

JEFFREY R. SMITH
Clerk to the Board



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BOARD OF COUNTY COMMISSIONERS

MARCH 18, 2014

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JEFFREY R. SMITH

Clerk to the Board



March 18, 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, March 18, 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 Zorc 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:

Add: Emergency Item 5.G. Presentation of Proclamation Honoring Leroy Smith on his Retirement from Indian River County Sheriff's Department with 27.9 Years of Service

Add: Emergency Item 10.B.5. Request to Speak from Nicholas Schaus on All Aboard Florida

Add: Supplementary Agenda Information for Item 14.A.1.

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION BY GARY JAMES, DIRECTOR OF OPERATIONS, AMERICAN SECURITY COUNCIL FOUNDATION PROMOTING STEP UP AMERICA GOLF TOURNAMENT

(Clerk's Note: This item was heard following Item 5.C. and is placed here for continuity).

Director of Operations Gary James, American Security Council Foundation (ASCF), discussed the goals and objectives of the American Security Council Foundation, which originated the strategy of promoting peace through strength, and developed the initiative "Step-Up America: The Call to Good Citizenship" program. He announced that the ASCF is hosting a golf tournament at the Bent Pine Golf Club on March 29, 2014, with the proceeds to be used to provide scholarships to children of active duty military, veterans, law enforcement personnel, and first responders.

**5.B. PRESENTATION OF PROCLAMATION - INDIAN RIVER COUNTY
CELEBRATING CHILDREN'S WEEK**

Chairman O'Bryan read and presented the Proclamation to Jacki Jackson, CEO, and John Locke, Board Member, Early Learning Coalition of Indian River, Martin, and Okeechobee Counties (ELC).

**5.C. PRESENTATION OF PROCLAMATION RECOGNIZING MARCH 19, 2014 AS
KICK BUTTS DAY IN INDIAN RIVER COUNTY**

Commissioner Zorc read and presented the Proclamation to Leslie Spurlock, Tobacco Free Partnership of Indian River County; Marie Blanchard, Students Working Against Tobacco (SWAT) Advisor at Oslo Middle School; and Teresa Woodson, American Cancer Society; who accepted the proclamation on behalf of the SWAT team.

**5.D. PRESENTATION OF PROCLAMATION RECOGNIZING MARCH 2014 AS
NATIONAL EYE DONOR MONTH**

(Clerk's Note: This item was heard following Item 5.A. and is placed here for continuity).

Vice Chairman Davis read and presented the Proclamation to the Medical Eye Bank of Florida's Hospital and Community Relations Coordinator, Kimberly Owens, and Director Christopher Bronaugh, who were accompanied by Robin Phillips.

5.E. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 16 THROUGH MARCH 22, 2014 AS SURVEYORS WEEK

Commissioner Solari read and presented the Proclamation to David Schryver, County Surveyor, and Adam Dao, President, Indian River Chapter of the Florida Surveying and Mapping Society, who were accompanied by eight other professional surveyors.

5.F. PRESENTATION OF PROCLAMATION RECOGNIZING MARCH 2014 AS MARCH FOR MEALS MONTH

Commissioner Flescher read and presented the Proclamation to Karen Deigl, President/CEO; Deb Wheaton, Nutrition Manager and Dietician; and Sheldon Kleger, Director of Client and Health Services; representing the Senior Resource Association (SRA). Ms. Deigl provided an overview of the Meals on Wheels program, and invited everyone to dine at Ruby Tuesday's, Applebee's, or Vittoria's Pizza on Wednesday, March 19, 2014, as 10% of that day's proceeds will be donated to Meals on Wheels.

5.G. EMERGENCY ADDITION: PRESENTATION OF PROCLAMATION HONORING LEROY SMITH ON HIS RETIREMENT FROM INDIAN RIVER COUNTY SHERIFF'S DEPARTMENT WITH 27.9 YEARS OF SERVICE

Commissioner Flescher read and presented the Proclamation to Leroy Smith, who was accompanied by several family members.

Sheriff Deryl Loar, Director of Government Affairs and Media Relations Jeff Luther, and Deputy Teddy Floyd were also present to honor Mr. Smith.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF FEBRUARY 11, 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 February 11, 2014 meeting, as written.

