

JEFFREY R. SMITH

Clerk to the Board



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BOARD OF COUNTY COMMISSIONERS

APRIL 15, 2014

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JEFFREY R. SMITH

Clerk to the Board



April 15, 2014

**REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, April 15, 2014. Present were Chairman Peter D. O’Bryan, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Bob Solari, and Tim Zorc. Also present were County Administrator Joseph A. Baird, County Attorney Dylan Reingold, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman O’Bryan called the meeting to order at 9:00 a.m.

2. INVOCATION

Deputy Teddy Floyd, Crime Prevention Unit, Indian River County Sheriff’s Office, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Administrator Baird led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman O'Bryan requested the following changes to the Agenda:

ADDITION: ITEM 5.E. ANNOUNCEMENT OF HOLMAN STADIUM BASEBALL GAME

DELETION: ITEM 10.B.1. REQUEST TO SPEAK FROM BILL RIGBY

**ADDITION: ITEM 10.B.2. REQUEST TO SPEAK FROM RICHARD GILMORE, CITY
OF SEBASTIAN COUNCIL MEMBER**

ADDITION: EMERGENCY ITEM 14.B.1. – ORDINANCE AMENDMENT

ON MOTION by Commissioner Flescher, SECONDED
by Vice Chairman Davis, the Board unanimously
approved the Agenda as amended.

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL
2014 AS CHILD ABUSE PREVENTION MONTH**

Commissioner Flescher read and presented the Proclamation to Chris Robertson, Director
of Development for Child Abuse Services Training Life Enhancement (CASTLE).

**5.B. PRESENTATION OF PROCLAMATION RECOGNIZING NATIONAL PUBLIC
SAFETY TELECOMMUNICATIONS WEEK**

Chairman O'Bryan read and presented the Proclamation to Sheriff Deryl Loar, Public
Safety Dispatch Administrator Sandy Fox, Lt. Mark Buffington, and several dispatchers.

5.C. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 1 THROUGH APRIL 30, 2014 AS WATER CONSERVATION MONTH IN INDIAN RIVER COUNTY

Commissioner Solari read and presented the Proclamation to Vincent Burke, Director of the Indian River County Utilities Department.

5.D. PRESENTATION OF KEEP INDIAN RIVER BEAUTIFUL EDUCATIONAL PROGRAM BY VICKI WILD, EXECUTIVE DIRECTOR

Executive Director of Keep Indian River Beautiful (KIRB) Vicki Wild explained the core recycling programs, how to recycle, and the reasons to recycle. She also showed a brief Keep America Beautiful Recycle Public Service Announcement, titled "Journey."

5.E. ADDITION: ANNOUNCEMENT OF HOLMAN STADIUM BASEBALL GAME

Chairman O'Bryan announced that professional baseball returns to Historic Dodgertown tonight, April 15, 2014, at 6:35 p.m. He said the event will be a regular season game between the Brevard County Manatees and the Lakeland Flying Tigers, and the game will commemorate Jackie Robinson for when he broke the race barrier in Major League Baseball.

6. APPROVAL OF MINUTES - NONE

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

**7.A. LETTER OF SUPPORT FOR INVESTING IN MANUFACTURING COMMUNITIES
PARTNERSHIP PROGRAM**

Noted for the record was the County Administrator's letter of support for the Investing in Manufacturing Communities Partnership program through the U.S. Department of Commerce Economic Development Administration.

8. CONSENT AGENDA

Chairman O'Bryan requested to pull Item 8.D. from the Consent Agenda for clarification and a suggestion.

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the Consent Agenda, as amended.

8.A. APPROVAL OF WARRANTS – MARCH 28, 2014 TO APRIL 3, 2014

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of March 28, 2014 to April 3, 2014, as requested in the memorandum of April 3, 2014.

