

- 9:12 a.m. B. Presentation of Proclamation Designating the Day of April 12, 2016, as Equal Pay Day 3
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- Commissioner Zorc read and presented the Proclamation to Susan Jones, member of the Vero Beach American Association of University Women (AAUW). She provided the details of an upcoming promotional event, and the statistics on women’s versus men’s annual earnings.**
6. **APPROVAL OF MINUTES**
None
7. **INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**
- 9:22 a.m. A. Retirement Award and Proclamation Honoring Daniel Clark on His Retirement from Indian River County Board of County Commissioners Department of General Services/North County Library with Twenty-Five Years of Service 4-5
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- Chairman Solari recognized Daniel Clark on his retirement.**
8. **CONSENT AGENDA**
ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, by a 4-0 vote (Commissioner O’Bryan absent), the Board approved the Consent Agenda, pulling item 8.B. for comment.
- 9:23 a.m. A. Approval of Checks and Electronic Payments March 04, 2016 to March 10, 2016 (memorandum dated March 10, 2016) 6-12
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- Approved the list of checks and electronic payments as supplied by the Comptroller’s office.**
- B. West Wabasso Phase II Sewer and the East Gifford Drainage Project: Environmental Assessment, Signature Required (memorandum dated March 11, 2016) 13-24
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- Chairman Solari noted that this project would be helping with the total maximum daily loads (TMDL) of nitrogen/phosphorous going into the Lagoon, and would also provide conversions from septic to sewers for approximately 45 families in the West Wabasso area.**
- ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, by a 4-0 vote (Commissioner O’Bryan absent), the Board authorized the Chairman to execute the Environmental Assessment for the Department of Housing and Urban Development (HUD) Funded Proposal.**
- C. Ixora Park AC Water Main Replacement and Services Relocation, Request for Approval to Retain Kimley-Horn for Surveying Services, UCP No. 4122 (memorandum dated March 7, 2016) 25-33
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Approved and authorized the Chairman to execute Work Order No. 3 with Kimley-Horn and Associates, Inc., for a lump sum amount of \$34,100.00.

- D.** Revised Equal Employment Opportunity Policy, AM-201.1
(memorandum dated March 15, 2016) 34-37
Approved and authorized the Chairman to execute the newly revised Equal Employment Opportunity policy, which will replace the 1989 version currently in the County’s Administrative Manual; and approved updating Section 104.01, Equal Employment Opportunity, of the Indian River County Code of Ordinances.
- E.** Approval of Renewal for a Class “B” Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard Inc. to Provide Interfacility Ambulance Transportation Services
(memorandum dated March 11, 2016) 38-56
Approved renewal of the Class “B” Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard, Inc., to be effective for a period of two (2) years from May 4, 2016 to May 4, 2018.
- F.** Approval of Award for Bid 2016023 – Central Regional WWTP Headworks Rehabilitation
(memorandum dated March 15, 2016) 57-70
(1) Approved Bid Award 2016023, including both alternates to E&D Contracting Services; (2) approved the Agreement; and (3) authorized the Chairman to execute the Agreement upon review and approval by the County Attorney as to form and legal sufficiency, the approval of the required Public Construction Bond by the County Attorney, and the review and approval of the required insurance by Risk Management.
- G.** FDOT Small County Outreach Program (SCOP) Agreement and Resolution Authorizing the Chairman’s Signature for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of CR512 from Roseland Road to US-1
(memorandum dated March 4, 2016) 71-94
Approved: (1) the Small County outreach Program (SCOP) Agreement, and (2) Resolution 2016-026, with the Florida Department of Transportation authorizing the Chairman’s execution of a Small County Outreach Program Agreement for construction (resurfacing) and construction engineering inspection (CEI) services of CR512 from Roseland Road to US-1.
- H.** Florida Department of Law Enforcement FY 2015/2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Contract No. 2016-JAGC-INRI-3-H#-195, Jag Award No. 2015-MU-BX-1066 Certificate of Acceptance of Subgrant Award, Certification of Conflict of Interest
(memorandum dated March 15, 2016) 95-99
Approved and authorized the Chairman to execute the Certificate of Acceptance of Subgrant Award, and the Certification of Conflict of Interest.

