

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

NOVEMBER 12, 2013

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JEFFREY R. SMITH

Clerk to the Board and Comptroller



November 12, 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 12, 2013. Present were Chairman Joseph E. Flescher, and Commissioners Peter D. O'Bryan, Bob Solari, and Tim Zorc. Vice Chairman Wesley S. Davis was absent. 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

Jeffrey R. Smith, Clerk of Circuit Court and Comptroller, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

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

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

**Delete: Item 5.F. Presentation by David King, President, INEOS
NewPlanet Bioenergy, on Vegetative Waste Disposal Site Opening**

Delete: Item 9.E. Carole Jean Jordan, Indian River County Tax Collector

**Add: Item 14.C.1. Commissioner O’Bryan’s Matters – Update on the
Indian River Lagoon Counties Collaborative (IRLCC)**

**Move: Item 14.E.1. Commissioner Zorc’s Matters – Economic
Development Positioning Initiative to follow Item 8. J. Consent
Agenda**

(Clerk’s note: Chairman Flescher announced that Ms. Jordan will be absent until December 3, 2013 due to the passing of her husband.)

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. Presentation of “2013 Friend of 4-H” Award to David Fleetwood,
Indian River County Parks Superintendent, for His Great
Contributions and Invaluable Assistance to the 4-H Program
Throughout the Year by Christine Kelly-Begazo, Indian River
County UF/IFAS Extension Agriculture Agent**

Christine Kelly-Begazo, Indian River County Extension Agriculture Agent, assisted by Lindsey Adams Black, 4-H Extension Agent, presented the “2013 Friend of 4H” award to David Fleetwood, Indian River County Parks Superintendent.

5.B. Presentation by Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce on Website Launched to Attract Business

Helen Caseltine, Indian River County Chamber of Commerce Economic Development Director, presented and demonstrated their new website www.IndianRiversites.com that was launched to attract business to Indian River County.

6. APPROVAL OF MINUTES

6.A. Regular Meeting of October 1, 2013

6.B. Regular Meeting of October 8, 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, by a 4-0 vote, (Vice Chairman Davis absent), the Board unanimously approved the minutes of the October 1, 2013 and October 8, 2013 meetings, as written.

7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS

NOT REQUIRING BOARD ACTION

7.A. Appointment of District 3 Appointee to Children's Services Advisory Committee

Ms. Hope Woodhouse was appointed to fill the position of District 3 Appointee to the Children's Services Advisory Committee.

8. CONSENT AGENDA

Item 8.I. was pulled for discussion.

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

8.A. APPROVAL OF WARRANTS – OCTOBER 18, 2013 TO OCTOBER 31, 2013

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis Absent), the Board approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of October 18, 2013 to October 31, 2013, as requested in the memorandum of October 31, 2013.

8.B. *Indian River County Appointments to the Economic Opportunities Council (EOC)*

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis absent), the Board approved the appointment of Ms. Miriam Gross, Ms. Linda McConkey, and Mr. Rueben Lane to the Economic Opportunities Council (EOC) as the elected officials' designees for a one year term, as recommended in the memorandum dated November 5, 2013.

8.C. Rejection of Bids for IRC Bid No. 2013051 South County RO Plant Storage Tank Interconnect Project

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis Absent), the Board approved staff’s recommendation, 1) to reject the project bids because both bids significantly exceeded the engineer’s cost estimate of \$106,000; 2) the project re-bid after specifications are reviewed and modified, as appropriate, as recommended in the memorandum of November 4, 2013.

8.D. Sandridge Golf Course Telephone System Replacement Proposal for NEC Telephone System Replacement and Approval of NEC Corporation of America (NEC) as Sole Source Provider

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis absent), the Board approved to move forward with the new replacement Telephone System for the Sandridge Golf Course site, and approved NEC as the sole source organization to replace this Key Telephone System, as recommended in the memorandum of November 4, 2013.

