

Indian River County Florida

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



Meeting Minutes - Final

Tuesday, October 4, 2016

9:00 AM

Commission Chambers

Board of County Commissioners

*Bob Solari, Chairman, District 5
Joseph E. Flescher, Vice Chairman District 2
Wesley S. Davis, District 1
Peter D. O'Bryan, District 4
Tim Zorc, District 3*

**Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller**

ROLL CALL

Present: 5 - Chairman Bob Solari
Vice Chairman Joseph Flescher
Commissioner Wesley Davis
Commissioner Peter O'Bryan
Commissioner Tim Zorc

2. INVOCATION

Stan Boling, Community Development Director

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Item 5.E. Hurricane Update by Emergency Services Director John King to be heard following Item 4.

Delete: Item 8.K. Approval of Bid Award for IRC Bid No. 2017011 Annual Bid to Maintain and Operate the West Regional Wastewater Treatment Facility System

Delete: Item 10.B.1. Request to Speak from Wanda Scott

Addition: Replacement Emergency Addition Item 12.A.2. First Amendment to Developer's Agreement for Millstone Landing PD

Addition: Item 12.A.3. SLV Millstone, LLC's Request for Final Plat Approval for Millstone Landing PD Phases 4, 5, and 6

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Agenda as amended. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

5. PROCLAMATIONS and PRESENTATIONS

5.A 16-782 Presentation of Proclamation Designating the Month of October, 2016, as National Domestic Violence Awareness Month

Attachments: [Domestic Violence Awareness](#)

Vice Chairman Flescher read and presented the Proclamation to Tom Manwaring,

Development Associate for SafeSpace. Also present were Karen Franke, Lt. Eric Flowers, Lewana Dupree, Angela Novak, and Linda Hengerer.

5.B. 16-783 Presentation of Proclamation Observing Margo Donadio Memorial-Fire Girls 5K Run Day

Attachments: [Proclamation Donadio Memorial](#)

Commissioner Davis read and presented the Proclamation to Anthony Donadio, Director of Emergency Services Fire Chief John King, and Melinda Judson from Indian River Fire Girls.

5.C. 16-825 Presentation of Proclamation Recognizing the 80th Anniversary of Florida's State Forests

Attachments: [80th Anniversary of Florida's State Forests](#)

Chairman Solari read and presented the Proclamation to Senior Ranger Brian Torres, Forest Ranger Raymond Kirkland, and Wildfire Mitigation Specialist Melissa Yunas.

5.D. 16-820 Presentation of Proclamation Designating October, 2016 as Manufacturing Month in Indian River County, Florida

Commissioner O'Bryan read and presented the Proclamation to Helene Caseltine, Economic Development Director Indian River County Chamber of Commerce; Dr. Casey Lunceford, Indian River State College; Dr. Michael Arnette, Indian River County School District; and Tim Girard, President of Girard Equipment.

5.E. 16-861 Emergency Addition: Presentation by Director of Emergency Services John King and Emergency Coordinator Etta LoPresti.

Emergency Services Director John King, assisted by Emergency Management Coordinator Etta LoPresti, presented an overview of Hurricane Matthew and its potential impacts to Indian River County. Citizens were urged to prepare for the storm and various resources were provided to inform the public on disaster preparations, plans, and storm updates.

County Administrator Jason Brown affirmed that preparations were underway for the possibility of Hurricane Matthew, and that staff would be communicating with County employees after the Board meeting.

Clerk of Circuit Court and Comptroller Jeff Smith disclosed that should the storm occur, a contingency plan is in place to operate and pay bills.

Commissioner O'Bryan announced that the Beachtown Music Festival, featuring Jake Owen, scheduled for October 7 and 8, 2016, has been cancelled due to the hurricane

threat.

