



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

TUESDAY, JANUARY 20, 2015

County Commission Chamber
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com

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

<u>DVD TIMES</u>		<u>PACKET PAGES</u>
1.	<u>CALL TO ORDER</u> <u>9:00 A.M.</u>	
2.	<u>INVOCATION</u> Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller	
3.	<u>PLEDGE OF ALLEGIANCE</u> Dylan Reingold, County Attorney	
4.	<u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u>	
9:02 a.m.	Addition: Emergency Item 13.C. Request to Appeal Final Orders Issued by the Department of Juvenile Justice	
	Addition: Emergency Item 14.A.1. Venue Request from American Coalition for Property Rights and Florida Not All Aboard	
	<u>ON MOTION</u> by Commissioner Flescher, <u>SECONDED</u> by Commissioner O'Bryan, the Board unanimously approved the agenda as amended.	

5. **PROCLAMATIONS and PRESENTATIONS**

9:03 a.m. A. Presentation of Proclamation Recognizing the Saint Edward's School for Their Contributions to Indian River County 1
Presented by Vice Chairman Solari and received by Saint Edwards Head of School Michael Mersky.

9:09 a.m. B. Presentation of Vero Beach Chamber of Commerce Annual Report for 2014 and Announcement of Events Scheduled in 2015 by Dan Stump, Esq., Chairman of the Vero Beach Chamber Board of Directors
Attorney Daniel Stump announced that the City of Vero Beach Chamber of Commerce was celebrating its one year anniversary as of January 4, 2014; listed the goals and accomplishments that were met in the first year; and requested the Board grant the Chamber representation on the Economic Development Council (EDC) after the application is received.

Charlie Wilson outlined the local events that will be taking place throughout the year.

Ben Costello, 102 Trotters Court, Venetia, PA, Director of the 1715 Fleet Society, elaborated on the County events that will take place in March and July to commemorate the 300th anniversary of the lost treasure from the 1715 Spanish Fleet.

6. **APPROVAL OF MINUTES**

9:38 a.m. A. Regular Meeting of December 16, 2014
ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved the regular meeting minutes of December 16, 2014, as written.

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

9:39 a.m. A. Florida Public Service Commission Notice of Final Order Approving Florida Power and Light's Proposed Non-Standard Meter Rider Tariff Effective January 2, 2015, has been received and is available for review in the Office of the Clerk to the Board
B. Information Regarding Cancellation of Three Inactive Local Jobs Grant Agreements (memorandum dated January 12, 2015) 2-14
Noted for the record were the following inactive grant agreements: Aeroshade Technologies, Inc., XStream Systems, Inc., and SMI Telecoms, LLC.

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- C. Revision to Treasure Coast Regional Planning Council Appointees for 2015
(memorandum dated January 13, 2015) 15-17
 - D. U.S. Kids Golf Honoring Bela Nagy, Sandridge Golf Professional, as a U.S. Kids Golf Master Kids Teacher During a Special Ceremony at the PGA Merchandise Show 18
Commissioner O’Bryan announced that Bela Nagy was selected as “U.S. Kids Golf Master Kids Teacher” and will be honored with an award as one of the top 50 teachers for the youth.
 - E. Proclamation Designating January 25 – 31, 2015, as Indian River County School Choice Week 19
 - F. Proclamation and Retirement Award Honoring Cheryl Wilkinson on Her Retirement from Indian River County Board of County Commissioners Department of General Services/North County Library with Twenty-Six Years of Service 20-21
 - G. Proclamation and Retirement Award Honoring Charles Edwards on His Retirement from Indian River County Board of County Commissioners Department of Public Works/Road & Bridge Division with Nineteen Years of Service 22-23

8. CONSENT AGENDA

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Consent Agenda, pulling Items 8.I. and 8.J. for discussion.

