



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
COMMISSION MEETING MINUTES**

TUESDAY, MAY 6, 2014

County Commission Chamber
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com

**COUNTY
COMMISSIONERS**

DISTRICT

Peter D. O'Bryan, Chairman	District 4	Present	Joseph A. Baird, County Administrator	Present
Wesley S. Davis, Vice Chairman	District 1	Present	Dylan Reingold, County Attorney	Present
Joseph E. Flescher	District 2	Present		
Bob Solari	District 5	Present	Jeffrey R. Smith, Clerk of Circuit Court and Comptroller	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	

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| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGE</u> |
| 2. | <u>INVOCATION</u> | Stan Boling, Community Development Director | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Wesley S. Davis, Vice Chairman | |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | |
| | NONE | | |
| 9:01
a.m. | <u>ON MOTION</u> by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Agenda as presented. | | |

5. PROCLAMATIONS and PRESENTATIONS

- 9:02 a.m.** A. Presentation of Proclamation Designating May 4 – 10, 2014 as Public Service Recognition Week in Indian River County 1
Presented by Commissioner Solari to numerous Indian River County public employees: Solomon Berton, Marty Braddy, James Gray, Earl Hardwick, Pansey Jhagroo, Etta LoPresti, Inobert Noel, Walter Slusser, Earlene Jean Smith.
- 9:09 a.m.** B. Presentation of Proclamation Recognizing May 5 – 11, 2014 as National Correctional Officers and Employees Week 2
Presented by Vice Chairman Davis to Sheriff Deryl Loar and his Corrections Officers and personnel.
- 9:15 a.m.** C. Presentation of Proclamation Designating the Month of May as Civility Month 3
Presented by Commissioner Flescher to Attorney Dylan Reingold.

6. APPROVAL OF MINUTES

- 9:20 a.m.** A. Regular Meeting of March 18, 2014
- B. Regular Meeting of April 1, 2014
ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the meeting minutes of March 18, 2014 and April 1, 2014, as written.

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

- 9:20 a.m.** A. Economic Development Council – Vacancy (memorandum dated April 28, 2014) 4
Noted for the record was the vacancy of Aundrea Perry, who submitted her resignation as the Gifford Community representative to the Economic Development Council.
- B. Proclamation Recognizing May 5 – 11, 2014, as International Compost Awareness Week 5

8. CONSENT AGENDA

- 9:21 a.m.** **MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, to approve the Consent Agenda, pulling Items 8.F. and 8.H. for discussion.**

The Chairman asked for requests from the public; there were none.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

- A. Approval of Warrants – April 11, 2014 to April 17, 2014
(memorandum dated April 17, 2014) 6-14
Approved the list of Warrants and Wires issued by the Comptroller’s Office.
- B. Approval of Warrants – April 18, 2014 to April 24, 2014
(memorandum dated April 24, 2014) 15-20
Approved the list of Warrants and Wires issued by the Comptroller’s Office.
- C. Payment of Interest on Abazis Final Judgment and Attorney’s Fees
(memorandum dated April 30, 2014) 21-30
Approved the payment of interest on Abazis Final Judgment and Attorney’s Fees, and authorized the Chairman to execute the order in the amount of \$16,576.61.
- D. Resolution Canceling Taxes on Property Acquired by the County for Right-Of-Way and Stormwater Retention for Future Widening of 43rd Avenue
(memorandum dated April 28, 2014) 31-36
Approved Resolution 2014-035, cancelling certain taxes upon publicly owned lands, pursuant to Subsection 196.28, Florida Statutes. (Barbara E. Mathis Habora and Henry R. Habora II)
- E. Approval of Award for Bid No. 2014031 – South County RO Tank Interconnect Project
(memorandum dated April 28, 2014) 37-48
(1) Approved bid award in the amount of \$142,765.00 to Florida Design Drilling Corp. of West Palm Beach, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved sample agreement; and (3) authorized the Chairman to execute same 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.
- 9:21 a.m. F. Miscellaneous Budget Amendment 013
(memorandum dated April 28, 2014) 49-53
Chairman O’Bryan pulled this item for public comment/discussion. There were no speakers.
- ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved Resolution 2014-036, amending the fiscal year 2013-2014 Budget.**

