



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

REGULAR MEETING MINUTES

TUESDAY, JUNE 3, 2014

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

**COUNTY
COMMISSIONERS**

DISTRICT

Peter D. O'Bryan, Chairman	District 4	Present	Joseph A. Baird, County Administrator	Absent
Wesley S. Davis, Vice Chairman	District 1	Present	Michael Zito, Asst. County Administrator	Present
Joseph E. Flescher	District 2	Present	Dylan Reingold, County Attorney	Present
Bob Solari	District 5	Present	Jeffrey R. Smith, Clerk of Circuit Court and Comptroller	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	

- | | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | <u>PAGES</u> |
|--------------|---|--|---------------------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | |
| 2. | <u>INVOCATION</u> | Reverend Scott Alexander, Unitarian
Universalist Fellowship | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Bob Solari | |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | |
| 9:02
a.m. | Replacement Pages: Item 8.F., Pages 40 and 41, Miscellaneous Budget Amendment 016. | | |
| | Addition: Item 5.D. Tax Collector Carole Jean Jordan – Announcement of Office Schedule Change. | | |
| | <u>ON MOTION</u> by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Agenda as presented. | | |

5. **PROCLAMATIONS and PRESENTATIONS**

- 9:04 a.m. A. Presentation of Proclamation and Retirement Award Honoring Emmett S. Lane on His Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service 1-2
Presented by Chairman O’Bryan to Emmett S. Lane.
- 9:10 a.m. B. Presentation of Proclamation and Retirement Award Honoring Jesse L. Flores in His Retirement from Indian River County Board of County Commissioners Public Works Department/Traffic Engineering Division with Twenty Years of Service 3-4
Presented by Chairman O’Bryan to Jesse L. Flores.
- 9:15 a.m. C. Presentation of Proclamation Honoring David Chandler on His Retirement from the Indian River County Sheriff’s Office, Effective May 31, 2014 5
Presented by Commissioner Solari to David Chandler.
- 9:22 a.m. D. **Addition – Update by Tax Collector Carole Jean Jordan**

Ms. Jordan announced that due to building expansion, the Sebastian Tax Collector’s Office will be closed June 5, 2014 through June 13, 2014. She advised that effective September 1, 2014, vehicle renewal fees will be lowered by \$25.00. She also noted that her office would soon be taking concealed weapon permit applications and electronically sending the information to Tallahassee.

6. **APPROVAL OF MINUTES**

- A. Regular Meeting of April 22, 2014
- 9:30 a.m. **ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the regular meeting minutes of April 22, 2014.**

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

- 9:31 a.m. A. Department of Environmental Protection Certificate of Appreciation to Indian River County in Recognition of Conserving, Augmenting and Sustaining Florida’s Valuable Water Resources 6
- B. Proclamation of Appreciation to Connie and Pastor David Foster 7

8. **CONSENT AGENDA**

- 9:32 a.m. **MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Solari, to approve the Consent Agenda, pulling Items 8-14**

8.F. and 8.K. for discussion.

The Chairman asked for requests from the public; there were none.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

- A. Approval of Warrants – May 9, 2014 to May 15, 2014
(memorandum dated May 15, 2014)
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
- B. Approval of Warrants – May 16, 2014 to May 22, 2014
(memorandum dated May 22, 2014) 15-21
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
- C. Block Property Conveyance to the Indian River Land Trust
(memorandum dated May 22, 2014) 22-26
Accepted and approved the Assignment of Maintenance as amended.
- D. Request for Authorization to Submit an Application for 49 USC CH.53,
Section 5311 Transit Operating Assistance Funds for FY 2014-15
(memorandum dated May 21, 2014) 27-35
Approved Resolution 2014-044, authorizing the submission of a FY 2014-15 Grant Application for 49 USC CH 53, Section 5311 Public Transit Operating Assistance.
- E. Release of Retainage to Felix Associates of Florida, Inc., for the Stormwater
Forcemain and Brine Concentrate Construction part of the Osprey Marsh
Project – Bid No.: 2013038
(memorandum dated May 21, 2014) 36-39
Approved final pay to Felix Associates of Florida, Inc., in the amount of \$54,410.07.
- 9:32 a.m.** F. Miscellaneous Budget Amendment 016
(memorandum dated May 28, 2014) 40-45
Chairman O’Bryan pulled this item for public comment/discussion. There were no speakers.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Resolution 2014-045, amending the Fiscal Year 2013-2014 Budget.
- G. Sheriff’s Crime Scene Unit – Final Release of Retainage for Phase II –
Proctor Construction Company
(memorandum dated May 14, 2014) 46-52

Approved the final release of retainage for Phase II in the amount of \$49,911.50 and authorized the Chairman to execute the document.