8.B. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR BRIDGE REPLACEMENTS AND WIDENING OF 66TH AVENUE FROM SOUTH OF SR60 TO NORTH OF 57TH STREET, AMENDMENT NO. 15, IRC PROJECT NO. 0545

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved Amendment No. 15 to Arcadis US, Inc. (fka Arcadis G&M, Inc.), for professional services; and authorized the Chairman to execute same, for a total not to exceed amount of \$17,715.00, as requested in the memorandum of April 8, 2014.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.C. APPROVAL OF AMENDMENT NO. 4 TO JMC AGREEMENT FOR CUSTODIAL SERVICES

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved Amendment No. 4 to JMC Services, Inc., for custodial services; and authorized the Chairman to execute same, for a total of \$547,270.56, as recommended in the memorandum of April 9, 2014.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.D. REQUEST FOR BOARD APPROVAL OF A RESOLUTION FOR A FLORIDA INLAND NAVIGATION DISTRICT GRANT APPLICATION FOR HEAD ISLAND (A.K.A. GREEN SALT MARSH) IMPROVEMENTS AND CHANNEL RESTORATION

Chairman O'Bryan pulled this item to explain the purpose of the Resolution, and recommended that the boat landing dock for public access be moved to the north side of the island where the water is deeper, in order to protect the sea grasses.

Environmental Planning and Code Enforcement Chief Roland DeBlois supported his suggestion and conveyed that he would contact the Florida Inland Navigation District (FIND) to make the adjustment.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2014-034**, Attachment E-6, Resolution for Assistance 2014 Under the Florida Inland Navigation District Waterways Assistance Program.

8.E. WINDSOR PROPERTIES, INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR A REPLAT OF ONE LOT AND A TRACT TO BE KNOWN AS WINDSOR PLAT 28

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously granted final plat approval for Windsor Plat 28, as recommended in the memorandum of April 7, 2014.

8.F. AMENDMENT NO. 2 TO WORK ORDER NO. 3 WITH KIMLEY HORN AND ASSOCIATES FOR DESIGN AND IMPLEMENTATION OF A LIME SOFTENING WITH CARBON DIOXIDE INJECTION AT THE TWO COUNTY REGIONAL WATER TREATMENT FACILITIES UCP 2715

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved Amendment No. 2 to Work Order No. 3 with Kimley Horn and Associates, for a lump sum amount of \$3,200 for Task No. 1 (design sketches for degasifier platform); and a lump sum amount of \$31,200 for Task No. 2 (construction phase services - 2 months), for a total of \$34,400, increasing the total contract amount to \$247,700, as recommended in the memorandum of April 3, 2014.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.G. APPROVAL OF AGREEMENT FOR RFO No. 2014020 FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR INDIAN RIVER COUNTY ARCHIE SMITH FISH HOUSE RESTORATION

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the Services Consultant Agreement with Atelier Architecture, Tampa, FL, for professional architectural and engineering services for Indian River County Archie Smith Fish House Restoration, in the amount of \$99,000, as recommended in the memorandum of April 7, 2014.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.H. DIVOSTA HOMES, LP'S REQUEST FOR FINAL PLAT APPROVAL FOR A
SUBDIVISION TO BE KNOWN AS THE COVE AT WATERWAY VILLAGE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously granted final plat approval for The Cove at Waterway Village, as recommended in the memorandum of March 31, 2014.

**8.I. LEASE EXTENSION, LITTLE MERMAID CAR WASH, 1935 43RD AVENUE,
43RD AVENUE/SR60 INTERSECTION WIDENING AND IMPROVEMENTS,
TIMOTHY E. AND JOSHANA TYNES**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously granted a 12-month extension of lease for the Little Mermaid Car Wash, and authorized the Chairman to execute said Agreement which terminates on April 30, 2015, as recommended in the memorandum of March 31, 2014.

LEASE EXTENSION ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.J. WORK ORDER No. 1 – CARTER ASSOCIATES, INC., 41ST STREET/US1
INTERSECTION IMPROVEMENTS, INDIAN RIVER PROJECT No. 1359**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved Work Order No. 1 with Carter Associates, Inc., authorizing the project as outlined in the Scope of Services, for annual land surveying and mapping services,

and authorized the Chairman to execute same, as recommended in the memorandum of March 26, 2014.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. GRAND HARBOR COMMUNITY ASSOCIATION INC., AND GH VERO BEACH DEVELOPMENT, LLC'S REQUEST FOR A COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT TO REDESIGNATE ±8.34 ACRES FROM C/I TO M-1, AND TO REZONE THOSE ±8.34 ACRES FROM CG TO RM-6; AND TO SIMULTANEOUSLY REDESIGNATE ±8.34 ACRES FROM M-1 TO C/I, AND TO REZONE THOSE ±8.34 ACRES FROM RM-6 TO CG (LEGISLATIVE AND QUASI-JUDICIAL)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and applicable law.

