



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
COMMISSION AGENDA  
REGULAR MEETING MINUTES  
TUESDAY, OCTOBER 21, 2014**

County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
[www.ircgov.com](http://www.ircgov.com)

**COUNTY  
COMMISSIONERS**

**DISTRICT**

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

- |              |   |   |
|--------------|---|---|
| 1.           | <b><u>CALL TO ORDER 9:00 A.M.</u></b>   | <b><u>PAGE</u></b>                          |
| 2.           | <b><u>INVOCATION</u></b>  | Stan Boling, Community Development Director |
| 3.           | <b><u>PLEDGE OF ALLEGIANCE</u></b>  | Commissioner Tim Zorc                       |
| 4.           | <b><u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u></b>   |   |
| 9:02<br>a.m. | Delete: Item 8.K. Certificate of Public Convenience and Necessity for ACTS Indian River Estates   |   |
|              | Delete: Item 14.A.1. Request for Water Hookup at 185 66 <sup>th</sup> Avenue  |   |
|              | <b><u>ON MOTION</u></b> by Commissioner Solari, <b>SECONDED</b> by Vice Chairman Davis, the Board unanimously approved the Agenda as amended. |   |
| 5.           | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>   |   |
|              | None  |   |

		<u>PAGE</u>
6.	<b><u>APPROVAL OF MINUTES</u></b>	
9:03 a.m.	A. Meeting of September 16, 2014	
	B. Meeting of September 23, 2014 <b><u>ON MOTION</u></b> by Commissioner Flescher, <b>SECONDED</b> by Commissioner Zorc, the Board unanimously approved the minutes of September 16 and September 23, 2014 as written.	
7.	<b><u>INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b>	
	None	
8.	<b><u>CONSENT AGENDA</u></b>	
9:03 a.m.	<b><u>ON MOTION</u></b> by Commissioner Flescher, <b>SECONDED</b> by Vice Chairman Davis, the Board unanimously approved the Consent Agenda, pulling 8.D. for discussion.	
	A. Approval of Warrants – October 4, 2014 to October 9, 2014 (memorandum dated October 9, 2014)	1-6
	<b>Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.</b>	
	B. Resolution Canceling Taxes on Property Purchased for 66 <sup>th</sup> Avenue Right-of-Way and Stormwater Retention from Brian R. Hood, a/k/a/ Brian Hood (memorandum dated October 14, 2014)	7-12
	<b>Approved Resolution 2014-096, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.</b>	
	C. Resolution Canceling Taxes on Property Acquired for 66 <sup>th</sup> Avenue Right-of-Way from Three Dogs & A Horse, LLC (memorandum dated October 14, 2014)	13-18
	<b>Approved Resolution 2014-097, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.</b>	
9:04 a.m.	D. Permission to File Lawsuit for Possession of Mobile Home (memorandum dated October 15, 2014)	19-20
	<b>Deputy County Attorney Bill DeBraal stated this matter pertains to a mobile home that was purchased by Deloris Swiger Moore under the Hurricane Housing Repair Program (HHRP), and set up at Whispering Palms Mobile Home Community and RV Resort. He reported that Ms. Moore has passed away, and that staff had originally recommended filing a lawsuit in replevin to protect the County’s lien interest in the home, but is now asking to file a probate action and have the sole surviving heir sign off on the Moore estate.</b>	

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**ON MOTION** by Commissioner Solari, **SECONDED** by Chairman O’Bryan, the Board unanimously: (1) authorized the County Attorney’s Office to file a Summary of Estate in Probate Court, and have the sole surviving heir sign off on the Deloris Swiger Moore Estate, to protect the County’s lien interest in the mobile home formerly owned by Deloris Swiger Moore; and (2) authorized the sale of said mobile home, in accordance with County Purchasing Manual guidelines, once the title is in the County’s name.

