



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

TUESDAY, JULY 7, 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		
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	Present

**DVD
TIMES**

**PACKET
PAGES**

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

2. **INVOCATION** Pastor Roger Ball, Immanuel Church

3. **PLEDGE OF ALLEGIANCE** Commissioner Tim Zorc

4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
9:02 a.m. Delete: Item 13.A.
Move: Item 14.C.1. Fracking in Florida, heard in conjunction with Item 10.B.2.
ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously approved the Agenda as amended.

5. **PROCLAMATIONS and PRESENTATIONS**
9:04 a.m. A. Presentation of Proclamation Designating the Month of July, 2015, as Parks and Recreation Month

6. **APPROVAL OF MINUTES**

None

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

- 9:14 a.m. A. Update on All Aboard Florida / Vero Electric Expenses (memorandum dated June 30, 2015) 2-4
Commissioner O’Bryan announced that the current expense information for All Aboard Florida and Vero Electric would be posted once a month in the County Commission Agenda and on the County’s website.

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 items 8.C., 8.E., and 8.I. for comment.**

- A. Approval of Warrants – June 11, 2015 to June 18, 2015 (memorandum dated June 18, 2015) 5-13
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s office.

- B. Approval of Warrants – June 19, 2015 to June 25, 2015 (memorandum dated June 25, 2015) 14-21
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s office.

- 9:21 a.m. C. Award of Bid No. 2015040 – Gifford Neighborhood 45th Street Beautification Project, IRC Project No. 1506 (memorandum dated June 23, 2015) 22-32
Vice Chairman Solari described some of the improvements that will be made during the beautification project.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the bid award to the lowest, most responsive and responsible bidder, Sunshine Land Design, Inc. for \$1,306,877.14; and authorized the Chairman to execute the Agreement upon review and approval of both the Agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

- D. Award of Bid No. 2015029 to General Underground LLC for an 8” Water Main Extension on Indian River Drive South of Roseland Road – UCP #4109 (memorandum dated June 23, 2015) 33-45
Approved the total amount of \$123,779.36 for the 8” Water Main Extension on Indian River Drive south of Roseland Road; approved award of Bid No.

2015029 to General Underground, LLC, of Chiefland, Florida; approved and 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.

9:19
a.m.

- E. Sector 3 Dune Repair Project, Change Order No. 3, Guettler Brothers Construction, LLC
(memorandum dated June 29, 2015) 46-49

Chairman Davis announced that due to a conflict of interest, he would withhold his vote on this matter.

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner O’Bryan, by a 4-0 vote (Chairman Davis abstained), the Board approved and authorized the Chairman to execute Change Order No. 3 to the Sector 3 Dune Repair Project contract with Guettler Brothers Construction, LLC.

(Clerk’s Note: Form 8B Memorandum of Voting Conflict is attached to these minutes as Addendum A).

- F. Miscellaneous Budget Amendment 018
(memorandum dated June 29, 2015) 50-54

Approved **Resolution 2015-077**, amending the Fiscal Year 2014-2015 Budget.

- G. Approval of Resolution Adopting the Updated 2015 Indian River County Unified Local Mitigation Strategy
(memorandum dated June 16, 2015) 55-60

(1) Approved **Resolution 2015-078**, for approval of the 2015 revised Indian River County Unified Local Mitigation Strategy; and (2) authorized staff to forward the revised Local Mitigation Strategy Plan to each municipality for their approval.

- H. Approval of Extension of FX Software Agreement
(memorandum dated June 26, 2015) 61-64

Approved a one (1) year extension to the FX Software Agreement with Harris Corporation, formerly M/A-Com, Inc. (August 1, 2015 through July 31, 2016), for services for the Public Safety Radio System.

9:22
a.m.

- I. Children Services Advisory Committee Funding Allocations for FY 2015-2016
(memorandum dated June 26, 2015) 65-66

Vice Chairman Solari said he did not support this item.

ON MOTION by Commissioner O’Bryan, **SECONDED** by Chairman Davis, by a 4-1 vote (Vice Chairman Solari opposed), the Board approved the Children’s Services Advisory Committee’s (CSAC) funding recommendation of \$851,965.00, for Fiscal Year 2015-2016.

