

JEFFREY R. SMITH
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

NOVEMBER 5, 2013

1.	CALL TO ORDER.....	1
2.	INVOCATION.....	1
3.	PLEDGE OF ALLEGIANCE	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS	2
	ADD: ITEM 5.E. ANNOUNCEMENT BY COMMISSIONER FLESCHER, CHAIRMAN, ON SEBASTIAN CLAMBAKE LAGOON FESTIVAL.....	2
	ADD: ITEM 14.A.2. UPDATE BY COMMISSIONER FLESCHER, CHAIRMAN, ON THE OYSTER REEF PILOT PROJECT	2
5.	PROCLAMATIONS AND PRESENTATIONS	2
5.A.	PRESENTATION OF PROCLAMATION HONORING JOHN JOSEPH LICARDI FOR ATTAINING THE RANK OF EAGLE SCOUT.....	2
5.B.	PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 11, 2013 AS VETERANS DAY	2

5.C.	PRESENTATION TO TOP THREE (3) FINALISTS IN THE SOURCE ART CONTEST BY DENNIS BARTHOLOMEW, EXECUTIVE DIRECTOR, THE SOURCE	3
5.D.	PRESENTATION BY COMMISSIONER PETER D. O'BRYAN ON REAL MEN WALKING A MILE	3
5.E.	ADDITION: ANNOUNCEMENT BY COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN, ON SEBASTIAN CLAMBAKE LAGOON FESTIVAL	3
6.	APPROVAL OF MINUTES	4
6.A.	SEPTEMBER 18, 2013 FINAL BUDGET HEARING	4
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	4
8.	CONSENT AGENDA	4
8.A.	APPROVAL OF WARRANTS – OCTOBER 11, 2013 TO OCTOBER 17, 2013	4
8.B.	UPDATED INVESTMENT POLICY FOR OTHER POST EMPLOYMENT BENEFITS TRUST (OPEB) – TWO MINOR CHANGES	5
8.C.	UPDATED INVESTMENT POLICY – TWO MINOR CHANGES	5
8.D.	QUARTERLY OPEB TRUST REPORT FOR QUARTER ENDING 09/30/2013	5
8.E.	QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING 09/30/2013.....	6
8.F.	QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS FOR QUARTER ENDING 09-30-2013	6
8.G.	RESOLUTION CANCELING TAXES ON PROPERTY PURCHASED BY INDIAN RIVER COUNTY FOR FUTURE STORMWATER RETENTION	6
8.H.	RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM	7
8.I.	REVISION TO ADMINISTRATIVE POLICY MANUAL REGARDING SETTLEMENT OF CLAIMS AGAINST THE COUNTY	7
8.J.	REQUEST FOR APPROVAL OF WORK ORDER FOR DESIGN OF 45 TH STREET STREETScape IMPROVEMENTS	8
8.K.	OSLO ROAD (EAST OF 15 TH AVENUE S.W.) CULVERT REPLACEMENT CHANGE ORDER No. 1 – RELEASE OF RETAINAGE, IRC PROJECT No. 1306.....	10

8.L.	APPROVAL OF DIRECT PURCHASE OF DUPERON CORPORATION HARVEST RAKE FOR THE PC SOUTH ALGAL NUTRIENT RECOVERY FACILITY.....	10
8.M.	APPROVAL OF 2013-2014 STATE FUNDED SUBGRANT AGREEMENT TO UPDATE INDIAN RIVER COUNTY’S HAZARDS ANALYSIS	10
8.N.	APPROVAL OF BID AWARD FOR IRC BID NO. 2014012 ANNUAL BID FOR CALCIUM HYPOCHLORITE	11
8.O.	APPROVAL OF BID AWARD FOR IRC BID NO. 2014014 ANNUAL BID FOR ANTISCALANT	11
8.P.	APPROVAL OF BID AWARD FOR IRC BID NO. 2014010 ANNUAL BID FOR UTILITY OPERATIONS WAREHOUSE STOCK	12
8.Q.	CHANGE ORDER NO. 5, CRIME SCENE FACILITY, PROCTOR CONSTRUCTION COMPANY.....	13
8.R.	CHANGE ORDER NO. 1 FOR THE IRC UTILITY SERVICES ROOF REPLACEMENT.....	13
8.S.	ACCEPTANCE AND APPROVAL OF EXPENDITURES OF EMERGENCY MANAGEMENT FEDERALLY-FUNDED SUBGRANT AGREEMENT AND EXPENDITURE APPROVAL 14-FG-XX-10-40-01-098.....	13
8.T.	ACCEPTANCE AND APPROVAL OF EXPENDITURES FOR EMERGENCY MANAGEMENT STATE-FUNDED SUBGRANT AGREEMENT 14-BG-XX-10-40-01-031.....	14
8.U.	ACCEPTANCE OF THE STATE HOMELAND SECURITY GRANT PROGRAM – EMERGENCY MANAGEMENT SUBGRANT AGREEMENT 14-DS-L5-10-40-01-XXX	14
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	15
10.	PUBLIC ITEMS.....	15
10.A.	PUBLIC HEARINGS.....	15
10.A.1.	GRAND HARBOR NORTH AND OTHERS’ REQUEST TO APPROVE A SMALL SCALE LAND USE MAP AMENDMENT TO REDESIGNATE ±1.79 ACRES FROM L-1 TO C/I AND SIMULTANEOUSLY REDESIGNATE ±1.79 ACRES FROM C/I TO L-1; AND REQUEST TO REZONE ±439.01 ACRES FROM PD TO RS-3, RM-3, CG, AND CON-2 (QUASI-JUDICIAL AND LEGISLATIVE).....	15
10.A.2.	CARTER ASSOCIATES, INC.’S REQUEST FOR PLANNED DEVELOPMENT (PD) SPECIAL EXCEPTION USE APPROVAL FOR A PROJECT TO BE KNOWN AS THE RESERVE AT GRAND HARBOR (QUASI-JUDICIAL)	19

