



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
REGULAR MEETING MINUTES**

**TUESDAY, NOVEMBER 18, 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, 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>		
Tim Zorc	District 3	<b>Present</b>	Leona Adair Allen, Deputy Clerk	<b>Present</b>

**DVD  
TIMES**

**PACKET  
PAGES**

1. **CALL TO ORDER** **9:00 A.M.**
2. **INVOCATION** Deputy Teddy Floyd, Indian River County Sheriff's Department
3. **PLEDGE OF ALLEGIANCE** Dylan Reingold, County Attorney

**OATH OF OFFICE BOARD OF COUNTY COMMISSIONERS**

**9:02 a.m.** The Honorable Judge Joe A. Wild, Indian River County 19<sup>th</sup> Judicial Circuit Court of Florida

**Judge Joe A. Wild administered the swear-in and Oath of Office to Commissioners Joseph E. Flescher and Peter D. O'Bryan.**

**9:06 a.m. ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN**

**County Attorney Dylan Reingold conducted the election of the new Chairman and Vice Chairman of the Board of County Commissioners.**

Attorney Reingold conducted the election for Chairman by opening the floor to nominations.

Commissioner O'Bryan nominated Commissioner Wesley S. Davis for Chairman.

There being no other nominations, Attorney Reingold called for a Motion to close the floor to nominations.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Solari, the Board unanimously closed the floor to nominations.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously elected Commissioner Wesley S. Davis as Chairman of the Board of County Commissioners, effective November 18, 2014.

9:07  
a.m.

**ELECTION OF BOARD OF COUNTY COMMISSION VICE-CHAIRMAN**

Attorney Reingold opened the floor to nominations for Vice Chairman of the Board of County Commissioners.

Commissioner O'Bryan nominated Commissioner Bob Solari for Vice Chairman.

Commissioner Flescher nominated Commissioner Tim Zorc for Vice Chairman.

There being no other nominations, Attorney Reingold called for a Motion to close the floor to nominations.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously closed the floor to nominations.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Zorc, the Board unanimously elected Commissioner Bob Solari as Vice Chairman of the Board of County Commissioners, effective November 18, 2014.

Chairman Davis thanked Commissioner O'Bryan for the year he served as Chairman of the Board, and commended him on a job second to none.

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

9:08  
a.m.

Addition: Emergency Item 14.B.3. Facility Rental Fee

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously approved the agenda as amended.

5. **PROCLAMATIONS and PRESENTATIONS**

1

9:09  
a.m.

A. Presentation of Proclamation Designating November 24 through November 30, 2014, As Religious Freedom Week in Indian River County  
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Vice Chairman Solari read the Proclamation. Bob Johnson was not present to accept the Proclamation; Chairman Davis said he would ensure that Mr. Johnson receives it.

- 9:12 a.m. B. Presentation of Proclamation Designating November 16 through November 22, 2014, as National Hunger and Homelessness Awareness Week 2

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**Commissioner Flescher presented the Proclamation to representatives of the Homeless Family Center, Camp Haven, the Samaritan Center, and The Source.**

6. **APPROVAL OF MINUTES**

- 9:18 a.m. A. Regular Meeting of October 7, 2014

- B. Regular Meeting of October 14, 2014

**ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the meeting minutes of October 7, 2014, and October 14, 2014, as written.**

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

3-4

- 9:18 a.m. A. Proclamation and Retirement Award Honoring Kyle Wallace on His Retirement from the Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty-Three Years of Service

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**Noted for the record was the Proclamation and Retirement Award honoring Kyle Wallace on his retirement.**

- B. Winter Holiday Hours of Operation – Thanksgiving through New Year’s Day, January 1, 2015  
(memorandum dated November 10, 2014) 5-7

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**Noted for the record were the holiday hours of operation for the County’s public facilities, and the dates and times of their closure (pages 6 and 7 of the Agenda Packet).**

8. **CONSENT AGENDA**

- 9:19 a.m. **ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda, pulling 8.Q. for discussion.**