- E.** Request for the Board of County Commissioners to Enter into a Public Transportation Joint Participation Agreement (JPA) with the Florida Department of Transportation (Public Transportation Block Grant) (memorandum dated October 9, 2014)

21-47

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**Approved: (1) the Public Transportation Joint Participation Agreement for Public Transportation Block Grant funds; and (2) Resolution 2014-098, authorizing the execution of a Public Transportation Agreement with the Florida Department of Transportation.**

- F.** Request for the Board of County Commissioners to Enter into a Public Transportation Joint Participation Agreement (JPA) with the Florida Department of Transportation (Formula Grants for Rural Areas) (memorandum dated October 10, 2014)

48-73

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**Approved: (1) the Public Transportation Joint Participation Agreement for Formula Grants for Rural Areas; and (2) Resolution 2014-099, authorizing the execution of a Public Transportation Agreement with the Florida Department of Transportation.**

- G.** Approval of Extension to Agreement with Florida Environmental Consulting, Inc. to Maintain and Operate the West Regional Wetlands System (memorandum dated October 10, 2014)

74-76

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**Approved the First Extension of Contract Agreement with Florida Environmental Consulting, Inc., and authorized the Chairman to execute it after the County Attorney has approved the agreement as to form and legal sufficiency.**

- H.** Acceptance of Resignation of Day Labor Contractor (memorandum dated October 13, 2014)

77-79

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**(1) Accepted the resignation of A & Associates of West Palm Beach effective immediately; and (2) authorized the Purchasing Division to increase the current Road and Bridge Division blanket Purchase Order for day labor services to Labor Ready of Ft. Pierce to \$100,000 to facilitate work through the period of rebid and contract award.**

- I. Approval of Award for Bid 2015004 – Annual Bid for Aluminum Sign Blanks  
(memorandum dated October 10, 2014) 80-81  
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**(1) Approved bid award to Universal Signs & Accessories of Ft. Pierce, Fl., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 21, 2014 through September 30, 2015 to the recommended bidder; and (3) 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.**
- J. Final Payment and Release of Retainage to Duininck Inc. for IRC Bid #2014024, Sandridge Golf Club’s Dunes Course  
(memorandum dated October 13, 2014) 82-86  
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**Approved the final payment request and release of retainage by authorizing the release of the \$70,480 to Duininck, Inc.**
- K. Approval of Renewal for a Class “E1” Certificate of Public Convenience and Necessity for ACTS, Indian River Estates, to Provide Wheelchair Services  
(memorandum dated October 14, 2014) 87-97  
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**Deleted.**
- L. Declaration of Excess Equipment as Surplus for Sale or Disposal  
(memorandum dated October 14, 2014) 98-102  
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**(1) Declared items on the Excess Equipment List as surplus; and (2) authorized their sale and/or disposal.**
- M. Work Order No. 8 with Masteller & Moler, Inc., for a New Package Wastewater Treatment Plant-Design & Permitting at Blue Cypress Lake  
(memorandum dated October 13, 2014) 103-110  
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**Approved Work Order No. 8 with Masteller & Moler, Inc., in the amount of \$40,320.00 for Professional Services which includes evaluation and proposal for solutions for the tanks at the Blue Cypress Lake Wastewater Treatment plant.**
- N. Award of Bid No: 2014051 Roseland Lake Clearing and Dredging IRC Project No. 1219  
(memorandum dated October 13, 2014) 111-121  
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**(1) Approved the bid award to Mancil’s Tractor Service, in the amount of \$183,570.00; (2) approved the sample agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance and after the County Attorney has approved the agreement as to form and legal sufficiency.**

- O. Interfund Borrowing – Fiscal Year 2013/2014  
(memorandum dated October 15, 2014) 122-123
- 
- Approved for interfund borrowing as necessary to cover any cash deficits of individual funds that may occur.**

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9:05 a.m. A. **Indian River County Sheriff Deryl Loar**  
State Criminal Alien Assistance Program  
(letter dated October 9, 2014) 124
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**Sheriff Loar provided background on the State Criminal Alien Assistance Program (SCAAP) that is administered by the Department of Justice’s Bureau of Justice Assistance (BJA). He requested that the Board release to the Sheriff’s Office, the funds it received from the BJA, to be used for correctional purposes.**

**ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved a budget amendment to transfer \$50,885.00 received in its bank account from the Bureau of Justice Assistance (BJA), into Corrections Operating Expenses, to pay the consulting firm, Justice Benefits, Inc. (JBI), and to augment funds needed for inmate care.**

10. **PUBLIC ITEMS**

- A. **PUBLIC HEARINGS**
- 9:06 a.m. 1. Indian River Land Trust, Inc.’s Request for Vacation of the Mira-Mar Plat  
(memorandum dated October 9, 2014) 125-133
- 

