

JEFFREY R. SMITH
Clerk to the Board



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BOARD OF COUNTY COMMISSIONERS

JANUARY 21, 2014

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JEFFREY R. SMITH

Clerk to the Board



January 21, 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 21, 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, County Attorney Dylan Reingold, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Vice Chairman Davis 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 O'Bryan requested the following changes to the Agenda:

Delete: Item 13.A. Request for Lease Amendment with St. Francis Manor

**Add: Item 14.E.1. Request for Resolution and Letter Supporting Representative
Debbie Mayfield's Upcoming Bill Regarding the City of Vero Beach Electric
Utility**

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 ELLEN GOWER ON BEHALF OF AMERICAN COALITION
4 PROPERTY RIGHTS ON UPCOMING INFORMATIONAL MEETING**

Ellen Gower, 7435 Cypress Bend Manor, announced that there would be a forum on the ramifications of the Seven50 Plan on January 25, 2014 at 10:00 a.m. at the Sebastian North County Library.

**5.B. PRESENTATION OF UPDATE ON TREASURE COAST REGIONAL PLANNING
COUNCIL (TCRPC) COMPREHENSIVE ECONOMIC DEVELOPMENT
STRATEGY (CEDS) COMMITTEE BY GLENN HERAN, DISTRICT 5
REPRESENTATIVE TO THE COMMITTEE**

Glenn Heran, 1964 Grey Falcon Circle SW, Board Appointee to the Comprehensive Economic Development Strategy (CEDS) Committee, a subcommittee of the Treasure Coast Regional Planning Council (TCRPC), provided background and a financial analysis on the

committees, which are comprised of elected officials from Indian River, St. Lucie, Martin, and Palm Beach counties, and gubernatorial appointees. He reported that the TCRPC is largely federally funded and opined that the funding allocations are largely made by appointed staff, not the CEDS members; further, he believes a disproportionate amount of funding is being allocated to counties other than Indian River. Mr. Heran also disclosed that many of the CEDS presentations and discussions are pro Seven50, despite the fact that two member counties have withdrawn from the Seven50 initiative, with Martin County planning to exit in the future.

A broad-ranging debate followed, as individual Commissioners made observations and voiced differing opinions on TCRPC and CEDS. Key discussion topics included the following: (1) the funding that the County has received through TCRPC for Homeland Security Training and the Brownfields Assessment at the old Gifford Landfill; (2) TCRPC's refusal to grant the County's request to change the name of the Seven50 Plan to reflect the actual number of counties remaining in the initiative; (3) TCRPC's development of a lobbying group to ask for state assistance to help with mitigation strategies for the upcoming All Aboard Florida high speed railway; (4) the newly created Governor's subcommittee; and (5) the necessity to defend representative democracy from unelected authorities.

No Board Action Required or Taken

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF DECEMBER 10, 2014

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

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the minutes of the December 10, 2014 meeting, as written.

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

7.A. FLORIDA PUBLIC SERVICE COMMISSION RATE ADJUSTMENT

**INFORMATION HAS BEEN RECEIVED AND IS AVAILABLE FOR REVIEW IN
THE OFFICE OF THE CLERK TO THE BOARD**

7.B. 2014 COMMITTEE VACANCIES

Chairman O'Bryan invited interested persons to apply for the vacant committee positions that are listed on pages 2 and 3 of the agenda package.

8. CONSENT AGENDA

Commissioner Solari requested to pull Item 8.D. from the Consent Agenda for discussion.

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

8.A. APPROVAL OF WARRANTS – JANUARY 6, 2014 TO JANUARY 9, 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 6, 2014 to January 9, 2014, as requested in the memorandum of January 9, 2014.

8.B. OUT OF COUNTY TRAVEL TO ATTEND THE 2014 FLORIDA ASSOCIATION OF COUNTIES LEGISLATIVE DAY

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved out of County travel for Commissioners and staff to attend the 2014 Florida Association of Counties Legislative Day on Thursday, March 27, 2014, in Tallahassee, Florida, as requested in the memorandum of January 15, 2014.