6. APPROVAL OF MINUTES

6.A 16-802 September 14, 2016 Preliminary Budget Hearing

6.B 16-806 September 21, 2016 Final Budget Hearing

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the minutes as written. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

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

7.A. 16-822 Update On All Aboard Florida/Vero Electric Expenses

Attachments: [Staff Report](#)
[All Aboard FL Expenses](#)
[FP&L-Vero Beach-FMPA expenses](#)

7.B. 16-831 Event Venue Review Calendar

Attachments: [Event Venue Calendar Review -2016-Oct4AgendaItemFF-](#)

7.C. 16-835 Florida Public Service Commission Order No. PSC-16-0363-TRF-EI in re: Petition for approval of modifications to the approved premier power tariff and the government underground tariff and for approval of new government cost recovery contract, by Duke Energy Florida, LLC has been received and is available for review in the Office of the Clerk to the Board

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc to approve the Consent Agenda as amended, pulling items 8.J. and 8.O. for discussion.

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

8.A. 16-784 Approval of Checks and Electronic Payments September 9, 2016 to September 15, 2016

Attachments: [October 4 Staff Report](#)

Approved

8.B. 16-808 Approval of Checks and Electronic Payments September 16, 2016 to

September 22, 2016

Attachments: [Checks and Electronic Payments](#)

Approved

8.C. 16-818 Lobbyist for 2017 Legislative Session

Recommended Action: The County Attorney's Office recommends that the Board enter into an agreement with Anfield Consulting, Inc., for lobbying services for the term of January 1, 2017, to December 31, 2017, and authorize the County Administrator to execute the referenced agreement.

Attachments: [Staff Report](#)
[Anfield consulting agreement](#)

Approved staff's recommendation.

8.D. 16-809 Resolution Establishing the Public Safety Coordinating Council for Criminal Justice, Mental Health and Substance Abuse

Recommended Action: The County Attorney's Office recommends that the Board approve the resolution.

Attachments: [Staff Report](#)
[Resolution Public Safety Council CJMHSA \(09.26.16\)](#)

Approved Resolution 2016-101, establishing the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse.

8.E. 16-823 Blue Goose Sand Mine (formerly known as Ranch Road Lake Sand Mine) - Transfer of Compliance and Restoration Escrow from Phase 1 to

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Cash Deposit and Escrow Agreement for Compliance and Restoration with regard to the transfer of escrowed funds from Phase 1 to Phase 3.

Attachments: [Staff Report](#)
[Cash Deposit and Escrow Agreement for Compliance and Restoration](#)

Approved staff's recommendation.

8.F. 16-771 Authorization to Attend FGFOA and GFOA Annual Conferences and FGFOA School of Government Finance

Attachments: [Staff Report](#)

Approved staff's recommendation to authorize the County Administrator to attend the Government Finance Officers Association (GFOA) Annual Conference, the Florida Government Finance Officers Association (FGFOA) Annual Conference, the FGFOA School of Governmental Finance, and the quarterly meetings of the

Treasure Coast Chapter of the Florida Government Finance Officers Association.

- 8.G. 16-812** Approval of Renewal for a Class "A" Certificate of Public Convenience and Necessity for Indian River County Department of Emergency Services.
- Recommended Action:** Approve renewal of the Class "A" Certificate of Public Convenience and Necessity for Indian River County Department of Emergency Services, to be effective for a period of two (2) years from October 15, 2016 to October 15, 2018.
- Attachments:** [Staff Report-COPCN IRCES](#)
[COPCN Application-IRCES](#)
- Approved staff's recommendation.**
- 8.H. 16-792** Release of Retainage - Work Order No. 6 Morgan & Eklund, Inc., 2016 Beach Profile Monitoring Surveys (WINTER)
- Recommended Action:** Staff recommends the Board approve the release of all withheld retainage under Work Order No. 6 in the amount of \$4,950.
- Attachments:** [Staff Report](#)
[Morgan Eklund Invoice for WO #6](#)
- Approved staff's recommendation.**
- 8.I. 16-793** Release of Retainage - Work Order No. 8 Morgan & Eklund, Inc. 2016 Beach Profile Monitoring Surveys (SUMMER)
- Recommended Action:** Staff recommends the Board approve the release of all withheld retainage under Work Order No. 8 in the amount of \$4,950.
- Attachments:** [Staff Report](#)
[Morgan Eklund invoice for WO #8](#)
- Approved staff's recommendation.**
- 8.J. 16-827** North Sebastian Septic to Sewer Approval of Cost Share Funding Agreement
- Recommended Action:** Staff recommends approval of the Cost-Share Agreement and request the Board to authorize the Chairman to execute the same on their behalf. Please note that if, during the procurement process, bids are much higher than the engineer's opinion of probable cost, the County has the option to close the Agreement early without addressing any construction. The early closeout of the Agreement would be brought as a new item to the Board at that time.

