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, March 14, 2017 9:00 AM **Commission Chambers Board of County Commissioners** Joseph E. Flescher, Chairman, District 2 Peter D. O'Bryan, Vice Chairman, District 4 Susan Adams, District 1 Bob Solari, District 5 Tim Zorc, District 3 Jason E. Brown, County Administrator Dylan Reingold, County Attorney Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller Maureen Gelfo, Deputy Clerk

1. CALL TO ORDER

ROLLCALL

Present:	4 -	Chairman Joseph Flescher
	-	Vice Chairman Peter O'Bryan
		Commissioner Susan Adams
		Commissioner Tim Zorc

Absent: 1 - Commissioner Bob Solari

2. INVOCATION

Mr. Philip Katrovitz, Humanist of the Treasure Coast

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Zorc, to approve the agenda as presented. The motion carried by the following vote:

- Aye: 4 Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc
- Absent: 1 Commissioner Solari

5. PROCLAMATIONS and PRESENTATIONS

5.A 17-0181 Presentation of Proclamation Honoring Sharon Hammond on Her Retirement from the Property Appraiser's Office

Recommended Action: Read and Presented.

Attachments: Proclamation

Commissioner Zorc read and presented the Proclamation to Sharon Hammond. Property Appraiser David Nolte commended Ms. Hammond on her accomplishments in the Property Appraiser's Office.

Read and Presented

5.B 17-0179 Presentation of Proclamation Designating the Day of April 4, 2017, as Equal Pay Day

Recommended Action: Read and Presented.

Attachments: Proclamation

Commissioner Adams read and presented the Proclamation to Suzanne Jones, American Association of University Women (AAUW).

Ms. Jones discussed the issue of economic workplace discrimination with regards to women. She reported that two new bills, Senate Bill 410 <u>Employment</u>. <u>Discrimination</u>, and House Bill 319 <u>Discrimination in Labor And Employment</u>, have been filed, in addition to existing legislation to help close the pay gap. Ms. Jones also announced that a rally will occur at noon today (March 14, 2017), and that "Equal Pay Day" will be held on April 4, 2017.

Read and Presented

5.C 17-0212 Presentation of Proclamation Indian River County Celebrating Children's Week

Recommended Action: Read and Presented.

Attachments: Proclamation

Vice Chairman O'Bryan read and presented the Proclamation to Early Learning Coalition's Director of Provider Services Pat Houston, and Interim CEO Migdalie Rosado. Garlands crafted by the children were provided to the Board Members, and an invitation was proffered to the Board and public to attend Children's Week Childcare Provider Tours on Monday, March 27, 2017.

Read and Presented

5.D 17-0201 Presentation of Proclamation Designating the Month of March, 2017, as American Red Cross Month

Recommended Action: Read and Presented.

Attachments: Proclamation

Chairman Flescher read and presented the Proclamation to American Red Cross Executive Director Sarah Ruwe; Disaster Program Manager Eileen Halatyn; and Volunteers Bob Livingston, Jim Anderson, and Ron Blank. Mr. Anderson provided details and invited the Board and public to attend the Hurricane Hangar Party on Friday, May 19, 2017, at the Corporate Air Hangar of the Vero Beach Regional Airport.

Read and Presented

5.E 17-0275 Presentation by Larry Boan, Pastor, Central Assembly, on March 16th Event to Honor Indian River County's First Responders

Recommended Action: Presentation Only - No Action Required

Attachments: Event Information

Pastor Larry Boan, Central Assembly Church, announced that there would be a prayer ceremony at Riverside Park to honor the County's First Responders. The event will be held on March 16, 2017 at the Grand Pavilion in Riverside Park at 6:00 p.m. Pastor Boan played a short video about the upcoming event.

Emergency Services Director Fire Chief John King stated that many emergency personnel would be in attendance.

No Action Taken

6. APPROVAL OF MINUTES

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

7.A 17-0265 Be part of the Treasure Coast Regional Household Travel Survey. Sign up to Receive your one-day Household Travel Log.

Recommended Action: Informational Only - No Action Required

Attachments: Informational Brochure

No Action Taken

7.B 17-0258 Proclamation and Retirement Award Honoring Roger D. Coffman on His Retirement From Indian River County Board of County Commissioners Department of General Services/Parks Division with Fifteen Years of Service

Attachments: Proclamation and Service Award

Chairman Flescher acknowledged Roger D. Coffman on his retirement.