- I. Gary Rust’s Request for Release of Easements at 916 19th Avenue SW (Oslo Park Subdivision Unit 2)
(memorandum dated March 4, 2016) 100-106
Approved Resolution 2016-027, releasing Easements on Lots 3, 4, 5 and 6, Block E, Oslo Park Subdivision Unit No. 2.
- J. Board Consideration to Approve a Services Consultant Agreement with Atelier AEC, Inc. for Phase IIA Restoration of the Archie Smith Fish House Dock
(memorandum dated March 15, 2016) 107-125
Authorized staff to finalize the draft Services Consultant Agreement with Atelier Architecture Engineering Construction (AEC), Inc. for architectural oversight and construction of “Phase IIA” dock restoration at the Archie Smith Fish House, with County cost-share funding for the work to be funded with Florida Boating Improvements Funds.
- K. Redus El, LLC Request for Final Plat Approval for Pointe West East Village Phase I South PD
(memorandum dated March 11, 2016) 126-136
Granted final plat approval for Pointe West East Village Phase I South Planned Development (PD).
- L. Indian River County Intergenerational Recreation Center (IG Bldg.) at South County Regional Park – Change Order No. 05
(memorandum dated March 7, 2016) 137-145
Approved Change Order No. 05, authorizing KAST Construction Company, LLC an additional 76 days of contract time, and additional funding in the amount of \$86,793.84. The new total contract price will be \$11,108,283.37.
- M. Amendment No. 3 to Indian River County Public Shooting Range Improvements to Skeet & Trap Facility Professional Civil Engineering and Architectural Services Consultant Agreement RFQ No. 2013017
(memorandum dated March 8, 2016) 146-152
Approved Amendment No. 3 with Donadio and Associates, Architects, P.A. for an amount not to exceed \$45,912.50, and authorized the Chairman to execute the Agreement.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9:24
a.m. A. **Indian River County Clerk of the Circuit Court and Comptroller Jeffrey R. Smith, CPA, CGFO, CGMA**
Agreement to Collect Tourist Development Tax with Airbnb, Inc.
(memorandum dated March 16, 2016) 153-166
Indian River County Clerk of the Circuit Court and Comptroller Jeffrey R. Smith thanked Internal Auditor Edward Halsey and County staff for negotiating the contract with Airbnb, Inc. (Airbnb).

Deputy County Attorney Bill DeBraul explained that the Agreement between the Indian River County Clerk of Circuit Court and Comptroller and Airbnb would automatically charge 7% Sales Tax and 4% Tourist Tax on Indian River County listings appearing on the Airbnb website. He also reported that Airbnb would not charge for this service.

A brief discussion ensued regarding Pinellas County's Agreement with Airbnb, and staff investigating additional online providers.

ON MOTION by Commissioner Zorc, **SECONDED** by Vice Chairman Flescher, the Board by a 4-0 vote (Commissioner O'Bryan absent), approved and authorized the Chairman to execute the Voluntary Collection Agreement for Indian River County Tourist Development Tax.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

10. **PUBLIC ITEMS**

B. **PUBLIC DISCUSSION ITEMS**

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

9:29
a.m.

1. Request to Speak from Wesley Davis, As a Private Citizen, Regarding All Aboard Florida Disaster Zone

167

Wesley Davis, speaking as a private citizen, requested that the Board be proactive in addressing the potential impacts of All Aboard Florida (AAF) on the property disaster zone, which is 2,000 feet wide and 22 miles long. He felt there should have been a study showing the train's impact on local real estate values and the hidden short-falls in future tax revenues affecting the County, School Board, Cities, and governing agencies. He suggested a study be conducted to create alternative evaluations to address AAF's negative effects on property values and the tax rolls. He wanted the County's Geographic Information System (GIS) Department to identify established properties in the AAF disaster zone and notify the affected parties of possible actions and effects on their property.

(Clerk's Note: Property Appraiser David Nolte responded to Wesley Davis's comments and concerns following Item 10.B.3.)

9:36 a.m. 2. Request to Speak from Beau Holland Regarding Outstanding Water Lien on 3348 Burlington Place SW 168

Beau Holland, 10395 State Road 60, spoke about the outstanding water lien on the property located at 3348 Burlington Place SW, which he purchased at a foreclosure auction after it sat vacant for eight years. He requested the Board’s consideration in reducing or waiving the lien.

The Board sought further information regarding the purchase of the house, the amnesty program, the variance process, and existing liens and fees.

MOTION WAS MADE by Commissioner Davis to waive the penalties and interest on the property located at 3348 Burlington Place SW, with the requirement that the owner pay the base capacity charges within 30 days. **MOTION DIED** for lack of a Second.

9:53 a.m. 3. Request to Speak from Gifford Economic Development Council Regarding Gifford Infrastructure 169

Wanda Scott, 4306 26th Avenue, Gifford Economic Development Council, Inc., voiced her concerns over Gifford’s infrastructure, mainly the eroded culverts.

Administrator Joseph Baird informed Ms. Scott that Public Works Director Rich Szyrka was currently assessing her concerns, and urged her to contact him in the future when she needs assistance.

10:19 a.m. Property Appraiser David Nolte addressed Wesley Davis’s comments and concerns regarding an evaluation study, the tax revenues, and All Aboard Florida.

