

JEFFREY R. SMITH  
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

MAY 14, 2013

1.	CALL TO ORDER.....	1
2.	INVOCATION .....	1
3.	PLEDGE OF ALLEGIANCE .....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS - NONE .....	1
5.	PROCLAMATIONS AND PRESENTATIONS .....	2
5.A.	PRESENTATION OF PROCLAMATION RECOGNIZING MAY 12 THROUGH MAY 18, 2013 AS NATIONAL POLICE WEEK .....	2
5.B.	PRESENTATION BY BARBARA HOFFMAN, CHAIRMAN, CULTURAL COUNCIL OF INDIAN RIVER COUNTY; KEVIN LOWRY, VISITOR SERVICES MANAGER, UNITED STATES FISH & WILDLIFE REFUGE; AND SAMUEL KOLTINSKY, EXECUTIVE PRODUCER AND OWNER MARVO ENTERTAINMENT GROUP LLC; ON THE DOCUMENTARY BEING PRODUCED ENTITLED "AMERICA'S GATEKEEPER; THE STORY OF PAUL KROEGEL" .....	2
6.	APPROVAL OF MINUTES - NONE .....	3

7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	3
7.A.	UPDATE REGARDING THE 2013 AMNESTY PROGRAM FOR CERTAIN UTILITY DELINQUENCY CHARGES.....	3
8.	CONSENT AGENDA .....	3
8.A.	APPROVAL OF WARRANTS – APRIL 26, 2013 TO MAY 2, 2013 .....	4
8.B.	RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM, PARCEL NO. 31-37-00-00009-0490-00064.0, 163 S. ELM STREET, FELLSMERE, FLORIDA 32948.....	4
8.C.	REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSIT FUNDING .....	4
8.D.	AWARD OF BID NO. 2013006, CR 512 RESURFACING (EAST BOUND) ROSELAND ROAD TO EASY STREET, IRC PROJECT NO. 1132 .....	5
8.E.	DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL.....	5
8.F.	CHANGE ORDER NO. 2, FINAL PAY AND RELEASE OF RETAINAGE, 27 <sup>TH</sup> AVENUE MILLING AND RESURFACING (OSLO ROAD TO S.R. 60), IRC PROJECT NO. 0391, BID No. 2012029 .....	6
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE.....	6
10.	PUBLIC ITEMS.....	6
10.A.	PUBLIC HEARING(S) - NONE .....	6
10.B.	PUBLIC DISCUSSION ITEMS - NONE.....	6
10.C.	PUBLIC NOTICE ITEMS - NONE .....	6
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	6
12.	DEPARTMENTAL MATTERS .....	6
12.A.	COMMUNITY DEVELOPMENT - NONE.....	6

12.B.	EMERGENCY SERVICES - NONE.....	7
12.C.	GENERAL SERVICES - NONE .....	7
12.D.	HUMAN RESOURCES - NONE.....	7
12.E.	HUMAN SERVICES - NONE .....	7
12.F.	LEISURE SERVICES - NONE.....	7
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE.....	7
12.H.	RECREATION - NONE.....	7
12.I.	PUBLIC WORKS - NONE.....	7
12.J.	UTILITIES SERVICES.....	7
12.J.1.	WORK ORDER NO. 3 MASTELLER & MOLER, INC., CENTRAL REGIONAL WASTEWATER PLANT SLUDGE HOLDING TANK MODIFICATIONS.....	7
13.	COUNTY ATTORNEY MATTERS - NONE.....	8
14.	COMMISSIONER ITEMS.....	8
14.A.	COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE.....	8
14.B.	COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE.....	8
14.C.	COMMISSIONER PETER D. O'BRYAN .....	8
14.C.1.	CONSIDERATION OF A COMMUNITY REDEVELOPMENT AREA .....	8
14.D.	COMMISSIONER BOB SOLARI - NONE .....	10
14.E.	COMMISSIONER TIM ZORC .....	10
14.E.1.	LETTER OF SUPPORT FOR PROPOSAL TO FLORIDA SEA GRANT .....	10
15.	SPECIAL DISTRICTS AND BOARDS .....	11
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	11
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE .....	11
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	11
16.	ADJOURNMENT.....	12

**JEFFREY R. SMITH**

Clerk to the Board



**May 14, 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, May 14, 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**

Stan Boling, Planning Director, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Chairman Flescher 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 RECOGNIZING MAY 12 THROUGH MAY 18, 2013 AS NATIONAL POLICE WEEK**

Chairman Flescher read and presented the Proclamation to Sheriff Deryl Loar; Vero Beach Police Chief David Currey; Sebastian Police Chief Michelle Norris; Fellsmere Police Chief Scott Melanson; and Indian River Shores Police Chief Robert Stabe.