- H.** Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for: Traffic Signal Maintenance and Compensation Agreement
(memorandum dated May 7, 2014) 53-63

Approved Resolution 2014-046, authorizing a Joint Participation Agreement for traffic signal maintenance and compensation.

- I.** F.D.O.T. Small County Outreach Program (SCOP) Agreement Amendment No. 1 and Resolution Authorizing the Chairman's Signature for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of Old Dixie Highway from IRFWCD North Relief Canal to 71st Street – IRC Project No. 1137 FM 429566-1-58-01
(memorandum dated May 16, 2014) 64-70

Approved Resolution 2014-047, with the Florida Department of Transportation authorizing the Chairman's execution of Amendment No. 1 to the Small County Outreach Program (SCOP) Agreement FM No. 429566-1-58-01 for construction (resurfacing) and construction engineering inspection (CEI) services of Old Dixie Highway from Indian River Farms Water Control District (IRFWCD) North Relief Canal to 71st Street.

- J.** F.D.O.T. Small County Outreach Program (SCOP) Amendment No. 1 to Agreement and Resolution Authorizing the Chairman's Signature for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of Indian River Boulevard from SR-5/US1 to SR-656/17th Street, IRC Project No. 1302 FM No. 433067-1-58-01
(memorandum dated May 27, 2014) 71-76

Approved Resolution 2014-048, with the Florida Department of Transportation authorizing the Chairman's execution of Amendment No. 1 to the Small County Outreach Program (SCOP) Agreement FM No. 433067-1-58-01 for construction (resurfacing) and construction engineering inspection (CEI) services of Indian River Boulevard from SR-5/US1 to SR-656/17th Street.

- 9:33 a.m.** **K.** Aviation Boulevard/20th Avenue Intersection Improvements Kimley-Horn and Associates, Inc. – Work Order No. 8 IRC No. 1422
(memorandum dated May 19, 2014) 77-82

Chairman O'Bryan pulled this item to seek clarification from staff regarding the design improvements to the intersection of Aviation Boulevard and 20th Avenue.

- 9:36 a.m.** **Mr. Johnson sought and received information regarding the improvements.**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order No. 8, authorizing the project, and authorized the Chairman to execute same.

- L.** Traffic Conflict Monitor Tester: Board Approval for Trade-in and Purchase of One (1) Conflict Monitor Tester (memorandum dated May 23, 2014) 83-85

Approved the transaction and authorized staff to trade-in one (1) traffic conflict monitor tester and purchase one (1) new traffic conflict monitor tester.

- M.** Traffic Inductive Loop Tester: Board Approval for Trade-in and Purchase of One (1) Bus Interface Unit Tester (memorandum dated May 23, 2014) 86-88

Approved the transaction and authorized staff to trade in one (1) traffic inductive loop tester and purchase one (1) new traffic bus interface unit tester.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

None

B. PUBLIC DISCUSSION ITEMS

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

9:38 a.m. County Attorney Dylan Reingold provided a brief update on the status of the Oslo Boat Ramp issue; reminded the Board that the County is currently involved in litigation; and recommended the Commissioners not engage in question/answer dialogue with the first two speakers.

- 9:39 a.m.** 1. Request to Speak from Susan Boyd Regarding Oslo Boat Ramp 89

Susan Boyd, 8025 24th Street, Vero Beach, spoke in opposition to the Oslo Boat Ramp.

- 9:49 a.m.** 2. Request to Speak from Dr. Richard Baker Regarding Oslo Boat Ramp 90

Dr. Richard Baker, 522 North Blue Island Lane, Sebastian, spoke in opposition to the Oslo Boat Ramp.

10:11
a.m.

3. Request to Speak from Jeff Meade, STIRLEN (Save the Indian River Lagoon Estuary Now) Regarding Indian River Lagoon Pilot Projects

91

Jeff Meade, 129 Prestwick Circle, Vero Beach, spoke in support of the restoration efforts for the Indian River Lagoon.

10:29
a.m.

Vice Chairman Davis invited Mr. Meade to attend the Indian River County Water Supply meeting scheduled at 10:30 a.m. on June 4, 2014, in the Board of County Commissioner's Conference Room, to focus on a reconnect of St. John's and the South Florida Water Management Districts.

10:38
a.m.

