



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

**REGULAR MEETING MINUTES
TUESDAY, MARCH 17, 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		
Peter D. O'Bryan	District 4	Present	Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller	
Tim Zorc	District 3	Present	Maureen Gelfo, Deputy Clerk	

**DVD
TIMES**

**PACKET
PAGES**

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

2. **INVOCATION**

Stan Boling, Community Development Director

3. **PLEDGE OF ALLEGIANCE**

Commissioner Tim Zorc

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

9:02 a.m. **Addition: Item 12.A.1. Community Development - Marilyn Valenti's Request via Attorney Robert Clark, to Stop Demolition of a Structure Located at 34 20th Lane SW**

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

5. **PROCLAMATIONS and PRESENTATIONS**

- 9:03 a.m. A. Presentation of Proclamation Designating March 15 through March 21, 2015 as Surveyors Week 1
Commissioner O’Bryan read and presented the Proclamation to David Luethje, Carter & Associates, Inc.
- 9:08 a.m. B. Presentation of Proclamation Designating the Month of March 2015, as March for Meals Month 2
Vice Chairman Solari read and presented the Proclamation to Karen Deigl, President & CEO; Christie Johnson, Marketing & Public Relations Manager; and Leila Heptinstall, Nutrition Manager for Meals on Wheels; all of the Senior Resource Association. T-shirts were presented to the Board Members.
- 9:15 a.m. C. Presentation of Proclamation Designating April 12, 2015 to April 17, 2015, as Indian River County Celebrating Children’s Week 3
Chairman Davis read and presented the Proclamation to Pat Houston, Director of Programs; and John Locke, Board Member; Early Learning Coalition of Indian River County. A mobile consisting of paper handprints was provided to the Commissioners.

6. **APPROVAL OF MINUTES**

None

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

None

8. **CONSENT AGENDA**

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously approved the Consent Agenda, as presented.

- 9:21 a.m. A. Approval of Warrants – February 27, 2015 to March 5, 2015 (memorandum dated March 5, 2015) 4-12
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 March 6, 2015) 13-20
Approved Resolution 2015-038, formally designating certain County

owned property for 26th Street right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel.
(Purchased from Sistler, Brenda Hamilton; Hamilton, Keith A., and Hamilton, William A.)

- C. Miscellaneous Budget Amendment 010
(memorandum dated March 9, 2015) 21-26
Approved Resolution 2015-039, amending the Fiscal Year 2014-2015 Budget.
- D. Approval of Award for Annual Bid 2015006 – Annual Bid for Sod
(memorandum dated March 10, 2015) 27-28
(1) Approved the Bid Award to Longhorn Landscaping and Sod 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 March 17, 2014 through February 28, 2016 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.
- E. Request by VFW for Donation of Excess Senior Resource Association (SRA) Van
(memorandum dated March 9, 2015) 29-33
Declared Asset 22843/Fleet 875 (2006 Ford 16’ Van Terra) surplus, and authorized donation of the van to VFW Post 10210 in accordance with Florida Statutes, with any cost of transfer paid by the VFW; the van will be turned over to the Sea Scouts.
- F. F.D.O.T. Small County Outreach Program (SCOP) Agreement and Resolution Authorizing the Chairman’s Signature for Construction and Construction Engineering Inspection (CEI) Services Aviation Boulevard/20th Avenue Intersection Improvement – IRC Project No. 1422 – FM 437004-1-58-01
(memorandum dated March 17, 2015) 34-58
Approved: (1) the Small County Outreach Program (SCOP) Agreement with the Florida Department of Transportation (FDOT); and (2) Resolution 2015-040, authorizing the Chairman’s execution of a Small County Outreach Program Agreement for construction and construction engineering inspection (CEI) services for Aviation Boulevard/20th Avenue intersection improvements.
- G. 10’ Utility Easement for New 4th Street/43rd Avenue Fire Station
(memorandum dated March 11, 2015) 59-62
Approved and authorized the Chairman to execute on the Board’s

behalf, the utility easement to Florida Power & Light (FPL).