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

8. CONSENT AGENDA

Commissioner Solari requested to pull Item 8.G. for discussion.

Commissioner Zorc requested to pull Item 8.M. 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 – FEBRUARY 28, 2014 TO MARCH 6, 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 February 28,

2014 to March 6, 2014, as requested in the memorandum of March 6, 2014.

8.B. APPROVAL OF ANNUAL FINANCIAL REPORT BY COUNTY COMMISSIONERS AND NOTICE OF CAFR (COMPREHENSIVE ANNUAL FINANCIAL REPORT) COMPLETION

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously authorized the Chairman to execute the County's Local Government Annual Financial Report and accept the Comprehensive Annual Financial Report (CAFR) as presented for Fiscal Year 2012-2013, as recommended in the memorandum of March 12, 2014.

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

8.C. APPROVAL OF RENEWAL FOR A CLASS "A" CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR INDIAN RIVER SHORES DEPARTMENT OF PUBLIC SAFETY

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved renewal of the Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety, to be effective for a period of two (2) years from April 15, 2014 to April 15, 2016, as recommended in the memorandum of March 6, 2014.

8.D. SEWER FEASIBILITY STUDY FOR THE SUMMERPLACE AREA – FINAL PAY TO SCHULKE, BITTLE AND STODDARD, L.L.C. – UCP 4101

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved: (1) the additional reimbursable reproduction costs in the amount of \$432.57; (2) the revised total amount for Work Order No. 4 of \$38,932.57; and (3) Invoice No. 13-108-4 Final from Schulke, Bittle and Stoddard, LLC, in an amount of \$4,282.57, as recommended in the memorandum of March 3, 2014.

8.E. KRG INDIAN RIVER, LLC'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS CHASE BANK – INDIAN RIVER SQUARE

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously granted final plat approval for Chase Bank – Indian River Square subdivision, as recommended in the memorandum of March 7, 2014.

8.F. CONSULTANT SELECTION FOR RFQ No. 2014023 – PROJECT ADMINISTRATION SERVICES FOR INDIAN RIVER COUNTY GoLINE BUS TRANSFER HUB FACILITY

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the committee's final ranking and authorized negotiations with the top ranked firm, CivilSurv Design Group, Inc., and subsequently the second ranked firm, Skanska USA Building, Inc., should negotiations with the first firm fail to result in an agreement, as recommended in the memorandum of March 10, 2014.

8.G. HISTORIC DODGERTOWN (FKA VERO BEACH SPORTS VILLAGE) ROOM RENOVATIONS – CHANGE ORDER NO. 3 – IRC PROJECT NO. 1341

Commissioner Solari declared his opposition to this item.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, by a 4-1 vote (Commissioner Solari opposed), the Board: (1) approved Change Order No. 3 to the contract with OAC Action Construction Corp., in the amount of \$36,900.22 for a total contract price of \$636,245.22; (2) authorized the County Attorney's Office to draft an amendment to the facility lease agreement consistent with this change order, authorizing total expenditures of \$670,245.22; and (3) authorized the necessary budget amendment to provide additional funding in the amount of \$36,901 from Optional Sales Tax, as recommended in the memorandum of March 10, 2014.

**8.H. CHANGE ORDER NO. 2 GIFFORD PARK BALLFIELDS GRADING
IMPROVEMENTS IRC PROJECT NO. 1336 – BID NO. 2014015**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Change Order No. 2 with Summit Construction of Vero Beach, LLC, increasing the contract by \$48,183.64, as recommended in the memorandum of March 7, 2014.

**8.I. AMENDMENT NO. 1 TO INDIAN RIVER COUNTY PUBLIC SHOOTING RANGE
IMPROVEMENTS TO SKEET & TRAP FACILITY PROFESSIONAL CIVIL
ENGINEERING AND ARCHITECTURAL SERVICES CONSULTANT
AGREEMENT RFQ NO. 2013017 – IRC PROJECT NO. 1213**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the removal of the 300-yard rifle range and action pistol range from the project scope; and (2) approved and authorized the Chairman to execute Amendment No. 1 in the amount of \$26,805 with Donadio and Associates, Architects, P.A., as recommended in the memorandum of March 7, 2014.