- G.** M.A.C.E. (Multi-Agency Criminal Enforcement Unit), Project Generated Income (PGI), Miscellaneous Budget Amendment 014 (memorandum dated April 28, 2014) 54-65
Approved Resolution 2014-037, amending the fiscal year 2013-2014 Budget.
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- 9:22 a.m. H.** Request for Approval to Enter into a Transit Station License Agreement with Wal-Mart Stores East, LP for Construction of a Bus Shelter along SR 60 (memorandum dated April 23, 2014) 66-77
Commissioner Zorc suggested staff continue discussion with Wal-Mart to see: (1) if the County could obtain access between the parking lot and bus stop, (2) how shopping carts could be handled, and (3) if there could be a curb ramp for motorized scooters/wheelchairs.
- ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Transit Station License Agreement with Wal-Mart Stores East, LP; and authorized staff to make any necessary changes.**
- I.** Request for Approval to Enter into a Public Transportation Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for Section 5339 Public Transportation Capital Funds (memorandum dated April 25, 2014) 78-101
Approved Resolution 2014-038, authorizing the execution of a Public Transportation Joint Participation Agreement with the Florida Department of Transportation.
- J.** Request for Approval to Enter into a Public Transportation Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for Service to the Indian River State College Main Campus (Fort Pierce) (memorandum dated April 24, 2014) 102-124
Approved Resolution 2014-039, authorizing the execution of a Public Transportation Joint Participation Agreement with the Florida Department of Transportation.
- K.** Interlocal Agreement between Indian River County and the City of Fellsmere Relating to Construction of a Sidewalk on County Road 512 (memorandum dated April 23, 2014) 125-130
Approved the Interlocal Agreement with the City of Fellsmere to permit the City to construct a sidewalk within the County right-of-way on County Road 512, and for the County to accept ownership and maintenance responsibilities upon completion.

- L. Declaration of Excess Equipment as Surplus for Sale or Disposal
(memorandum dated April 29, 2014)

131-136

Declared the items on the Excess Equipment List as surplus, and authorized their sale and/or disposal at public auction to be held at the Indian River County Sheriff's Facility at 10:00 a.m. on Saturday, May 31, 2014. There will be no cost to the County associated with this request, as the auctioneer will collect a buyer's premium at the sale.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

None

C. **PUBLIC NOTICE ITEMS**

None

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

None

B. **Emergency Services**

None

C. **General Services**

None

1. **Human Services**

None

2. **Sandridge Golf Club**

None

3. **Recreation**

None

D. **Human Resources**

None

E. **Office of Management and Budget**

9:45 a.m.

1. Quarterly Budget Report
(memorandum dated April 14, 2014 – Deferred from Meeting of
April 22, 2014)

137-145

**Management and Budget Director Jason Brown presented the
Quarterly Budget Report for the second quarter of fiscal year
2013 – 2014.**

F. **Public Works**

9:52 a.m.

1. Petition Paving (Millings) Improvements for 4th Place from 66th
Avenue to one block east of 63rd Avenue in the Pine Tree Park
Subdivision, Units 2 and 3 IRC Project No. 1327 Cancellation of
Project
(memorandum dated April 25, 2014)

146-150

**Public Works Director Chris Mora recalled that 75.9% of the
residents were originally in favor of the project, resulting in the
approval of Resolutions 2014-030 and 2014-031. As of April 25,
2014, nine petitioners reversed their support for the project
leaving 55.1% now in favor of the project. He recommended the
Board rescind Resolutions 2014-030 and 2014-031, and cancel the
proposed millings project.**

**Discussion ensued regarding the cost increase of millings, and
whether the increase has affected the petitioners' decision not to
support the project.**

**MOTION WAS MADE by Commissioner Solari, SECONDED by
Chairman O'Bryan to approve staff's recommendation.**

Further discussion ensued among the Commissioners.

**The Chairman CALLED THE QUESTION, and by a 2-3 vote
(Commissioners Davis, Flescher, and Zorc opposed), the Motion
Failed.**

MOTION WAS MADE by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, to: (1) indefinitely postpone the public hearing; (2) direct staff to contact the nine petitioners who reversed their support for the project to see if they would be supportive if the price was back to the original engineer's estimate. If they support the project at the lower price, then the petition project would be kept viable until such time that the millings reach that dollar amount; (3) terminate the project if the petitioners do not support the project at the lower price; (4) add a project termination date of September 30, 2015; and (5) approve Resolution 2014-040, revoking Resolution 2014-031; postponing Public Hearing concerning project indefinitely; directing the mailing of this Resolution to the owner of each property affected; and directing contact with those who withdrew support.

