

JEFFREY R. SMITH
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

MAY 21, 2013

1.	CALL TO ORDER.....	1
2.	INVOCATION.....	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS.....	2
	ADDITION: 5.C. EMERGENCY ITEM – PRESENTATION AND PROCLAMATION DESIGNATING MAY 27, 2013 AS MEMORIAL DAY.....	2
	MOVED: ITEM 12.A.1. TO ITEM 14.E. “CONSIDERATION OF COMMISSIONER ZORC’S PROPOSED ECONOMIC DEVELOPMENT INITIATIVES” TO BE HEARD UNDER ITEM 14.E.	2
	REPLACE PAGE: ITEM 8.B., PAGE 12, REQUEST FOR AUTHORIZATION TO TRADE IN VEHICLE FOR PURCHASE.....	2
5.	PROCLAMATIONS AND PRESENTATIONS.....	2
5.A.	PRESENTATION OF PROCLAMATION RECOGNIZING JUNE 1 THROUGH JUNE 7, 2013 AS JUSTIN RINEY APPRECIATION WEEK.....	2
5.B.	PRESENTATION OF PROCLAMATION DESIGNATING MAY 19 - 25, 2013, AS TOURISM WEEK IN INDIAN RIVER COUNTY FLORIDA.....	3

5.C.	ADDITION - EMERGENCY ITEM - PRESENTATION OF PROCLAMATION DESIGNATING MAY 27, 2013 AS MEMORIAL DAY.....	3
6.	APPROVAL OF MINUTES	3
6.A.	MEETING OF APRIL 9, 2013	3
6.B.	MEETING OF APRIL 16, 2013	3
6.C.	MEETING OF APRIL 23, 2013	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	4
8.	CONSENT AGENDA	4
8.A.	APPROVAL OF WARRANTS – MAY 3, 2013 TO MAY 9, 2013.....	4
8.B.	REQUEST FOR AUTHORIZATION TO TRADE IN VEHICLE FOR PURCHASE	4
8.C.	PROCLAMATION AND RETIREMENT AWARD HONORING THOMAS WOLSTENHOLME ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES/PARKS DIVISION WITH EIGHTEEN YEARS OF SERVICE	5
8.D.	PROCLAMATION AND RETIREMENT AWARD HONORING SHIRLEY WOLSTENHOLME ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES/LIBRARY DIVISION WITH TWENTY-SIX YEARS OF SERVICE	6
8.E.	2012-2013 INDIAN RIVER COUNTY HEALTH DEPARTMENT FEE SCHEDULE.....	6
8.F.	REQUEST FOR APPROVAL TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR SERVICE TO THE INDIAN RIVER STATE COLLEGE MAIN CAMPUS (FORT PIERCE).....	6
8.G.	SELECTION OF FIRM TO PROVIDE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR INDIAN RIVER COUNTY SHOOTING RANGE IMPROVEMENTS TO SKEET & TRAP FACILITY AND HUNTER SAFETY TRAINING BUILDING RFQ No. 2012024 – IRC PROJECT NO. 1135	7
8.H.	APPROVAL OF WORK ORDER NO. PCM-1 FOR SEDIMENT REMOVAL AT PC MAIN SCREENING FACILITY	8

9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	9
10.	PUBLIC ITEMS	9
10.A.	PUBLIC HEARING(S) - NONE	9
10.B.	PUBLIC DISCUSSION ITEMS – NONE.....	9
10.C.	PUBLIC NOTICE ITEMS	9
10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING JUNE 4, 2013: CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 213 OF THE CODE OF INDIAN RIVER COUNTY TO ADD A SECTION TO CHAPTER 213 CREATING A SECOND ADDITIONAL PROPERTY TAX HOMESTEAD EXEMPTION FOR QUALIFYING SENIOR CITIZENS (LEGISLATIVE).....	9
10.C.2.	NOTICE OF SCHEDULED PUBLIC HEARING JUNE 11, 2013: CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS PROPERTIES FOR AFFORDABLE HOUSING (ADMINISTRATIVE)	9
10.C.3.	NOTICE OF SCHEDULED PUBLIC HEARING JULY 2, 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)	9
10.C.4.	NOTICE OF CLOSED ATTORNEY-CLIENT SESSION SCHEDULED FOR JUNE 4, 2013: RELATING TO TWO SEPARATE PENDING CASES FILED BY FREDERICK D. MENSING, III AGAINST INDIAN RIVER COUNTY.....	9
10.C.5.	NOTICE OF PUBLIC WORKSHOP MAY 24, 2013: PRESENTATION ON NATURAL GAS EXPANSION	10
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	10
12.	DEPARTMENTAL MATTERS	10
12.A.	COMMUNITY DEVELOPMENT	10
12.A.1.	CONSIDERATION OF COMMISSIONER ZORC’S PROPOSED ECONOMIC DEVELOPMENT INITIATIVES	10
12.A.2.	EVALUATION OF THE GIFFORD NEIGHBORHOOD PLAN (GNP)	10
12.B.	EMERGENCY SERVICES - NONE.....	12
12.C.	GENERAL SERVICES - NONE	12
12.D.	HUMAN RESOURCES - NONE	12