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

**8.E. FDEP Grant Agreement No. 14IR2, Hurricane Sandy Beach
Repair Project – Sector 3**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis absent), the Board: 1) approved the Florida Department of Environmental Protection (FDEP) Grant Agreement No. 14IR2 and authorized the Chairman to sign two (2) copies of the Agreement on behalf of the County; 2) authorized transmittal of both partially executed Agreements to the State for final signatures; 3) upon receipt of the fully executed original FDEP Grant Agreement 14IR2 from the State, staff will transmit to the Clerk to the Board of County Commission for recording; and 4) the Board authorized the necessary budget amendment to allocate project funding, as recommended in the memorandum of November 12, 2013.

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

**8.F. Amendment to Elevated Water Tank Space License Agreement with
Sprint**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis absent), the Board approved the Second Amendment to Elevated Water Tank Space License Agreement with Sprint Spectrum Realty Company, L.P., and authorized the Chairman to execute the lease on their behalf, as recommended in the memorandum of November 5, 2013.

**8.G. Approval of Bid Award for IRC Bid No. 20140008, US1 Widening
Utility Conflicts from Oslo Road to County Line**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis absent), the Board: 1) approved to award Young’s Communication Co., Inc. of Melbourne, FL., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; 2) approved the sample agreement and authorized the Chairman to execute said agreement after it has been approved by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required certificate of insurance and Public Construction Bond, as recommended in the memorandum of November 4, 2013.

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

**8.H. Interlocal Agreement between the Town of Orchid and Indian
River County – Post Hurricane Sandy Dune Project
Reimbursement**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis absent), the Board approved the Interlocal Agreement between the County and the Town of Orchid, and authorized the Chairman to execute same on behalf of the County, as recommended in the memorandum dated November 6, 2013.

**8.I. Proposed Fourth Amendment to Facility Lease Agreement –
Historic Dodgertown (Verotown, LLC)**

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Chairman Flescher for discussion, to approve the Chairman to execute the Fourth Amendment to the Facility Lease Agreement with Verotown, LLC, with an amendment to increase the funding from \$600,000 to \$634,000, and to renovate all 67 rooms.

Administrator Baird stated that this project was contracted, and he suggested if the Board wanted to approve additional renovations that the funding should come from the optional sales tax.

Assistant County Administrator responded to questions from Commissioner Zorc regarding the benefits of buying items for the renovation in bulk to obtain a sales tax savings.

The Chairman CALLED THE QUESTION and the Motion carried by a 3-1 vote (Commissioner Solari opposed, and Vice Chairman Davis absent).

**8.J. Proposal for Replacement of SONET (Synchronous Optical
NETworking) System and Approval of Precision Contracting
Services (PCS) as a Sole Source Provider**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Vice Chairman Davis

absent), the Board approved moving forward with the SONET (Synchronous Optical NETWORKing) system and approved PCS (Precision Contracting Services) as the sole source organization to install this new system, as recommended in the memorandum of November 5, 2013.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. Jeffrey R. Smith, Indian River County Clerk of Circuit Court and Comptroller

CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2012-2013

Constitutional Officer **Jeffrey R. Smith**, Clerk of Circuit Court and Comptroller, announced that he was returning to the County \$21,256.86 which represents excess fees for non-court operations due to the Board of County Commissioners for the fiscal year ending September 30, 2013. He reviewed his memorandum summarizing challenges he had to face in his first year in Office, which affected both the County and the Courthouse. Mr. Smith thanked everyone for their support, and invited questions.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, by a 4-0 vote (Vice Chairman Davis absent), the Board accepted the Constitutional Officer Jeffrey R. Smith, Indian River County Clerk of the Circuit Court and Comptroller's Financial Report for Fiscal Year 2012-2013, and a check in the amount of \$21,256.86, as submitted under cover letter dated October 30, 2013.

9.B. Leslie R. Swan, Indian River County Supervisor of Elections

CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2012-2013

Constitutional Officer **Leslie R. Swan**, Supervisor of Elections, addressed the 2012-2013 elections, returned \$10,918.09 for the Fiscal Year 2012-2103 to the County; and announced a tremendous savings made of over \$100,000 by suggesting that the Hospital District do their own election last year.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, by a vote of 4-0, (Vice Chairman Davis absent), the Board unanimously accepted the Indian River County Constitutional Officer Supervisor of Elections Leslie Swan's Financial Report for Fiscal Year 2012-2013, and a check in the amount of \$10,918.09, as submitted under cover letter dated October 24, 2013.