10.B.	PUBLIC DISCUSSION ITEMS - NONE	21
10.C.	PUBLIC NOTICE ITEMS	21
10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING NOVEMBER 19, 2013:	21
	COUNTY INITIATED REQUEST TO AMEND THE 5 YEAR CAPITAL IMPROVEMENTS PROGRAM AND SUPPORTING DATA AND ANALYSIS OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE)	21
11.	COUNTY ADMINISTRATOR MATTERS.....	21
11.A.	IMPACT FEE WORKSHOP.....	21
12.	DEPARTMENTAL MATTERS	22
12.A.	COMMUNITY DEVELOPMENT - NONE.....	22
12.B.	EMERGENCY SERVICES - NONE.....	22
12.C.	GENERAL SERVICES - NONE	22
12.D.	HUMAN RESOURCES - NONE.....	22
12.E.	HUMAN SERVICES - NONE	22
12.F.	LEISURE SERVICES - NONE.....	22
12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	22
12.G.1.	QUARTERLY BUDGET REPORT	22
12.H.	RECREATION - NONE.....	22
12.I.	PUBLIC WORKS - NONE.....	22
12.J.	UTILITIES SERVICES - NONE.....	22
13.	COUNTY ATTORNEY MATTERS.....	23
13.A.	INTERLOCAL AGREEMENT REGARDING FLORIDA DEVELOPMENT FINANCE CORPORATION	23
14.	COMMISSIONER ITEMS.....	24
14.A.	COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN.....	24
14.A.1.	DISCUSSION REGARDING 2013-2014 TREASURE COAST REGIONAL PLANNING COUNCIL ASSIGNMENTS.....	24
14.A.2.	ADDITION: UPDATE ON THE OYSTER REEF PILOT PROJECT	25
14.B.	COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE.....	25

14.C.	COMMISSIONER PETER D. O'BRYAN	26
14.C.1.	INDIAN RIVER LAGOON PRIORITIES	26
14.D.	COMMISSIONER BOB SOLARI	28
14.D.1.	PROPOSED FREEDOM OF RELIGION PROPOSED PROCLAMATION.....	28
14.E.	COMMISSIONER TIM ZORC - NONE.....	29
15.	SPECIAL DISTRICTS AND BOARDS	29
15.A.	EMERGENCY SERVICES DISTRICT	30
15.A.1.	APPROVAL OF MINUTES MEETING OF AUGUST 20, 2013	30
15.A.2.	APPROVAL OF FY 2013-14 EMERGENCY MEDICAL SERVICES.....	30
	(EMS) COUNTY AWARDS GRANT: PURCHASE OF CAPITAL/OPERATING EQUIPMENT USING NON-MATCHING EMS GRANT FUNDS AND GRANT RESOLUTION.....	30
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE	30
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	30
16.	ADJOURNMENT.....	30

JEFFREY R. SMITH

Clerk to the Board



November 5, 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, November 5, 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 Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Jack Diehl, Senior Pastor, Our Savior Lutheran Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Solari 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:

Add: Item 5.E. Announcement by Commissioner Flescher, Chairman, on Sebastian Clambake Lagoon Festival

Add: Item 14.A.2. Update by Commissioner Flescher, Chairman, on the Oyster Reef Pilot Project

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION HONORING JOHN JOSEPH LICARDI FOR ATTAINING THE RANK OF EAGLE SCOUT

Vice Chairman Davis read and presented the Proclamation and a plaque to John Joseph Licardi, who was accompanied by his parents and Eagle Scout Coordinator Charlie Griffith.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING NOVEMBER 11, 2013 AS VETERANS DAY

Chairman Flescher read and presented the Proclamation to Retired United States Air Force Colonel Martin Zickert, President Veterans Council of Indian River County.

Colonel Zickert presented to the Board a flyer (copy on file) about the Veterans Council, and announced the upcoming Veterans Day events that will occur on November 11, 2013 at Memorial Island in Vero Beach and Riverview Park in Sebastian.