12.E.	HUMAN SERVICES - NONE	12
12.F.	LEISURE SERVICES - NONE	12
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	13
12.H.	RECREATION - NONE.....	13
12.I.	PUBLIC WORKS - NONE	13
12.J.	UTILITIES SERVICES - NONE.....	13
13.	COUNTY ATTORNEY MATTERS.....	13
13.A.	APPOINTMENT OF COUNTY ATTORNEY	13
14.	COMMISSIONER ITEMS.....	14
14.A.	COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN.....	14
14.A.1.	MEMBER AT LARGE APPOINTEE FOR THE PLANNING AND ZONING COMMISSION	14
14.A.2.	IMPACT FEES	15
14.B.	COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE.....	17
14.C.	COMMISSIONER PETER D. O'BRYAN - NONE	17
14.D.	COMMISSIONER BOB SOLARI - NONE	17
14.E.	COMMISSIONER TIM ZORC – NONE	18
14.E.1.	CONSIDERATION OF COMMISSIONER ZORC'S PROPOSED ECONOMIC DEVELOPMENT INITIATIVES	18
15.	SPECIAL DISTRICTS AND BOARDS	20
15.A.	EMERGENCY SERVICES DISTRICT - NONE.....	20
15.B.	SOLID WASTE DISPOSAL DISTRICT	20
15.B.1.	APPROVAL OF MINUTES MEETING OF APRIL 2, 2013	20
15.B.2.	APPROVAL OF MINUTES MEETING OF APRIL 23, 2013.....	20
15.B.3.	FIFTH AMENDMENT TO SWDD FEEDSTOCK SUPPLY AGREEMENT WITH INEOS NEW PLANET BIOENERGY, LLC (INPB).....	20
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	20
16.	ADJOURNMENT.....	20

JEFFREY R. SMITH

Clerk to the Board



May 21, 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, May 21, 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

Vice Chairman Davis 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:

**ADDITION: 5.C. EMERGENCY ITEM – PRESENTATION AND PROCLAMATION
DESIGNATING MAY 27, 2013 AS MEMORIAL DAY**

**MOVED: ITEM 12.A.1. TO ITEM 14.E. “CONSIDERATION OF COMMISSIONER
ZORC’S PROPOSED ECONOMIC DEVELOPMENT INITIATIVES” TO BE
HEARD UNDER ITEM 14.E.**

**REPLACE PAGE: ITEM 8.B., PAGE 12, REQUEST FOR AUTHORIZATION TO TRADE
IN VEHICLE FOR PURCHASE**

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION RECOGNIZING JUNE 1 THROUGH
JUNE 7, 2013 AS JUSTIN RINEY APPRECIATION WEEK**

Vice Chairman Davis read and presented the Proclamation to Justin Riney’s parents, Bob and Lisa Riney, on behalf of Justin Riney, who was unable to attend today’s meeting.

Mr. and Mrs. Riney gave a video presentation explaining the purpose of Justin Riney’s project, Expedition Florida 500, and provided a flier (on file) showing scheduled beach/ocean cleanup dates, times, and locations.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING MAY 19 - 25, 2013, AS
TOURISM WEEK IN INDIAN RIVER COUNTY FLORIDA**

Chairman Flescher read and presented the Proclamation to Allyson McNeal, Indian River County Chamber of Commerce; and Nicole Holbrook, Sebastian River Area Chamber of Commerce.

**5.C. ADDITION - EMERGENCY ITEM - PRESENTATION OF PROCLAMATION
DESIGNATING MAY 27, 2013 AS MEMORIAL DAY**

Chairman Flescher read and presented the Proclamation to Retired U.S. Air Force Colonel Martin Zickert.

