

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



**REGULAR MEETING MINUTES
TUESDAY, MAY 19, 2015**

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

COUNTY COMMISSIONERS DISTRICT

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 Court and Comptroller	Present
Peter D. O'Bryan	District 4	Present	Maureen Gelfo, Deputy Clerk	Present
Tim Zorc	District 3	Present		

**DVD
TIMES**

**PACKET
PAGES**

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

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

 3. **PLEDGE OF ALLEGIANCE** Commissioner Bob Solari, Vice Chairman

 4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:02 a.m. **Delete: Item 5.A. Proclamation and Retirement Award Honoring Timothy Persky**
- Delete: Item 8.N. Answer to Lawsuit on Blue Cypress Lake Stilt Houses**
- Add: Item 10.B.1. Request to Speak from Phyllis Frey – All Aboard Florida/ Florida East Coast Railway Safety Issues**
- Delete: Item 13.C. Amended Agreement for Purchase and Sale of Real Estate at 4560 67th Avenue, Vero Beach, Randy and Linda Kurpil, Owners**

Delete: Item 14.A.1. Chairman Davis - Vero Village Utility Account

Add: Item 15.A.2. Emergency Services – Fire Station No. 7 on Ranch Road (82nd Avenue)

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the agenda as amended.

5. PROCLAMATIONS and PRESENTATIONS

A. Presentation of Proclamation and Retirement Award Honoring Timothy Persky on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty-Three Years of Service 1-2

Deleted

9:03 a.m. B. Presentation of Proclamation Designating the Week of May 17 – 23, 2015, as Emergency Medical Services Week 3

Commissioner Zorc read and presented the Proclamation to Assistant Fire Chief Brian Burkeen.

6. APPROVAL OF MINUTES

A. Regular Meeting of April 21, 2015

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the regular meeting minutes of April 21, 2015 as written.

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

A. Resignation to Treasure Coast Regional Planning Council (memorandum dated May 11, 2015) 4-5

Noted for the record was the resignation, effective immediately, of Vice Chairman Bob Solari from the Treasure Coast Regional Planning Council.

B. Construction Board of Adjustment and Appeals Committee Vacancy (memorandum dated May 11, 2015) 6-7

Noted for the record was the resignation, effective May 7, 2015, of Larry T. Hall from the Construction Board of Adjustment and Appeals.

- C.** Proclamation and Retirement Award Honoring Patrick Keeler on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service 8-9
- D.** Proclamation and Retirement Award Honoring Robert S. Cox on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty-Three Years of Service 10-11
- E.** Proclamation and Retirement Award Honoring Victor Dixon on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service 12-13
- F.** Florida Department of Transportation Public Hearing Announcement (letter dated May 8, 2015) 14-15
Noted for the record was the public hearing on the proposed improvements to SR 5/US 1 from south of 53rd Street to North of CR 510 for a length of approximately 4.7 miles.
- G.** Florida Public Service Commission Notice of Final Order: (1) Denying Florida Industrial Power Users Group’s Motion to dismiss in its entirety; (2) Approving Duke Energy Florida, Inc.’s request to end the levy nuclear project fix rate component; (3) Declining to take action on Duke Energy Florida, Inc.’s request to defer collection Levy Nuclear project cost; and (4) Approving Duke Energy Florida, Inc.’s revised Tariff Sheet No. 6.105, has been received and is available for review in the Office of the Clerk to the Board

8. CONSENT AGENDA

9:07 a.m. ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously approved the Consent Agenda, pulling Item 8.J. for discussion.

- A.** Approval of Warrants – May 1, 2015 to May 7, 2015 (memorandum dated May 7, 2015) 16-24
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
- B.** Release of Retainage – Work Order No. 1 Morgan & Eklund, Inc. 2014 Beach Profile Monitoring Surveys (memorandum dated May 11, 2015) 25-27
Approved the release of all withheld retainage to Morgan & Eklund, Inc., under Work Order No. 1, in the amount of \$4,950.00.

- C. Change Order No.1 and Release of Retainage, Roseland Lake Clearing and Dredging, IRC Project No. 1219, Bid No: 2014051 (memorandum dated May 8, 2015) 28-37
Approved Change Order No. 1 and payment of Mancil’s Tractor Service, Inc. Pay Application No. 4 (Final) for release of retainage in the amount of \$16,485.00.
- D. Local Option Gas Tax Distribution Percentages (memorandum dated May 8, 2015) 38-39
Approved the 2015-2016 Revenue Distribution Percentages (as presented on page 39 of the agenda package), effective October 1, 2015.
- E. Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT) (memorandum dated May 5, 2015) 40-54
Approved Resolution 2015-061 authorizing an agreement for traffic signal maintenance and compensation.
- F. Adoption of a Resolution Agreeing to Maintenance of the Trans-Central Florida Rail Trail through the St. Sebastian Preserve State Park (memorandum dated May 8, 2015) 55-65
Approved: (1) Resolution 2015-062 authorizing the execution of District Four Maintenance Memorandum of Agreement for the Trans-Central Florida Railroad Greenway from 104th Avenue to North County Regional Park FM #432574-2-52-01; and (2) authorized staff to transmit the Resolution and Maintenance Memorandum of Agreement to the Florida Department of Transportation.
- G. Miscellaneous Budget Amendment 015 (memorandum dated May 13, 2015) 66-71
Approved Resolution 2015-063 amending the Fiscal Year 2014-2015 budget.
- H. Work Order No.4 with Kimley Horn and Associates for Supervisory Computer and Data Acquisition (SCADA) Upgrades at South RO and North RO (memorandum dated May 11, 2015) 72-79
(1) Approved Work Order No. 4 authorizing professional services; and (2) authorized the Chairman to execute same on the Board’s behalf, for a lump sum amount of \$119,650.00 to Kimley-Horn and Associates.