Attachments: [Staff Report](#)
[Cost Share Agreement](#)

Commissioner O'Bryan spoke on the economic and environmental benefits of this project. He also pointed out that funding for the project was received from the St. John's River Water Management District.

Commissioner Davis discussed District 20 Senator Jack Latvala's recent visit to the County.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve and authorize the Chairman to execute the Cost-Share Agreement between the St. Johns River Water Management District and Indian River County. The Motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

- 8.K. 16-824** Approval of Bid Award for IRC Bid No. 2017011 Annual Bid to Maintain and Operate the West Regional WWTF Wetlands System

Attachments: Staff Report

The agenda item was deleted.

- 8.L. 16-815** Request for Approval to Enter into a Public Transportation Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for a Service Development Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Joint Participation Agreement and adopt the resolution authorizing the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[Attachment 1 - BCC Resolution](#)
[Attachment 2 - Joint Participation Agreement](#)
[Attachment 3 - Grant Budget Form](#)

Approved Resolution 2016-102, authorizing the execution of a Public Transportation Joint Participation Agreement with the Florida Department of Transportation.

- 8.M. 16-785** Approval of Agreements for Continuing Professional Surveying and Mapping Services Firms RFQ# 2016029 IRC Projects No. 1605

Recommended Action: Staff recommends approval of fee schedules and agreements between the County and the five (5) firms selected and requests the Board to authorize the Chairman to execute the agreements.

Attachments: [Staff Report](#)
[Carter Agreement & Fee Schedule](#)
[Southeastern Agreement & Fee Schedule](#)
[Kimley-Horn Agreement & Fee Schedule](#)
[CivilSurv Agreement & Fee Schedule](#)
[Morgan & Eklund Agreement & Fee Schedule](#)

Approved staff's recommendation.

8.N. 16-830 Second Amendment to License Agreement with Fully Involved Event Productions, LLC.

Recommended Action: Staff respectfully recommends the Board to approve the Second Amendment to the License Agreement and requests that the Board authorize its Chairman to execute on behalf of the County.

Attachments: [Staff Report](#)
[Second Amendment for Rocktoberfest Fairgrounds License Agreement - Ver 4.docx](#)

Approved staff's recommendation.

8.O. 16-794 Adoption of Revised Building Permit Fee Schedule, Reducing Permit Fee Valuation Factor by Five Percent

Recommended Action: Staff recommends that the Board of County Commissioners adopt the resolution.

Attachments: [Staff Report](#)
[Resolution](#)
[Fee Schedule](#)

Commissioner O'Bryan pointed out that the 5% reduction in the building permit fee schedule would be a boost for businesses and the construction industry.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2016-103, amending the Building Permit Fee Schedule reducing fees based on valuation (5% reduction). The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. 16-798 Indian River County Supervisor of Elections Leslie R. Swan: Certificate Regarding Matching Funds for the Federal Election Activities Grant for FY 2016-2017 and Certificate of Sufficient Equipment for 2016 General Election

Attachments: [Supervisor of Elections Letter.pdf](#)
[Certificate Attachment D.pdf](#)
[Certificate Attachment F.pdf](#)

Supervisor of Elections Leslie Swan presented her request to the Board.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to authorize the Certificate Regarding Matching Funds, certifying that the Indian River County Board of County Commissioners will provide matching funds for the Federal Election Activities Grant for Fiscal Year 2016-2017, with the matching fund amount of 15% of the amount received from the state, or \$3,797.08. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. 16-826

Fischer Lake Island Subdivision Phase 1 through 6 and Replat of 7 Petition Water Assessment Project UCP 4118, Public Hearing and the Adoption of Resolution No. III

Recommended Action: Open the public hearing and after receiving input, consider adoption Resolution No. III with any revisions based on that public input.