5.C. PRESENTATION TO TOP THREE (3) FINALISTS IN THE SOURCE ART CONTEST BY DENNIS BARTHOLOMEW, EXECUTIVE DIRECTOR, THE SOURCE

Dennis Bartholomew, Executive Director, The Source, recognized the finalists in the design competition for the Source's Heaven Sent Thrift Shoppe. He presented a Certificate and check to the following: Lyle Michos, Indian River Charter High School – 1st Place; Victoria Vendyres, Masters Academy – 2nd Place; and Katie Valentin, Homeschooled, 3rd Place. Lyle will be assisting artist Patrick Burklew in painting the design on the storefront.

5.D. PRESENTATION BY COMMISSIONER PETER D. O'BRYAN ON REAL MEN WALKING A MILE

Commissioner O'Bryan displayed a photo that was taken at the event, "Real Men Walk a Mile in Her Shoes," of himself, Commissioner Zorc, and the County Attorney, who had walked the distance wearing the red high heeled shoes that symbolize the event. He noted that Commissioner Solari had not walked, but he had contributed financially, and that this event helps raise awareness on the serious problem of domestic abuse.

5.E. ADDITION: ANNOUNCEMENT BY COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN, ON SEBASTIAN CLAMBAKE LAGOON FESTIVAL

Chairman Flescher provided details and invited everyone to attend the clambake that will be held at Sebastian's Riverview Park on November 8, 2013 through November 10, 2013. It was noted that this event is a fundraiser for several community organizations in the County.

6. APPROVAL OF MINUTES

6.A. SEPTEMBER 18, 2013 FINAL BUDGET HEARING

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, the Board unanimously approved the minutes of the September 18, 2013 Final Budget Hearing, as written.

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

8. CONSENT AGENDA

Althea McKenzie requested to pull Item 8.J. from the Consent Agenda for discussion.
Attorney Reingold requested to pull Item 8.H. from the Consent Agenda for discussion.

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

8.A. APPROVAL OF WARRANTS – OCTOBER 11, 2013 TO OCTOBER 17, 2013

ON MOTION by Vice Chairman Davis, 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 October 11, 2013 to October

17, 2013, as requested in the memorandum of October 17, 2013.

8.B. UPDATED INVESTMENT POLICY FOR OTHER POST EMPLOYMENT BENEFITS TRUST (OPEB) – TWO MINOR CHANGES

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously accepted the Investment Policy for Other Post Employment Benefits Trust (OPEB) changes outlined on page 12 of the agenda package, as recommended in the memorandum of October 29, 2013.

8.C. UPDATED INVESTMENT POLICY – TWO MINOR CHANGES

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously accepted the Investment Policy changes outlined on page 22 of the agenda package, as recommended in the memorandum of October 29, 2013.

8.D. QUARTERLY OPEB TRUST REPORT FOR QUARTER ENDING 09/30/2013

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously accepted the Quarterly OPEB Trust Report for Quarter Ending September 30, 2013, as recommended in the memorandum of October 18, 2013.

8.E. QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING 09/30/2013

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously accepted the Quarterly Investment Report for Quarter Ending September 30, 2013, as recommended in the memorandum of October 18, 2013.

8.F. QUARTERLY SUMMARY REPORT FOR ASSESSMENT OF ADDITIONAL COURT COSTS FOR QUARTER ENDING 09-30-2013

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously accepted the Quarterly Investment Report for Quarter Ending September 30, 2013, as recommended in the memorandum of October 17, 2013.

8.G. RESOLUTION CANCELING TAXES ON PROPERTY PURCHASED BY INDIAN RIVER COUNTY FOR FUTURE STORMWATER RETENTION

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-118**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*Parcel west of 66th Avenue, north of 4th Street, purchased from Schacht & Company, Inc., for future stormwater retention*).

8.H. RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR THE BENEFIT OF THE MUNICIPAL WATER SYSTEM

Attorney Reingold advised that the original Resolution that was associated with this item has been replaced with an amended Resolution containing additional information. He affirmed that the amended document has been circulated to the Board and posted on the website.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2013-119**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*1037 Vernon Street, Fellsmere, Lots 228 and 229, Block 4, acquired from Curteen McDonald, et al, for the municipal water system*).

8.I. REVISION TO ADMINISTRATIVE POLICY MANUAL REGARDING SETTLEMENT OF CLAIMS AGAINST THE COUNTY

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the County Administrator to execute the proposed revisions to the Administrative Policy Manual, for incorporation into the County Administrative Policy Manual, as recommended in the memorandum of October 21, 2013.

8.J. REQUEST FOR APPROVAL OF WORK ORDER FOR DESIGN OF 45TH STREET
STREETSCAPE IMPROVEMENTS

Althea McKenzie asked why community residents were not hired to perform the design service for the streetscape improvements, since the grant came from the Department of Economic Opportunity (DEO). She questioned whether local citizenry would be employed to work on the landscaping phase of the project, and also asked if drainage improvements would be made from 33rd Avenue to 40th Avenue.

