

JEFFREY R. SMITH

Clerk to the Board



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BOARD OF COUNTY COMMISSIONERS

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**JEFFREY R. SMITH**

Clerk to the Board



**April 1, 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, April 1, 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 Leona Adair Allen.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Stan Boling, Community Development Director, 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:

**ADDITION: EMERGENCY ITEM: 14.A.1. TRAVEL AUTHORIZATION**

**MOVED: ITEM 14.D.2. TREASURE COAST REGIONAL PLANNING COUNCIL  
MARCH 21<sup>ST</sup> DISCUSSION ABOUT ALL ABOARD FLORIDA (AAF) TO BE  
HEARD CONJOINTLY WITH ITEM 12.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 OF BREATHE JOURNEY PROJECT BY REPRESENTATIVES  
OF GIRL SCOUT CADETTE TROOP 50003 AND GIRL SCOUT CADETTE  
TROOP 50042 50043**

Girl Scout Cadette Troops 50003 and 50043 provided a presentation regarding the clean-up of air around the Indian River Mall, as part of their Breathe Journey, which deals with the effects of pollutants on people and the environment. The girls asked the Board to assist them by encouraging the mall to enforce their own 150-foot buffer rule.

Chairman O'Bryan explained that the Board does not have the jurisdiction to regulate smoking; however, he said he would send a letter to the mall management, requesting that they enforce the no smoking policy/signs posted.

Commissioner Zorc said he would be happy to assist the Girl Scouts in delivering the letter to the appropriate individuals.

**5.B. PRESENTATION OF PROCLAMATION OBSERVING APRIL, 2014 AS AVIATION APPRECIATION MONTH**

Commissioner Zorc read and presented the Proclamation to Lisa Giessert, Head of Sales Administration and Customer Support at Piper Aircraft.

**5.C. PRESENTATION OF PROCLAMATION IN RECOGNITION OF MAYORS DAY OF RECOGNITION FOR NATIONAL SERVICE**

Chairman O'Bryan read and presented the Proclamation to Jenna Stinnett, Director of AmeriCorps Big Brothers/Big Sisters; and Jerry Roden, Governor appointed Commissioner from Volunteer Florida, and AmeriCorps members.

**5.D. PRESENTATION OF PROCLAMATION IN RECOGNITION OF GUARDIAN AD LITEM MONTH IN INDIAN RIVER COUNTY**

Vice Chairman Davis read the Proclamation. No recipient was present; he stated that he would ensure that the proclamation is received by the appropriate individuals.

**5.E. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 6 THROUGH APRIL 12, 2014, AS CRIME VICTIMS' RIGHTS WEEK IN INDIAN RIVER COUNTY**

Commissioner Solari read and presented the Proclamation to Shirley Rosemond, Victim Assistant Coordinator; and Paul Zelno, President Indian River County Victim Rights Coalition.



**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF FEBRUARY 18, 2014**

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

ON MOTION by Commissioner Zorc, SECONDED by Vice Chairman Davis, the Board unanimously approved the meeting minutes of February 18, 2014, as written.

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

**7.A. 2014 ELECTION OF ECONOMIC DEVELOPMENT COUNCIL CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Karl Zimmermann as Chairman, and Paul Robinson as Vice Chairman, of the Economic Development Council for 2014.

**7.B. 2014 ELECTION OF AGRICULTURE ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Louis Schacht as Chairman, and Ruben Koch as Vice Chairman, of the Agriculture Advisory Committee for 2014.

**7.C. 2014 ELECTION OF TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD VICE CHAIRMAN**

Noted for the record was the election of William Parden as Vice Chairman of the Transportation Disadvantaged Local Coordinating Board.

**7.D. ECONOMIC DEVELOPMENT COUNCIL – VACANCY**

Noted for the record was the resignation of Mark D. Castlow, who served as the Local Manufacturing Industry representative to the Economic Development Council.

