

JEFFREY R. SMITH
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

APRIL 23, 2013

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS - NONE	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
5.A.	PRESENTATION OF PROCLAMATION HONORING JEANNE BISHOP ON HER RETIREMENT FROM INDIAN RIVER COUNTY CLERK OF CIRCUIT COURT AND COMPTROLLER.....	2
5.B.	PRESENTATION OF LAW WEEK 2013 PROCLAMATION “REALIZING THE DREAM: EQUALITY FOR ALL”	2
6.	APPROVAL OF MINUTES	2
6.A.	REGULAR MEETING OF MARCH 19, 2013.....	2
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	3

8.	CONSENT AGENDA	3
8.A.	APPROVAL OF WARRANTS – APRIL 5, 2013 TO APRIL 11, 2013	3
8.B.	QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS FOR QUARTER ENDING 03/31/13	3
8.C.	DORI SLOSBERG DRIVER EDUCATION SAFETY ACT INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND	4
8.D.	RFQ 2013024 – PROFESSIONAL ROOF EVALUATION, DESIGN AND CONTRACT ADMINISTRATION SERVICES RELATING TO THE EXISTING ROOF OF THE INDIAN RIVER COUNTY ADMINISTRATION BUILDING – CONSULTANT SELECTION.....	4
8.E.	APPROVAL OF MASTER AGREEMENT FOR ANNUAL BID FOR SEDIMENT REMOVAL AT PC MAIN SCREENING FACILITY	5
8.F.	LEASE EXTENSION, LITTLE MERMAID CAR WASH, 1935 43 RD AVENUE, 43 RD AVENUE/SR60 INTERSECTION WIDENING AND IMPROVEMENTS, TIMOTHY E. AND JOSHANA TYNES	5
8.G.	CHANGE ORDER NO. 1, FINAL PAY AND RELEASE OF RETAINAGE, INDIAN RIVER BOULEVARD RESURFACING (41 ST STREET TO 53 RD STREET), IRC PROJECT NO. 1131	6
8.H.	MISCELLANEOUS BUDGET AMENDMENT 014.....	6
8.I.	AMENDMENT AND RENEWAL TO CONCESSIONAIRE LICENSE AGREEMENT WITH TREASURE COAST CONCESSIONS	7
8.J.	CRIME SCENE FACILITY CHANGE ORDER #1	7
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES	8
9.A.	INDIAN RIVER COUNTY PROPERTY APPRAISER – DAVID C. NOLTE, ASA.....	8
	COMPUTER EQUIPMENT	8
10.	PUBLIC ITEMS.....	8
10.A.	PUBLIC HEARINGS - NONE.....	8
10.B.	PUBLIC DISCUSSION ITEMS	8
10.B.1.	REQUEST TO SPEAK FROM REVEREND WILLIAM SHELLY ON COMMUNITY CONCERNS REGARDING RECENT SHOOTINGS IN GIFFORD	9
10.C.	PUBLIC NOTICE ITEMS	9
10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING FOR MAY 7, 2013:.....	9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA ADDING PART III, SECTION 312.21 OF THE CODE OF INDIAN RIVER COUNTY, REQUIRING A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN NATURAL GAS FACILITIES OVER, UNDER OR UPON THE PUBLIC RIGHTS-OF-WAYS OF INDIAN RIVER COUNTY (LEGISLATIVE) 9