9.C. Deryl Loar, Indian River County Sheriff

CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2012-2013

Harry Hall, Comptroller at the Sheriff's office, announced that this was a very fiscally challenging year for them; however, they were able to come in under Budget and return \$5,002.17 to the Board.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, by a vote of 4-0 (Vice Chairman Davis absent), the Board accepted the Indian River County Constitutional Officer Sheriff Deryl Loar's Financial Report for Fiscal Year 2012-2013, and a check in the amount of \$5,002.17, as submitted under cover letter dated October 28, 2013.

9.D. David C. Nolte, Indian River County Property Appraiser

CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2012-2013

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, by a vote of 4-0 (Vice Chairman Davis absent), the Board accepted the Indian River County Constitutional Officer Property Appraiser David Nolte's Financial Report for Fiscal Year 2012-2013.

9.E. Deleted - Carole Jean Jordan, Indian River County Tax Collector

CONSTITUTIONAL OFFICER FINANCIAL REPORT FOR FISCAL YEAR 2012-2013

Deleted due to Ms. Jordan's absence.

10. PUBLIC ITEMS

10.A. PUBLIC HEARING - NONE

10.B. PUBLIC DISCUSSION ITEMS

**10.B.1. Request to Speak from Joe Wiggins Regarding South County Park
Multi-Purpose Building and Playground for Children**

Joe Wiggins, 895 11th Street, S.W., Vero Beach, was disappointed that recent improvements at the South County Park left no open space for children to play unless they were a part of an organized team. He explained that most families were living from paycheck to paycheck and they cannot afford to sign up their children on a team. He also addressed the issue that the park was locked during the day, and that there were "no trespassing" signs all around the Lacrosse park fence. His daughter, **Alicia Wiggins**, also remarked on how disturbing it is to

know that there is a public park, and yet the children cannot use it because it is locked during the day, and no trespassing signs are posted on the fence.

Under discussion, County Administrator Baird talked about the new improvements being made to the park, and advised that there are scholarships available for those children whose families cannot afford to let their children join a team. He also explained that due to vandalism at the park facilities, the County locked the Lacrosse field and put up the “no trespassing” signs.

Commissioner Solari recalled that Jason Redman talked to the Board recently with the same concerns that there is no real place for children to gather after school and play an unorganized game. He felt Mr. Wiggins does have a point and said he would be happy to open the scope a little bit, and look at what other opportunities of land may be available for children to play unorganized sports.

Discussion ensued by the Board regarding several County owned properties that may possibly serve as a place for the children to play.

Althea McKenzie said that the issues being discussed today were similar to those found at the Gifford Park. She pointed out that 60% to 75% of children in Indian River County are disadvantaged, and she felt that the County needs to start looking at our communities as a whole and provide facilities for everyone.

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. Community Development

12.A.1. Condemnation, Demolition and Removal of Unsafe Structures

Scott McAdams, MCP, CBO Building Official, addressed an error in the Tax ID number on page 156 of the backup material, and provided a replacement page.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Solari, for discussion, to approve the Resolution with the corrected replacement page 156.

Commissioner Solari asked that in the future, staff identify the name and addresses of the properties in the agenda.

The Chairman CALLED THE QUESTION and the MOTION carried, by a 4-0 vote (Vice Chairman Davis absent), the Board approved **Resolution 2013-120, with replacement page 156**, providing for the demolition of unsafe structures and the recovery of costs (Earl and Betty Thomas at 43 Highland Drive S.W., and Richard G. Harper at 911 46th Avenue).

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. Election Requirements

County Attorney Dylan Reingold, recalling the Board’s direction on October 22, 2013, provided an overview of the timeframe and general requirements for placing a referendum (to assist with funding for the Indian River Lagoon) on the 2014 ballot.