8.C. OUT OF COUNTY TRAVEL TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES (NACO) 2014 LEGISLATIVE CONFERENCE

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved out of County travel for Commissioners and staff to attend the 2014 National Association of Counties (NACO) Legislative Conference to be held in Washington, D.C., from March 1 through 5, 2014, as requested in the memorandum of January 15, 2014.

**8.D. REVISED FOURTH AMENDMENT TO FACILITY LEASE AGREEMENT –
HISTORIC DODGERTOWN (F/K/A VERO BEACH SPORTS VILLAGE)**

Commissioner Solari declared his opposition to this item, alluding to his belief in limited government.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board, by a 4-1 vote (Commissioner Solari opposed), authorized the Chairman to execute the revised Fourth Amendment to the Facility Lease Agreement with Verotown, LLC, with the updated correction and funding allocation as approved by the Board on November 12, 2013, as recommended in the memorandum of January 13, 2014.

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

**8.E. CHILDREN’S SERVICES ADVISORY COMMITTEE’S 2012-2013 ANNUAL
REPORT**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Annual Report October 1, 2012 through September 30, 2013 of the Children’s Services Advisory Committee of Indian River County, as recommended in the memorandum of January 14, 2014.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES – NONE**

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM ALTHEA D. MCKENZIE REGARDING UPDATE OF GIFFORD NEIGHBORHOOD PLAN

Althea McKenzie, 2405 16th Avenue, addressed the Board regarding the update of the Gifford Neighborhood Plan (GNP). She reported that at the GNP meeting on October 22, 2013, the residents were advised that County staff would return with a specific plan in January 2014; residents have now been advised that staff will not return until April 26, 2014. Ms. McKenzie spoke to the urgent need for improvements (such as drainage and sidewalks) and urged the Board to make a commitment to expedite the improvements, address poverty in Gifford and elsewhere in the County, and put some solid figures behind the GNP.

Discussion followed, with input from County Administrator Joseph Baird, about the County's annual budget process and timeline.

Ms. McKenzie distributed and reviewed data (copy on file) on the County's budget, mentioning the ad valorem taxes that were paid by Gifford homeowners, and opined that the funds allocated to Gifford are not equivalent to monies spent in other areas of the County.

Discussion ensued, with input from Director of Management and Budget Jason Brown and Administrator Baird, about the County's budget, including the cost for operating expenses for general government, such as law enforcement, fire safety, and road maintenance.

Commissioner Zorc suggested consolidating the figures on the capital side and the operating sides of various projects, to get a more accurate picture of whether there is a disparity in the amounts being spent in Gifford versus other areas in the County.

Administrator Baird stated that he and staff would meet with Ms. McKenzie to review the County's budget allocations for the Gifford area.

Ms. McKenzie spoke to Gifford's needs for services and asked the Board to take the lead because residents are living in a blighted area. She also urged the Board to have staff return before April for further discussions on the GNP update.

Commissioner Flescher, who was present at the October 2013 meeting, recalled that residents were advised that the GNP update would be a lengthy process requiring several meetings.

Community Development Director Stan Boling mentioned that the GNP process involves a lot of public input and staff analysis, and described initiatives (ball field improvements, West Gifford initiative, beautification project) that have already begun in Gifford, as the planning process goes forward. He affirmed that staff is coming back in April with more proposals for the community, and that it will partly be up to them as to how many meetings will be required and how long the update will take.

