



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

REGULAR MEETING MINUTES

TUESDAY, AUGUST 19, 2014 - 9:00 A.M.

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	Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller	
Bob Solari	District 5	Present	Maureen Gelfo, Deputy Clerk	
Tim Zorc	District 3	Present		

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|-----------|---|--|--------------------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGE</u> |
| 2. | <u>INVOCATION</u> | Deputy Teddy Floyd, Indian River County Sheriff Department | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Bob Solari | |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | |
| 9:01 a.m. | <u>ON MOTION</u> by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Agenda as presented. | | |
| 5. | <u>PROCLAMATIONS and PRESENTATIONS</u> | | |
| 9:02 a.m. | A. | Presentation of Proclamation Congratulating Smokey Bear in Indian River County, Florida | 1 |
| | | Presented by Chairman O'Bryan to "Smokey Bear" and two firefighters from the Florida Forest Service. | |

- 9:07 a.m.** **B.** Presentation of Proclamation and Retirement Award Honoring Vincent N. Casserly on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue With Thirty Years of Service 2-3
Presented by Chairman O’Bryan to Vincent N. Casserly.
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- 9:13 a.m.** **C.** Presentation of Proclamation Honoring L. E. “Bud” Spencer on His Retirement From the Indian River County Sheriff’s Office With Thirty-Four Years of Service 4
Presented by Vice Chairman Davis to L.E. “Bud” Spencer, who was accompanied by his wife, Loma Spencer.
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- 9:22 a.m.** **D.** Presentation of Certificate of Recognition to The Garden Club of Indian River County 5
Presented by Commissioner Solari to Garden Club President Renae Senn; Vice President Kathie Althoff; Civic Chairman Connie Derman; Publicity Chair Linda Gillespie and member/Landscape Architect Robin Pelensky.
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- 9:28 a.m.** **E.** Presentation by Bob Ulevich, Administrator, St. John’s Improvement District and the Sebastian River Improvement District 6-28
Bob Ulevich gave a detailed presentation on “Regional Restoration Through Innovative Water Management” covering the history of water management from 1954 to the present. He discussed ideas for achieving water conservation, flood control, and improved water quality in the Indian River Lagoon through water farming and reconnection of the South Florida and St. Johns River Water Management Districts.

6. APPROVAL OF MINUTES

- 10:40 a.m.**
- A.** Regular Meeting of June 17, 2014
 - B.** Regular Meeting of July 1, 2014
 - C.** Regular Meeting of July 8, 2014
 - D.** Regular Meeting of July 15, 2014
 - E.** Budget Workshop July 16, 2014

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the minutes of June 17, 2014; July 1, 2014; July 8, 2014; July 15, 2014; and the Budget Workshop of July 16, 2014, as written.

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

Chairman O’Bryan congratulated retirees Alan Raedel and Ellis Buckner, Jr., and announced the Gifford Economic Development Council’s (GEDC) Back-to-School Golf Tournament on August 30, 2014.

10:41 a.m.	A. Resignation of Martin Lewis, as District 3 Appointee to the Board of Zoning Adjustments (memorandum dated June 14, 2014)	29-30
	B. Proclamation Designating the Month of July, 2014, As Treasure Coast Waterway Cleanup in Indian River County	31
	C. Proclamation and Retirement Award Honoring Alan G. Raedel on His Retirement From Indian River County Board of County Commissioners Department of Public Works/Engineering Division With Eleven Years of Service	32-33
	D. Proclamation and Retirement Award Honoring Ellis Buckner, Jr. on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue With Twenty-Five Years of Service	34-35
	E. Gifford Economic Development Council Inc. Presenting 1 st Annual Pray (Project Responsibility & Accountability of our Youth) and Educational Imagery Learning Academy Back-to-School Golf Tournament	36
	F. Appointment of Indian River State College Representative to the Economic Development Council (memorandum dated August 13, 2014) Noted for the record was the appointment of Mr. Casey Lunceford.	37-38
	G. Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2013, is on file in the Office of the Clerk to the Board	

8. CONSENT AGENDA

10:42 a.m. MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, to approve the Consent Agenda, pulling Items 8.I, 8.S., 8.F.F., and 8.L.L. 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 – July 4, 2014 to July 10, 2014 (memorandum dated July 10, 2014)	39-46
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Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.