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

**8.J. CHANGE ORDER NO. 2 FOR THE WATER PLANTS LIME SLURRY INJECTION
PROJECT – UCP 2715 BID NO. 2013028**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously authorized the Chairman to execute Change Order No. 2 on their behalf for a lump sum amount of \$50,155.96 to R.J. Sullivan Corporation, increasing the total contract amount to \$2,788,682.96, as recommended in the memorandum of March 10, 2014.

**8.K. FINANCING CAPITAL COST ON THE 66TH AVENUE WATERMAIN PROJECT
FROM 8TH STREET TO 16TH STREET – INDIAN RIVER COUNTY PROJECT NO.
UCP 4040**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved a five (5) year financing mechanism for the eighteen (18) properties to cover the capital cost for Project UCP No. 4040 on 66th Avenue between 8th and 16th Street; residents will still be responsible for the standard impact fees and connection fees in addition to capital costs, as stated and recommended in the memorandum of March 6, 2014.

8.L. CHILDREN'S SERVICES ADVISORY COMMITTEE'S RECOMMENDATION
RFP # 2014033 NEW FOCUS AREAS FOR 2014-15 AND SAMPLE AGENCY
CONTRACT TO BE USED

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously: (1) accepted the RFP No. 2014033 for 2014-2015, new Focus Areas and Agency Contract as submitted; and (2) authorized the Chairman to execute the individual contracts, as recommended in the memorandum of March 11, 2014.

8.M. MISCELLANEOUS BUDGET AMENDMENT 011

Commissioner Zorc noted that Item 5 in the budget amendment was an allocation for ten (10) new Senior Resource Association (SRA) bus shelters. He wanted to know if funding could be added to expedite the installation of the shelters, or if another request would have to be brought back to the Board.

County Administrator Joseph Baird explained that the funding will only cover the purchase of ten additional bus shelters, minus the installation expense.

After further discussion, the Board CONSENSUS was to consider funding avenues for the shelter installations at a future Board meeting.

ON MOTION by Commissioner Zorc, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2014-024**, amending the fiscal year 2013-2014 budget.

**8.N. APPROVAL OF BID AWARD FOR IRC BID #2014024 DUNES GOLF COURSE
IRRIGATION SYSTEM PROJECT**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the project award to Duininck, Inc., for the Irrigation Project on the Dunes Course at Sandridge Golf Club in the amount of \$1,168,000.00; (2) approved the sample agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of March 7, 2014.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A. INDIAN RIVER COUNTY CLERK OF CIRCUIT COURT & COMPTROLLER,
JEFFREY R. SMITH: SUMMARY REVIEW OF 9-30-13 COMPREHENSIVE ANNUAL
FINANCIAL REPORT (CAFR)**

Clerk of Circuit Court and Comptroller Jeffrey R. Smith announced that the Indian River County's 2012-2013 Comprehensive Annual Financial Report (CAFR) was completed on March 3, 2014, and that the County has received the Certificate of Achievement for Excellence in Financial Reporting for 30 consecutive years. He used a PowerPoint presentation (copy on file) to provide a comprehensive overview of the audit results, relaying that there has been an overall increase of \$1 million in the County's net worth for 2013. Mr. Smith discussed the benefits of

the Clerk's initiatives to pay vendors electronically, and to continue going paperless with the Accounts Payable and Human Resources systems. He thereafter responded to the Board's questions about the CAFR.

Chairman O'Bryan requested that staff prepare a one-page summary of the strongest highlights of the CAFR to use as an economic development statement demonstrating the County's financial stability.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. REQUEST FOR AUTHORIZATION TO SUBMIT A FY 2014 GRANT APPLICATION FOR 49 UNITED STATES CODE (USC) CHAPTER 53, SECTION 5307 MASS TRANSIT CAPITAL AND OPERATING ASSISTANCE (ADMINISTRATIVE)

The Chairman called a recess at 10:25 a.m., and reconvened the meeting at 10:36 a.m., with all members present.