- A. Approval of Warrants October 24, 2014 to October 30, 2014  
(memorandum dated October 30, 2014) 8-16

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**Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.**

- B.** Approval of Warrants October 31, 2014 to November 6, 2014  
(memorandum dated November 6, 2014) 17-24  
**Approved the list of warrants (checks) and wires as supplied by the Comptroller's Office.**
- C.** 2015 Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee District Appointment Member Listing  
(memorandum dated November 3, 2014) 25-27  
**Approved the reappointments of Mark Mathes, Rich Stringer, Helene Caseltine, Randy Riley, and Glenn Heran to the Treasure Coast Regional Planning Council (TCRPC) Comprehensive Economic Development Strategy Committee, and authorized the Chairman to notify the TCRPC of the Board appointments.**
- D.** Indian River County Appointments to the Economic Opportunities Council  
(memorandum dated October 23, 2014) 28-35  
**Approved the appointment of Miriam Gross, Jennifer Proper, and Linda McConkey to the Economic Opportunities Council (EOC).**
- E.** GHO Serenoa Corporation's Request to Replat a Portion Serenoa Phase I to be Known as Serenoa Phase II  
(memorandum dated October 29, 2014) 36-42  
**Granted approval to replat a portion of Serenoa Phase I to be known as Serenoa Phase II.**
- F.** 2015 Oblique Aerial Imagery Acquisition Project  
(memorandum dated November 7, 2014) 43-55  
**Approved Pictometry International Corp. as the sole source provider; waived the requirement for bids; authorized the execution of the contract as described in Section A of the Agreement, in the amount of \$118,054.00; and authorized the Chairman to execute the Agreement and related documents.**
- G.** Providence Pointe Vero Beach LLC Developer Agreements for Right-of-Way Dedications and Developer-Funded Roadway and Drainage Improvements  
(memorandum dated October 30, 2014) 56-82  
**Approved: (1) the Developer's Agreement for Off-Site Traffic Improvements and Right-of-Way Dedication; and (2) the Agreement for the Dedication of Right-of-Way, both with Providence Pointe Vero Beach LLC. (Located between 49<sup>th</sup> Street and 53<sup>rd</sup> Street, along and west of 58<sup>th</sup> Avenue)**
- H.** Aviation Boulevard/20<sup>th</sup> Avenue Intersection Improvements Final Payment-Kimley-Horn and Associates, Inc., Work Order No. 8, IRC No. 1422  
(memorandum dated November 5, 2014) 83-85  
**Approved final payment to Kimley-Horn and Associates, Inc. for the complete design services and payment of Invoice No. 5997023, dated July 31, 2014, in the amount of \$3,867.50.**

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- I. RM-Trion Shoppes of Vero Beach LLC’s Request for Extension of Site Plan Approval for a Shopping Center to be Known as The Shoppes at Vero Beach (memorandum dated November 5, 2014) 86-97  
**Approved TM-Trion Shoppes of Vero Beach, LLC’s request for a one-year extension of the site plan and related preliminary plat approval for The Shoppes at Vero Beach development, with all original approval conditions to remain in effect. The new site plan and preliminary plat approval expiration date will be November 13, 2015.**
- J. Lexington Place New LLC’s Request for Final Plat Approval for a Subdivision to be Known as Lexington Place Phase III (memorandum dated November 6, 2014) 98-107  
**Granted final plat approval for Lexington Place Phase III.**
- K. Library System Long Range Plan Update (memorandum dated November 5, 2014) 108-133  
**Approved the Indian River County Library System Long Range Plan 2014-2017.**
- L. Approval of 2014-2015 State-Funded Subgrant Agreement to Update Indian River County’s Hazards Analysis (memorandum dated October 30, 2014) 134-166  
**Approved the 2014-2015 State-Funded Subgrant Agreement, and accepted the funding provided in the Agreement.**
- M. Extension of the Agreement for Blue Cypress Lake Park Operation (memorandum dated October 29, 2014) 167-169  
**Approved and authorized the Chairman to execute the Fourth Amendment to Agreement with H. Jean Middleton, for the extension of the Agreement until September 1, 2025.**
- N. Annual Resolution Regarding Signatories (memorandum dated November 10, 2014) 170-175  
**Approved Resolution 2014-104, directing depositories of County funds to honor certain authorized signatures on County checks, warrants, and other orders for payment; providing for Board of County Commissioners and Clerk of the Circuit Court signatories; rescinding Resolution No. 2013-123 effective November 18, 2014 which speaks to authorized signatures on County checks, warrants, and other orders for payment; and providing an effective date.**