**7.E. PROCLAMATION AND RETIREMENT AWARD HONORING JOSEPH R. BLACKBURN ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS DEPARTMENT OF EMERGENCY SERVICES/FIRE RESCUE WITH THIRTY-ONE YEARS OF SERVICE**

Noted for the record was the Proclamation honoring Joseph R. Blackburn on his retirement.

**7.F. FLORIDA PUBLIC SERVICE COMMISSION NOTICE OF CONSUMMATING ORDER PSC-14-0140-CO-EI MAKING ORDER PSC-14-0110-TRF EFFECTIVE AND FINAL; CLOSES DOCKET, HAS BEEN RECEIVED AND IS AVAILABLE FOR REVIEW IN THE OFFICE OF THE CLERK TO THE BOARD**

**7.G. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2012-2013 HAS BEEN RECEIVED AND IS AVAILABLE FOR REVIEW IN THE OFFICE OF THE CLERK TO THE BOARD**

**8. CONSENT AGENDA**

Commissioner Solari requested to pull Item 8.F., and Vice Chairman Davis requested to pull Item 8.L. from the Consent Agenda for discussion/comments.

Althea McKenzie requested to pull Item 8.K. for discussion/comments.

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

**8.A. APPROVAL OF WARRANTS – MARCH 7, 2014 TO MARCH 14, 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 March 7, 2014 to March 14, 2014, as requested in the memorandum of March 14, 2014.

**8.B. APPROVAL OF WARRANTS – MARCH 15, 2014 TO MARCH 20, 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 March 15, 2014 to March 20, 2014, as requested in the memorandum of March 20, 2014.

**8.C. OUT OF COUNTY TRAVEL TO ATTEND THE 2014 FLORIDA ASSOCIATION OF COUNTIES ANNUAL CONFERENCE AND EDUCATIONAL EXPOSITION**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously authorized out of County travel for Commissioners and

staff to attend the 2014 Florida Association of Counties Annual Conference and Educational Exposition, in Orlando, Florida, on June 17 through June 20, 2014, as requested in the memorandum of March 24, 2014.

**8.D. RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY OF FELLSMERE FOR OPEN SPACE AND DRAINAGE**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2014-027**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Hall, Carter and James Subdivision, Lot 171, Block 6, 1009 Booker Street, Fellsmere, FL 32948)

**8.E. PROPERTY / CASUALTY INSURANCE 2014-15**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the renewal program detailed on pages 40 – 42 of the Agenda Package, and authorized staff to bind coverage for May 1, 2014 through April 30, 2015, with a current annual premium of \$1,716,775, based upon the current schedule of values and coverage selections, as recommended in the memorandum of March 25, 2014.

**8.F. FIFTH AMENDMENT TO FACILITY LEASE AGREEMENT – VEROTOWN, LLC. HISTORIC DODGERTOWN**

Commissioner Solari believed the amendments to the Facility Lease Agreement were becoming a weekly occurrence, and pulled this item so he could vote against it.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board by a 4-1 vote (Commissioner Solari opposed), approved and authorized the Chairman to execute the Fifth Amendment to Facility Lease Agreement, as recommended in the memorandum from Michael Zito, Assistant County Administrator, no date.

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

**8.G. WORK ORDER NO. 4 WITH BRIDGE DESIGN ASSOCIATES, INC., BOX CULVERT AND HEADWALL DESIGN, 20<sup>TH</sup> AVENUE AT 16<sup>TH</sup> STREET LEFT TURN LANES, IRC PROJECT NO. 0225**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved Work Order No. 4 to Bridge Design Associates, Inc.; (2) authorized mentioned tasks; and (3) authorized the Chairman to execute said Work Order for a not-to-exceed amount of \$12,445.00, as recommended in the memorandum of March 18, 2014.

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

**8.H. TRAFFIC CONTROL DEVICE LEDGER**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2014-028**, approving traffic control devices authorized by the Director of Public Works.