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

Metropolitan Planning Organization (MPO) Staff Director Phil Matson provided background and analysis on the Federal Government's Section 5307 grant funds. He explained that they provide 50% of the operating subsidies for the GoLine and Community Coach transit services operated by the Senior Resource Association (SRA), and that they require a County and State match for operating expenses. He disclosed that staff would be meeting with the SRA to project what next year's operating expenses will be, and asked the Board to approve the proposed Resolution authorizing the filing of the Fiscal Year 2014 Section 5307 grant application.

Administrator Baird confirmed that the GoLine Bus System would be continuing with the extended hours.

The Chairman opened the Public Hearing.

Director Matson explained for **Bob Johnson** why the grant application reflects Fiscal Year 2014 as the date.

There were no speakers; the Chairman closed the Public Hearing.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2014-025**, authorizing the filing of a FY 2014 Grant Application for 49 USC Ch. 53, Section 5307 Mass Transit Capital and Operating Assistance.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM SUSAN MEHIEL REGARDING TREASURE COAST REGIONAL PLANNING COUNCIL

Susan Mehiel, 131 Laurel Oak Lane, voiced her concerns about what she feels is a lack of public representation from the Treasure Coast Regional Planning Council (TCRPC). She read portions of a letter sent to Governor Scott by Michael Busha, the Executive Director of TCRPC, wherein he states that passenger rail service has been a long-standing regional priority, and proposes strategies for mitigating the impacts of Florida East Coast Industries' (FECI) proposed All Aboard Florida (AAF) high speed railway project. Ms. Mehiel declared that the statements in the letter do not mirror the public's opposition to the AAF. She urged the Board to disassociate itself from the TCRPC and work with other counties that share Indian River County's interests.

A lengthy discussion ensued among the Board, staff, and Ms. Mehiel about specific mitigation strategies that Mr. Busha proposed in his letter, including his requests for: (1) federal funding for quiet zones; (2) train stations/stops in Indian River, St. Lucie, and Martin counties; and (3) the reallocation of freight trains inland, away from the coastal route.

Attorney Reingold, responding to questions from the Board, stated that in accordance with Section 186.504 of the Florida Statutes, there is clearly a legislative directive to have a Regional Planning Council.

Chairman O'Bryan noted that the decision on AAF will ultimately be made at the federal level, but local governments can seek strategies to soften the project's impacts.

No Board Action Required or Taken

**10.B.2. REQUEST TO SPEAK FROM PHYLLIS FREY REGARDING TREASURE
COAST REGIONAL PLANNING COUNCIL**

Phyllis Frey, 275 Date Palm Road, thanked the four Commissioners who voted on December 18, 2012, to withdraw Indian River County from the Seven50 regional planning initiative (a/k/a the Southeast Florida Regional Planning Council). She read a statement regarding the Treasure Coast Regional Planning Council's (TCRPC) support of the Seven50 group and the All Aboard Florida (AAF) high speed railway project. She stated that one goal of the Seven50 is to bring compact high density population development into the region, which is not desired in Indian River County. She asked the Board for continued vigilance and good operating practices regarding the County's growth management, and expressed appreciation for being allowed to speak before the County Commission on this matter.

No Board Action Required or Taken

10.B.3. REQUEST TO SPEAK FROM ANNA GARRAMONE, PRESIDENT, ST. CHRISTOPHER HARBOR HOMEOWNER'S ASSOCIATION REGARDING APPLICATION FOR FLORIDA INLAND NAVIGATION DISTRICT (FIND) COST-SHARE GRANT FOR CHANNEL RESTORATION AT HEAD ISLAND

Anna Garramone, 2136 Harbor Lane, President, St. Christopher Harbor Homeowner's Association (HOA), recalled the Board's approval on March 11, 2014, for the County to expend \$35,750 as a cost-share match for channel restoration at Head Island (a/k/a the Green Salt Marsh LAAC Site). She relayed that the HOA has worked for seven years to acquire the federal permits to go forward with the project, and that the HOA had originally budgeted \$22,000 as their portion of the cost-share. She revealed that now that the permits are in hand, the cost has escalated and considering the Board's March 11 vote, the HOA would have to contribute an additional \$37,773.50 (adding to the \$38,000 already proffered) to the project. She asked the Board to reevaluate their cost share, and to assume the project management from this point forward.

