

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



**REGULAR MEETING MINUTES
TUESDAY, OCTOBER 7, 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	Maureen Gelfo, Deputy Clerk	Present

1. CALL TO ORDER 9:00 A.M. PAGE

2. INVOCATION Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

3. PLEDGE OF ALLEGIANCE Commissioner Wesley S. Davis, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

9:02 a.m. Move: Item 10.A.1. Public Hearing on Harmony Reserve to be heard at a time certain of 1:30 p.m.

Move: Item 10.B.1. Public Discussion to be heard following Item 13.C. County Attorney Matters

Move: Item 13.C. Oslo Boat Ramp Presentation to be heard following Item 9.A. Constitutional Officers

ON MOTION by Vice Chairman Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved the Agenda as amended.

5. **PROCLAMATIONS and PRESENTATIONS**

9:09 a.m. A. Presentation of Proclamation Recognizing the Support Alliance for Emergency Resiliency (SAFER) Indian River County, Inc. 1-3
Presented by Commissioner Zorc to Lt. Charles Kirby; Lisa Poziomek, American Red Cross; Director of Emergency Services John King; and Community Emergency Response Team (CERT) members. Ms. Poziomek announced that SAFER would hold a fundraiser on October 24, 2014 at the Elks Lodge, beginning at 6:00 p.m., with the comedy show “Laughter Saves Lives” to occur at 8:00 p.m.

9:16 a.m. B. Presentation of Proclamation Designating October 5 Through October 11, 2014, as Mental Illness Awareness Week in Indian River County, Florida 4
Presented by Vice Chairman Davis to Valerie Smith, President, National Alliance for Mental Illness (NAMI); Jim Davis, NAMI member and Vice Chairman Mental Health Collaborative; Judge Cynthia Cox, 19th Judicial Circuit; Robert Brugnoli, Executive Director Mental Health Association; Lisa Kahle, Mental Health Collaborative Program Administrator; Deputy Jeff Luther, Indian River County Sheriff’s Office; Chief Keith Touchberry, Fellsmere Police Department; Art Ciasca, Executive Director Suncoast Mental Health Center; and Vicki Soule, Executive Director Treasure Coast Community Health.

9:26 a.m. C. Presentation of Proclamation Designating October 2014, as Manufacturing Month in Indian River County, Florida 5
Presented by Chairman O’Bryan to Helene Caseltine, Economic Development Director, Indian River Chamber of Commerce, and Jay Hart, Economic Leadership Alliance of the Chamber of Commerce; James Funk, Piper Aircraft; and Tim Girard, Girard Manufacturing. Ms. Caseltine announced that on Thursday, October 9 and Friday, October 10, 2014 at 10:00 a.m., there will be manufacturer’s tours of Float On Corporation at 1925 98th Avenue.

6. **APPROVAL OF MINUTES**

9:33 a.m. A. September 10, 2014 Preliminary Budget Hearing
ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the minutes of the Preliminary Budget Hearing of September 10, 2014.

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

- 9:34 a.m.** **A.** Florida Department of Transportation Public Meeting Announcement – Wednesday, October 22, 2014. SR 5/US 1 Project Development & Environmental Study From South of 53rd Street (MP 9.762) to North of CR 510 (MP 14.457)
(letter dated September 25, 2014) 6-11

Chairman O’Bryan pointed out that the Florida Department of Transportation (FDOT) public meeting will be held on October 22, 2014 from 5:30 p.m. to 7:30 p.m. at the Polish-American Social Club.
- B.** Fitch Ratings Press Release – Indian River County’s Spring Training Facility Revenue Bonds, Series 2001, Indian River County’s Environmentally Sensitive Land Acquisition Bonds, Series 2006
(memorandum dated September 29, 2014) 12-16

- C.** Temporary Utilization of Office Space by the Veteran’s Council of Indian River, Inc.
(memorandum dated September 23, 2014) 17

8. CONSENT AGENDA

9:34 a.m. **ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved the Consent Agenda as presented.**

- A.** Approval of Warrants – September 12, 2014 to September 18, 2014
(memorandum dated September 18, 2014) 18-25

Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
- B.** Approval of Warrants – September 19, 2014 to September 25, 2014
(memorandum dated September 25, 2014) 26-32

Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
- C.** Annual Renewals for Professional Service Agreements for Annual Surveying and Mapping Services Contract IRC Project No 1333 RFQ # 2013043
(memorandum dated July 21, 2014) 33-50

Approved the fee schedules and renewal of the agreements between the County and the following five firms: (1) Carter Associates, Inc.; (2) Kimley-Horn & Associates, Inc.; (3) Masteller, Moler & Taylor, Inc. (f/k/a Masteller, Moler, Reed & Taylor, Inc.); (4) Morgan Eklund, Inc.; and (5) Southeastern Surveying and Mapping Corporation; the approval shall establish a contractual agreement with the selected firms.

- D.** Work Order No. 7 CB&I Coastal Planning and Engineering, Inc. Sector 3 Dune Repair Project – Construction Phase Services (memorandum dated September 29, 2014) 51-59
Approved and authorized the Chairman to execute Work Order No. 7 to the contract with CB&I Coastal Planning and Engineering, Inc.
- E.** Mediated Settlement; Beverly Hatfield (memorandum dated September 22, 2014) 60
Approved the amended mediated settlement with Beverly Hatfield in the amount of \$380,448.03.
- F.** Authorization to Attend Government Finance Officers (GFOA) and Florida Government Finance Officers Association (FGFOA) Annual Conference, Training Course, and School of Government Finance in Fiscal Year 2014/2015 (memorandum dated September 18, 2014) 61
Authorized the County Administrator to attend the 2014 Florida Government Finance Officers Association (FGFOA) School of Governmental Finance from November 17 to November 21, 2014; the 2015 Government Finance Officers Association (GFOA) Annual Conference from May 31 to June 3, 2015; the 2015 FGFOA Annual Conference from June 13 to June 17, 2015; and GFOA Training Classes (to be determined).
- G.** Reimbursement for Palm Trees for 66th Avenue Road Project to Bella Vista Nursery (memorandum dated October 1, 2014) 62-64
Approved the invoice and authorized staff to remit payment in the amount of \$7,500 to Bella Vista Nursery.
- 9:02 a.m. H.** Egret Marsh Stormwater Park – Approval of FDEP Grant Agreement No. S0733 to Replace Egret Marsh Harvest Rake (memorandum dated September 16, 2014) 65-94
Approved and authorized the Chairman to execute Florida Department of Environmental Protection (FDEP) Agreement No. S0733, and authorized staff to purchase and install the second-generation harvest screen manufactured by Duperon Corporation.

- I. Amendment No. 1 – FDEP Grant Agreement No. 141R2 Sector 3
Dune Repair Project
(memorandum dated September 29, 2014)

95-107

Approved Amendment No. 1 to the Florida Department of Environmental Protection (FDEP) Grant Agreement No. 141R2 and authorized the Chairman to execute two (2) copies of the Agreement.

9.

CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9:35 a.m.

A. **Indian River County Sheriff – Deryl Loar**

Application for Florida Traffic Safety Grant Funded by Florida Department of Transportation
(letter dated September 29, 2014)

108-131

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Solari, to approve the Sheriff's request.

Grants Coordinator Amber Grier, Indian River County Sheriff's Office, explained that the grant will provide funds to equip 65% of the patrol vehicles with new ticket printers, and will also prepare the Sheriff's Office to submit traffic citations electronically.

The Chairman **CALLED THE QUESTION** and the Motion carried unanimously. The Board authorized the Sheriff's Office to use the Florida Department of Transportation (FDOT) Florida Traffic Safety Grant funds in the total amount of \$77,745, if approved by FDOT.

10.

PUBLIC ITEMS

A. **PUBLIC HEARINGS**

1:33 p.m.