Staff recommends that the BCC consider the following options:

1) Adopt Resolution No. III with the following items:

- a. Cost per parcel of \$8,107.07
- b. Sixty (60) benefitting parcels as part of the special assessment lien
- c. For benefitting parcels above in point b., allow property owners to finance the capital cost of \$8,107.07 for up to 10 years, payable in ten equal yearly installments at an annual interest rate of 5.00% (set by the BCC each January).

Attachments: [Staff Report](#)
[Resolution III](#)
[Preliminary Assessment Roll](#)

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

Director of Utility Services Vincent Burke, in his PowerPoint Presentation, provided background and analysis on the proposed Fischer Lake Island Subdivision Water Assessment Project UCP 4118. He spoke on the possibility of the County providing a possible water fountain at the Canoe Launch area and fire hydrants to supplement the conservation area along Water Vliet Avenue.

After responding to the Board's questions and comments, Director Burke advised that if the Board approves the Confirming Resolution or Resolution III (Resolution 2016-104), staff will move forward with the project.

Individual Board Members spoke in support of the fire hydrants; however, potential issues were identified with regards to the proposed water fountain.

Administrator Brown noted that the cost of the fire hydrants would be borne by the County Utilities Department, not included in the homeowners' special assessments.

The Chairman opened the public hearing.

John Maitner, 1514 Eagles Circle, displayed slides depicting a controlled burn and advocated for the County water connection and the fire hydrants.

There were no additional speakers, and the Chairman closed the public hearing.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve Resolution 2016-104, confirming the special assessments in connection with a water main extension from 1501 Eagles Circle to and including 1581 Eagles Circle and 1532 Erica's Way, within the subdivision of Fischer Lake Island, Phases One, Two, Three, Four, Five, Six and Replat of a portion of Seven, located within the City of Sebastian, in Indian River County, Florida; and providing for special assessment liens to be made of record. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

A motion was made by Vice Chairman Flescher, seconded by Chairman Solari, for the County to install two fire hydrants to supplement the conservation area along Water Vliet Avenue, with the costs to be borne by the County. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

B. PUBLIC DISCUSSION ITEMS

10.B.1. 16-797 Request to Speak from Wanda Scott, Gifford Economic Development Council, Regarding Updating Gifford Community Activities

Attachments: [Request to Speak](#)

This item was deleted.

10.B.2. 16-795 Request to Speak from Bryant Jenks and Geoff Wolf of Old Sugar Mill Estates Regarding Temporary Permit for Waldo's Secret Garden

Attachments: [Public Discussion Form](#)

Geoff Wolf, 4885 13th Lane, Old Sugar Mill Estates, spoke on Section 911.15(8)(b) of Indian River County Code, Commercial Event at Residence, which allows sites that are four acres or greater and zoned agricultural, or sites used for agricultural purposes to obtain permits to hold a commercial event at a residence. Mr. Wolf asked if the Board would entertain his suggestions and reconfigure the Ordinance with additional requirements to hold a commercial event at a residence.

Commissioner O'Bryan thanked Mr. Wolf for coming forward with his concerns and suggestions, and said that the Board wishes to allow more time to evaluate the effectiveness of the rules it has thus far adopted into County Code.

10.B.3. 16-837 Request to Speak from Brian Heady Regarding Wrongful Charges Against Beachfront Property Owners

Attachments: [Request to Speak Form](#)

Brian Heady, 406 19th Street, addressed the Board regarding two Code Enforcement Board violations. One violation pertained to a homeowner charged with holding commercial events at a private residence; the other matter was related to a homeowner who was charged with violating sea turtle regulations.

County Attorney Dylan Reingold, assisted by Chief of Environmental Planning and Code Enforcement Roland DeBlois, responded to Mr. Heady's comments.