No Action Taken

7.C 17-0270 Beach and Shores Preservation Advisory Committee Chair and Vice-Chair

Recommended Action: Informational

Attachments: Staff Report

Noted for the record was the election of Michael Ochsner as Chairman, and

"Tuck" Ferrell, as Vice Chairman of the Beach and Shore Preservation Advisory Committee.

No Action Taken

8. CONSENT AGENDA

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

- Aye: 4 Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc
- Absent: 1 Commissioner Solari
- 8.A 17-0261 Checks and Electronic Payments February 24, 2017 to March 2, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the period of February 24, 2017 to March 2, 2017

Attachments: Finance Department Staff Report

Approved staff's recommendation

- 8.B 17-0263 Resolutions Canceling Taxes on Properties Dedicated to the City of Fellsmere for Public Purposes
 - **Recommended Action:** Authorize the Chairman of the Board of County Commissioners to execute the Resolutions to cancel current and future ad valorem taxes upon these publicly owned lands, and the Clerk to send a certified copy of each Resolution to the Tax Collector and Property Appraiser so that the current ad valorem taxes and future ad valorem taxes may be cancelled.

Attachments: Staff Report

Letter Request

Resolution (donated by Fountains of Fellsmere, LLC)

Resolution (donated by Mirzam Land Investment, LLC)

Approved <u>Resolution 2017-025</u>, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Donated by Fountains of Fellsmere, LLC).

Approved <u>Resolution 2017-026</u>, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Donated by Mirzam Land Investment, LLC).

8.C 17-0259 Denis and Jennifer Manelski's Request for Release of Easements at 1925 Sears Cove (Sears Cove Subdivision)

- **Recommended Action:** Staff recommends that the Board, through adoption of the resolution, approve release of the 30-foot private road and utility easement, and 5-foot walkway easement, as described in the resolution
 - Attachments: Staff report

Attachment 1: maps of easements

Attachment 2: unity of title

Attachment 3: proposed resolution

Approved <u>Resolution 2017-027</u>, releasing certain easements in Sears Cove Subdivision.

- 8.D 17-0243 Work Order No. 1 to Kimley-Horn & Associates, Inc., 66th Avenue Right-of-way Mapping & Surveying (57th Street - 85th Street) Indian River County Project No. 1505
 - **Recommended Action:** Staff recommends the Board of County Commissioners approve Work Order No. 1 with Kimley-Horn Associates, Inc. for a lump sum amount of \$98,600.00 and authorize the Chairman to execute Work Order No. 1.

Attachments: Staff Report

WO No. 1 with Kimley-Horn & Associates, Inc.

Approved staff's recommendation

- 8.E 17-0260 Work Order No. 15 CB&I Coastal Planning and Engineering, Inc. Sector 3 Beach Restoration Project, 2017 Post Construction Physical Monitoring Services
 - **Recommended Action:** The recommendation of staff is for the Board to approve Work Order No. 15 to the contract with CB&I Coastal Planning and Engineering Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: Staff Report

WO # 15 CB&I Sector 3 2017 Monitoring

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1 17-0233 Proposed GoLine Route Changes Associated with the Opening of the New Main Transit Hub (Legislative)

Recommended Action: The purpose of the public hearing is to provide an opportunity for public

on the proposed route changes. No action is required at this time.

Attachments: Staff Report

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

Senior Resource Association CEO Karen Deigl provided background on the GoLine Public Transportation System and used a video presentation to give details on the new Main Transit Hub being constructed on 16th Street. She outlined the proposed route changes, and announced that new service areas are being added for Royal Palm Pointe; Old Dixie Highway, and US Highway 1 at 12th Street.

Metropolitan Planning Organization Senior Planner Brian Freeman further detailed and reviewed the proposed changes to the bus routes, noting that there were no changes north of 49th Street. He also disclosed the locations of the secondary bus hubs.

Individual Board Members commented on the success of the GoLine program.

Ms. Deigl announced that the ribbon cutting ceremony for the new hub will take place on Monday, April 24, 2017, with operations to commence on Tuesday, April 25, 2017.

The Chairman opened the public hearing.

Gary Johnston, 738 Holden Avenue, Sebastian, sought and received confirmation that the new bus hub is compliant with the requirements of the Americans with Disabilities Act (ADA).

There were no additional speakers; the Chairman closed the public hearing.

The Chairman called a recess at 10:19 a.m., and reconvened the meeting at 10:34 a.m., with all members present.