In accordance with Chairman O'Bryan's declaration that this meeting was quasi-judicial, the Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling provided description, conditions, and analysis regarding the proposed Future Land Use Map amendment and the associated rezoning request. He reported that the subject properties, under the proposed land use designations and zoning districts, will be compatible with surrounding areas; revealed that staff had sent the request to reviewing agencies and there were no objections; noted that this is the final public hearing; and recommended that the Board approve the proposed Future Land Use Map amendment and rezoning requests by adopting the Ordinances.

The Chairman opened the Public Hearing.

Steve Moler, Masteller, Moler, Reed, and Taylor, representing the owners of the community, supported staff's presentation and recommendation.

Mary Pagonis, Victoria Circle, sought information regarding the effects that the rezoning would have on nearby properties.

Elsie Sanfleben, Victoria Circle, wanted to know what type of commercial development would be permitted with the proposed land use change.

John Wittpenn, Victoria Circle, wanted to know if the applicant had provided any indication to what they intend to do with the property.

Bob Johnson, Coral Wind Subdivision, believed that people move to Indian River County because of the strict code restrictions, and felt that after rezoning, a developer should be held to specific requirements so a gas station cannot be built next to a residential community.

Staff noted the Planning and Zoning Commission's approval, and explained the details of the buffer that would be required on the east boundary of the subject property.

There being no additional speakers, the Chairman closed the Public Hearing.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, to approve staff's recommendation.

Vice Chairman Davis believed the residents' concerns would be addressed when the property is developed, due to the significant buffer and landscaping requirements.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board adopted the following Ordinances:

- (1) **Ordinance 2014-006**, amending the future Land Use Map by changing the Land Use Designation for ±8.34 acres located at the southwest corner of Grand Harbor Blvd. and Indian River Blvd. from C/I, Commercial Industrial to M-1, Medium Density Residential-1 (up to 8 units per acre); and to simultaneously redesignate ±8.34 acres located southeast corner of Indian River Blvd. and 53rd Street from M-1, Medium Density Residential-1 (up to 8 units per acre), to C/I, Commercial Industrial; and providing codification, severability, and effective date.
- (2) **Ordinance 2014-007**, amending the Zoning Ordinance and Zoning Map for approximately ±8.34 acres located at the southwest corner of Grand Harbor Blvd and Indian River Blvd from CG, General Commercial District, to RM-6, Multi-Family Residential District (up to 6 units per acres); and to simultaneously change the zoning destination of ±8.34

acres located southeast corner of Indian River Blvd and 53rd Street from RM-6, Multi-Family Residential District (up to 6 units per acres), to CG, General Commercial District; and providing codification, severability, and effective date.

10.A.2. CONSIDERATION OF AN ORDINANCE TO AMEND COUNTY CODE
CHAPTER 308, INDIAN RIVER COUNTY HOUSING ASSISTANCE PROGRAM
(LEGISLATIVE)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Director Boling provided background and analysis pertaining to the proposed changes to the County's Local Housing Assistance Plan, Chapter 308 of the Code of Indian River County (the Code). He said the proposed amendments will ensure that Chapter 308 contains up-to-date State references, will delete recitations of out-of-date State requirements, will add appropriate references to State requirements, and will update certain sections to reflect current policies, practices, and program requirements. He conveyed that staff and the County Attorney had reviewed the changes, and recommended that the Board approve them by adopting the Ordinance.

The Chairman opened the Public Hearing.

Althea McKenzie, 2405 16th Avenue, sought and received further information regarding the proposed updates, and clarification of the term "soft second loan."

There being no additional speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Davis, the Board unanimously adopted **Ordinance 2014-008**, amending Chapter 308, Indian River County Local Housing Assistance Program, of the Code of Indian River County, and providing for codification; severability; and effective date.

10.B. PUBLIC DISCUSSION ITEMS

**10.B.1. DELETION: REQUEST TO SPEAK FROM BILL RIGBY REGARDING THE
KESSLER CONSULTING, INC. PROJECT FOR SOLID WASTE PROCUREMENT
SERVICES**

This Item was deleted.