C. PUBLIC NOTICE ITEMS

10.C.1. 16-743 Notice of Scheduled Public Hearing for October 11, 2016: Consideration of Amendments to Land Development Regulations (LDRs) Chapters 901 (Definitions), 911 (Zoning), and 971 (Specific Land Use Criteria) to Establish Regulations for Medical Marijuana Treatment Centers. [Legislative]

10.C.2. 16-814 Notice of Scheduled Public Hearing for October 11, 2016: Application for a Certificate of Public Convenience and Necessity for a Class E1 Certificate from Stellar Transport to Provide Wheelchair and Non-Emergency Stretcher Transportation Originating in Indian River County

Attachments: [Staff Report-Public Hearing Notice](#)

County Attorney Dylan Reingold read the notices into the record.

The Chairman called a recess at 10:42 a.m., and reconvened the meeting at 10:52 a.m. with all members present.

11. COUNTY ADMINISTRATOR MATTERS

11.A. 16-768 Meetings of the Indian River County Board of County Commissioners - Proposed 2017 Meeting Dates

Attachments: [Staff Report](#)
[Proposed Meeting Dates](#)

County Administrator Jason Brown presented the Board with input about the proposed calendar of County Commission 2017 Meeting Dates. He noted that there would be five meetings in May, and that one Commissioner would be unable to attend the May 23, 2017 meeting.

Chairman Solari asked Administrator Brown to keep the May 23, 2017 date on the calendar, in case there is a need for a meeting. He suggested that the meeting could be cancelled closer to the date, if there are no important items requiring the Board's attention.

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, to approve the Indian River County Board of County Commission 2017 Meeting Dates, as presented. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. 16-813 Consideration of a Notice of Intent to Sell from Triple S Land Company and the County's First Negotiation Rights to Acquire the Triple S Ranch Under the County's Conservation Easement

Recommended Action: Staff recommends that the Board of County Commissioners refrain from exercising its first negotiation rights and authorize staff to notify Mr. Grantham that the County is not interested in fee simple acquisition of the Triple S Ranch property.

Attachments: [Staff report](#)
[Attach 1 - Maps](#)
[Attach 2 - Notice of Intent](#)
[Attach 3 - Conservation Easement](#)

Director Boling explained that the owner of the Triple S Ranch, Varley Grantham, intends to sell the property and that in accordance with the terms of the County's conservation easement, he must afford the County an opportunity to negotiate the acquisition of the property. Director Boling noted that Mr.

Grantham has done an excellent job of maintaining the ranch in conservation.

Chief of Environmental Planning and Code Enforcement Roland DeBlois gave a PowerPoint Presentation to provide background and analysis on the Triple S Ranch property, which is deeded as a conservation easement. He outlined the pros and cons of maintaining the conservation easement versus acquiring a fee simple public ownership, and recommended that the Board notify Mr. Grantham that the County is not interested in fee simple acquisition of the Triple S Ranch.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Davis, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

12.A.2. 16-842 First Amendment to Developer's Agreement for Millstone Landing PD

Recommended Action: Staff recommends the Board approve the First Amendment to Developer's Agreement for Millstone Landing PD and authorize the Chairman to execute it on behalf of the Board.

Attachments: [Staff Report](#)
[Millstone 1st Amend Dev. Agreement](#)
[Replacement Emergency Addition Millstone Landing PD](#)

Deputy County Attorney Bill DeBraul provided background on the Millstone Landing Planned Development (PD) and stated that the amendments to the Developer's Agreement pertain to the new milestones for the paving and improvements of 17th Street SW.

Commissioner O'Bryan sought and received further information on the Certificates of Occupancy.

Bruce Barkett, Esq., representing the developer, SLV Millstone, LLC, inquired whether right-of-way was needed from the Turtle Creek Project to complete the improvements.

Public Works Director Richard Szyrka acknowledged that a small sliver of property would be needed from Turtle Creek to completely build the right-turn lane, but it would not have a significant impact to the intersection improvements. He stated that staff has reached out to Turtle Creek regarding the right-of-way.

Richard Desocio, 3387 Westford Circle SW, Millstone Landing, discussed the need for the intersection improvements.

