Circuit purchased the aiSmartBench Judicial Viewer system.

Trial Court Administrator Thomas Genung, with input from Management and Budget Director Jason Brown, explained that the maintenance fees would be paid from the revenues generated during the foreclosure process.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-021**, amending the fiscal year 2012-2013 budget.

**8.I. MISCELLANEOUS BUDGET AMENDMENT 012, CORRECTIONS  
IMPROVEMENTS**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved **Resolution 2013-022**, amending the fiscal year 2012-2013 budget.

**8.J. FLORIDA BLUE – ADMINISTRATIVE SERVICES AGREEMENT RENEWAL**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously authorized the County Administrator to execute the Administrative Services Agreement renewal with Florida Blue, as recommended in the memorandum of March 12, 2013.

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

**8.K. REQUEST FOR BOARD APPROVAL OF A RESOLUTION FOR A GRANT  
APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT FOR BOAT  
DOCK AND SIGNAGE IMPROVEMENTS AT THE JONES’S PIER  
CONSERVATION AREA**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved **Resolution 2013-023**, Attachment E-6, Resolution for

Assistance 2013 Under the Florida Inland Navigation  
District Waterways Assistance Program.

**8.L. APPROVAL OF AMENDMENT NO. 2 TO WORK ORDER NO. 5-RR FOR THE  
ROCKRIDGE SUBDIVISION SURGE PROTECTION PROJECT**

ON MOTION by Vice Chairman Davis, SECONDED by  
Commissioner O'Bryan, the Board unanimously approved  
Amendment No. 2 to Work Order No. 5-RR for the  
Rockridge Subdivision Surge Protection Project., as  
recommended in the memorandum of February 26, 2013.

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

**8.M. LEASE AGREEMENT WITH YOUTH GUIDANCE DONATION FUND OF INDIAN  
RIVER COUNTY, INC. FOR OFFICE SPACE**

ON MOTION by Vice Chairman Davis, SECONDED by  
Commissioner O'Bryan, the Board unanimously approved  
**Resolution 2013-024**, approving a Community Interest  
Lease Agreement with the Youth Guidance Donation  
Fund of Indian River County, Inc., for County owned  
property at 1028 20<sup>th</sup> Place.

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



**8.N. OSLO ROAD PHASE II ROADWAY WIDENING (43<sup>RD</sup> AVENUE TO 27<sup>TH</sup> AVENUE) CHANGE ORDER NO. 1 – FINAL PAYMENT AND RELEASE OF RETAINAGE, IRC PROJECT NO. 0533**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved Change Order No. 1 to Dickerson Florida, Inc. decreasing the contract total to \$3,760,605.80, and payment of Dickerson Florida, Inc. Pay Application No. 17 in the amount of \$197,151.15 for final payment and release of retainage, as recommended in the memorandum of March 11, 2013.

**8.O. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR CR 510 BETWEEN 61<sup>ST</sup> DRIVE AND SHORE LANE – AMENDMENT NO. 5, IRC PROJECT NO. 0549**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved Amendment No. 5, authorizing professional civil engineering geotechnical engineering and land surveying services with McMahan Associates, Inc., and authorized the Chairman to execute same for a total fee of \$81,350.00, as recommended in the memorandum of March 5, 2013.

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

*The Chairman called for a break at 10:25 a.m., and reconvened the meeting at 10:40 a.m., with all members present.*

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**9.A. INDIAN RIVER COUNTY CLERK OF THE CIRCUIT COURT AND COMPTROLLER JEFFREY R. SMITH - PRESENTATION AND HIGHLIGHTS OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDING SEPTEMBER 30, 2012**

Jeffrey R. Smith, Clerk of Circuit Court and Comptroller reported that the Comprehensive Annual Financial Report (CAFR) was completed on March 12, 2013, and was a “clean” audit with no issues. He extended thanks to his Finance staff and Budget Director Jason Brown’s staff for their hard work in preparing the report; and also the Constitutional Officers and their staff for their cooperation and support.

Finance Director Diane Bernardo provided a brief overview of the Fiscal Year 2011-2012 CAFR (on file), the audit results, and the Certificate of Achievement for Excellence in Financial Reporting that her office received. In addition, she highlighted her office’s paperless initiative for distributing the CAFR on CD or through an e-mail notification of the website link, as well as their current computer software that will offer a paperless component.

