

BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 16, 2016



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

COUNTY COMMISSIONERS **DISTRICT**

Bob Solari, Chairman	District 5	Present	Joseph A. Baird, County Administrator	Present
Joseph E. Flescher, Vice Chairman	District 2	Present	Dylan Reingold, County Attorney	Present
Wesley S. Davis	District 1	Present	Jeffrey R. Smith, Clerk of the Circuit	
Peter D. O'Bryan	District 4	Present	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** Deputy Teddy Floyd, IRC Sheriff Department
 3. **PLEDGE OF ALLEGIANCE** Commissioner Joseph E. Flescher, Vice Chairman
 4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:01 Delete: Item 10.B.1. Request to Speak from Gifford Economic Development
a.m. Council Regarding Historic Society Proclamation
- ON MOTION** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved the agenda as amended.

5. PROCLAMATIONS and PRESENTATIONS

- 9:02 a.m. A.** Presentation of Proclamation and Retirement Award Honoring Wesley Monnin on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty-One Years of Service 1-2
Chairman Solari read and presented the Proclamation and Retirement Award to Wesley Monnin.
- 9:10 a.m. B.** Presentation of Proclamation Designating the Week of February 14 – 20, 2016, as Through With Chew Week 3
Commissioner Zorc read and presented the Proclamation to Leslie Spurlock, Tobacco Prevention Specialist; and Maaike VanLis, Students Working Against Tobacco.
- 9:18 a.m. C.** Presentation by Margaret Ann Mitchell, District Secretary, on behalf of Representative Debbie Mayfield, District 54, Honoring Freddie Woolfork and CPL Sylvester McIntosh ----
Margaret Ann Mitchell, on behalf of the State of Florida, read and presented the tributes to Freddie Woolfork and Corporal Sylvester McIntosh, respectively.
- 9:39 a.m. D.** Presentation of Proclamation Honoring CSM Joseph Brown 4
Vice Chairman Flescher read and presented the Proclamation to Command Sergeant Major Joseph Brown.
- 9:45 a.m. E.** Presentation of Proclamation Honoring Kathryn Armstrong Wilson 5
Commissioner O’Bryan read and presented the Proclamation to Kathryn Armstrong Wilson.
- 9:50 a.m. F.** Presentation of Proclamation Honoring Marcus Jerome Sanders 6
Vice Chairman Flescher read and presented the Proclamation to Marcus Jerome Sanders.
- 9:56 a.m. G.** Presentation of Proclamation Honoring Leroy Smith 7
Commissioner Davis read and presented the Proclamation to Leroy Smith.

6. APPROVAL OF MINUTES

None

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

10:06
a.m.

- A. 2016 Election of Environmental Control Hearing Board Chairman and Vice Chairman
(memorandum dated February 5, 2016) 8
- Noted for the record was the re-election of Richard Cahoy as Chairman, and Kevin Rollin as Vice Chairman, of the Environmental Control Hearing Board for the year 2016.**

10:06
a.m.

- B. Proclamation and Retirement Award Honoring Lester Tyson on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Twenty-Seven Years of Service 9-10
- Commissioner O'Bryan recognized Lester Tyson on his retirement.**

8. **CONSENT AGENDA**

10:06
a.m.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Consent Agenda, pulling Items 8.G. for discussion.

- A. Approval of Checks and Electronic Payments January 29, 2016 to February 4, 2016
(memorandum dated February 4, 2016) 11-19
- Approved the list of checks and electronic payments as supplied by the Comptroller's office.**

- B. Reappointments to the Economic Opportunities Council of Indian River County, Inc.
(memorandum dated February 8, 2016) 20-28
- Approved the reappointment of Miriam Gross, Jennifer Proper, and Linda McConkey to the Economic Opportunities Council of Indian River County, Inc.**

- C. Miscellaneous Budget Amendment 013
(memorandum dated February 9, 2016) 29-32
- Approved Resolution 2016-016, amending the Fiscal Year 2015-2016 Budget.**

- D. Fourth of July Fireworks Funding
(memorandum dated February 8, 2016) 33-34
- Approved: (1) funding the fireworks displays for the cities of Sebastian and Vero Beach in the amount of \$2,500 each, with the caveat that each of the cities (Vero Beach and Sebastian) appropriate and pay an equal amount up to \$2,500 and the County will match that amount, up to \$2,500 each, after the City of Vero Beach and Sebastian pay their**

share.

