



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

REGULAR MEETING MINUTES

TUESDAY, SEPTEMBER 23, 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	Jeffrey R. Smith, Clerk of the Circuit	Present
Bob Solari	District 5	Present	Court and Comptroller	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	Present

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|----|---|--|--------------------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGE</u> |
| 2. | <u>INVOCATION</u> | Reverend Shelly Satran, Our Savior Lutheran Church | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Joseph E. Flescher | |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | |

9:03 a.m. **Addition: Emergency Item 7.D. - U.S. Coast Guard Navigational Public Hearings Postponed and Expanded**

Addition: Emergency Item 14.A.1. - Amendment 2 Medical Marijuana

Deletion: Item 5.A. Presentation of Proclamation and Retirement Award Honoring Terry L. Diehl

5. **PROCLAMATIONS and PRESENTATIONS**

9:35 a.m. A. Presentation of Proclamation and Retirement Award Honoring Terry L. Diehl on His Retirement from Indian River County Board of County Commissioners Department of Public Works/Facilities Management With Twenty-Four Years of Service 1-2

This item was deleted; however, Chairman O’Bryan noted for the record the retirement of Terry L. Diehl.

9:05 a.m. B. Presentation of Proclamation and Retirement Award Honoring Douglas G. Murphy on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue With Twenty-Five Years of Service 3-4

Presented by Chairman O’Bryan to Douglas G. Murphy, who was accompanied by his family.

9:12 a.m. C. Presentation of Proclamation and Retirement Award Honoring Garry Hughes on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue With Thirty-Three Years of Service 5-6

Presented by Chairman O’Bryan to Garry Hughes.

9:19 a.m. D. Presentation of Proclamation Designating the Month of October, 2014, as Indian River County Family History Month 7-8

Presented by Commissioner Flescher to Robert Satola, President of the Indian River Genealogical Society (IRGS), Tony Young, and Susan Barker. Mr. Young announced the following events: (1) the Family History Expo scheduled for October 4th from 10:00 a.m. to 4:00 p.m. at McAfee Hall, First Presbyterian Church; and (2) the Archive Center and Genealogy Department Open House at the Indian River County Main Library, scheduled for October 5th from 1:00 p.m. to 3:00 p.m.

9:28 a.m. E. Presentation on Opening of Expanded Sebastian Tax Collector’s Office and Invitation to Celebrate Sebastian by Carole Jean Jordan, Indian River County Tax Collector 9

Indian River County Tax Collector Carole Jean Jordan announced the opening of the Sebastian Tax Collector’s Office, and invited the Board and community to the celebration, scheduled for September 26, 2014 from 10:00 a.m. to 2:00 p.m. Ms. Jordan also informed the public that the Vero Beach Tax Collector’s Office has started providing and processing concealed weapons permit applications.

6. **APPROVAL OF MINUTES**

9:34 a.m. A. Regular Meeting of September 9, 2014

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved the regular meeting minutes of September 9, 2014, as written.

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

- 9:36 a.m. A. Indian River Drive – Water Assessment Project Update (memorandum dated September 12, 2014) 10-12
Director of Utility Services Vincent Burke provided an update on the Indian River Drive Water Assessment Project.
- 9:40 a.m. **Board CONSENSUS was for Director Burke to bring this back to the October 7, 2014 Board of County Commission meeting, with information to complete the engineering of the water assessment.**
- 9:35 a.m. B. Proclamation Honoring Pastor Ethel Mae Brown 13
Noted for the record was the Proclamation honoring Ethel Mae Brown.
- 9:35 a.m. C. Proclamation and Retirement Award Honoring Barbara Grass on Her Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue With Fourteen Years of Service 14-15
Noted for the record was the Proclamation honoring Barbara Grass on her retirement.
- 9:35 a.m. D. **Addition - Emergency Item 7.D. U.S. Coast Guard Navigational Public Hearings Postponed and Expanded**
Noted for the record was the postponement of the U.S. Coast Guard meetings. New meeting dates, times, and locations will be announced as the information becomes available.

8. **CONSENT AGENDA**

MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, to approve the Consent Agenda as presented.

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

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

- 9:41 a.m. A. Approval of Warrants – September 6, 2014 to September 11, 2014 (memorandum dated September 11, 2014) 16-24
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.