- H. Renewal of Professional Coastal Engineering and Coastal Environmental Services Agreement RFQ No. 2012050 (memorandum dated March 9, 2015) 63-75
Approved the fee schedules and two-year renewal of the agreements with: (1) CB&I Coastal Planning and Engineering, Inc., f/k/a/ Coastal Planning and Engineering, and (2) Ecological Associates, Inc., and authorized the Chairman to execute the agreements.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES PAGE

- 9:22 a.m.** A. **Indian River County Sheriff Deryl Loar**
1. Request for \$30,000 from Law Enforcement Trust Fund to be used to purchase equipment and support programs and agencies (letter dated February 26, 2015) 76-77
Sheriff Deryl Loar briefly outlined his request.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously authorized the Sheriff to allocate \$30,000 from the Sheriff's Law Enforcement Trust Fund to purchase equipment and support the following programs and agencies: (1) Executive Roundtable of Indian River County, Inc. \$5,000; (2) 2-1-1- Palm Beach/Treasure Coast \$2,000; (3) Crime Stoppers of the Treasure Coast \$1,000; (4) A Child is Missing \$1,000; (5) Mental Health Collaborative \$10,000; (6) Florida Missing Children's Day ceremony \$1,000; (7) Homeless Family Center \$2,000; (8) SafeSpace \$1,500; (9) Narcotics Overdose Prevention & Education Task Force, Inc. \$3,000; (10) Childcare Resources of Indian River County \$1,000; (11) CASTLE \$1,000; and (12) Inner Truth Project \$1,500.

- 9:22 a.m.** 2. Request for \$32,642.31 from Law Enforcement Trust Fund to be used to purchase external vest carriers (letter dated February 26, 2015) 78-79
Sheriff Deryl Loar explained that the external vest carriers are an outer shell that in extreme circumstances, is worn in addition to the regular bulletproof vests.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously authorized the Sheriff to allocate \$32,642.31 from the Sheriff's Law Enforcement Trust Fund to purchase an additional one hundred (100) external vest carriers.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

None

C. **PUBLIC NOTICE ITEMS**

9:23 a.m.

1. **Noticed of Scheduled Public Hearings for March 24, 2015:**
(memorandum dated March 9, 2015)

80

a. Consideration of County-initiated Amendments to Land Development Regulations (LDRs) Chapter 902 (Administrative Mechanisms) and Chapter 915 (Planned Developments) to Grant the Planning and Zoning Commission the Authority to Approve Certain Modifications to Planned Development (PD) Setbacks and Other Dimensional Criteria and the Powers of the Board of (Zoning) Adjustment to Grant Variances
Legislative

b. Faith Baptist Church, Inc. of Vero Beach, Fla.'s Request for Special Exception Use Approval for a Modular Office Addition
Quasi-Judicial
County Attorney Dylan Reingold read the notices into the record.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

9:25 a.m.

A. **Community Development**

1. Addition: Marilyn Valenti's Request via Attorney Robert Clark, to Stop Demolition of a Structure Located at 34 20th Lane SW
Deputy County Attorney Bill DeBraul recalled the Board's approval on November 18, 2014 to demolish a structure owned by Vincent Valenti. He disclosed that the new owner of the property, Marilyn Valenti, has requested that the Board halt the demolition and allow her time to have the house repaired.

County Building Official Scott McAdam reported that although the demolition contractor has pulled a Health Department permit, no demolition has occurred on the site to date.

Commissioners Davis and Flescher preferred to terminate the demolition and allow Ms. Valenti to restore the structure, if she agrees to pay costs incurred by the County thus far.

Robert Clark, Esquire, representing Ms. Valenti, affirmed that Ms. Valenti would pay any expenses incurred by the County, and that she has retained local contractor Keith Baker, to repair the house.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman Davis, for the County to terminate any further demolition action with regards to the structure owned by Marilyn Valenti, located at 34 20th Lane SW.

Vice Chairman Solari asked if there was a timeline for Ms. Valenti to make the repairs.

Community Development Director Stan Boling suggested that Ms. Valenti be given 90 days to obtain a permit for the repair work.

MOTION WAS AMENDED by Commissioner Flescher, SECONDED by Chairman Davis, to allow 90 days for Ms. Valenti to get a permit for the repair work.

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

B. Emergency Services

None

C. General Services

1. Human Services

9:30 a.m.

- a. Children's Services Funding Allocation for Fiscal Year 2015/2016 (memorandum dated March 9, 2015)
Management and Budget Director Jason Brown recalled the Board's decision on March 3, 2015, to table this item after several individuals expressed concerns about the funding level being insufficient. He reported that the Children's

81-83

Services Advisory Committee (CSAC) has received the same amount, \$623,890, from the County for the last three years, and asked the Board to set a funding amount for Fiscal Year 2015-2016. He noted that before the economic downturn, the funding allocation was based upon the previous Fiscal Year's taxroll change, and that there was a 4.5% increase in the taxroll last year.

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, to approve funding for Fiscal Year 2015-2016 in the amount of \$651,965, an increase of 4.5% from the previous Fiscal Year, for the Children's Services Advisory Committee.

