

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



**REGULAR MEETING MINUTES  
TUESDAY, JUNE 7, 2016**

**Commission Chambers  
Indian River County Administration Complex  
1801 27<sup>th</sup> 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 Court and Comptroller	Present
Peter D. O'Bryan	District 4	Present		
Tim Zorc	District 3	Present	Maureen Gelfo, Deputy Clerk	Present

---

**DVD  
TIMES**

**PACKET  
PAGES**

1.      **CALL TO ORDER**                      **9:00 A.M.**
  2.      **INVOCATION**                              Deputy Teddy Floyd, IRC Sheriff's Department
  3.      **PLEDGE OF ALLEGIANCE**              Dylan Reingold, County Attorney
  4.      **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:02 a.m.      **Addition: Item 5.C. Presentation by Colonel Martin Zickert, Veteran's Council of Indian River County regarding the upcoming Vero Beach Air Show**
- Move: Item 5.C. to follow Item 4**
- Move: Item 12.A.1. to follow Item 9.A.**
- Deletions: Items 10.B.1. and 10.B.2.**
- ON MOTION by Commissioner Zorc, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Agenda as amended.**

5. **PROCLAMATIONS and PRESENTATIONS**

9:06  
a.m.

- A. Presentation of Proclamation in Recognition of Indian River County’s Emergency Management Team

1

-----  
**Commissioner Zorc read and presented the Proclamation to Emergency Services Director John King, Coordinator Etta LoPresti, and Planner Rachel Ivey.**

9:18  
a.m.

- B. Public Announcement for Hurricane Preparedness – Are You Ready? Indian River County Emergency Services and Solid Waste Disposal District

2-4

-----  
**Recycling Education and Marketing Coordinator Stephanie Fonvielle gave a PowerPoint Presentation regarding hurricane preparedness. She announced that hurricane season extends from June 1st through November 30th, and that the 2016 Hurricane Expo will be held on Saturday, June 18, 2016, from 10:00 a.m. to 3:00 p.m., at the Indian River Mall.**

**Director King discussed the emergency alert system which citizens can subscribe to at [www.alertindianriver.com](http://www.alertindianriver.com).**

9:03  
a.m.

- C. Emergency Addition: Presentation by Colonel Martin Zickert, Veteran’s Council of Indian River County Regarding upcoming Vero Beach Air Show

-----  
*(Clerk’s note: This item was heard following item 4, and is placed here for continuity).*

**Colonel Martin Zickert stated that there is a possibility that the Blue Angels may not appear at the Vero Beach Air Show this year, due to a recent air fatality. However, he affirmed that the Air Show would still take place on June 25th and June 26th, 2016.**

6. **APPROVAL OF MINUTES**

9:25  
a.m.

- A. Approval of Minutes May 3, 2016

**ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved the Regular Meeting Minutes of May 3, 2016, as written.**

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

A. Florida Public Service Commission Order No. PSC-16-0208-PCO-EI Petition for Approval of 2016 Revisions to Underground Residential and Commercial Differential Tariffs by Florida Power & Light Company, Has Been Received and is Available for Review in the Office of the Clerk to the Board -----

9:25  
a.m.

B. Update on All Aboard Florida / Vero Electric Expenses (memorandum dated June 1, 2016)

5-9

**Chairman Solari stated that the County's expenditures contesting All Aboard Florida (AAF) have resulted in a safer rail project.**

**A brief discussion ensued, with input from staff, about making use of All Aboard Florida's design plans to calculate the future costs for safety enhancements at the railway crossings.**

*(Clerk's Note: AAF is also known as the Brightline).*

8. **CONSENT AGENDA**

9:29  
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 May 13, 2016 to May 19, 2016 (memorandum dated May 19, 2016) -----

10-17

**Approved the list of checks and electronic payments as supplied by the Comptroller's office.**

B. Approval of Checks and Electronic Payments May 20, 2016 to May 26, 2016 (memorandum dated May 26, 2016) -----

18-25

**Approved the list of checks and electronic payments as supplied by the Comptroller's office.**

C. Approval of Annual Financial Report by County Commissioners (memorandum dated June 1, 2016) -----

26-36

**Authorized the Chairman to execute the County's Local Government Annual Financial Report, and accepted the Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report (PAFR) as presented for Fiscal Year 2014-2015.**