Chairman Flescher affirmed with his fellow commissioners that only one printed CAFR would be required in the future for the Commissioners’ library.

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

**9.B. INDIAN RIVER COUNTY SHERIFF DERYL LOAR - POTENTIAL PURCHASE  
AND FUNDING SOURCE OF MARKED PATROL VEHICLES**

Sheriff Deryl Loar presented the Board with his 2013 Fleet Vehicle Summary, recalled that in December 2011 he informed the Commissioners that the production of the Ford Crown Victoria would cease, pointed out that 33% of the aging patrol cars have 100,000+ miles, and requested the Board allocate funding to increase the fleet.

Discussion ensued regarding the current fleet, the replacement phase-in, utilizing a tracking software and its cost benefits, possible funding sources to pay for the vehicles, and investing in vehicles that would have a long production life.

Commissioner Solari commented on the Sheriff not providing a recommendation in the Agenda Packet; not presenting the Board with a briefing of his first quarter budget; and the budget not including rolling stock.

Commissioner O'Bryan believed it was time to start adding infrastructure and capital to maintain the citizens' quality of life, and to start replacing the aging vehicles.

MOTION WAS MADE by Commissioner O'Bryan,  
SECONDED by Chairman Flescher, to approve the  
purchase of 20 vehicles, or \$800,000 worth of vehicles.

There were concerns voiced regarding the budget, and discussions as to where the funds should come from, and where the vehicles should be purchased.

MOTION was AMENDED by Commissioner O'Bryan,  
SECONDED by Chairman Flescher, to approve \$800,000  
for the Sheriff to purchase vehicles, and for staff to decide  
the most appropriate source for funding the vehicles.

Further discussion ensued regarding the Sheriff's rolling stock, salvage values, and the possibility of implementing a tracking system that would monitor and provide a history of the fleet.

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

## **10. PUBLIC ITEMS**

### **10.A. PUBLIC HEARING(S) - NONE**

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

#### **10.B.1. REQUEST TO SPEAK FROM WILLIAM M. WELLS REGARDING AUSTRALIAN PINES, 44<sup>TH</sup> AVENUE, GRANTS**

**William Wells**, 8800 44<sup>th</sup> Avenue, Sebastian, provided background and requested that the Commissioners direct staff to pursue grants to remove the Australian Pines on 44<sup>th</sup> Avenue.

Chairman Flescher wanted to know if there was grant funding that could assist Mr. Wells with the process of removing the pines.

Public Works Director Chris Mora explained the challenges involved in obtaining a grant, and said that his department was not aware of any grants that would provide funding for the project.

After a lengthy discussion regarding the removal of the pine trees, and an earlier project being stopped because some trees were on private property, Vice Chairman Davis suggested that Mr. Wells pursue this issue as a utilities project.

NO BOARD ACTION REQUIRED OR TAKEN

**10.B.2. REQUEST TO SPEAK FROM C. N. KIRRIE REGARDING POSSIBLE COUNTY  
ACTION ON 76<sup>TH</sup> AVENUE IN A. A. BERRY SUBDIVISION (MENSING  
LAWSUIT)**

**C. N. Kirrie**, 12855 79<sup>th</sup> Avenue, Roseland, said he owns a business that fronts 76<sup>th</sup> Avenue, and will be affected by whatever action is taken today (on Item 13.B.).

County Attorney Alan Polackwich clarified that Mr. Kirrie had asked to be added to the Agenda under Public Matters, so he would have an opportunity to speak on Item 13.B.

**Fred Mensing** said he would not be able to stay for an afternoon session due to obligations, and suggested the Board move this matter to the April 2, 2013 Board of County Commission meeting.

Attorney Polackwich pointed out that Mr. Mensing had already filed his application for a reverse mortgage; therefore, the April 1<sup>st</sup> deadline would not be a driving factor.

After a brief debate, Mr. Kirrie agreed to reschedule this item and 13.B. to the April 2, 2013 Board of County Commission meeting.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved to reschedule Items 10.B.2. and 13.B. to the Board of County Commission meeting of April 2, 2013.

