

JEFFREY R. SMITH

Clerk to the Board



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BOARD OF COUNTY COMMISSIONERS

JANUARY 14, 2014

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JEFFREY R. SMITH

Clerk to the Board



January 14, 2014

**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, January 14, 2014. Present were Chairman Peter D. O'Bryan, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Bob Solari, and Tim Zorc. Also present were County Administrator Joseph A. Baird, Deputy County Attorney William DeBraal, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman O'Bryan called the meeting to order at 9:00 a.m.

2. INVOCATION

Deputy Teddy Floyd, Indian River County Sheriff's Department, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Zorc led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman O'Bryan requested the following change to the Agenda:

**DELETED: ITEM 10.B.1. REQUEST TO SPEAK FROM REVEREND W. MOSLEY AND
MR. BILL RIGBY REGARDING GIFFORD STATE OF AFFAIRS**

ON MOTION by Commissioner Solari, SECONDED by
Commissioner Flescher, the Board unanimously approved
the Agenda as amended.

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION BY MISSY ELWARD AND FRANK MANNINO ON ST.
BALDRICK'S FOUNDATION HEAD SHAVE EVENT – MARCH 1ST, 2014**

Missy Elward and Frank Mannino, volunteer event organizers, showed a brief slide presentation of last year's head shaving event, and announced the 2014 annual fundraiser event for St. Baldrick's Cancer Foundation, for childhood cancer research, was scheduled for March 1, 2014. They encouraged Commissioners and staff to participate, and stated that further information would be available at www.stbaldricks.org/events/indianriver2014, or by calling 772-633-4452.

**5.B. PRESENTATION OF THE ST. JOHNS RIVER WATER MANAGEMENT
DISTRICT'S 2013 WATER SUPPLY PLAN BY JIM GROSS, TECHNICAL
PROGRAM MANAGER WITH DISTRICT REGULATORY, ENGINEERING AND
ENVIRONMENTAL SERVICES**

Technical Program Manager at St. Johns River Water Management District (SJRWMD) Jim Gross outlined the District Water Supply 20-year plan for future water demands and planning.

Commissioners sought and received information regarding SJRWMD's scheduled public meetings, and requested that a meeting regarding the Water Supply Plan be held here in Indian River County.

Mr. Gross said he would take the request to his District Management.

A lengthy discussion ensued regarding the plan and looking to 2035's water supply; seawater desalination; surface water storage; examining the southern boundaries of Region Four and how to flow the rainwater north instead of south; keeping the rainwater from going into the lagoon; funding for preliminary design projects; and educational concepts pertaining to water usage.

6. APPROVAL OF MINUTES

6.A. MEETING OF NOVEMBER 19, 2013

6.B. MEETING OF DECEMBER 3, 2013

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the meeting minutes of November 19, 2013, and December 3, 2013, as written.

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

7.A. RETIREMENT AWARD AND PROCLAMATION HONORING SCOTT SMITH ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE WITH THIRTY-FOUR YEARS OF SERVICE

Chairman O'Bryan noted the Retirement Award and Proclamation honoring Scott Smith on his retirement after 34 years, effective January 18, 2014.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS – DECEMBER 13, 2013 TO DECEMBER 20, 2013

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of December 13, 2013 to December 20, 2013, as requested in the memorandum of December 31, 2013.

8.B. APPROVAL OF WARRANTS – DECEMBER 23, 2013 TO DECEMBER 31, 2013

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of December 23, 2013 to December 31, 2013, as requested in the memorandum of December 31, 2013.

8.C. APPROVAL OF WARRANTS – JANUARY 1, 2014 TO JANUARY 3, 2014

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of January 1, 2014 to January 3, 2014, as requested in the memorandum of January 3, 2014.

**8.D. 2014 TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC)
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)
COMMITTEE DISTRICT APPOINTMENT MEMBER LISTING**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously ratified the reappointments to the Treasure Coast Regional Planning Council (TCRPC) Comprehensive Economic Development Strategy (CEDS) Committee, and authorized the Chairman to notify the Committee of the Board appointments, as recommended in the memorandum of January 6, 2014.

