

JEFFREY R. SMITH  
Clerk to the Board



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### BOARD OF COUNTY COMMISSIONERS

APRIL 8, 2014

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**JEFFREY R. SMITH**

Clerk to the Board



**April 8, 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 8, 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**

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

**3. PLEDGE OF ALLEGIANCE**

Attorney Reingold 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 12.I.2. All Aboard Florida (AAF) Passenger Rail Proposal  
Environmental Impact Statement (EIS) Review**

**Add: Emergency Item 14.D.2. Request to Delay State Funding for the All Aboard  
Florida (AAF) Project**

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 OF PROCLAMATION DESIGNATING THE MONTH OF APRIL  
2014 AS CHILD ABUSE AND NEGLECT AWARENESS AND PREVENTION  
MONTH**

Commissioner Flescher read and presented the Proclamation to Beth Dingee, Healthy Families; Jacque Warrior and Claudia Jimenez, Co-Chairs of Connected 4 Kids; Kelly Williams, Executive Director Whole Child; and Kathleen Cain, Executive Director of Healthy Start.

**5.B. PRESENTATION OF ENTERPRISE ZONE ANNUAL REPORT BY HELENE  
CASELTINE, ECONOMIC DEVELOPMENT DIRECTOR, INDIAN RIVER  
COUNTY CHAMBER OF COMMERCE, AND CHRIS RUSSELL, OCULINA BANK,  
CHAIRMAN OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY**

**Helene Caseltine**, Economic Development Director, Indian River Chamber of Commerce, reported that Mr. Russell was unable to attend today's meeting. She gave a PowerPoint presentation (copy on file) on the history, goals, and accomplishments of the

Enterprise Zone Development Agency, and responded to questions and comments from the Board.

## **6. APPROVAL OF MINUTES**

### **6.A. REGULAR MEETING OF MARCH 4, 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 March 4, 2014 meeting, as written.

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

## **8. CONSENT AGENDA**

Vice Chairman Davis requested to pull Items 8.B. and 8.C. 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.

At this time, **Pat Hunt**, PO Box 442, Roseland Florida, requested that the Board allow her to speak about public records access.



It was the Board's CONSENSUS to add Ms. Hunt's item under Item 10.B. 3.

**8.A. APPROVAL OF WARRANTS – MARCH 21, 2014 TO MARCH 27, 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 21, 2014 to March 27, 2014, as requested in the memorandum of March 27, 2014.

**8.B. AUTHORIZATION TO EXECUTE PUBLIC SURPLUS SELLER AGREEMENT AND AGREEMENT FOR PAYMENT PROCESSING (FOR ONLINE AUCTIONS) AND DECLARATION OF EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL**

Vice Chairman Davis voiced concerns pertaining to staff's recommendation to begin disposing of surplus goods and other property and assets online.

A brief discussion ensued regarding past auctions, and some of the challenges posed in disposing of surplus equipment.

Commissioner Solari suggested deferring this matter to allow time for the Vice Chairman to have his concerns addressed by the County Administrator.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Solari, to TABLE this matter for one week.

Staff discussed the advantages of utilizing the online auctions.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously.

**8.C. 43<sup>RD</sup> AVENUE ADVANCE ACQUISITION OF RIGHT-OF-WAY**

Vice Chairman Davis disclosed a conflict of interest on this item and advised that he would abstain from voting.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, by a 4-0 vote (Vice Chairman Davis abstained), the Board approved and authorized the Chairman to execute the residential contract for sale and purchase between Barbara E. Mathis Habora and Indian River County for the purchase of the Habora parcel for \$230,000, as requested in the memorandum of March 25, 2014.

FORM 8B MEMORANDUM OF VOTING CONFLICT IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**8.D. WORK ORDER NO. 5 WITH MASTELLER & MOLER, INC., FOR  
REPAIR/REPLACEMENT, DESIGN-ENGINEERING SERVICES AT THE BLUE  
CYPRESS WASTEWATER TREATMENT PLANT**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order No. 5 with Masteller & Moler, Inc., in the amount of \$17,212.50 for professional services which includes evaluation and proposal for solutions for the tanks at the Blue Cypress Lake Wastewater Treatment

plant, as requested in the memorandum of March 31, 2014.