11. COUNTY ADMINISTRATOR MATTERS - NONE.....10

12. DEPARTMENTAL MATTERS10

 12.A. COMMUNITY DEVELOPMENT - NONE..... 10

 12.B. EMERGENCY SERVICES - NONE..... 10

 12.C. GENERAL SERVICES - NONE 10

 12.D. HUMAN RESOURCES - NONE 10

 12.E. HUMAN SERVICES - NONE 10

 12.F. LEISURE SERVICES - NONE 10

 12.G. OFFICE OF MANAGEMENT AND BUDGET..... 10

 12.G.1. QUARTERLY BUDGET REPORT 10

 12.H. RECREATION - NONE..... 11

 12.I. PUBLIC WORKS..... 11

 12.I.1 GOLF CARTS – ROSELAND AREA ROADWAYS..... 11

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

13. COUNTY ATTORNEY MATTERS - NONE.....12

14. COMMISSIONER ITEMS.....12

 14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE 12

 14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE..... 12

 14.C. COMMISSIONER PETER D. O’BRYAN - NONE 12

 14.D. COMMISSIONER BOB SOLARI - NONE 12

 14.E. COMMISSIONER TIM ZORC 13

 14.E.1. CALENDAR ON THE COUNTY’S WEBSITE 13

 14.E.2. INDIAN RIVER LAGOON SYMPOSIUM..... 13

15.	SPECIAL DISTRICTS AND BOARDS	13
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	13
15.B.	SOLID WASTE DISPOSAL DISTRICT	13
15.B.1.	APPROVAL OF MINUTES – MEETING OF MARCH 19, 2013.....	14
15.B.2.	FINAL PAY FOR GEOSYNTEC WORK ORDER NO. 4, ENGINEERING AND CONSTRUCTION SUPPORT SERVICES FOR PHASE 2 CONSTRUCTION OF CELL 1 OF SEGMENT 3 EXPANSION	14
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	14
16.	ADJOURNMENT.....	14

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JEFFREY R. SMITH

Clerk to the Board



April 23, 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, April 23, 2013. Present were Chairman Joseph E. Flescher, Vice Chairman Wesley S. Davis, and Commissioners Bob Solari and Tim Zorc. Commissioner Peter D. O'Bryan was absent. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Maria I. Suesz.

1. CALL TO ORDER

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

2. INVOCATION

~~Pastor Billy McLeod, Central Assembly of God~~ Vice Chairman Wesley Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

~~Commissioner Peter D. O'Bryan~~ Chairman Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

- NONE

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the Agenda as presented.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION HONORING JEANNE BISHOP ON HER RETIREMENT FROM INDIAN RIVER COUNTY CLERK OF CIRCUIT COURT AND COMPTROLLER

Chairman Flescher read and presented the Proclamation to Jeanne Bishop.

5.B. PRESENTATION OF LAW WEEK 2013 PROCLAMATION "REALIZING THE DREAM: EQUALITY FOR ALL"

Commissioner Solari read and presented the Proclamation to Attorney Mike Kissner with Vocelle & Berg, LLP, on behalf of the Indian River County Bar Association Young Lawyers Division.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF MARCH 19, 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 Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the minutes of the March 19, 2013 meeting, as written.

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

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS – APRIL 5, 2013 TO APRIL 11, 2013

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of April 5, 2013 to April 11, 2013, as requested in the memorandum of April 11, 2013.

**8.B. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT
COSTS FOR QUARTER ENDING 03/31/13**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board accepted the Quarterly Summary Report of Additional Court Costs for the quarter ending March 31, 2013, as requested in the memorandum of April 16, 2013.

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

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board accepted the Report of the Indian River County Traffic Education Program from the inception of the \$3 fee (October 1, 2002) through March 31, 2013, as recommended in the memorandum of April 16, 2013.

**8.D. RFQ 2013024 – PROFESSIONAL ROOF EVALUATION, DESIGN AND
CONTRACT ADMINISTRATION SERVICES RELATING TO THE EXISTING
ROOF OF THE INDIAN RIVER COUNTY ADMINISTRATION BUILDING –
CONSULTANT SELECTION**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the final ranking as submitted by the Evaluation Committee and authorized staff to begin negotiations with C.B. Goldsmith Associates of Clearwater, the highest ranked firm, to develop a scope of services and contract form for future approval of the Board; if unable to reach agreement of scope and/or cost, staff will request permission to begin negotiations with the next highest ranked firm, as recommended in the memorandum of April 15, 2013.