No Board Action Required or Taken

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARINGS:

10.C.1.A. FEBRUARY 4, 2014: GRAND HARBOR COMMUNITY ASSOCIATION INC., AND GH VERO BEACH DEVELOPMENT, LLC'S REQUEST FOR A COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT TO REDESIGNATE ±8.3 ACRES LOCATED AT THE SOUTHWEST CORNER OF INDIAN RIVER BLVD. AND GRAND HARBOR BLVD. FROM C/I TO M-1, AND TO REZONE THOSE ±8.3 ACRES FROM CG TO RM-6; AND TO

**SIMULTANEOUSLY REDESIGNATE ±8.3 ACRES LOCATED AT THE
SOUTHEAST CORNER OF INDIAN RIVER BLVD. AND 53RD STREET FROM
M-1 TO C/I, AND TO REZONE THOSE ±8.3 ACRES FROM RM-6 TO CG
(LEGISLATIVE AND QUASI-JUDICIAL TRANSMITTAL PUBLIC HEARING)**

**10.C.1.B. MARCH 4, 2014: COUNTY INITIATED REQUEST TO REDESIGNATE ±70
ACRES LOCATED AT THE EAST END OF OSLO ROAD, SOUTH SIDE (ORCA
DIAMOND TRACT), FROM C-2, CONSERVATION-2 (UP TO 1 UNIT/40 ACRES),
AND L-2, LOW-DENSITY RESIDENTIAL-2 (UP TO 6 UNITS/ACRE), TO C-1,
CONSERVATION-1 (ZERO DENSITY), AND REZONE THOSE ±70 ACRES
FROM RS-6 SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS
/ACRE), AND RS-1, SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 1
UNIT/ACRE), TO CON-1, CONSERVATION-1 DISTRICT (ZERO DENSITY)
(LEGISLATIVE AND QUASI-JUDICIAL FINAL ADOPTION PUBLIC HEARING)**

County Attorney Dylan Reingold read the notices into the record.

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

12.J.1. AMENDMENT NO. 1 TO WORK ORDER NO. 2 FOR ENGINEERING

**CONSULTING SERVICES WITH SCHULKE, BITTLE AND STODDARD, LLC.,
FOR PROFESSIONAL SERVICES FOR ENGINEERING DESIGN AND
CONSTRUCTION SERVICES, CONFLICT RESOLUTIONS BETWEEN WATER
AND SEWER MAINS AND PROPOSED DRAINAGE ON US 1 SOUTH OF 11TH
STREET TO THE COUNTY LINE – UCP No. 4096**

Director of Utilities Vincent Burke reported that the Federal Department of Transportation (FDOT) has submitted revised drainage plans to Schulke, Bittle, and Stoddard, LLC (SBS), for the resolution of conflicts between existing water and sewer facilities, and FDOT's proposed paving and drainage improvements on US 1 from 11th Street south to the County line. He asked the Board to approve Amendment No. 1 to Work Order No. 2 with SBS, for a total amount of \$18,741.88 to compensate SBS for the additional services.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 1 to Work Order No. 2 with Schulke,

Bittle and Stoddard, LLC, for an additional amount of \$18,741.88, for a new total contract amount of \$78,241.88, as recommended in the memorandum of January 6, 2014.

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

12.J.2. COST RECOVERY OPTIONS ON THE 66TH AVENUE WATER MAIN PROJECT

FROM 8TH STREET TO 16TH STREET – INDIAN RIVER COUNTY PROJECT

No: UCP 4040

Director Burke provided background, description, and analysis on the 66th Avenue Water Main Project, which will enable certain property owners outside of the Urban Service Area (USA) on 66th Avenue to connect to the County's water line if they wish. He noted that as part of the project, the Indian River County Department of Utility Services (IRCDUS) chose to extend the piping across the relief canal for a looped system that would benefit the Utilities Department. He explained that this project is unique because the property owners will not be assessed 100% for the project costs; connection is voluntary, and it will be hard to recoup costs, due to the low density of rate payers who will be tying into the system. After providing an analysis of five scenarios for recouping project costs, Director Burke recommended that the Board select Scenario No. 2, a 70/30 split with the property owners from 8th Street to 16th Street, who connect to the water line, paying 70% of the project costs (*\$13,637.29 per parcel minus impact and connection fees*), and the County paying the remaining 30%.