**8.I. DEPARTMENT OF THE ARMY RIGHT-OF-ENTRY AGREEMENT – AMENDMENT NO. 1 – ROUND ISLAND BEACH PARK FOR ENVIRONMENTAL ASSESSMENT AND RESPONSE**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Amendment No. 1 to the Right-of-Entry Agreement with the Department of the Army, and authorized the Chairman to execute same on behalf of the County, as recommended in the memorandum of March 20, 2014.

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

**8.J. APPROVAL OF RENEWAL FOR A CLASS B CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR COASTAL HEALTH SERVICES OF BREVARD INC. TO PROVIDE INTERFACILITY AMBULANCE TRANSPORTATION SERVICES**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the renewal of the Class “B” Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard, Inc., to be effective for a period of two (2) years from May 4, 2014, to May 4, 2016, as recommended in the memorandum of March 18, 2014.

**8.K. CHILDREN’S SERVICES FUNDING ALLOCATION FOR FISCAL YEAR 2014-2015**

**Althea McKenzie**, 2405 16<sup>th</sup> Avenue, requested this item to be pulled so she could seek clarification and discuss funding for Children’s Services. She said the funding has remained the same over the past few years, and based on the needs that have been expressed, wanted the Board to consider making the funding allocation equal to that of 2003.

Chairman O’Bryan clarified staff’s recommendation, reviewed the funding allocation process and analysis, and addressed Ms. McKenzie’s concerns.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved funding for Children’s Service Agencies at the current fiscal year allocation of \$623,890, for fiscal year 2014 - 2015, as recommended in the memorandum of March 24, 2014.

**8.L. REJECTION OF BIDS FOR IRC BID NO. 2014028 ROSELAND LAKE  
CLEARING AND DREDGING**

Vice Chairman Davis pulled this item to discuss the lengthy process in completing the dredging project for Roseland Lake, and recommended that staff obtain the additional topographic survey and geotechnical information, and bring it back to the Board expeditiously.

Administrator Joseph Baird said he would ensure that the Public Works Department moves this forward.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously rejected the single responsive bid from Tim Rose Contracting, and authorized staff to expedite obtaining additional topographic survey and geotechnical information so the specifications can be revised and the project rebid on a unit price basis, as recommended in the memorandum of March 24, 2014.

**8.M. AGREEMENT WITH FMG PUBLICATIONS TO HOST THE 2014 SHOOTING  
INDUSTRY MASTERS**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Shooting Industry Masters Agreement with FMG Publications, Inc., and authorized the Chairman to execute same, as recommended in the memorandum from Michael Zito, Assistant County Administrator, no date.

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



**8.N. RELEASE OF RETAINAGE INDIAN RIVER COUNTY FAIRGROUNDS AG  
PAVILION METAL ROOF REPLACEMENT IRC PROJECT No. 1238, BID  
No. 2014018**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Summit Construction of Vero Beach, LLC invoice, dated March 1, 2014, for release of retainage in the amount of \$8,886.08, as recommended in the memorandum of March 12, 2014.

**8.O. UTILITY CONSTRUCTION STANDARDS - MARCH 2014**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the revised Indian River County Department of Utility Services Water, Wastewater and Reclaimed Water Construction Standards – March 2014, as recommended in the memorandum of March 18, 2014.

**8.P. SHERIFF'S CRIME SCENE UNIT – RELEASE OF RETAINAGE FOR PHASE I  
– PROCTOR CONSTRUCTION COMPANY**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the release of retainage for Phase 1 in the amount of \$56,048.73, and authorized the Chairman to execute same, as recommended in the memorandum of March 25, 2014.

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING(S)**

**10.A.1. 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)**

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

Each Commissioner, as requested by the Chairman, divulged ex parte communications and site visits. They also affirmed that they have an open mind and can base their decisions on the evidence presented and applicable law.

