



**BOARD OF COUNTY  
COMMISSIONERS INDIAN RIVER  
COUNTY, FLORIDA**

**COMMISSION MEETING MINUTES**

**TUESDAY, MAY 20, 2014**

County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388

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<u>COUNTY COMMISSIONERS</u>	<u>DISTRICT</u>			
Peter D. O'Bryan, Chairman	District 4	<b>Present</b>	Joseph A. Baird, County Administrator	<b>Absent</b>
Wesley S. Davis, Vice Chairman	District 1	<b>Present</b>	Mike Zito, Assistant County Administrator	<b>Present</b>
Joseph E. Flescher	District 2	<b>Present</b>	Dylan Reingold, County Attorney	<b>Present</b>
Bob Solari	District 5	<b>Present</b>	Jeffrey R. Smith, Clerk of Circuit Court and Comptroller	
Tim Zorc	District 3	<b>Present</b>	Maria I. Suesz, Deputy Clerk	

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- |    | <u>CALL TO ORDER</u>        | <u>9:00 A.M.</u>                            | <u>PAGE</u> |
|----|-----------------------------|---|-------------|
| 1. |                             |   |             |
| 2. | <u>INVOCATION</u>           | Commissioner Wesley S. Davis, Vice Chairman |             |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Tim Zorc                       |             |

4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

9:01  
a.m.

**Emergency Addition: Item 8.I.**  
**Gifford Youth Activity Center – FPL Utility Easement**

**Emergency Addition: Item 14.B.1.**  
**Information on the County-Wide Jurisdictional Surface Water Management Plan**

**Tabled: Item 5.B.**  
**Presentation and Proclamation – Honoring David Chandler on his Retirement from the Indian River County Sheriff’s Office, Effective May 31, 2014 with Thirty-Eight Years of Service**

**Deleted: Item 10.B.1.**  
**Public Discussion Item - Request to Speak from Jeff Meade, STIRLEN; Save the Indian River Lagoon Estuary Now, Regarding Indian River Lagoon Pilot Projects**

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

5. **PROCLAMATIONS and PRESENTATIONS**

9:03  
a.m.

A. Presentation of Proclamation and Retirement Award Honoring Rodney Johnston on His Retirement from the Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service 1-2  
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**Presented by Chairman O’Bryan to Rodney Johnston**

9:04  
a.m...

B. Presentation of Proclamation Honoring David Chandler on His Retirement from the Indian River County Sheriff’s Office, Effective May 31, 2014, with Thirty-Eight Years of Service 3  
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**Tabled**

C. Presentation of Proclamation Honoring Veterans Memorial Island 50<sup>th</sup> Anniversary 4  
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**Presented by Commissioner Zorc to Tony Young, 1<sup>st</sup> Vice President of the Veterans Council of Indian River County, Michael Mathews, Curtis Paulsin, Alma Lee Loy, and Ken Daige**

9:15  
a.m.

D. Presentation of Proclamation Designating May 26, 2014 as Memorial Day 5  
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**Presented by Commissioner Flescher to John O’Conner, President of the National Veterans Council, accompanied by Colonel Zickert, Colonel Kouns, and Colonel Young. Mr. O’Conner asked the Board to air a thirty-second clip on the Government Channel.**

There was a **CONSENSUS** of the Board to place the thirty-second clip on the Government Channel 27 from Thursday, May 22, 2014 through Monday, May 27, 2014, to honor Veterans.

**6. APPROVAL OF MINUTES**

- A. Regular Meeting of April 15, 2014

9:25 a.m. **ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the regular meeting minutes of April 15, 2014.**

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

Chairman O’Bryan highlighted that there are two retirements listed, and he expressed best wishes to the retirees and thanked them for their service.

- 9:25 a.m. A. Agreement for Code Enforcement Board Legal Services is on file in the Office of the Clerk to the Board -----
- B. Proclamation – National Center for Missing & Exploited Children, National Missing Children’s Day ----- 6
- C. Retirement Award and Proclamation Honoring Albert Sansone on His Retirement from the Indian River County Board of County Commissioners Department of Community Development/Building Division with Twenty-Six Years of Service ----- 7-8
- D. Retirement Award and Proclamation Honoring Dale L. Justice on His Retirement from the Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service ----- 9-10

**8. CONSENT AGENDA**

9:26 a.m. **MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, to approve the Consent Agenda, pulling Item 8.I. for discussion.**

**The Chairman asked for requests from the public, and there were none.**

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

- A. Approval of Warrants – May 2, 2014 to May 9, 2014 (memorandum dated May 9, 2014) ----- 11-19