- E. IRC Bid No. 2015047 - South Regional Wastewater Treatment Facility Painting
(memorandum dated February 2, 2016) 35-38

Approved and authorized the Chairman to execute Change Order No. 1 with West Florida Maintenance, Inc., in the amount of \$9,750.00.

- F. Review of INEOS New Planet BioEnergy LLC's Ad Valorem Tax Exemption Annual Report
(memorandum dated February 8, 2016) 39-58

Found that INEOS New Planet BioEnergy LLC is currently in compliance with its ad valorem tax exemption requirements.

10:07
a.m.

- G. Request to Waive Bid Process for Supplemental Building Inspection Services
(memorandum dated February 10, 2016) 59-60

Commissioner Zorc sought and received additional information on the process/costs for utilizing supplemental building inspectors; the possibility of hiring an additional in-house inspector; and how a large influx of plans is handled when submitted to the County concurrently.

Staff addressed Commissioner Zorc's concerns, and the following action was taken:

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Zorc, the Board unanimously waived the bid process requirement for supplemental building inspection services for the remainder of the fiscal year, and authorized the County Administrator to approve purchase orders for firms up to the available budgeted amount in total.

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.)

1. Request to Speak from Gifford Economic Development Council
Regarding Historic Society Proclamation 61
Deleted

C. PUBLIC NOTICE ITEMS

**10:15
a.m.**

1. **Notice of Scheduled Public Hearing for March 1, 2016**
To Consider Amending Section 1100.04 of the Code to Remove
References to the Enterprise Zone
(Legislative)
(memorandum dated February 9, 2016) 62
**County Attorney Dylan Reingold read the notice into the
record.**

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

**10:16
a.m.**

A. Community Development

1. Board Consideration of an Unauthorized Dock on County-Owned
Shoreline Property West of Morningside Drive on South Jungle
Trail
(memorandum dated February 8, 2016) 63-73
**Community Development Director Stan Boling presented a
brief history of a small dock located in the Riverside Estates
Subdivision (Riverside), south of the Jones's Pier
Conservation Area and west of Morningside Drive. He
reported that the dock was constructed on County property
without permits or approval, but has historically been used by
the Riverside residents.**

**Environmental Planning and Code Enforcement Chief Roland
DeBlois, through a PowerPoint Presentation, provided further
details, and presented three options for the Board to consider
with regards to the dock:**

- (1) Removal
(2) Retention (after permitting and modifications) for
exclusive use of the Riverside community
(3) Retention for the General Public (after permitting and
modifications, including rebuilding to meet American**

Disability Act [ADA] standards)

Chief DeBlois thereafter presented staff's recommendation for removal of the dock.

Director Boling noted that a building professional would need to visit the site in order to determine the requirements for upgrading the dock to code.

The following speakers urged the Board to leave the dock in place:

- Andy Mustapick, 1026 Morningside Drive
- Garrett M. Donlin, 1010 Morningside Drive, representing Friends of the Dock
- Ryan Padnook, 1055 Morningside Drive
- Bruce Barkett, Esquire, 756 Beachland Blvd., who mentioned a legal precedent from 2010, where County-owned right-of-way was released to the Wauregan Boat Club in Roseland
- Susan Hazard-Ramato, 1075 Morningside Drive, who also spoke on behalf of two neighbors

The following speaker voiced opposition to leaving the dock in place:

- Jay Hauth, 7750 Jungle Trail, presented a slide show and read a letter of opposition from Ray Browning, 1040 Morningside Drive.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Zorc, to TABLE this item for 90 days, and direct staff to explore what would be entailed in allowing the dock to remain for public access.

Chairman Solari introduced into the record an email from Carolyn Stutt, the Mangrove Garden Foundation, who was opposed to retaining the dock.