- O. Annual Resolution Delegating the Authority to the County Administrator or his designee, to execute Resolutions Calling Letters of Credit as Necessary during a Declared State of Local Emergency or Declared State of Florida Emergency Affecting Indian River County  
(memorandum dated November 10, 2014)

176-178

**Approved Resolution 2014-105, delegating the authority to the County Administrator or his designee, to execute Resolutions calling Letters of Credit as necessary during a declared State of Local Emergency or declared State of Florida Emergency affecting Indian River County; rescinding Resolution 2013-121 effective November 18, 2014; and providing an effective date.**

- P. Annual Resolution re Delegation of Authority Concerning Declarations of State of Local Emergencies and to Act in a State Declared Emergency Affecting Indian River County  
(memorandum dated November 10, 2014)

179-181

**Approved Resolution 2014-106, delegating authority to the County Administrator to declare States of Local Emergencies and to act in a State of Florida declared emergency affecting Indian River County; rescinding Resolution No. 2013-122 effective November 18, 2014; and providing an effective date.**

- Q. Request to Terminate Participation in FPL's Voluntary Commercial/Industrial Load Control (CILC-1) Program  
(memorandum dated November 10, 2014)

182-198

9:19  
a.m.

**Commissioner O'Bryan elaborated on the County's voluntary participation in FPL's program, and how some of the generators periodically "crank up" in a test status to ensure they are operational, should they be needed in an emergency. He announced that the Environmental Protection Agency (EPA) recently passed new emission standards, of which two of the County's four generators fall under. He said the cost to upgrade the generators to meet the new emission standards would cost the County about \$52,923 per year. He felt this should have been phased in over time, and suggested sending letters to Congressman Posey and Senators Nelson and Rubio, informing them that this is an example of a Federal unfunded mandate that is costing taxpayers money for a bureaucratic agency that makes a sweeping change with no regard of how it affects people's dollars.**

**Chairman Davis asked that the letter mention that there is no way for the people of Florida to vote the individuals responsible for this out of office.**

**MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, to: (1) terminate the Commercial/Industrial Load Control (CILC-1) program at the South County Wastewater and the South County Reverse Osmosis (RO) facilities on or before December 31, 2014 to avoid any Florida Power & Light (FPL) early termination charges; (2) approved the continuation of the CILC-1 program at the West Regional Wastewater**

Plant, and the North Hobart RO plant; and (3) send a letter to the Legislative Delegation, which includes a statement regarding the residents not having an opportunity to vote on those individuals who made the decision.

Commissioner Zorc pointed out that the County now falls under new EPA compliance standards for all emergency vehicles, and it will cost about \$35,000 to \$40,000 per ambulance to meet the new requirements.

The Chairman  CALLED THE QUESTION  and the Motion carried unanimously.

- R. Lease Extension and First Amendment to Ground Space Lease for Tower Located at 3925 65<sup>th</sup> Street – Bellsouth Ground Lease (memorandum dated November 12, 2014) 199-219

Approved the Lease Extension and First Amendment, with Florida 2B MPL Tower Holdings, LLC, to the Ground Space Lease with a 4% annual rental increase; and authorized the Chairman to execute the Lease Extension and First Amendment and Memorandum of Lease Extension and First Amendment on behalf of the Board, and any other documents necessary to effectuate said amendment.