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

**8.E. MISCELLANEOUS BUDGET AMENDMENT 012 – ALL ABOARD FLORIDA  
CONSULTANT**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2014-029**, amending the Fiscal Year 2013-2014 budget.

**8.F. APPROVAL OF BID AWARD FOR IRC BID NO. 2014029 LAGOON  
GREENWAY PHASE 2B CONSTRUCTION**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the bid award to Bayshore Construction, Inc. of Sarasota as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; and (2) approved the sample agreement and authorized the Chairman to execute it after it has been approved by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required certificate of insurance and Public Construction Bond, as recommended in the memorandum of March 31, 2014.

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

**8.G. PARTIAL RELEASE OF RETAINAGE FOR ECOLOGICAL ASSOCIATES, INC.,  
WORK ORDER NO. 1, SECTOR 3 BEACH RESTORATION – 2013 POST  
CONSTRUCTION MONITORING SERVICES**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the partial release of retainage for Work Order No. 1 with Ecological Associates, Inc. (EAI), in the amount of \$24,196.24, as recommended in the memorandum of March 31, 2014.

**8.H. CHANGE ORDER NO. 4 AND RELEASE OF RETAINAGE OLD DIXIE HIGHWAY  
SIDEWALK FROM 8<sup>TH</sup> STREET TO SR60 – IRC PROJECT NO. 1102 BID NO.  
2012052**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved Change Order No. 4 and payment of Timothy Rose Contracting, Inc. Pay Application No. 9 (Final) for final payment and release of retainage in the amount of \$43,764.66, with justified time due to additional work requested by the County added to the contract, as recommended in the memorandum of March 20, 2014.

**8.I. EXTENSION OF AGREEMENT BETWEEN INDIAN RIVER COUNTY (IRC) AND  
AT&T**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously

approved the contract extensions for 911 Services; Centrex Services Sebastian, and Centrex PRI Services Vero Beach, to keep the price structure for these AT&T services from increasing, as recommended in the memorandum of March 26, 2014.

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

**8.J. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC)  
GRANT AGREEMENT NO. 13127, INDIAN RIVER COUNTY ARTIFICIAL REEF  
CONSTRUCTION FY 2013-2014**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Florida Fish and Wildlife (FWC) Grant Agreement No. 13127, and authorized the Chairman to execute two (2) copies of the Agreement on behalf of the County, as recommended in the memorandum of March 27, 2014.

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

**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 CHARLIE WILSON, IMPACT FEE**

**CONSULTANTS, REGARDING ASKING THE COMMISSION TO REQUEST  
SCHOOL BOARD TO SHOW CAUSE WHY THEY SHOULD BE ALLOWED TO  
CONTINUE TO COLLECT IMPACT FEES, REQUEST AN OPINION FROM THE  
FLORIDA ATTORNEY GENERAL, REVIEW AFFIDAVIT TO BE SIGNED BY  
CHIEF FINANCIAL OFFICER**

**Charlie Wilson**, Impact Fee Consultants, PO Box 651114, discussed his concerns about the School District's expenditure of the Public Education Facilities Impact Fees ("Education Impact Fees"). He requested that the Board: (1) research the legal requirements associated with the Education Impact Fees; and (2) require a full accounting from the Indian River County School Board showing its expenditures and providing justification for continuing to collect and use the Education Impact Fees.

A lengthy discussion followed between the Commissioners, staff, and Mr. Wilson with regards to the Education Impact Fees, and the proper use of said funds by the School Board.

County Administrator Baird explained that Tindale-Oliver, Inc. would be returning with a report on the Education Impact Fees, after getting input from the School Board.

After further discussion, the Board asked: (1) the County Attorney to research the 2005 Interlocal Agreement between the County and the School Board for Public Education Facilities Impact Fees to explore the County's legal obligations in regards to the Education Impact Fees; and (2) staff to return with a report on the School Board's collections and expenditures.

**Althea McKenzie** voiced support for Mr. Wilson's request for transparency by the School Board.

**10.B.2. REQUEST TO SPEAK FROM RANDY HEIMLER REGARDING COUNTY  
COHESIVENESS**

**Randy Heimler**, 2620 Little Eagle Lane SW, advocated that the community come together to create a strong school system, and that the School District retain the impact fees as their sole revenue source.