*The Chairman called for a break at 12:25 p.m., and reconvened the meeting at 12:35 p.m., with all members present.*

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC WORKSHOP MARCH 26, 2013: A PUBLIC WORKSHOP WILL BE HELD ON TUESDAY, MARCH 26, 2013, AT THE INDIAN RIVER COUNTY COMMISSION CHAMBERS TO DISCUSS THE HEALTH OF THE INDIAN RIVER LAGOON**

**10.C.2.A. NOTICE OF SCHEDULED PUBLIC HEARING APRIL 9, 2013: VERO ESTATES, LLC'S REQUEST TO AMEND THE TEXT OF THE POLICY 5.6 OF THE FUTURE LAND USE ELEMENT OF THE COUNTY'S COMPREHENSIVE PLAN (LEGISLATIVE)**

**10.C.2.B. NOTICE OF SCHEDULED PUBLIC HEARING APRIL 9, 2013: NORTH COUNTY CHARTER ELEMENTARY SCHOOL'S REQUEST TO REZONE ±0.94 ACRES FROM CH, HEAVY COMMERCIAL DISTRICT, TO CL, LIMITED COMMERCIAL DISTRICT - THE SUBJECT PROPERTY IS LOCATED ON OLD DIXIE HIGHWAY, APPROXIMATELY 700 FEET NORTH OF 65<sup>TH</sup> STREET (QUASI-JUDICIAL)**

The Chairman read the notices into the record.

Commissioner Zorc announced that the Indian River Lagoon Symposium is scheduled for March 26, 2013, at 8:00 a.m., in the County Commission Chambers, with topics to include the lagoon's history and health, as well as potential solutions to a healthier lagoon; and that individuals can register at [www.ircgov.com](http://www.ircgov.com).

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

## **12. DEPARTMENTAL MATTERS**

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

#### **12.A.1. CONSIDERATION OF REGULATIONS LIMITING THE SIZE OF COMMERCIAL VEHICLES AND RECREATIONAL VEHICLES PARKED OUTSIDE IN RESIDENTIAL AREAS**

Planning Director Stan Boling recalled that on February 5, 2013, Ron Heen had appeared before the Board requesting that the County change its Land Development Regulations (LDRs) to allow commercial vehicles taller than nine feet to be parked outside in residential areas, and staff was directed to evaluate the commercial vehicle regulations. Using a PowerPoint presentation (on file), Director Boling provided background, description, and analysis on the formal LDRs and the proposed amendment to change the commercial vehicle height limit from nine feet to nine and one-half feet, and to change the recreational vehicle (RV) length from 32 feet to an overall size of 400 square feet (length x width).

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to direct staff to initiate a formal Land Development Regulation (LDR) amendment to change the existing limitation on the height of commercial vehicles parked in residential areas, and to update the current length limit for recreational vehicles (RVs) parked in residential areas, as recommended in the memorandum of March 11, 2013.

The Board clarified that Mr. Heen's truck is not more than 9.5 feet in height, and confirmed that staff did not recommend a change to the length limit of commercial vehicles, only the RV length.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**12.B. EMERGENCY SERVICES - NONE**

**12.C. GENERAL SERVICES - NONE**

**12.D. HUMAN RESOURCES - NONE**

**12.E. HUMAN SERVICES - NONE**

**12.F. LEISURE SERVICES - NONE**

**12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE**

**12.H. RECREATION - NONE**

**12.I. PUBLIC WORKS - NONE**

**12.J. UTILITIES SERVICES - NONE**

**13. COUNTY ATTORNEY MATTERS**

**13.A. RESOLUTION DELEGATING TO THE COUNTY ADMINISTRATOR OR  
DESIGNEE THE AUTHORITY TO EXECUTE THE COUNTY'S ACCEPTANCE OF  
TEMPORARY EASEMENTS FOR UTILITIES WHICH WILL TERMINATE  
WHEN THE PROPERTY IS PLATTED DEPICTING PERPETUAL EASEMENTS**



ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2013-025**, delegating to the County Administrator or designee the authority to execute the County's acceptance of temporary easements for utilities which will terminate when the property is platted depicting perpetual easements.