### **5.B. PRESENTATION BY BARBARA HOFFMAN, CHAIRMAN, CULTURAL COUNCIL OF INDIAN RIVER COUNTY; KEVIN LOWRY, VISITOR SERVICES MANAGER, UNITED STATES FISH & WILDLIFE REFUGE; AND SAMUEL KOLTINSKY, EXECUTIVE PRODUCER AND OWNER MARVO ENTERTAINMENT GROUP LLC; ON THE DOCUMENTARY BEING PRODUCED ENTITLED "AMERICA'S GATEKEEPER; THE STORY OF PAUL KROEGEL"**

**Barbara Hoffman**, Chairman of the Cultural Council of Indian River County, informed the Board that a documentary about Paul Kroegel's life entitled "America's Gatekeeper; The Story of Paul Kroegel" is being filmed on Pelican Island and will be released in honor of his birthday next year.

**Kevin Lowry**, Visitor Services Manager of the United States Fish and Wildlife Refuge, showed a brief documentary promo film of Paul Kroegel and his efforts in the conservation of wildlife.

**Samuel Koltinsky**, Executive Producer and owner of Marvo Entertainment Group, LLC, described the film as a great story that needs to be told, not only to America, but also internationally. He said this is a multimedia project that will be released for web distribution and introduced to the Public Broadcasting Service (PBS), International Film Festivals, and eventually schools. He also presented the Board with an official “Viva Florida 500” poster signed by the artist, Christopher Still.

## **6. APPROVAL OF MINUTES - NONE**

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

### **7.A. UPDATE REGARDING THE 2013 AMNESTY PROGRAM FOR CERTAIN UTILITY DELINQUENCY CHARGES**

Utilities Services Director Vincent Burke provided the Board with a summary of activities related to the Amnesty Program for delinquency charges after one month into the program.

Discussion ensued regarding the program, delinquency charges, and possible adjustments.

## **8. CONSENT AGENDA**

Vice Chairman Davis requested to pull Item 8.E. from the Consent Agenda for comment.

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the Consent Agenda, as amended.

**8.A. APPROVAL OF WARRANTS – APRIL 26, 2013 TO MAY 2, 2013**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller’s Office for the time period of April 26, 2013 to May 2, 2013, as requested in the memorandum of May 2, 2013.

**8.B. RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM, PARCEL NO. 31-37-00-00009-0490-00064.0, 163 S. ELM STREET, FELLSMERE, FLORIDA 32948**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-038**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

**8.C. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSIT FUNDING**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-039**, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.

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

**8.D. AWARD OF BID No. 2013006, CR 512 RESURFACING (EAST BOUND)**  
**ROSELAND ROAD TO EASY STREET, IRC PROJECT No. 1132**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously: (1) approved the bid award to Ranger Construction Industries, Inc., in the amount of \$1,049,787.70; (2) approved the Sample Agreement; and (3) authorized the Chairman to execute said Agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency, as recommended in the memorandum of April 24, 2013.

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

**8.E. DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL**

Vice Chairman Davis announced that he would abstain from the vote and file Form 8B, Memorandum of Voting Conflict.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board by a 4-0 vote (Vice Chairman Davis abstained), (1) declared the items listed on pages 43 – 60 of the Agenda Packet as surplus; (2) authorized the sale and/or proper disposal; and (3) authorized the excess equipment to be delivered to the Indian River County Fairgrounds to be sold at public auction on June 22, 2013, at 10:00 a.m., as recommended in the memorandum of May 7, 2012.

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



**8.F. CHANGE ORDER NO. 2, FINAL PAY AND RELEASE OF RETAINAGE, 27<sup>TH</sup>  
AVENUE MILLING AND RESURFACING (OSLO ROAD TO S.R. 60), IRC  
PROJECT NO. 0391, BID NO. 2012029**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved Change Order No. 2 to Ranger Construction Industries, Inc., decreasing the contract total to \$1,309,203.54, and payment of Ranger Construction Industries, Inc. Pay Application No. 7 in the amount of \$131,235.35 for final payment and release of retainage, as recommended in the memorandum of April 10, 2013.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE**