- D.** Request for Approval to Enter into a Public Transportation Supplemental Joint Participation Agreement (SJPA) with the Florida Department of Transportation (FDOT) to Continue Bus Service to the Indian River State College Main Campus (Fort Pierce)  
(memorandum dated May 27, 2016) 37-46  
-----  
**Approved: (1) the Public Transportation Supplemental Joint Participation Agreement; and (2) Resolution 2016-047, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.**
- E.** Florida Statewide Emergency Alert and Notification System  
(memorandum dated May 27, 2016) 47-55  
-----  
**Approved and authorized the Chairman to execute the Memorandum of Agreement with the Florida Division of Emergency Management.**
- F.** Acceptance and Approval of Expenditures of the Modification for Emergency Management State-Funded Subgrant Agreement 16-BG-83-10-40-01-030  
(memorandum dated May 31, 2016) 56-64  
-----  
**Approved Modification of the State Funded Subgrant Agreement 16-BG-83-10-40-01-030, and approved the expenditure.**
- 10:38 a.m.** **G.** First Amendment to the Facility Lease Agreement with Gifford Youth Little League, Inc.  
(memorandum dated May 31, 2016) 65-76  
-----  
**Approved and authorized the Chairman to execute the Amendment to Lease Agreement with Gifford Youth Little League, Inc.**

*(Clerk's Note: This item was initially approved as part of the Consent Agenda, and later revisited pursuant to the request of Reverend Edward Spencer).*

**Reverend Spencer, 3834 6<sup>th</sup> Street, Vice President of Gifford Youth Little League (GYLL), sought and received assurance from the Board that the contract between GYLL and the County will continue long term.**

**ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Solari, the Board unanimously approved and authorized the Chairman to execute the Amendment to Lease Agreement with Gifford Youth Little League, Inc.**

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

9:30  
a.m.

A. **Indian River County Clerk of the Circuit Court and Comptroller,  
Jeffrey R. Smith**

Presentation of Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report (PAFR) by Jeffrey R. Smith  
(no back-up)

-----  
**Clerk of Circuit Court and Comptroller Jeffrey R. Smith, through a PowerPoint Presentation, provided a comprehensive review of the 2014-2015 Comprehensive Annual Financial Report (CAFR). He announced that the County has received for the 32<sup>nd</sup> consecutive year, the Certificate of Achievement for Excellence in Financial Reporting from The Government Finance Officers Associations of the United States and Canada. Mr. Smith also reviewed the information contained in the Popular Annual Financial Report (PAFR), a new publication which provides an accessible summary of information from the CAFR.**

**Mr. Smith thanked Finance Director Diane Bernardo, Assistant Finance Director Elissa Nagy, Senior Accountant Raeanne Cone, and Internal Auditor Ed Halsey, for their work in producing the CAFR, and Records Management Liaison Officer Laura McIver for designing the PAFR.**

**Commissioner O'Bryan suggested that copies of the PAFR be provided to the Chamber of Commerce to attract businesses to the County.**

**Commissioner Zorc spoke of the possibility of showcasing the County's financial stability by compiling a comparison of the County's pertinent financial data with that of similar Florida coastal counties.**

10. **PUBLIC ITEMS**

10:09  
a.m.

A. **PUBLIC HEARINGS**

1. Public Hearing and Confirming Resolution for 2<sup>nd</sup> Street Petition Millings Project (35<sup>th</sup> Avenue to 32<sup>nd</sup> Avenue)  
(memorandum dated May 24, 2016)

77-82

-----  
**Legislative**

**Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board**

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

**Public Works Director Richard Szyrka stated that the 2<sup>nd</sup> Street Petition Millings Project and today's public hearing were approved at the May 3, 2016 County Commission meeting. This item pertains to the petition from some residents of the Emerson**

Park Subdivision for the County to install asphalt millings on a portion of 2nd Street. He advised that the assessment would be based on square footage, and informed the Board that due to the sale of one parcel, the percentage of residents supporting the project has declined from 78.34% to 68.34%, but it still meets approval requirements. Director Szyrka presented a breakdown of the costs for the County and petitioners, and gave staff's recommendation for the Board to approve the Confirming Resolution with the Assessment Roll and Assessment Plat.

