

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 17, 2013

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JEFFREY R. SMITH

Clerk to the Board and Comptroller



September 17, 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, September 17, 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 Maria I. Suesz.

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

County Attorney Dylan Reingold led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

**Addition: Item 11.C. County Administrator Matters - Discussion on
Commission Assistants**

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. Presentation by Amy Brunjes, External Affairs Manager, Florida
Power and Light (FPL), to include an Update on the Sale of the City
of Vero Beach Electric Utility System and an Update on Smart
Meters**

Amy Brunjes presented an update regarding the sale of the City of Vero Beach (the City) Electric Utility System using a PowerPoint presentation (on file). In summary, Florida Power and Light and the City are working to secure the remaining state and federal regulatory approvals, and expect to complete the sale in 2014. They are working with the City who has offered another property to relocate the power plant's substation, and they will have an answer on that sale by the end of next month. Amy Brunjes responded to questions from the Board.

Steve Anderson, Project Manager, presented an update on Smart Meters using a PowerPoint. He discussed that Florida Power & Light filed a proposal on August 21st with the Florida Public Service Commission to give customers a non-standard meter option that has a one-time \$105 enrollment fee, and a \$16.00 monthly surcharge. He provided a handout (on file) that further explained the proposal.

Mr. Anderson responded to questions posed by Commissioner Solari regarding the Environmental Protection Agency having the capability of regulating Smart Meters in the future.

5.B. Presentation by Vicki Wild, Executive Director, Keep Indian River Beautiful (KIRB) on September 21st International Coastal Clean-Up

Vicki Wild announced upcoming events that KIRB would be a part of in the month of September and encouraged volunteers to join them. Further information is available on their website www.kirb.org.

5.C. Presentation of Proclamation Designating September 28, 2013 as National Estuaries Day – Hands Across the Lagoon

Vice Chairman Davis read and presented this item to Troy Rice, Director of the Indian River Lagoon National Estuary Program, and Ann Benedetti, Intergovernmental Coordinator for St. Johns River Water Management District.

5.D. Presentation of Proclamation Designating September 16 – 20, 2013 as Industry Appreciation Week in Indian River County, Florida

Chairman Flescher read and presented the Proclamation to Chairman Bill Penney of the Indian River Chamber of Commerce, along with Helene Caseltine, Director of Economic Development, and Ms. Lynn Fiske with EGP The Document Imaging People, who is Chair of the Industry Appreciation Awards Committee.

5.E. Presentation of Proclamation Designating September 26, 2013 as the 5th Annual Symposium for the HIV/AIDS Awareness Network of Indian River County Day

Commissioner O'Bryan read and presented the Proclamation to Freddie Woolfork, who serves as Chairman of the HIV/AIDS Awareness Network group of volunteers.

**5.F. Presentation of Proclamation Recognizing the Support Alliance for
Emergency Resiliency (SAFER) Indian River County**

Commissioner Solari read and presented the Proclamation to volunteers representing the Community Emergency /Response Team (CERT), the Salvation Army, and the American Red Cross.

6. APPROVAL OF MINUTES

**6.A. Special Call Meeting of July 18, 2013 (Fertilizer and Landscape
Management Ordinance)**

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

ON MOTION by Commissioner O'Bryan,
SECONDED by Vice Chairman Davis, the Board
unanimously approved the Special Call Meeting
minutes of July 18, 2013, as written.

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

**7.A. Update Regarding the 2013 Amnesty Program for Certain
Delinquency Charges**

Utility Services Director Vincent Burke, with the assistance of Administrator Joseph Baird, provided an update, relaying that they had 19 inquires out of 40 or more notices that went out to the top accounts. The five-month program ended on August 31, 2013. There are still large amounts of dollars outstanding from a small number of major corporations that overdeveloped and are not paying.

Vice Chairman Davis asked for a list of those accounts.

8. CONSENT AGENDA

Commissioner O'Bryan asked to pull Items 8.B. and 8.N. for discussion.

From the Public, Bob Johnson asked to pull Item 8.G. for discussion.