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

Community Development Director Stan Boling recapped the memorandum of March 3, 2014. He provided description, conditions, and analysis on the special exception use request for an agricultural business to be known as Audrey's Feed Store. The property is located at the northeast corner of Oslo Road and 66<sup>th</sup> Avenue, and zoned A-1, a zoning district that allows an agricultural business as a special exception use. He recommended the Board grant special exception use approval for Audrey's Feed Store with the conditions in staff's report relating to: (1) dedicating Oslo Road right-of-way; (2) gaining approval of final architectural plans; (3) constructing the buffers as shown; and (4) constructing or bonding-out for sidewalks. He thereafter responded to questions posed by the Board.

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

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously granted special exception use approval for the agricultural business to be known as Audrey's Feed Store with the following conditions: (1) Prior to site plan release, the applicant shall: (a) Dedicate 10' of additional right-of-way for Oslo Road without compensation, as depicted on the project site plan; and (b) Submit detailed architectural elevations that document the feed store's compliance with corridor plan criteria; (2) Prior to issuance of a Certificate of Occupancy (C.O.), the applicant shall: (a) Construct the Type "B" buffer along the north side of the project area of development, as depicted on the project site plan; and (b) Construct or bond-out for construction of the required sidewalks along the project's Oslo Road and 66<sup>th</sup> Avenue frontages, as depicted on the project site plan, all as recommended in the memorandum of March 3, 2014.

**10.A.2. PROPOSED ORDINANCE AMENDING THE CODE FOR GENERAL HOUSEKEEPING PURPOSES (LEGISLATIVE)**

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

County Attorney Dylan Reingold revealed that this item deals with an Ordinance Code clean-up, due to changes of the Code and changes in the organizational structure over the years. He believed the Ordinance is needed to make the Code consistent with the changes.

The Chairman opened the Public Hearing.

**Bob Johnson**, Coral Wind Subdivision, sought and received information regarding the procedure for approval.

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

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously adopted **Ordinance 2014-005**, amending Section 100.06 “Appeals Generally” of Chapter 100 “General Provisions;” Section 102.01 “Board of County Commissioners Meetings and Procedures” and Section 102.04 “Orders of Business” of Chapter 102 “Board of County Commissioners; Meetings and Procedures;” the title of Chapter 104 “Personnel;” Section 104.02 “Administrative Policy Manual;” Section 104.03 “Retirement System;” Section 104.05 “Deferred Compensation;” and Section 104.06 “Code of Ethics and Conduct” of Chapter 104 “Personnel” all within Title I “The Code, County Organization, and Internal Procedures;” and Section 202.14 “Application for Reclaimed Water Service Class S” of Chapter 202 “Reclaimed Water Regulations;” and Section 207.03 “Business Tax Receipt Required” of Chapter 207 “Local Business Tax Receipts” within Title II “Taxes, Utilities and Special Districts;” and Section 403.05 “Notices and Orders” and Section 403.08 “Demolition” of Chapter 403 “Property Maintenance Code” within Title IV “Contractor and Building Regulations” of the Code of Indian River

County (“The Code”); and providing for severability, codification, and an effective date.

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM HARLAN FRANKLIN AND ALEX JERNIGAN  
REGARDING WATER LINE EXTENSION – NORTH INDIAN RIVER DRIVE  
TO ROSELAND ROAD**

**Harlan Franklin**, 13680 North Indian River Drive, Sebastian, requested the Board assist the residents of North Indian River Drive in obtaining County water since there is County water service one block north and two blocks south of his neighborhood.

Director of Utility Services Vincent Burke responded to the Commissioners’ questions by displaying an aerial map to identify the areas that have water service connections; where the waterlines currently stop; and how staff has looked at the situation in an attempt to resolve the issue.

A lengthy discussion ensued regarding looping the water service for better water quality and better redundancy in the system, and staff’s two scenarios relating to water assessment.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Flescher, to direct staff to: (1) obtain a detailed survey and engineering work to develop a firm cost for Scenario 1 (Indian River Drive – 19 parcels) and Scenario 2 (Indian River Drive with 17 parcels); (2) present the cost information to the property owners; and (3) bring the information back to the Board.