Discussion ensued among the Commissioners and staff regarding the petition millings program, and revoking Resolution 2014-031.

The Chairman **CALLED THE QUESTION**, and by a 4-1 vote (Commissioner Solari opposed), the Motion carried.

G. Utilities Services

10:20 a.m.

- 1.** Funding Request: Regional Jurisdictional Water Supply Plan (memorandum dated April 30, 2014)

151-155

Director of Utility Services Vincent Burke recalled that on April 22, 2014, the Board directed staff to request funding from the State of Florida for a Master Jurisdictional Countywide Stormwater Plan incorporating every drainage district in the County. He asked the Board to review and approve the draft letter that will be sent to Doug Bournique, Governing Board Member with the St. Johns River Water Management District, to solicit funding based upon recent legislation for earmarking monies to reduce some of the Total Maximum Daily Load (TMDL) going into the Lagoon, and incorporating a Master Jurisdictional Countywide Stormwater Plan.

Commissioner Solari suggested that the final letter include the Chairman's signature block.

Commissioner Zorc suggested that the letter reflect discharge water to the Indian River County Lagoon as "tainted," not "freshwater."

Discussion ensued regarding stormwater discharges, scheduling a public workshop, and suggestions to modify the draft letter.

10:30 a.m. MOTION WAS MADE by Vice Chairman Davis, **SECONDED** by Commissioner Solari, to approve: (1) the draft letter; (2) adding Chairman O'Bryan's signature block; and (3) add text stating stormwater discharges in lieu of freshwater.

10:31 a.m. Mike Ziegler spoke in support of the draft letter and moving forward with the water supply plan.

David Cox supported moving forward, felt it would be important to figure out a strategy, and to consult with experts.

Bob Johnson sought and received clarification regarding the Regional Jurisdictional Water Supply Plan.

Bob Adair, Indian River County Soil and Water Conservation District, supported moving forward with the draft letter and scheduling a workshop.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

The Chairman called for a break at 10:50 a.m., and reconvened the meeting at 11:02 a.m., with all members present.

13. COUNTY ATTORNEY MATTERS

None

14. COMMISSIONERS MATTERS

11:02 a.m. A. Commissioner Peter D. O'Bryan, Chairman

1. Ocean Research & Conservation Association (ORCA) Research Review Committee
(memorandum dated April 29, 2014)

156

Chairman O'Bryan said he was asked to serve on the Ocean Research and Conservation Association (ORCA) Research Review Committee, and requested the Board authorize travel for attending the meetings.

ON MOTION by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, the Board unanimously approved travel within the state of Florida to attend Ocean Research and Conservation Association (ORCA) Research Review Committee meetings.

11:03 a.m. B. Commissioner Wesley S. Davis, Vice Chairman

1. County’s Reconnect of Drainage District
(memorandum dated April 29, 2014) 157

**This Item was heard in conjunction with Item 12.G.1.
Informational – The Agriculture Advisory Committee met on
April 24, 2014, and a motion passed unanimously to endorse a
Countywide reconnect of the drainage districts for the protection
of the Indian River Lagoon and the Indian River County
Jurisdictional Surface Water Management Plan; as it relates to
agricultural, potable and environmental purposes.**

11:04 a.m. C. Commissioner Joseph E. Flescher

1. Correspondence Regarding All Aboard Florida’s High Speed Train
(memorandum dated April 30, 2014) 158-160

**Commissioner Flescher provided information for discussion and
suggested that correspondence and Resolutions from civic
organizations, regarding All Aboard Florida’s High Speed Train,
be forwarded to appropriate elective offices, as well as All Aboard
Florida (AAF).**

**MOTION WAS MADE by Commissioner Flescher, SECONDED
by Commissioner Solari, to authorize the Chairman to forward all
correspondence received from citizens, regarding All Aboard
Florida’s high speed train, to all appropriate delegations, as well as
All Aboard Florida officials.**

11:09 a.m.