Administrator Baird relayed that the County's Chief Environmental Planner Roland DeBlois has affirmed the importance of the Head Island project.

Further discussion ensued between the Board and Ms. Garramone about the grant amount, and how to split the remaining project costs between the County and the HOA.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Flescher, to authorize an additional expenditure of \$17,000 as a County match for the Head Island Channel restoration project, bringing the Board's total match to \$52,750; and to approve for the County to assume the project management from St. Christopher Harbor Homeowners Association.

Commissioner Solari noted that he would not support the Motion, as votes are not normally taken under Public Discussion items. He also said that although this was a good project, he did not know whether it should take priority to receive tax dollars over other Lagoon projects.

Chairman O'Bryan supported the Board's original vote to contribute \$35,750 as the County's cost-share. He mentioned that the residents of St. Christopher Harbor will derive some benefit from the project, and that the engineer's bill seems excessive. He also suggested that it might be advantageous to see if the Mosquito Control District has equipment that can remove the excavated material for less cost than renting a barge.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners O'Bryan and Solari opposed), the Motion carried.

10.B.4. REQUEST TO SPEAK FROM FRED MENSING REGARDING PROPOSED HIGH SPEED RAIL STATION AND GRADE CROSSINGS

Fred Mensing, 7580 129th Street, reviewed the information contained in his report (copy on file) in support of the proposed Florida East Coast Industries (FECI) All Aboard Florida (AAF) high speed passenger rail project and the possibility of passenger rail service coming to this area. He suggested that County staff contact railroad officials to find out what would be the requirements for a railway station, and seek property on which to locate a railway station midway between West Palm Beach and Vero Beach.

No Board Action Required or Taken

10.B.5. EMERGENCY ADDITION: REQUEST TO SPEAK FROM NICHOLAS SCHAUS
ON ALL ABOARD FLORIDA

Nicholas Schaus, 307 Sable Oak, advised that the Board's best option for providing input on the proposed All Aboard Florida (AAF) rail project is to comment on the Environmental Impact Statement (EIS) when it is published by the Federal Railroad Administration (FRA). He referred the Board to AAF's October 2012 Environmental Assessment (EA) from West Palm Beach to Miami, to get a complete list of land uses that might be negatively impacted along the 21 miles of right-of-way in the County. He also suggested that County staff begin studying this information and report back to the Board on the prospective benefits and burdens of AAF to the County.

(Clerk's Note: The Environmental Impact Statement (EIS) is the title for the upcoming study. The 2012 study from West Palm Beach to Miami was titled the Environmental Assessment (EA).

Commissioner Zorc suggested that staff seek a local expert from one of the County's continuing services contracts who can evaluate the EIS when it is released.

After a brief discussion, the Board CONSENSUS was to ask Administrator Baird to direct staff to return to the Board on April 1, 2014 with their plan to address the environmental assessment issues associated with the AAF project.

The Chairman invited public comment.

Dan Lamson, Director, Indian River Neighborhood Association, stressed the importance of knowing what the local impacts from the rail project will be before the EIS comes out.

Tom Gruber, 221 Park Shores Circle, suggested that the Board request a ninety-day comment period from the Federal Railroad Administration to review the All Aboard Florida Environmental Impact Statement.

Stephen Sczurek, 945 37th Avenue, asked the Board to consider the possible advantages of passenger rail service to the County.

Phyllis Frey discussed the Federal Government's ultimate plan to have 80% passenger ridership by rail, and mentioned that not one passenger rail service is operating at a profit.

Discussion ensued during which the Board speculated on the financial health of Fortress Investment Group, LLC, (Fortress) the primary company behind Florida East Coast Industries (FECI).

Mr. Mensing remarked on the success of the steam engines along Florida's east coast in the past, as well as the successful passenger rail service in contemporary Europe.

Tuck Ferrell, 12546 North Highway A1A, President North Beach Civic Association, urged the Board to find out what the AAF can do to help with the expense of the grade crossings.