1. 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

(memorandum dated September 23, 2014)

132-180

(Quasi-Judicial)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

The Commissioners, as requested by the Chairman, disclosed that there had been no ex parte

communications or independent investigations. Although there have been no site visits, Commissioners Davis, Flescher, O'Bryan, and Solari announced they have driven by the site, and Commissioner Zorc said he had heard about (but not discussed) the Project. Each Commissioner affirmed that he had an open mind and was able to base his decision on the evidence presented and the applicable law.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling provided background and analysis on the request of Harmony Reserve LLC (c/o J. Patrick [Toby] Hill) to rezone ± 122.06 acres located west of 58th Avenue, between 37th Street on the north and 33rd Street on the south, for the purpose of constructing 301 single-family and 96 multi-family units, and to obtain conceptual Planned Development (PD) approval for a proposed age restricted (55 plus) community, Harmony Reserve. He conveyed that both the Planning & Zoning Commission and staff recommend: (1) conceptual approval of the Project, with conditions to restrict 37th Street heavy construction traffic and limit land clearing by phase; and (2) the proposed zoning changes.

In response to questions from the Board, Director Boling provided additional information about the Certificates of Completion (CC's); the current and proposed zoning of the site; the 55+ age requirement; and the anticipated trip generation rates.

Chuck Mechling, Operations, and Karen Mechling, Marketing/Lifestyle Director, for Insite Solutions, Inc., representing the applicant, presented a video on the proposed Harmony Reserve PD.

The Chairman opened the Public Hearing.

Andrea Moore, The Sanctuary, expressed concerns about traffic, and asked the Board not to allow Harmony Reserve any PD waivers for higher density development.

Juliana Young, 5865 34th Lane, Shadow Brook, voiced support for the proposed project.

Joseph Paladin, President Black Swan Consulting, also spoke in favor of the Project.

There were no additional speakers, and the Chairman closed the Public Hearing.

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

A brief discussion ensued, with input from Director of Public Works Chris Mora, about current and future road improvements near the proposed PD.

Chairman O'Bryan provided a brief clarification on County zoning laws and land use designations, in response to comments Ms. Moore made earlier.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved, with conditions defined by staff, the conceptual plan for a project to be known as the Harmony Reserve Planned Development (PD); and (2) adopted Ordinance 2014-015, amending the Zoning Ordinance and the accompanying Zoning Map from RS-3, Residential Single-Family (up to 3 units/acre) to PD, Planned Development, for approximately 122.06 acres of land generally located west of 58th Avenue, between 37th Street on the north and 33rd Street on the south and described herein and providing for an effective date.

B. PUBLIC DISCUSSION ITEMS

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

Each speaker listed below elaborated on his or her concerns that the Oslo Boat Ramp Project (the Project) would negatively impact the area's unique ecosystem – the manatee and fish habitat (including a nursery site for snook, tarpon, redfish and spotted sea trout); seagrass beds; mangroves; and the Indian River Lagoon. All urged the Board to STOP the Project.

10:58 a.m.

1. Request to Speak from Paul Fafeita Regarding Oslo Boat Ramp

181

Captain Paul Fafeita, 955 82nd Avenue, retired Indian River County Sheriff's Office, Member Coastal Conservation Association Treasure Coast Chapter, owner/operator of Just Bumminit Guide Service, and part owner of Florida Boat Rentals, spoke against the Project.

The Board discussed with Mr. Fafeita, the channel/channel markers; prior plans and permitting activities; parking plans/enforcement; dredging; the mitigation plan; and boat sizes.

Vice Chairman Davis requested that transcripts of the Oslo Boat Ramp Administrative Hearings that were held June 4 through June 6, 2014, in response to Pelican Island Audubon Society's petition to halt the Oslo Road Boat Ramp Project, be made available to the public.

11:29 a.m.

2. Request to Speak from Mark Yanno Regarding Oslo Boat Ramp

182

Mark Yanno, 1695 20th Place SW, Fishing Guide and former biologist with U.S. Fish and Wildlife Service and the Florida Department of Environmental Protection (FDEP) Aquatic Preserve read a statement and provided arguments against the Project.

The Board discussed with Mr. Yanno the muck/silt in the channel; the run-off from the dirt road and the turbidity in the Lagoon; the proposed parking lot; the manatee slow speed zone; sea grass health; the dredging of the channel; and the public's use of conservation land.

Chief of Environmental Planning and Code Enforcement Roland DeBlois was directed to provide Mr. Yanno a copy of the approved Conservation Management Plan for the Oslo Diamond Tract.

3. Request to Speak from Rodney Smith, Chairman of the Board, Anglers for Conservation, Regarding Oslo Boat Ramp

183

~~Absent~~

12:16 p.m.