6. APPROVAL OF MINUTES

6.A. MEETING OF APRIL 9, 2013

6.B. MEETING OF APRIL 16, 2013

6.C. MEETING OF APRIL 23, 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 meeting minutes of April
9, April 16, and April 23, 2013, as written.

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

8. CONSENT AGENDA

Vice Chairman Davis requested to pull Item 8.B., and Commissioner Solari requested to pull Item 8.G. from the Consent Agenda for discussion/comments.

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

8.A. APPROVAL OF WARRANTS – MAY 3, 2013 TO MAY 9, 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 May 3, 2013 to May 9, 2013, as requested in the
memorandum of May 9, 2013.

8.B. REQUEST FOR AUTHORIZATION TO TRADE IN VEHICLE FOR PURCHASE

Vice Chairman Davis questioned the procedure for trading-in the 2004 Chevy Blazer, in lieu of a public bid or auction process.

Property Appraiser David Nolte informed the Board that his staff had performed the necessary research, and it is a fair trade-in value. He addressed a change to his original

memorandum, stating that the correct figure is \$8,000 (\$3,000 for trade in and \$5,000 for incentives).

County Attorney Alan S. Polackwich informed the Board that in accordance with Chapter 274 of the Florida Statutes, the Board has the discretion to authorize the disposal of the vehicle through the trade-in process without having to go to bid.

Commissioner O'Bryan requested that Mr. Nolte provide the Clerk with a copy of the Linus Cadillac Buick GMC contract (on file) for the public record.

Vice Chairman Davis requested the County Attorney to send the Board an e-mail of his legal opinion (on file) regarding the trade in of said vehicle.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously authorized the Property Appraiser to trade in at \$8,000, both the 2004 Chevy Blazer (VIN: 1GNNDT13X54K153188) and the rebates, in order to offset the purchase price of a new vehicle, as requested in the memorandum dated May 20, 2013.

**8.C. PROCLAMATION AND RETIREMENT AWARD HONORING THOMAS
WOLSTENHOLME ON HIS RETIREMENT FROM INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL
SERVICES/PARKS DIVISION WITH EIGHTEEN YEARS OF SERVICE**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the Proclamation and Retirement Award honoring Thomas Wolstenholme

on his retirement from the Department of General Services/Parks Division.

8.D. PROCLAMATION AND RETIREMENT AWARD HONORING SHIRLEY WOLSTENHOLME ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF GENERAL SERVICES/LIBRARY DIVISION WITH TWENTY-SIX YEARS OF SERVICE

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the Proclamation and Retirement Award honoring Shirley Wolstenholme on her retirement from the Department of General Services/Library Division.

8.E. 2012-2013 INDIAN RIVER COUNTY HEALTH DEPARTMENT FEE SCHEDULE

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-040**, to adopt a 2012-2013 Fee Schedule for the Indian River County Health Department.

8.F. REQUEST FOR APPROVAL TO ENTER INTO A PUBLIC TRANSPORTATION SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR SERVICE TO THE INDIAN RIVER STATE COLLEGE MAIN CAMPUS (FORT PIERCE)

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved: (1) the Public Transportation Supplemental Joint Participation Agreement; and (2) **Resolution 2013-041**, 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.G. SELECTION OF FIRM TO PROVIDE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR INDIAN RIVER COUNTY SHOOTING RANGE IMPROVEMENTS TO SKEET & TRAP FACILITY AND HUNTER SAFETY TRAINING BUILDING RFQ No. 2012024 – IRC PROJECT No. 1135

Commissioner Solari sought and received clarification from Administrator Baird regarding the improvements at the Indian River County Shooting Range, a possible Grant for the Hunter Safety Training Building, and the funding.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to: (1) approve the prioritized list as recommended by the Selection Committee: (a) Donadio and Associates, Architect, PA; (2) Edlund, Dritenbas, Binkley Architects and Associates, PA; and (b) C. Vargas and Associates, Ltd., for professional architectural and engineering services; and (2) authorize staff to begin contract negotiations with the first ranked firm,

Donadio and Associates, Inc., and in the event negotiations with Donadio and Associates, Inc. are unsuccessful, staff would then negotiate with the second ranked firm; and (3) direct staff to move forward with the Grant for the Hunter Safety Training Building.