**8.E. APPROVAL OF MASTER AGREEMENT FOR ANNUAL BID FOR SEDIMENT
REMOVAL AT PC MAIN SCREENING FACILITY**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the sedimentation contract with EMC Divers, Inc., for \$35,900.00, and authorized the Chairman to execute the contract after review and approval of the Agreement and insurance certificates by appropriate staff, as recommended in the memorandum of April 9, 2013.

**8.F. LEASE EXTENSION, LITTLE MERMAID CAR WASH, 1935 43RD AVENUE,
43RD AVENUE/SR60 INTERSECTION WIDENING AND IMPROVEMENTS,
TIMOTHY E. AND JOSHANA TYNES**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved and authorized the Chairman to execute the agreement with Timothy E. and Joshana Tynes, to extend the lease to terminate April 30, 2014 for the Little Mermaid Car Wash, as recommended in the memorandum of April 15, 2013.

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

8.G. CHANGE ORDER NO. 1, FINAL PAY AND RELEASE OF RETAINAGE, INDIAN RIVER BOULEVARD RESURFACING (41ST STREET TO 53RD STREET), IRC PROJECT NO. 1131

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board recommended approval of Change Order No. 1 to Community Asphalt Corporation, decreasing the contract total to \$730,416.15, and payment of Community Asphalt Corporation Pay Application No. 3 in the amount of \$130,541.18 for final payment and release of retainage, as recommended in the memorandum of April 4, 2013.

8.H. MISCELLANEOUS BUDGET AMENDMENT 014

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved **Resolution 2013-029**, amending the Fiscal Year 2012-2013 budget.

**8.I. AMENDMENT AND RENEWAL TO CONCESSIONAIRE LICENSE AGREEMENT
WITH TREASURE COAST CONCESSIONS**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the First Amendment and Renewal to Concessionaire License Agreement with Treasure Coast Consulting, Inc., d/b/a/ Treasure Coast Concessions for Food Concession Services, and authorized the Assistant County Administrator to execute the Agreement in the form (attached to staff's report), as recommended in the memorandum of April 15, 2013.

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

8.J. CRIME SCENE FACILITY CHANGE ORDER #1

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved and authorized the Chairman to execute Change Order No. 1 to the Crime Scene Facility contract with Proctor Construction Company in the amount of \$42,787.70, with funding from the owners contingency within the contract, as recommended in the memorandum of April 17, 2013.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. INDIAN RIVER COUNTY PROPERTY APPRAISER – DAVID C. NOLTE, ASA
COMPUTER EQUIPMENT

Property Appraiser David Nolte presented this item to the Board. He apologized to the Board stating that he was under the impression that the Board was going to “pick up the tab” for their software, and he learned that was not the case. He was here today to ask the Board to approve an increase to his budget in the amount of \$100,000 in order to pay the second installment to True Automation, Inc. for computer software

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner O’Bryan absent), the Board approved the Property Appraiser’s request for a budget increase in the amount of \$100,000 to pay the second installment to True Automation, Inc. for computer software, as presented and requested in the letter of April 15, 2013.

Property Appraiser Nolte confirmed that he would have this expense included in his budget for next year.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM REVEREND WILLIAM SHELLY ON COMMUNITY CONCERNS REGARDING RECENT SHOOTINGS IN GIFFORD

Reverend William Shelly, 4630 32nd Avenue, felt compelled to speak for every innocent person that could have been a victim of the recent shootings in Gifford where he lives. As a taxpaying citizen of Indian River County, he pleaded to the Commission to get involved, take a look at these problems, and come up with a plan of action to revitalize and improve this area, to ensure there are no more shootings.

Some discussion followed between Reverend Shelly and Chairman Flescher, who described the actions and strategies that law enforcement has already taken.

Cynthia Spand, 4575 33rd Avenue, a resident in Gifford since birth, addressed the lack of respect and foul language that she has had to endure recently living in Gifford. She spoke of the danger that now exists, and encouraged the Board to take action.

The Chairman stated that the Board cannot legislate to respect, but they do want to look at infrastructure to see if there is a barrier that could be set, so that this type of activity does not happen.