4. Request to Speak from ~~Fred Crabill, Chairman, Coastal Conservation Association~~ J. Scott Green, former Chairman of Florida Coastal Conservation Association, Regarding Oslo Boat Ramp

184

J. Scott Green, Osteen, Florida, and Hutchinson Island Homeowner, former Chairman of Florida Coastal Conservation Association, appeared on behalf of Fred Crabill, Current Chairman of the Coastal Conservation Association of Florida, and spoke against the Project.

3:31 p.m.

- 5.** Request to Speak from Lange Sykes Regarding Oslo Boat Ramp Expansion Project

185

(Clerk's Note: This item was heard following Item 14.D.1. and is placed here for continuity).

Lange Sykes, 836 Riomar Drive, presented a video showing fish recruitment canals and the existing seagrass beds within the proposed dredging site, and urged the Board to stop the Project.

The Board discussed with Mr. Sykes, the ditches/dikes at the site; the muck/sand in the proposed dredging site; the seagrass; the run-off from the current road and parking area; the shallowness of the launch area; the scope of the Project; and the juvenile fish recruitment site.

3:55 p.m.

- 6.** Request to Speak from Marty Baum Regarding Oslo Boat Ramp

186

Marty Baum, 1192 NE Frances St., Indian Riverkeeper, read a statement opposing the Project.

3:59 p.m.

- 7.** Request to Speak from Brendan Burke Regarding Oslo Boat Ramp

187

Brendan Burke, 516 Conn Way, urged the Board to TABLE the Project.

4:02 p.m.

- 8.** Request to Speak from Phyllis Frey Regarding Oslo Boat Ramp

188

Phyllis Frey, 275 Date Palm Road, provided arguments opposing the Project.

12:22 p.m.

- 9.** Request to Speak from Walter Tabachnick Regarding Oslo Boat Ramp Project

(Clerk's Note: This item was heard following Item 10.B.4. and is placed here for continuity).

189

Walter Tabachnick, 465 40th Court SW, Director Florida Medical Entomology Laboratory at Oslo Road, spoke in opposition to the Project.

The Board discussed with Mr. Tabachnick, the fragility of the Lagoon and the new Audubon Education Center built at Oslo Road.

12:44 p.m.

10. Request to Speak from Dr. Grant Gilmore Regarding Oslo Boat Ramp

190

Dr. Grant Gilmore, 5920 1st Street SW, Senior Scientist Estuarine, Coastal and Ocean Science, Inc. (ECOS) read a statement (copy on file) opposing the Project.

The Board and Dr. Gilmore discussed the nursery site at the habitat for spotted sea trout, red drum, snook, and tarpon; the seagrass; and the existing road at the boat ramp.

Commissioner Flescher made arrangements to visit the Oslo Boat Ramp site with Dr. Gilmore.

The Chairman called a recess at 1:08 p.m., and reconvened the meeting at 1:30 p.m., with all members present, resuming with Item 10.A.1. Public Hearing on Harmony Reserve. The other public speakers on this topic were heard following the conclusion of all remaining agenda items.

4:08 p.m.

11. Request to Speak from Edith “Edie” Widder, Ph.D. Co-Founder, Ocean Research & Conservation Association (ORCA), Regarding Oslo Boat Ramp

191

(Clerk’s Note: This item followed Item 10.B.8. Request to Speak from Phyllis Frey, and is placed here for continuity).

Dr. Edith “Edie” Widder, 1420 Seaway Drive, Ft. Pierce, CEO, Ocean Research & Conservation Association (ORCA), provided testimony against the Project.

4:14 p.m.

12. Request to Speak from Steve Cox Regarding Oslo Boat Ramp

192

Steve Cox, 1908 37th Avenue, Lagoon Tour Operator, presented arguments opposing the Project.

Mr. Cox and the Board discussed the ailing Indian River Lagoon; the ditches at the site; potential effects of the turbidity from runoff and muck on the seagrass; stormwater treatment; the mitigation project at Joe

Earman Island; and funding sources for the Project.

Jens Tripson, 2525 14th Street, presented additional information on Joe Earman Island (the proposed mitigation site).