- B.** Approval of Warrants – July 11, 2014 to July 17, 2014
(memorandum dated July 17, 2014) 47-56
Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.
- C.** Approval of Warrants – July 18, 2014 to July 24, 2014
(memorandum dated July 24, 2014) 57-64
Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.
- D.** Approval of Warrants – July 25, 2014 to July 31, 2014
(memorandum dated July 31, 2014) 65-71
Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.
- E.** Approval of Warrants – August 1, 2014 to August 7, 2014
(memorandum dated August 7, 2014) 72-80
Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.
- F.** Quarterly Investment Report for Quarter Ending 06/30/2014
(memorandum dated July 25, 2014) 81-93
Accepted the Quarterly Investment Advisory Committee's Quarterly Investment Report for April 1, 2014 through June 30, 2014.
- G.** Quarterly OPEB Trust Report for Quarter Ending 06/30/2014
(memorandum dated July 25, 2014) 94-96
Accepted the Quarterly Other Post Employment Benefits (OPEB) Trust Report.
- H.** Updated Investment Policy – one minor change
(memorandum dated July 25, 2014) 97-105
Accepted the Investment Policy change.
- 10:48 a.m. I.** Dori Slosberg Driver Education Safety Act, Indian River County Traffic Education Program Trust Fund Report, Year-To-Date Period Ending 6/30/14
(memorandum dated July 25, 2014) 106-107
Commissioner Flescher sought and received information on expending the funds that remain in the Traffic Education Program Trust Fund.

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously accepted the quarterly report of the Traffic Education Program.

- J.** County Capital Asset Inventories
(memorandum dated August 12, 2014) 108-109
Approved the list of assets for deletion from the County capital asset inventory system.
- K.** Request that the Indian River County Board of County Commissioners Order the Tax Roll to be Extended Prior to the Completion of the Value Adjustment Board Hearings
(memorandum dated August 4, 2014) 110-111
Approved to extend the 2014 tax roll prior to the completion of the Value Adjustment Board hearings.
- L.** Out of County Travel to attend the Florida Shore and Beach Preservation Association Conference
(memorandum dated July 22, 2014) 112-115
Approved out of County travel for Commissioners and staff to attend the Florida Shore and Beach Preservation Association Conference in Bonita Springs, Florida on September 24 through September 26, 2014.
- M.** Out of County Travel to attend the 2014 Florida Association of Counties Policy Committee Conference
(memorandum dated July 15, 2014) 116-117
Approved out of County travel for Commissioners and staff to attend the 2014 Florida Association of Counties Policy Committee Conference at the Sandestin Beach Resort in Walton County, Florida on Wednesday, September 17 through Friday, September 19, 2014.
- N.** Healthcare Strategies, Inc., et al v. ING Life Insurance & Annuity Co. Class Action Lawsuit
(memorandum dated July 28, 2014) 118-129
(1) Approved the County's participation in the settlement; (2) authorized the County Administrator and County Attorney to file a claim; and (3) authorized the Chairman to execute any necessary paperwork to effectuate the claim.
- O.** First Amendment to Ground Space Lease for Tower Located at 3955 65th Street – Sprint Ground Lease
(memorandum dated August 1, 2014) 130-142
(1) Approved the First Amendment to Ground Space Lease with Sprint Spectrum Realty Company, L.P. with the 4% annual rental increase; and (2) authorized the Chairman to execute the First Amendment and Memorandum of First Amendment, including initialing each page on behalf of the Board, and any other documents necessary to effectuate said amendment.

- P.** Nash Cole’s Request for Release of Easements at 4755 87th Street (Weona Park Subdivision)
(memorandum dated August 7, 2014) 143-149
Approved Resolution 2014-064, releasing easements on Lots 2 through 11, Block 6, Weona Park Subdivision (released by County to Nash Cole).
- Q.** Approval of State Sovereignty Submerged Lands Fee Waived Lease Renewal for the Jones’s Pier Dock Facility
(memorandum dated August 6, 2014) 150-165
9:02 a.m. Approved and authorized the Chairman to execute on behalf of the County, the sovereignty submerged lands fee waived lease renewal for the Jones’s Pier dock facility with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.
- R.** Approval of Renewal for a Class “A” Certificate of Public Convenience and Necessity for Indian River County Department of Emergency Services
(memorandum dated July 18, 2014) 166-188
Approved renewal of the Class “A” Certificate of Public Convenience and Necessity for the Indian River County Department of Emergency Services, to be effective for a period of two (2) years from October 15, 2014 to October 15, 2016.
- 10:46 a.m. S.** 26th Street Advance Acquisition of Right-of-Way, 5940 26th Street – Hamilton Property
(memorandum dated July 15, 2014) 189-202
Vice Chairman Davis declared a conflict of interest.

(Clerk’s Note: Form 8B Memorandum of Voting Conflict is attached to these minutes as Addendum A).

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, by a 4-0 vote (Vice Chairman Davis abstained), the Board: (1) approved and authorized the Chairman to execute the Contract for Sale and Purchase of the Hamilton parcel with William A. Hamilton, Keith A. Hamilton, and Brenda Hamilton, for \$105,000.00; and (2) directed staff to take the needed right-of-way from the property after purchase; and (3) authorized sale of the remainder property at sealed bid.
- T.** Insurance Marketing; ~~Silver~~ Siver Insurance Consultants
(memorandum dated August 11, 2014) 203-210
Approved Siver Insurance Consultants for the self-insurance program marketing and implementation at a not-to-exceed cost of \$30,000.00.
- U.** Acceptance and Approval of Expenditures for Emergency Management State-Funded Subgrant Agreement 15-BG-83-10-40-01-031
(memorandum dated August 7, 2014) 211-246
(1) Accepted the State Funded Subgrant Agreement (the Emergency Management Preparedness Assistance Grant [EMPA]) administered by the

Florida Division of Emergency Management; and (2) approved the expenditures for the County's Emergency Services Department.