Community Development Director Bob Keating disclosed that the \$25,000 planning grant from the DEO will pay for the design services, leaving intact the \$350,000 that the County has designated to implement the design. He explained that due to the small size of the grant and the scarcity of landscape architects in the community, staff proposes to have Kimley-Horn and Associates, Inc. perform the design work under the County's continuing contract with the firm.

Vice Chairman Davis spoke of the benefits of culverting a portion of the drainage ditch of the Indian River Farms Water Control District (IRFWCD), and wanted to start planning in that direction.

Ms. McKenzie discussed the need to have sidewalks on both sides of the canal for pedestrians and bicyclists, and to accommodate the two "walking school buses" going to Gifford Middle School and Dodgertown Elementary. She encouraged the Board to see if there is a way to fill in the canal, and to look at all the improvements that will be required as a whole for the area where the streetscape improvements will be made.

Chairman Flescher stated that all future Florida Department of Transportation (FDOT) projects must include sidewalk enhancement and development.

Director of Public Works Chris Mora explained that at this time, there is an insufficient amount of funding to construct the sidewalks on the south side.

Administrator Baird reminded everyone that culverting the canal is a decision that must be made by the IRFWCD, not by the County.

A brief discussion ensued regarding the possibility of coordinating crossing improvements with All Aboard Florida, the privately owned passenger rail service, as they upgrade the railroad crossings.

Freddie Woolfork, 4590 57th Street, supported the proposed streetscape improvements and the proposal to explore the possibility of filling in the drainage canal. He also asked the Board to keep in mind ways to train people and help local businesses, so they are able to take advantage of economic opportunities.

Commissioner Solari agreed that with the available funding and the prohibitive cost of culverting the ditch, the design project seems like the best option to make improvements on the north side and increase safety for the Gifford Middle School students.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 6 with Kimley-Horn and Associates Inc., for 45th Street Streetscape Design Project, as recommended in the memorandum of October 21, 2013.

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

8.K. OSLO ROAD (EAST OF 15TH AVENUE S.W.) CULVERT REPLACEMENT
CHANGE ORDER NO. 1 – RELEASE OF RETAINAGE, IRC PROJECT NO.
1306

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved: (1) Change Order No. 1 to Ag-Scape Services, Inc., thereby decreasing the contract total to \$102,353.94; and (2) payment of Ag-Scape Services, Inc. Pay Application No. 4 in the amount of \$5,117.70 for release of retainage, as recommended in the memorandum of October 18, 2013.

8.L. APPROVAL OF DIRECT PURCHASE OF DUPERON CORPORATION HARVEST
RAKE FOR THE PC SOUTH ALGAL NUTRIENT RECOVERY FACILITY

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the direct purchase of the Duperon self-cleaning screen, as recommended in the memorandum of October 21, 2013.

8.M. APPROVAL OF 2013-2014 STATE FUNDED SUBGRANT AGREEMENT TO
UPDATE INDIAN RIVER COUNTY'S HAZARDS ANALYSIS

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the State Funded Subgrant Agreement to Update Indian River County's Hazards Analysis, and accepted the funding provided in same, as recommended in the memorandum of October 16, 2013.

8.N. APPROVAL OF BID AWARD FOR IRC BID No. 2014012 ANNUAL BID FOR CALCIUM HYPOCHLORITE

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously: (1) approved the bid award to Allied Universal Corporation of Miami, Florida, as the lowest responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of November 5, 2013 through September 30, 2014, to the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of October 25, 2013.

8.O. APPROVAL OF BID AWARD FOR IRC BID No. 2014014 ANNUAL BID FOR ANTISCALANT

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved: (1) the bid award to Harcros Chemicals, Inc., of Tampa, Florida, as the lowest responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue

blanket purchase orders for the period of November 5, 2013 through September 30, 2014 to the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of October 24, 2013.

8.P. APPROVAL OF BID AWARD FOR IRC BID NO. 2014010 ANNUAL BID FOR UTILITY OPERATIONS WAREHOUSE STOCK

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved: (1) the bid award to both HD Waterworks, Ltd., and Ferguson Enterprises, Inc., as the lowest responsible and responsible bidders meeting the specifications as set forth in the Invitation to Bid. This dual award enables the Utilities Department to select the best price per item when possible, and affords a second source in the event one vendor cannot supply the required material; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of November 5, 2013 through September 30, 2014 to the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of October 23, 2013.

**8.Q. CHANGE ORDER NO. 5, CRIME SCENE FACILITY, PROCTOR
CONSTRUCTION COMPANY**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Change Order No. 5 to the Crime Scene Facility contract with Proctor Construction Company in the amount of \$6,879.58, increasing the contract amount to \$1,884,234.69, as recommended in the memorandum of October 25, 2013.