The Board questioned Director Burke on the scenarios he had presented, and asked why the IRCDUS decided to loop the water system across the relief canal. Deliberations ensued on the best way to recoup the County's costs while dividing them fairly among the property owners who tap into the line.

Commissioner Zorc stated that the Department could have provided water to certain parcels to address their request for water without crossing the canal to loop or balance the system.

Alex Walters, 1295 66th Avenue, Parcel 13, advocated apportioning the costs based on the square footage of the owners' properties.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Commissioner Flescher, to approve
staff's recommendation.

Bob Johnson, Coral Wind Subdivision, wondered whether the 70/30 split would become a precedent for future projects.

Administrator Baird advised that normally the utility customers would pay 100% of the costs for connecting to County water; however, staff was recommending the 70/30 split in this case, because the looped portion of the system is a benefit to the utility system.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Zorc opposed), the Board: (1) determined that the appropriate cost recovery method is a 70/30 split with eighteen property owners from 8th Street to 16th Street who may elect to connect to the water main, who will be responsible for 70% of the costs and the Indian River County Department of Utilities (IRCUDU) who will be responsible for 30% of the costs, for the non-assessment water project; and (2) authorized the IRCUDU to collect the proportionate project costs of \$13,637.29 per property owner for UCP No. 4040, if and when a resident makes an application for service along 66th Avenue

between 8th Street and 16th Street, as recommended in the memorandum of January 14, 2014.

The Chairman called a recess at 10:56 a.m., and reconvened the meeting at 11:10 a.m., with all members present.

**12.J.3. EVALUATION OF RECEIVING TOTAL MAXIMUM DAILY LOAD (TMDL)
CREDITS FOR PAST PROJECTS**

Director Burke provided background on Work Order No. 8 with MBV Engineering (MBV) Inc., which was approved by the Board on August 20, 2013, for the purpose of evaluating the possibility of creating a countywide bank of Total Maximum Daily Load (TMDL) credits for past projects that were launched by the County to reduce the total nitrogen (TN) and total phosphorus (TP) runoff from County water and wastewater treatment facilities into the Indian River Lagoon. He provided an overview and analysis of how the credit banking program would work, and stressed that the goal is not to reduce the County's total remediation, but to strive to remove the most nutrients from the water discharges in the most cost effective way. He explained that the Florida Department of Environmental Protection (FDEP) has requested additional information regarding the County's request for them to conceptually approve this process, and asked the Board to support additional services by MBV by authorizing Phase II of Work Order No. 8.

A brief discussion ensued, with input from Director Burke, about the possibility of the TMDL credits becoming a future source of revenue.

Chairman O'Bryan observed that the important thing is that the County conforms to the TMDL quotas, not so much where the nutrient reductions are made.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1) authorized the professional services described in Phase II; and (2) authorized MBV Engineering, Inc. to move forward with the Phase II work outlined in the approved Work Order No. 8 on August 20, 2013 for a not to-exceed amount of \$51,900.00, as recommended in the memorandum of January 15, 2014.

13. COUNTY ATTORNEY MATTERS

13.A. DELETED: REQUEST FOR LEASE AMENDMENT WITH ST. FRANCIS MANOR

13.B. SAVE THE INDIAN RIVER LAGOON ESTUARY NOW, INC. (STIRLEN) GOVERNMENT IN THE SUNSHINE LAW ISSUE

County Attorney Dylan Reingold recalled the Board's direction on January 7, 2014 for the County Attorney's office to report back on whether the non-profit organization, Save the Indian River Lagoon Estuary Now, Inc. (STIRLEN), is subject to Florida's Government in the Sunshine Law (aka the Florida Sunshine). After providing background and analysis on STIRLEN's structure and objectives, he presented his conclusion that STIRLEN would not be governed by the Government in the Sunshine Law.

No Board Action was Required or Taken

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN – NONE

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN

**14.B.1. ADDITION: REQUEST TO APPROVE TRAVEL FOR COMMISSIONER ZORC
TO THE FLORIDA MUNICIPAL POWER AGENCY'S UPCOMING MEETING ON
JANUARY 23, 2014**

(Clerk's Note: This item was added under Item 14.E.1. and is placed here for continuity).