(District 1: Mark Mathes; District 2: Rich Stringer; District 3: Helene Caseltine; District 4: Randy Riley; and District 5: Glenn Heran)

8.E. NATIONAL ESTUARY GRANT PROPOSAL – REQUEST TO APPLY

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously authorized staff to submit a request to the Indian River Lagoon National Estuary Program for grant funding for total maximum daily load (TMDL) reduction projects at the West Regional Waste Water Treatment Plant (WWTP) wetland treatment system, as recommended in the memorandum of January 8, 2014.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A.1. LESLIE R. SWAN – INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS:
AUTHORIZATION TO EXPEND REIMBURSEMENT REVENUES FOR COSTS
ASSOCIATED WITH CONDUCTING MUNICIPAL ELECTIONS**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Supervisor of Elections to expend reimbursement revenues for costs associated with conducting municipal elections for the City of Sebastian and the City of Vero Beach, as requested in the letter dated December 7, 2013.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. MARGARET FULLER'S REQUEST FOR ABANDONMENT OF A 74' BY ± 33'

PORTION OF DOUBLOON DRIVE THAT FRONTS 9440 DOUBLOON DRIVE,

LOT 6, BLOCK D IN THE SUMMER PLACE UNIT 3 SUBDIVISION

(LEGISLATIVE)

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

Community Development Director Stan Boling provided description, conditions, and analysis regarding the owner's (Margaret Fuller) request to abandon a small segment of Doubloon Drive, located in Summer Place Unit 3 Subdivision, east of A1A, and the intersection of Doubloon Drive and East Sand Dollar Lane. He recommended that the Board abandon its rights to the subject right-of-way, with the condition that a utility easement be retained over the entire segment of the right-of-way.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2014-004**, providing for the closing, abandonment, vacation and discontinuance of a 74' by ±33' portion of Doubloon Drive that lies in front of 9440 Doubloon Drive, Lot 6, Block D in the Summer Place Unit 3 Subdivision as shown in Plat Book 7, Page 74 of the public records of Indian River County, Florida.

**10.A.2. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NEIGHBORHOOD
REVITALIZATION PROJECT – WEST WABASSO SEWER AND DRAINAGE
IMPROVEMENTS PHASE 1 – PROPOSED AMENDMENT TO REDUCE THE
NUMBER OF HOOK-UPS AND RELATED BENEFICIARIES ESTIMATED AT
THE TIME OF APPLICATION (LEGISLATIVE)**

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

Director of Utility Services Vincent Burke recapped the January 6, 2014 memorandum, providing background, conditions, and analysis for the Board to consider Modification 3 to the Subgrant Agreement with the Department of Economic Opportunity, to change the number of accomplishments and/or beneficiaries. He thanked Deputy Teddy Floyd and Julianne Price for their work in going door-to-door to obtain income survey information for the grant application.

Corbett Alday, Guardian Community Resource Management, Inc., Lakeland, Florida, conveyed that this public hearing is to consider a modification to reduce the number of hookups in a current Community Development Block Grant (CDBG) that was submitted in 2011. He provided background and details relating to the West Wabasso Phase 1 Project, the grant budget, the project area, and the status of the sewer mains and drainage facilities. He recommended that Modification 3 be submitted to reduce the number of sewer hookups and related beneficiaries that would allow the grant to close, so staff could move forward with submitting a Phase 2 Project.

A brief discussion ensued regarding the number of unit hookups, and the participation rate.

The Chairman opened the Public Hearing.

Julianne Price, Health Department, and **Deputy Teddy Floyd**, Sheriff's Department, thanked the Board and Utility Department for being responsive to the community's needs, believed the project was successful, and looked forward to Phase 2.

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

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Modification Number 3 so the grant can be closed, and staff can move forward with Phase 2, as recommended in the memorandum of January 6, 2014.