Chairman O'Bryan explained that if the Board moves this forward, the survey and engineering costs would be rolled into the overall project cost, and if the Board decides not to move this forward, the costs would be absorbed by the County and there would be no cost to the residents.

Commissioner Zorc noted that the funds would come from the Utility Enterprise Fund, not the County General Fund.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**10.B.2. REQUEST TO SPEAK FROM JACQUE WARRIOR REGARDING GOVERNOR  
SCOTT'S RACE BASED EDUCATIONAL GOALS**

**Jacque Warrior**, 4190 East 16<sup>th</sup> Square, Vero Beach, recalled that on March 11, 2014 she addressed the Board on the issue of race based educational goals, and today she requested that the Board send a letter, in support of education equality for all children, to Governor Rick Scott.

Discussion ensued regarding the goal for all students to be proficient; setting obtainable goals for children; equality in the school system; single parenting; and reaching out to the local School Board.

**Althea McKenzie**, 2405 16<sup>th</sup> Avenue, expressed her perspective regarding single parenting and low-level expectations/curriculum for students. She encouraged the Board to promote higher expectations for both educators and children.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to send a letter to Governor Rick Scott stating that the Indian River County Board of County Commissioners support the equality of education for all members of the community, and the overall goal is for all children, regardless of race or origin, to become proficient in the skills that our schools are to provide; and in accomplishing this goal, it is best to look at each child as an individual that needs an education, not as a member of any race or origin.

Commissioner Flescher felt this is a step in the right direction.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1.A. NOTICE OF PUBLIC HEARINGS FOR APRIL 15, 2014: GRAND HARBOR COMMUNITY ASSOCIATION INC., & 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 53<sup>RD</sup> STREET FROM M-1 TO C/I, AND TO REZONE THOSE ± 8.3 ACRES FROM RM-6 TO CG (LEGISLATIVE AND QUASI-JUDICIAL FINAL PUBLIC HEARING)**

**10.C.1.B. CONSIDERATION OF AN ORDINANCE TO AMEND COUNTY CODE**  
**CHAPTER 308, INDIAN RIVER COUNTY HOUSING ASSISTANCE PROGRAM**  
**(LEGISLATIVE)**

Attorney Reingold read the notices into the record.

*The Chairman called for a break at 10:43 a.m., and reconvened the meeting at 11:02 a.m., with all members present.*

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT**

**12.A.1. STATUS REPORT ON ALL ABOARD FLORIDA PASSENGER RAIL PROPOSAL**

*(Clerk's Note: This Item was heard in conjunction with item 14.D.2.)*

Metropolitan Planning Organization (MPO) Director Phil Matson recapped his memorandum dated March 24, 2014, to update the Board on the status of the All Aboard Florida Passenger Rail project and staff's responses to the project. He provided background and details pertaining to the submittal of the Environmental Impact Statement (EIS) and its review; quiet zones and crossing improvements; and staff's coordination efforts with the Florida Department of Transportation (FDOT), All Aboard Florida (AAF), Treasure Coast Regional Planning Council (TCRPC), Florida East Coast Industries (FECI), and the City of Vero Beach High Speed Rail Commission. He conveyed that the County is mobilizing to obtain a consultant to review the EIS technical documents, and asked the Board to request that the Federal Rail Administration grant a 45-day additional comment period on the initial draft EIS, due to the complexity of the proposed new service.



A lengthy discussion ensued among the Commissioners regarding there being no present benefits to the County but significant burdens and problems to the Treasure Coast; being aggressive to put a stop to the noise and vibration numbers; applying for a Federal Rail Administration Loan; the EIS process; and whether the County could/should partner with the current Transportation Investment Generating Economic Recovery (TIGER) Grant application.