- I. Award of Bid No: 2015034, Martin Luther King Walking Trail, IRC Project No. 1413
(memorandum dated April 30, 2015)

80-90

(1) Approved the project award to Timothy Rose Contracting, Inc., in the amount of \$128,723.60; (2) approved the sample agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the agreement as to form and legal sufficiency.

- J. F.D.O.T. County Incentive Grant Program (CIGP) – Locally Funded Agreement (LFA) and Resolution Authorizing the Chairman’s Signature for Right of Way Appraisal, Consultant, Acquisition, and Relocation Services of Various Parcels for the Construction of Intersection Improvements at SR-60 and 43rd Avenue and Authorizing the Chairman’s Signature for the Three Party Escrow Agreement, IRC Project No. 0853, FPN – 431759-1-4B/42/43/45-01
(memorandum dated April 27, 2015)

91-114

Commissioner O’Bryan noted that half of the 43rd Avenue Project falls within the City of Vero Beach (the City) limits, but the 50/50 cost share with the State is funded from the optional sales tax which is collected in the unincorporated County. He wanted staff to ask the City to participate in the local cost share.

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Chairman Davis, to: (1) approve the Florida Department of Transportation (FDOT) County Incentive Grant Program (CIPG) – Locally Funded Agreement (LFA); (2) direct staff to request the City of Vero Beach to participate in the cost-share agreement between the County and the FDOT, wherein the County agrees to pay one-half (1/2) of expenditures and the FDOT agrees to provide the other one-half (1/2); and (3) approve Resolution 2015-064, with the Florida Department of Transportation authorizing the Chairman’s execution of a County Incentive Grant Program – Locally Funded Agreement and Three Party Escrow Agreement for right of way appraisal, consultant, acquisition, and relocation services of various parcels for the construction of intersection improvements at SR 60 and 43rd Avenue.

Public Works Director Chris Mora provided additional information in response to Board questions on the project.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

- K.** Amendment #7 to the Civil Engineering and Land Surveying Agreement for Intersection Improvements at SR-60 and 43rd Avenue and the Widening of 43rd Avenue from 18th Street to 26th Street with Arcadis US, Inc., IRC Project No. 0853
(memorandum dated April 23, 2015) 115-145
Approved and authorized the Chairman to execute Amendment No. 7 with Arcadis US, Inc. (f/k/a/ Arcadis G&M, Inc.) for a lump sum fee of \$93,691.61.
- L.** F.D.O.T. Small County Outreach Program (SCOP) Agreement and Resolution Authorizing the Chairman's Signature for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of Old Dixie Highway from 71st Street to CR510 IRC Project No. 1138, FM 429567-1-58-0
(memorandum dated May 6, 2015) 146-169
Approved: (1) the Small County Outreach Program (SCOP) Agreement; and (2) Resolution 2015-065, with the Florida Department of Transportation authorizing the Chairman's execution of a Small County Outreach Program Agreement for construction (resurfacing) and construction engineering inspection (CEI) services of Old Dixie Highway from 71st Street to CR510.
- M.** *Indian River County v. William Ruetemann*
(memorandum dated May 13, 2015) 170-174
Approved the Stipulation of Settlement with William Ruetemann, with regards to Mr. Ruetemann's boat storage and repair activities.
- N.** Answer to Lawsuit on Blue Cypress Lake Stilt Houses
(memorandum dated May 13, 2015) 175-182
Deleted
- O.** First Amendment to Lease Agreement with AT&T Mobility for Co-location on Tower at 1340 Old Dixie Highway Tower
(memorandum dated May 12, 2015) 183-187
Approved and authorized the Chairman to execute the First Amendment to Lease Agreement with AT&T Mobility, LLC, for the 1340 Old Dixie Highway site, to provide for Verizon Wireless Personal Communications LP, d/b/a/ Verizon Wireless, to co-locate on the tower.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

9:13
a.m.

