

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



**REGULAR MEETING MINUTES
TUESDAY, MAY 10, 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	Jason Brown, Management and Budget 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	Maureen Gelfo, Deputy Clerk	Present
Tim Zorc	District 3	Present		

(Clerk's Note: Management and Budget Director Jason Brown (future County Administrator) sat in for the current County Administrator, who assumed his position at 9:15 a.m.)

DVD TIMES		PACKET PAGES
1.	<u>CALL TO ORDER</u> <u>9:00 A.M.</u>	
2.	<u>INVOCATION</u> Philip Katrovitz, Humanist of the Treasure Coast	
3.	<u>PLEDGE OF ALLEGIANCE</u> Commissioner Bob Solari, Chairman	
4.	<u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u>	
9:04 a.m.	<u>ON MOTION</u> by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved the agenda as presented.	
5.	<u>PROCLAMATIONS and PRESENTATIONS</u>	
9:05 a.m.	A. Presentation of Proclamation Designating the Week of May 8 – 14, 2016, as Tobacco Free Florida Week	
	----- 1	
	Commissioner Zorc read and presented the Proclamation to Leslie Spurlock, QuitDoc Foundation, and Tobacco Free Partnership members.	

9:12 a.m. B. Presentation by Leslie Spurlock, QuitDoc Foundation, in Appreciation of Indian River County’s Leadership with Tobacco Control

Leslie Spurlock, QuitDoc Foundation, presented the County Commissioners with a plaque acknowledging their support of tobacco-free policies.

9:14 a.m. C. Presentation by Michelle Dion and Kim Prado, Marine Bank & Trust, on Volunteer Opportunities for the 2016 Vero Beach Air Show on June 25 – 26, 2016

----- 2
Michelle Dion and Kim Prado gave a presentation on the upcoming Vero Beach Air Show (featuring the Blue Angels), which will be held on June 25 and 26, 2016. She also discussed the Meet-And-Greet which will be held at Riverside Park on Saturday, June 25, starting at 5:30 p.m. Information was provided on volunteer efforts and opportunities.

9:33 a.m. D. Presentation by Curtis Paulisin, First Vice President, and Patricia Geyer, Director of Outreach Programs, provided details on the Indian River County Veterans Council on June 18th Golf Tournament and other Programs. Proceeds go to Veterans Outreach and to Veterans Council.

Curtis Paulisin, First Vice President, Veterans Outreach Programs, provided details on the Annual Veterans Outreach Golf Tournament to be held on June 18, 2016, at the Sandridge Golf Club.

Patricia Geyer, Director, Veterans Outreach Programs, provided an overview of the Veterans Council of Indian River County’s Veterans Outreach program, and introduced new programs to the Board.

----- 3-5

6. **APPROVAL OF MINUTES**

None

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

9:46 a.m. A. Retirement Award and Proclamation Honoring Brian Williamson on His Retirement From the Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service

----- 6-7
Commissioner O’Bryan recognized Brian Williamson on his retirement.

8. **CONSENT AGENDA**

9:46 a.m. **ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda, pulling Item 8.C. for discussion (at Bob Johnson’s request).**

A. Approval of Checks and Electronic Payments – April 22, 2016 to April 28, 2016

----- 8-13

(memorandum dated April 28, 2016)

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

- B.** Wild Turkey Sand Mine – Third Phase – Cash Deposit and Escrow Agreements for Compliance and Restoration
(memorandum dated May 2, 2016) 14-24

Authorized the Chairman to execute the two compliance and restoration Cash Deposit and Escrow Agreements by and between Indian River County, Wild Turkey Estates of Vero, LLC, and Duane C. Pankratz, with regard to the transfer from the second phase to the third phase of the Wild Turkey Sand Mine.

- 9:47 a.m.** **C.** Resolution Cancelling Taxes on Property Purchased by Indian River County for Surface Water Storage and Treatment
(memorandum dated April 29, 2016) 25-32

Bob Johnson, Coral Wind Subdivision, sought additional information on this item.