Commissioner O'Bryan disclosed that he had received an email from a former law enforcement officer ("the Officer"), who did not receive proper notification of the millings project due to confidentiality restrictions on his address.

The Chairman opened the Public Hearing.

Ryan Scott DiGiovanni, Esquire, 1620 26<sup>th</sup> Street, representing "the Officer", asserted that the County had not followed due process, because "the Officer" never received the notifications regarding the petition paving project. He also remarked that some residents signed the petition solely because they wanted more information, not as a final endorsement. Attorney DiGiovanni requested that the Commissioners defer their decision, and forward notice to his client.

Chairman Solari sought and received confirmation that staff should forward the proper notice to "the Officer" through his attorney.

Larry Harris, 3485 2<sup>nd</sup> Street, said that he had only signed the petition to get more information, not to endorse the project. He requested that his parcel be removed from the assessment roll.

Cliff Honeycutt, Emerson Park resident, declared that he had never signed a petition.

There were no additional speakers, and the Chairman closed the Public Hearing.

Discussion ensued as individual Board Members voiced their support for the Public Works Department to re-notice the Emerson Park residents, and to continue the public hearing at a future meeting.

Commissioner O’Bryan sought and received confirmation from Director Szpyrka that continuing the hearing to July 12, 2016 would give staff enough time to re-notify the property owners.

**ON MOTION** by Commissioner O’Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously: (1) directed Public Works staff to send notices to each property owner of the Emerson Park Subdivision; notices must include the property owner’s actual cost and a request that each owner provides the County with a “yes” or “no” response regarding the petition paving proposal; and (2) approved to continue the Public Hearing to July 12, 2016.

The Chairman re-opened the public hearing and announced it would be continued to July 12, 2016.

The Chairman called a recess from 10:25 a.m. to 10:38 a.m., and reconvened the meeting with all members present.

**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 Ardra Rigby and Bill Rigby Regarding Flooding in the West Wabasso Community ..... 83  
**Deleted**

2. Request to Speak from Fred Mensing Regarding All Aboard Florida ..... 84  
**Deleted**

10:43  
a.m.

3. Request to Speak from Kenny Godfrey Regarding 99<sup>th</sup> Street Road the County Made Kenny Godfrey Build ..... 85

**Kenny Godfrey, 13515 101<sup>st</sup> Street, Fellsmere, recalled his discussion with the Board on May 17, 2016, regarding his neighbor’s objections to his use of an on-site haul road on 99<sup>th</sup> Street that he had built in 2005 to access his sand mine. Due to the setback requirements for dirt roads, he could not build his haul road on his own property, and ended up being permitted by the County to construct the thoroughfare at its present location.**

**Community Development Director Stan Boling, in his PowerPoint Presentation, provided background and discussed the conditions which factored into the permitting and construction of Mr. Godfrey’s haul road.**

---

He explained that the road has provided access to the mining operation for the past 10 years; however, it appears that the paved apron and the road encroach into the adjacent property to the south. He suggested that Mr. Godfrey pursue one of the following three options to preserve an access route to his mine:

- Negotiate with the property owner to the south to use the existing right-of-way
- Shift the existing roadway to the north, to lie completely within the Fellsmere Farms right-of-way
- Use the recorded easement that Mr. Godfrey was granted in 2000, to build an alternate access connection across his neighbor's property and to Babcock Street

---

A lengthy discussion followed by and between the Commissioners, staff, and Mr. Godfrey, regarding this matter.

Commissioner Davis encouraged Mr. Godfrey to meet with the property owner, not the tenant who has complained about the haul road.

C. **PUBLIC NOTICE ITEMS**

None

11. **COUNTY ADMINISTRATOR MATTERS**

- 11:21 a.m. A. Fellsmere Roads  
(memorandum dated June 1, 2016)

86

---

County Administrator Joseph Baird recalled that on May 17, 2016, the Board discussed the condition of roads in certain areas of the City of Fellsmere (Fellsmere), and decided to hold a Public Workshop regarding the maintenance of roads in the City. He stated that the Fellsmere City Manager, Jason Nunemaker, had suggested that the Board use the Old Fellsmere School Auditorium to hold the meeting, and had provided the dates of availability.