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

8.A. Approval of Warrants – August 30, 2013 to September 5, 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 August 30, 2013 to September 5,
2013, as requested in the memorandum of
September 5, 2013.

8.B. Request for Authorization to Trade-In Vehicle for Purchase

Commissioner O'Bryan addressed the Property Appraiser David Nolte's request to trade-in a 2004 Chevy for the purchase of a new vehicle for the needs of his office. He stated that it seemed to him that the trade-in value of the 2004 Chevy for a new vehicle was too low.

Vice Chairman Davis said the 2004 Chevy Blazer was purchased by the taxpayers, and he wanted to surplus the vehicle for public auction.

David Nolte agreed to that suggestion.

ON MOTION by Commissioner O'Bryan,
SECONDED by Vice Chairman Davis, the Board
unanimously authorized the Property Appraiser
David Nolte to move forward with the purchase of a
new vehicle, and surplus the existing 2004 Chevy
Blazer for public auction.

8.C. Mediated Settlement; Bruce Endres

ON MOTION by Commissioner O'Bryan,
SECONDED by Chairman Flescher, the Board
unanimously approved the mediated Settlement of
September 6, 2013 by the County's Claim Review
Committee, with the advice from Paul Westcott,
Defense Counsel, in the amount of \$327,706.44;
approving payment to be made from the Self
Insurance Fund, as requested in the memorandum of
September 9, 2013.

8.D. Proclamation and Retirement Award Honoring William J. Moruzzi on His Retirement From Indian River County Board of County Commissioners Department of General Services/Parks Division with Nineteen Years of Service

ON MOTION by Commissioner O'Bryan,
SECONDED by Chairman Flescher, the Board
unanimously approved the Proclamation and
Retirement Award honoring William J. Moruzzi on
his retirement from the Department of General
Services/Parks Division with Nineteen Years of
Service on September 26, 2013.

8.E. Proclamation and Retirement Award Honoring Susan Forsythe on Her Retirement From Indian River County Board of County Commissioners Department of Public Works/Road and Bridge Division with Twenty Years of Service

ON MOTION by Commissioner O'Bryan,
SECONDED by Chairman Flescher, the Board
unanimously approved the Retirement Award
Honoring Susan Forsythe on her Retirement from
Public Works/Road and Bridge Division with
Twenty Years of Service on September 26, 2013.

8.F. Proclamation and Retirement Award Honoring Joel Selph on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty-Two Years of Service

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the Retirement Award honoring Joel Selph on his Retirement from the Department of Emergency Services/Fire Rescue with Thirty-Two Years of Service on September 30, 2013.

8.G. Proposed Raises for Non-Bargaining Unit Employees

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously authorized implementation of the 3% cost of living increase effective October 4, 2013 for the Board of County Commission non-bargaining unit employees, contingent upon approval at the final budget hearing of September 18, 2013, as recommended in the memorandum of September 12, 2013.

8.H. Approval of Renewal of the 800 MHz Communications System Infrastructure Maintenance Contract with Communications International, Inc.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the Renewal of the 800 MHz Communications System Master Service Agreement with Communications International Inc., as recommended in the memorandum dated August 19, 2013.

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

8.I. Invitation from John's Island Golf Club for Staff to Participate in a "Public Safety Day" Golf Outing

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher the Board favorably considered the invitation from John's Island Club and unanimously approved for Emergency Services Staff to participate in the golf outing, as requested in the memorandum dated September 9, 2013.

8.J. Approval of Renewal for a Class “B” and “E” Certificate of Public Convenience and Necessity for We Care of the Treasure Coast Inc. to Provide Wheelchair/Stretcher Services

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board approved renewal of the Class “B” and “E” Certificate of Public Convenience and Necessity for We Care of the Treasure Coast Inc. to be effective for a period of two (2) years from October 15, 2013 to October 15, 2015, as recommended in memorandum of September 9, 2013.

