

6. **APPROVAL OF MINUTES**

9:08 a.m.

- A. Regular Meeting of January 12, 2016
- B. Regular Meeting of January 19, 2016

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Regular Meeting Minutes of January 12, 2016 and January 19, 2016, as written.

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

9:08 a.m.

- A. Florida Public Service Commission Order No. PSC-16-0040-TRF-EI Approving Revisions to Tariffs for Duke Energy Florida, Inc., has been received and is available for review in the Office of the Clerk to the Board ---
- B. The Sebastian Inlet District Commission’s 2015-2016 Meeting Schedule is on file in the Office of the Clerk to the Board ---
- C. 2016 Election of Economic Development Council Chairman and Vice Chairman (memorandum dated January 26, 2016) 2
Noted for the record was the election of Peter Robinson as Chairman, and Joe Idlette as Vice Chairman, to the Economic Development Council (EDC) for the year 2016.
- D. 2016 Election of Short Term Vacation Rentals Advisory Committee Chairman and Vice Chairman (memorandum dated January 19, 2016) 3
Noted for the record was the re-election of Glenn Powell as Chairman, and Joseph Paladin as Vice Chairman of the Short Term Vacation Rentals Advisory Committee (STVRAC) for the year 2016.
- E. Guest Commentary Highlighting County’s Efforts for Lagoon Protection (memorandum dated January 25, 2016) 4-6
Chairman Solari acknowledged Commissioner O’Bryan’s article on the County’s Indian River Lagoon restoration projects.
- F. County Attorney Dylan Reingold’s Review of Indian River County Proclamation Policy as it relates to a recent request for a Proclamation (e-mail dated January 22, 2016) 7
- G. Update on All Aboard Florida / Vero Electric Expenses (memorandum dated January 26, 2016) 8-12

- 9:08 a.m. H. Retirement Award and Proclamation Honoring Louise Gates on Her Retirement from Indian River County Board of County Commissioners Public Works Department / Real Estate Acquisition with Ten Years of Service 13-14

Commissioner O'Bryan recognized Louise Gates on her retirement.

8. **CONSENT AGENDA**

9:10 a.m. **ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Consent Agenda, as presented.**

- A. Approval of Checks and Electronic Payments January 8, 2016 to January 14, 2016 (memorandum dated January 14, 2016) 15-22
Approved the list of checks and electronic payments as supplied by the Comptroller's office.
- B. Approval of Checks and Electronic Payments January 15, 2016 to January 21, 2016 (memorandum dated January 21, 2016) 23-30
Approved the list of checks and electronic payments as supplied by the Comptroller's office.
- C. Dori Slosberg Driver Education Safety Act Indian River County Traffic Education Program Trust Fund Report Cumulative Reporting Through 12/31/15 (memorandum dated January 12, 2016) 31-32
Accepted the Indian River County Traffic Education Program Trust Fund Report.
- D. *Perez v. Stericycle* Settlement (memorandum dated January 18, 2016) 33-36
Approved for the County to deposit the check from Stericycle in the amount of \$9,053.32 and thus participate in the Perez v. Stericycle Settlement.
- E. Quarterly Tourist Development Tax Report for Quarter Ending 12/31/2015 (memorandum dated January 22, 2016) 37-38
Accepted the Quarterly Tourist Development Tax Report for the quarters ended December 31, 2014 and December 31, 2015.
- F. Third Version of Corrected First Amendment to Lease Agreement with AT&T Mobility for Colocation on 1340 Old Dixie Highway Tower (memorandum dated January 27, 2016) 39-44
Approved and authorized the Chairman to execute the third version of the Corrected First Amendment to Lease Agreement with New

Cingular Wireless PCS, for the 1340 Old Dixie Highway communications tower site.

(Clerk's Note 1: AT&T Mobility requested the name of Tenant be changed from TALCOM, the original lessee, to New Cingular Wireless PCS).

(Clerk's Note 2: Verizon Wireless Personal Communications LP is co-locator on Agreement).