Deputy County Attorney Bill DeBraal addressed Mr. Johnson's concerns and clarified the intent of the Resolution.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved and authorized the Chairman to execute, Resolution 2016-043, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Purchased by the County from RREF RB 2012 LT1-FL PHP, LLC for surface water storage and treatment).

- D.** Work Order No. 8 Morgan & Eklund, Inc., 2016 Beach Profile Monitoring Surveys – Summer
(memorandum dated April 28, 2016) 33-39

Approved and authorized the Chairman to execute on behalf of the County, Work Order No. 8 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc.

- E.** Work Order No. 13 CB&I Coastal Planning and Engineering, Inc., Sector 3 Beach Restoration Project, 2016 Post Construction Physical Monitoring Services
(memorandum dated April 27, 2016) 40-49

Approved and authorized the Chairman to execute on behalf of the County, Work Order No. 13 to the contract with CB&I Coastal Planning and Engineering, Inc. (f/k/a Coastal Planning & Engineering, Inc.)

- F.** Approval of Work Order No. MMRT-1 for Professional Land Surveying and Mapping Services for Osprey Acres Stormwater Park
(memorandum dated May 3, 2016) 50-60

Approved Alternative No. 1, Work Order No. MMRT-1 with Masteller, Moler, Reed & Taylor, Inc.

- G.** Approval of Award for Bid 2016028 – Annual Bid for Street Sweeping (memorandum dated May 2, 2016)

61-62

(1) Awarded Bid 2016028 to International Sweeping, Inc., DBA Facilities Pro-Sweep; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of June 1, 2016 through May 31, 2017, to the recommended bidder, after receipt and approval of required insurance by Risk Management; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

**9:50
a.m.**

- 1.** Ordinance Concerning Medical Marijuana (memorandum dated May 2, 2016)

63-81

Legislative

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

County Attorney Dylan Reingold recalled the Board's direction on April 5, 2016, for the County Attorney's office to revisit Ordinance 2014-018 (pertaining to medical marijuana regulations), which the Board adopted in October 2014. He reported that the Board repealed Ordinance 2014-018 after the defeat of Amendment 2, which pertained to the medical use of marijuana, in the November 2014 election. Attorney Reingold stated that a new Amendment 2 will be presented at the November 2016 election. He asked the Board to consider the proposed Ordinance, incorporating the regulation of medical marijuana into Chapter 315 of the County Code, the Indian River County Pain Management Clinic and Controlled Substances Ordinance. He noted that there will also be a companion Zoning Ordinance, which the Planning and Zoning Commission would consider in August 2016, followed by two public hearings by the Board of County Commissioners.

The Chairman opened the Public Hearing.

There were no speakers; the Chairman closed the Public Hearing.

ON MOTION by Vice Chairman Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously adopted **Ordinance 2016-005**, amending Chapter 315 of the Code of Indian River County entitled "Indian River County Pain Management Clinic and Controlled Substances Ordinance" to include regulations and prohibitions of certain activities relating to medical marijuana; and providing for severability, codification and an effective date.

Commissioner Zorc questioned whether changes to the County's personnel policies may be required regarding potential human resources liability issues, if a County employee opts to use medical marijuana as a treatment.

The Board **CONSENSUS** was to direct the County Attorney to report back to the Board on potential human resource issues that may arise for the County with regards to an employee's use of medical marijuana.

B. PUBLIC DISCUSSION ITEMS

9:56
a.m.

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

1. Request to Speak from Susan Mehiel Regarding AAF/FEC and the Nuclear Power Plant – Phyllis Frey will be speaking on Susan Mehiel's behalf

82

Phyllis Frey, 275 Date Palm Road, gave a presentation on behalf of Susan Mehiel, outlining concerns about the increased passenger and freight traffic (including hazardous materials) that will be generated by the All Aboard Florida (AAF) Project, particularly on the rail line near the St. Lucie Nuclear Power Plant (the Nuclear Plant). She spoke about a letter sent by the Town of St. Lucie Village's (the Village) mayor, William Thiess, requesting that State and Federal agencies make sure there are sufficient plans and procedures to mitigate safety risks and respond to potential catastrophic incidents. Ms. Frey requested that the County Commissioners also send correspondence urging the appropriate agencies to make sure that appropriate safety plans and procedures have been formulated.