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- J.** Approval of 2015/2016 State Funded Subgrant Agreement to Update Indian River County's Hazards Analysis (memorandum dated June 16, 2015) 67-68
Approved the 2015-2016 State Funded Subgrant Agreement to Indian River County in the amount of \$3,944.00.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9:23 a.m.** **A. Indian River County Sheriff Deryl Loar**
Community Oriented Policing Services (C.O.P.S.) Hiring Program Grant (letter dated June 17, 2015) 69-104
Sheriff Deryl Loar requested authorization to apply for the Community Oriented Policing Services (C.O.P.S.) Hiring Program Grant, in the amount of \$895,423.30, which will provide funds to hire five additional sworn patrol deputies.
ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously authorized the Sheriff's Office to apply for the Community Oriented Policing Services (C.O.P.S.) Hiring Program Grant in the amount of \$895,423.30.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

**Non
e**

B. PUBLIC DISCUSSION ITEMS

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

- 9:25 a.m.** **1.** Request to Speak from Patricia Hunt Regarding The Train and Public Records Requests 105
Patricia Hunt, P.O. Box 442, Roseland, expressed her opposition to All Aboard Florida (AAF), and reiterated her previous requests for public records.

Administrator Joe Baird informed Ms. Hunt that the cameras installed in the Courthouse were for public safety, not records security.

- 9:38 a.m.** **2.** Request to Speak from Karen Hudon Regarding Hydraulic Fracturing (Fracking) 106
(Clerk's Note: This item was heard in conjunction with Item 14.C.)

Karen Hudon, 4900 SE Hanson Circle, spoke about the dangers of hydraulic fracturing (fracking), the process of extracting natural gas

and/or oil from tight rock formations below the surface using millions of gallons of water, gases, chemicals, and sand at high pressure to break apart and release hydrocarbons present in rock, and its effects on the environment. She requested that the Board approve a Resolution to ban fracking in Florida.

Richard Silvestri, 5708 Buchanan Drive, Ft. Pierce, retired fireman and chemist, explained the dangers of benzene, a toxic chemical used in the fracking process.

Commissioner Flescher voiced his concerns regarding fracking in Florida, the use of benzene, and how it would affect Florida's water reserve. He requested fellow Commissioners to support a Resolution opposing fracking in Indian River County, and elsewhere in Florida.

Vice Chairman Solari believed a Resolution banning fracking at this time would be premature. He wanted more factual information on fracking before making a decision.

Commissioner Zorc would not support a Resolution against all fracking in Florida. He felt fracking was a better alternative than dirty coal, and would be less damaging to the environment than what we currently have.

Commissioner O'Bryan emphasized that Florida is unique in comparison to other states where fracking occurs, and stressed the importance and dependence upon the aquifer for our County's water supply. He wanted to err on the side of safety and pass a Resolution asking our Legislature to ban fracking, and if additional information becomes available, the Board could revise or retract the Resolution at that time.

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, to support a Resolution opposing fracking in Indian River County and elsewhere in Florida.

The following individuals spoke in support of the Motion:

Richard Silvestri, 5708 Buchanan Drive, Ft. Pierce
Amy Datz, Environmental Scientist, Tallahassee
Jerry Buechler, 1719 SW Leafy Road, Port St. Lucie, retired Miami Beach Firefighter
John Debas, 2038 Windham Hollow Court, Jacksonville
Debra Messer, 843 22nd Place, Vero Beach
Richard Bialosky, 685 Reef Road, Vero Beach
Robert Hall, Fort Pierce
Sharon Kohler, 545 Honeysuckle Lane, Vero Beach

Carter Taylor, 2235 Silver Sands Court, Vero Beach, on behalf of
the Indian River Neighborhood Association (IRNA)
Walter Geiger, 7000 20th Street, Village Green, Vero Beach
Judy Orcutt, 4665 Pebble Bay South, Vero Beach
Dr. Richard Baker, President of the Pelican Island Audubon Society

The following individuals opposed the adoption of a Resolution until further studies can be accomplished:

Dan Corrigan, 7320 45th Street, Vero Beach
Phyllis Frey, 275 Date Palm Road, Vero Beach
Susan Mehiel, 131 Laurel Oak Lane, Vero Beach
Rosemary Wilson, 1490 5th Avenue, Vero Beach

Vice Chairman Solari was willing to work on a compromise based on what is known. He suggested sending letters to certain agencies in the State, particularly the St. John's River Water Management District (SJRWMD) and Department of Environmental Protection (DEP), asking them to do their utmost regarding the things they are responsible for.

Commissioner O'Bryan wanted to add into the Resolution, that the Board of County Commissioners supports a ban until such time as all environmental consequences are fully and transparently examined.