- V. Acceptance and Approval of Expenditures of Emergency Management Federally-Funded Subgrant Agreement 5-FG-XX-10-40-01-098
(memorandum dated August 7, 2014) 247-284
(1) Approved the Federally Funded Subgrant Agreement (the Emergency Management Performance Grant [EMPG]) and associated expenditures; and (2) authorized the Chairman to execute said agreement between Indian River County Emergency Management and the State of Florida, Division of Emergency Management.
- W. Miscellaneous Budget Amendment 020
(memorandum dated August 11, 2014) 285-290
Approved Resolution 2014-065, amending the Fiscal Year 2013-2014 Budget.
- X. M.A.C.E. (Multi-Agency Criminal Enforcement Unit) Project Generated Income (PGI) Miscellaneous Budget Amendment 021
(memorandum dated August 11, 2014) 291-302
Approved: (1) Resolution 2014-066, amending the Fiscal Year 2013-2014 Budget; and (2) the utilization of Multi-Agency Criminal Enforcement Unit (M.A.C.E.) Project Generated income totaling \$25,190.
- Y. Request for Ratification, Florida Department of Law Enforcement, FY 2014/2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
(memorandum dated August 8, 2014) 303-318
Ratified the County Administrator's action in executing the Certificate of Participation; the grant application for the Indian River County Drug Testing Program; the grant application for the Multi-Agency Criminal Enforcement Unit (M.A.C.E.) Grant; and the Agreement between the Board of County Commissioners and the Substance Awareness Council.
- Z. Consultant Selection for RFP No. 2014043 – Automatic Meter Reading (AMR)/Advanced Metering Infrastructure (AMI) Consulting Services
(memorandum dated August 8, 2014) 319-330
(1) Approved the evaluation committee's final ranking and the Contract for Services Agreement with Langham Consulting Services, Inc.; (2) authorized the Chairman to execute said agreement after it has been approved by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required certificate(s) of insurance; and (3) authorized the allocation of \$87,555 for the execution of Phase 1 of the project.

- AA.** Consultant Selection for RFQ No. 2014007 – Annual Geotechnical Services
(memorandum dated August 7, 2014) 331-332
Approved the selection committee’s final ranking and authorized negotiations in accordance with FS 287.055, Consultant’s Competitive Negotiation Act, with the top five ranked firms: (1) Dunkelberger Engineering & Testing, Inc.; (2) Andersen Andre Consulting Engineers, Inc.; (3) GFA International, Inc.; (4) KSM Engineering & Testing, Inc.; and (5) Ardaman & Associates, Inc.
- BB.** Approval of Proposal from KSM for Soils Investigation Services for Vero Lakes Estates 12” Master Plan Water Main Extension – UCP #4106
(memorandum dated August 8, 2014) 333-335
Approved the proposal from KSM, Inc. for a total lump sum amount of \$1,865.00.
- CC.** Final Pay and Release of Retainage for R. J. Sullivan Corp on the West Regional WWTP Odor Control System Project – UCP 4067, Bid No: 2013013
(memorandum dated August 7, 2014) 336-343
Approved the Final Pay Application No. 14 in the amount of \$43,536.07 to R.J. Sullivan Corporation.
- DD.** Approval of Proposal for Work Order from Carter Associates, Inc. for Surveying Services for Vero Lakes Estates 12” Master Plan Water Main Extension – UCP #4106
(memorandum dated August 8, 2014) 344-350
Approved the proposal for a Work Order from Carter Associates, Inc., for a total lump sum amount of \$13,385.00.
- EE.** Work Order No. 1 – Kimley-Horn & Associates, Inc. Indian River Boulevard, Right-of-Way Surveying and Mapping, Indian River County Project No. 1354
(memorandum dated August 5, 2014) 351-364
Approved and authorized the Chairman to execute Work Order No. 1 with Kimley-Horn & Associates, Inc., authorizing the above-mentioned project as outlined in the Scope of Services.
- 10:43 a.m. FF.** Amendment No. 6 to Work Order No. 1 – G.K. Environmental, Inc., Oslo Road Boat Ramp IRC Project No. 0381
(memorandum dated July 10, 2014) 365-369
Commissioner Solari announced that he would not support the Work Order for additional services associated with the Oslo Boat Ramp Improvement Project, and suggested delaying the project.
- MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman O’Bryan, to approve and authorize the Chairman to execute Amendment No. 6 to Work Order No. 1 with G.K. Environmental, Inc., authorizing the engineering services as outlined for the not-to-exceed sum of \$10,000.00.**