- 9:39 a.m.**
- A. Approval of Warrants – January 1, 2015 to January 8, 2015
(memorandum dated January 8, 2015) 24-32
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
 - B. Resolution Formally Designating a Portion of County Owned Property Along 26th Street as Right-of-Way
(memorandum dated January 9, 2015) 33-38
Approved: (1) Resolution 2015-007, formally designating certain County owned property for right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel (Lot 1, Block G of Dodgertown Subdivision, recorded in Plat Book 3, Page 49, of the Public Records of Indian River County, Florida); and (2) authorized the Chairman to execute same for recordation in the Public Records of Indian River County, Florida. (Javier Franco and Baylee Franco)

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- C. Out of County Travel to attend the 29th Annual Governor’s Hurricane Conference
(memorandum dated January 14, 2015) 39-42
Approved out of County travel for Commissioners and staff to attend the 29th Annual Governor’s Hurricane Conference in Orlando, from May 10, 2015 through May 15, 2015.
- D. Miscellaneous Budget Amendment 005
(memorandum dated January 14, 2015) 43-50
Approved Resolution 2015-008, amending the Fiscal Year 2014-2015 Budget.
- E. M.A.C.E. (Multi-Agency Criminal Enforcement Unit) Project Generated Income (PGI) Miscellaneous Budget Amendment 006
(memorandum dated January 14, 2015) 51-58
Approved: (1) the utilization of Project Generated Income totaling \$3,214.15; (2) Budget Amendment 006; and (3) Resolution 2015-009, amending the Fiscal Year 2014-2015 Budget.
- F. Approval for Release of Final Payment to Weller Pools, LLC
(memorandum dated January 13, 2015) 59-61
Authorized the release of final payment of \$67,386.00 to Weller Pools, LLC, for repair work on the competitive pool at the North County Aquatic Center.
- G. 26th Street – Advance Acquisition of Right-of-Way, 5030 26th Street, 5920 26th Street, Ronee Suzan King and Stephen Allan Block, as Co-Trustees under the Benjamin Block Trust – 1999
(memorandum dated January 12, 2015) 62-81
Approved and authorized the Chairman to execute the Contract for Sale and Purchase of the King/Block property for \$68,268; directed staff to take the needed right-of-way from the property after purchase; and authorized the sale of the remaining property, if any, at sealed bid or by auction.
- H. GHO Lake Sapphire Corp’s Request for Final Plat Approval for a Subdivision to be known as Lake Sapphire
(memorandum dated January 12, 2015) 82-88
Granted final plat approval for the Lake Sapphire Subdivision.
- 9:40 a.m. I. Utility Construction Standards, March, 2014, January 2015 Revision – UCP 3110
(memorandum dated January 12, 2015) 89-96
Chairman Davis pulled this item to question whether there would be additional permitting fees with the revision, and staff informed him that the revision only entailed procedural changes.

Commissioner Zorc sought and received clarification regarding fire hydrant guard posts.

ON MOTION by Commissioner Flescher, **SECONDED** by Chairman Davis, the Board unanimously adopted the revised Indian River County Department of Utility Services Water, Wastewater and Reclaimed Water Utility Construction Standards, dated March 2014, revised January 2015, as presented.

9:43
a.m.

- J.** Hutton Growth One, LLC / Family Dollar Store, Developer Agreement for Developer Contributions to Culvert Pipe Improvements on the South Side of 45th Street
(memorandum dated January 7, 2015)

97-101

Commissioner Zorc pulled this item to comment on the value of the culvert headwalls, and the agreement with the developer to pay the County \$30,000, which would offset some of the piping costs.

ON MOTION by Commissioner Zorc, **SECONDED** by Chairman Davis, the Board unanimously approved Developer's Agreement with Family Dollar Stores, Inc. (Hutton Growth One, LLC).

- K.** Authorization for NASPO Contract SW300 for Automated External Defibrillators (AED) Equipment
(memorandum dated January 7, 2015)

102-106

Approved the Participating Addendum to the National Association of State Procurement Officials (NASPO) Contract, designating Indian River County as a Participating Entity, and authorized the Chairman to execute same after the County Attorney has approved it as to content and legal sufficiency.

- L.** Approval of Agreement for Payment of Costs Associated with Creation of the Oslo Park Area Street Lighting Municipal Service Benefit Unit, Oceanside Subdivision Street Lighting Municipal Service Benefit Unit, Oceanside Subdivision Street Paving and Maintenance Municipal Service Benefit Unit
(memorandum dated January 14, 2015)

107-110

Approved the "Agreement for Reimbursement of Costs for Oceanside Street Lighting District Oceanside Paving District Oslo Park Street Lighting District Municipal Service Benefit Unit," and authorized staff to proceed with the required public hearings.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:46
a.m.