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

8.K. Approval of Renewal for a Class “E” Certificate of Public Convenience and Necessity for Senior Resource Association to Provide Wheelchair Services

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved renewal of the Class “E” Certificate of Public Convenience and Necessity for the Senior Resource Association, to be effective for a period of two (2) years from October 2, 2013 to October 2, 2015, as recommended in the memorandum dated September 17, 2013.

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

8.L. Approval of the Post Disaster Redevelopment Plan (PDRP)

ON MOTION by Commissioner O'Bryan,
SECONDED by Chairman Flescher, the Board
unanimously approved **Resolution 2013-091**
adopting a Post Disaster Redevelopment Plan for
Indian River County.

**8.M. Approval of Renewal of a Class "E" Certificate of Public
Convenience and Necessity for Abilities Resource Center of Indian
River County, Inc. now Known as SUNUP ARC, Inc. to Provide
Wheelchair Services**

ON MOTION by Commissioner O'Bryan,
SECONDED by Chairman Flescher, the Board
unanimously approved renewal of the Class "E"
Certificate of Public Convenience and Necessity for
SUNUP ARC, to be effective for a period of two (2)
years commencing October 5, 2013, and expiring
October 5, 2015, as recommended in the
memorandum of September 9, 2013.

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

8.N. Miscellaneous Budget Amendment 027

Commissioner O'Bryan was concerned with how the remaining fund balance would be handled from the payoff of the Environmentally Sensitive Land Acquisition Bond, and made the following motion.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Solari, directing staff to ensure that the money earmarked for the Environmental Land Fund does not go into the General Fund.

Discussion followed by Management and Budget Director Jason Brown, who clarified that the payoff monies originally were taken from the general fund and the excess funds from the payoff of the General Obligation Bond were placed back in the General Fund, and Administrator Baird confirmed that their actions were in accordance with the Florida Statutes.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Commissioner Solari, to approve staff's recommendation.

The Chairman CALLED THE QUESTION and the Amended Motion carried unanimously. The Board approved **Resolution 2013-092** amending the Fiscal Year 2012-2013 Budget.

Bob Johnson, Coral Wind Subdivision, inquired if this item was included in the proposed budget, and the Board responded affirmatively.

A discussion followed by the Board regarding the 3% raise to county employees. Commissioner O'Bryan pointed out that the employees will still be behind despite the pay raise, because of rising health insurance premiums and the 3% mandated contribution to the Florida Retirement System (FRS).

The Chairman called for a short break at 10:35 a.m., and he reconvened the meeting at 10:49 A.M with all members present.

8.O. Amendment No. 1 to the Sewer Feasibility Study for the North Sebastian Area UCP 4101

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Amendment No. 1 to Work Order No. 6 with Masteller & Moler, Inc. for a lump sum amount of \$19,715.00, as recommended in the memorandum of September 6, 2013.

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

8.P. RFO 2013024 – Professional Roof Evaluation, Design and Contract Administration Services Relating to the existing roof of the Indian River County Administration Building – Agreement with C.B. Goldsmith and Associates

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the agreement as submitted and authorized the Chairman to execute the final

document when approved by the County Attorney's Office, as recommended in the memorandum dated September 9, 2013.

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

8.O. Release of Retainage for Work Orders 3-RR, 4-RR, and 5-RR to Malcolm Pirnie, Inc./Arcadis for the Rockridge Subdivision Surge Protection Project

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved release of retainage for Malcolm Pirnie, Inc. (MPI) Work Orders No. 3-RR, 4-RR, and 5-RR, as recommended in the memorandum dated September 9, 2013.

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

8.R. Waterway Village Homeowners Association 53rd Street Landscape Maintenance Memorandum of Understanding (MMOU)

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the Maintenance Memorandum of Understanding with the Waterway Village Homeowners Association (HOA), as recommended in the memorandum of September 10, 2013.

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

**8.S. Approval of Bid Award for IRC Bid No. 2013046 North County RO
Plant VFD Replacement**

ON MOTION by Commissioner O'Bryan,
SECONDED by Chairman Flescher, the Board
unanimously approved to award the Bid to Flanders,
Inc., as the lowest most responsive and responsible
bidder meeting the specifications as set forth in the
Invitation to Bid (ITB), and (2) approved and
authorized the Chairman to execute the sample
agreement after receipt and approval of the required
certificate of insurance and after the County
Attorney has approved the agreement as to form and
legal sufficiency, as recommended in the
memorandum dated September 9, 2013.