No Action Taken or Required

10.A.2 17-0266 Collier Creek Estates Subdivision Petition Water Assessment Project Utility Phases 1, 1A and 1B (UCP) 4125, Public Hearing and the Adoption of Resolution No. III (Legislative)

Recommended Action:Open the public hearing and after receiving input, consider adopting Resolution
No. III with any revisions based on that public input. Staff recommends the
BCC consider adopting Resolution No. III with the following: cost per parcel of
\$6,250.00; 141 benefitting parcels as part of the special assessment lien; and
allow property owners of benefitting parcels to finance the capital cost of

\$6,250.00 for up to 10 years, payment in 10 equal yearly installments at an annual interest rate of 5%.

Attachments: Staff Report

Confirming Resolution (Resolution No. III)

Assessment Roll

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

Director of Utilities Services Vincent Burke recalled the Board's approval of Resolutions I (2017-004) and II (2017-005) on January 24, 2017, to proceed with the proposed Collier Creek Estates Subdivision Petition Water Assessment Project (the Project). He used a PowerPoint Presentation to describe the Project, and pointed out where Phases 1A and 1B were added to the initial boundary area. He outlined the anticipated costs and schedule for completion of the Project and advised the Board that final completion is projected for May 2018. Director Burke announced that an estimated 71% of the residents are in favor of project, and asked the Board to open the Public Hearing, and then consider the approval of Resolution III (2017-028), which will confirm the special assessments. This matter will be brought back to the Board with a final As Built Resolution IV (number to be determined) after completion of the Project.

The Chairman opened the Public Hearing.

Henry and Edith Altvater, 202 Chello Avenue, Sebastian, asked why Arega Street was not included in the assessment project.

Director Burke stated that the design does incorporate future utility connections on Arega Street, and that staff would have to evaluate costs, as this would be a separate future project.

The following speakers spoke in support of the proposed Project:

Brad Cronin, 208 Chello Avenue Patricia Dalley, 100 Charles Avenue Tina Bunnell, 765 South Easy Street Lon and Pam Britton, 771 Holden Avenue

James Sunnycalb, 721 Easy Street, advocated for all residents of the Collier Creek Estates Subdivision to be provided with the County water service.

A brief discussion ensued about conflict in the subdivision between residents who are going to be receiving the County water, and those who are not at this time. County Attorney Dylan Reingold stressed that it was the residents from various sections of Collier Creek who came to the Utilities Department with the necessary support for a petition water project.

John Johnston, 747 South Easy Street, spoke in support of the project, and hoped that every resident would eventually receive County water.

Dorothy Dempsey, 105 Arega Street, and Barbara Paul, 109 Arega Street, expressed their dismay and concern that their area had not been included in the petition water project, since they had submitted a petition requesting water service in the past.

A lengthy discussion ensued as Commissioners and staff stressed that the petition boundaries were established because of staff getting consensus from a minimum of 66 2/3% of residents in the designated areas. Ms. Dempsey and Ms. Paul were reminded that they would also need to have a minimum of 66 2/3% residents in their area, and they were advised to submit a new petition.

Director Burke stated that staff would take a look at the areas outside of the proposed Project, where people would like to have the County water.

Capital Projects Manager Arjuna Werogoda interjected that the permitting will be valid for five years; thus, a possible change order could be done with the current contractor should additional areas be added to the water assessment project.

Walter Gill, 742 South Easy Street, suggested that Ms. Dempsey and Ms. Paul try to get the 66 2/3% consensus by requesting support from residents on nearby Harbor Point Drive.

Gary Johnson, 738 Holden Avenue, thanked staff for all of their hard work on this project.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve <u>Resolution 2017-028</u>, confirming the special assessments in connection with a water main extension from 699 S. Easy Street to and including 774 S. Easy Street; 193 Chello Avenue to and including 209 Chello Avenue; 100 Becker Avenue to and including 109 Becker Avenue; 100 Charles Avenue; 100 Becker Avenue; and 800 Holden Court to and including 807 Holden Court, within the subdivision of Collier Creek Estates, Phases 1, 3, 4, 5 and portions of Phases 2 and 6, 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: 4 Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc
- Absent: 1 Commissioner Solari

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

10.C.1 17-0252 Notice of Public Hearing for March 21, 2017: Florida Power & Light Company's Request for Special Exception Use Approval for a Private Heavy Utility (Solar Energy Center) [SP-SE-17-03-01 / 2016110089-78358] (Quasi-Judicial)

Recommended Action: This notice of public hearing is provided for the Board's information. No action is needed at this time.