No Board Action was Required or Taken

*The Chairman called a recess at 10:34 a.m. and reconvened the meeting at 10:46 a.m., with all members present.*

**10.B.3. ADDITION – EMERGENCY ITEM: REQUEST TO SPEAK FROM PATRICIA  
HUNT REGARDING PUBLIC RECORDS ACCESS**

**Patricia Hunt** recounted difficulties she had experienced at the County Courthouse, and asked the Commissioners for help in gaining access to her court records.

Chairman O’Bryan relayed that the Clerk of the Circuit Court and Comptroller has assured him that Ms. Hunt will have full access to her court records.

No Board Action Required or Taken

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARINGS APRIL 22, 2014:**

**A. CONSIDERATION OF AN ORDINANCE FOR ADOPTING THE PROPOSED  
NEW NON-RESIDENTIAL IMPACT FEE SCHEDULES FOR THE**

**UNINCORPORATED INDIAN RIVER COUNTY AND MUNICIPALITIES**

**(LEGISLATIVE)**

**B. CONSIDERATION OF AMENDMENT OF LAND DEVELOPMENT**

**REGULATIONS (LDRs) SECTION 973.04, SECTION 973.06, AND COUNTY**

**CODE SECTION 403.08 FOR NUISANCE ABATEMENT SPECIAL ASSESSMENT**

**(LEGISLATIVE)**

County Attorney Dylan Reingold read the notices into the record.

**11. COUNTY ADMINISTRATOR MATTERS- NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT**

**12.A.1. REQUEST FOR AUTHORIZATION TO ADVERTISE FOR A REQUEST FOR**

**PROPOSALS (RFP) FOR AN ECONOMIC DEVELOPMENT POSITIONING**

**ANALYSIS AND ACTION PLAN**

Community Development Director Stan Boling recalled the Board's approval on November 12, 2013, to proceed with a Request for Proposals (RFP) for an Economic Development Positioning Analysis and Action Plan. He used a PowerPoint Presentation (copy on file) to give an overview of the RFP, including its scope of activities and the timeline for responses (30 days); contract approval (June 2014); and estimated project completion (May 2015). He thereafter relayed the recommendations of the Economic Development Council (EDC) and staff for the Board to authorize staff to advertise the RFP.



**Helene Caseltine**, Economic Development Director, Indian River County Chamber of Commerce, discussed the importance of the proposed plan as a tool for the County's economic development.

During discussion, the Board and staff agreed to add western and south Melbourne as one of the regions in the "Competitive Positioning Assessment" under the Scope of Activities.

Chairman O'Bryan requested that a change be made to the consultant selection committee that will be appointed by the County Administrator. He asked to eliminate the Sebastian River Area Chamber of Commerce member and replace it with a Member-At-Large who is not a member of the EDC.

MOTION WAS MADE by Vice Chairman Davis  
SECONDED by Commissioner Zorc, to authorize County staff to advertise the Request For Proposals (RFP) for an Economic Development Positioning Analysis and Action Plan, adding the region of south/western Brevard County to the benchmark comparisons; and changing the consultant selection committee by replacing the Sebastian River Area Chamber of Commerce member who is not a member of the Economic Development Council (EDC), with one Member-at-Large who is not a member of the EDC.

**Susan Mehiel** noted that the potential impacts of All Aboard Florida's proposed high speed rail project should be taken into consideration in upcoming economic development studies.

Commissioner Zorc suggested increasing the points awarded for "Demonstrated Understanding of the Project" from 25% to 30%, and decreasing the point percentages for "Experience of the Project Team" from 30% to 25%.

MOTION WAS AMENDED by Vice Chairman Davis, SECONDED by Commissioner Zorc, to increase the evaluation point values from 25% to 30% for “Demonstrated Understanding of the Project,” and to decrease the point values from 30% to 25% for “Experience of the Project Team.”

The Chairman confirmed with Ms. Caseltine and staff that the amendment is acceptable.

The Chairman CALLED THE QUESTION, and the Amended Motion carried unanimously. The Board: (1) authorized County staff to advertise the Request For Proposals (RFP) for an Economic Development Positioning Analysis and Action Plan, adding the region of south/western Brevard County to the benchmark comparisons; and changing the composition of the consultant selection committee by replacing the Sebastian River Area Chamber of Commerce member who is not a member of the Economic Development Council (EDC), with a Member-at-Large who is not a member of the EDC; and (2) increased the evaluation point values from 25% to 30% for “Demonstrated Understanding of the Project,” and decreased the point values from 30% to 25% for “Experience of the Project Team.”