9.  CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES  220-222

- 9:23 a.m. A.  Jeffrey R. Smith, Indian River County Clerk of Circuit Court and Comptroller

Constitutional Officer Financial Report for Fiscal Year 2013-2014 (letter dated October 21, 2014)

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith presented the Board with the Fiscal Year 2013-2014 Financial Report, and a check in the amount of \$51,094.45.

ON MOTION  by Commissioner O’Bryan,  SECONDED  by Commissioner Flescher, the Board unanimously accepted the Constitutional Officer Jeffrey R. Smith, Indian River County Clerk of Circuit Court and Comptroller’s Financial Report for Fiscal Year 2013-2014, as submitted under cover letter dated October 21, 2014.

- 9:24 a.m. B.  David C. Nolte, Indian River County Property Appraiser

Constitutional Officer Financial Report for Fiscal Year 2013-2014 (letter dated October 31, 2014) 223-229

ON MOTION  by Commissioner Flescher,  SECONDED  by Vice Chairman Solari, the Board unanimously accepted the Indian River County Constitutional Officer Property Appraiser David C. Nolte’s Financial Report for Fiscal Year 2013-2014, as submitted under cover letter dated October 31, 2014.

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9:25 C. **Deryl Loar, Indian River County Sheriff**  
a.m. Constitutional Officer Financial Report for Fiscal Year 2013-2014  
(letter dated October 31, 2014) 230-231

**Sheriff Deryl Loar presented the Board with the Fiscal Year 2013-2014 Financial Report, and a check in the amount of \$125,413.00.**

**ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously accepted the Indian River County Constitutional Officer Sheriff Deryl Loar’s Financial Report for Fiscal Year 2013-2014, as submitted under cover letter dated October 31, 2014.**

9:26 D. **Carole Jean Jordan, Indian River County Tax Collector**  
a.m. Constitutional Officer Financial Report for Fiscal Year 2013-2014  
(memorandum dated October 30, 2014) 232-235

**Brenda Bradley, Chief of Staff for the Tax Collector’s Office, informed the Board that Tax Collector Carole Jean Jordan would be presenting a check at a later date.**

9:26 E. **Leslie R. Swan, Indian River County Supervisor of Elections**  
a.m. Constitutional Officer Financial Report for Fiscal Year 2013-2014  
(letter dated October 28, 2014) 236-237

**Supervisor of Elections Leslie R. Swan presented the Board with the Fiscal Year 2014-2015 Financial Report, and a check in the amount of \$5,256.77. She thanked the Board for their foresight in putting funds aside for the purchase of a new voting system, and Vice Chairman Solari for serving on the County Canvassing Board.**

**ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously accepted the Indian River County Constitutional Officer Supervisor of Elections Leslie Swan’s Financial Report for Fiscal Year 2013-2014, as submitted under cover letter dated October 28, 2014.**

*The Chairman called for a break at 9:47 a.m., and reconvened the meeting at 9:59 a.m., with all members present.*

10. **PUBLIC ITEMS**

9:59 A. **PUBLIC HEARINGS**  
a.m.

1. Ordinance Regarding Solid Waste Franchise Agreement Application  
Process  
(memorandum dated November 5, 2014) 238-243

**Legislative**



County Attorney Dylan Reingold said the Solid Waste Disposal District was getting ready to seek a new Franchise Agreement for waste hauling services, and he thought it would be best to update the Codes of Indian River County for clarity.

The Chairman opened the Public Hearing.

There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously adopted Ordinance 2014-019, amending Section 204.12 “Standards for Franchise Issuance” and Section 204.15 “Franchise Renewals” of Chapter 204 of the Code of Indian River County entitled “Solid Waste Disposal” to require the application process to be consistent with the Request for Proposal process; and providing for severability, codification and an effective date.

**B. PUBLIC DISCUSSION ITEMS**

None

**C. PUBLIC NOTICE ITEMS**

10:01  
a.m.