**Susan Mehiel asked that correspondence also be sent to the
Treasure Coast Regional Planning Council (TCRPC).**

**Tuck Ferrell, North Beach Civic Association, reiterated opposition
to the AAF.**

**Wanda Scott voiced opposition to the AAF and suggested adding
bridges over the tracks if AAF is approved.**

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

11:16 a.m. D. Commissioner Bob Solari

1. The High Cost of an Unregulated Monopoly
(memorandum dated April 30, 2014) 161

Commissioner Solari spoke to the high cost of unregulated monopolies, and suggested the County Attorney search out and engage appropriate legal support.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to authorize the County Attorney to seek specialized legal counsel to further petition the Public Service Commission (PSC); to attack the constitutionality of Florida Municipal Power Agency's (FMPA) permanent agreement; file an anti-trust suit with the Attorney General; and authorize \$100,000 from the Municipal Service Taxing Unit (MSTU) for the process.

11:23 a.m.

Charlie Wilson voiced support for moving this forward.

Amy Brunges, Florida Power & Light (FPL) representative, provided an update on the prospective sale of the City of Vero Beach (the City) electric utility to FPL.

Mark Mucher applauded the Board for moving forward.

Glenn Heran supported the motion and felt that the PSC petition and litigation are linked.

Dr. Stephen Faherty thanked the Board for their continued support, and requested that the Board consider a customer survey of "outside rate payers" in the County.

Daniel Madsen urged the Board to fight for the rate payers of the County.

Bob Johnson sought and received information on how this would be paid for, and clarification on the franchise agreement.

Wanda Scott sought and received clarification regarding the County's various funds, the City of Vero Beach electric rates, and she voiced concerns over Gifford's infrastructure.

Attorney Reingold summarized the motion.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

12:00 p.m.

2. All Aboard Florida (AAF)
(memorandum dated April 30, 2014)

162

Commissioner Solari noted the upcoming public comment period for the Environmental Impact Statement (EIS), for the proposed All Aboard Florida (AAF) passenger rail service that will start the end of May, and will give the County the best chance to address

the potential/possible impacts that AAF will have on the community. He suggested hiring an attorney that is knowledgeable about the process to help make the best of this opportunity, and felt that \$100,000 should come out of the General Fund to start the process.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to authorize up to \$100,000 from the General Fund to locate an attorney that is knowledgeable in the Environmental Impact Statement (EIS) process.

Discussion ensued among the Board regarding how to find an individual that specializes in EIS, and the process.

12:06 p.m.

Alice Johnson, Treasurer of the Indian River County Taxpayers Association, felt AAF would be a financial failure and asked the Board to read REASON.org high speed rail in Europe and Asia.

Donald Hood clarified the definition of high speed train, and supported the AAF project.

Susan Mehiel supported hiring an attorney to assist with the EIS process, and encouraged the Board to find out who is responsible for the elements of the process.

Lydia Schulman supported hiring an attorney to assist with the EIS process.

Patricia Hunt suggested using local sources of expertise and/or individuals from Washington, DC.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

12:20 p.m.

3. All Aboard Florida (AAF)
(memorandum dated April 30, 2014)

163-165

Commissioner Solari questioned whether the Board wished to rescind the May 10, 2013 letter of support to Donald C. Robinson, President/Chief Operating Officer, for the All Aboard Florida (AAF) passenger rail project.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to rescind the May 10, 2013 letter of support for the All Aboard Florida (AAF) passenger rail project.

12:21 a.m.

Donald Hood voiced his support for the AAF project and reported the results of a meeting he had with the Vice President (Rusty Roberts) of Florida East Coast (FEC) Industries.

Lydia Schulman supported the Motion, and stressed reasons why there could not be a Vero Beach stop.

Logan Smith supported AAF and opposed the motion to rescind the letter of support.

Susan Mehiel reiterated her opposition to AAF, stressed that FECI is not a passenger company but a freight company, and rebutted some of Mr. Smith's comments.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

E. Commissioner Tim Zorc

11:30 p.m.

1. City of Vero Beach Electric Sale Issues Discussion
(memorandum dated April 30, 2014)

166

This item was heard in conjunction with Item 14.D.1., and Commissioner Zorc confirmed that the motion under said Item addressed his concerns.

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

None

B. Solid Waste Disposal District

None

C. Environmental Control Board

None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 1:00 p.m.

ATTEST:

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

Peter D. O'Bryan, Chairman

By: _____
Deputy Clerk

Approved: June 17, 2014

BCC/LA/2014Minutes