Commissioner Solari noted that Kim Delaney would be giving the same presentation that she gave to the Treasure Coast Regional Planning Council on March 21, 2014, at the April 22, 2014 Board of County Commission meeting, and the May 14, 2014 Metropolitan Planning Organization. He thereafter shared some of the information from Ms. Delaney's presentation. Commissioner Solari requested the Board consider the following: (1) that the Federal Railroad Administration (FRA) grant a 90-day additional comment period on the initial draft EIS and/or direct staff to query AAF if the 90 days could be extended to 180 days; (2) direct staff to make a formal request to FDOT for a copy of any lease that FDOT has made with Florida East Coast Industries (FECI) or AAF for the use of any state right-of-way; and (3) consider a resolution that would go to any donor agencies that AAF pay for all costs of AAF, including the quiet zones and corridors, and that there be no government assistance at less than market rate.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to: (1) send a request to the Federal Railroad Administration (FRA) to extend the comment period for All Aboard Florida (AAF) High Speed Rail Environmental Impact Statement (EIS) for 90 days, and if possible 180 days; (2) make a formal request to the Florida Department of Transportation (FDOT) for any lease they made with Florida East Coast Industries (FECI) or AAF for the use of any state right-of-way; and (3) consider a resolution that would go to any donor agencies that AAF pay all costs of AAF, including quiet zones and corridors, and that any governmental assistance be provided at no less than market rates.

**Joseph Paladin**, President of Black Swan Consulting, opposed the AAF project; voiced concerns over how it would affect the level of service, impact fees, and concurrency; and asked the Board to consider the cost and upkeep of the rail crossings.

**Melinda Meikle**, 1612 West Camino Del Rio, opposed the AAF project; encouraged the Board to take time and not rush any decisions with the AAF; listed the reasons why the County should not support AAF; and felt that it should be 100% self-financed with no government funding or taxpayer burden.

**Fred Mensing**, 7580 129 Street, supported the AAF project and encouraged the Board to partner with Amtrak. He spoke about Fortress Investment Group, LLC and the amount of railroads they own; diverting the freight traffic to the center of the state; the benefits of having a train stop in Indian River County; and double-tracking.

**Phyllis Frey**, 275 Date Palm Road, opposed the AAF project; explained the financial debt and projected costs that AAF would bring to the County; listed some of negative impacts to the County; and requested that the Board write a resolution and submit it to the Governor Rick Scott and House Representatives, asking that the funding for AAF be rescinded and that FEC move their passenger train operations to the existing track in the middle of the state.

**Susan Mehiel**, 131 Laurel Oak Lane, opposed the AAF project; spoke about the lack of information regarding the rail system; and the negative issues that would be charged to the taxpayers.

**Dan Lamson**, Executive Director of the Indian River County Neighborhood Association, thanked the Board for being proactive, and supported the idea of staff working with a Consultant to evaluate the EIS.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Commissioner Flescher, to: (1) send a request to the Federal Railroad Administration (FRA) to extend the comment period for the All Aboard Florida (AAF) High Speed Rail Environmental Impact Statement (EIS) for 90 days, and if possible 180 days; (2) request that the Florida Department of Transportation (FDOT) provide copies of any and all leases made with Florida East Coast Industries (FECI), All Aboard Florida (AAF), or any other government agency, for the use of state right-of-way; (3) consider a resolution that would be provided to any applicable donor agencies, that AAF pay all costs of AAF, including quiet zones and corridors, and that any governmental assistance be provided at no less than market rates; and (4) request AAF to be forthright with all their financial information.

Attorney Reingold clarified the motion and said he would bring the Resolution to the next scheduled Board meeting.

Commissioner Zorc questioned whether the motion should include that staff explore what type of ordinance or resolution, in moving forward, would prohibit us from contributing a “per passenger subsidy” for an AAF stop.