There was a brief discussion pertaining to the formation and maintenance of a central data warehouse website and STIRLEN acting as a hub to share information.

10:41
a.m.

Commissioner Flescher disclosed that he had a conversation with Susan Boyd at an earlier meeting, and announced his membership on the Coastal Conservation Association (CCA).

C. **PUBLIC NOTICE ITEMS**

10:43
a.m.

1. **Notice of Scheduled Public Workshop June 11, 2014**
Notice of an Impact Fee Workshop scheduled for June 11, 2014 at 1:30 p.m. to present and discuss report on residential impact fees, including school impact fees, as well as implementation.
(memorandum dated May 27, 2014)

92

2. **Notice of Scheduled Public Hearing June 10, 2014**
Hutton Growth One, LLC's Request to Rezone Approximately 3.32 Acres from RM-10 Residential Multi-Family (up to 10 units per acre) to Planned Development Mixed Use District (PDMXD) and to Obtain Conceptual Planned Development Plan Approval for a Project to be Known as Family Dollar-Gifford Mixed Use (Quasi-Judicial)
(memorandum dated May 23, 2014)

93

3. **Notice of Scheduled Public Hearing June 17, 2014**
Consideration of Amendment to Land Development Regulations (LDRs) Section 901.03 Definitions to Establish the Definition of a "Commercial Service Street" and to Modify the Definition of "Yard, Front" to Specify the Appropriate Yard Designations for Properties that Abut a Commercial Service Street (Legislative)
(memorandum dated May 23, 2014)

93

Attorney Reingold read the notices into the record.

Chairman O'Bryan mentioned that the second and final public hearing relating to the West Gifford zoning overlay would be

held tonight at 5:01 p.m., in the County Commission Chamber.

The Chairman called a recess at 10:45 a.m., and reconvened the meeting at 10:58 a.m., with all members present.

10:58
a.m.

Bob Ulevich, Administrator at St. John's and Sebastian River Improvement Districts, provided an update on regional attenuation, reconnection, and water farming, and said he would provide a presentation to the Board on August 19, 2014.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

PAGE

A. **Community Development**

None

B. **Emergency Services**

None

C. **General Services**

None

1. **Human Services**

None

2. **Sandridge Golf Club**

None

3. **Recreation**

None

D. **Human Resources**

None

E. **Office of Management and Budget**

11:03
a.m.

1. Tourist Development Council 2014/2015 Budget Recommendations
(memorandum dated May 27, 2014)

94-100

Management and Budget Director Jason Brown reviewed the funding and allocation process; analyzed the Tourist Development Council (TDC) rating summaries for the organizations; and recommended the Board consider approving funding in the ranked order shown in Table 4 (page 98 of the Agenda Packet).

11:10
a.m.

MOTION WAS MADE by Commissioner Solari, **SECONDED** by Commissioner Zorc, to approve the following funding amounts as recommended by the Tourist Development Council: Indian River County Chamber of Commerce and Sebastian Chamber of Commerce \$428,578; Treasure Coast Sports Commission \$150,400; Historical Society \$20,000; Vero Heritage \$12,000; Cultural Council \$60,000; and Main Street Vero Beach \$0; totaling \$670,978.

TDC's recommendation would require the use of an additional \$4,328 in fund balance, for a total fund balance usage of \$74,328.

11:11
a.m.

Discussion ensued regarding the Fund Balance; the lack of tourism revenues for the Hibiscus Festival; the point ratings from the TDC and the ranking of the agencies; and the support for festivals if they are multi-day and putting "heads in beds."

11:31
a.m.

Bob Johnson asked the Board to ensure that marketing for tourism is adequately funded.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

F. Public Works
None

G. Utilities Services
None

13. COUNTY ATTORNEY MATTERS

PAGE

11:37
a.m.

A. Authorization to File a Petition with Department of Juvenile Justice Challenging its Reconciliation Statement for Fiscal Year 2012-2013 (memorandum dated May 28, 2014)

101

Assistant County Attorney Kate Pingolt Cotner spoke about Florida Statute 986.686 and the cost share responsibility of counties and state to support the Department of Juvenile Justice (DJJ). In November 2013,

the County received a reconciliation statement from DJJ stating that Indian River County was entitled to about \$245,000 as a credit for overpayment for fiscal year 2012-2013; however, DJJ made clear that they did not have the funds to credit any county or operate DJJ care centers. Later, DJJ suggested holding off on filing a challenge, waived the point of entry, and the letter from the DJJ said to wait to see if the Florida Legislature appropriates extra money to resolve the situation. This past year, the Legislature proposed a Bill that would not only have fixed the calculation issues of the cost sharing program, but would have reimbursed the counties, but the Bill failed. Attorney Pingolt Cotner is now waiting for a declaration from DJJ that would allow for the point of entry, and once it is issued, the County will have 21 days to file a challenge. She requested authorization to file a petition once the point of entry is issued.