Commissioner O'Bryan advocated giving the Friends of the Dock 90 days to form a Homeowner's Association (HOA) or other legal entity, with which the County could negotiate a lease for rental of the property.

Chairman Solari stated that he would oppose the Motion because the County already has an abundance of conservation lands that are not being maintained properly.

Further discussion ensued among the Board as Chairman Solari sought and received clarification on the Motion.

MOTION WAS AMENDED by Vice Chairman Flescher, SECONDED by Commissioner Zorc, to TABLE this item for 90 days, and direct staff to explore what would be entailed in allowing the dock to remain as: (1) a community dock for Riverside Estates residents; or (2) for non-exclusive use by the general public.

Chairman Solari advised the Riverside Estates residents that the Board would expect them to form an HOA (or other legal entity) within 90 days.

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

Commissioner O'Bryan voiced his support for community use of the dock.

A brief discussion ensued regarding the time frame for the dock at the Jones's Pier Conservation Area to be reopened to public access.

The Board CONSENSUS was to direct staff to have the repairs at Jones's Pier completed as soon as possible.

The Chairman called a recess at 11:40 a.m., and reconvened the meeting at 11:57 a.m., with all members present.

B. Emergency Services

None

C. General Services

None

1. Human Services

None

2. Sandridge Golf Club

None

3. Recreation

11:58
a.m.

- a. Termination of Lease Agreement for 16th Street Ballfields and Preliminary Needs Assessment (memorandum dated February 8, 2016)

74-83

Assistant County Administrator Michael Zito recalled a discussion at the February 2, 2016 County Commission meeting regarding the possibility of the County assuming responsibility from the Indian River Sports Complex, Inc. (the Complex), for the 16th Street Ballfields. Mr. Zito stated that the proposed Termination of Lease Agreement stipulates that the Complex would continue operations through the end of May, with the lease terminating June 1, 2016, when operations would revert back to the County.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved and authorized the Chairman to execute the Termination of Lease Agreement with Indian River Sports Complex, Inc.; with staff to report back to the Board regarding the assessment of ballfield needs in Indian River County.

D. Human Resources

None

E. Office of Management and Budget

11:59
a.m.

1. 2016/2017 Budget Workshop / Hearing Schedule (memorandum dated February 9, 2016)

84

Director of Management and Budget Jason Brown presented the proposed dates for the 2016-2017 Budget Workshop and Budget Hearings:

Distribution of Budget Packet:
Friday, July 8, 2016

Budget Workshop:
Wednesday, July 13, 2016 and if needed, Thursday, July 14, 2016 at 9:00 a.m.

Public Hearing Tentative Budget:
Wednesday, September 14, 2016 at 5:01 p.m.

Final Budget Hearing:
Wednesday, September 21, 2016 at 5:01 p.m.

Director Brown observed that the schedule is subject to the calendar selected by the School Board for its budget meetings; thus, there may be a change to the County's calendar.

ON MOTION by Commissioner Davis, **SECONDED** by Commissioner Zorc, the Board unanimously approved the budget workshop dates and the dates for the budget hearings for the 2016-2017 budgets, *(with the caveat that the dates may be altered if there is a conflict with the School Board).*

F. Public Works

**12:01
p.m.**

1. 2016 A Healthy Lagoon: Let's Chalk About It Stormwater Chalk Art Contests
(memorandum dated January 14, 2016)

85-87

Public Works Director Chris Mora stated that the "2016 A Healthy Lagoon" program is a public outreach effort.

Alexis Peralta, Stormwater Educator & Fertilizer Enforcement Officer, gave a video presentation on the "Let's Chalk About It" event. The first event will be held at Eco-Fest at the Environmental Learning Center on March 6; and the second event will occur on Earth Day at Riverview Park on April 23, 2016.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously authorized staff to continue with the "Let's Chalk About it" educational event.

**12:06
p.m.**

2. Consultant Proposals to Review and Advise on All Aboard Florida's 90% Plans and Final Plans
(memorandum dated February 10, 2016)

88-98

Public Works Director Chris Mora discussed the need for outside expertise, once the County is in receipt of All Aboard Florida's 90% Plans.