**10.B.2. ADDITION: REQUEST TO SPEAK FROM RICHARD GILMORE, CITY OF
SEBASTIAN COUNCIL MEMBER**

Richard Gilmore spoke to the Commissioners regarding their request to the Treasure Coast Regional Planning Council (TCRPC) to change the name from the Seven50 Plan to the Three50 Plan. He relayed TCRPC's belief that planning is an important part of the future, and that not sitting at the table to discuss future funds would probably mean not getting any. He asked the Board to consider pulling this item from Friday's TCRPC meeting since Fellsmere and Sebastian want to stay involved.

Commissioner Solari informed Mr. Gilmore that Friday's discussion had nothing to do with being against planning or discussion of future funds. He felt that the name of the plan was immaterial to what has been done, and stressed the importance of discussion at the TCRPC.

Commissioners expressed their opinions and concerns regarding the Seven50 Plan.

Ellen Gower, 7435 Cypress Bend Manor, American Coalition for Property Rights, discussed her recent experience at the Sebastian City Council meeting when she tried to convince the Board members to write a letter to opt out of the Seven50 Plan, and was “shut down.”

No action required or taken

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF PUBLIC HEARING SCHEDULED FOR APRIL 22, 2014 TO CONSIDER ADOPTION OF A PROPOSED ORDINANCE AMENDING THE INDIAN RIVER COUNTY CODE WITH RESPECT TO NUISANCE ABATEMENT

County Attorney Dylan Reingold read the notice into the record.

Ellen Gower made a brief announcement pertaining to the Vero Beach Blue Angels Air Show scheduled for May 10 and 11, 2014. She noted that Vero Beach resident Steve Olds, who served in Desert Storm, is attempting to resurrect America by building small businesses through entrepreneurs, and veterans, and that more information could be obtained at www.PatriotMission.com.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. REQUEST TO APPROVE AN AMENDED NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

ADMINISTRATION CONTRACT WITH FRED FOX ENTERPRISES
INCORPORATED

Director Boling recapped the memorandum dated April 3, 2014, to provide background and analysis on the proposed contract with Fred Fox Enterprises, Inc. for administration of the County's Neighborhood Stabilization Program 1 (NSP1) Community Development Block Grant. He spoke about the additional income generated by the County from the resale of acquired NSP1 homes; changes to the original 2009 contract; an additional allocation of up to \$35,000 to Fred Fox Enterprises, Inc. for services rendered; and the proposed amended Grant Administration Agreement. Director Boling recommended approval of the amended contract and thereafter responded to questions posed by the Board.

Fred Fox clarified the projects that his firm performed under the original grant, and explained his request for \$35,000 in additional funding.

Commissioner Solari declared his opposition to the additional allocation, and suggested tabling this item.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman O'Bryan, the Board by a 4-1 vote (Commissioner Solari opposed), approved the amended Contract with Fred Fox Enterprises, Inc. for administration of the County's Neighborhood Stabilization Program (NSP1) Community Development Block Grant; and authorized the Chairman to execute same upon approval, as recommended in the memorandum of April 3, 2014.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES – NONE

12.C.1. HUMAN SERVICES – NONE

12.C.2. SANDRIDGE GOLF CLUB – NONE

12.C.3. RECREATION - NONE

12.D. HUMAN RESOURCES - NONE

12.E. OFFICE OF MANAGEMENT AND BUDGET

12.E.1. ONLINE AUCTION ANALYSIS

Administrator Baird recalled the Board’s direction to staff on April 8, 2014, to provide additional information regarding the selling of surplus items via online auction.

Purchasing Manager Jennifer Hyde explained the benefits of using online auctions. She recommended that the Board approve the Public Surplus Seller Agreement, and authorize the Purchasing Division to enroll as a seller with Public Surplus and GovDeals.

Discussion ensued regarding the disposal of excess equipment, and what should be excluded from online auction.

MOTION WAS MADE by Vice Chairman Davis,
SECONDED by Commissioner Flescher, to approve
Alternatives 1 and 3.