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

- GG.** Change Order No. 3 and Release of Retainage, 66th Avenue Roadway Improvements – Phase 2 (4th Street to 16th Street), IRC Project No. 9810-B Bid No. 2012032
(memorandum dated August 8, 2014) 370-408
Approved: (1) Change Order No. 3 and payment of Guettler Brothers Construction, LLC Pay Application No. 26 (Final) for release of retainage in the amount of \$382,298.00; and (2) additional time to the contract.
- HH.** Change Order No. 1, 66th Avenue Roadway Improvements (S.R. 60 to North of 49th Street, IRC Project No. 0545 & 0370 – Bid No. 2013008
(memorandum dated August 19, 2014) 409-413
Approved Change Order No. 1 to Dickerson Florida, Inc. increasing the contract amount by \$485,709.63, and adding the additional 171 days to the contract time; the new total contract amount will be \$21,259,098.72.
- II.** Work Order No. 3 – Bridge Design Associates, Inc. – Release of Retainage – 13th Street S.W. Bridge over the IRFWCD Sub-Lateral B-8 Canal (58th Avenue), IRC Project No. 0530
(memorandum dated August 7, 2014) 414-415
(1) Approved release of retainage to Bridge Design Associates, Inc. for the completed design services; and (2) payment of Invoice No. 06-624/4A dated August 4, 2014, in the amount of \$2,210.85.
- JJ.** FDOT Local Agency Program (LAP) Agreement and Resolution Authorizing the Chairman’s Signature, Old Dixie Highway Sidewalk from 38th Lane to 45th Street, IRC Project No. 0845B- FM No. 423186-2-58-01
(memorandum dated August 7, 2014) 416-438
Approved Resolution 2014-067, with the Florida Department of Transportation authorizing the Chairman’s execution of a Local Agency Program Agreement for construction of a 5-foot sidewalk along the east side of Old Dixie Highway from 38th Lane to 45th Street.
- KK.** Recommendation of Award for RFP No. 2014040 – Boat Club Island Docks
(memorandum dated August 8, 2014) 439-440
Approved the evaluation committee’s final ranking and authorized negotiations with Summerlin’s Marine Construction, LLC; the agreement will be presented to the Board for approval and execution along with the amendment to the agreement with Grand Harbor Community Association.
- 10:51 a.m. LL.** Approval of Request for Use of Holman Stadium for The Annual Jake Owen Foundation Benefit Concert Event to be held October 25th, 2014
(memorandum dated August 11, 2014) 441-454

Chairman O'Bryan pointed out that the Jake Owen Foundation Benefit Concert will be held again this year at the Holman Stadium at Historic Dodgertown. He also posed the possibility of having an All-Star Softball game on the day of the event.

ON MOTION BY Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the Agreement granting the Jake Owen Foundation's (c/o Full Access Business Management), request for reduction of the standard security deposit; and (2) authorized the Chairman to execute same upon receipt of the fully executed original Holman Stadium Use Agreement with the Jake Owen Foundation and Verotown, LLC for Historic Dodgertown, including proof of liability insurance.

- MM.** Approval of Renewal of the 800 MHz Communications System Infrastructure Maintenance Contract with Communications International, Inc.
(memorandum dated August 8, 2014)

455-465

Approved the renewal of the 800 MHz Communications system Master Service Agreement with Communications International, Inc.

- NN.** Approval of Bid Award for IRC Bid No. 2014042 – Golf Cart Concrete Path Repairs
(memorandum dated August 13, 2014)

466-473

(1) Approved the bid award to the lowest most responsive and responsible bidder, Stillwater Construction, Inc., for \$24,320; and (2) authorized the Chairman to execute the agreement upon review and approval by the County Attorney as to form and legal sufficiency.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 10:55 a.m.** **A. Indian River County Supervisor of Elections Leslie R. Swan**
Requesting Approval to Redraw the Current Precinct #2 Boundary Lines to Include the Newly Annexed Land into the City of Fellsmere
(letter dated August 11, 2014)

474-489

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously authorized the Supervisor of Elections to move the boundaries for voting Precinct No. 2 to coincide with the new City of Fellsmere boundary lines.

B. Indian River County Sheriff Deryl Loar

- 10:56 a.m.** **1.** Requesting Proceeds of Auction be Used to Acquire New Like-kind Property
(letter dated July 18, 2014)

490

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously authorized the Sheriff to expend the \$66,408 netted from the May 31, 2014 public auction of surplus property and vehicles, for the acquisition of new like-kind

property within the current fiscal year.

10:56
a.m.

2. Expenditure from the Criminal and Sex Offender Registrant Fee Account
(letter dated July 18, 2014) 491-494

ON MOTION by Commissioner Flescher, **SECONDED** by Vice Chairman Davis, the Board unanimously approved the expenditure of \$20,500 from the Criminal and Sex Offender Registrant Fee account for the purchase of the following items: Chairs; Paper; Booking Camera; Laser Printers (black and white and color); Booking Work Station; Desktop Computers; and Battery Backups.

10:56
a.m.

3. Department of Homeland Security Operation Stonegarden Grant
(letter dated August 12, 2014) 495-502

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Vice Chairman Davis, to approve the Department of Homeland Security Operation Stonegarden Grant of \$46,968.00, for funds to cover the maintenance of aviation and marine equipment and provide overtime salaries for intercoastal details to enhance border security; no County match is required.