Environmental Planner Roland DeBlois provided input on mitigation projects at Joe Earman and Duckhead Islands.

County Administrator Joe Baird discussed Round Island Park.

The Chairman called a recess at 4:36 p.m., and reconvened the meeting at 4:53 p.m., with all members present.

- 4:53 p.m.** **13.** Request to Speak from Aaron Adams, Bonefish & Tarpon Trust, Regarding Oslo Boat Ramp 193
-
- Dr. Aaron Adams, 805 46th Place East, Associate Professor Florida Tech, and Director Bonefish & Tarpon Trust (BTT), voiced opposition to the Project.**

- 5:02 p.m.** **14.** Request to Speak from David Cox, Ph.D., Regarding Oslo Boat Ramp 194
-
- David Cox, Ph.D., 2044 14th Avenue, Suite 24, asked the Board to stop the Project, and discussed seagrass measurement methodology.**

- 5:17 p.m.** **15.** Request to Speak from Katie Tripp, Director of Finance and Conservation, Florida Save the Manatee Club, Regarding Oslo Boat Ramp 195
-
- Dr. Katie Tripp, 500 North Maitland Avenue, Director of Finance and Conservation, Florida Save the Manatee Club, presented arguments against the Project.**

Dr. Tripp and the Board discussed/debated conditions at the Channel; seagrass, and the compliance of the Project with the Manatee Protection Plan (MPP).

Deputy County Attorney Bill DeBraal stressed that at the Oslo Boat Ramp Administrative Hearing (referenced under Item 10.B.1), the Judge found that the proposed project is not in violation of the MPP.

Commissioner Flescher stated that he would review the section of the Administrative Hearing transcript

regarding the Project and the MPP.

5:37 p.m.

16. Request to Speak from Graham Cox Regarding Oslo Boat Ramp

Dr. Graham Cox, 1213 George Street, Sebastian, presented arguments against the Project.

196

5:48 p.m.

17. Request to Speak from Dr. Leesa Souto, Executive Director, Marine Resources Council, Regarding Oslo Boat Ramp

Dr. Leesa Souto, 3275 Dixie Highway N.E., Palm Bay, Executive Director Marine Resources Council, gave testimony opposing the Project.

197

Chairman O'Bryan invited input from the following individual who had submitted a written request to speak:

5:59 p.m.

Sharon Kohler, 545 Honeysuckle Lane, presented and discussed a slide comparing Indian River Lagoon Seagrass coverage from 1943 to the present, and elaborated on her opposition to the Project.

Vice Chairman Davis voiced concerns about the silt and sediment run-off from the unpaved road into the Lagoon, and the turbidity that he felt harms the seagrass. He stated that the Project will benefit the environment.

Chairman O'Bryan read into the record: (1) a letter (copy on file) from Representative Ralph Poppell supporting the Project; and (2) a statement (copy on file) from the Indian River Neighborhood Association (IRNA) recommending that the Board delay its decision on the Project and try to find a solution agreeable to all parties.

Chairman O'Bryan invited further public input.

6:22 p.m.

Susan Boyd, 8025 24th Street, asked the Board to TABLE this issue for several years.

6:25 p.m.

Melanie Smith, 3295 9th Place SW, spoke against the Project.

6:28 p.m.

Tricia Alison, 402 Pineapple Square SW, urged the Board to listen to the testimony of the scientific

community that the seagrass at the site is not being harmed by the run off.

6:32 p.m. Vice Chairman Davis noted that in other areas, turbidity barriers are erected to prevent the silt from running off into the tributaries.

6:33 p.m. Chairman O'Bryan responded that six seagrass surveys have been done where the muck removal is proposed, and all show less than 1.5% seagrass coverage. He also spoke to the detrimental effects of turbidity on the seagrass beds.

6:44 p.m. Donna Palmquist, 1455 Treasure Coast Lane, asked the Board to make prudent decisions and stop the Project.

6:46 p.m. Pearl McKenzie, 1125 9th Street SW, read a letter on behalf of Karen Schuster, 112 Thunderbird Drive, Sebastian, requesting that the Board deny the expansion of the Oslo Boat Ramp.