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

MOTION WAS MADE by Commissioner O'Bryan, **SECONDED** by Commissioner Davis, to approve Task 1 (inspection of crossings, 90% plans review) of Proposal No. 150409.05, and directed staff to hire George Gavalla with Triad Railroad Consulting, LLC (TRC), to assist with the

review and discussions concerning All Aboard Florida's track and crossing plans, for an amount not to exceed \$31,050.

A brief discussion ensued about sharing TRC's travel expenses with St. Lucie and Martin counties, who will also be working with the firm.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

G. Utilities Services

12:09
p.m.

1. 83.14 +/- Acres Due Diligence Report and Opinion of Probable Cost
(memorandum dated February 9, 2016)

99-114

Director of Utility Services Vincent Burke recalled the Board's approval on December 15, 2015, to purchase property located east of the Osprey Marsh Algal Turf Scrubber, at 925 5th Street SW, contingent upon a due diligence investigation by CDM Smith, Inc. He stated that the site (referred to as the South County Reservoir Site [SCRS]) was proposed to be used as a water reservoir system or surface water treatment plant (SWTP). Director Burke, through a PowerPoint Presentation, gave a comprehensive review of CDM Smith's report, and discussed staff's projection of what the Total Maximum Daily Load (TMDL) removals would be at the proposed SWTP.

Chairman Solari supported the purchase of the site for the Storm Water Park/TMDL removal project, but not for the reservoir.

Commissioner O'Bryan supported the purchase of the land for the Storm Water Park/TMDL site, providing that the site could be transitioned to an SWTP.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, to purchase the undeveloped land at 925 5th Street SW and pursue a Storm Water Park/Total Maximum Daily Load removal facility, designed and constructed for future usage as a surface water treatment plant.

Commissioner Davis advocated purchasing land farther west of town, outside of the Urban Service Boundary, for the proposed reservoir.

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

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Solari, to purchase the undeveloped land at 925 5th Street SW and pursue a Storm Water Park/Total Maximum Daily Load removal facility.

Discussion ensued on funding sources for the project, and on the disadvantages of situating a Storm Water Park/TMDL facility west of town.

Commissioner Zorc mentioned that there are emerging technologies for water treatment, some of which will be discussed at the Indian River Lagoon Symposium on March 29, 2016.

Bob Johnson, Coral Wind Subdivision, recommended that the Board cancel the contract and look into options available west of town.

Jill Grimaldi, CDM Smith, explained why it might be difficult to pull a permit to withdraw water west of town.

Commissioner Zorc mentioned that he was in contact with a builder who had expressed interest in participating in some type of public/private partnership with regards to water storage.

Discussion ensued regarding the possibility of the County entering into a public/private partnership within a reasonable timeframe.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Chairman Solari, to: (1) purchase the undeveloped land at 925 5th Street SW and pursue a Storm Water Park/Total Maximum Daily Load removal facility; and (2) direct staff to entertain any public/private partnerships that may be presented by private entities within a reasonable timeframe.

The Chairman CALLED THE QUESTION and by a 3-2 vote (Commissioners Flescher and Davis opposed), the Amended Motion carried.

13. **COUNTY ATTORNEY MATTERS**

1:11
p.m.

- A. Real Estate Exchange Agreement between Stoneybrook Farms Group, LLC and Premier Citrus, LLC
(memorandum dated February 9, 2016)

115-134

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute: (1) the Real Estate Exchange Agreement between Indian River County, Stoneybrook Farms Group, LLC, and Premier Citrus, LLC; and (2) **Resolution 2016-017**, approving an exchange of land with Stoney Brook Farms and Premier Citrus.

14. **COMMISSIONERS MATTERS**

- A. **Commissioner Bob Solari, Chairman**
None
- B. **Commissioner Joseph E. Flescher, Vice Chairman**
None
- C. **Commissioner Wesley S. Davis**
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**
None
- C. **Environmental Control Board**
None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **1:12 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____

Approved: _____

BCC/MG/2016Minutes