(Clerk's Note: All Aboard Florida a/k/a Brightline)

Chairman Solari asked Administrator Baird to write to the appropriate agencies; Attorney Reingold stated he would assist with the letter.

Discussion ensued on the possibility of Liquefied Natural Gas (LNG) being transported on the railway, and the County's training procedures for Emergency Services personnel.

Keith Kite, 1045 Winding River Road, suggested that staff obtain a daily manifest (of materials) from the Florida East Coast Railroad (FECR) for freight trains passing through the County, and stated that since AAF's 100% Plans have been submitted, it would be a good opportunity for the County to address safety issues.

County Administrator Joe Baird affirmed that he would have staff procure the daily manifest from the FECR.

Public Works Director Chris Mora stated that staff was in the process of reviewing AAF's 100% Plans.

The Board's CONSENSUS was to have the Public Works Department host a public workshop on AAF's 100% Plans, with the date to be determined at a future Board meeting.

Joseph Paladin discussed his concerns on how the additional rail traffic would reduce Levels of Service (LOS) on the roads and make it harder for developers to achieve concurrency.

C. PUBLIC NOTICE ITEMS

10:15
a.m.

1. Notice of Scheduled Public Hearing for May 24, 2016:

County Initiated Request to Amend (update) the Text of Several Elements of the County's Comprehensive Plan, Including the Future Land Use Element, the Recreation and Open Space Element, the Transportation Element, the Economic Development Element, and the Solid Waste Sub-Element

Legislative

(memorandum dated April 21, 2016)

83-84

(Clerk's Note: This item was read during a pause under Item 10.B.1, and is placed here for continuity).

County Attorney Dylan Reingold read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS

10:26
a.m.

**A. Health Insurance Subsidy for Retirees
(memorandum dated April 29, 2016)**

85-86

County Administrator Joseph Baird presented background and analysis on a policy that was instituted in June 2008 that specified that a retiree reaching the eligible age for Medicare would lose the County health insurance subsidy. He reviewed the available options for retirees at that

time, and explained that the proposed changes would allow a retiree's dependents to remain on the County health insurance plan at the subsidized rate when the retiree enrolls in Medicare.

A brief discussion period ensued.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) the change to the retiree health insurance subsidy policy as outlined in staff's report; staff proposes that retirees remain eligible for any subsidy that has been earned until both the retiree and spouse (or other eligible dependent) have become eligible for Medicare. In order to keep the subsidy after the retiree reaches the eligible age for Medicare, the retiree must enroll in Medicare Parts A and B. At such time when both the retiree and spouse (or eligible dependent) reach the eligible age for Medicare, the County subsidy will terminate; and (2) the changes to the health insurance subsidy policy for retirees, and authorized the County Administrator to execute the updated policy.

The Chairman called a recess at 10:29 a.m., and reconvened the meeting at 10:40 a.m., with all members present.

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

**10:40
a.m.**

1. Quarterly Budget Report
(memorandum dated April 13, 2016)

87-99

Management and Budget Director Jason Brown gave a Prezi Presentation detailing the budget report for the second quarter of Fiscal Year 2015-2016.

Discussion ensued, with input from Administrator Baird, on the County's goal to transition the Shooting Range to an Enterprise Fund.

Incoming Management and Budget Director Michael Smykowski spoke in support of the County's conservative fiscal policy.

**11:03
a.m.**

2. Declaration of 16th Street Ballfields as Surplus and Authorization for Disposal
(memorandum dated May 2, 2016)

100-111

Incoming Management and Budget Director Mike Smykowski stated that the 16th Street Ballfields Property had been discussed at several Board Meetings, and at the February 16, 2016 meeting, the Board approved an agreement to terminate (effective June 1, 2016), the agreement with the existing tenant, the Indian River Sports Complex (IRSC), which leases the fields for youth ball games. He thereafter provided analysis and staff's recommendation for the Board to declare the property surplus, and dispose of it by sealed bid.