6:49 p.m. Doug Graybill, 500 Palm Island Lane, asked the Board to delay the Project and meet with all of the scientists who explored this issue to decide the best course of action for the Oslo Boat Ramp site.

6:51 p.m. Commissioner Zorc relayed that he would also like to take an investigative trip to the Boat Ramp site before he makes a final decision on this matter.

Discussion ensued about the status of the County's permit application with the U.S. Army Corps of Engineers.

Commissioner Solari remarked that there is no conclusive evidence that the Project will not harm the Lagoon ecosystem.

7:05 p.m. MOTION WAS MADE by Commissioner Solari, **SECONDED** by Commissioner Zorc for discussion, to delay the Oslo Boat Ramp Project for three to five years, and to use every available resource for projects that would have a greater certainty of improving the Lagoon's health.

7:07 p.m. Commissioner Zorc requested that Commissioner Solari amend his Motion to table this item until the

October 21, 2014 County Commission meeting, or a Special Call Meeting to be held before October 31, 2014.

MOTION WAS AMENDED to DEFER the Board's action until the October 21, 2014 County Commission Meeting or a Special Call Meeting to be held before October 31st, 2014.

Vice Chairman Davis declared his opposition to delaying the Project for three to five years.

The Chairman **CALLED THE QUESTION** and by a 3-2 vote (Commissioners O'Bryan and Davis opposed), the Motion carried.

C. **PUBLIC NOTICE ITEMS**

2:17 p.m.

1. **Notice of Scheduled Public Hearings on October 14, 2014:**

(memorandum dated September 26, 2014)

198

a. SR 60 Vero, LLC's Request to Rezone Approximately 19.99 Acres from RM-8 Residential Multi-Family (up to 8 units per acres) to Planned Development Mixed Use District (PDMXD) and to Obtain Conceptual PD Plan and Concurrent Preliminary PD Plan Approval for a Project Known as The Reserve at Vero Beach
[Quasi-Judicial]

b. Consideration of an Ordinance to amend the text of the Title X (Impact Fees) for level of service standards used in impact fee calculations, exemptions, individual assessments, appeals, and various updates and clean up revisions; and to amend appendix A, impact fee schedules, to approve new impact fee schedules for residential uses and for high-cube automated warehouse use for the unincorporated Indian River County and municipalities
[Legislative]

2. **Notice of Scheduled Public Meeting on October 28, 2014:**

A joint public meeting has been scheduled with the Indian River Shores Town Council, City of Vero Beach City Council, and the Indian River County Board of County Commission, on Tuesday, October 28th, 2014, at 9:00 a.m. The meeting will be held at the Richardson Center located at the Mueller Campus of Indian River State College, 6155 College Lane, Vero Beach, Florida.

(memorandum dated October 2, 104)

199

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**
None

F. Public Works
None

G. Utilities Services

2:20
p.m.

1. Indian River Drive – Water Assessment Project Update
(memorandum dated September 25, 2014)

200-202

Director of Utility Services Vincent Burke reported that pursuant to the Board's direction on September 23, 2014, staff has completed the engineering design for the Indian River Drive Water Assessment Project (the Project). He noted that less than two-thirds (2/3) of the residents had voted in favor of the Project. Director Burke provided two options for the Board's consideration: (1) direct staff to secure the Florida Department of Environmental Protection (FDEP) permit, which is valid for five years, and see if additional votes come in; or (2) direct staff to take no action at this time.

Director Burke responded to the Board's questions and comments about the Project.

Vice Chairman Davis wanted to bring this matter to a Public Hearing to see if an additional vote can move the Project forward.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Zorc, to hold a Public Hearing on Scenario No. 2 of the Indian River Drive Water Assessment Project (see page 202 of the agenda packet), to see if more support for the Project is garnered, which would bring the votes up to the required two-thirds majority to proceed.

Alex Jernigan, Sebastian, voiced support for the Public Hearing.

Chairman O'Bryan confirmed with Director Burke that he would apply for the FDEP Permit for Scenario No. 1 of the Project design (outlined on page 202 of the agenda package). He noted that if the Board decides to go with Scenario 2 at the Public Hearing, the FDEP Permit could be adjusted accordingly.