Chairman O'Bryan agreed with the Motion and felt it would be best to try this for one year of observation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) declared the items on the Excess Equipment List as surplus; (2) authorized the Chairman to execute the Public Surplus Seller Agreement and the Agreement for Payment Processing to enable the Purchasing Division to enroll as a seller with Public Surplus; (3) authorized the Purchasing Division to enroll with GovDeals to enable evaluation of both sites and the ability to utilize the most appropriate vendor; and (4) authorized the Purchasing Division to dispose of excess equipment, excluding vehicles, by online auction.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

12.F. PUBLIC WORKS

12.F.1. PROFESSIONAL ROOF DESIGN AND EVALUATION CONSULTING SERVICE, RFQ No. 2013049

Public Works Director Chris Mora stated that on June 21, 2013, a Request for Qualifications (RFQ) was advertised nationwide for professional roof design and evaluation consulting service since periodic roof remediation replacement services need to be conducted. He said that staff received 13 submittals, whittled the number down to 5, and after negotiations is recommending two companies – Jay Ammon Architect, Inc. and REI Engineers, Inc.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved the Continuing Contract Agreements for Professional Services with Jay Ammon Architect, Inc. and REI Engineers, Inc., after Risk Management has approved their required certificates of insurance, as recommended in the memorandum of April 1, 2014.

AGREEMENTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

The Chairman called for a break at 10:35 a.m., and reconvened the meeting at 10:45 a.m., with all members present.

12.G. UTILITIES SERVICES - NONE

13. COUNTY ATTORNEY MATTERS

13.A. PUBLIC EDUCATION FACILITIES IMPACT FEE INTERLOCAL AGREEMENT

Attorney Reingold reminded the Board that during the April 8, 2014 Board of County Commission meeting, he was asked to examine the relationship between the School Board and the County, with respect to impact fee collections. He explained that under the Public Education Facilities Impact Fee Interlocal Agreement, the County takes the money, holds it in a separate segregated account, and on the 20th day of the month forwards it to the School Board. At that time, the County prepares a report and the responsibility shifts to the School Board to maintain the money in a segregated interest-bearing account.

Director Boling responded to questions from Commissioner Zorc regarding school impact fees.

Charlie Wilson reiterated the results of a study he had performed last year regarding the level of service in certain areas that had been exceeded, and was pleased that the Board was going to ask the School Board, at an upcoming workshop, why they should be able to collect impact fees. He questioned various sections of the Interlocal Agreement between the County and the School Board relating to public education facility impact fees, and also wanted to know if the County has the legal right, under the dual rational nexus test, to continue to collect impact fees when a diminished need exists.

Vice Chairman Davis asked Mr. Wilson to provide his questions in writing so staff can forward them to the consultant.

There was a brief discussion regarding the upcoming workshop and the Interlocal Agreement.

Althea McKenzie questioned whether the Five-Year Facility Plan had been accomplished, and asked for the accountability of funds.

Discussion ensued regarding accountability and responsibility, the purpose of the workshop, and the School Board's impact fees and policies.

No action required or taken.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN

14.B.1. ADDITION: EMERGENCY ITEM – ORDINANCE AMENDMENT

Vice Chairman Davis requested that the Board consider giving staff direction to amend an Ordinance to address Dr. Deepti Sadhwani's situation concerning redevelopment and expansion of her Wellness Center in Wabasso.

Director Boling explained that the subject property (located on the west side of US 1, the north side of 87th Street, and on the west of 50th Avenue) is peculiar because under the existing code there is no definition for this type of street, since it functions more like an alley than a true road. It is considered a street that creates frontage for Dr. Sadhwani's building, and therefore requires a 25-foot front yard setback. Staff believes the best approach to handle this situation for the entire block, is to come up with a change in the Land Development Regulation (LDR) that addresses this type of street, allows rear-yard setbacks, and requires a street buffer along the back.

MOTION WAS MADE by Vice Chairman Davis,
SECONDED by Commissioner Flescher, to direct
staff to proceed with a proposed Ordinance
amendment.

Commissioner Solari wished for this to be moved forward as quickly as possible.

Bob Johnson, Coral Wind Subdivision, confirmed that the Ordinance would be structured for 50th Avenue only.

The Chairman CALLED THE QUESTION and the
Motion carried unanimously.

Dr. Deepti Sadhwani thanked the Board, and revealed that her Wellness Center is, and will continue to be, a benefit to the community.

14.C. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.D. COMMISSIONER BOB SOLARI

14.D.1. ALL ABOARD FLORIDA (AAF)

Commissioner Solari provided the Board with an update on All Aboard Florida (AAF). He spoke about petitions from Property Owner Associations that were signed in opposition of the All Aboard Florida (AAF) high speed passenger rail service project and read a statement from the Indian River Neighborhood Association requesting that the project not be approved without a clear showing that it will not be detrimental to the community. He said he had met with and presented Rusty Roberts, from AAF, with a long information request, and reported that the request would be discussed at Friday's Treasure Coast Regional Planning Council (TCRPC) meeting. He did not believe this would answer all the questions, but felt it would be the start of a dialogue.