1. **Add:** Phyllis Frey Request to Speak on Safety Issues Regarding All Aboard Florida (AAF) and Florida East Coast Railway (FEC) **Phyllis Frey, 275 Date Palm Road, used a photo display to support her presentation on safety issues pertaining to All Aboard Florida (AAF) and Florida East Coast Railway (FEER). Her concerns centered on the proposal to run 32 high speed passenger trains on the same tracks as freight trains transporting hazardous materials. She spoke to the recent increase in rail accidents and the increased likelihood of accidents and deaths if AAF transpires.**

C. **PUBLIC NOTICE ITEMS**

9:18
a.m.

1. **Notice of Scheduled Public Hearing June 2, 2015:**
Consideration of Proposed Amendments to the Heavy Commercial (CH), Light Industrial (IL), and General Industrial (IG) Maximum Building Coverage Regulations Chapter 911 (Legislative)
(memorandum dated May 11, 2015) 188
2. **Notice of Scheduled Public Hearing June 2, 2015:**
Second Public Hearing for a Community Development Block Grant (CDBG)
(Legislative)
(memorandum dated May 11, 2015) 189
County Attorney Dylan Reingold read the notices into the record.

Commissioner O’Bryan requested that staff ensure that the notice for the second hearing is provided to individuals on the Gifford Community email list.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

None

B. **Emergency Services**

None

C. **General Services**

None

1. **Human Services**

None

2. **Sandridge Golf Club**

None

3. **Recreation**

None

D. **Human Resources**

None

E. **Office of Management and Budget**

None

F. **Public Works**

None

G. **Utilities Services**

None

13. COUNTY ATTORNEY MATTERS

**9:20
a.m.**

- A.** Economic Development Council Committee Vacancy Appointment
(memorandum dated May 11, 2015)

190-195

County Attorney Dylan Reingold announced that there was one qualified applicant, Daniel R. Richey, for the “Local Citrus Industry” vacancy on the Economic Development Council Committee.

ON MOTION by Commissioner Flescher, **SECONDED** by Vice Chairman Solari, after having reviewed the applicant’s resume, the Board unanimously appointed Daniel R. Richey to fill the unexpired term for the “Local Citrus Industry” representative to the Economic Development Council.

**9:21
a.m.**

- B.** First Amendment to Guardian Ad Litem Interlocal Agreement
(memorandum dated May 11, 2015)

196-203

Attorney Reingold provided background on the Guardian Ad Litem Agreement with the Clerk of the Circuit Court for St. Lucie County, Indian River County, Martin County, Okeechobee County, and St. Lucie County. He stated that the amendment would allow for St. Lucie’s administrative costs to be reimbursed consistent with the St. Lucie County cost allocation program, and presented staff’s recommendation for Board approval.

ON MOTION by Commissioner O’Bryan, **SECONDED** by Chairman Davis, the Board unanimously: (1) approved the proposed Amendment to the Interlocal Agreement (ILA) by and between the Guardian Ad Litem for the Nineteenth Judicial Circuit, Clerk of the Circuit Court for St. Lucie County, Florida; Indian River County, Martin County, Okeechobee County, and St. Lucie County; and (2) authorized the Chairman of the Board to execute any documents necessary to effectuate the ILA.

- C.** Amended Agreement for Purchase and Sale of Real Estate at 4560 67th Avenue, Vero Beach, Randy and Linda Kurpil, Owners
(memorandum dated May 13, 2015)

204-215

Deleted

14. **COMMISSIONERS MATTERS**

A. **Commissioner Wesley S. Davis, Chairman**

1. Vero Village Utility Account
(memorandum dated May 5, 2015) 216-219
Deleted

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**

The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

- 9:22 a.m.**
1. Approval of Amended Work Order No. 1 for Renovations on Fire Rescue Station #1 (1500 Old Dixie)
(memorandum dated May 13, 2015) 220-233
2. **Addition:** Fire Station No. 7 on Ranch Road (82nd Avenue)

B. **Solid Waste Disposal District**

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

- 9:38 a.m.**
1. Approval of Minutes Meeting of April 21, 2015

- 9:39 a.m.**
2. Recycling Update for the Town of Indian River Shores
(memorandum dated May 11, 2015) 234-236

- | | | | |
|---|-----------|---|---------|
| 9:49
a.m. | 3. | Work Order CCNA-2015 WO No. 2 to Geosyntec for One Year of Groundwater Monitoring/Reporting and Related Consulting Services at the Former South Gifford Road Landfill
(memorandum dated May 8, 2015) | 237-252 |
| <hr style="border-top: 1px dashed black;"/> | | | |
| 9:51
a.m. | 4. | Amendment No. 1 to Work Order No. 10 to Geosyntec for Continuation of Brownfield Assessment Work for the Former South Gifford Road Landfill Site
(memorandum dated May 11, 2015) | 253-260 |
| <hr style="border-top: 1px dashed black;"/> | | | |
| 9:54
a.m. | 5. | Update on the Feasibility of Solid Waste Processing and Recycling Services
(memorandum dated May 6, 2015) | 261-270 |
| <hr style="border-top: 1px dashed black;"/> | | | |

C. Environmental Control Board
None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **10:07 a.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: _____