**Approved the list of Warrants and Wires issued by the Comptroller's Office**

- B.** Right-of-Way Acquisition: 8740 Shore Lane, CR510 Project Parcel 481, plus Temporary Construction Easement (TCE). Parcel ID# 31-39-27-00003-0000-00004.0, Seller: Ralph P. and Katherine S. Hamilton  
(memorandum dated April 25, 2014) 20-33  
**Approved the purchase of the property at a price of \$16,282.15 and authorized the Chairman to sign the Purchase and Sale Agreement**
- C.** Declaration of Excess Equipment as Surplus for Sale or Disposal  
(memorandum dated May 12, 2014) 34-38  
**Declared the items on the Excess Equipment List as surplus and authorized the 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, along with items previously declared surplus.**
- D.** Approval of Bid Award for IRC Bid No. 2014036 – South County RO Plant Process Room Restoration  
(memorandum dated May 12, 2014) 39-47  
**Approved: 1) to award the bid to Summit Construction of Vero Beach, LLC 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.**
- E.** Release of Retainage for CB&I Coastal Planning and Engineering, Inc. Work Order No. 1, Sector 3 Beach Restoration – 2013 Post Construction Monitoring Services  
(memorandum dated May 12, 2014) 48-51  
**Approved the release of all withheld retainage under Work Order No. 1 in the amount of \$4,047.34**
- F.** Work Order No. 1 – Masteller, Moler, Reed & Taylor, Inc., Old Dixie Highway/Highlands Drive, Indian River Project No. 1362  
(memorandum dated May 12, 2014) 52-59  
**Approved and authorized the Chairman to execute Work Order No. 1**
- G.** Work Order No. 5 - CB&I Coastal Planning and Engineering, Inc., Sector 3 Beach Restoration Project – 2014 Post Construction Physical Monitoring Services  
(memorandum dated May 12, 2014) 60-68  
**Approved and authorized the Chairman to execute Work Order No. 5**

- H. Work Order No. 1 Morgan & Eklund, Inc., 2014 Beach Profile Monitoring Surveys  
(memorandum dated May 12, 2014) 69-75

**Approved and authorized the Chairman to execute Work Order No. 1 to the Professional Land Surveying and Mapping Services Contract**

9:26  
a.m.

- I. **Emergency Addition: Gifford Youth Activity Center – FPL Utility Easement**

75A1-1  
to 4

**Pulled for Discussion - Assistant County Attorney Mike Zito explained that this item was an application from the Gifford Youth Activity Center for administrative approval to install three module classroom units at Gifford Youth Activity Center within the existing footprint of the area under lease and with that comes the necessity of the easement for Florida Power and Light (FPL) to provide power to the units.**

**MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to approve and authorize the Chairman to execute the Easement form, sketch, and description to allow FPL to connect the modular units to the power system at the Gifford Youth Activity Center.**

**Discussion continued by Freddie Woolfork, 4590 57<sup>th</sup> Avenue, expressing thanks to the Board for helping their kids to have a good education and a good life. He was accompanied by General Manager Robert Paugh of Bill Bryant and Associates, Executive Director Angelina Perry and Director of Development Nathan Bruckner of the Gifford Youth Activity Center.**

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

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:31  
a.m.

1. Public Hearing to Consider Revenue Distribution Formula – Local Option Gas Tax Distribution Percentages  
(memorandum dated May 6, 2014)

76-82

**(Administrative)**

**Chris Mora presented this item to the Board explaining this item is brought to the Board every two years, and he explained how**

staff does the calculations in determining the distribution formula for the Local Option Gas Tax Distribution Percentages, in accordance with Florida Statutes Chapter 209.

The Chairman opened the public hearing. Seeing no speakers, the Chairman closed the public hearing.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Local Option Gas Tax Distribution Formula for 2014/2015, unless the Board receives objection from the municipalities.

**B. PUBLIC DISCUSSION ITEMS**

(As a general rule public discussion items should be limited to matters on which the commission may take action.)

1. Request to Speak from Jeff Meade, STIRLEN Save the Indian River Lagoon Estuary Now, Regarding Indian River Lagoon Pilot Projects ..... 83  
**Deleted**

**C. PUBLIC NOTICE ITEMS**

9:34  
a.m.

1. **Notice of Gifford Community Meeting**  
The Next Gifford Community Meeting for Review of the Proposed Gifford Neighborhood Plan 2014 has been scheduled for June 12, 2014, at 6:00 p.m. in the Gifford Community Center located at 4885 43<sup>rd</sup> Avenue  
(memorandum dated May 8, 2014) ..... 84  
**Notice was read into the record by County Attorney Dylan Reingold**

**11. COUNTY ADMINISTRATOR MATTERS PAGE**

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**  
None

F. **Public Works**  
None

G. **Utilities Services**  
None

13. **COUNTY ATTORNEY MATTERS**

None

14. **COMMISSIONERS MATTERS**

**PAGE**

A. **Commissioner Peter D. O'Bryan, Chairman**

9:35  
a.m.