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

<u>11. COUNTY ADMINISTRATOR MATTERS</u>

11.A 17-0272 Offer to Purchase 16th Street Ballfields

Recommended Action: Staff recommends the Board approve the terms of the proposed purchase of the 16th Street Ballfield property by the Jimmy Graves Foundation at a price of \$250,000 and authorize the Chairman to sign the letter of intent and all other documents necessary to effectuate the sale. It is further recommended that the Board direct staff to negotiate the final terms of the Purchase Agreement and cooperate with the Foundation during the due diligence period.

Attachments: Staff Report

Aerial Photograph - Exhibit A Letter from Superintendent - Exhibit B Proposed Purchase Letter - Exhibit C Resolution

Deputy County Attorney Bill DeBraal recalled that at the February 7, 2017 County Commission meeting, the Board directed staff to pursue various options for disposing of the 16th Street Ballfield property. He disclosed that the options included a potential property swap with the School Board; however, they were not interested in the transaction. He reported that subsequently, the Jimmy Graves Foundation (the Foundation), expressed their interest in purchasing and maintaining the ballfield property for recreational and other youth opportunities. Attorney DeBraal disclosed that the Graves Foundation would accept a deed restriction limiting use of the property to youth and recreational activities, and stated that staff's recommendation would be for the Board to approve the sale at a price of \$250,000, and direct staff to negotiate the final terms of the Purchase Agreement.

(*Clerk's Note:* The Jimmy Graves Foundation was formed to honor 15-year-old Jimmy Graves, who died in a boating accident).

Chairman Flescher expressed appreciation to the community for their support of the Graves Foundation and discussed the positive mission of preserving this piece of property for children.

Vice Chairman O'Bryan voiced support for the purchase of the property by the Graves Foundation. He advocated that staff not place too many limitations on the deed restriction, as long as the restriction to not sell the property for development was included.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve staff's recommendation.

Joseph Graves made a statement about continuing his son Jimmy's legacy by dedicating this field as an asset to the young people of the community. He affirmed that the field would never be used for anything other than recreational, non-profit, or charitable uses.

Vice Chairman O'Bryan recalled the Board's motion of February 7, 2017, directing staff to advertise the sale of the ballfield property, and suggested that the Motion be amended to rescind that Motion.

MOTION WAS AMENDED by Commissioner Adams, seconded by Chairman Flescher, to rescind the Motion made on February 7, 2017 "to direct staff to offer the ballfield parcel for sale in its current state, but not to commence the advertising process until after March 14, 2017," and to: (1) approve the terms of the proposed purchase of the 16th Street Ballfield property by the Jimmy Graves Foundation at a price of \$250,000, and authorize the Chairman to execute the letter and all other documents necessary to effectuate the sale; and (2) direct staff to negotiate the final terms of the Purchase Agreement between the County and the Jimmy Graves Foundation, and to cooperate with the Foundation during the due diligence period. The motion carried by the following vote:

- Aye: 4 Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc
- Absent: 1 Commissioner Solari

Joseph Paladin, President of Black Swan Consulting, attested to the character of Jimmy Graves and spoke in support of the Graves Family/Foundation.

The Chairman called a recess at 11:42 a.m., and reconvened the meeting at 11:46 a.m. with all members present.

12. DEPARTMENTAL MATTERS

- A. Community Development
- **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 17-0268 Children's Services Funding Allocation for Fiscal Year 2017/2018

Recommended Action: Staff recommends that the Board of Commissioners approve funding for Children's Services agencies in the amount of \$1,117,397 for fiscal year 2017/2018, which is an increase of 6.22% or \$65,432 from the current year base funding level. This recommendation is based on efforts to avoid a General Fund millage increase in the upcoming fiscal year.

Attachments: Staff Report

Management and Budget Director Michael Smykowski gave a PowerPoint Presentation regarding the history of the County's funding of Children's Services, from Fiscal Year 1997-1998 to the current Fiscal Year of 2016-2017. He explained that the funding has historically been based upon the prior year's allocation and the change in the taxroll for the prior year. Director Smykowski reported that based upon the previous fiscal year's tax roll change of 6.22%, staff recommended a funding allocation of \$1,117,397 for Fiscal Year 2017-2018, or an increase of \$65,432 from the current year base funding level. He noted that the recommendation was based on efforts to avoid a General Fund millage increase in the upcoming fiscal year.

Hope Woodhouse, 199 Island Creek Drive, spoke about an agreement made in 1999 by the Commissioners to fund Children's Services at the millage rate of 0.1250. She also provided and reviewed a document showing a cumulative funding deficit for Children's Services from 1999.