- G.** Renewal of Concessionaire Contract No. 252 with Florida Fish and Wildlife Conservation Commission for the Indian River County Public Shooting Range
(memorandum dated January 21, 2016) 45-82
Approved and authorized the Chairman to execute Amendment No. 1 to the Concessionaire Contract with the Florida Fish and Wildlife Conservation Commission.
- H.** Miscellaneous Budget Amendment 012
(memorandum dated January 25, 2016) 83-88
Approved Resolution 2016-011, amending the Fiscal Year 2015-2016 Budget.
- I.** Full Gospel Assembly Inc. of Vero Beach's Request for Release of Easements at 1305 Old Dixie Highway SW (Dixie Heights Subdivision Unit 3)
(memorandum dated January 25, 2016) 89-95
Approved Resolution 2016-012, releasing easements on Lots 9, 10, and 11 of Block K, Dixie Heights Subdivision Unit 3.
- J.** Traffic Video Detection at Beachland/SRA1A and SR60/27th Avenue: Board Approval for Trade-in and Purchase of Two (2) Video Detection Cameras
(memorandum dated January 14, 2016) 96-98
Declared the [current] traffic video detection cameras surplus; approved the transaction; and authorized staff to trade in two (2) traffic video detection cameras, and purchase two (2) new traffic video detection cameras.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

None

B. PUBLIC DISCUSSION ITEMS

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

9:11 a.m.

1. Request to Speak from Jason Redmon, Indian River Sports Complex, Regarding Follow-up on Conversation on 16th Avenue Street Sports Complex

99

Derek Muller, 3040 Parr Drive, President, Indian River Sports Complex (IRSC), stated that he was returning with a signed petition requesting upgrades to the 16th Street Sports Complex (the Sports Complex), as discussed at the January 12, 2016 County Commission meeting. He asked the Board to allocate \$500,000 of the Windsor Property Swap funds (earmarked for recreational purposes) for one new baseball field, restrooms, and concession stands.

Jason Redmon, 2538 12th Square SW, spoke about the importance of athletics for young people, and echoed Mr. Muller's request for improvements at the Sports Complex.

Commissioner O'Bryan wanted the Clerk or the Budget Office to do an in-depth evaluation of the Indian River Sports Complex's finances to see if they had a viable business model with the long-term potential to succeed.

Commissioner Davis advocated that the County take over the existing program at the 16th Street Complex, and allocate a portion of the Windsor money to upgrade the site.

Chairman Solari preferred to utilize the funds from the Windsor Property Swap to fulfil the County's obligations to the conservation lands that have already been purchased.

The Board CONSENSUS was to direct staff to see if the Indian River Sports Complex would be amenable to terminating its lease with the County for the 16th Street Sports Complex, and for staff to return to the Board on February 16 2016, with a cost estimate for the County to assume operations at the 16th Street Sports Complex.

It was noted that no changes to the current baseball schedule would be made this season.

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**

9:42 a.m.

- a. Rental Agreement Proposal for Hobart Baseball Fields

(memorandum dated January 10, 2016)

100-109

Assistant County Administrator Michael Zito presented background and conditions on the request of the non-profit organization, the Baseball Club of the Treasure Coast (Baseball Club), for them to rent the Hobart Park Ballfields on designated days at a reduced rate. The Baseball Club also proposes to make permanent improvements and receive rental credits for each verified expenditure.

MOTION WAS MADE by Vice Chairman Flescher, **SECONDED** by Commissioner Davis, to approve and authorize the Chairman to execute the 58th Avenue/Hobart Park Ballfields Rental Agreement with Michael Paul Massey d/b/a Baseball Club of the Treasure Coast.

Chairman Solari opined that this specific public/private partnership was slanted more towards benefiting the private entity than the public.

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

D. Human Resources

None

E. Office of Management and Budget

None

F. Public Works

None

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

9:49 a.m.

- A. Purchase of Five Lots Located at 58th Avenue North of 57th Street Owned by Bent Pine Golf Club, Inc.
(memorandum dated January 22, 2016)

110-118

Deputy County Attorney Bill DeBraal presented a proposal for the County to purchase from the Bent Pine Golf Club (Bent Pine) five lots for a total amount of \$51,000. He stated that the lots would be beneficial for future use as right-of-way or a linear retention pond. Attorney DeBraal noted that if this matter is approved by the County Commission, it will go before the Bent Pine membership in March 2016.

Commissioner O'Bryan wanted staff to contact the owner of an adjacent sixth lot to see if the County could acquire that portion as well.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate with Bent Pine Golf Club, Inc., for the lots at a price of \$51,000.

9:51 a.m.

B.