A brief discussion ensued regarding authorization to file the petition.

MOTION WAS MADE by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, to authorize the County Attorney to file a petition with the Department of Juvenile Justice to challenge the reconciliation statement for fiscal year 2012-2013.

Further discussion ensued regarding future workshops for the Florida Association of Counties (FAC), other participating counties in Florida that are experiencing the same issue, and whether funding would be available to make restitution for the miscalculation.

The Chairman **CALLED THE QUESTION** and the Motion carried unanimously.

10:44
a.m.

B. Request for Lease Amendment with St. Francis Manor
(memorandum dated May 23, 2014)

102-115

Deputy County Attorney Bill DeBraal informed the Board that this is the ninth proposed amended lease to St. Francis Manor of Vero Beach, Florida, Inc., since 1973. He described the specifics of the Eighth Amended Lease (approved on June 4, 2013), and the changes in the Ninth Amendment. He requested the Board approve the Ninth Amendment (which includes the property under the County's tower) and a resolution that authorizes the Chairman to execute further documents necessary for the Comprehensive Plan Amendment and the zoning change.

ON MOTION by Commissioner Flescher, **SECONDED** by Vice Chairman Davis, the Board unanimously approved Resolution 2014-049, authorizing the Chairman to execute documents consistent with St. Francis Manor's request for a Comprehensive Plan Amendment and

rezoning request for County owned property.

14. **COMMISSIONERS MATTERS**

10:48
a.m.

A. **Commissioner Peter D. O'Bryan, Chairman**

1. City of Vero Beach Change of Ordinance – Extension of Bar/Restaurant Hours to 2 a.m.
(memorandum dated May 22, 2014)

116-118

Chairman O'Bryan provided information for discussion and/or action regarding the City of Vero Beach's (City) change of Ordinance to allow establishments to serve alcoholic beverages until 2:00 a.m., and the imposed 12-month sunset window with instructions to the Police Department to monitor impacts and report back to the City Council in June of 2015. He said this has now created an unfair competitive balance with establishments located in the unincorporated County, and asked fellow Commissioners if they wanted to consider taking action.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Flescher, to direct staff to draft an ordinance to amend the County's Ordinance so it mirrors the City of Vero Beach's Ordinance with the same sunset provision.

A brief discussion ensued among the Board regarding the sunset provision, and requesting the Sheriff to provide a report of impacts to the Board of County Commissioners.

MOTION WAS AMENDED by Vice Chairman Davis, SECONDED by Commissioner Flescher, to direct staff to draft an ordinance that mirrors the City of Vero Beach's Ordinance and the sunset provision, and to request the Sheriff to provide a report of impacts to the Board of County Commissioners.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Zorc opposed), the Amended Motion carried.

Attorney Reingold said the Ordinance, due to notice provision requirements, would return to the Board around July.

11:54
a.m.

2. Letter of Support for Old Vero Ice Age Sites Committee's Historic Preservation Application for a Grant (memorandum dated May 27, 2014) 119-121

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved a Letter of Support for Old Vero Ice Age Sites Committee's (OVIACS) Historic Preservation Grant Application.

B. Commissioner Wesley S. Davis, Vice Chairman

None

C. Commissioner Joseph E. Flescher

None

D. Commissioner Bob Solari

None

E. Commissioner Tim Zorc

None

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

None

B. Solid Waste Disposal District

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

1. Approval of Minutes Meeting of April 15, 2014
2. Request to Participate in the "2014 KIRB Marketplace" at Indian River Mall (memorandum dated May 23, 2014) 122-127
3. Work Order No. 9 to Geosyntec for One Year of Groundwater Monitoring/Reporting and Related Consulting Services at the Former South Gifford Road Landfill (memorandum dated May 23, 2014) 128-144

4. 2014 Master Plan Update – Summary of Technical Memorandums 4
and 5
(memorandum dated May 23, 2014)

145-148

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:11 p.m.

ATTEST:

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

Peter D. O'Bryan, Chairman

By: _____
Deputy Clerk

Approved: _____

BCC/LA/2014Minutes