1. Fertilizer Compliance  
(memorandum dated May 13, 2014)

85-92

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**Chairman O'Bryan provided information for discussion and/or action by the Board regarding Officer Alexis Thomas's Stormwater Education and Fertilizer Enforcement list for homeowners and local businesses to find fertilizers compliant with the new Ordinance. In support of the efforts that Alexis is pursuing, he would like to see a link placed on the County website, and he asked the Board if they want to also post Officer Thomas's list.**

**MOTION WAS MADE** by Commissioner Solari, **SECONDED** by Chairman O'Bryan, to include two parts of the list on the County website: the results table located on page 90 of the agenda packet, and only list the actual compliant products and where they are sold on the County website.

Alexis Thomas acknowledged that she could carry out the directions of the Board as stated in the motion.

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

After the Motion, Commissioner Zorc suggested staff take samples each month, so next year they can see the difference in the Lagoon's phosphate levels.

Director Chris Mora replied that staff anticipated that it will be some time before service to the canals is reinstalled, and staff plans to take random samples weekly starting the week of June 1st.

In addition, Chairman O'Bryan asked the Board to consider if they wished to participate in the bumper sticker campaign initiated by the Indian River Neighborhood Association (IRNA), emphasizing that June 1<sup>st</sup> is the blackout period. He understood the IRNA is purchasing 500 stickers, costing approximately \$300, and asked the Board to consider purchasing additional stickers to help educate the public.

Discussion ensued among the Board regarding the cost.

Dan Lamson, representative of the Indian River Neighborhood Association, said he would verify the quality of the stickers, because they have not come out of production yet, but he quoted the cost to be 1,000 stickers at \$350.00, and for up to 5,000 stickers, the cost is \$ .23 apiece.

**ON MOTION** by Commissioner Flescher, **SECONDED** by Chairman O'Bryan, the Board unanimously approved to order 2,000 bumper stickers contingent on feedback from Dan Lamson on the quality.



9:45  
a.m.

- 2. All Aboard Florida  
(memorandum dated May 14, 2014)

93-97

Chairman O’Bryan requested the Board to consider applying to the Federal Railroad Agency (FRA) to be a “Cooperating Agency” in regards to the draft Environmental Impact Statement (EIS) for the All Aboard Florida (AAF) high-speed rail.

**MOTION WAS MADE** Commissioner Flescher, **SECONDED** by Chairman O’Bryan, to apply for “Cooperating Agency” with the Federal Railroad Agency (FRA).

Phil Matson, MPO Director, understood that to be designated a Cooperating Agency you have to have some regulatory or unique oversight of the local conditions. He felt we do have a unique historical insight, and he stated maybe that will be enough for us to qualify. He said the primary benefit is that it will give us a little bit of advance notice.

Chairman O’Bryan asked the County Attorney to get together with Phil Matson and create a letter to the Federal Railroad Agency requesting Indian River County to be a “Cooperating Agency”.

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

**B. Commissioner Wesley S. Davis, Vice Chairman**

9:50  
a.m.

- 1. **Emergency Addition – Information on the County-Wide Jurisdictional Surface Water Management Plan**

97A1-1  
to A1-4

Vice Chairman Davis stated that the legislature is moving quickly on HB 7091, relating to the Department of Agriculture and Consumer Services. He also advised that in regards to SB 536, relating to reclaimed water, he was putting together names of individuals to participate in a study in coordination with the stakeholders on the expansion of the beneficial use of reclaimed water, Stormwater, and excess surface water.

No action required or taken

**C. Commissioner Joseph E. Flescher**

None

**D. Commissioner Bob Solari**

None

**E. Commissioner Tim Zorc**

9:51  
a.m.

1. Update on the May 15<sup>th</sup> Florida Municipal Power Agency Meeting (memorandum dated May 14, 2014)
- Commissioner Zorc attended the Audit and Finance Committee meeting of the Florida Municipal Power Agency (FMPA) and their General Board meeting all held on Thursday, May 15, 2014 and provided an update. He advised that the Vero Beach electric sale was not on the agenda, but the Agency questioned why they were being audited a second time which lead them into a heated discussion. They did reach a consensus, however, to show support of the audit.**

98

**No action taken or required**

**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 adjourned the meeting at 9:57 a.m.**

ATTEST:

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

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

By: \_\_\_\_\_

Approved: June 17, 2014

Deputy Clerk

**BCC/ms/minutes**