Deliberations ensued as to the selection of a date that would allow enough notice to be provided to the public.



**ON MOTION** by Commissioner Davis, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved to hold a Public Workshop regarding road maintenance in the City of Fellsmere, on June 27, 2016, at 6:00 p.m., at the Clarence F. Korker Center for the Performing Arts (Old Fellsmere School Auditorium) Community Room.

Fellsmere Mayor Joel Tyson confirmed that notices for the Workshop could be issued in a timely manner, and encouraged the Board Members to look at the roads after a rainstorm.

Chairman Solari asked Administrator Baird to have the Workshop meeting posted on the County's website.

12. **DEPARTMENTAL MATTERS**

10:01  
a.m.

A. **Community Development**

1. Consideration of Project Treadstone's Request for a Local Jobs Grant and Qualified Target Industry Resolution (memorandum dated May 31, 2016)

87-111

*(Clerk's Note: This item was heard following Item 9.A. and is placed here for continuity).*

Community Development Director Stan Boling used a PowerPoint Presentation to provide background and analysis on the Local Jobs Grant Program and to confirm the qualifications of Project Treadstone for the Grant. He announced that in addition to the Grant, the firm has applied for a State Qualified Target Industry (QTI) Refund Program, which requires a Resolution of Support from the Board.

The Chairman opened the public hearing.

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, spoke in support of Project Treadstone, and stated that the real name of the company is currently confidential, but will be disclosed by the end of June 2016.

Commissioner Zorc stated that once Project Treadstone's true name is disclosed, he would like to see some type of outreach to let similar businesses know what the County has to offer.

**ON MOTION** by Commissioner O’Bryan, **SECONDED** by Commissioner Zorc, the Board unanimously: (1) approved a Local Jobs Grant of up to \$175,000 for Project Treadstone; (2) authorized the Chairman to execute the Jobs Grant Agreement for “Project Treadstone” after approval of the agreement by appropriate County staff and the County Attorney’s office; and (3) approved and authorized the Chairman to execute **Resolution 2016-048**, recommending Project Treadstone be approved as a Qualified Target Industry Business pursuant to S.288.106, Florida Statutes; providing for local financial support in the form of cash for the Qualified Target Industry Tax Refund with high-impact sector bonus; providing for an effective date.

**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**

**11:29  
a.m.**

**1.    Tourist Development Council 2016/2017 Budget  
Recommendations**

**(memorandum dated May 31, 2016) ..... 112-113**

Assistant Director of Management and Budget Michael Smykowski reported that all budget requests submitted to the Tourist Development Council were recommended for funding. The following six organizations will receive funding: 1) Indian River County/Sebastian Chambers of Commerce; 2) Treasure Coast Sports Commission; 3) Cultural Council; 4) Vero Heritage; 5) Indian River County Historical Society; 5) Sebastian Chamber of Commerce Pelican Porch Visitor's Center; and 6) Florida Archery Foundation.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the funding amounts recommended by the Tourist Development Council for a total allocation of \$786,153.

F. Public Works

None

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

11:34  
a.m.

- A. Fourth Amendment to Interlocal Agreement with Palm Beach County Health Facilities Authority for Financing and Refinancing for Improvements and Additions of Facilities (memorandum dated May 12, 2016)

114-130

County Attorney Dylan Reingold provided background on the Interlocal Agreement between the Palm Beach County Health Facilities Authority and the County, which was approved in 1996, and amended in 1998, 2006, and 2010. He explained that the Agreement and the amendments authorize the Authority to use revenue bonds to finance five health care facilities owned by ACTS Retirement-Life Communities, Inc. (ACTS), including two facilities, Indian River Estate East and Indian River Estates West, which are located in the County. Attorney Reingold advised that the Fourth Amendment would allow the issuance of revenue bonds for refunding previous bonds for financing at the five facilities.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Fourth Amendment to the Interlocal Agreement with Palm Beach County Health Facilities Authority, and any and all documents necessary to

effectuate the Fourth Amendment; and (2) approved Resolution 2016-049, approving the issuance by the Palm Beach County Health Facilities Authority of one or more series of its Retirement Communities Revenue Bonds, Series 2016 (ACTS Retirement-Life Communities, Inc. Obligated Group) in an amount not to exceed \$138,000,000 for the purpose of financing the 2016 Project as described herein.