1. **Notice of Scheduled Public Hearing November 20, 2014:**

Indian River County Transportation Disadvantaged Local Coordinating Board - Annual Public Hearing to gather Public Input on Transportation Disadvantaged Related Issues  
(memorandum dated November 4, 2014) 244-245

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**Administrative**

2. **Notice of Scheduled Public Hearing December 2, 2014:**

County Initiated Request to Amend the 5 Year Capital Improvements Program and Supporting Data and Analysis of the Capital Improvements Element of the Comprehensive Plan  
(memorandum dated November 3, 2014) 246

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**Legislative**

**Attorney Reingold read the Notices into the record.**

A brief discussion ensued as to whether the Board wanted to continue with tonight’s 5:01 p.m. Special Call Meeting to consider amendments to Land Development Regulations (LDRs) for Medical Marijuana Treatment Centers. The Board’s CONSENSUS was to move forward with the meeting.

**11. COUNTY ADMINISTRATOR MATTERS**

- 10:04 a.m.** A. Indian River County Legislative Delegation Meeting (memorandum dated November 6, 2014) 247-248
- Administrator Joseph Baird summarized the Legislative Priorities List for the 2015 Legislative Session as listed in his memorandum. He wanted to know if the Board had any additions or deletions to the list.**
- After a brief discussion, the Board’s CONSENSUS was for each Commissioner to meet with Administrator Baird separately to discuss the priority list, future projects, and who would be making the presentation.**

**12. DEPARTMENTAL MATTERS**

- A. **Community Development**
- 10:06 a.m.** 1. Condemnation, Demolition and Removal of Unsafe Structures Located at 13185 76<sup>th</sup> Court and 34 20<sup>th</sup> Lane S.W. (memorandum dated October 21, 2014) 249-268
- Building Official Scott McAdam provided description and conditions on the unsafe structures located at 13185 76<sup>th</sup> Court (owner Linda Jackson), and 34 20<sup>th</sup> Lane S.W. (owner Vincent Valenti). He recommended the Board declare the structures unsafe and a nuisance, order the buildings demolished, and approve the Resolution for the purposes of recovering the demolition costs.**
- Discussion ensued regarding the unsafe structures, outstanding mortgages, and code enforcement liens.**
- MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner O’Bryan, to approve staff’s recommendation.**
- Commissioner O’Bryan pointed out that on August 19, 2014, the Board approved the demolition of a structure located at 43 Highlands Drive, which had been completed; however, the property still remains unsightly. He stated that he would bring this back to the Board at a later date to request a clean-up, and stressed that the situation does not always stop once the building has been removed.**
- Discussion ensued regarding encumbrances on the two parcels.**
- The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board declared the structures unsafe and a nuisance and ordered the buildings demolished, with related debris removed from the property by a private vendor approved through**

standard bid procedures; and adopted Resolution 2014-107, providing for the demolition of unsafe structures and the recovery of costs.

10:13  
a.m.

2. Approval of Contract Agreement with Summerlin's Marine Construction, LLC for Dock Renovations at the Jones's Pier Conservation Area  
(memorandum dated November 5, 2014)

269-282

Environmental Planning Chief Roland DeBlois summarized the Board's actions from the September 16, 2014 Board of County Commission meeting.

He informed the Board that staff had contacted the Florida Inland Navigation District (FIND) to see if there would be an opportunity for increased grant funding, and was told by FIND staff that the current grant is capped at \$15,000; however, they suggested the County phase the project so a second phase request could be considered in 2015. He said Summerlin's Marine Construction, LLC had negotiated a contract agreement to re-deck and repair the main Jones Pier dock, install a boat lift for the Sheriff's marine patrol vessel, and remove and replace the dilapidated single family dock. He recommended the Board approve the Contractor Agreement and Change Order with Summerlin's Marine Construction, LLC; and proceed with all elements of the Jones Pier dock repairs, as one phase under the current FIND grant, with County costs being funded with Environmental Land Bond funds.