Commissioner Solari believed this is something to explore, but felt there would be a number of other resolutions and votes on this before it is over.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

A brief discussion followed regarding the TIGER grant program; the local 20% match requirement; and the April 28<sup>th</sup> application deadline.

**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**

**12.I.1. WORK ORDER No. 4 ECOLOGICAL ASSOCIATES, INC. SECTOR 3 BEACH  
AND DUNE RESTORATION PROJECT POST CONSTRUCTION AND  
BASELINE BIOLOGICAL MONITORING SERVICES**

Public Works Director Chris Mora provided background, conditions, and monitoring details for proposed Work Order No. 4 with Ecological Associates, Inc. (EAI), and requested the Board approve the Work Order.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved Work Order No. 4 to the contract with Ecological Associates, Inc., and authorized the Chairman to execute same on behalf of the County, as recommended in the memorandum of March 24, 2014.

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

**12.J. UTILITIES SERVICES**

**12.J.1. SEWER FEASIBILITY STUDY FOR THE SUMMERPLACE AREA –  
TERMINATION UCP 4101**

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Solari, to terminate the septic to sewer conversion project for Summerplace and Oceanaire Heights at this time, as recommended in the memorandum of March 19, 2014.

Director of Utility Services Vincent Burke provided background and analysis regarding the Sewer Feasibility Study on the septic to sewer conversion project for Summerplace and Oceanaire Heights, and recommended the Board direct staff to terminate the project due to the overwhelming number of residents in opposition.

**Nancilee Wydra**, 9465 Periwinkle Drive, requested the Board reconsider an addendum to the termination of the Summerplace project, and suggested that prior to spending additional money on sewer conversions, that staff identify where the pollution is coming from.

Discussion ensued regarding the origin of the Summerplace project and feasibility study; what the County is doing to identify the source of pollution; and details from the meeting that took place in Summerplace.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**13. COUNTY ATTORNEY MATTERS - NONE**

**14. COMMISSIONER ITEMS**

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

**14.A.1. ADDITION: EMERGENCY ITEM - TRAVEL AUTHORIZATION**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously authorized County Administrator Joseph Baird and/or his designee to travel to Tallahassee during the remainder of the 2014 Legislative Session, in order to respond to legislative changes that may impact the County's Legislative Priority List and/or funding allocations, as requested in the memorandum of March 28, 2014.

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

**14.C. COMMISSIONER JOSEPH E. FLESCHER - NONE**

**14.D. COMMISSIONER BOB SOLARI**

**14.D.1. TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC) RESPONSE  
TO COMMISSION REQUEST TO PUT SEVEN50 NAME CHANGE ON THEIR  
AGENDA**

Commissioner Solari recalled that at the March 21, 2014 Treasure Coast Regional Planning Council (TCRPC) meeting, the Council agreed to add the Seven50 name change to their Agenda for the April meeting, so there could be discussion on the possibility of changing the name Seven50 to a name that more accurately reflects the number of counties still participating in the project; however, it was not on their March 21<sup>st</sup> Agenda, instead the matter went to the Executive Committee of Seven50. He was not notified of that, and said he was left with the impression that this was handled in a way to avoid any meaningful discussion. He said that after further discussion, he was able to get a commitment that the item would be placed on their April Agenda.

**14.D.2. TREASURE COAST REGIONAL PLANNING COUNCIL MARCH 21<sup>ST</sup>  
DISCUSSION ABOUT ALL ABOARD FLORIDA (AAF)**

*(Clerk's Note: This Item was heard in conjunction with item 12.A.1., please refer to this Item for discussion.)*

**14.E. COMMISSIONER TIM ZORC - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT**

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

**15.A.1. AUTHORIZATION FOR FINAL PAYMENT AND RELEASE OF RETAINAGE TO  
BARTH CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE RSD  
BUILDING**

**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 meeting adjourned at  
12:20 p.m.

ATTEST:

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

\_\_\_\_\_  
Peter D. O'Bryan, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Approved: \_\_\_\_\_

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