1. Beth Ann Atamer's Request for Special Exception Use and Conceptual Planned Development (PD) Plan Approval for a Project to be known as Hampton Woods East (memorandum dated January 8, 2015)

111-123

Quasi-Judicial

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

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and applicable law.

The Chairman opened the Public Hearing.

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

Community Development Director Stan Boling explained the Special Exception Use and Conceptual Planned Development (PD) approval request for the Hampton Woods East project; described the project process; identified the dedications and improvements; defined the proposed PD waivers for the project; discussed the public benefits for the project; and pointed out the environmental issues associated with the proposed project. He urged the Board to approve the PD plan with the recommendations outlined in staff's report (relating to tree mitigation, and providing for a street light, fire hydrant, a tree preservation area, and utility easement). He informed the Board that the Planning and Zoning Commission (PZC) unanimously recommended that the special exception use and conceptual PD plan be approved with staff's recommendations.

Commissioner O'Bryan sought and received information regarding sewer services.

Wesley Mills, of Mills, Short and Associates, 800 8th Street, Vero Beach, Project Engineer, in response to Commissioner Zorc's question, conveyed that the storm water design would capture all storm water runoff and hold it on site.

Thomas Sherman, 1415 43rd Court, voiced concern over a house that had burned down near Hampton Woods.

Chairman Davis said he would ask Code Enforcement to look into the situation.

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

ON MOTION by Commissioner Flescher, **SECONDED** by Vice Chairman Solari, the Board unanimously granted special exception use and conceptual Planned Development (PD) Plan approval with the following conditions: (1) prior to preliminary PD Plan/Plat approval, the applicant shall obtain Environmental Planning staff approval for the project's tree mitigation plan; (2) prior to issuance of Certificate of Completion for the project, the applicant shall install the required street light and fire hydrant, as depicted on the conceptual PD Plan; and (3) Prior to or via the final plat process, the applicant shall: (a) establish a 25' wide tree preservation area along the project site's entire 46th Avenue frontage, and (b) establish a 15' utility easement along the project site's north property line.

10:02
a.m.

2. Approval of a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non Ad Valorem Assessments for the Oceanside Subdivision Street Lighting Municipal Service Benefit Unit
(memorandum dated January 14, 2015)

124-129

Legislative

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

Deputy County Attorney Bill DeBaal spoke about the creation of a new Municipal Service Benefit Unit (MSBU) to recover the costs of street lighting improvements in Oceanside Subdivision; described the process of establishing the MSBU; and recommended the Board approve the Resolution and authorize staff to proceed with the second public hearing.

Discussion ensued between the Board and staff regarding the petition-driven request of the residents for street lighting and road improvements.

The Chairman opened the Public Hearing.

Kathleen Taylor, 2180 Waltons Court, said she and 88% of her neighbors were in favor of the project, and reported that the neighbors who would be affected had been notified in writing.

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

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously: (1) authorized staff to proceed with the second public hearing; and (2) approved Resolution 2015-010, electing to use the uniform method for the levy, collection, and enforcement of non ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of street lighting and maintenance in the Oceanside Replat Subdivision area.

10:09
a.m.

3. Approval of a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non Ad Valorem Assessments for the Oceanside Subdivision Street Paving and Maintenance Municipal Service Benefit Unit (memorandum dated January 14, 2015)

130-135

Legislative

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

Attorney DeBaal informed the Board that this Municipal Service Benefit Unit (MSBU) would recover the costs of road repaving in the Oceanside Subdivision. He recommended approval of the Resolution and authorization for staff to proceed with the second public hearing.

The Chairman opened the Public Hearing.

Kathleen Taylor, 2180 Waltons Court, revealed that this started because one of the developers had passed away, and the other left town abruptly, and for this reason the roads were never turned over to the County.

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

A brief discussion ensued regarding the MSBU process for roads and streetlighting.

Public Works Director Chris Mora explained the repaving assessment.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously: (1) authorized staff to proceed with the second public hearing; and (2) approved Resolution 2015-011, electing to use the uniform method for the levy, collection, and enforcement of non ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of street paving and maintenance in the Oceanside Replat Subdivision area.