MOTION WAS AMENDED by Commissioner Flescher, SECONDED by Commissioner O'Bryan, to add into the Resolution, that the Board of County Commissioners supports a ban until such time as all environmental consequences are fully and transparently examined.

The Chairman CALLED THE QUESTION, by a vote of 2-3 (Commissioners Davis, Solari, and Zorc opposed), the Motion **FAILED**.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Zorc, by a 3-2 vote (Commissioners Flescher and O'Bryan opposed), the Board directed staff to: (1) send letters to Governor Rick Scott, St. John's River Water Management District, the Florida Department of Environmental Protection, and the Legislative leadership in the House and Senate, expressing the Board's concerns with fracking; (2) ask those responsible for fracking to do all they can to ensure it is safe for the people in Florida; and (3) ask that full disclosure of any and all chemicals used in the fracking process be made readily available before fracking begins.

The Chairman called for a break at 11:26 a.m., and reconvened the meeting at 11:41 a.m., with all members present.

C. PUBLIC NOTICE ITEMS

**11:41
a.m.**

1. Notice of Scheduled Public Hearing for July 14, 2015

Consider the Establishment of the Oceanside Replat Street Lighting Municipal Service Benefit Unit and Amending Section 200.07 of Chapter 200, Municipal Service Taxing or Benefit Unit, of the Indian River County Code

Legislative

(memorandum dated June 10, 2015)

107

2. Notice of Scheduled Public Hearing for July 14, 2015

Consider the Establishment of the Oceanside Replat Street Paving Municipal Service Benefit Unit and Amending Section 200.11 of Chapter 200, Municipal Service Taxing or Benefit Unit, of the Indian River County Code

Legislative

(memorandum dated June 10, 2015)

108

County Attorney Dylan Reingold read the Notices into the record.

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

11:43
a.m.

1. Draft Alternative Water Supply Plan – Phase I Preliminary Evaluation (memorandum dated June 25, 2015)

109-126

Director of Utility Services Vincent Burke recalled the actions from the January 20, 2015 Board of County Commissioners meeting, whereby staff was directed to: (1) distribute the Phase 1 Preliminary Evaluation of the Alternative Water Supply study to all stakeholders and interested parties, and incorporate their comments in a final report; and (2) negotiate a cost proposal with CDM Smith, Inc. (CDM) for Phase 2 modeling to determine the available volume of water in the Sebastian River Improvement District's canal system.

Jill Grimaldi, Senior Project Manager with CDM Smith, Inc. (CDM) presented the Board with a recap of her presentation from the January meeting.

Chairman Davis wanted an evaluation and cost benefit analysis to be added to the existing six phases.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Chairman Davis, to add, "An Evaluation and Cost Benefit Analysis" to the project phases.

A brief discussion ensued regarding the additional phase, and where it should be placed within the phases.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

Ms. Grimaldi continued her presentation as she spoke about the water volume in the Sebastian River Improvement District (SRID), existing conditions, reservoir sizing, required acreage for potable and agricultural water, aquifer storage and recovery, conceptual project cost estimates, and the stakeholders' comments. She also pointed out that in moving forward with an alternative source, the Consumptive Use Permit (CUP) allocation should be modified to pull water from the North Plant, and that consideration might be given to ask for long-term increases to the Upper Floridan Aquifer demands.

Ms. Grimaldi provided comparative costs for the different options (reservoir-potable, reservoir-AG and potable, North County Water Treatment Plant [WTP] expansion, and North County WTP CUP increases), and discussed the next steps in moving forward.

Throughout the presentation, Commissioners posed questions and expressed opinions regarding CDM's report.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Chairman Davis, to: (1) authorize staff to negotiate a cost proposal with CDM Smith, Inc., to embark on restructuring the existing Consumptive Use Permit (CUP), and (2) direct staff to return to the Board with a more detailed staff report indicating the reasons for it, a cost proposal, and the pros and cons involved with the proposed changes.

Discussion ensued regarding the alternative supply plan.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board unanimously approved Amendment No. 1 to Work Order No. 11 for the additional work completed by CDM Smith, Inc., and vetted by Utility Department staff for a lump sum amount of \$14,750.00 to CDM Smith, Inc.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously accepted Phase 1 of the Alternative Water Supply Plan, with stakeholder comments incorporated accordingly.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner O'Bryan, to authorize the Utilities Department to make grant applications to St. John's River Water Management District for the necessary funding in moving forward with Phase 2.