Althea McKenzie, 2405 16th Avenue, wondered why the proposed rail service would not be routed down the Florida Turnpike. She also requested that updated status reports be provided on the County's website.

Administrator Baird acknowledged that staff would provide on the County's website, links to the updated information on the AAF, and would also return on April 1, 2014 with analysis and a recommendation for the Board.

No Board Action Required or Taken

The Chairman called a recess at 12:28 p.m. and reconvened the meeting at 12:34 p.m., with all members present.

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING APRIL 1, 2014:

THREE DOGS AND A HORSE, LLC'S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL FOR AN AGRICULTURAL BUSINESS TO BE KNOWN AS AUDREY'S FEED STORE (QUASI-JUDICIAL)

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING APRIL 1, 2014:

CONSIDER AMENDING THE CODE OF INDIAN RIVER COUNTY WITH RESPECT TO ROUTINE HOUSEKEEPING (LEGISLATIVE)

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 - NONE

13. COUNTY ATTORNEY MATTERS

13.A. LEGISLATIVE UPDATE REGARDING COST-SHARING PROPOSALS FOR JUVENILE DETENTION CARE CENTERS

Assistant County Attorney Kate Pingolt Cotner reported that the Florida Statutes require non-fiscally restrained counties (such as Indian River) to pay for the cost of detention care for juveniles who reside in that county for the period of time prior to “final court disposition”, and provided background on the Department of Juvenile Justice’s (DJJ), implementation of a cost-sharing program for the Counties and State. She revealed that DJJ’s process for calculating the shared expenses was found to be invalid, and that the County is eligible to receive an estimated \$250,000 in overpayments. She displayed a slide (copy on file) outlining the proposed new cost-sharing mechanisms between the Counties and State, and asked the Board to decide which option they would support:

PROPOSAL	COUNTY	STATE
Governor	57%	43% No Reimbursement
House of Representatives	50%	50% <u>Reimbursement over 23 years</u>
Senate Bill 1532	50%	50% No Reimbursement

Chairman O'Bryan advised that the Florida Association of Counties (FAC) strongly recommends the House proposal.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously directed the County Attorney to relay to the Florida Association of Counties (FAC) that the Indian River County Commission supports the proposed House of Representatives legislation, which incorporates the basics of Senate Bill 1532, the 50/50 split between the County and the State, but incorporates the repayment factor.

Commissioner Zorc initiated a brief discussion on the possibility of developing a hybrid system in cooperation with the Sheriff's Department for those juveniles who are being retained short-term and those who must be sent to the Ft. Pierce Juvenile Detention Center for a longer stay.

13.B. RESOLUTION REITERATING THE BOARD'S SUPPORT FOR THE SALE OF THE CITY OF VERO BEACH ELECTRIC UTILITY BY THE CITY OF VERO BEACH TO FLORIDA POWER & LIGHT

Attorney Dylan Reingold recalled that on March 11, 2014, Florida Power & Light (FPL) Representative Amy Brunjes presented an update on the prospective sale of the City of Vero Beach (the City) electric utility to FPL, which will entail a payment of \$26 million to the Florida Municipal Power Agency (FMPA) from FPL, followed by \$26 million over a three to four-year period from the City's electric utility customers. He stated that in accordance with the Board's direction on March 11, he was bringing forward a draft Resolution (prepared with Commissioner Solari's assistance), reiterating the Board's support for the sale of the City's electric utility to FPL.

Commissioner Solari had staff display a spreadsheet (copy on file) of electric service charges from the City and FPL, to illustrate the savings that certain commercial customers would derive by switching from the City's electric utility to FPL.

Discussion ensued among the Board regarding the possibility of amending certain content relating to FMPA in the last two "WHEREAS" clauses in the Resolution.

Commissioner Solari suggested amending the last 'WHEREAS' clause to read "...WHEREAS, the people of the City of Vero Beach have on numerous occasions shown that they wish their electric needs to be provided to them by FPL, with rates comparable to FPL..."