The following speakers provided arguments supporting increased appropriations for the CSAC:

Brad Bernauer, Indian River County Human Services Director;
Ray Oglethorpe, Moonshot Moment;
Marlynn Scully, President, John's Island Community Service League, Inc.;
Dr. Glenn Tremml, Emergency Room Physician;
Michael Kint, United Way of Indian River County;
Meredith Egan, Kindergarten Readiness Collaborative

Hope Woodhouse, Children's Services Advisory Committee, spoke on the importance of early childhood education, and leveraging local, state, and private assets to optimize funding for Children's Services. She invited the Board to attend a March 25, 2015 meeting at John's Island from 5:00 p.m. to 6:00 p.m., at which discussion will be held on (a) the CSAC's Children's Needs Assessment Report; and (b) United Way's Asset Limited, Income Constrained, Employed (ALICE) Report. Ms. Woodhouse relayed that Kip Jacoby, Chairman, Children's Services Advisory Grant Committee, would also have spoken in support of increased funding, but was unable to attend the meeting.

Discussion ensued, during which it was established that the CSAC would be allocating their funding to Children's Services agencies on June 5, 2015.

Commissioner Zorc proposed initiating a fund matching program between the County and the philanthropic community to maximize funding for Children's Services.

Ms. Scully and Ms. Woodhouse affirmed that they would support the fund match program.

Commissioner Zorc asked if he could amend the Motion made earlier; he was advised to initiate a new Motion after the vote on the original Motion.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved funding for the Children's Services Advisory Committee for Fiscal Year 2015-2016 in the amount of \$651,965, an increase of 4.5% from the previous Fiscal Year.

MOTION WAS MADE by Commissioner Zorc, SECONDED by Chairman Davis, to establish a matching grant program, with each dollar raised by the community matched by the County, for a maximum total match amount of \$200,000.

Commissioner O'Bryan asked Ms. Woodhouse to come to the County Commission meeting of June 2, 2015, so the match amounts can be determined prior to CSAC's June 5, 2015 meeting.

The Chairman called a recess at 9:41 a.m. and reconvened the meeting at 10:47 a.m., with all members present.

Discussion followed on the matching fund program process.

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

10:51
a.m.

- b. Children’s Services Advisory Committee’s Recommendation RFP# 2015031 New Focus Areas for 2015-16 and Sample Agency Contract to be Used (memorandum not dated)

84-151

Human Services Director Brad Bernauer advised that the RFP for Children’s Services will be sent out electronically to all the children’s agencies.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously: (1) accepted the Request for Proposal (RFP) #2015031 for 2015-2016 Focus Areas and Agency Contract as submitted; and (2) authorized the Chairman to execute the individual contracts.

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

PAGE

10:55
a.m.

- A. Legislative Update (memorandum dated March 11, 2015)
(Clerk’s Note: This item followed Item 13.B, and is placed here for continuity).

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Assistant County Attorney Kate Cotner gave a PowerPoint Presentation on the proposed bills and issues in the State of Florida’s 2015 Legislative Session that might impact the County. She noted that there was no direct legislation on two matters that are Indian River County priorities

- All Aboard Florida, and County Funding of Court Related Functions. Attorney Cotner recommended that the Board have her prepare a white paper on any bill that the Board would like to actively oppose. Attorney Cotner provided background and analysis on the following issues and bills:

- Water & Sewer Service Areas
- Florida Municipal Power Agency (FMPA) Legislative Oversight
- Senate Bill 1414 Reimbursement from the Department of Juvenile Justice
- Foreign Trade Zone 136 Boundary Modification
- Beach Restoration and Nourishment
- Appropriation for Water Projects
- House Bill 7067 Enterprise Zones
- House Bill 41 and Senate Bill 154 Hazardous Walking Conditions (for Public School Students)

A brief discussion ensued about the negative impacts of the proposed House Bill 41 and Senate Bill 154, Hazardous Walking Conditions, on the County's long-range plans for sidewalks.

The Board CONSENSUS was to authorize Attorney Cotner to draft for presentation to the Board on March 24, 2015, a white paper regarding proposed House Bill 41 and Senate Bill 154, Hazardous Walking Conditions.

Attorney Cotner continued her presentation with review of the following proposed bills:

- Committee Substitute/House Bill 113 and Senate Bill 778 Local Government Construction Preferences
- House Bill 391 and Senate Bill 896 Location of Utilities

Discussion ensued about the cost to the County if the All Aboard Florida project is actualized, and the utilities companies are not required to pay for removing or relocating certain utility lines.

The Board CONSENSUS was to authorize Attorney Cotner to draft for presentation to the Board on March 24, 2015, a white paper regarding proposed House Bill 391 and Senate Bill 896, Location of Utilities.