**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 RESOLUTIONS FOR PAVING (MILLINGS) IMPROVEMENTS AND TO SET A  
PUBLIC HEARING FOR 4<sup>TH</sup> PLACE PETITION MILLINGS PROJECT FROM 66<sup>TH</sup>  
AVENUE TO ONE BLOCK EAST OF 63<sup>RD</sup> AVENUE IN THE PINE TREE PARK  
SUBDIVISION, UNITS 2 AND 3 – IRC PROJECT NO. 1327**

Director of Public Works Chris Mora provided background on the petition millings project proposed for 4<sup>th</sup> Place from 66<sup>th</sup> Avenue to one block east of 63rd Avenue, advising that 75% of the subject property owners want the road segment paved. He disclosed that the estimated project cost is \$109,170.96, with the property owners paying 75% or \$81,878.22, and the County paying 25% or \$27,292.74. Director Mora requested that the Board approve: (1) the proposed Resolutions providing for the millings installation and setting the public hearing for May 20, 2014 at 9:05 a.m.; and (2) the allocation of \$27,292.74 from the Road and Bridge Petition Paving account.

Chairman O'Bryan relayed that the Commissioners had received an email from a resident who was opposed to the project because the full cost of each assessment was not provided when the petitions were circulated.

Director Mora advised that the complete cost information can now be provided to the owners.

Following discussion, the Board asked staff to let the affected parties know what their maximum costs will be for the project, and see whether or not a majority still wants the paving done.

Director Mora stated that staff would advise the residents what their maximum cost would be, and verify whether a majority are still in favor of the proposed paving project. He noted that the proposed Resolutions would enable the project to proceed to a public hearing.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Solari, the Board unanimously: (1) approved **Resolution 2014-030**, providing for certain asphalt milling improvements to 4<sup>th</sup> Place from 66<sup>th</sup> Avenue to one block east of 63<sup>rd</sup> Avenue, in Pine Tree Park Subdivision, Units 2 and 3, providing the total estimated cost, method of payment of assessments, number of annual installments, and legal description of the area specifically benefited; (2) approved **Resolution 2014-031**, setting a time and place at which the owners of property on 4<sup>th</sup> Place from 66<sup>th</sup> Avenue to one block east of 63<sup>rd</sup> Avenue, in the Pine Tree Park Subdivision, Units 2 and 3, County Project No. 1327 and other interested persons may appear before the Board of County Commissioners and be heard as to the propriety and advisability of making asphalt milling improvements to said property as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specifically assessed against each property benefited

thereby; (3) allocated \$27,292.74 from the Road and Bridge Petition Paving Account No. 10921441-035510-14008, 4<sup>th</sup> Place/Pine Tree Park (66<sup>th</sup> Avenue to one block east of 63<sup>rd</sup> Avenue); and (4) directed staff to send a letter containing the maximum project cost to be specifically assessed against each property benefited, and verifying that two-thirds of the property owners still want to proceed with the petition paving project.

**12.I.2. ADDITION – EMERGENCY ITEM: ALL ABOARD FLORIDA (AAF)  
PASSENGER RAIL PROPOSAL ENVIRONMENTAL IMPACT STATEMENT (EIS)  
REVIEW**

Director of Public Works Chris Mora explained that the County will need help reviewing All Aboard Florida’s (AAF) upcoming Environmental Impact Statement (EIS), due to its size and the limited open comment period. He requested that the Board authorize staff to issue and execute on the Board’s behalf, a work order to CDM Smith for a not-to-exceed amount of \$23,542 under the County’s existing continuing services agreement with the engineering firm.

During discussion, it was noted that CDM Smith would be evaluating the EIS to see what the potential impacts might be to all of the region’s railway crossings (excluding FDOT’s), including those in the municipalities.

The Board requested that staff inform the relevant cities, as well as Martin and St. Lucie Counties that the EIS review will be taking place.

Commissioner Zorc requested that some type of electronic link to the EIS be provided on the County’s website.