Assistant County Administrator Michael Zito informed the Board that staff had received an e-mail yesterday confirming the State Grant of \$100,000 for the Hunter Safety Training Building, but it is subject to Legislative approval.

Discussion ensued regarding the Shooting Range hours and the revenue it could generate if the days per week were increased.

The Chairman CALLED THE QUESTION and the Motion Carried unanimously.

**8.H. APPROVAL OF WORK ORDER NO. PCM-1 FOR SEDIMENT REMOVAL AT
PC MAIN SCREENING FACILITY**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. PCM-1 with EMC Divers, Inc., for \$14,600.00, as recommended in the memorandum of May 10, 2013.

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

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

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING JUNE 4, 2013: CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 213 OF THE CODE OF INDIAN RIVER COUNTY TO ADD A SECTION TO CHAPTER 213 CREATING A SECOND ADDITIONAL PROPERTY TAX HOMESTEAD EXEMPTION FOR QUALIFYING SENIOR CITIZENS (LEGISLATIVE)

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING JUNE 11, 2013: CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS PROPERTIES FOR AFFORDABLE HOUSING (ADMINISTRATIVE)

10.C.3. NOTICE OF SCHEDULED PUBLIC HEARING JULY 2, 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.4. NOTICE OF CLOSED ATTORNEY-CLIENT SESSION SCHEDULED FOR JUNE 4, 2013: RELATING TO TWO SEPARATE PENDING CASES FILED BY FREDERICK D. MENSING, III AGAINST INDIAN RIVER COUNTY

**10.C.5. NOTICE OF PUBLIC WORKSHOP MAY 24, 2013: PRESENTATION ON
NATURAL GAS EXPANSION**

The County Attorney read the notices into the record.

Vice Chairman Davis suggested someone from the Utilities Department be in attendance for the Natural Gas Expansion Workshop. Commissioners thereafter voiced conflicts with the scheduled date of May 24, 2013, and it was TABLED to a later date.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

**12.A.1. CONSIDERATION OF COMMISSIONER ZORC'S PROPOSED ECONOMIC
DEVELOPMENT INITIATIVES**

This item was moved to Item 14.E.1.

12.A.2. EVALUATION OF THE GIFFORD NEIGHBORHOOD PLAN (GNP)

Community Development Director Bob Keating provided background and recalled that on April 15, 2013 staff was directed to evaluate the Gifford Neighborhood Plan (GNP) and report back as to whether it needs to be updated. Using a PowerPoint Presentation (on file), he provided the Board with the aspects of the report, information regarding the GNP's implementation, steps for updating the GNP, and why it needs to be updated. He also pointed out that updating the GNP will require coordinating with interested residents, the Progressive Civic League of Gifford, community organizations, and appropriate County departments.

Commissioners mentioned additional groups and organizations that should be included in the planning process.

Donald Hart, Progressive Civic League, requested the Board revisit and move the GNP forward.

Freddie Woolfork, Progressive Civic League, offered suggestions and encouraged staff to ask the stakeholders once again, what they want for Gifford. He requested that in the planning process of creating a Neighborhood Commercial Activity Center (NCAC) for Gifford, the residential area be protected, and to reconsider where it should be built. He also asked that the sidewalks west of 43rd Avenue to 58th Avenue be connected to ensure safety.

Commissioner Solari noted that one of the biggest challenges as the GNP is being developed is to get young people involved in the process.

Marcie Nolan, Attorney with Becker & Poliakoff Law Offices, and certified planner, encouraged staff to revisit previous data, and encouraged the Board to decide how to best preserve and enhance the industrial neighborhood and industrial node, while preserving the residential area.

Wanda Mosley Scott, Mosley Family Groceries and Gifford Marketing Firm, wanted to see growth and businesses return to the Gifford community, and felt that putting the Plan back on the table was a good idea.

Benny Rhyant, Pastor and President of Indian River County Pastor Association, supported the evaluation of the GNP, and thought it might be a challenge to get the necessary people involved in the process.

Linda Morgan, concerned citizen and member of the Progressive Civic League, wanted things to improve in the Gifford community.

Commissioner Zorc asked staff to consider creating a business zoning neighborhood overlay that would draw small neighborhood stores and services back to Gifford. He suggested that staff consider provisions that would allow a small store, such as Mosley Grocery, to reestablish what they had without having to re-comply with all the requirements, should a hurricane destroy the building. He said he would meet with Director Keating to discuss and share ideas regarding potential zoning.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously directed staff to coordinate with the Progressive Civic League of Gifford, interested residents, and other interested organizations, to update the Gifford Neighborhood Plan, as recommended in the memorandum of May 15, 2013.