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

**8.R. CHANGE ORDER NO. 1 FOR THE IRC UTILITY SERVICES ROOF
REPLACEMENT**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Change Order No. 1 for a lump sum amount of \$17,150.00 to Gulf States Industries, Inc., increasing the total contract amount to \$266,650.00, as recommended in the memorandum of October 24, 2013.

**8.S. ACCEPTANCE AND APPROVAL OF EXPENDITURES OF EMERGENCY
MANAGEMENT FEDERALLY-FUNDED SUBGRANT AGREEMENT AND
EXPENDITURE APPROVAL 14-FG-XX-10-40-01-098**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the Federally Funded Subgrant Agreement (14-FG-XX-10-40-01-098), between Indian River County Emergency Management and the State of Florida, Division of Emergency Management, and approved the associated expenditures, as recommended in the memorandum of October 29, 2013.

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

8.T. ACCEPTANCE AND APPROVAL OF EXPENDITURES FOR EMERGENCY MANAGEMENT STATE-FUNDED SUBGRANT AGREEMENT 14-BG-XX-10-40-01-031

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously accepted the State Funded Subgrant Agreement 14-BG-XX-10-40-01-031, and approved the expenditures, as recommended in the memorandum of October 30, 2013.

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

8.U. ACCEPTANCE OF THE STATE HOMELAND SECURITY GRANT PROGRAM – EMERGENCY MANAGEMENT SUBGRANT AGREEMENT 14-DS-L5-10-40-01-XXX

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and

authorized the Chairman to execute the Federally Funded Subgrant Agreement (14-DS-L5-10-40-01-XXX), between Indian River County Emergency Management and the State of Florida, Division of Emergency Management, as recommended in the memorandum of October 29, 2013.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. GRAND HARBOR NORTH AND OTHERS' REQUEST TO APPROVE A SMALL SCALE LAND USE MAP AMENDMENT TO REDESIGNATE ±1.79 ACRES FROM L-1 TO C/I AND SIMULTANEOUSLY REDESIGNATE ±1.79 ACRES FROM C/I TO L-1; AND REQUEST TO REZONE ±439.01 ACRES FROM PD TO RS-3, RM-3, CG, AND CON-2 (QUASI-JUDICIAL AND LEGISLATIVE)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Commissioners Davis, O'Bryan, and Zorc, as requested by the Chairman, divulged that there have been no ex parte communications, site visits, or independent investigations. The Chairman attested to the same. Commissioner Solari disclosed that during conversations about the proposed Grand Harbor Passive Water Project, he had learned that a rezoning might occur; but no specific information was mentioned. He also conveyed that he has previously visited the Grand Harbor site in conjunction with Indian River Lagoon restoration projects.

All Board Members affirmed that they have an open mind and are able to base their decisions on the evidence presented and the applicable law.

In accordance with Chairman Flescher's declaration that this meeting was quasi-judicial, the Deputy Clerk administered the Oath to all persons who wished to speak.

Community Development Director Robert Keating, used a PowerPoint presentation (on file), to describe the request of five property owners, Grand Harbor North Land, LLC (two properties); BEB Investments, Inc.; BEB Investments, Inc. and Atlantis Properties; and Grand Harbor North Land LLC and Daniel and Audrey Richey; for a small scale land use amendment and rezoning of their respective properties (outlined on page 158 of the agenda package) situated south of 63rd Street and east of US1 in an area formally known as the River Bend Planned Development (PD). The purpose of the request is to allow a small scale land use designations swap, and to dissolve the current Planned Development (PD) zoning, so the separate owners can develop the properties independently under the requested zoning districts. Director Keating thereafter conveyed the recommendation of the Planning and Zoning Commission and staff for the Board to approve the small scale land use amendment and rezoning as requested, through adoption of the proposed Ordinances.

The Chairman opened the Public Hearing.

The following speakers addressed the Board in support of the proposed small scale land use map amendment and rezoning:

Steve Moler, Masteller, Moler, Reed and Taylor, and **Bruce Barkett**, Esquire – both representing Grand Harbor North Land, LLC

Richard Bialosky, 685 Reef Road, representing BEB Investments, Inc.

Scott McGuire, Project Engineer, representing Atlantis Properties

Dan Richey, 2625 63rd Street, supported the proposal with the exception of the requested zoning amendments for Properties 1, 2, and 3. He asked the Board to reestablish the zoning districts that existed prior to approval of the current PD zoning of said parcels.

Director Keating, in response to the Board's questions, provided further information about PD and RM-3 zonings.

At this time, the Deputy Clerk administered the Oath to Bob Johnson, who wished to comment on this matter.

Mr. Johnson, Coral Wind Subdivision, asked whether the County is being reimbursed for staff's time in vetting the subject request, and whether the surrounding property owners were advised of the prospective changes.

Vice Chairman Davis mentioned that around \$10,000 had been expended in various application fees.

Attorney Reingold, with input from Director Keating, confirmed that proper legal notice was given.