**Susan Mehiel** provided to the Board an engineering field report (copy on file) by Frank Frey, Federal Rail Administration (FRA), containing safety recommendations advocating that \$47 million in improvements be done in conjunction with the AAF Project. She urged the Board to demand that the regulatory agencies require AAF to implement and pay for the safety features.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Solari, the Board unanimously approved issuance of a work order to CDM Smith to review All Aboard Florida's (AAF) Environmental Impact Statement (EIS) under CDM Smith's existing continuing service agreement with the County, and authorized staff to execute the work order on behalf of the Board.

**12.J. UTILITIES SERVICES - NONE**

**13. COUNTY ATTORNEY MATTERS**

**13.A. SALE OF EASEMENT TO CUMBERLAND FARMS**

Deputy County Attorney Bill DeBraal explained the request of Cumberland Farms, Inc., to acquire a 757-square foot strip of County-owned right-of-way to construct a sidewalk and facilitate deliveries at the convenience store that is being constructed at Oslo Road and 27<sup>th</sup> Avenue. He relayed staff's recommendation for the Board to approve the sale of the site to Cumberland Farms, Inc. for the price of \$25,000.

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

Vice Chairman Davis initiated a brief discussion on the possibility of Cumberland Farms doing a property swap with the County in exchange for impact fee credits.

**Attorney Bruce Barkett**, representing Cumberland Farms, stressed that the company was focused on moving forward with its project.

Further discussion ensued on this matter, after which Attorney DeBraul noted that if Cumberland Farms requests some type of property exchange, staff will explore it further.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the Purchase and Sale Agreement for the County's easement to Cumberland Farms, Inc., at the purchase price of \$25,000, and authorized the Chairman to execute the Agreement and Easement on behalf of the Board, as recommended in the memorandum of April 2, 2014.

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

### **13.B. BLOCK PROPERTY CONVEYANCE TO THE INDIAN RIVER LAND TRUST**

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved **Resolution 2014-032**, finding that the sale of the Block property is in the best interests of the citizens of Indian River County, Florida; (2) approved the Perpetual Conservation Easement between the County and the St. Johns River Water Management District; (3) approved the Quit Claim Deed from St. Johns River Management District to Indian River County; (4) approved the County deed to the Indian River Land Trust; Inc., and (5) authorized the Chairman to execute these and any other documents necessary to complete the conveyances.

**Ken Grudens**, Executive Director of the Indian River Land Trust, conveyed that the subject property will become part of the Toni Robinson Waterfront Trail System.

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

**13.C. CODE ENFORCEMENT BOARD APPOINTMENT**

County Attorney Dylan Reingold announced that there was only one qualified applicant, David Myers II, for the vacancy on the Code Enforcement Board.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman O'Bryan, to appoint David Myers II to fill the unexpired term for the Member-At-Large vacancy on the Code Enforcement Board.

Discussion ensued during which it was clarified that the Board had reviewed the applicant's resumes, and that the appointment decision is not made by the County Attorney.

MOTION WAS AMENDED by Commissioner Flescher, SECONDED by Commissioner O'Bryan, to approve appointment of the sole qualified applicant on file, David Myers II, to fill the unexpired term for the Member-At-Large vacancy on the Code Enforcement Board, acknowledging that both the Board and County Attorney have reviewed the applicant's background, that the Board makes the decision on the appointment, and that the applicant selected was the only qualified applicant.



The Chairman CALLED THE QUESTION and the Amended Motion carried unanimously.

**13.D. RESOLUTION CONCERNING ALL ABOARD FLORIDA (AAF)**

County Attorney Dylan Reingold recalled the Board's direction on April 1, 2014 for staff to draft a Resolution to ask all donor governmental agencies to require All Aboard Florida (AAF) to pay for the full cost of its high speed railway project; and to request that any financial assistance given to AAF is proffered at no less than market rates. He advised the Board that copies of the Resolution will be mailed to the Federal Railroad Administration (FRA); the State of Florida; the Orlando-Orange County Expressway Authority; the Greater Orlando Aviation Authority; and all other applicable authorities.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to approve **Resolution 2014-033**, urging all potential donor agencies to require All Aboard Florida to pay for all costs of All Aboard Florida, and that any governmental assistance shall be provided at no less than market rates; and directing certified copies of this resolution to be provided to any applicable donor agencies.

Commissioner Zorc suggested amending the wording in the fourth WHEREAS clause which infers that AAF is the sole beneficiary of the \$215 million in State funding for a rail station at the Orlando International Airport.