Vice Chairman Solari sought and received information regarding future projects dealing with FIND funds.

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

Discussion ensued regarding the property care taker's concerns with the project, and the Request for Proposal (RFP) process.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved: (1) the Contract Agreement with Summerlin's Marine Construction, LLC to conduct renovations to the Jones Pier Docks; (2) Change Order No. 1 for replacement and reconstruction of the northern single-family dock; and (3) County costs to be funded with Environmental Land Bond funds.

**B. Emergency Services**

None

**C. General Services**

None

**1. Human Services**

None

**2. Sandridge Golf Club**

None

**3. Recreation**

None

**D. Human Resources**

None

**E. Office of Management and Budget**

None

**F. Public Works**

None

**G. Utilities Services**

None

**13. COUNTY ATTORNEY MATTERS**

**10:23 a.m.** A. City of Vero Beach Electric Utility Update (memorandum dated November 6, 2014) 283

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**Attorney Reingold provided a brief update on the electric utility conflict resolution process, and the Petition for a Declaratory Statement from the Florida Public Service Commission (PSC). He announced that the mediation meeting involving the County, Town of Indian River Shores, and the City of Vero Beach was scheduled for Wednesday, December 17, 2014 (with Carlos Alvarez serving as the mediator); and the PSC Petition hearing in Tallahassee was scheduled for Tuesday, November 25, 2014.**

**10:27 a.m.** B. Extension of the License Agreement for Jones Pier (memorandum dated October 29, 2014) 284-286

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**ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously authorized the Chairman to execute the License Renewal and Extension Agreement with Brad Fojtik, until January 2017.**

- 10:28 a.m. C.** Extension of Lease Agreement with Indian River Soccer Association for Fairgrounds Soccer Facilities  
(memorandum dated November 12, 2014)

287-295

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

Deputy County Attorney William DeBaal pointed out that since this lease is for a non-profit, there is an accompanying Resolution that must be approved by the Board.

The Chairman **CALLED THE QUESTION**, and the Motion carried unanimously. The Board unanimously: (1) authorized the Chairman to execute the Extension of Lease Agreement with the Indian River Soccer Association to provide for the extension of the Lease until November 13, 2034; and (2) approved Resolution 2014-108, approving a Community Interest Extension of Lease Agreement with the Indian River Soccer Association, Inc., for County owned property near the Fairgrounds.

- 10:29 a.m. D.** Extension of the License Agreement for Ryall Tract  
(memorandum dated November 12, 2014)

296-299

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**ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to execute the Renewal and Extension of License Agreement with William Luther to provide for the extension of the Agreement until June 2016.**

- 10:31 a.m. E.** All Aboard Florida Draft Environmental Impact Statement and Future Actions  
(memorandum dated November 12, 2014)

300-301

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Attorney Reingold provided background, and thereafter read and analyzed the proposed “Comments on Draft Environmental Impact Statement (DEIS) for the All Aboard Florida, Orlando to Miami, Florida Intercity Passenger Rail Project” document (on file) that will be submitted to the Federal Railroad Administration (FRA). He encouraged Board discussion on the proposed comments; asked the Board to authorize a budget amendment for the additional funding of outside counsel, Kevin Healy, who prepared the comments; requested authorization to hire outside counsel specializing in Florida law for the examination of additional options; and sought direction for moving forward.

Vice Chairman Solari believed the money was well spent, and stressed that this is “not a done deal.”

Assistant County Attorney Kate Pingolt Cotner clarified that the FRA was responsible for the report and they picked the consultants, but All Aboard Florida paid the consultants. She said this was a Federal document, and FRA needs to step up to the plate and comply with what the County says they need to do.

*The Chairman called for a break at 11:16 a.m., and reconvened the meeting at 11:27 a.m., with all members present.*

Chairman Davis opened the floor to public comments:

11:28 a.m. Phyllis Frey, 275 Date Palm Road, expressed her appreciation for the extensive work done on the DEIS document, and supported moving ahead with the process.