**10:14
a.m.**

4. Approval of a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non Ad Valorem Assessments for the Oslo Park Area Street Lighting Municipal Service Benefit Unit
(memorandum dated January 14, 2015)

136-143

Legislative

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

Attorney DeBraal advised the Board that this Municipal Service Benefit Unit (MSBU) would recover the costs of street lighting and maintenance for the Oslo Park area (17th Street SW north to 7th Street SW and 27th Avenue SW east to the Lateral J Canal). He recommended the Board approve the resolution and authorize staff to proceed with the second public hearing.

A brief discussion ensued pertaining to the security lights in the neighborhood.

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

ON MOTION by Commissioner O'Bryan, **SECONDED** by Chairman Davis, the Board unanimously: (1) authorized staff to proceed with the second public hearing; and (2) approved Resolution 2015-012, electing to use the uniform method for the levy, collection, and enforcement of non ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of street lighting and maintenance in the Oslo Park area.

B. PUBLIC DISCUSSION ITEMS

**10:19
a.m.**

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

1. Request to Speak from Mike DeGeorge, President and Sherri Davis, Vice President, Trillium Homeowner's Association

144-146

Trillium Homeowner's Association (HOA) President Mike DeGeorge and Vice President Sherri Davis used a PowerPoint presentation to communicate their concerns over the landscaping and irrigation damage they said occurred from the 66th Avenue widening project. They elaborated on the damage to the plants in their landscaping beds along 66th Avenue from lack of water, heavy equipment, and their landscaping company being restricted from the construction zone, which resulted in damages of about \$14,446.

Administrator Joseph Baird and Director Mora reiterated the County's policy that if vegetation or irrigation is put on the County's right-of-way, the County is not responsible for the damage, if work needs to be done in that area.

Discussion ensued regarding the right-of-way between the HOA's wall and the sidewalk; and the need to obtain a permit for any work within the right-of-way.

Commissioner O'Bryan supported the County's Policy and reasoned that the sidewalk delineates public from private property even though the right-of-way goes to the wall.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, to approve the replacement of the dead plants in the bed that is west of the sidewalk (between 26th and 33rd Streets and up to the wall), and authorize staff to issue the permit so the HOA could reestablish irrigation in the right-of-way at their own risk.

Mr. DeGeorge felt the policy should had been explained better and believed they should receive compensation.

Further discussion ensued regarding the original design standards; safety issues; and the cost estimate of the damage.

MOTION WAS AMENDED by Commissioner O'Bryan, to replace any dead plants in beds that are west of the sidewalk and up to the wall (between 26th and 33rd Streets). Motion DIED for lack of a SECOND.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, to TABLE this item; direct staff to walk the sidewalk and identify the damage to the landscaping beds west of the sidewalk up to the wall; and return to the Board with accurate estimates.

Administrator Baird asked if three bids should be obtained and the Chairman agreed.

Commissioner Zorc suggested the HOA define the damage east of the sidewalk and west of the sidewalk, as two separate estimates, and bring the information back to the Board.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

The Chairman called for a break at 10:47 a.m., and reconvened the meeting at 10:55 a.m., with all members present.

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

A. Community Development

None

B. Emergency Services

None

C. General Services

None

1. Human Services

None

2. Sandridge Golf Club

None

3. Recreation

None

D. Human Resources

None

E. Office of Management and Budget

**10:56
a.m.**

1. Policy Direction – Dori Slosberg Driver Education Fund
(memorandum dated January 14, 2015)

147-149

Management and Budget Director Jason Brown provided background on the Dori Slosberg Driver Education Fund, and noted that in 2010, the Indian River County School District stopped providing driver education courses in the high school because of funding constraints. Due to the significant interest to help provide driver education to local students, staff inquired whether the School District would consider restarting a driver education program, and they expressed interest, with the understanding that the program would be funded by the Dori Slosberg fee. He explained the options available for the provision of driver education for Indian River County students, and asked the Board to make a policy decision on whether to charge the Dori Slosberg fee of \$5.00 on traffic citations.

A brief discussion ensued regarding training through virtual online classes and behind the wheel, and the revenue being available equitably to all educational institutions in the County.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Zorc, to direct staff to draft an Ordinance to reinstitute the Dori Slosberg fund.