Commissioner Solari suggested changing the wording to indicate that the \$215 million will "benefit" rather than "serve" All Aboard Florida.

Commissioner Zorc led a brief discussion regarding the County's expenses for railway crossing upgrades and repairs, and the interlocal crossing agreements between the County and the Florida East Coast Railway, LLC.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Vice Chairman Davis, to approve **Resolution 2014-033**, amended to change the fourth paragraph beginning "...WHEREAS it is also now understood that the State of Florida is proposing to spend \$215 million for a new rail station at the Orlando International Airport ~~to serve~~ which will benefit All Aboard Florida...", urging all potential donor agencies to require All Aboard Florida to pay for all costs of All Aboard Florida, and that any governmental assistance shall be provided at no less than market rates; and directing certified copies of this resolution to be provided to any applicable donor agencies.

Chairman O'Bryan, although supporting the Resolution, outlined his objections to the stipulation for no loans to be given to AAF at less than market rate.

A brief discussion/debate ensued regarding the loan conditions outlined in the Resolution.

The Chairman CALLED THE QUESTION and the Amended Motion carried unanimously.

## **14. COMMISSIONER ITEMS**

### **14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE**

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

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

**14.D. COMMISSIONER BOB SOLARI**

**14.D.1. HEARING ASSISTANCE AT BCC MEETINGS**

Commissioner Solari stated that he originally was going to request that hearing assistive devices be made available to the public, but he has learned that they are already available for use in the County Commission Chambers. He suggested that a statement be added at the end of the Board's agenda, indicating that anyone who needs special accommodation with a hearing aid may contact the County Commission Office at 772-226-1490 at least 24 hours in advance of a County Commission meeting.

It was the Board's CONSENSUS to direct staff to add a statement at the end of the Board of County Commission agenda informing the public that anyone who needs special accommodation with a hearing aid may contact the Board of County Commission Office at 772-226-1490 at least 24 hours in advance of the meeting.

**14.D.2. ADDITION - EMERGENCY ITEM: REQUEST TO DELAY STATE FUNDING  
FOR THE ALL ABOARD FLORIDA (AAF) PROJECT**

Commissioner Solari presented his request to send a letter to Senator Joe Negron asking that the State extract funding from this year's budget for the quiet zones and Orlando Transit Station proposed for the All Aboard Florida (AAF) Project. He stressed that any governmental funding should be delayed until more information is known about the potential impacts of AAF.

Chairman O'Bryan mentioned Senator Negron's role in acquiring funding for the Lake Okeechobee and Indian River Lagoon issues, and explained why he did not want to put him in the position of asking the Governor to withdraw State funding for the railway station.

Commissioner Solari stated that he would remove from his letter any proposed references to the Orlando terminal, and leave in the request to remove funding for the quiet zones from this year's budget.

Commissioner Flescher advised that Congressman Bill Posey is also seeking input on this matter.

Commissioner Solari suggested sending a separate letter and a copy of Resolution 2014-033 to Congressman Posey and to Congressman Patrick Murphy.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously authorized Commissioner Solari to: (1) send a letter to Senator Joe Negron omitting any reference to the proposed Orlando Transit Station, and requesting that State funding for the quiet zone improvements associated with the All Aboard Florida Project be stricken from this year's budget; and (2) send a separate letter to Congressmen Bill Posey and Patrick Murphy more appropriate to the federal level, requesting the removal of federal funding for the All Aboard Florida Project from this year's budget, as requested in the memorandum of April 7, 2014.

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

## **15. SPECIAL DISTRICTS AND BOARDS**

### **15.A. EMERGENCY SERVICES DISTRICT - NONE**

### **15.B. SOLID WASTE DISPOSAL DISTRICT**

The regular Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

#### **15.B.1. APPROVAL OF MINUTES MEETING OF FEBRUARY 11, 2014**

#### **15.B.2. APPROVAL OF MINUTES MEETING OF FEBRUARY 18, 2014**

#### **15.B.3. WORK ORDER NO. 1 TO KESSLER CONSULTING, INC., FOR SOLID WASTE PROCUREMENT SERVICES**

### **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 12:12 p.m.

ATTEST:

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

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

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

Approved May 13, 2014

BCC/MG/2014Minutes