Alice Johnson, 5470 E. Harbor Village Drive, on behalf of the Indian River County Taxpayers Association, revealed that all 16 Board Members voted against AAF. She also voiced her individual opposition and concerns with the AAF project.

Ellen Gower, 7435 Cypress Bend Manor, on behalf of the American Coalition for Property Rights, opposed the AAF project. She requested the Board to send a letter to the TCRPC requesting that they rescind their memorandum (on file) to Tallahassee supporting AAF.

Nicholas Schaus, Sable Oak Drive, thanked the Board for heeding his recommendation to start work on preparation of the Environmental Impact Statement (EIS) so staff can be prepared to react. He listed the negative effects of a high speed railroad through Indian River County, and reiterated that the Board's constituents do not want the AAF project.

Shawn Frost, 1301 38th Avenue, opposed the AAF train and voiced concerns over safety, vibration, and property values. He encouraged the Board to take a stand against AAF, and to reach out to the TCRPC.

Tuck Ferrell, 12546 N. Highway A1A, on behalf of the North Beach Civic Association, opposed the AAF high speed train going through downtown. He voiced concerns that if the project fails, it would be turned over to a freight rail. He asked staff to write letters to oppose taxpayers paying for the cost to upgrade crossings.

Discussion ensued regarding impacts to the County, how the issues should be dealt with, freight being the end result, and double tracking.

Wanda Scott, 4306 26th Avenue, opposed the AAF and voiced concern over how businesses and emergency vehicles would be impacted.

Commissioners discussed and explained why the Board had originally supported the proposed AAF project.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to request that the Treasure Coast Regional Planning Council (TCRPC) rescind the March 10, 2014 memorandum, and that they focus on: (1) extending the Environmental Impact Statement (EIS) from 45 to 90 days; (2) supporting the public information request that Commissioner Solari drafted with a focus on getting the type of information necessary for the public and elected officials to make a reasoned and rational decision before federal funds are made available; and (3) asking TCRPC to investigate federal regulations to see if high speed trains would be appropriate for the State of Florida.

Attorney Reingold restated the motion.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

14.E. COMMISSIONER TIM ZORC

14.E.1. APRIL 17, 2014 FLORIDA MUNICIPAL POWER AGENCY MEETING

Commissioner Zorc informed the Board that since this item was placed on the Agenda things have evolved. He said that originally, there was a move to attend the Thursday, April 17, 2014 Florida Municipal Power Agency (FMPA) meeting as a group, but after Mayor Dick Winger met with FMPA members, the deal is now off the table. He thinks that FMPA is the obstacle in moving forward, believed there would be significant value gained by having a presence at the May Board meeting, and encouraged peacefully demonstrating the dissatisfaction with FMPA's lack of cooperation and concern. He said he would attend the FMPA meeting on April 17th and report back to the Board.

Thereafter, a discussion was led by Metropolitan Planning Organization (MPO) Director Phil Matson regarding All Aboard Florida's upcoming Legislative Delegation bus tour event and the approximate arrival/departure times for Martin, St. Lucie and Indian River Counties.

Discussion ensued as the Board and staff discussed whether there would be issues pertaining to the Sunshine Law.

Chairman O'Bryan wanted to designate one commissioner to be available to meet with Representative Debbie Mayfield if she wanted a local presence at the event, and as long as it would not create a Sunshine Law conflict. Commissioner Solari agreed to be the elected official.

Director Matson said he would meet with Attorney Reingold to discuss the options.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Board reconvened as the Board of Commissioners of the Solid Waste District. Those Minutes are available separately.

**15.B.1. FINAL PAY TO GEOSYNTEC FOR WORK ORDER No. 7 FOR ONE YEAR
GROUNDWATER MONITORING AND REPORTING AND FDEP MEETING
ATTENDANCE**

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:22 p.m.

ATTEST:

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

Peter D. O'Bryan, Chairman

By: _____
Deputy Clerk

Approved: May 20, 2014

BCC/LA/2014Minutes