11:31 a.m. Ruth Stanbridge, County Historian, felt the DEIS was well written; however, she read and requested that certain statements be added to the document (on file).

11:33 a.m. Penny Chandler, Indian River County Chamber of Commerce, acknowledged the good works of staff on the project.

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Commissioner Flescher to approve: (1) the draft DEIS response with the inclusion of Ms. Stanbridge’s comments, and any errors that the County Attorney’s office finds; (2) the additional \$40,000 in legal fees and costs incurred by the consultants who made the draft response; and (3) \$25,000 for outside counsel specializing in Florida law to study and examine the additional State law issues.

The Commissioners encouraged the public to voice their comments, and be specific with the details of their comments.

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

11:41 a.m. F. Indian River County Committees – Member Reappointments (memorandum dated November 6, 2014) 302-308

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the list of committee reappointments presented on pages 304 through 308 of the Agenda Packet.

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O’Bryan

11:42 a.m. 1. Update on the 10<sup>th</sup> Annual Firefighters Chili Cook Off (memorandum dated November 12, 2014) 309

Commissioner O'Bryan reported that Saturday, November 8, 2014, was the 10<sup>th</sup> Annual Firefighters' Chili and Salsa Cook Off, and it had become a tradition that the Board of County Commissioners finish in the top spot. He announced that this year, Mrs. Wesley Davis produced the "Kitchen Sink Chili," and it won first place in the government division, even though the trophy showed second place.

**B. Commissioner Wesley S. Davis**

**11:45  
a.m.**

- 1.** Name Dedication  
(memorandum dated November 4, 2014) 310-315

Chairman Davis acknowledged the passing of Joneal Middleton, a 50-year resident who successfully supervised, managed, maintained, and operated Middleton's Fish Camp since 1979. He requested, as a tribute to his offerings, the Board direct staff to re-name the Blue Cypress Lake Park to Middleton's Fish Camp Park.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously directed staff to change the name of the Blue Cypress Lake Park to Middleton's Fish Camp.

**9:29  
a.m.**

- 2.** Mental Health Court  
(memorandum dated November 12, 2014) 316-317

*Clerk's Note: This item was heard following item 9.E., and is placed here for continuity.*

Sheriff Loar and Nineteenth Judicial District Circuit Court Judge Cynthia Cox, Co-Chairs of the Diversion Strategies Task Group, Mental Health Collaborative, presented a proposed Budget for launching the Mental Health Court in Indian River County.

Sheriff Loar asked that some of the dollars that he gave back to the County (in Item 9.C. above) be set aside to fund the first nine months of the program. He said he would present the Board with a formal long-term plan in April and May 2015, but he felt a sense of urgency to launch this program on or before January 1, 2015.

Judge Cox provided the details of a summary she had prepared on St. Lucie County's jail bed days, to show the cost savings over the course of two years. She said the proposed nine-month budget was based on St. Lucie's figures, and by mid-2015, they should have more specific and measurable outcomes. She felt this was a reasonable and conservative proposal, based on her experience with the numbers of St. Lucie.

Vice Chairman Solari disclosed that he would normally support this type of item, but he did not think the Agenda packet provided enough information to move it forward, and believed it should be part of the regular budget process.

Administrator Baird conveyed that Judge Cox and the Sheriff had worked with him to obtain the information, and revealed that this is a pilot program, so they can show results for next year. He felt the savings would be in the jail time served and the prisoner not becoming a reoccurring prisoner.

Judge Cox said they could not give absolute figures and provide a pro forma budget until the services are provided. She and Sheriff Loar plan to give measurable outcomes in early 2015 so they can properly prepare for the next budget. She pointed out that every agency involved in the criminal justice system had contributed to the program, and stressed that the only funds they are seeking is for the independent professional and wrap-around services for approximately 50% of the people in the program.

Discussion ensued regarding mental health incarceration numbers, and the lack of information and financial data in the Agenda packet.