Alma Lee Loy supported Harriet Greene in her efforts to promote traffic safety for teenagers, the Dori Slosberg Driver Education Safety Act, and the Indian River County Traffic Education Program Trust Fund.

Tom Lockwood, 2230 Falls Circle, voiced support for the program.

John Bolen, Drivers Education teacher in Stuart, FL, commended Ms. Greene and Ms. Loy for their efforts in promoting traffic safety for teenagers.

Shawn Frost, 6700 77th Street, Education Activist, supported bringing the driver's education program back into the schools.

Debra Taylor-Long, Director for Secondary Education for Indian River County School District, spoke on behalf of the Superintendent - they both supported the program.

Harriet Greene voiced her passion for youth safety and the Dori Slosberg Driver Education Program.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

F. Public Works

None

G. Utilities Services

11:18
a.m.

1. Draft Alternative Water Supply Plan – Phase I Preliminary Evaluation
(memorandum dated January 9, 2015)

150-168

Jill Grimaldi, Senior Project Manager with CDM Smith, Inc. (CDM), used a PowerPoint presentation to outline the draft Alternative Water Supply Evaluation report, which included: the six proposed phases of the project; existing conditions; reservoir sizing; the existing water treatment plant capacity; agricultural demand; required acreage; pollutant load reduction; cost estimates; aquifer storage/recovery; and the pros and cons of adding a surface water reservoir (SWR) or an Aquifer Storage and Recovery (ASR).

Discussion ensued throughout the presentation as Commissioners posed questions to staff and expressed opinions regarding CDM's report.

Commissioner O'Bryan read the Indian River Neighborhood Association's comments into the record, which supported staff's recommendation (on file).

The Chairman called for a break at 12:33 p.m., and reconvened the meeting at 12:43 p.m., with all members present.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Flescher, to distribute the study to all stakeholders, especially St. Johns River Water Management District and incorporate their comments in the final report.

Commissioner O'Bryan pointed out that the second part of staff's recommendation was to negotiate a cost proposal with CDM to embark on Phase 2 – modeling to determine the available volume of water in the Sebastian canal system. He saw no reason to delay obtaining information on the amount of water available, because regardless of what the Board should

decide, the information will help the Board evaluate and determine which system to go with.

Discussion ensued regarding data collection, unknown water factors, and identifying the source origin of nitrogen and phosphorous.

MOTION WAS AMENDED by Vice Chairman Solari, SECONDED by Commissioner Flescher, to include authorizing staff to negotiate on a cost proposal with CDM.

Robert Adair, member of the Soil and Water Conservation District for Indian River County, applauded staff's report; felt the information would be crucial for developing a long-term water supply; and asked the Board to continue looking at the cost advantages of ASR. He also encouraged the Board to move forward, and keep the process open to the stakeholders.

Chairman Davis asked staff to put the draft Alternative Water Supply Evaluation report on the County's website.

Helene Caseltine, Economic Development Director, Indian River Chamber of Commerce, supported staff's recommendation and believed the information was crucial for economic development purposes.

Chairman Davis asked if the motion was clear and Vice Chairman Solari said to make it staff's recommendation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the distribution of the study to all stakeholders, especially St. Johns River Water Management District and to incorporate their comments in the final report; and authorized staff to negotiate on a cost proposal with CDM to embark on Phase 2 – Modeling to determine the available volume of water in the canal system.

13. COUNTY ATTORNEY MATTERS

**12:53
p.m.**

- A.** 2015 Committees Vacancies – Appointments
(memorandum dated January 13, 2015)

169-172

County Attorney Dylan Reingold reviewed the committee vacancies and qualified applicants for the designated positions, and requested the Board review the list and decide which applicants to appoint. Although the Children's Services Advisory Committee vacancy for Members at Large was listed in the Agenda Packet, he requested the Board wait

until the February 10, 2015, Board of County Commission meeting to make an appointment.

In response to Commissioner O’Bryan, Attorney Reingold disclosed that the Children’s Services Advisory Committee vacancy was brought to the Board as an “Informational Item” on January 6, 2015.

ON MOTION by Commissioner O’Bryan, **SECONDED** by Vice Chairman Solari, the Board unanimously appointed John Dyer to the Economic Development Council for a 4-year term.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously appointed Chad R. Hamlin to the Enterprise Zone Development Agency for a 4-year term.