**(Quasi-Judicial)**

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

**As requested by the Chairman, Commissioners Flescher, Solari, and Zorc disclosed that there had been no ex parte communications, independent investigations, or site visits. Chairman O’Bryan disclosed that he had visited the site prior to becoming a County Commissioner. Vice Chairman Davis advised that the Mira-Mar Plat was mentioned when he was talking with individuals from the Land Trust. All five Commissioners affirmed that they have an open mind and are able to base their decisions 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 the Indian River Land Trust to vacate the plat of Mira-Mar Subdivision that lies in Indian River Shores. He thereafter presented staff's recommendation for the Board to vacate said plat, and authorize the Chairman to execute the Abandonment Resolution.

The Chairman opened the Public Hearing; there were no speakers, and the Chairman closed the Public Hearing.

**ON MOTION** by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, the Board unanimously approved Resolution 2014-100, providing for the vacation of Mira-Mar Subdivision, Plat Book 1, Page 85, Indian River County, said land lying in Indian River County, Florida.

9:12  
a.m.

2. Ordinance Concerning Medical Marijuana  
(memorandum dated October 13, 2014)

134-150

**(Legislative)**

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

County Attorney Dylan Reingold recalled the Board's direction on September 23, 2014, for his office to draft legislation pertaining to the possible passage on November 4, 2014, of Amendment 2 to the Florida Constitution, Use of Marijuana for Certain Medical Conditions, and where applicable, to wrap medical marijuana treatment centers into County Code, Chapter 315, *Pain Management Clinics and Controlled Substances*. He outlined several proposed amendments to Chapter 315 as follows:

Change wording in Section 315.02(1)(e) *Definitions*, from "The clinic does not prescribe or dispense controlled substances for the treatment of pain or marijuana..." to "The clinic does not prescribe marijuana or dispense controlled substances for the treatment of pain..."

Change wording in Section 315.02(7) *Definitions*, from "...any Medical Marijuana Treatment Center as defined by Article X, Section 29 of the Florida Constitution..." to "...any Medical Marijuana Treatment Center as defined below..."

Change wording in Section 315.04 *Permit Required for Operation of Pain Management Clinic*, to conform to code language adopted by the Board in July 2011.

**Add to Section 315.04 *Permit Required for Operation of Pain Management Clinic*, Subsection (2)(i) to stipulate the qualifications for ownership of a Medical Marijuana Treatment Center.**

**Attorney Reingold advised that the use of low Tetrahydrocannabinol (THC) cannabis (Charlotte's Web), is not regulated under Amendment 2, and that the zoning regulations for Medical Marijuana Treatment Centers will be discussed at public hearings on November 4 and November 18, 2014.**

**Sheriff Loar specified that in June 2014, the Governor signed a bill legalizing the non-euphoric strain of marijuana (Charlotte's Web), and that there will be five (5) State regulated dispensaries.**

**Discussion ensued among the Commissioners on the medical uses of Charlotte's Web, the possible unintended consequences of legalizing marijuana, and the Board's pro-active stance in adopting local legislation, should Amendment 2 pass. Each Commissioner also elaborated on his opposition to Amendment 2.**

**The Chairman opened the Public Hearing.**

**Carol (inaudible), 3541 37<sup>th</sup> Street, sought and received clarification on Amendment 2 and Charlotte's Web.**

**Attorney Reingold explained that Amendment 2 would allow any form of medical cannabis to be dispensed; citizens already have the right to seek the use of low-THC medical marijuana.**

**Chairman O'Bryan added that current State law allows the Charlotte's Web to be purchased at one of the five State-regulated distribution centers.**

**John Davis, 2400 3rd Place SW, stated that Charlotte's Web is not effective for all medical conditions.**

**Sharon Kohler, 545 Honeysuckle Lane, asked the Board to hold back its opinions and focus on the regulations that the County will establish if Amendment 2 passes.**

**Gail Norris, 5558 N. Harbor Village Drive, wanted to see more State-run distribution centers for ill persons who need Charlotte's Web.**