MOTION WAS AMENDED by Vice Chairman Davis, SECONDED by Commissioner Zorc, to direct staff to apply for the Florida Department of Environmental

Protection (FDEP) permit for Scenario No. 1 of the Indian River Drive Water Assessment Project with the understanding that if Scenario 2 of the Project is approved at the Public Hearing, the FDEP permit will be modified accordingly.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) directed staff to schedule a Public Hearing on Scenario No. 2 of the Indian River Drive Water Assessment Project to explore whether an additional vote for the Project will bring about the required two-thirds majority to proceed; and (2) directed staff to apply for the Florida Department of Environmental Protection (FDEP) permit for Scenario No. 1 of the Indian River Drive Water Assessment Project (outlined on page 202 of the agenda packet), with the understanding that if Scenario 2 of the Project is approved at the Public Hearing, the FDEP permit will be modified accordingly.

13.

COUNTY ATTORNEY MATTERS

2:30 p.m.

A. Settlement of *Indian River County v. Hometown America, LLC and MHC Village Green, LLC*
(memorandum dated September 29, 2014)

203-209

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the settlement with Hometown America, LLC and MHC Village Green, LLC, and authorized the Chairman to execute any documents necessary to effectuate the settlement.

2:31 p.m.

B. Resolution Opposing All Aboard Florida
(memorandum dated September 30, 2014)

210-213

(Clerk's Note: Item 14.D.1. was heard in conjunction with this matter).

County Attorney Dylan Reingold recalled the Board's direction on September 23, 2014 for his office to draft a resolution opposing the proposed All Aboard Florida (AAF) Passenger Rail Project. He stated that key issues addressed in the document included: impacts to the communities from the high speed rail; funding subsidies for the Project; and the condition that proposed train stops must be approved by the Central Florida Expressway Authority (f/k/a/ the Orlando/Orange County Authority). He said that if approved by the Board, copies of the Resolution will be sent to Governor Rick Scott; State Senators Thad Altman and Joe Negron; State

Representatives Debbie Mayfield and Gayle B. Harrell; the Federal Railroad Administration (FRA); U.S. Senators Marco Rubio and Bill Nelson; U.S. Representatives Bill Posey and Patrick Murphy, and Florida Department of Transportation Secretary Ananth Prasad.

Chairman O'Bryan asked that the last "WHEREAS" on the first page of the Resolution be amended to read "WHEREAS, it is now also understood that in addition to the federal assistance...for a new rail station at the Orlando International Airport which will benefit All Aboard Florida and other transit systems; and..."

The Chairman invited public comment.

Keith Kite, Realtor, Indian River County Tourist Development Council, gave a presentation in support of the All Aboard Florida High Speed Rail Project, and asked the Board to deny or table the proposed Resolution opposing All Aboard Florida.

Discussion/debate ensued as individual Board Members discussed their views of the Project with Mr. Kite.

Joseph Paladin, President Black Swan Consulting, spoke in opposition to the All Aboard Florida Project.

Phyllis Frey, 275 Date Palm Road, presented arguments opposing the All Aboard Florida Project.

3:13 p.m.

Item 14.D.1. was presented at this time.

Commissioner Solari voiced objections to AAF seeking a federal subsidy for its project and to misrepresentations by AAF to the community. He also read part of a letter dated September 30, 2014, that was sent by the County Administrator to Rusty Roberts, Vice President Corporate Development, Florida East Coast Industries (FECI), regarding the suggestion of All Aboard Florida (AAF) and FECI for the County to apply for the Federal Department of Transportation (FDOT) Railroad Quiet Zones Grant (QZ Grant). In said letter, Administrator Baird had advised FECI that the County does not yet have enough information to apply for the FDOT QZ Grant.

MOTION WAS MADE by Commissioner Solari, **SECONDED** by Commissioner Flescher, to: (1) approve Resolution 2014-090, *amended to add wording to the last "WHEREAS" on the*

first page “WHEREAS, it is now also understood that in addition to the federal assistance...for a new rail station at the Orlando International Airport which will benefit All Aboard Florida and other transit systems; and...” OPPOSING All Aboard Florida; and (2) for the citizens of the Treasure Coast to continue standing up against All Aboard Florida.