C. **PUBLIC NOTICE ITEMS**

10:24 a.m. 1. **Notice of a Continued Public Hearing April 5, 2016:**
MPM Seven, LP Request to Rezone ± 12.39 acres located east of Old Dixie Highway, North of 77th Street and west of US Highway 1, from CL, Limited Commercial District, to CH, Heavy Commercial District; and request to rezone ± 2.79 acres located approximately 1,450 feet north of 77th Street, east of Old Dixie Highway and west of US Highway 1, from RMH-6 Residential Mobile Home District (up to 6 units/acre), to CL, Limited Commercial District (**Quasi-Judicial**) (memorandum dated March 14, 2016) 170-171

County Attorney Dylan Reingold read the Notice into the record.

The Chairman called for a break at 10:25 a.m., and reconvened the meeting at 10:32 a.m.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

10:34
a.m.

1. Consideration of Agency Report for FPL's Proposed Okeechobee Clean Energy Center (Power Plant) (memorandum dated March 15, 2016)

172-237

Community Development Director Stan Boling provided background and analysis on Florida Power and Light's (FPL) proposal to certify, construct, and operate a combined cycle natural gas fired generating unit (power plant) to be known as the Okeechobee Clean Energy Center (OCEC), located in northeastern Okeechobee County (Okeechobee) near the Okeechobee/Indian River County line. He recalled the Board's direction on March 1, 2016, for staff to bring back to the Board, a more detailed Agency Report for Certification Application. He described the process for the Agency Report, highlighted the inclusions, and discussed impact issues that had been identified by staff. He thereafter requested that the Board approve or modify the proposed Agency Report, which is due to the Florida Department of Environmental Protection (FDEP) on April 6, 2016.

Commissioner Zorc voiced concerns over the response protocol, distances from all Fire Stations to the OCEC site, the Mutual Aid Agreement, Indian River County having people properly trained and ready to assist Okeechobee, and crafting a paragraph to assist in an emergency. He felt a plan should be developed to help pay for those resources, but emphasized, not at the Indian River County taxpayers' expense.

Emergency Services Director and Fire Chief John King stated that he had met with the Okeechobee Public Safety Director/Fire Chief and was told they had the resources to handle any emergency at the OCEC.

Jackie Kingston, FPL, Manager of Development at the OCEC site, expressed full confidence in Okeechobee's level of service to support the needs of the site. She informed the Board that other neighboring Counties would also be providing emergency services to Okeechobee, in the event of a hazardous

materials spill, and that any training offered to Okeechobee would be offered to surrounding Counties at their own expense.

Michael Tamaro, Attorney for FPL, Juno Beach, explained the procedural process in moving forward with the Agency Report, and stated that if the conditions were not accepted, this would go to an Administrative Law Judge Hearing on June 20, 2016. He expressed confidence that Okeechobee would provide adequate services.

A lengthy discussion ensued regarding Indian River County's standards being different from other communities; financial impacts; and public safety.

Management and Budget Director Jason Brown provided the details of Okeechobee's tax abatement and ad valorem taxes.

Commissioner Zorc suggested three possible solutions: (1) a funding plan from Okeechobee on how they would spend the proceeds from the Power Plant, (2) an automatic aid fee structure that would include training, manpower, and equipment, or (3) voluntary annexation.

County Attorney Dylan Reingold pointed out that the wording in the FDEP letter was based upon the language in Indian River County Code Section 208.13, and believed it would be best to continue the same language.

MOTION WAS MADE by Commissioner Zorc, **SECONDED** by Vice Chairman Flescher, to make the following changes to the FDEP letter: (1) Under Item 3. **Emergency Services**, change the existing first paragraph to Paragraph "a"; and (2) create a new Paragraph "b" using the following language: "The applicant/licensee shall reimburse Indian River County for emergency services rendered to the project under the Mutual Aid Agreement including training required to provide that service."

Director Boling requested the Board to allow staff some flexibility in the final crafting of the paragraphs.

Commissioner Zorc suggested that staff consider adding additional paragraphs regarding "automatic aid with a fee" and "voluntary annexation."

Bart Gaetjens, External Affairs Manager for FPL, conveyed that the reimbursable in the motion was not an agreeable condition, at this time.

The Chairman CALLED THE QUESTION, by a vote of 4-0 (Commissioner O'Bryan absent), the Motion carried.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Zorc, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the Agency Report with the amendments to Item 3. Emergency Services.

B. Emergency Services
None

12. DEPARTMENTAL MATTERS

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
None

F. Public Works
None

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

14. **COMMISSIONERS MATTERS**

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 **11:57 a.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____
Deputy Clerk

Approved: _____

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