Chairman Flescher asked Mr. Richey to further detail his objections to the proposed land use amendment designations/rezonings.

Discussion ensued among individual Board members, staff and Mr. Richey, as he (Mr. Richey) provided a brief history of the properties and elaborated on his concerns.

There were no additional speakers, and the Chairman closed the Public Hearing.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman Flescher, to approve staff's recommendation.

Discussion continued as staff responded to the Board's questions and comments about the County's rezoning and land use amendment policies, and provided further clarifications about the subject proposal.

The Chairman called a recess at 10:55 a.m., and reconvened the meeting at 11:08 a.m., with all members present.

Commissioner O 'Bryan sought and received confirmation that there would be a protective buffer around the eagle's nest on (and south of) Property 3.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board adopted: (1) **Ordinance 2013-017**, amending the Future Land Use Map by changing the Land Use Designation for ±1.79 acres located at the south-east corner of US Hwy 1 and 63rd Street from L-1, Low Density Residential-1 (up to 3 units per acre), to C/I, Commercial Industrial; and to simultaneously redesignate ±1.79 acres located east of US Hwy 1 and north of the North Relief Canal from C/I, Commercial Industrial, to L-1, Low Density Residential-1 (up to 3 units per acre); and providing codification, severability, and effective date; and (2) **Ordinance 2013-018**, amending the Zoning Ordinance and the accompanying Zoning Map for ±319.28 acres located south of 63rd Street and east of the Western Section Line of Sections 11 and 14, Township 32 South, Range 39 East,

and north of the North Relief Canal from PD, Planned Development District, to RS-3, Single Family Residential District (up to 3 units/acre); and ±94.36 acres located approximately 1300 feet south of 63rd Street and 4000 feet east of US Hwy 1 from PD, Planned Development District, to CON-2, Estuarine Wetlands Conservation District (up to 1 unit/40 acres); and ±23.58 acres located east of US Hwy 1 and south of 63rd Street from PD, Planned Development District, to RM-3, Multiple Family Residential District (up to 3 units/acre); and ±1.79 acres at the southeast quadrant of US Hwy 1 and 63rd Street from PD, Planned Development District, to CG, General Commercial District; and providing codification, severability, and effective date.

10.A.2. CARTER ASSOCIATES, INC.'S REQUEST FOR PLANNED DEVELOPMENT (PD) SPECIAL EXCEPTION USE APPROVAL FOR A PROJECT TO BE KNOWN AS THE RESERVE AT GRAND HARBOR (QUASI-JUDICIAL)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Commissioners Davis, Solari, and Zorc, as requested by the Chairman, divulged that there have been no ex parte communications, site visits, or independent investigations. The Chairman attested to the same. Commissioner O'Bryan noted that he had been on the site one year ago for a community event. All Commissioners affirmed that they have an open mind and are able to base their decisions on the evidence presented and the applicable law.

In accordance with Chairman Flescher's declaration that this meeting was quasi-judicial, the Deputy Clerk administered the Oath to all persons who wished to speak.

Planning Director Stan Boling, used a PowerPoint presentation (on file), to explain the request of Carter Associates, Inc., the project engineer representing GH Vero Beach Development LLC, for a Planned Development (PD) Special Exception approval. The purpose of the request is for the developer to proceed with a 78.63 acre project, "The Reserve at Grand Harbor" that will be located north of the intersection of Indian River Boulevard and 53rd Street. After providing staff's analysis, Director Boling presented the recommendations of the Planning and Zoning Commission and staff for Board approval of the proposed request, with the conditions outlined in staff's report (pages 197 and 198 of the agenda package).

John Blum, Carter & Associates, announced that he and **Chris Cleary**, Grand Harbor, were present to address any questions about the proposed project.

There being no questions, the Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, posed questions regarding: (1) the estimated timeframe for project completion; (2) whether there was adequate ingress/egress for emergency vehicles; (3) if the County is being reimbursed for staff's time in vetting this proposal; and (4) whether the architecture will be consistent with that of the existing Grand Harbor development.

Director Boling responded to each of Mr. Johnson's queries.

There being no additional speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously granted Planned Development (PD) Special Exception Use and conceptual PD plan approval for "The Reserve at Grand

Harbor”, with the conditions outlined in staff’s report on pages 197 and 198 of the agenda package.

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING NOVEMBER 19, 2013:

COUNTY INITIATED REQUEST TO AMEND THE 5 YEAR CAPITAL IMPROVEMENTS PROGRAM AND SUPPORTING DATA AND ANALYSIS OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE)

County Attorney Dylan Reingold read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS

11.A. IMPACT FEE WORKSHOP

County Administrator Joseph Baird announced that Tindale-Oliver and Associates (the Consultant), has concluded its review and update of the County’s impact fee schedule. He asked the Board when they would like to schedule the Impact Fee Workshop that was included in the Scope of Services and Agreement with the Consultant.