Sheriff Deryl Loar explained that this grant will be for enhanced patrols along the Intercoastal Waterway.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

The Chairman called a recess at 10:57 a.m., and reconvened the meeting at 11:10 a.m., with all members present.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

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

11:10
a.m.

1. Request to Speak from Juanita Baker Regarding Oslo Boat Ramp 503

Juanita Baker, 522 North Blue Island Lane, Sebastian, spoke in opposition to the Oslo Boat Ramp improvements.

C. **PUBLIC NOTICE ITEMS**

11:19
a.m.

1. **Notice of Public Hearing Scheduled for September 9, 2014:**
To Consider Amending Chapter 214 of the Code of Indian River
County to Provide for the Sunsetting of the State Road 60 Interest
Share Fee Ordinance
(memorandum dated July 22, 2014) 504
County Attorney Dylan Reingold read the notice into the record.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

11:19
a.m.

1. Board Consideration to Adjust County Share of Funding for Head
Island (a.k.a. Green Salt Marsh) Improvements and Channel
Restoration
(memorandum dated August 8, 2014) 505-510

Chief of Environmental Planning and Code Enforcement Roland DeBlois provided background on this proposed cost share arrangement between the St. Christopher Harbor Homeowners Association (HOA), the County, and the Florida Inland Navigation District (FIND), recapping actions taken at the March 11 and March 18, 2014 Board meetings. He explained that FIND has approved a Waterways Assistance funding grant for 25% of the cost for the improvements at Head Island (a.k.a. Green Salt Marsh), leaving a shortfall of \$35,750 in estimated project costs. He recommended that the Board consider splitting the \$35,750 deficit 50/50 with the HOA (contingent upon their approval), with each party contributing approximately \$17,875 more.

Discussion ensued, with input from staff, about the possibility of cutting costs on the project by working with the Mosquito Control District.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman O'Bryan, to approve staff's recommendation.

Anna Garramone, HOA President, stressed that St. Christopher's Harbor is a small 14-lot subdivision, and that any additional contribution would have to be approved by the HOA. She also requested a more precise cost estimate to relay to the HOA.

Vice Chairman Davis suggested that Ms. Garramone approach FIND to see if they will approve additional funding.

MOTION WAS AMENDED by Vice Chairman Davis, **SECONDED** by Chairman O'Bryan, to direct staff to get firm cost estimates for the Head Island (a.k.a. Green Salt Marsh) Improvements and Channel Restoration.

Director Boling affirmed that staff would provide the HOA with more firm cost estimates.

The Chairman **CALLED THE QUESTION** and by a 4-1 vote (Commissioner Solari opposed), the Amended Motion carried. The Board approved the expenditure of up to \$72,625 in Florida Boating Improvement Funds for the Head Island improvements and Channel Restoration Project, **contingent upon the St. Christopher Harbor Homeowner's Association (HOA) commitment of an additional \$17,875 in HOA funds** towards the project, with any construction cost savings to be prorated between the County, the Florida Inland Navigation District (FIND), and the HOA.

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**

11:39
a.m.

1. 45th Street Canal Piping – South Side of 45th Street, From 43rd Avenue East to Proposed Family Dollar Store Driveway (memorandum dated August 12, 2014)

511-513

Director of Public Works Chris Mora recalled the Board's approval on June 10, 2014, of a new Family Dollar Store

complex proposed to be built on 45th Street and 43rd Avenue. He explained that Family Dollar will be required to pipe a segment of the Indian River Farms Water Control District (IRFWFCD) Sublateral Canal drainage ditch in order to construct their driveway, and that the Board had requested that staff explore options for piping the remaining 190 feet of the ditch. After presenting the Board's options, Director Mora responded to a series of detailed questions regarding the possibility of working with Family Dollar to improve the entire drainage ditch area.

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Vice Chairman Davis, to authorize staff to: (1) use Optional Gas Taxes (Fund 109) as the County funding source; (2) obtain bids for piping the remaining 190 feet of Indian River Farms Water Control District Sublateral Canal A-7 located on the south side of 45th Street, immediately east of 43rd Avenue, in front of the proposed new Family Dollar Store; and (3) directed staff to explore creative alternatives for the east end of Family Dollar Store's driveway.

Wanda Scott, 4306 26th Ave., wondered if the proposed project would intensify the flooding that occurs on certain Pineview Park roads, and was told it would not.

Althea McKenzie, 2405 16th Avenue, voiced concerns that the \$800,000 budgeted for the 45th Street project would be insufficient, and sought and received further details about the project and funding options. She asked the Board to commit to accomplishing the project expeditiously.

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

G. **Utilities Services**
None

13. **COUNTY ATTORNEY MATTERS**

11:55 A. Demolition Liens
a.m. (memorandum dated July 15, 2014)

514-521

Deputy County Attorney Bill DeBraul provided background on the properties that have undergone the demolition process.