Attorney DeBraul informed the Board that there would be another amendment or amendments to the Developer's Agreement to bring all of the project's

milestones in synchronization with the required improvements.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve staff's recommendation, with the changes outlined in the Replacement Emergency Addition. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

12.A.3. 16-990

SLV Millstone, LLC's Request for Final Plat Approval for Millstone Landing PD Phases 4, 5, and 6 [PD-04-04-08 / 2003100068-76768]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Millstone Landing PD Phases 4, 5, and 6, and authorize the Chairman to execute the Agreement Concerning Off-Site 23rd Street SW Roadway Improvements.

Community Development Director Stan Boling used a PowerPoint Presentation to provide background and analysis on SLV Millstone, LLC's request for final plat approval for Phases 4, 5, and 6 of the Millstone Landing Planned Development.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

12.E.1. 16-836

Public Private Partnership Spreadsheet

Attachments: [Staff Report](#)
[June 7, 2016 Commission Meeting Minutes](#)
[Blank Public Private Partnership Spreadsheet Template](#)
[Oyster Bar Marsh Trail Spreadsheet](#)
[Oyster Bar Marsh Trail Narrative](#)

Budget Director Michael Smykowski recalled the Board's direction on June 7, 2016, for staff to develop a spreadsheet showing the financial implications of various transactions. He provided an overview of the spreadsheet template that could be modified to accommodate specific transactions, and also directed the Board's attention to a word document containing the same information.

Chairman Solari stated that there should be a line for renewal and replacement costs.

Commissioner O'Bryan wanted to ensure that the intangible benefits are factored into these types of decisions.

Director Smykowski noted that the Word document had a specific section outlining intangible benefits.

Commissioner Zorc said that the spreadsheet would be a good tool to clarify what the real costs of private/public partnerships would be.

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, to approve the Public/Private Partnership Spreadsheet Template, amended to add an additional line for renewal/replacement costs, for inclusion in future agenda items involving property acquisitions and/or public-private partnerships. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

- 13.A. 16-790** Request for Closed Attorney-Client Session Relating to Indian River County's Petition for Administrative Hearing Challenging the St. Johns River Water Management District's Notice of Intent to Issue Environmental Resource Permit No. 135214-2 for All Aboard Florida within Segment D08

Recommended Action: The County Attorney recommends that the Board schedule a closed attorney-client session to occur at 10:30 AM on October 18, 2016.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold presented his request for a closed attorney-client session to discuss settlement negotiations and strategy relating to litigation

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to schedule a closed attorney-client session to occur at 10:30 a.m., on October 18, 2016. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

13.B 16-829 Right-of-Way Ordinance Amendment

Recommended Action: The County Attorney's Office respectfully requests that the County Attorney's Office be directed to draft an ordinance consistent with the attached proposed language and notice a public hearing concerning the proposed ordinance.

Attachments: [Staff Report](#)
[Proposed Ordinance Language](#)

County Attorney Dylan Reingold provided background on staff's request to review the Indian River County Right-Of-Way Ordinance in light of the United States Supreme Court's decision in Reed vs. Town of Gilbert, concerning the freedom of speech rights under the First Amendment of the Constitution. He stated that the language in the draft ordinance was not focusing on the speech, but the behavior of people standing in the right-of-way to exchange items with occupants of a vehicle, which causes a distraction for drivers.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Davis, to approve the County Attorney's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

14. COMMISSIONERS MATTERS

A. Commissioner Bob Solari, Chairman

B. Joseph E. Flescher, Vice Chairman

C. Commissioner Wesley S. Davis

D. Commissioner Peter D. O'Bryan

14.D.1. 16-799 Fracking

Attachments: [14.D.1 Oct 4, 2016 Fracking](#)

Commissioner O'Bryan spoke about the failure of the 2016 Legislative session to pass any bills dealing with fracking, which left the issue unregulated. He expressed concern about the Department of Environmental Protection's (DEP) recent increase in the limits of the allowable discharges of toxic chemicals into Florida's water, 42 of which are known carcinogens. He stated that the Board

should take additional steps to ensure the quality of our drinking water and the safety of our citizens. Commissioner O'Bryan requested the Board to take action on two specific items: 1) to pass a Resolution calling for the banning of fracking, hydraulic fracking, hydraulic fracturing, and any other related process in the State of Florida, with copies of the document to be sent to the Governor, Senate President, House Speaker, our Legislative delegation, and any other appropriate party; and 2) to direct staff to develop and bring back to the Board either Land Development Regulations (LDRs) or an ordinance that would prohibit the process of fracking or any other related process in Indian River County.