Herb Whittall, 19 Park Avenue, addressed the Board with his request to refrain from taking action on the Resolution until the City of Vero Beach Mayor, Dick Winger, meets with FMPA on April 2, 2014.

Commissioners O'Bryan, Flescher, and Solari voiced their support for proceeding with the Resolution.

Commissioner Zorc remarked that it would be beneficial for the County to have a large presence at the FMPA meetings.

Attorney Reingold inquired about the possibility of having staff attend the meetings, in addition to the Commissioners.

Chairman O'Bryan asked Attorney Reingold to send out a public notice that two or more Commissioners may be attending the next FMPA meeting.

Discussion ensued, with input from Attorney Reingold, on whether several Commissioners could attend the FMPA meetings without triggering the Sunshine Law.

Chairman O'Bryan suggested, in order to avoid sparking the Sunshine Law, that Commissioner Zorc be appointed as the Commissioner in charge of questions at the meetings.

Administrator Baird acquiesced to having staff attend the meetings and reminded the Board that a Motion authorizing travel would be required.

Glenn Heran displayed a graph showing the disparity over a 14-year period between the City of Vero Beach Electric Utility rates and those of FPL, with the City's rates being consistently higher than FPL's.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved **Resolution 2014-026**, amending the last 'WHEREAS' clause as follows: "...WHEREAS, the people of the City of Vero Beach have on numerous occasions shown that they wish their electric needs to be provided ~~to them by FPL~~ with rates comparable to FPL..." reiterating the Board of County Commissioners' support of the sale of the City of Vero Beach Electric Utility by the City of Vero Beach to Florida Power & Light Company; directing copies of this resolution to be provided to appropriate parties; and (2) directed the County Attorney to draft a cover letter to accompany a copy of said Resolution to: (a) the City of Vero Beach wishing Mayor Dick Winger the Board's best wishes for his April 2, 2014 meeting with the Florida Municipal Power Agency (FMPA); and (b) an amiable letter to the Florida Municipal Power Agency, extending the Board's good will in support of FMPA and the City reaching an agreement so the City can move forward in the best

interests of all the citizens, with the sale of the Vero Beach Electric Utility to Florida Power & Light.

Attorney Reingold sought and received confirmation that the Board also wanted to authorize travel for Commissioners and staff to attend the upcoming FMPA meetings.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved out-of-County travel for Commissioners and staff to travel to any future Florida Municipal Power Agency meetings.

14. COMMISSIONER ITEMS

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

14.A.1. RESOLUTION OPPOSING HOUSE BILL 703 (HB 703)

Chairman O'Bryan provided a brief background on House Bill 703 (HB 703), related to environmental regulations, which would have specific impacts on Martin County's Comprehensive Plan process. He viewed the proposed legislation as interfering with the County's home rule authority and asked fellow Board Members if they wanted to draft a resolution similar to that of Martin County, opposing HB 703.

Vice Chairman Davis explained that although he supported the concept of home rule, he did not agree with Martin County's requirement for a super majority approval of certain comprehensive plan amendments.

No Board Action was taken.

14.A.2. 2014 CHILDREN'S SERVICE ADVISORY COMMITTEE (CSAC) NEEDS ASSESSMENT

Chairman O'Bryan noted that County Ordinance 99-01 requires that the Children's Service Advisory Committee have a needs assessment performed every three years to ensure that funds are targeted to the areas of greatest need.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved funding of \$32,550.00 for the Children's Service Advisory Committee (CSAC) Needs Assessment with Health Council Southeast Florida (HCSEF), as recommended in the memorandum of December 23, 2013.

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

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 NOVEMBER 5, 2013

15.A.2. APPROVAL OF MINUTES – MEETING OF NOVEMBER 19, 2013

15.A.3. APPROVAL OF MINUTES – MEETING OF DECEMBER 3, 2013

**15.A.4. SIGNING OF WORK ORDER NO. 2 FOR FIRE RESCUE STATION 13 SITE
(4TH STREET AND 43RD AVENUE)**

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 1:35 p.m.

ATTEST:

Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller

Peter D. O'Bryan, Chairman

By: _____
Deputy Clerk

Approved _____

BCC/MG/2014Minutes