11:35  
a.m.

- B.** School District Resolution Directing County to Place a Referendum on the Primary Election Ballot (memorandum dated June 1, 2016)

131-139

Attorney Reingold relayed that the Indian River County School Board passed a Resolution on May 31, 2016, directing the Board of County Commissioners to call an election in conjunction with the primary election of August 30, 2016. The purpose of the election would be to place a referendum on the ballot to determine if the electorate would support an additional ad valorem tax of .05 mills for four years.

Superintendent Mark J. Rendell, Indian River County School Board, stated that the School Board's current millage of .06 will be expiring and the proposal is to reduce it to .05 mills.

Discussion ensued regarding the notification process for advising the taxpayers about the ballot initiative.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously approved Resolution 2016-050, to call an election for a referendum to be placed on the ballot of the August 30, 2016 Primary Election.

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**

**11:42  
a.m.**

1. Calculating the Cost of County Projects  
(memorandum dated June 1, 2016) 140

-----  
**Commissioner Zorc discussed the potential costs associated with the County’s acquisition of private property, and/or public/private partnerships. He suggested that staff include in future agenda packages, a simple spreadsheet showing the financial implications of various transactions, such as the tax revenue that is lost when private property becomes public, or maintenance costs which could ensue from a public/private partnership.**

**Chairman Solari suggested that staff compile a ten-year pro forma financial statement.**

**Commissioner O’Bryan advocated for intangible values, such as benefits to the community, to be included on the spreadsheet.**

**ON MOTION by Commissioner Zorc, SECONDED by Vice Chairman Flescher, the Board unanimously directed staff to create a spreadsheet providing a breakdown of the financial implications of property purchased by the County and/or any type of cost-sharing agreements; along with a non-fiscal analysis of the benefits of the acquisition.**

**11:49  
a.m.**

2. Disposal of Surplus Property and Other County Assets  
(memorandum dated June 1, 2016) 141-148

-----  
**Commissioner Zorc suggested that the County broaden its options for the disposal of real property (surplus) in order to maximize sales prices. He also reported that the Citrus County Ordinance contained several methods for disposing surplus properties.**

**Discussion ensued as individual Commissioners offered suggestions for disposing of surplus properties.**

**Attorney Reingold affirmed that Florida Statute 125.35 permits counties to adopt alternative procedures, other than those in the Statute, for disposing of real property.**

**ON MOTION by Commissioner Zorc, SECONDED by Commissioner O’Bryan, the Board unanimously directed staff to report back to the Board regarding additional means and measures for disposing of declared County surplus property.**

-----  
**Commissioners Solari, Flescher, and Davis noted that they would not necessarily support a change, but would agree to have staff report back on this matter.**

**15. SPECIAL DISTRICTS AND BOARDS**

**12:08  
p.m.**

**A. Emergency Services District**

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

1. Approval of Minutes Meeting of December 8, 2015
2. Affiliation Agreement between Palm Beach State College and Indian River County Emergency Services District  
(memorandum dated May 26, 2016) ----- 149-152
3. Award Letter and Expenditure Approval for FEMA Assistance to Firefighters Grant (Agreement # EMW-2015-FO-05298)  
(memorandum dated May 31, 2016) ----- 153-155
4. Authorization for Final Payment and Release of Retainage to Barth Construction, Inc. for the Construction of Fire Station #13 (4440 4<sup>th</sup> Street) Change Order #1  
(memorandum dated May 23, 2016) ----- 156-173

**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 **12:10 p.m.**

ATTEST:

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

\_\_\_\_\_  
Bob Solari, Chairman

By: \_\_\_\_\_

Approved: July 12, 2016

**BCC/MG/2016Minutes**