No Board Action Required or Taken

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR MAY 7, 2013:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA ADDING PART III, SECTION 312.21 OF THE CODE OF INDIAN RIVER COUNTY, REQUIRING A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN NATURAL GAS FACILITIES OVER,

**UNDER OR UPON THE PUBLIC RIGHTS-OF- WAYS OF INDIAN RIVER
COUNTY (LEGISLATIVE)**

County Attorney Alan S. Polackwich, Sr. read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. QUARTERLY BUDGET REPORT

Director of Management and Budget Jason Brown reviewed his PowerPoint presentation (on file) to provide an overview of the Second Quarter Budget Report for Fiscal Year 2012-2013.

During the presentation some Board members sought additional information regarding the optional sales tax revenue.

Vice Chairman Davis wanted staff to look into selling the lead found at the Shooting Range as an additional revenue source. County Administrator Baird wanted six months to review.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1 GOLF CARTS – ROSELAND AREA ROADWAYS

Public Works Director Chris Mora presented staff's evaluation after the Board's direction given at the March 19, 2013 Board of County Commission meeting, regarding the potential use of golf carts on Roseland area roadways. Overall, staff had some reservations pertaining to safety, and did not recommend Board approval of this item.

Some discussion followed regarding the Board's liability if they approved this item and someone in a golf cart got injured on a roadway.

Vice Chairman Davis suggested taking this item to the Roseland Community Association to obtain their input and see if it is something they would support.

After highlighting concerns, Commissioner Solari and Chairman Flescher provided a motion in opposition to Vice Chairman Davis's suggestion.

MOTION WAS MADE by Commissioner Solari, to approve staff's recommendation to make no change, SECONDED by Chairman Flescher, for discussion.

Sheriff Loar suggested the Board review Florida Statute 312 before moving forward on this issue.

The Chairman CALLED THE QUESTION and the Motion Failed, by a 2-2 vote, (Vice Chairman Davis and Commissioner Zorc opposed, and Commissioner O'Bryan absent).

ON MOTION by Vice Chairman Davis, Seconded by Commissioner Solari, by a 4-0 vote (Commissioner O'Bryan absent), the Board authorized staff to take this matter to the Roseland Community Association meeting for their input, and directed the County Attorney to review Florida Statute 312.212 before moving forward.

In discussion, following the motion, Chairman Flescher said he would like to attend the Association meeting, and extended the invitation to the Sheriff.

12.J. UTILITIES SERVICES - NONE

13. COUNTY ATTORNEY MATTERS - NONE

14. COMMISSIONER ITEMS

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

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

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

14.D. COMMISSIONER BOB SOLARI - NONE

14.E. COMMISSIONER TIM ZORC

14.E.1. CALENDAR ON THE COUNTY'S WEBSITE

Commissioner Zorc discussed enhancing the County website by providing a centralized place where citizens could subscribe to receive updates on public meetings.

ON MOTION by Commissioner Zorc, SECONDED by Commissioner Solari, by a 4-0 vote (Commissioner O'Bryan absent), the Board authorized staff to enhance the County website by providing a place where citizens could subscribe to receive updates to public meetings.

Some discussion followed by the Board regarding how the weekly meetings are advertised on the County website and they shared ideas of ways to make the website more user-friendly.

14.E.2. INDIAN RIVER LAGOON SYMPOSIUM

Commissioner Zorc said he is still looking to set a date for a midsummer type event that would not conflict with the County's July budget workshops. It will have audience seating for nonparticipants. The goal is to establish a document/plan of ideas to bring back to the Board for discussion and adoption.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Board of County Commissioners 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 MARCH 19, 2013

15.B.2. FINAL PAY FOR GEOSYNTEC WORK ORDER NO. 4, ENGINEERING AND CONSTRUCTION SUPPORT SERVICES FOR PHASE 2 CONSTRUCTION OF CELL 1 OF SEGMENT 3 EXPANSION

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

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

16. ADJOURNMENT

There being no further business, the Chairman declared the Board of County Commission meeting adjourned at 11:28 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MS/2013Minutes