DOCUMENT 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 - NONE

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

**10.C.1. Notice of Scheduled Public Hearing for October 1, 2013:
Public Notice of Public Hearing Concerning Policies Governing
Opportunities for Members of the Public to be Heard**

**10.C.2. Notice of Scheduled Public Hearing for October 1, 2013:
Public Notice of Public Hearing to Consider Amending Chapter 316
(Fertilizer and Landscape Management Ordinance) of the Code of
Indian River County**

The County Attorney read the Notices into the record.

11. COUNTY ADMINISTRATOR MATTERS

11.A. Discussion on Legislative Priorities

Administrator Baird summarized the Legislative Priorities List for the 2014 Legislative Session as listed in his memorandum.

MOTION WAS MADE BY Commissioner Solari,
SECONDED by Chairman Flescher, to request the
County Administrator to delete three items:

1. Show Constitutional Officers' Budgets on Trim Notice,
2. Tax Collector - Funding of Collections – School Districts and Municipalities pay for their collections rather than requiring County to pay for them,
3. State Funding Mandates;

and to add two items:

1. The Enterprise Zone, and
2. The Fellsmere Neighborhood Stabilization Program.

Following Commissioner O’Bryan’s suggestion, the Motion was amended.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Chairman Flescher, to also add Pension Reform.

After discussing a House Bill from the 2013 Legislature that did not pass the Senate, but would have changed the Florida Retirement Plan options for new employees going into the Florida Retirement System (FRS), Commissioner O’Bryan stated that it was his desire to see the contribution plan as the only choice for new employees going forward. He added that he had discussed this with Representative Mayfield who thought there was no organized authority supporting the Pension Fund, and suggested that this Board send a request for support to the Florida Association of Counties, or the Florida League of Cities.

Commissioner Solari thought the Board should do more than that, and he asked Commissioner O’Bryan to lead that charge at the Florida Association of Counties Conference instead of sending a letter.

The Chairman CALLED THE QUESTION and the Motion and Amendment carried unanimously. The Board approved to direct the County Administrator to delete: 1) Show Constitutional Officers’ Budgets on Trim Notice; 2) Tax Collector – Funding of Collections – School Districts and Municipalities

pay for their collections rather than requiring County to pay for them; and 3) State Funding Mandates; and approved the addition of: 1) the Enterprise Zone; 2) the Fellsmere Neighborhood Stabilization Program; and 3) Pension Reform, to the priority list for the 2014 Legislative Session.

11.B. Procurement of Lobbyist

County Administrator Baird, following direction from the Board on August 20, 2013, proceeded with procuring a lobbyist to work with the County to help in the sale of the City of Vero Beach Electric Utility to Florida Power and Light. Administrator Baird relayed that he, accompanied by Glenn Heran, held conference calls with three potential lobbying firms, and recommended that the Board engage the services of Ballard Partners and their partner McNicholas & Associates through approval of the written agreement.

Glenn Heran spoke in further detail regarding the recommendation.

In addition, Administrator Baird asked the Board to authorize reimbursement to Glenn Heran and/or Dr. Stephen Faherty, if they have to travel to Tallahassee on our behalf.

Commissioner Solari suggested should they have to travel, that they place their travel information on the Board's agenda.

Discussion ensued between **Glenn Heran** and Commissioner Solari regarding the Florida Municipal Power Agency (FMPA).

A brief discussion followed. Commissioner Zorc had some concerns about the cost escalating once Ballard Partners' contract was approved.

After **Bob Johnson** addressed the Board, the Commissioners voiced their concerns regarding his request to require written reports from the Lobbyist.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board approved: (1) to engage the lobbying services of Ballard Partners, Inc., and their partner McNicholas and Associates to work with the County in the efforts related to the sale of the City of Vero Beach Electric Utility, and authorized the County Administrator to execute a written agreement, after the review and approval of the County Attorney based on the proposal; and (2) authorized reimbursement to Glenn Heron and/or Dr. Stephen Faherty for requested travel on the Board's behalf in compliance with Florida Statutes.