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

**MOTION WAS MADE** by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, to **ADOPT ORDINANCE 2014-018**, amended as follows: (1) change wording in Section 315.02(1)(e) *Definitions*, from “The clinic does not prescribe marijuana or dispense controlled substances for the treatment of pain...”; (2) change wording in Section 315.02(7) *Definitions*, from “...any Medical Marijuana Treatment Center as defined ~~by Article X, Section 29 of the Florida Constitution...~~” to “...any Medical Marijuana Treatment Center as defined below...”; (3) change wording in Section 315.04 *Permit Required for Operation of Pain Management Clinic*, to conform to code language adopted by the Board in July 2011; and (4) add to Section 315.04 *Permit Required for Operation of Pain Management Clinic*, Subsection (2)(i) to stipulate the qualifications for ownership of a Medical Marijuana Treatment Center; **AMENDING** Chapter 315 of the Code of Indian River County entitled “Indian River County Pain Management Clinic and Controlled Substances Ordinance” to include regulations and prohibitions of certain activities relating to medical marijuana; and providing for severability, codification and an effective date.

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

<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	<b><u>PAGE</u></b>
	<b>B. <u>PUBLIC DISCUSSION ITEMS</u></b>	
	None	
	<b>C. <u>PUBLIC NOTICE ITEMS</u></b>	
	None	
<b>11.</b>	<b><u>COUNTY ADMINISTRATOR MATTERS</u></b>	
<b>9:56 a.m.</b>	<b>A.</b> Discussion on Legislative Priorities (memorandum dated October 15, 2014)	151-152
	County Administrator Joseph Baird reviewed with the Board the proposed list of legislative priorities for the 2015 Legislative Session, as presented on page 152 of the agenda packet. He advocated removal of one item, the Community Redevelopment Agency (CRA).	



Commissioner Zorc requested to add to the priority list, Enterprise Zone Reauthorization.

Commissioner Solari explained his request to change the Alternative Water Supply Feasibility Study to the Alternative Water Supply Project.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Solari, the Board unanimously approved the following legislative priorities for the 2015 Legislative Session:

- Sale of City of Vero Beach Electric Facility to Florida Power & Light
- Indian River Lagoon Projects, including North County Septic to Sewer Conversion; Oyster Bed Project; Canal Water to West Regional Wastewater Treatment Plant; and Alternative Water Supply Project (changed from Alternative Water Supply Feasibility Study; and any additional projects that may arise
- All Aboard Florida
- Florida State Statute Chapter 180 – Utility Service Areas (where cities can reach out and create a franchise area and impose taxes on it)
- County Funding of Court Related Functions – requirement for 1.5% annual increase in expenses
- Beach Renourishment Funding
- Reimbursement for Department of Juvenile Justice overcharges
- Support Zone Boundary Modification to Canaveral Port Authority Foreign Trade Zone 136 to include areas located in Indian River County
- Enterprise Zone Reauthorization

12.

**DEPARTMENTAL MATTERS**

**A. Community Development**

10:02  
a.m.

1. Consideration of Meeting Dates for Proposed Medical Marijuana Treatment Center Amendments to the County’s Land Development Regulations (LDRs)  
(memorandum dated October 8, 2014)

153-154

Director Boling recalled the Board's direction on September 23, 2014 for staff to initiate a Land Development Regulation (LDR) Amendment for medical marijuana dispensaries, to prepare for the possible passage of Amendment 2, *Use of Marijuana for Certain Medical Conditions*. He stated that two public hearings must be held on the proposed amendment and recommended holding the first public hearing at the regular November 4, 2014 County Commission Meeting, and the second public hearing at a Special Call Meeting on November 18, 2014 at 5:01 p.m.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved to hold two public hearings to consider the proposed LDR amendment regarding medical marijuana zoning regulations: (1) the regular Board of County Commission Tuesday, November 4, 2014; and (2) a Special Call Meeting to be held on Tuesday, November 18, 2014 at 5:01 p.m.

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

12. DEPARTMENTAL MATTERS

F. Public Works

10:05  
a.m.

1. Fertilizer Compliance Update – Collective fertilizer inventory research taken from retail stores in Indian River County (memorandum dated October 7, 2014)

155-169

Public Works Director Chris Mora recalled the Board's adoption in August 2013 of Ordinance 2013-014, the Fertilizer and Landscape Management Ordinance (the Fertilizer Ordinance). He explained that the legislation mandated that a compliant fertilizer product must contain a minimum of 50% slow release nitrogen and 0% phosphorous. He also noted that the Ordinance initiated a restricted season prohibiting fertilizer application from June through September.