**13.B. 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**

This item TABLED to April 2, 2013, see Item 10.B.2.

**13.C. PROPOSED ORDINANCE ESTABLISHING AMNESTY PROGRAM FOR CERTAIN UTILITY DELINQUENCY CHARGES – PERMISSION TO ADVERTISE FOR PUBLIC HEARING**

Attorney Polackwich recalled that on March 5, 2013, the Board voted to establish an amnesty program similar to the first, but running for a longer period of time, for delinquency charges incurred on service availability charges under certain conditions. He asked the Board to review the proposed amnesty ordinance and determine the amnesty period.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, to approve the proposed ordinance, establishing a five-month amnesty period; and to authorize the County Attorney's office to advertise the ordinance for public hearing and adoption on April 2, 2013, as recommended in the memorandum of March 13, 2013.

Discussion ensued regarding the amnesty program and whether it would extend to individual properties that have gone through the foreclosure process.

Attorney Polackwich said there is no restriction on who qualifies to take advantage of the program.

Director of Utility Services Vincent Burke conveyed that staff will expand on how individuals are notified of the program.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

#### **13.D. COBBLESTONE – CANCELLATION OF TAX DEED**

Attorney Polackwich provided background on the Cobblestone Subdivision (Cobblestone) situation whereby a resident had come before the Board on March 13, 2012 to present a problem regarding a tax deed that had been issued with respect to Cobblestone and the property immediately east. He revealed that the Surveyor admitted to a 20-foot parcel error and filed an affidavit to revise the plat; and Patience Anderson-Thomas, holder of the tax deed, cancelled it in exchange for repayment of the amount she paid for the deed, interest, and attorney's fees, which payment was authorized by the County Administrator.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the *Release, Cancellation and Termination of Tax Deed* with Patience Anderson-Thomas, and authorized the Chairman to execute it on behalf of the Board, as recommended in the memorandum of March 14, 2013.

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

#### **14. COMMISSIONER ITEMS**

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

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

##### **14.B.1. OPERATION OF GOLF CARTS IN ROSELAND**

Vice Chairman Davis informed the Board that Roseland residents had voiced their desire to make the Roseland area a golf cart friendly neighborhood, and wanted this brought before the Board for consideration. He wanted to know if fellow Commissioners would like him to move this request forward.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, to move the residents' request forward.

The Board voiced concerns over the use of golf carts in the community, as well as health and safety issues.

Chairman Flescher stressed that it is still prohibited to use golf carts on access roads and roadways.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved for staff to move the residents' request forward, to make the Roseland area a golf cart friendly neighborhood, as requested in the memorandum of March 13, 2013.

**14.C. COMMISSIONER PETER D. O'BRYAN**

**14.C.1. PROPOSED BROADBAND LEGISLATION – HB 355 / SB 756**

Commissioner O'Bryan reported that Florida Representative Gayle Harrell and Florida Senator Denise Grimsley had filed Bills to direct the Florida Department of Transportation (DOT) to adopt rules governing the use of the unused capacity of fiber optic network. He asked if fellow Commissioners would support directing the County Attorney to draft a letter (similar to the sample letter in the Agenda Packet) and send it in support of the Bills.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously directed the County Attorney to draft a letter of support for HB 355 / SB 756, as requested in the memorandum of March 14, 2013.

**14.D. COMMISSIONER BOB SOLARI - NONE**

**14.E. COMMISSIONER TIM ZORC - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT – NONE**

**15.B. SOLID WASTE DISPOSAL DISTRICT**

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

**15.B.1. APPROVAL OF MINUTES MEETING OF JANUARY 15, 2013**

**15.B.2. RELEASE OF RETAINAGE AND FINAL PAY TO COMANCO  
ENVIRONMENTAL CORPORATION (BID No. 2012025)**

**15.B.3. FOURTH AMENDMENT TO SWDD FEEDSTOCK SUPPLY AGREEMENT  
WITH INEOS NEW PLANET BIOENERGY, LLC (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 meeting adjourned at 1:04 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey R. Smith, Clerk  
Clerk of Circuit Court and Comptroller

\_\_\_\_\_  
Joseph E. Flescher, Chairman

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

BCC/LA/2013Minutes