Deliberations ensued among the Board and staff regarding the best date to hold the workshop. The Board CONSENSUS was to hold the workshop on Wednesday, January 22, 2014 from 1:30 to 5:00 p.m. in the County Commission Chambers.

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, used a PowerPoint presentation (copy on file), to provide an overview of the Fourth and Final Quarter Fiscal Year 2012-2013 Budget Report.

No Board Action Required or Taken

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES - NONE

13. COUNTY ATTORNEY MATTERS

13.A. INTERLOCAL AGREEMENT REGARDING FLORIDA DEVELOPMENT FINANCE CORPORATION

Attorney Reingold explained that the Florida Development Finance Corporation (FDFC) issues bonds to support economic development initiatives, and that they are required to have an interlocal agreement with the government in which the project is occurring. FDFC had approached him about entering into an interlocal agreement with the County so they can assist Allied Fiber in developing a fiber optic network from Miami to Georgia. Attorney Reingold advised that the proposed interlocal agreement is exclusively for the Allied Fiber project; FDFC would have to obtain the consent of the Board for future projects within the County. He asked the Board to either approve or reject the proposed interlocal agreement and if approved, to authorize the Chairman's execution of the document.

Brian Watson, Broad and Cassel, legal counsel to the FDFC, clarified for Vice Chairman Davis that the cable will be laid along the Florida East Coast Railway right-of-way.

Frank Baum, Academy Securities Investment Banking, added that Allied Fiber has an easement with the railroad, and will be laying about 21 miles of cable in this County. He also noted that there will be around \$750,000 worth of construction.

Vice Chairman Davis commented on the importance of high speed fiber optic cable to County operations, and wanted to explore the possibility of tapping into the new network to strengthen or back up the County's current system.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the Interlocal Agreement with the Florida Development Finance

Corporation (FDFC), as recommended in the memorandum of October 25, 2013.

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

14. COMMISSIONER ITEMS

14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN

14.A.1. DISCUSSION REGARDING 2013-2014 TREASURE COAST REGIONAL PLANNING COUNCIL ASSIGNMENTS

Chairman Flescher relayed the request of the Treasure Coast Regional Planning Council for the Board to appoint members and alternates for the upcoming year, and to notify the Council of the appointments by December 2, 2013 for inclusion in its December 13, 2013 agenda package.

Discussion ensued as the Board considered whether to defer the County appointments until the new Chairman is elected on November 19, 2013.

Commissioner O'Bryan recommended that the Board approve the municipal appointments today, and have the new Chairman make the County appointments on November 19, 2013.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the following 2013-2014 municipal appointments to the Treasure Coast Regional Planning Council: Member: City of Vero Beach, Alternate: City of Sebastian; Member: City of Fellsmere, Alternate: Town of Indian River Shores; the County Commission Members/Alternates will be appointed by the new

Chairman at the November 19, 2013 County Commission meeting.

The Chairman called a recess at 12:15 p.m., and reconvened the meeting at 12:33 p.m., with all members present.

14.A.2. ADDITION: UPDATE ON THE OYSTER REEF PILOT PROJECT

Chairman Flescher provided an update on the Indian River Lagoon Oyster Reef Pilot Project, which was approved by the Board on July 16, 2013. He thanked Director of Utilities Vincent Burke, Charles Sembler, and Chip Swindell who helped make the project a success, and disclosed that there has already been an increase in seagrass and marine life. Commissioner Zorc displayed one of the floating markers that will be used to define the reef area.

Commissioner O'Bryan added that the Rotary Initiative for Submerged Seagrass Awareness (RISSA) Project, which was approved by the Board in October 23, 2012, has also been completed successfully.

Discussion ensued about the success of the Spoonbill Marsh Wetland Facility, where a refining system filters the brine from the County's reverse-osmosis water system before it flows into the Lagoon; the necessity of creating the proper habitat (a mix of brackish and clean fresh water) for the oysters to thrive; and the importance of having the project analyzed so, if it is successful, additional reefs can be built in the future.

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

14.C. COMMISSIONER PETER D. O'BRYAN

14.C.1. INDIAN RIVER LAGOON PRIORITIES

Commissioner O'Bryan announced that the Indian River Lagoon Counties Collaborative (IRLCC), which is comprised of the six counties along the Indian River Lagoon - Indian River, Brevard, Martin, Palm Beach, St. Lucie, and Volusia, would be meeting at the County Commission Chambers on Friday, November 8, 2013. He revealed that at last week's Indian River Lagoon National Estuary Program meeting, Commissioner Solari had made a motion to task the IRLCC to compile a short list of priority lagoon-related projects for the State and Federal legislative sessions, and he invited discussion on what the top few priorities would be.