Judge Cox, at the request of the Board, agreed to provide quarterly updates.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Zorc, that \$100,000 of the Sheriff's \$125,413 returned funds, be allocated to the Mental Health Court.

Patricia Hunt, Roseland, spoke in support of the Motion, and asked the Board to consider that there be independent audits.

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

11:46  
a.m.

3. Addition: Emergency Item: Facility Rental Fee

Chairman Davis requested the Board consider waiving the facility rental fee for the Can Food Sculpture Contest, sponsored by the Sebastian Lions Club, scheduled for Friday and Saturday, March 20 – 21, 2015, at the Indian River County Fairgrounds Expo Exhibition Center.

Administrator Baird pointed out that on October 13, 2009, the Board unanimously approved the current fee structure, which



included a lower fee for non-profit organizations, and adopted a policy that disallows reductions or waivers from the approved rates.

**MOTION WAS MADE** by Vice Chairman Solari, **SECONDED** by Chairman Davis, to approve waiving the facility rental fee for the Can Food Sculpture Contest, sponsored by the Sebastian Lions Club, scheduled for Friday and Saturday, March 20 - 21, 2015, at the Indian River County Fairgrounds Expo Exhibition Center.

The Board discussed the non-profit rate; the proposed scheduled date which will mostly likely be during the Indian River County Fair; and waiving the fee since it is the Sebastian Lions Club's first request, but charging them next time.

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

**C. Commissioner Joseph E. Flescher**

None

**D. Commissioner Bob Solari**

11:51  
a.m.

1. Garden Club  
(memorandum dated November 12, 2014)

318-319

Vice Chairman Solari announced that the Garden Club of Indian River County graciously offered to purchase and plant six trees in the County's Martin Luther King Park; however, it would be conditioned upon the County's commitment to water the trees until they are established. He requested the Board commit the County to a watering regime for the trees, and that the Commissioners join him in thanking the Garden Club for their generous offer.

Chairman Davis suggested the trees be planted between now and February, due to the slow evapotranspiration rate during that time of year.

**MOTION WAS MADE** by Vice Chairman Solari, **SECONDED** by Chairman Davis, to accept the Garden Club of Indian River County's offer, and commit the County to water the trees on a regular basis until they are established.

Julianne Price, Every Dream Has a Price, Inc., thanked the Board for the improvements to beautify Martin Luther King Park.

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

11:54  
a.m.

2.

One Florida Resolution  
(memorandum dated November 12, 2014)

320-329

Vice Chairman Solari recalled that at the November 4, 2014 Board of County Commission Meeting, the Board expressed a desire to consider a Resolution in support of remaining part of the great State of Florida, and opposing the separation of Florida into two states. Vice Chairman Solari requested the Commissioners review the proposed Resolution, suggest any changes or additions, and authorize the County Attorney to draft a Resolution opposing South Florida becoming a new State.

Commissioner O'Bryan asked that Section 2 of the Resolution include the word "South" in front of Miami, so it will read, "...the Mayor of South Miami."

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board unanimously approved Resolution 2014-109, asserting its desire that all 67 counties presently in the Great State of Florida, remain in the State of Florida and that if the southern counties take the benighted path to secession that Indian River County, Florida remain with the Northern Counties of the State as part of Florida.

E. Commissioner Tim Zorc

None

15. SPECIAL DISTRICTS AND BOARDS

11:57  
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 September 23, 2014
2. Approval of FY 2014/15 EMS County Awards Grant: Purchase of Capital/Operating Equipment Using Non-Matching EMS Grant Funds and Grant Resolution  
(memorandum dated October 28, 2014)

322-329

11:58  
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. Approval of Minutes – Meeting of October 7, 2014
- 2. Request for Lease Extension from MWI Corporation  
(memorandum dated November 12, 2014) ..... 330-335

**15. SPECIAL DISTRICTS AND BOARDS**

**C. Environmental Control Board**

None

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 12:01 p.m.

ATTEST:

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

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

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

Approved: \_\_\_\_\_

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