- B.** Approval of Professional Geotechnical Services Agreement, 2014-2016, RFQ No. 2014007, IRC Project No. 1349 (memorandum dated August 25, 2014) 25-94
Approved the Fee Schedules and Agreements with the following five (5) firms: Andersen Andre Consulting Engineers, Inc., Port St. Lucie; Ardaman & Associates, Inc., Port St. Lucie; Dunkelberger Engineering & Testing, Inc., Port St. Lucie; GFA International, Inc., Port St. Lucie; and K.S.M. Engineering & Testing, Inc., Sebastian; and authorized the Chairman to execute the Agreements.
- C.** Request for Approval of Change Order No. 1 to Contract with Duininck, Inc. for Dunes Golf Course Irrigation System Project – Sandridge Golf Course (memorandum dated September 10, 2014) 95-99
Approved and authorized the Chairman to execute Change Order No. 1 with Duininck, Inc.
- D.** Approval of Award for Annual Bid 2015005 – Annual Bid for Day Labor (memorandum dated September 15, 2014) 100-101
Approved the award to A & Associates of West Palm Beach as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2014 through September 30, 2015; and authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.
- E.** Miscellaneous Budget Amendment 026 (memorandum dated September 17, 2014) 102-106
Approved Resolution 2014-089, amending the Fiscal Year 2013-2014 Budget.
- F.** Approval of Contract and Budget Amendment for Dewatering and Liner Repair Project at the North County Aquatic Center (memorandum dated September 12, 2014) 107-114
Approved and authorized the Chairman to execute the contract with Weller Pools, Inc. and corresponding Budget Amendment in the amount of \$87,561.00.
- G.** Modification of Fee Schedule for FVP Miami Lakes, LLC vs. Indian River County (memorandum dated September 12, 2014) 115
Authorized the revision of the fee schedule to reflect Elisa Mills working on the FVP Miami Lakes, LLC vs. Indian River County case at an hourly rate of \$175.00.

- H. Authorize County Administrator to Execute an Agreement with SunLife for the County's Excess Loss/Reinsurance Policy for 2014/2015 Plan Year
(memorandum dated September 16, 2014)

116-120

Authorized the County Administrator to execute the Agreement with SunLife for the County's Excess Loss/Reinsurance Policy for the 2014-2015 plan year. This proposal decreases the fixed cost of \$3,348 or -0.73%, and increases the Specific Stop Loss deductible from \$250,000 to \$275,000, which increases the County's exposure. This option, compared to the Renewal Option, reduces the fixed cost by \$107,508 to assume \$25,000 in additional risk per claimant. SunLife guarantees not to laser any claimants upon renewal of the contract and based renewals on pooled rates versus experience rates.

- I. Final Pay to Summit Construction – Bid No. 2014036/South County RO Plant Process Room Restoration
(memorandum dated September 17, 2014)

121-123

Approved Final Pay Request to Summit Construction of Vero Beach, LLC in the amount of \$22,655.00.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

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.)

- 9:43 a.m. 1. Request to Speak from Brendan Burke Regarding the Oslo Boat Ramp

124

Brendan Burke, 516 Conn Way, Vero Beach, requested that the potential destruction of seagrasses, mangroves, fish and manatee habitat at the Oslo Road Boat Ramp be stopped.

- 9:50 a.m. 2. Request to Speak from Diane Morgan and John Warner Regarding the Oslo Boat Ramp Project

125

Diane Morgan and John Warner, 416 14th Avenue, Vero Beach, requested the Board to not fund the Oslo Boat Ramp Project.

9:56
a.m.

- 3. Request to Speak from Rosemarie B. Wilson Regarding Homelessness and Oslo Boat Ramp

126

Rosemarie B. Wilson, 1490 5th Avenue, Vero Beach, informed the Board that the City of Vero Beach had taken action last week to curb some of the problems with vagrants. She also encouraged the Board to abide by the wishes of the people to stop the Oslo Boat Ramp Project.

Commissioner Flescher suggested Deputy County Attorney Bill DeBraal give a presentation regarding the project and how it has evolved.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, to direct staff to come back to the Board with a presentation.

A lengthy discussion ensued and the MOTION WAS WITHDRAWN.

Chairman O’Bryan used a projector to show the profile view and comparison of the MacWilliam Park Boat Ramp and the Oslo Boat Ramp, and stressed that the Oslo Boat Ramp was designed so big boats could not launch from it.

Board CONSENSUS was for staff to bring this Item back to the October 7, 2014 Board of County Commission meeting, for presentation and discussion.

The Chairman called for a break at 10:12 a.m., and reconvened the meeting at 10:32 a.m., with all members present.

10. PUBLIC ITEMS

C. PUBLIC NOTICE ITEMS

10:32
a.m.

- 1. Notice of Scheduled Public Hearing October 7, 2014:
Harmony Reserve, LLC’s Request to Rezone Approximately 122.06 Acres from RS-3, Residential Single-Family (up to 3 units/acre), to PD, Planned Development Residential, and to Obtain Conceptual PD Plan Approval for a Project to be known as Harmony Reserve [**Quasi-Judicial**]
(memorandum dated September 4, 2014)

127

2. **Notice of Scheduled Public Hearing October 21, 2014:**
Indian River Land Trust, Inc.'s Request for Vacation of the
Mira-Mar Plat
[Quasi-Judicial]
(memorandum dated September 4, 2014) 127

County Attorney Dylan Reingold read the Notices into the record.