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

11.C. Addition – Discussion regarding Commissioners' Assistants

In recent discussions with Administrator Baird, Chairman Flescher expressed the frustration of not being able to get his duties done by having the Assistants reporting under the County Administrator's supervision. Administrator Baird said he never intended to prevent or slow down the Commission from performing their duties, and he felt it would be in the best interest of the Commission to move the Assistants back under the Commission's direct supervision.

Chairman Flescher alluded to challenges of the employees serving under two masters, and although he did not place this item on the agenda, he agreed with Administrator Baird that it was a detriment to continue in this manner; and he was looking for some solutions.

After the Board members voiced their comments and questions to the Chairman regarding this issue, they remained unable to determine the problem.

On the inquisition of Commissioner O'Bryan, who was looking for a specific example from the Chairman, Chairman Flescher described events that occurred with the creation and posting of the Spanish version of the Fertilizer Ordinance to the County website.

Commissioner Solari stood in agreement with Commissioner O'Bryan and asked the Chairman to provide a list of concrete details, especially regarding the issue of Assistants reporting to two masters, and to bring this issue back for the Board's consideration.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Flescher, to reject the County Administrator's request to move the Commission Assistants back under the direction of the Commission, and approve that they remain under the Supervision of the County Administrator.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved that Item 13.B. to be moved up as the next item on the agenda to be heard.

The Chairman called for a recess at 11:54 a.m. and reconvened the meeting at 12:04 p.m., with all members present.

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

12.I.1. Three-Year Renewal of Lease for North County Offices

Director of Public Works Chris Mora presented this item to the Board, explaining this was the sixth year of renewing this lease for the Sebastian offices. Mr. Mora responded to questions posed by the Board.

ON MOTION by Commissioner Solari,
SECONDED by Chairman Flescher, the Board
approved the lease renewal rates as proposed for the
North County Offices, and authorized the Chairman

to execute the lease renewal agreement with Greene Investment Partnership, LTD by Greene Management Inc., as recommended in the memorandum dated September 4, 2013.

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

12.J. Utilities Services – None

13. COUNTY ATTORNEY MATTERS

13.A. Permission to Advertise for Public Hearing to Amend the Code for General Housekeeping Purposes

County Attorney Dylan Reingold presented this item requesting to advertise for a public hearing to amend portions of the Code that have conflicts or have become outdated.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously authorized staff to proceed with advertising for the Board to hold a public hearing to consider amending portions of the Code with respect to general housekeeping matters, as recommended in the memorandum of September 10, 2013.

**13.B. Approval of Agreement to Purchase and Sell Real Estate with
Schacht & Co. Inc.**

(Clerk's Note: This item was heard following Item 11.C. and is placed here for continuity.)

ON MOTION by Commissioner Solari,
SECONDED by Vice Chairman Davis, the Board
approved: 1) the agreement with Schacht & Co.
Inc., to purchase the .5 acre remainder parcel for
\$22,433.40; 2) authorized the Chairman to execute
the Purchase and Sale agreement, and 3) authorized
the County Attorney's office to execute any
documents necessary to complete the sale and
purchase of the property as recommended in the
memorandum of September 9, 2013.

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

**13.C. Modification of Fee Schedule for Indian River County v. Turner
Construction Company et al. (County Administration Complex)**

(Clerk's note: This item was heard and approved following item 12.H., and is placed here for continuity.)

ON MOTION by Commissioner Solari,
SECONDED by Vice Chairman Davis, the Board
authorized the revision of the fee schedule to reflect
former Assistant County Attorney **Brooke Odom**,
now working part time with Murphy & Walker, to

work on the above mentioned case at an hourly rate of \$175.00, as recommended in the memorandum of September 11, 2013.