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously authorized out-of-County travel for Commissioner Tim Zorc to attend the January 23, 2014 Florida Municipal Power Agency (FMPA) meeting in Orlando, Florida.

14.C. COMMISSIONER JOSEPH E. FLESCHER

14.C.1. THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE PRESENTS "OUR CHILDREN, OUR FUTURE AND COMMUNITY CONVERSATION"

Commissioner Flescher invited everyone to attend a workshop, "Our Children, Our Future and Community Conversation," at the Indian River County Sheriff's Office on January 24, 2014 from 9:00 a.m. to 10:30 a.m. The event will be hosted by Secretary Wansley Walters of the Division of the Florida Department of Juvenile Justice.

14.D. COMMISSIONER BOB SOLARI - NONE

14.E. COMMISSIONER TIM ZORC

**14.E.1. ADDITION: REQUEST FOR RESOLUTION AND LETTER IN SUPPORT OF
DEBBIE MAYFIELD'S BILL REGARDING THE CITY OF VERO BEACH
ELECTRIC UTILITY**

Commissioner Zorc reported that Representative Debbie Mayfield has an upcoming bill regarding the City of Vero Beach Electric Utility (“Vero Electric”) and its utility customers who live outside the municipal boundaries. He wanted to make sure that House of Representatives Speaker Will Weatherford is aware of the importance of this issue to Indian River County, and proposed having the County Attorney send to Representative Weatherford, a Resolution and letter of support for Representative Mayfield’s bill.

Commissioner Solari suggested that the County Attorney get input from the County’s lobbyist, Ballard Partners, on the contents of the Resolution and letter.

MOTION WAS MADE by Commissioner Zorc, SECONDED by Commissioner Solari, to: (1) direct the County Attorney to draft **Resolution 2014-005** and a letter, to be mailed to Florida House of Representatives Speaker Will Weatherford supporting Representative Debbie Mayfield’s pending bill relating to the City of Vero Beach Electric Utility and its utility customers who live outside of the municipal boundaries in the unincorporated parts of Indian River County, or in the Town of Indian River Shores, advising Representative Weatherford that this issue is important to Indian River County, and encouraging him to hold the appropriate workshops on Representative Mayfield’s bill; (2) direct the County Attorney to get input from Ballard Partners, the County’s lobbyist, as to the contents of the Resolution

and letter before sending the documents to Representative Weatherford; the letter is to include a request for Representative Weatherford to invite representatives from Indian River Shores and Indian River County to attend any meetings on Representative Mayfield's bill; and (3) authorize the Chairman to execute both documents after review and approval.

Attorney Reingold inquired as to whether the Board would like him to bring back the draft Resolution for final Board approval before it is adopted and sent to Representative Weatherford.

Because this was a time sensitive matter, the Board CONSENSUS was for the Chairman to review and adopt the final Resolution on behalf of the Board, with the understanding that if he sees any problems, he will withhold execution until there is a vote.

Commissioner Zorc announced that on Friday, January 24, 2014, he was going to see whether the Town of Indian River Shores will also convey a Resolution to Tallahassee because if the speaker's office gets two Resolutions from representative government, it will impel him to hold hearings on the bill. He also advised that he would be attending the Florida Municipal Power Agency's meeting on Thursday January 23, 2014, and will bring back an update.

County Administrator Baird suggested that the Board approve out-of-County travel for Commissioner Zorc.

(Clerk's Note: Please see Item 14.B.1. for Board action on the above statement).

Commissioner Solari suggested that Commissioner Zorc bring a draft copy of the Resolution to Indian River Shores and suggest they model their document after the County's.

A brief discussion ensued about whether to incorporate the bill number into the Resolution; however, said information was not yet available.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

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 11:40 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Peter D. O'Bryan, Chairman

Minutes Approved: February 18, 2014

BCC/MG/2013Minutes