Discussion ensued, with input from Senior Planner John McCoy, regarding the zoning/land use classification of the property and regarding the possibility of St. Francis Manor acquiring a portion of the surplus property.

Derek Muller, President Indian River Sports Complex (IRSC), and Cal Ripken Youth Baseball League, requested that the Board extend the lease agreement with IRSC until such time that the property is disposed.

Commissioner O'Bryan stressed that he would support the extended lease, provided that Mr. Muller advises the parents of the players that the use of the field will be discontinued when the property is sold.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Zorc, to: (1) designate Parcel 33390200000700000001.3 as surplus to the County's needs and

directed its disposal by sealed bid sale; the high bid will be presented to the Board for award and ratification; and (2) authorize the Indian River Sports Complex to continue renting the 16th Street Ballfield Complex property on a month-to-month basis for ballgames to the date of sale, with the caveat that the Indian River Sports Complex must notify the parents that the parcel is up for sale and the use of the fields may be terminated at any time.

Commissioner Zorc requested that the Public Works Department take stock of any right-of-way or retention pond areas that might be needed by the County in the future.

MOTION WAS AMENDED by Vice Chairman Flescher, SECONDED by Commissioner Zorc, to direct the Public Works Department, when considering sale of the property, to take into consideration any right-of-way or retention pond areas on the parcel which the County may need in the future.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) designated Parcel 33390200000700000001.3 as surplus to the County's needs and directed its disposal by sealed bid sale; the high bid will be presented to the Board for award and ratification; (2) authorized the Indian River Sports Complex to continue renting the 16th Street Ballfield Complex property on a month-to-month basis for ballgames to the date of sale, with the caveat that the Indian River Sports Complex must notify the parents that the parcel is up for sale and the use of the fields may be terminated at any time; and (3) directed the Public Works Department, when considering sale of the property, to take into consideration any right-of-way or retention pond areas on the parcel which the County may need in the future.

Attorney Reingold advised that staff would bring back to the May 24, 2016 Board meeting, an amended termination clause to the agreement with the Indian River Sports Complex.

F. Public Works

11:32
a.m.

1. Outer Continental Shelf Marine Sand, Gravel, and Shell Resources Regulation; Identifier Number (RIN) 1010-AD90; BOEM Proposed Rule 30 CFR 583
(memorandum dated May 2, 2016)

112-129

Assistant Public Works Director Richard Szyrka began the PowerPoint Presentation with background on the County's Beach Preservation Plan (BPP), which uses both upland and offshore sand sources to offset erosion on its beaches.

County Coastal Engineer James Gray reported that approximately 40% of the offshore sand resources required for beach restoration over the next 30 to 50 years lie within Federal waters. He continued the PowerPoint Presentation to elaborate on the U.S. Department of Interior, Bureau of Ocean Energy Management's (BOEM) proposed rule changes for the use of offshore sand, and reviewed staff's concerns/questions on how the changes may affect the County's beach program. Coastal Engineer Gray thereafter asked the Board to approve staff's comments on the proposed letter to BOEM.

Commissioner O'Bryan requested that staff add to the proposed letter, comments about preserving some of the County's vested rights to portions of the borrow area sediment (marine sand, gravel, and shell resources).

Chairman Solari requested that staff change the salutation portion of the draft letter from "Dear Sir or Madam" to the name of a specific BOEM staff member.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously: 1) approved staff comments on the proposed U.S. Department of Interior Bureau of Ocean Energy Management (BOEM) rule changes; and (2) authorized the Chairman to execute the letter after it is addressed to a specific U.S. Department of Interior Bureau of Ocean Energy Management (BOEM) staff member, and after additional verbiage is added regarding the County's vested interest in a portion of the high quality offshore sand.

11:41
a.m.