The Chairman invited each party in interest to address the Commission regarding the amount of the proposed lien on his/her property; no one appeared before the Board.

MOTION WAS MADE by Commissioner Solari, **SECONDED** by Commissioner Flescher, to approve each lien amount and authorize the Chairman to execute each lien for recordation in the public records. (*Jessie Lewis; 12936 100th Lane, Fellsmere \$4,251.18; Cynthia L. Stamps, 12930 100th Place, Fellsmere \$5,069.97; and Earl R. Thomas and Betty Thomas, 43 Highlands Drive SW., Vero Beach, \$6,538.54*).

Vice Chairman Davis requested that Deputy County Attorney DeBraul provide him with information on any other existing liens against the subject property.

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

12:01 B.
p.m.

First Amendment to Agreement for Purchase and Sale of Winkel Property located at 6650 45th Street, Vero Beach (memorandum dated August 12, 2014)

522-526

Deputy County Attorney Bill DeBraul provided background on the County's purchase from Tom and Linda Winkel of right-of-way for the 66th Avenue Road Project. He explained that additional cures for the County's take are necessary, and asked the Board to approve the amended Purchase and Sale Agreement for the extra measures to be constructed on the Winkel property.

MOTION WAS MADE by Vice Chairman Davis, **SECONDED** by Commissioner Solari, to approve and authorize the Chairman to execute on behalf of the Board, the First Amendment to the Agreement for Purchase and Sale of Real Estate with Tom and Linda Winkel.

Wanda Scott asked Attorney DeBraul to provide her with information on the cost for the original contract and the improvements.

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

12:06 C.
p.m.

Permission to File Lawsuit for Possession of Mobile Home (memorandum dated August 13, 2014)

527-530

Deputy County Attorney DeBraul provided background on an abandoned mobile home purchased by Amelia and Edward Termyna in 2006 and set up at Lakewood Village Mobile Home Park. He explained that the County had provided \$50,000 towards the purchase of said

mobile home through the State of Florida's Hurricane Housing Repair Program (now defunct), and is now the first lienholder on the property. He asked the Board to authorize the County Attorney's office to file a lawsuit to gain repossession of the mobile home for the purpose of selling it and recouping some of the County's costs.

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Vice Chairman Davis, to authorize the County Attorney's Office to file a lawsuit in replevin against Amelia and Edward Termyna to protect the County's lien interest, and once title to the mobile home is in the County's name, authorize its sale in accordance with County Purchasing Manual Guidelines.

Staff addressed the Board's questions about the condition of the mobile home and whether there were any outstanding bills.

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

12:13 D.
p.m.

Medical Examiner Cremation Certificate Fee Resolution
(memorandum dated July 15, 2014)

531-534

Attorney Reingold provided background on House Bill 301 (proposed during the 2014 legislative session), which would have eliminated the Medical Examiner's ability to collect cremation certificate fees, and the Board's March 2014 adoption of Resolution 2014-018 opposing said bill. He advised that attempts to pass House Bill 301 may recur, and that if the Board adopts a Resolution confirming the \$50 cremation certificate fee, the Medical Examiner for the Nineteenth Judicial Circuit, will not be affected if the legislation passes this year. He thereafter presented staff's recommendation for Board approval of the Resolution.

MOTION WAS MADE by Commissioner Solari, **SECONDED** by Commissioner Zorc, to approve Resolution 2014-068, reaffirming the cremation certificate fee charged by the Medical Examiner for the Nineteenth Judicial Circuit and providing effective date.

Chairman O'Bryan sought confirmation from the County Attorney that no additional verbiage is needed in the Resolution.

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

12:15 E.
p.m.

Indian River Shores v. City of Vero Beach Florida Governmental Conflict Resolution
(memorandum dated July 29, 2014)

535-544

Attorney Reingold provided background on the Town of Indian River Shores' (the Town) decision to not renew the Town's Electric Utility Franchise Agreement with the City of Vero Beach (the City). He

explained that in addition to other actions, the Town has initiated the Florida Governmental Conflict Resolution process (Process), and invited the County and other governmental entities to participate, either as a “primary conflicting governmental entity” or in a more minor capacity. He asked the Commissioners to decide whether or not to join in the Process and if so, at what level of involvement; he recommended that the County opt to participate as a “primary conflicting governmental entity.”

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Commissioner Zorc, to approve staff’s recommendation.

A lengthy discussion ensued, after which the Chairman recapped the County’s talking points for negotiations:

- Support for the Sale of the City’s Electric Utility to Florida Power & Light (FPL)
- Possible creation of an independent Electric Utility Authority representing all of the City’s customers if the proposed sale fails
- Substantial and Significant Rate Relief for the City’s non-resident ratepayers
- Cessation of Electric Utility revenue transfers into the City’s General Fund

Conversation continued regarding the County’s Franchise Agreement with the City, which expires in March 2017, and whether the County would consider entering into a future Franchise Agreement with said party under any circumstances; the City’s position on the Franchise and Territorial Agreements it has with the County; the County’s petition to the Public Service Commission (PSC); and the importance of the County preserving its legal rights as events progress.