NO ACTION REQUIRED OR TAKEN.

14. COMMISSIONER ITEMS

14.A. Commissioner Joseph E. Flescher, Chairman - None

14.B. Commissioner Wesley S. Davis, Vice Chairman - None

14.C. Commissioner Peter D. O’Bryan

14.C.1. Addition - Update on the Indian River Lagoon Counties Collaborative Meeting (IRLCC) of November 8, 2013

Commissioner O'Bryan advised that the additional items added to the Indian River Lagoon Counties Collaborative (IRLCC) priority list were Florida Statute Chapter 298 Water Drainage District, the need for seven million dollars was identified for several projects, plus a request for one hundred million dollars for lagoon projects related to improving water quality. The Group also was looking at ways to rank the projects.

After discussing items that he needed the Board to consider, Commissioner O'Bryan made the following motion:

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, by a 4-0 vote (Vice Chairman Davis absent), the Board approved: 1) the County Attorney to assist Commissioner O'Bryan in developing bylaws to govern the Indian River Lagoon Counties Collaborative (IRLCC); 2) the IRLCC to hold future meetings in the County Commissioner Chambers; and 3) to formally recognize the IRLCC in the form of a Resolution, at a later date.

(Clerk's Note: At this time, Commissioner Zorc commented on Senator Negron's visit to Stuart).

14.D. Commissioner Bob Solari

14.D.1. Proclamation Protocol and Policy

Commissioner Solari was asked by the Board to prepare a Proclamation Protocol and Recognition Policy to establish some consistency and transparency for the public. He pointed out that overall the policy leaves the acceptance of the proclamations to the discretion of the Chairman. However, he posed several questions for the Board to discuss regarding limiting the number of proclamations, and granting proclamations for groups on an annual basis without a presentation. He suggested proclamations not being presented, such as annual proclamations, and certificates, to be placed under Informational Items on the agenda, and not under Consent.

Discussion ensued regarding the guidelines, particularly those that limit groups to one proclamation a year, annual events being reviewed on a case by case basis and issued at the discretion of the Chairman, the Sunshine Law and voting on proclamations, and not placing proclamations under the Consent Agenda.

Some Board members expressed their concern that the proposed policy may be too much bureaucracy.

After hearing the Board's concerns and comments, Commissioner Solari said he had no problem in eliminating any part of the policy, and he would be happy to leave all items at the discretion of the Chairman.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to reduce the proposed policy to include: 1) the intent and purpose of the policy; 2) approved all proclamations to be issued at the discretion of the Chairman; 3) approved to provide an official request form and required backup information on the County website for citizens to apply for a proclamation; and 4) place

proclamations and certificates with no presentation under Item 7 Informational Items on the agenda.

Althea McKenzie asked if there is an appeal process if the Chairman does not approve a proclamation. Commissioner Solari advised that individuals should bring the item up under public discussion.

The Chairman CALLED THE QUESTION and the Motion carried, by a 4-0 vote (Vice Chairman Davis absent).

14.E. Commissioner Tim Zorc

14.E.1. Economic Development – Positioning Initiative

(Clerk's note: This item was heard following Item 8.J. and is placed here for continuity).

Beth Mitchell, Chair of the Economic Development Council (EDC), spoke of exploring a Comprehensive County initiative to improve the Economic Development Council's efforts. The type of information from this analysis and profiling, she said, can be used to strengthen our message to key industries, site consultants, and other potential contacts, and it would differentiate the County's strength from our competitors. There are specific companies who offer the services associated with this initiative, two of which have made a presentation, North Star Strategies and Boyette Strategic Advisors. The cost is estimated to be between \$50,000 and \$75,000, and that depends on the deliverables that are requested in the proposal. She stated it will take six to eight months, covering what our County already has in place, interviews within our County, and more importantly, research outside of our County. The purpose is to find out how our County is perceived by the site selectors when they are tasked with research to find new locations. Members of the EDC felt this was the next most important step in our development, and hoped the Commission would support it.

Commissioner Solari would like to see some support from the private sector on this item, so that it is a public private sector partnership, if the funding was coming from the general fund contingencies. He was not sure whether the City should be involved as well.