The following speakers, many of whom advocated a return to the 0.1250 millage cap designated in the 1999 Agreement, presented arguments in support of increased funding for Children's Services:

- Wanda Lincoln, 511 Shores Drive
- Dan Somers, 290 Sea Oak Drive, Co-Chairman, Boys and Girls Club of Indian River County
- Michael Kint, 6255 59th Court, and CEO of United Way of Indian River County
- Tiffany Justice, School Board Member
- Bob Savage, Vice Chairman of the Healthy Start Coalition
- Katy Faires, 5200 17th Street SW, Board Chair of Childcare Resources
- Jimmy Lloyd, County resident and parent
- Fellsmere Chief of Police Keith Touchberry
- Fran Adams, 1651 Indian River Drive, Member of the Moonshot Community Action Network
- Barbara Hammond, 4638 Pebble Bay Circle
- Freddie Woolfork, 4590 57th Avenue
- Antoine Jennings, Founder of Crossover Mission
- Catherine De Schouwer, Co-Founder and Executive Director of Crossover Mission
- Marilyn Scully

An extensive discussion/debate followed, with input from County Administrator Jason Brown and Director Smykowski, about the County's overall budget, the various services/expenditures the County must finance, and the most fiscally responsible way to increase funding for Children's Services, without creating a tax burden on all citizens.

County Administrator Jason Brown suggested that if the Board wished to restore the funding to the 0.1250 mills, it would be best to phase in the change over a period of three to five years.

Discussion followed as individual Board Members expressed support to increase funding as quickly as possible.

Vice Chairman O'Bryan, Board Liaison to the Children's Services Advisory Committee, presented a proposal to phase in the millage increase over a five-year period, and to provide an additional non-advalorem contribution of \$250,000 for this fiscal year, which would come from the sale of the 16th Street Ball Fields (see Item 11A for details). A motion was made by Vice Chairman O'Bryan to: (1) increase funding for Children's Services for Fiscal Year 2017-2018 to the .085 millage cap, and provide an incremental increase in the millage rate of 0.0100 per year to reach the millage cap of 0.1250 in five years; and (2) to add an additional contribution of \$250,000 in non-ad-valorem revenue from the sale of the 16th Street Ballfields. The MOTION DIED for lack of a second.

Chairman Flescher stated that the proceeds from the sale of the 16th Street Ballfield should be kept in the recreational arena. He said he would like to have a shorter phase-in period to reach the 0.1250 millage cap.

Administrator Brown advocated for the increase to be made over a three-year period.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to phase in increased funding for Children's Services to the 0.1250 millage cap over a 3-year period.

Discussion ensued about the possibility of phasing in the 0.1250 millage cap in two years; however, staff cautioned that doing so would place a strain on the County's General Fund budget.

Commissioner Zorc stated that he would prefer phasing in the increased funding over two years. However, if it would create a burden, he proposed "front-loading" funding for Fiscal Years 2017-2018 and 2018-2019, and then leveling out the funding in Fiscal Year 2019-2020.

Discussion ensued about whether to add to Fiscal Year 2017-2018's funding the revenue from the sale of the 16th Street Ballfield. The Board agreed to allocate an additional \$250,000 of non-ad valorem funds as long as it was not the revenue from the Ballfield sale.

Discussion followed, with input from Administrator Brown, on the specific funding allocations for each of the next three fiscal years.

MOTION WAS AMENDED BY Commissioner Adams, seconded by Chairman Flescher, to approve increased funding for Children's Services to the 0.1250 millage cap over a 3-year period, (1) for Fiscal Year 2017-2018, an increase of \$306,000, plus additional funding of non-ad valorem revenue in the amount of \$250,000, for a total increase of \$556,000, and a total allocation of \$1,607,965; (2) for Fiscal Year 2018-2019, an increase of \$56,000, for a total funding allocation of \$1,663,965; and (3) for Fiscal Year 2019-2020, an increase of \$306,000 (rounded off), for a total funding allocation of \$1,970,091. The motion carried by the following vote:

- Aye: 4 Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc
- Absent: 1 Commissioner Solari

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

<u>14. COMMISSIONERS MATTERS</u>

- A. Commissioner Joseph E. Flescher, Chairman
- **B.** Commissioner Peter D. O'Bryan, Vice Chairman
- C. Commissioner Susan Adams
- D. Commissioner Bob Solari
- **E.** Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

- A. Emergency Services District
- **B.** Solid Waste Disposal District
- C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:01 p.m.