Attorney Cotner continued her presentation, reviewing the following proposed bills:

- House Bill 527 and Senate Bill 934 Public Works
- House Bill 345 and Senate Bill 708 Code Enforcement Officers

- House Bill 873 and Committee Substitute/Senate Bill 484 Regional Planning Councils

MOTION WAS MADE by Vice Chairman Solari to actively oppose the appropriation of \$2.5 million in State funds for the Regional Planning Councils, as outlined in House Bill 873 and Committee Substitute/Senate Bill 484, Regional Planning Councils. Motion DIED for lack of a second.

Attorney Cotner continued her review of the following proposed bills:

- House Bill 551 and Senate Bill 1424 Relating to Growth Management
- House Bill 101 and Senate Bill 140 Relating to Taxation (related to commercial leases)
- Senate Bill 110 Relating to Taxes (on communications services)
- House Bill 681 and Senate Bill 516 Health Coverage for Emergency Services

Attorney Cotner advised that House Bill 681 and Senate Bill 516, Health Coverage for Emergency Services is related to ambulance/transport services, and that Emergency Services District staff finds the bill problematic.

County Administrator Joseph Baird elaborated on the negative impacts of the proposed legislation, and recommended the Board oppose it.

The Board CONSENSUS was to authorize Attorney Cotner to draft for presentation to the Board on March 24, 2015, a white paper regarding proposed House Bill 681 and Senate Bill 516, Health Coverage for Emergency Services.

Attorney Cotner continued her presentation, reviewing the following proposed bills:

- House Bill 683 and Senate Bill 528 Relating to Medical use of Marijuana
- Senate Bill 7044 Health Insurance Affordability Exchange
- House Bill 1291 and Senate Bill 586 Amendment 1 (related to water and land conservation and restoration)

Attorney Cotner concluded her presentation with information on House Bill 7003, Water Resources, which passed last week, and the Senate's proposed Senate Bill 918, Environmental Resources.

- 10:47 a.m.** B. Resolution Urging Legislature and Governor Scott to Support Keeping the National Navy UDT-SEAL Museum in Ft. Pierce (memorandum dated March 11, 2015)

(Clerk's Note: This item was heard following Item 12.C.1.b. and is placed here for continuity).

Ellen Schaeffer stated that in 2007, Congress designated Ft. Pierce as the official site of the National Navy UDT-Seal Museum.

Rick Kaiser, Retired Master Chief Navy Seal, and Executive Director Navy UTD-Seal Museum, explained the mission of the Museum, and thanked the Board for its support.

Craig Mundt, Vice President, Board of Directors, National Navy UDT-Seal Museum, relayed that over \$3 million of improvements have recently been made to the museum, and they are looking to expand further. He also disclosed that the Museum is getting support at the State level.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Zorc, the Board unanimously approved Resolution 2015-041, urging the Florida Legislature and the Governor Rick Scott to support keeping the National Navy UDT-Seal Museum in Ft. Pierce, Florida.

11:44
a.m.

- C. Potential Lawsuit Challenging U.S. Department of Transportation's Approval of the Issuance of \$1,750,000,000 of Tax Exempt Private Activity Bonds for All Aboard Florida
(memorandum dated March 11, 2015)

156-157

County Attorney Dylan Reingold recalled actions taken by the Board on February 17, 2015 and March 3, 2015, to: (1) approve the appropriation of funding to protect the County from All Aboard Florida; and (2) to approve Resolution 2015-033, supporting that commitment. He stated that a key reason to file the lawsuit would be to challenge the U.S. Department of Transportation's provisional bond allocation approval letter, which was issued improperly prior to completion of the National Environmental Policy Act (NEPA) process. After providing details on the litigation, Attorney Reingold asked the Board to take public comment and authorize staff to file the lawsuit.

The Chairman invited public comment; there were no speakers.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously authorized the County Attorney's Office to file a complaint in Federal Court challenging the U.S. Department of Transportation's (FDOT's) approval of the issuance of the \$1.75 billion of tax exempt private activity bonds for All Aboard Florida.

14.

COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

B. Commissioner Bob Solari, Vice Chairman

11:48
a.m.

- 1. Public Information Request
(memorandum dated March 11, 2015)

158-162

Vice Chairman Solari reported that the County Attorney’s Office has received a public records request for financial records of moneys received and disbursed by Commissioner Solari, or otherwise related, to his service as a County Commissioner. He sought and received CONSENSUS from the Board to publish the information on the County’s website (after it has been compiled).

Chairman Davis requested that the information also be released to the media outlets.

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

B. Solid Waste Disposal District

11:59
a.m.

- 1. Summary of RFP No. 2015023 Solid Waste and Recyclables Collection Services
(memorandum dated March 4, 2015)

163-167

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

15.

SPECIAL DISTRICTS AND BOARDS

C. Environmental Control Board

None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **12:39 p.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____

Approved: 04/07/2015

BCC/MG/2015Minutes