Administrator Baird advised the Board to consider funding through the Municipal Service Taxing Unit (MSTU) or the unincorporated area so the City residents do not pay twice.

Helen Caseltine, Economic Development Director of the Indian River Chamber of Commerce, explained that the Indian River County Chamber, in its Economic Development Division, does have private sector investors at various levels of private investment, and this was something she would be happy to discuss with the Board.

Commissioner Solari was concerned that this expense was not considered in the recent approved budget for 2013-2014, and he would like to see this structured so that the funding comes out of other County sources.

Chairman Flescher wanted to review past economic development budgets to see where Indian River stood compared to other counties and what their commissions have invested in the EDC. He thought we have limited our oppositions and exposure, and as we move forward, we will see an increase in exposure if we begin now.

Discussion ensued by the Board regarding the dollars local governments have spent annually in economic development.

Commissioner Zorc pointed out that the funding will carry over into a two-year budget cycle.

Commissioner O'Bryan spoke of several benefits he saw from this initiative, and he wanted the Board to move forward as a community and fund it through the General Fund.

Commissioner Zorc agreed.

MOTION WAS MADE by Commissioner Zorc, SECONDED by Chairman Flescher, to move forward with the funding of the Economic Development Positioning Initiative and to carry the funding over a two-year budget cycle.

After hearing Commissioner Solari's question if the Motion meant that the County would pick up the complete funding before they knew what the amount would be, Commissioner Zorc amended his Motion.

MOTION WAS AMENDED by Commissioner Zorc, SECONDED by Chairman Flescher, to approve the funding up to a maximum amount of \$75,000 over a two-year budget cycle, and any further funding for this initiative would be brought back to the Board for approval.

After further discussion regarding the funding, Commissioner Zorc made a second amendment to his Motion.

SECOND AMENDMENT TO THE MOTION was made by Commissioner Zorc, SECONDED by Chairman Flescher, for the funding to come out of the General Fund contingencies.

Bob Johnson, Coral Wind Subdivision, agreed with Commissioner Solari that this should have been submitted prior to the budget hearing; said it was not clear how much they were allocating; and wanted to know how much they are talking about over two budgets.

Commissioner Zorc clarified the Motion, stating that the maximum amount funded would be \$75,000 over the two-year budget cycle coming out of the General Fund.

The Chairman CALLED THE QUESTION and the Motion and the amendments carried, by a 3-1 vote (Commissioner Solari opposed and Vice Chairman Davis absent). The Board: 1) approved the Economic Development Positioning Initiative; 2) approved to fund up to a maximum amount of \$75,000 over a two-year budget cycle; 3) approved funding out of the General Fund contingencies; and 4) approved that any further funding for this initiative would be brought back to the Board for approval.

Administrator Baird defined the process of developing the Request for Qualifications (RFQ) for companies that offer the services with the initiative, the scoring chart and analysis, and bringing it back to the Board prior to it going out.

15. SPECIAL DISTRICTS AND BOARDS

15.A. Emergency Services District - None

15.B. Solid Waste Disposal District

Following the Board of County Commission meeting, the Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

15.B.1. Approval of Minutes – Meeting of September 10, 2013

15.B.2. Approval of Minutes – Meeting of September 17, 2013

15.B.3. Approval of Minutes – Meeting of October 1, 2013

15.B.4. Amendment No. 3 to Republic Services for Rain Flap Removal Project & Approval to Install Fleetzoom Monitoring System

15.B.5. Work Order No. 8 to Geosyntec for Construction Services for the Rain Flap Removal Project

15.C. Environment Control Board - None

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

16. ADJOURNMENT

There being no further business, the Chairman declared the Board of County Commission meeting adjourned at 11:54 a.m.

ATTEST:

Jeffrey R. Smith
Clerk of Circuit Court & Comptroller

Peter D. O’Bryan, Chairman

(Clerk’s Note: The minutes are signed by the current Chairman at the time of the Board’s approval).

Minutes Approved: _____

BCC/MIS/2013Minutes