10.A.3. AMENDMENT TO SECTION 100.03 "AMENDMENT OR REPEAL OF ORDINANCES" OF CHAPTER 100 "GENERAL PROVISIONS" OF THE CODE OF INDIAN RIVER COUNTY, CODIFYING AND PUBLISHING THE ORDINANCES TO READOPT THE CODE UP TO AND INCLUDING SUPPLEMENT 100 (LEGISLATIVE)

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

Deputy County Attorney Bill DeBraal requested that the Board approve an ordinance to maintain a current codification and an annual publication of all the ordinances in the Code of Indian River County, up to and including Supplement 100.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance 2014-001**, amending Section 100.03 “Amendment or Repeal of Ordinances” of Chapter 100 “General Provisions” of the Code of Indian River County (“The Code”), codifying and publishing the ordinances up to and including Supplement 100 thereto, readopting the Code, designating the Code as the best evidence of the current law of Indian River County, Florida, and providing for severability, codification, and an effective date.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. DELETED: REQUEST TO SPEAK FROM REVEREND W. MOSLEY AND MR. BILL RIGBY REGARDING GIFFORD STATE OF AFFAIRS

This item was deleted.

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES - NONE

13. COUNTY ATTORNEY MATTERS

13.A. 2014 COMMITTEES VACANCIES – APPOINTMENTS

Attorney DeBraal recalled that on September 13, 2011, the Board adopted Resolution 2011-072, which assigned the County Attorney's office the task of monitoring certain committee member terms and overseeing the process of annual appointments and reappointments. He requested the Commissioners review the applicants' resumes and appoint applicants to the committee vacancies as they deem appropriate.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Solari, to appoint Linda Ann Morgan to the Affordable Housing Advisory Committee, and Larry Thomas Hall to the Construction Board of Adjustment Committee; both are two-year terms.

Charlie Wilson informed the Board that he would like to speak on this item when the time is appropriate.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the appointment of Linda Ann Morgan as the public at large member to the Enterprise Zone Development Agency; and Mark Saint-Vincent as the public at large member (with an unexpired term ending January 2015) to the Enterprise Zone Development Agency.

Charlie Wilson introduced his new endeavor, the formation of the new Vero Beach Chamber of Commerce (not the existing Indian River County Chamber), which he stated is not a new business venture, but a new activity that would seek nothing from the County or the Board of County Commissioners. He explained his position, how the new Chamber would relate to the County, and indicated that he would appoint a representative from his Chamber to sit on the Enterprise Zone and/or Economic Development Committee if the Board desires.

There was a brief discussion regarding the membership composition of the Enterprise Zone Development Agency and the Economic Development Council.

Attorney DeBraul pointed out that both the Ordinance and the supporting Resolution call for a member from the Indian River County Chamber of Commerce, and if the Board decides to change anything, it would need to be done by an ordinance amendment.

No action required or taken.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN

14.A.1. OYSTER REEF PROJECT

Chairman O'Bryan requested that fellow Commissioners consider and approve a grant application to the Indian River Lagoon National Estuary Program, and authorize County matching funds in the amount up to \$50,000 for expansion of the oyster reef project. He conveyed that time is of the essence since the application must be completed and submitted by January 15, 2014 at 5:00 p.m.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to approve the grant application to the Indian River Lagoon National Estuary Program, and authorize matching funding in the amount of \$50,000 for expansion of the oyster reef project, as requested in the memorandum of January 7, 2014.

Chip Swindell, Ecotech Consultants, Inc. provided the Board with an update on the ongoing oyster reef project, the health of the reef, and the water quality.

Discussion ensued regarding the methodology of the project, sharing the data of the project's success with the public, and tracking total maximum daily load (TMDL) credits.

Administrator Baird said that he would identify a funding source if the grant project is successful, and bring it back to the Board.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

14.C. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.D. COMMISSIONER BOB SOLARI - NONE

14.E. COMMISSIONER TIM ZORC - NONE

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. APPROVAL OF MINUTES – MEETING OF NOVEMBER 19, 2013

15.B.2. OSLO CONVENIENCE CENTER – BILL OF SALE OF UTILITY FACILITIES

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

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

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 10:35 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Peter D. O'Bryan, Chairman

Minutes Approved: 02/11/2014

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