Mr. Kite readdressed the Board about population growth in the State of Florida and the traffic congestion and pollution that this will cause.

Discussion/debate ensued between Mr. Kite and Commissioner Solari regarding his (Commissioner Solari’s) letter of September 30, 2014 (pages 216 & 217 of the agenda package) to Rusty Roberts.

Mark Yanno declared his opposition to the All Aboard Florida Project, asking the Board to work towards maintaining the small town atmosphere of this area.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

9:37 a.m. C.

Oslo Boat Ramp Presentation
(memorandum dated October 1, 2014)

214

(Clerk’s Note: This item was heard following Item 9.A.)

Deputy County Attorney William DeBraal, pursuant to Board direction on September 23, 2014, presented a report on the history and development of the Oslo Boat Ramp Project. He discussed the changes that were made to the plans after review by various permitting agencies, and stated that the current approved plan proposes a paved parking lot with 12 boat trailer and 11 car spaces; a dock extension; muck removal from a portion of the existing channel; a guardrail; vinyl sheet piling; a sidewalk; and roadway paving. He noted that 1.41 acres of wetlands will be impacted, whereas 5.0 acres would have been affected by the original plan. He stated that other project improvements included signage; an off-site mitigation project; manatee slow-speed restrictions; more channel markers; and construction of a dock perpendicular to the ramp. He described the large amount of muck found at the channel site, and disclosed that in accordance with testimony presented at the Oslo Boat Ramp Administrative Hearing, six seagrass surveys have shown that there is a statistically insignificant amount of seagrass within the proposed muck removal site. He also noted that the area has been undamaged by boat use for a

minimum of five years.

Discussion ensued, with input from Roadway Production Manager Mike Nixon, on stormwater treatment in the Oslo Boat Ramp area.

Commissioner Solari supported the right of the public to use the boat ramp, but was concerned that appreciable harm might be done to the already fragile Lagoon by significant use.

Attorney DeBaal provided additional information for Commissioner Flescher regarding the road paving and size of the boat trailers the ramp can accommodate. He stressed that the muck removal would be done with a suction dredge, and that the proposed plan is in compliance with State and local regulations. He also noted that the County is waiting for various Federal permits from the U.S. Army Corps of Engineers.

Commissioner Zorc sought and received further information on St. John's River Water Management District's (SJRWMD) role at the Administrative Hearings; prop scarring; channel markers; the size of the Oslo Boat Ramp, and the scope of the Project.

Chairman O'Bryan commented that the additional navigational markers and signage would keep boaters within the Channel. He pointed out that the Project's environmental impacts have been minimized since the original plans were drawn; and noted that environmental experts helped design the mitigation plans.

Discussion ensued on the precise location of the proposed muck removal.

Attorney DeBaal addressed the Board's questions about the mitigation project planned for Joe Earman Island.

Commissioner Solari commented on the significant decline of the seagrass beds and the Lagoon since the Project's inception, and suggested delaying the project until the seagrasses and Lagoon are restored. He advocated to "Do No Harm."

Chairman O'Bryan stated that the Basin Management Action Plan (BMAP) allocates credits for muck removal, and that the seagrasses will benefit from cleaning up the turbidity in the channel. He also remarked on the benefits of the mitigation

plan.

The Chairman called a recess at 10:40 a.m., and reconvened the meeting at 10:59 a.m., with all members present.

14. **COMMISSIONERS MATTERS**

A. **Commissioner Peter D. O’Bryan, Chairman**
None

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

C. **Commissioner Joseph E. Flescher**
None

3:12 p.m. D. **Commissioner Bob Solari**
1. IRC Not All Aboard
(memorandum dated October 1, 2014) 215-217
(Clerk’s Note: Please see Item 13.B. for discussion and Motion on this item).

E. **Commissioner Tim Zorc**
None

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**
None

3:30 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.

3:30 p.m. 1. Approval of Minutes – September 10, 2014 Preliminary Budget Hearing

2. Final Pay for CDM Smith Work Order No. 9 – Annual Permitting Services 2014
(memorandum dated September 26, 2014) 218-224

C. **Environmental Control Board**
None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **7:15 p.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: November 18, 2014

BCC/MG/2014Minutes