The Chairman called for a break at 10:30 a.m., and reconvened the meeting at 10:42 a.m., with all members present.

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. APPOINTMENT OF COUNTY ATTORNEY

Attorney Polackwich recalled that on May 7, 2013, the Board had selected a short list of six applicants for the appointment of a new County Attorney, of which five were interviewed.

MOTION WAS MADE by Commissioner Zorc,
SECONDED by Chairman Flescher, to move forward
with making a selection from the five candidates that
were interviewed.

Following a discussion among the Board regarding applicant Harlene Kennedy, who was not interviewed, the Board decided not to delay taking action.

The Chairman CALLED THE QUESTION and the
Motion carried unanimously.

Chairman Flescher asked each Commissioner to disclose their applicant choices in priority order. The results revealed that Bill DeBaal, Dylan Reingold, and James Wilson were ranked as the Commissioners' top three candidates.

Discussion ensued regarding the ranking process, and the background, knowledge, and experience of the top three candidates.

Chairman Flescher requested the Board further narrow the ranking to the top two candidates; the results revealed that Dylan Reingold ranked number one, and Bill DeBaal number two.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Commissioner O'Bryan, to appoint
Dylan Reingold to succeed County Attorney Alan S.
Polackwich, Sr. when he retires.

A brief discussion ensued regarding the selection.

The Chairman CALLED THE QUESTION and the
Motion carried by a 4-1 vote (Chairman Flescher
opposed).

Attorney Polackwich said he would take his existing contract, leave the salary figure blank, and send it to Attorney Reingold to see if he has any objections to any of the terms. He plans to bring the proposed contract to the Board on or about June 11th for consideration of the terms and salary.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN

14.A.1. MEMBER AT LARGE APPOINTEE FOR THE PLANNING AND ZONING COMMISSION

Chairman Flescher announced that George Hamner from the Planning and Zoning Commission had resigned, and nominated Jordan Stewart to the Member-at-Large position on the Planning and Zoning Commission.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously appointed Jordan Stewart to serve as the Member-at-Large on the Planning and Zoning Commission, effective immediately and expiring in January 2015.

14.A.2. IMPACT FEES

Chairman Flescher initiated an open discussion regarding the necessity of Impact Fees, and whether the fees, now that consumer confidence has increased, are stopping individuals from moving forward with development. He believed a 12 or 18-month Impact Fee moratorium would encourage development, bring in more businesses, and give the public what they want.

MOTION WAS MADE by Commissioner Solari to do nothing. Motion died for lack of a Second.

Commissioner Solari opposed a moratorium on Impact Fees, believing it negatively impacts those who have already built and paid their Impact Fees. He said that people are currently buying properties and things are moving forward, but the moratorium could derail the positive process.

Administrator Baird felt it would be catastrophic to eliminate Impact Fees. He voiced concerns that eliminating/suspending Impact Fees would increase the County's taxes over the next five years, and that certain projects would not be able to move forward.

A lengthy discussion/debate ensued regarding the suspension of Impact Fees, bringing the fees back over a period of time, whether the suspension would encourage development, financing mechanisms, Impact Fee studies, and consultant reports.

Commissioner O'Bryan opposed waiving the Impact Fees and pointed out that the new Publix's decision to move forward was not based on Impact Fees, but on the County using the transportation Impact Fees collected to open 53rd Street. He said the roads need to be built, which means that the individuals who have lived in the County will have an increase in their taxes.

Staff opposed suspending Impact Fees, and voiced concerns over funding County improvements and road projects, as well as the existing property owners bearing the burden.

Charlie Wilson supported a two-year moratorium on Impact Fees, and felt Impact Fees discourage new businesses.

Joseph Paladin, Black Swan Consulting, Developer and Builder, advised against suspending/eliminating Impact Fees, and voiced concerns that there would not be enough money to finish the County's infrastructure, and without infrastructure, businesses will not come. He believed that in the future, the Impact Fees would need to be increased to make up for the moratorium, and requested that the Board Table this item.

At Commissioner Zorc's request, Administrator Baird said he would direct staff to perform a study of the 67 Counties to see who is charging for Impact Fees, what they are charging, and if they have financing options.