**10. PUBLIC ITEMS**

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

**10.B. PUBLIC DISCUSSION ITEMS - NONE**

**10.C. PUBLIC NOTICE ITEMS - NONE**

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT - NONE**

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

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

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

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

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

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

**12.H. RECREATION - NONE**

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

**12.J. UTILITIES SERVICES**

**12.J.1. WORK ORDER NO. 3 MASTELLER & MOLER, INC., CENTRAL REGIONAL  
WASTEWATER PLANT SLUDGE HOLDING TANK MODIFICATIONS**

Director Burke stated that Work Order No. 3 is to engage the services of Masteller and Moler, Inc. for surveying service, structural engineering services, electrical engineering services, civil engineering services, permitting, project bidding services, periodic construction observation and administrative services for the upgrade of the central regional biosolids storage tanks and associated appurtenances.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, to approve Work Order No. 3 with Masteller and Moler, Inc., in the amount of \$58,135.50, as recommended in the memorandum of May 1, 2013.

The Board discussed the importance of keeping the public informed of this investment, as well as the responsible manner in which the Utility Department handled the odor concerns related to the Gifford and West Regional Wastewater Treatment Facilities.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**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**

**14.C.1. CONSIDERATION OF A COMMUNITY REDEVELOPMENT AREA**

Commissioner O'Bryan recalled that on April 16, 2013, the Board directed staff to review the Gifford Neighborhood Plan (the Plan); and thereafter, he realized that there were probably items in the Plan that need to be funded. He presented his request for staff to conduct further research into the creation of a Community Redevelopment Area (CRA) that would create

a recurring revenue stream to fund community improvements that the Plan will dictate, and create a sense of ownership for the Gifford community since it would be their tax dollars being used for community improvements.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, to direct staff to look into the possibility of creating a Community Redevelopment Area (CRA) to benefit the Gifford Community.

Vice Chairman Davis supported the research concept, and wanted to hear what staff will recommend.

Commissioner Solari was not sure if he would like the end result, but felt it was worth the discussion. He suggested filtering some of the information through the Enterprise Zone Committee.

Commissioner Zorc thought staff should take an overall look at the needs of the Gifford community, and find ways for them to help themselves over time.

Administrator Baird said that staff would bring the Plan and the CRA concept back to the Board for review.

Commissioner O'Bryan emphasized that this action is not to establish a CRA, but to ask staff to look into the possibility of creating a CRA that would benefit the Gifford Community, and bring it back to the Board for further discussion.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**14.E. COMMISSIONER TIM ZORC**

**14.E.1. LETTER OF SUPPORT FOR PROPOSAL TO FLORIDA SEA GRANT**

Commissioner Zorc reported that this is one of the first ongoing benefits from the March 26, 2013 Indian River Lagoon Symposium, which involves collaboration with Harbor Branch Oceanographic Institute (HBOI) relative to conducting studies on the effect of septic tank issues as they relate to the waterway systems in the County. He said HBOI is pursuing the grant application to pay for the study, and the County would be one of the beneficiaries as the data is collected. He thereafter requested that the Board approve sending the proposed Letter of Support, on page 85 of the Agenda Packet, for an Indian River County septic study.

MOTION WAS MADE by Commissioner Zorc, SECONDED by Chairman Flescher, to authorize Commissioner Zorc to send the Letter of Support to the Harbor Branch Oceanographic Institute at Florida Atlantic University, for an Indian River County septic study proposal to Florida Sea Grant.

Commissioner O'Bryan felt the Letter of Support would carry more weight if the Chairman signed it, representing the entire Board.

MOTION WAS AMENDED by Commissioner Zorc, SECONDED by Chairman Flescher, to authorize Chairman Flescher to send the Letter of Support to the Harbor Branch Oceanographic Institute at Florida Atlantic University, for an Indian River County septic study proposal to Florida Sea Grant.

A brief discussion ensued regarding the installation of the Kilroy water quality monitors, and Commissioner O'Bryan asked Administrator Baird to see if the installation could be expedited.

**Bob Johnson**, Coral Wind Subdivision, sought and received information pertaining to the Lagoon Symposium, Kilroy program, and the funding for the septic tank study. He wanted the County to partner in this, and not be the sole funder of cleaning the Lagoon.

Commissioner Zorc stated that there would be many partners as different projects are identified, and the County will reach far and wide to get any funding sources available as different projects are identified for the Lagoon.

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

## **15. SPECIAL DISTRICTS AND BOARDS**

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

**15.B. SOLID WASTE DISPOSAL DISTRICT - NONE**

**15.C. ENVIRONMENTAL CONTROL BOARD - NONE**

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

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 9:55 a.m.

ATTEST:

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

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

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

BCC/LA/2013Minutes