13.D. Florida Fish and Wildlife Conservation Commission Review of Special Acts Regarding Fishing Regulations

County Attorney Reingold presented a brief history of this item, and at the request of the Florida Fish and Wildlife Conservation Commission, the Board was asked to approve a Resolution in support of the repeal of several old acts of local application regarding fishing and fishing gear that were adopted by the legislature.

Vice Chairman Davis commented that he was apprehensive about allowing any unelected Commission the right to make rules.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Solari, to draft a Resolution that supports limiting bureaucratic agencies from making rules that are created by someone that was not elected.

(Clerk's Note: At this time the newly hired Assistant County Attorney Kate Cotner was asked to introduce herself.)

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board considered and unanimously approved **Resolution 2013-093**, *amending Section 1 to declare the Board's refusal to take a position on whether the unelected, bureaucratic Florida Fish and Wildlife*

Conservation Commission should repeal or not repeal three Special Acts of Local Application concerning Fishing and Fishing Gear, as requested by the Florida Fish and Wildlife Conservation Commission.

13.E. Interlocal Agreement between Indian River County Hospital District and Indian River County Establishing Process for Reimbursement to Indian River County for Medicaid Expenses

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute the Interlocal Agreement with the Indian River County Hospital District, and after it is fully executed, the Board authorized staff to record the original in the public records of this County, as recommended in the memorandum of August 30, 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 - None

14.C. Commissioner Peter D. O'Bryan - None

14.D. Commissioner Bob Solari – None

14.E. Commissioner Tim Zorc

14.E.1. Update on the Indian River Lagoon and Lake Okeechobee Discharges

Commissioner Zorc provided an update on how Lake Okeechobee discharges are degrading the Indian River Lagoon.

MOTION WAS MADE by Commissioner Zorc, SECONDED by Chairman Flescher, to have a Resolution of support **to join** St Lucie, and Martin with other Counties along the estuary path, in their efforts to request the Governor of the State of Florida to consider through an Executive Order, and /or other powers available under the law, to activate all available State and local emergency and relief resources and mechanisms for the protection of the Indian River Lagoon and St. Lucie Estuary within their counties.

Vice Chairman Davis wanted to support the counties to the south, but he did not want our issues clouded by their issues.

MOTION WAS WITHDRAWN by Commissioner Zorc, SECONDED by Chairman Flescher.

Discussion ensued and upon inquiry, Attorney Reingold was directed to prepare a Resolution supporting their efforts, and to send it to the Governor, the Martin County Administrator, and the St. Lucie County Administrator.

ON MOTION by Commissioner Zorc, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-094**, supporting Martin County and St. Lucie County in their efforts to request the Governor of the State of Florida, through Executive Order and/or other powers available under the law, to activate all available state and local emergency and relief resources and mechanisms for the protection of the Indian River Lagoon and St. Lucie Estuary within their counties.

Commissioner Zorc commented that there will be another Senate hearing on Lake Okeechobee discharge that will be held on the east coast side of the State, due to expressed interests by those that attended the last hearing on the west coast.

14.E.2. Old County Administration Property

Commissioner Zorc wanted to secure proper zoning designation of “government use” for the old County Building property as a housekeeping issue, adding the exception of not putting the Go-Line Transit Hub back on the property.

After discussion, the Board remained in question as to what the current zoning was of the property, and Administrator Baird said he would verify that information and bring it back to the Board.

ON MOTION by Commissioner Zorc,
SECONDED by Commissioner Solari, the Board
unanimously approved to direct staff to research
what the permitted use of the Old County Building
property is and bring back to the Board.

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 Disposal
District. Those Minutes are available separately.

15.B.1. New Oslo CCC Project – Amendment No. 4 to Work Order No. 9 to CDM Smith & Change Order No. 2 to Paul Jacquin & Sons, Inc.

15.C. Environment Control Board - None

16. ADJOURNMENT

There being no further business, the Chairman declared the Board of County Commission
meeting adjourned at 12:39 p.m.

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

ATTEST:

Jeffrey R. Smith
Clerk of Circuit Court & Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MS/2013Minutes