The Board discussed water management, volume, quality, modeling, and flow rates.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

The Chairman called for a break at 12:48 p.m., and reconvened the meeting at 1:07 p.m., with all members present.

13. COUNTY ATTORNEY MATTERS

**10:02
a.m.**

- A. Time Certain – 10:30 a.m. Attorney-Client Session:**
Indian River County vs. Turner Construction Company, et al., Pending in the Circuit Court of the Nineteenth Judicial Circuit, Case No. 31 2011 CA002999 (memorandum dated June 25, 2015) ----- 127
County Attorney Dylan Reingold determined that this item should be deleted from the Agenda, since the required Notice was not published by the Press Journal.

**1:07
p.m.**

- B.** License Agreement for Cell Tower Located at Historic Dodgertown at the Site of an Existing Light Post (memorandum dated June 30, 2015) ----- 128-143
MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner O’Bryan, to: (1) approve the License Agreement with T-Mobile South, LLC, with the 4% annual license fee increase; (2) authorize the Chairman to execute the License Agreement and Memorandum of License on behalf of the Board, and any other documents necessary to effectuate said Agreement; and (3) delegate authority to the County Attorney or his designee to execute any permit application necessary for tower plan review and construction.

Deputy County Attorney William Debraal said no public hearing was necessary on this item. He introduced Joe O’Hagan from SBA Communications Corporation, who will be coordinating the project. He also pointed out that certain permits would need to be signed by a delegated authority, possibly Administrator Baird.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

14. COMMISSIONERS MATTERS

**1:09
p.m.**

- A. Commissioner Wesley S. Davis, Chairman**
1. Lakewood Village Mobile Home Park Utility Account (memorandum dated June 22, 2015) ----- 144-145
Chairman Davis asked fellow Board members to consider reductions to the interest rate on the Lakewood Village Mobile

Home Park Utility Account so they can pay down the principal quicker. He said they were paying on the money that was borrowed for the connection to water service, and they had offered to pay down the principal by about 10% (about \$30,000).

Charles Bailey, President of the Lakewood Village Resident Owned Manufactured Home Association, emphasized that his Association would be putting a substantial principal reduction down, and felt their request was valid.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Davis, to adopt an ordinance or policy that states that anyone with an outstanding loan, who remits a minimum of 10% of the outstanding principal, could request staff to adjust the rate to the current approved rate.

Director of Utility Services Vincent Burke revealed that Lakewood Village Mobile Home Park had been timely with their payments, and that if this is going to be considered, staff would need to ensure their payment history is up to date.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Chairman Davis, to include Director Burke's recommendation that there be a history of timely payments.

The Chairman CALLED THE QUESTION and the AMENDED MOTION carried by a 4-1 vote (Vice Chairman Solari opposed). The Board approved to adopt an ordinance or policy that states anyone with an outstanding loan, who remits a minimum of 10% of the outstanding principal, could request staff to adjust the rate to the current approved rate, as long as the payments were timely.

1:20
p.m.

2. Amnesty Program and Adoption of Ordinance
(memorandum dated June 29, 2015)

146-149

Chairman Davis reported that the Board had previously approved the delinquency charge amnesty periods to encourage property owners to pay off their unpaid service availability charges, and he wished for the Board to consider it again. He stated that there were several developments that continue to come online through the foreclosure process relating to delinquency charges on certain utility service availability charges, and reiterated that utility liens do not get cleansed during the process. He said it had always been the Board's policy not to waive the base capacity charges (as far as the Equivalent Residential Units (ERUs) associated with the purchase of a utility impact fee), but to allow the Utility Department to waive just the penalties and interest.

MOTION WAS MADE by Vice Chairman Solari, **SECONDED** by Chairman Davis, to move forward with the Amnesty Program and ensure that staff understands this is dealing with only the penalties and interest for 90 days.

Commissioner O’Bryan confirmed that the wording would mirror the last Ordinance, except the date changes.

Vice Chairman Solari felt the program should start in September, the first business day after Labor Day.

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

B. Commissioner Bob Solari, Vice Chairman

None

C. Commissioner Joseph E. Flescher

1. Fracking in Florida
(memorandum dated June 26, 2015) 150-162
(Clerk’s Note: This item was heard in conjunction with Item 10.B.2.)

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

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

1. Indian River County Former Correctional Institution Land
(memorandum dated June 25, 2015) 163-167
2. Single Stream Transfer Facility Update
(memorandum dated June 30, 2015) 168-171

C. Environmental Control Board

None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **1:39 p.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: August 18, 2015

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