Commissioner Solari clarified that in addition to prospective projects, he also wanted to examine policies and regulations; in particular, to find out what the specific responsibilities of the 298 Districts are. He wanted to convey to the State the importance of having the 298 Districts broaden their scope, cooperate with the counties, and embrace their responsibility to help reduce the Total Maximum Daily Loads (TMDL's) of nutrients (nitrogen and phosphorous) that flow into the Lagoon. He added that the Indian River Farms Water Control District (IRFWCD) is the most important in this County, because three of their relief canals empty directly into the Lagoon, and their primary focus has been on conveying water off the land. Commissioner Solari also suggested placing on the shortlist for projects requiring funding, the proposed Grand Harbor Passive Water Project.

(Clerk's Note: The 298 Districts are special drainage districts operating under Florida Statutes Chapter 298).

A broad-ranging discussion ensued relative to the purpose, responsibilities, organizational structure, and budgets of the Water Control Districts, with particular focus on the Indian River Farms Water Control District.

Commissioner Zorc mentioned that when the IRFWCD was created, the land was primarily agricultural, but it has evolved over time; he wanted to know how much agricultural activity remains, and what the other land uses are.

Vice Chairman Davis advised that the Board would need to find out if it is legal and an appropriate expenditure for the IRFWCD to be concerned about water quality versus drainage.

Commissioner O'Bryan wanted to ask Federal and State legislators to designate specific funding earmarked for Central and North Lagoon projects, so the counties can tap into those monies as projects develop.

Vice Chairman Davis wanted to see funding for sewer improvements in Sebastian, which would help both the economy and the environment. He discussed the lack of utilities (sewer) in portions of the North County, and the importance of having a centralized system that is backed up by a generator, to keep sewage out of the Lagoon in a power outage. He mentioned that entrepreneurs are often deterred from launching a business because of the expense of hooking up to the force main sewer system.

Commissioner O'Bryan suggested conducting research to find the specific areas where the septic isotope is leaching into the drainage ditches, so that a defensible decision can be made to convert the septic tanks to sewer.

Commissioner Zorc estimated that a \$7 million allocation might be sought from the State/Federal allotment for water improvement projects, with perhaps \$4 million for TMDL mitigation; \$2 million for sewer enhancements in key areas; and \$1 million for additional testing/monitoring, or some formula thereof.

County Administrator Joseph Baird advocated the sewer improvements, stating that they accomplish both environmental and economic development initiatives at once.

Commissioner Solari wanted Commissioner O’Bryan to work with the Collaborative to develop a set of talking points that can be used by all six counties and presented at the next Federal and State legislative sessions, with the goal of expanding Federal/State funding for the Lagoon projects.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to direct Commissioner O’Bryan to work with the Indian River Lagoon Counties Collaborative (Indian River, Brevard, Martin, Palm Beach, St. Lucie, and Volusia counties), at the Friday, November 8, 2013 meeting, to produce the best possible package of priorities for presentation at upcoming Federal and State legislative sessions, with the goal of bringing back to the counties, the maximum amount of financial assistance to help the counties restore the health of the Indian River Lagoon.

Commissioner Solari re-emphasized that his primary concerns were to reassess the role of the 298 Districts, and to address the need for the regulatory agencies to be more flexible as the County continues to explore/develop ways to clean up the Lagoon.

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

14.D. COMMISSIONER BOB SOLARI

14.D.1. PROPOSED FREEDOM OF RELIGION PROPOSED PROCLAMATION

Commissioner Solari recalled that at the Board of County Commission meeting of June 18, 2013, the Board had tasked him with developing a single proclamation recognizing the Constitutional right of every American to believe what he or she wants. He directed the Board’s

attention to the draft proclamation (page 240 of the agenda package) designating November 24 through November 30, 2013 as Religious Freedom Week in Indian River County, and stated that it would be presented at the November 17, 2013 Board meeting, if approved by his fellow Commissioners.

Commissioner O'Bryan commended Commissioner Solari on the draft document, and said that he has accomplished the Board's goal of recognizing that everyone has a right to their beliefs.

Commissioner Zorc suggested inviting all the faith-based community leaders to be present during the reading of the proclamation on November 19, 2013.

Chairman Flescher explained that although he had envisioned different content on the proclamation, Commissioner Solari's document would accomplish the Board's goal.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Zorc, the Board unanimously approved to bring forward the Freedom of Religion Proclamation, Designating November 24 through November 30, 2013 as Religious Freedom Week in Indian River County, at the November 19, 2013 Board of County Commission meeting, as requested in the memorandum of October 28, 2013.

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

The Regular Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

15.A.1. APPROVAL OF MINUTES MEETING OF AUGUST 20, 2013

15.A.2. APPROVAL OF FY 2013-14 EMERGENCY MEDICAL SERVICES

**(EMS) COUNTY AWARDS GRANT: PURCHASE OF CAPITAL/OPERATING
EQUIPMENT USING NON-MATCHING EMS GRANT FUNDS AND GRANT
RESOLUTION**

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 Board of County Commission meeting adjourned at 1:16 p.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Peter D. O'Bryan, Chairman

(Clerk's Note: These minutes were signed by the current Chairman at the time of the Board's approval).

Minutes Approved: _____

BCC/MG/2013Minutes