All Aboard Florida St. Johns River Water Management District Permit
Outside Counsel

(memorandum dated January 20, 2016)

119-124

County Attorney Dylan Reingold provided background and analysis on the Individual Environmental Resource Permit (ERP) application that was submitted by All Aboard Florida (AAF) to the St. Johns River Water Management District (SJRWMD). He recalled the Board's authorization at the County Commission meeting of January 19, 2016, for the County's Attorney office to move forward with a law firm familiar with the District permitting process, and presented staff's recommendation to hire outside counsel Shubin & Bass, P.A. for this service.

(Clerk's Note: All Aboard Florida is also known as the Brightline).

Commissioner O'Bryan spoke in support of hiring a specialist who is knowledgeable about the rules and procedures of the St. John's River Water Management District.

MOTION WAS MADE by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, for the Board to approve and authorize the County Attorney to execute the retainer agreement for legal services with Shubin & Bass, P.A.

The following individuals voiced support for the Board's hiring of outside counsel Shubin & Bass:

Phyllis Fry, 275 Date Palm Road
Stanford Erickson, 1743 Belmont Circle
Joseph Paladin, 6450 Tropical Way, President Black Swan Consulting
and Atlantic Coast Building
Susan Mehiel, 131 Laurel Oak Lane
William Ferrell, 12546 N Highway A1A, North Beach Civic Association
Sally Pearse, 1240 Coventry Lane
Ted Robinson, 651 Broadway

The following individuals voiced opposition to the proposed hiring of additional outside counsel:

Keith Kite, 1045 Winding River Road
Donald Hood, 400 40th Court SW
Fred Mensing, PO Box 964, Roseland

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

Rusty Roberts, All Aboard Florida (AAF), 8529 South Park Circle, Orlando, said the County would receive the County's Sealed Corridor 90% Design plans by the end of February 2016. He also addressed Commissioner Davis's question on fencing along the corridor.

The Chairman called a recess at 10:38 a.m., and reconvened the meeting at 10:49 a.m., with all members present.

10:49 a.m. C. Addition – Emergency Item 13.C. Resolution Regarding Litigation with the Department of Juvenile Justice

Assistant County Attorney Kate Pingolt Cotner recalled the Board's direction on January 19, 2016, for the County Attorney's office to support Senate Bill 1322 (SB 1322) and House Bill 1219 (HB 1219), which would split secure juvenile detention costs 50/50 between the County and the Florida Department of Juvenile Justice (DJJ). She provided background on the County's current litigation against the DJJ contending juvenile detention costs, and recommended passage of the proposed Resolution which would drop said litigation and reduce the County's cost-share to 50%.

Commissioner O'Bryan stated that it seemed probable that the other Florida counties with pending litigation against the DJJ would support the proposed bills, and be willing to drop their charges (a requirement of the bills' passage).

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2016-013 supporting legislation to address the funding of secure juvenile detention costs; authorizing the County Attorney to dismiss pending actions against the State of Florida, Department of Juvenile Justice under certain circumstances; providing an effective date.

Attorney Pingolt Cotner, in response to questioning, observed that there was nothing to preclude the State from coming back with different legislation regarding the cost-share for secure juvenile detention centers.

14. COMMISSIONERS MATTERS

A. Commissioner Bob Solari, Chairman

10:57 a.m.

1. County Administrator's Contract
(memorandum dated January 27, 2016)

125-132

Chairman Solari presented slides highlighting the terms of the proposed contract with the new County Administrator Jason E. Brown. Mr. Brown will be replacing the current County Administrator Joseph Baird upon his retirement.

Commissioner Davis voiced his reasons for opposing the inclusion of a severance option in the proposed contract.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Zorc, to approve the Employment Agreement between the Indian River County Board of County Commissioners and Jason E. Brown, County Administrator, with the removal of the severance option.

Vice Chairman Flescher advocated for the contract as presented.

The Chairman CALLED THE QUESTION and by a 2-3 vote (Commissioners Flescher, O'Bryan, and Solari opposed), the Motion failed.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Zorc, to approve and authorize the Chairman to execute the Employment Agreement between the Indian River County Board of County Commissioners and Jason E. Brown, County Administrator; commencing July 1, 2016, or upon retirement or termination of the contract of the current County Administrator, whichever occurs first.