Bob Johnson, Coral Wind Subdivision, wondered if the County’s participation in the Process would affect the 6% franchise tax paid by electric utility customers.

A brief discussion followed on the franchise tax.

The following citizens discussed issues pertaining to the Vero Electric Utility, and voiced support for the County’s participation in the conflict resolution process.

Dr. Stephen Faherty, 2120 Captains Walk

Vincent Deturris, 595 Reef Road, Vice President South Beach Property Owners Association

John Burns, 1811 East Sand Pointe Place, Board Member South Beach

Property Owners Association.

The Chairman **CALLED THE QUESTION** and the Motion carried unanimously. The Board: (1) approved Resolution 2014-069, joining the Florida Governmental Conflict Resolution Process initiated by the Town of Indian River Shores with the City of Vero Beach; (2) approved the proposed letter to the Town of Indian River Shores and City of Vero Beach, so that the County will have the same rights (*primary conflicting governmental entity*) in the Process as the City of Vero Beach and Town of Indian River Shores; and (3) directed staff to bring to negotiations the following talking points:

- Support for the Sale of the City’s Electric Utility to Florida Power & Light (FPL);
- Possible creation of an Electric Utility Authority representing the entire customer base if the proposed sale falls through;
- Provision of substantial/significant rate relief for the City’s non-resident (living in the unincorporated County) ratepayers;
- Cessation of Electric Utility revenue transfers into the City’s General Fund

1:10 p.m. F.

All Aboard Florida Agreement With Respect To Existing Crossing Agreements
(memorandum dated August 7, 2014)

545-551

Attorney Reingold reported that he had received from Margarita Martinez Miguez, representing Florida East Coast Industries (FECD), a proposed letter agreement amendment between Florida East Coast Railway, LLC (FECD), Indian River County, and All Aboard Florida – Operations LLC (AAF). He advised that the County Attorney’s office had mailed back a proposed revised contract addressing the County’s concerns, but no response was received from FECD. He noted that subsequently, Attorney Neil Schiller, representing All Aboard Florida, emailed another version of said agreement that failed to address the County’s concerns. Attorney Reingold requested that the Board reject the proposed letter agreement and authorize staff to negotiate a revised agreement addressing staff’s concerns.

MOTION WAS MADE by Commissioner Solari, **SECONDED** by Commissioner Flescher, to reject the proposed letter agreement between Florida East Coast Railway, LLC (FECD), Indian River County, and All Aboard Florida – Operations LLC (AAF), and negotiate a revised agreement which addresses the concerns raised by the Public Works Department and the County Attorney’s Office.

Chairman O’Bryan invited public comment; there were no speakers.

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

1:14 p.m. G. Economic Development Council Vacancy (memorandum dated August 8, 2014) 552-558

Attorney Reingold announced the vacancy of the Real Estate Industry representative on the Economic Development Council, and asked the Board to consider the appointment of the single qualified candidate for the position, Michael Lafferty.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board, having reviewed the applicant's resume, unanimously appointed Michael Lafferty to fill the unexpired term for the Real Estate Industry representative to the Economic Development Council.

The Chairman called a recess at 1:16 p.m. and reconvened the meeting at 1:40 p.m., with all members present.

14. COMMISSIONERS MATTERS

1:41 p.m. A. Commissioner Peter D. O'Bryan, Chairman

1. Request for Letter for Okeechobee County (memorandum dated July 23, 2014) 559-565

Chairman O'Bryan described the request of Okeechobee County to redesignate their workforce region from Region 20 (CareerSource Research Coast) to Region 19 (CareerSource Heartland). He explained that the County needs to indicate its stance on the proposed change in writing.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously authorized a letter to be sent to the County Administrator of Okeechobee County stating that the County voluntarily agrees to the re-designation of Okeechobee County from its current workforce designation in Region 20 (CareerSource Research Coast) to the new designation in Region 19 CareerSource Heartland).

1:43 p.m. 2. Dodgertown Golf Course (memorandum dated July 22, 2014) 566-568

Chairman O'Bryan presented the request of the City of Vero Beach (the City) for the County to release its deed restrictions from the City's Dodgertown Golf Course property. He wanted to have staff look into the legal aspect and also explore whether there are any right-of-way issues along 43rd Avenue and Aviation Boulevard that may need to be resolved.

(Clerk's Note: Dodgertown n/k/a as Historic Dodgertown and f/k/a as Vero Beach Sports Village).

Commissioner Solari mentioned the possible need for an appropriate

buffer between the Dodgertown and City properties.

MOTION WAS MADE by Vice Chairman Davis, **SECONDED** by Commissioner Solari, to authorize staff to: (1) engage in negotiations with the City of Vero Beach (the City) for the purpose of granting its request to release and discharge the County's deed restrictions on a parcel of land known as the Dodgertown Golf Course Property, (2) look into the County's legal and bond issues relative to the City's request, with the caveat to resolve any right-of-way issues associated with 43rd Avenue and Aviation Boulevard; and (3) consider a possible future need for a buffer between the Dodgertown property and the City's property.