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**

10:33
a.m.

1. Quarterly Budget Report
(memorandum dated September 11, 2014) 128-140

Management and Budget Director Jason Brown presented the Quarterly Budget Report for the third quarter.

F. **Public Works**
None

G. Utilities Services
None

13. COUNTY ATTORNEY MATTERS

10:51
a.m.

- A. Economic Development Council Committee Vacancy
(memorandum dated September 15, 2014)

141-144

Attorney Reingold informed the Board that his office had received an application from Joe N. Idlette III, to fill the vacant position as the representative from the Gifford community, on the Economic Development Council (EDC). He said his office had reviewed the application and found him to be qualified for this position.

ON MOTION from Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously appointed Joe N. Idlette, III as the representative from the Gifford community to the Economic Development Council.

14. COMMISSIONERS MATTERS

10:52
a.m.

A. Commissioner Peter D. O’Bryan, Chairman

1. Addition - Item 14.A.1. Florida Amendment 2 Medical Marijuana

Chairman O’Bryan: (1) updated the Board on a recent Florida Association of Counties (FAC) meeting he attended; (2) presented Florida Amendment 2 (to Article X, Section 29 of the Florida Constitution), Use of Marijuana for Certain Medical Conditions, which is an initiative that will appear on the November 4, 2014 ballot, and will allow the use of any form of marijuana to be prescribed for medical conditions; and (3) asked whether fellow Commissioners wanted to instruct the County Attorney to schedule a public hearing for a proposed ordinance to regulate Medical Marijuana Treatment Centers similar to how pain pill mills are regulated, or take no action and wait until the election to see if it passes.

Discussion ensued regarding the types, distribution, and the Tetrahydrocannabinol (THC) content of marijuana. Also discussed were the delivery mechanisms for the Charlotte’s Web version of marijuana (a strain of medical marijuana), and being consistent with the laws that have been passed.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to direct Attorney Reingold to bring back to the Board, a proposed Ordinance to regulate the distribution of the high Tetrahydrocannabinol (THC) content of marijuana, review the potential delivery mechanism for the

Charlotte's Web, and limit the distribution as much as constitutionally possible.

Attorney Reingold sought and received further clarification on how the Board wants the bill moved through the local process.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

B. Commissioner Wesley S. Davis, Vice Chairman
None

C. Commissioner Joseph E. Flescher
None

D. Commissioner Bob Solari

11:05
a.m.

1. All Aboard Florida (AAF)
(memorandum dated September 17, 2014)

145

Commissioner Solari provided an update on All Aboard Florida (AAF), and wanted to know if fellow Commissioners felt that now is the time to take a "more" positive stance against the project.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to direct Attorney Reingold to draft a Resolution against the All Aboard Florida Passenger Rail Project going through Indian River County and the Treasure Coast, in the strongest possible manner.

Discussion ensued regarding County opposition, double tracking, the increase in freight trains, and AAF personnel refusing to tell the truth.

11:15
p.m.

Bob Johnson, Coral Wind Subdivision, supported Commissioner Solari's recommendation; questioned the availability of the All Aboard Florida Draft Environmental Impact Statement report; and voiced concerns over the possible impact on our Federal Aviation Administration (FAA) system when AAF comes through with their complex frequencies.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

- 11:19 a.m.** **E. Commissioner Tim Zorc**
- 1.** Update on the September 18, 2014 Florida Municipal Power Agency Meeting (memorandum dated September 17, 2014) 146
-
- Commissioner Zorc provided an update on the Florida Municipal Power Agency (FMPA) meeting he attended on September 18, 2014, and the three-step audit process.**

15. SPECIAL DISTRICTS AND BOARDS

- 11:23 a.m.** **A. Emergency Services District**
- The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.**
- 1.** Approval of Minutes, Meeting of March 18, 2014
 - 2.** Approval of Minutes, Meeting of April 1, 2014
 - 3.** Approval of Purchase for Two (2) Medtronic Physio Control LifePak 15 Monitors for Advanced Life Support Engines (memorandum dated September 16, 2014) 147-150
-

The Chairman called a break from 11:26 a.m. to a time certain of 1:30 p.m., for Solid Waste Disposal District, Item 15.B.1.

- 1:30 a.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. Scheduled for Time Certain of 1:30 P.M.:**
Request to Adopt the 2014 Solid Waste Master Plan (memorandum dated September 15, 2014) 151-176
-

- C. Environmental Control Board**
- None**

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 3:34 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/LA/2014Minutes