2. Update – U.S. Army Corps of Engineers (USACE) proposed plan to dredge and relocate bulk ocean sand from Martin and St. Lucie Counties to Miami-Dade County (memorandum dated May 2, 2016)

130-133

Assistant Public Works Director Richard Szpyrka recalled that in January 2016, the Board had approved and sent to the United States Army Corps of Engineers' (USACE), Resolution 2016-007, opposing the USACE's proposal to dredge and relocate ocean sand from Martin and St. Lucie Counties to Miami-Dade County.

Coastal Engineer James Gray used a PowerPoint Presentation to provide background on the Southeast Florida Sediment Assessment and Needs Determination (SAND) study that was conducted by the Florida Department of Environmental Protection (FDEP) and the USACE. The SAND study (which did not include Indian River County), indicated that Miami-Dade County offshore sand sources are almost depleted, and that large

quantities of offshore sand were available in St. Lucie and Martin Counties. Subsequently, the USACE Jacksonville District, issued a Findings of No Significant Impact (FONSI) statement on the proposal to use the alternative sand sources. In response, at its April 18, 2016 meeting, the Beach and Shore Preservation Advisory Committee approved a Motion to move forward with a coordinated response to the proposal to transmit sand from Martin and St. Lucie Counties to Miami-Dade County.

Assistant County Attorney Kate Pingolt Cotner reported that St. Lucie and Martin Counties are trying to form a coalition with the neighboring counties to see if a change can be made to the Federal law stating that for federally-funded projects, non-domestic sand sources can only be used only if domestic sources are not available.

Commissioner O’Bryan commented that perhaps the change in the law should say... “non-domestic sand sources can be used if domestic sources are not economically competitive...”

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously: (1) supported the Beach and Shore Preservation Advisory Committee’s request to move forward with a coordinated response with Martin and St. Lucie Counties, through applicable County regulations to the State, and then to the Federal offices, Representatives, Department of the Interior, and the Office of Management and Budget and request a hearing for open public discussion on the United States Army Corps of Engineer’s proposal to dredge and relocate sand from offshore of St. Lucie and Martin Counties to Miami-Dade County, and to see if Congressman Patrick Murphy would join the Coalition with the Counties; and (2) directed staff to begin discussions with St. Lucie and Martin Counties, the Florida Department of Environmental Protection, and the United States Army Corps of Engineers.

12. DEPARTMENTAL MATTERS

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

None

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

11:50
a.m.

1. Additional Water Sampling
(memorandum dated May 10, 2016)

134-138

Commissioner Zorc discussed four water sampling collection points in the eastern part of the Indian River Farms Water Control District (IRFWCD) network, where heavy concentrations of nutrient growth have been found. He asked if the Board wanted to undertake an in-depth analysis of those areas to determine the sources of said nutrients; see what additional collection points could be added to track the nutrient loads from the western part of the network continuing east; and have staff report back on the costs of analyzing the four areas currently being sampled, as well as the remainder of IRFWCD's canal network on an ongoing basis.

Commissioner O'Bryan suggested that due to the cost, one of the four sites should be selected for a targeted analysis. He also spoke to the importance of installing a rain gauge network.

Discussion ensued about using the collection point at 85th Avenue and 8th Street for the analysis, because it is not near a golf course (thought to contribute more nutrients).

ON MOTION by Commissioner Zorc, SECONDED by Commissioner O'Bryan, the Board unanimously directed staff to return to the Board with recommendations and costs, for: (1) undertaking an intensive analysis of the 85th Avenue and 8th Street data collection point for water sampling, to acquire more data of the nutrient loading of the canal water that flows to the Indian River Lagoon; (2) analyzing the water flowing from the west to the east to explore any variations in nutrient loads; (3) adding supplementary water sampling locations to the west of the

four sites currently being sampled by the St. Johns River Water Management District; and (4) installing a rain gauge network.

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 **12:05 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____
Deputy Clerk

Approved: June 14, 2016

BCC/MG/2016Minutes