Stormwater Educator and Fertilizer Enforcement Officer Alexis Thomas gave a PowerPoint Presentation (copy on file) comparing the availability in retail stores of compliant turf grass fertilizer products in April 2014 and September 2014. She noted that there are almost twice as many compliant products in stores now, compared to what was available in April, and disclosed which shops stock the sixteen (16) compliant fertilizer products.

Vice Chairman Davis requested that the information on the compliant fertilizer products be published on the County's website.

Commissioner Zorc asked staff to come back with further information on measuring the nutrient content of water samples taken from the Lagoon.

Vice Chairman Davis stated that fertilizer products should be applied selectively, and recommended xeriscaping with bahiagrass in the road medians.

*The Chairman called a recess at 10:20 a.m., and reconvened the meeting with all members present, at 10:33 a.m.*

10:33  
a.m.

2. Oslo Boat Ramp  
(memorandum dated October 15, 2014)

170

Chairman O'Bryan commended the public and the Board on their input during the October 7, 2014 County Commission Meeting at which the Oslo Boat Ramp Project (the Project) was discussed at length.

Director of Public Works Chris Mora recapped the proposed improvements to the Oslo Boat Ramp, which include paving part of Oslo Road and muck removal from the existing boat channel. He recalled that on October 7, 2014, Commissioner Solari moved to delay the Oslo Boat Ramp Project for three to five years, and that an amendment was made to table the vote

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on said motion; the Board is now scheduled to vote on the motion.

Chairman O'Bryan invited public input from those who have not previously addressed the Board on this matter:

Jan Mooney, 555 6<sup>th</sup> Street, questioned why any County Commissioner would want to support the Project.

Jim Moyer, Martin County, 5215 SE Williams Way, Chair Marine Resources Council Board, urged the Board to withdraw from the Project.

Gail Norris, 5558 North Harbor Village Drive, asked the Board to table this matter permanently, not to postpone it.

Patricia Gibbons, 2050 Pine Creek Blvd., urged the Board to stop the Project.

Buffy Turner, 411 6<sup>th</sup> Road SW, clarified that over 1000 persons from the County signed the petition that was submitted at the October 7, 2014 Board meeting, asking the Board not to undertake the Project.

Janice Broda, 12396 A1A, discussed the costs of the Project thus far, and questioned how impact fees can be used as a funding source for a project that does not expand capacity.

Chairman O'Bryan read into the record, a letter of support (on file) for the Project from Gary Reinhart, President Professional Outfitters.

Commissioner Flescher discussed his exploration of the Oslo Boat Ramp site during a recent boat trip with Dr. Gilmore and Lange Skyes. He wanted the environmentally sensitive area to be preserved for future generations, and advocated tabling the Oslo Boat Ramp Project on a permanent basis.

Vice Chairman Davis declared his preference to move forward with the enhancements that will facilitate boat launching, but to extract the paving portion of the Project.

Commissioner Solari stressed that no one was sure what is causing the decline in the health of the Lagoon, and he wanted to spend the County's resources on proactive measures that would definitely improve the health of the estuary. He suggested delaying the Project for three to five years, at which

time the County will have more information on the best way to restore the Lagoon ecosystem.

Commissioner Zorc inquired whether there were any other County-owned boat ramps near the Oslo site.

Director Mora advised that the closest County site is in Wabasso.

Chairman O'Bryan agreed with Ms. Broda that impact fees should be replaced by another funding source for the Project, but refuted other arguments that had been presented against the Project today, and on October 7, 2014. He read quotes from environmental agencies and experts describing the benefits of muck removal, and foresaw that the muck and turbidity in the channel would harm the seagrasses.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Zorc, by a 3-2 vote (Commissioners O'Bryan and Davis opposed), the Board TABLED the Oslo Road Project for three to five years.

Commissioner Zorc felt that there needs to be some type of facility where recreational users can access the Lagoon. He relayed that some individuals have offered to do some research on finding a suitable site within the County, for that purpose.