Commissioner Davis noted that although he was not in favor of the severance clause, he did support hiring Mr. Brown as the new County Administrator.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

B. Commissioner Joseph E. Flescher, Vice Chairman

None

C. Commissioner Wesley S. Davis

11:17 a.m.

1. Kayak/Canoe Launch at CR512
(memorandum dated January 25, 2016)

133-135

Commissioner Davis presented the request of Mary Jo Awtrey, About Kayaks River Rentals, and other kayak groups, for the County's assistance in making improvements to the kayak/canoe launch site at County Road 512.

Chairman Solari supported the request but wanted further Board discussion if the project becomes costly.

Commissioner O'Bryan expressed safety concerns about overgrown vegetation in the St. Sebastian River at the beginning of the launch area.

Kristin Beck, 405 Papaya Circle, Florida Outdoor Center, disclosed that a bigger danger at the launch site is that people are not using the dock. She also advised that grants for improvements may be available if a private/public partnership is initiated for launch site improvements.

A brief discussion ensued about ranking the difficulty of the kayak run to industry standards.

County Administrator Joseph Baird revealed that Florida Boating Improvement Program funds could be employed for the proposed improvements.

MOTION WAS MADE by Commissioner Davis, **SECONDED** by Vice Chairman Flescher, to direct the County Administrator to have staff work with About Kayaks River Rentals, Florida Outdoor Center, and other kayak groups, to make improvements to the kayak and canoe launch site at County Road 512.

Assistant County Administrator Michael Zito advised that staff would contact the kayak groups and activate a project similar to one that was recently accomplished at Round Island.

The following individuals spoke in support of the proposed improvements:

Steve Cox, 1908 37th Avenue, Adventure Kayaking

Toby Jarman, 1755 Seagrove Avenue, Vero Beach Power Squadron, who also suggested improvements at the Cypress Bend Canoe Launch

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

11:39 a.m.

2. Lagoon Frontage of the 47 Acre Torwest Tract on Jungle Trail (memorandum dated January 25, 2016)

136-141

Commissioner Davis reported that there is a 47-acre tract of land (north and adjacent to the community of Windsor) on the Jungle Trail that has historically been utilized for Lagoon access. He reported that the tract is privately owned by

Torwest, Inc., the developer of Windsor Properties, who is interesting in exploring alternatives to put the tract into public conservation; the company is seeking the County's support to do so.

Mark Justice, Torwest, Inc., 3125 Windsor Blvd., acknowledged that Torwest wants to sell the subject property. He announced that the land has been identified by the State as a Blueway, and that Torwest is making application to the State for funding the project. He noted that it is easier to get State funding if Torwest shows a partnership with the County/other organizations.

Chairman Solari discussed the importance of the County being a good steward of its current conservation properties. He supported the proposal, provided it does not require a large contribution from the County.

MOTION WAS MADE by Commissioner Davis, **SECONDED** by Commissioner O'Bryan, to direct staff to work with Torwest, Inc., the Indian River Land Trust, and other interested organizations, to explore alternatives for public acquisition of the Indian River Lagoon frontage portion of the 47-acre Torwest tract on Jungle Trail.

The following speakers addressed the Board in support of the acquisition of the Torwest property:

Ken Grudens, Executive Director Indian River Land Trust
Toby Jarman
Kristin Beck

A brief discussion ensued, with input from Steve Cox, about parking at the site.

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

D. **Commissioner Peter D. O'Bryan**

None

14. **COMMISSIONERS MATTERS**

E. **Commissioner Tim Zorc**

None

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

12:01 pm.

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

1. Approval of Minutes January 19, 2016
2. CCNA-2014 Work Order No. 5 to CDM Smith, Inc. for the 2016 Annual Financial Reports
(memorandum dated January 25, 2016) 142-149
3. CCNA-2014-Work Order No. 2 to Geosyntec to Provide Engineering Services for Installation of Groundwater Monitoring Wells
(memorandum dated January 25, 2016) 150-163
4. Work Order No. 2 to SCS Engineers for a Solid Waste Rate Study and Business Plan
(memorandum dated January 19, 2016) 164-171
5. Work Order No. 3 to SCS Engineers for a Conceptual Design of a new Household Hazardous Waste and Citizen Drop-Off Center
(memorandum dated January 22, 2016) 172-181

C. **Environmental Control Board**

None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **12:04 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____

Approved: _____

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