12:56
p.m.

B.

Extension of Lease Agreement with Gifford Youth Activity Center, Inc. (memorandum dated January 12, 2015)

173-179

MOTION WAS MADE by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, to approved Resolution 2015-013, approving a First Amendment to Lease Agreement with the Gifford Youth Activity Center, Inc., for County owned property known as the Gifford Youth Activity Center, Inc.

Commissioner O’Bryan asked that the name on the documents reflect their new name, “Gifford Youth Achievement Center, Inc.”

MOTION WAS AMENDED by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, to approve Resolution 2015-013, approving a First Amendment to Lease Agreement with the Gifford Youth Achievement Center, Inc. (f/k/a Gifford Youth Activity Center, Inc.), for County owned property known as the Gifford Youth Achievement Center.

Freddie Woolfork, 4590 57th Avenue, thanked the Board for their continued support, the Lease Extension, and for recognizing the name change.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

12:59
p.m.

C.

Addition - Emergency Item: Request to Appeal Final Orders Issued by the Department of Juvenile Justice (Memorandum dated January 15, 2015)

Assistant County Attorney Kate Pingolt Cotner provided background on three pending administrative cases challenging the Department of Juvenile Justice’s (DJJ) implementation of the cost sharing scheme, and

the official Stipulation of Facts Agreements that Indian River County, as well as other Counties, entered into December of 2013. She said almost a year after the DJJ received jurisdiction, it issued Final Orders for the challenges, and after the County Attorney's office received copies of the Final Orders on January 13, 2015, it was discovered that the Final Orders were flawed - they included cost-sharing calculations based on a set of administrative rules that Indian River County has been challenging in litigation. She requested the Board authorize the County Attorney's office to file an appeal with Florida's First District Court of Appeals for the Final Orders issued by DJJ.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, to authorize Indian River County to file an appeal with Florida's First District Court of Appeals to challenge the Department of Juvenile Justice's Final Orders for Case Number 11-0995, et al., which challenged the cost-sharing estimates for Fiscal Year 2009-2010, Case Number 11-5894 which challenged the cost-sharing estimates for Fiscal Year 2010-2011, and Case Number 13-1442, et al., which challenged the cost-sharing estimates for Fiscal Year 2011-2012.

Chairman Davis asked if Indian River County would be joining the other Counties.

Attorney Pingolt Cotner explained that each County is in a different situation; therefore, Indian River County would be representing itself.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

14. COMMISSIONERS MATTERS

1:03
p.m.

A. Commissioner Wesley S. Davis, Chairman

Addition - Emergency Item: Venue Request from American Coalition for Property Rights and Florida Not All Aboard

Chairman Davis asked the Board to consider granting the American Coalition for Property Rights and Florida Not All Aboard's request to use the parking lots adjacent to the Administration Building for a public event on Saturday, March 7, 2015, from 1:00 p.m. until 4:00 p.m.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman Davis, to grant the American Coalition for Property Rights and Florida Not All Aboard's request to use the parking lots adjacent to the Administration Building for a public event on Saturday, March 7, 2015, from 1:00 p.m. until 4:00 p.m.

Attorney Reingold mentioned that there may be additional requirements that need to be met before the groups proceed. He reminded the Board that if they grant approval to one group, they will essentially be agreeing to all groups.

Vice Chairman Solari noted that the venue requested was for Saturday, not during office hours.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

B. Commissioner Bob Solari, Vice Chairman
None

C. Commissioner Joseph E. Flescher
None

D. Commissioner Peter D. O’Bryan
None

E. Commissioner Tim Zorc
None

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District
None

1:09
p.m.

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

1. Approval of Minutes Meeting of December 16, 2014
2. Amendment No. 6 to Republic Services
(memorandum dated January 6, 2015) 180-184
3. Final Pay for CDM Smith Work Order No. 8 – 2014 Annual Permit
Compliance Monitoring & Reporting
(memorandum dated January 9, 2015) 185-194

4. Request to Bid on the Former Indian River Correctional Institution
(memorandum dated January 12, 2015) 195-199

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **1:28 p.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: February 17, 2015

BCC/LA/2015Minutes