*The Chairman called a recess at 11:36 a.m., and reconvened the meeting with all members present, at 11:44 a.m.*

**G. Utilities Services**

**11:45  
a.m.**

1. North Sebastian Sewer Design – Commercial Area of Phase 1 (memorandum dated October 13, 2014)

171-183

Director of Utility Services Vincent Burke recalled the Board's tentative approval on September 16, 2014, of Work Order No. 7 to Masteller & Moler, Inc. (M&M) for professional services for the North Sebastian Sewer and Water Main Design Project. He explained that the approval was contingent upon the City of Sebastian's (the City's) approval of the Interlocal Agreement, and that the City Council at this time is not in favor of the 60/40 cost-share outlined in the Interlocal Agreement. After outlining the Board's possible options for proceeding or for terminating the project, Director Burke relayed staff's recommendation for the County to accept the full financial burden and continue with the design services to move the project forward.

Vice Chairman Davis advocated moving the Project forward for two key reasons: the environment and the economy.

Discussion followed on the inequities between the costs that County and City utility customers would pay in association with the Project, and the County's potential to secure grants to help with the costs. Several Commissioners voiced support for getting the Project shovel ready.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Zorc, to approve Work Order No. 7, authorizing the professional services for the Gravity Sewer Project for North County/Sebastian Commercial Areas, and authorized the Chairman to execute same for a sum amount of \$152,220.00 to Masteller & Moler, Inc.

Commission Flescher sought and received confirmation that the City can decide at any point to participate in the cost-share for the design services.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

13.

COUNTY ATTORNEY MATTERS

11:58  
a.m.

- A. All Aboard Florida Draft Environmental Impact Statement  
(memorandum dated October 13, 2014)

184-186

Attorney Reingold reported that All Aboard Florida's Draft Environmental Impact Statement (DEIS) was released on September 19, 2014, and that the County Attorney's office has been reviewing the document, along with outside counsel Kevin Healy of Bryan Cave LLP, and other consultants. He provided an overview of the issues that were thus far identified as not being adequately examined in the DEIS, and said that the review team questioned the fundamental soundness of the document. He reported that after further review, he will present detailed comments on the DEIS for the Board's consideration at the November 18, 2014 County Commission meeting; the comments will thereafter be submitted to the Federal Railroad Administration (FRA) by the December 3, 2014 deadline.

Chairman O'Bryan requested that Attorney Reingold's report include suggestions about possible actions and costs associated with endeavors to stop the All Aboard Florida Project.

14. **COMMISSIONERS MATTERS**

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

1. Request for Water Hookup at 185 66<sup>th</sup> Avenue  
(memorandum dated October 15, 2014)

187-192

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**Deleted**

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

None

C. **Commissioner Joseph E. Flescher**

None

D. **Commissioner Bob Solari**

None

E. **Commissioner Tim Zorc**

1. Update on the October 16, 2014 Florida Municipal Power Agency Meeting  
(memorandum dated October 17, 2014)

193

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**Commissioner Zorc provided an overview of the October 16, 2014 Board Meeting of the Florida Municipal Power Agency (FMPA). He commented on FMPA’s budget and hierarchy, and spoke to the Orlando Utilities Commission’s (OUC) proposed cost increases (up to 10%) for generating power. He also suggested adding to the Board’s list of legislative priorities, the need to impose some type of legislative or other external oversight on FMPA.**

**A brief discussion ensued regarding the Auditor General’s audit of FMPA, and OUC’s cost increase to produce power.**

**Chairman O’Bryan noted that the Joint Public Meeting of the Town of Indian River Shores Town Council, Vero Beach City Council, and the Board of County Commissioners, regarding the City of Vero Beach Electric Utility, will be held at 9:00 a.m., on October 28, 2014, at the Richardson Center of Indian River State College.**

12:05  
p.m.

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

15.

**SPECIAL DISTRICTS AND BOARDS**

**PAGE**

12:15  
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 September 16, 2014 Final Budget Hearing
- 2. Approval of Minutes Regular Meeting of September 16, 2014
- 3. Approval of Minutes Regular Meeting of September 23, 2014
- 4. Final Pay for Work Order #1 to Neel-Schaffer, Inc. 2014 Solid Waste Master Plan Update  
(memorandum dated October 13, 2014) ..... 194-203
- 5. Final Pay to Republic Services for Material Recovery Facility Improvements  
(memorandum dated October 13, 2014) ..... 204-208

**C. Environmental Control Board  
None**

16.

**ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **12:19 p.m.**

ATTEST:

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

\_\_\_\_\_  
Wesley S. Davis, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Approved 12/02/2014

BCC/MG/2014Minutes