A discussion ensued about the low risk of fracking operations in the County, and that an ordinance banning fracking would provide protection until it is brought back to the next Legislative session. Concern was expressed by the Chairman about the lack of knowledge about fracking, and he stated that he would support the County Ordinance but not the proposed Resolution.

David Kearns, 668 Dunbarton Circle NE, Palm Bay, discussed the pollution of the aquifers, and the harmful effects on human health and the environment from the toxic chemicals used in fracking. He urged the Board to ban fracking in Indian River County.

Vice Chairman Flescher spoke to the importance of protecting the State's potable water supply and the safety/health of the citizens.

A lengthy discussion ensued, as Mr. Kearns explained the process of fracking, and answered various questions from the Board.

Commissioner Zorc expressed concerns about the need for future energy sources, and did not want to totally preclude any possibility of fracking.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to direct staff to develop an Ordinance that would prohibit the process of fracking, hydraulic fracking, hydraulic fracturing and other related processes in the unincorporated area of Indian River County, and bring it back to the Board for a final vote. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, and Commissioner O'Bryan

Nay: 1 - Commissioner Zorc

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

The Board of County Commissioners adjourned the regular meeting and reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at the next Emergency Services District meeting.

15.A.1. 16-805 Approval of Work Order No. 2 for Fire-Rescue Station #15 (9470 County Road 512)

Attachments: [Staff Report- WO 2 FS 15](#)
[Work Order No. 2 FS 15](#)
[Barth Proposal FS 15](#)

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve Work Order No. 2 for the modular building for Fire Station No. 15, in the amount of \$69,152.00. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

15.A.2. 16-811 Affiliation Agreement between Treasure Coast Medical Institute and Indian River County Emergency Services District

Attachments: [Staff Report-Affiliation Agreement TCM](#)
[Affiliation Agreement-TCM](#)

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 -Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

B. Solid Waste Disposal District

The Board of County Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at the next Solid Waste Disposal District meeting.

15.B.1. 16-810 Approval of Minutes 2016-2017 Preliminary Budget Hearing of September 14, 2016

15.B.2. 16-807 Approval of Minutes 2016-2017 Final Budget Hearing of September 21, 2016

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Minutes of the 2016-2017 Preliminary Budget Hearing of September 14, 2016, and the Minutes of the 2016-2017 Final Budget Hearing of September 21, 2016, as written. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

15.B.3. 16-816 First Amendment to Franchise Agreement with Waste Management

Attachments: [Staff Report](#)
[First Amendment](#)

Director of Utility Services Vincent Burke provided background and analysis on the First Amendment to the Franchise Agreement with Waste Management, which deals with the fluctuations in the natural gas component of the Consumer Price Index (CPI) increase. He stated that staff's proposal is to eliminate the natural gas component of the rate adjustment and reduce the CPI increase from a maximum rate adjustment from 3.5% to 3.0%, with the understanding there will be no rate adjustment for the upcoming Fiscal Year starting on October 1, 2016 and ending September 30, 2017. He reviewed the amendments to the Franchise Agreement and directed the Board's attention to the Revised Exhibit 4 - Calculation of Rate Adjustment.

Commissioner Zorc recognized Waste Management on their service and community support.

Discussion ensued on the success of the cart swap initiative, and Himanshu Mehta, Managing Director for the Solid Waste Disposal District (SWDD), responded to questions about which items can and cannot be recycled. He stated that the SWDD will be providing more education to the public on recycling in the upcoming year.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Flescher, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

C. Environmental Control Board

16. ADJOURNMENT

The Board of Commissioners adjourned the Solid Waste Disposal District meeting and reconvened as the Board of County Commissioners. There was no further business, and the Chairman declared the meeting adjourned at 12:21 p.m.