Assistant City Attorney Peggy Lyon agreed that County and City staffs could negotiate in good faith.

John Kistler, 2340 Water Oak Court SW, President Taxpayers Association (TPA) of Indian River County, advocated that the County release and discharge the deed restrictions on the property.

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

1:54
p.m.

3. CareerSource Fall 2014 Job Fest
(memorandum dated July 28, 2014)

569-570

Chairman O'Bryan presented the request of Michael Corbit, CareerSource Research Coast, for the Board to consider waiving the facility rental fee for the CareerSource Research Coast Fall 2014 Job Fest being held on October 15, 2014 at the Indian River County Fairgrounds Expo Exhibition Center.

MOTION WAS MADE by Commissioner Solari to offer the CareerSource Research Coast the nonprofit rate for renting the Indian River County Fairgrounds Expo Exhibition Center for its Fall 2014 Job Fest on October 15, 2014. **MOTION DIED** for lack of a second.

MOTION WAS MADE by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, to waive the rental fee for the CareerSource Research Coast Fall 2014 Job Fest to be held at the Indian River County Fairgrounds Expo Exhibition on October 15, 2014.

A brief discussion ensued about the County's rental policies.

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

1:58
p.m.

- 4. Ranking of Indian River Lagoon Priorities
(memorandum dated August 12, 2014)

571-580

Chairman O'Bryan announced that as a member of the Indian River Lagoon Counties Collaborative (IRLCC), the County has been asked to compile a list of the most important Indian River Lagoon improvement projects. He noted that the list will be presented to the IRLCC at its September 5, 2014 meeting, and that along with the other members' lists, will subsequently be presented to the Legislature. He thereafter directed the Board's attention to the proposed shortlist of priority projects outlined in his report (page 580 of the agenda package).

Discussion ensued as individual Board Members discussed their preference for ranking the projects.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the following ranking of the Indian River Lagoon water quality improvements projects: (1) Oyster Reef #2; (2) City of Sebastian Septic to Sewer Project; (3) Grand Harbor Reserve Project; (4) Nutrient Baffle Box Installation; (5) North County/Sebastian Oyster Mats Program; (6) Sebastian River Headwaters Stormwater Treatment Area; (7) Vero Isles; and (8) Tulip Lane Outfall Flexi-Pave Inlet Retrofits.

- B. Commissioner Wesley S. Davis, Vice Chairman
None

14. COMMISSIONERS MATTERS

- C. Commissioner Joseph E. Flescher
None

- D. Commissioner Bob Solari
None

- E. Commissioner Tim Zorc

2:13
p.m.

- 1. Update on the July 18, 2014 Annual Florida Municipal Power Agency Meeting
(memorandum dated July 22, 2014)

581

Commissioner Zorc read a portion of a mission statement from the Florida Municipal Power Agency (FMPA), and announced that the Auditor General's team is presently conducting its review of FMPA.

2:16
p.m.

- 2. Small County Coalition Membership
(memorandum dated July 22, 2014)

582

Commissioner Zorc presented his request to join the Small County Coalition for an annual fee of \$4,850.

MOTION WAS MADE by Commissioner Zorc to become a member of the Small County Coalition for an annual participation fee of \$4,850. MOTION DIED for lack of a second.

2:19
p.m.

3. US-1/SR 5 Ditch Restoration
(memorandum dated July 29, 2014)

583-584

Commissioner Zorc provided background on the Florida Department of Transportation's (FDOT) SR 5-US 1 Ditch Restoration Project. He described the need for the State to add baffle boxes or some other mechanism to clean the water before it discharges into the Lagoon.

Director of Public Works Chris Mora noted that the project will encompass 12 of the 18 FDOT ditches in the County.

A brief discussion followed as County Administrator Joseph Baird and Commissioner Solari offered suggestions.

ON MOTION by Commissioner Zorc, SECONDED by Commissioner Solari, the Board unanimously: (1) authorized staff to send a letter to the Florida Department of Transportation (FDOT), Representative Debbie Mayfield, and Senators Joe Negrón and Thad Altman, requesting that the FDOT add water quality improvements to the SR 5-US 1 Ditch Restoration Project; and (2) authorized the Chairman and the other Commissioners to work with the State Legislators to effect these water quality measures in the FDOT's project.

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District
None

2:26
p.m.

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

1. Approval of Minutes Meeting of July 8, 2014
2. Approval of Minutes Meeting of July 15, 2014
3. Approval of Minutes Budget Workshop of July 16, 2014

2:26
p.m.

4. Work Order No. 10 to Geosyntec for Continuation of Brownfield Assessment Work for the Former South Gifford Road Landfill Site
(memorandum dated August 7, 2014)

585-631

C. Environmental Control Board
None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **2:51 p.m.**

ATTEST:

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

Peter D. O'Bryan, Chairman

By: _____
Deputy Clerk

Approved _____

BCC/MG/2014Minutes



AddendumA.mdi