Scott Stradley, Economic Development Council (EDC) Representative, recommended the Board consider making the Motion for a two-year moratorium.

MOTION WAS MADE by Commissioner Zorc, SECONDED by Chairman Flescher, to adopt a moratorium suspending Impact Fees for a period of 18 months at 100% of the currently uncollected amount, and a phase-in at 25% per quarter going forward, until the fees come back in line to the new rate going forward.

Commissioner O'Bryan did not support the 25% step-up due to the confusion and additional paperwork that it would create.

Attorney Polackwich provided the Board with guidance regarding the process of adopting the moratorium, and pointed out that it would take approximately 45 days for adoption. He said he would draft an ordinance and bring it back to the Board for review.

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

A brief discussion ensued regarding the moratorium activation date.

The Chairman called for a break at 12:41 p.m., and reconvened the meeting at 1:00 p.m., with all members present.

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 – NONE

14.E.1. CONSIDERATION OF COMMISSIONER ZORC’S PROPOSED ECONOMIC DEVELOPMENT INITIATIVES

This Item was moved from 12.A.1.

Commissioner Zorc used a PowerPoint presentation (on file) to outline his list of economic development initiatives for the Board to consider. He categorized, spoke to the benefits, and summarized the actions for each of the following initiatives: (1) establish a Foreign Trade Zone area in the County; (2) expand the Enterprise Zone to add industrial areas; (3) join a regional “open for business” program; (4) increase building height at SR60/I-95 (Industrial Area); (5) increase commercial nodes along SR 60 (43rd Avenue to 74th Avenue); (6) modify impact fees to add more commercial use categories and establish an Impact Fee Hearing Board; (7) expand fiber optic and natural gas; (8) modify Economic Development Council (EDC) membership composition; (9) expand the GoLine Bus System to serve businesses; (10) attract businesses that are counter-cyclical to the citrus industry; (11) evaluate the function of the EDC; and (12) evaluate opportunities to use the EB-5 (Immigrant Investor program).

Helene Caseltine, Economic Development Director for the Indian River County Chamber of Commerce, and Enterprise Coordinator, explained the benefits for establishing a Foreign Trade Zone designation, spoke about port custom facilities, radius requirements, and Foreign Trade Zone law.

A lengthy discussion ensued as the Board discussed several aspects of the proposed initiatives.

Scott Stradley, Economic Development Council (EDC) Representative, supported the 18-month moratorium on Impact Fees, and said he was looking forward to seeing staff’s report on how the counties around us are doing their economic development. He also talked about the Chamber of Commerce’s budget and the monies that are raised through the Economic

Leadership Alliance Program, the Chamber providing in-kind services, the development of a Task Force, the Comprehensive Plan, and adding more industrial parks.

Director Keating conveyed that staff had taken Commissioner Zorc's initiatives and put them into a matrix to identify the actions that need to be taken by staff and those that need to be taken by the Board of County Commissioners. He asked for the Board's direction in moving forward with: (1) Initiative #1: Establishing the Foreign Trade Zone by bringing in a consultant; (2) Initiative #4: Initiating the Land Development Regulation (LDR) Amendment to change the building height limit in commercial/industrial node at SR60/I-95); (3) Initiative #10: Sending the Commissioners the counter-cyclical report; and (4) moving forward with the research on the other initiatives.

Mr. Stradley recommended that staff consider prioritizing and reviewing their existing data, as well as the Economic Development activities of other Counties, to identify the changes that could/should be made.

Commissioner Zorc reported that staff had already contacted nine or ten Counties on particular topics, and felt the information should be presented at an upcoming meeting.

Commissioner O'Bryan suggested that staff investigate the industry of hydroponics for growing summer crops.

ON MOTION by Commissioner Zorc, SECONDED
by Commissioner O'Bryan, the Board unanimously
directed staff to move forward with:

- (1) Initiative #1: Establishing the Foreign Trade Zone;
- (2) Initiative #4: Increasing the building height at SR60/I-95;
- (3) Initiative #10: Attracting counter-cyclical businesses; and
- (4) Researching the other initiatives

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 APRIL 2, 2013

15.B.2. APPROVAL OF MINUTES MEETING OF APRIL 23, 2013

**15.B.3. FIFTH 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 2:33 p.m.

ATTEST:

May 21, 2013

20

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

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/LA/2013Minutes