



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

**REGULAR MEETING MINUTES
TUESDAY, JUNE 10, 2014 - 9:00 A.M.**

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	Present
Wesley S. Davis, Vice Chairman	District 1	Present	Dylan Reingold, County Attorney	Present
Joseph E. Flescher	District 2	Present		
Bob Solari	District 5	Present	Jeffrey R. Smith, Clerk of Circuit Court and Comptroller	
Tim Zorc	District 3	Present	Maureen Gelfo, Deputy Clerk	

1. CALL TO ORDER 9:00 A.M. PAGE

2. INVOCATION Deputy Teddy Floyd, Indian River County Sheriff Department

3. PLEDGE OF ALLEGIANCE Joseph A. Baird, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

9:00 a.m. **Emergency Addition: Item 13.C. Update by Deputy County Attorney Bill DeBraul on the Administrative Hearings Concerning the Pelican Audubon Society's Challenge to the St. Johns River Water Management District's (SJRWD) Permit for Proposed Expansion at the Oslo Road Boat Ramp**

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

5. PROCLAMATIONS and PRESENTATIONS

9:00 a.m. **A. Presentation of Proclamation 9th Annual National Dump the Pump Day in Indian River County on June 19, 2014**

Presented by Commissioner Solari to Senior Resource Association's CEO, Karen Deigl; Transportation Project Coordinator, Chris Stevenson; Board Chairman, Pud Lawrence; and Community Affairs Coordinator, Christie Johnson.

- 9:09 a.m. B. Presentation of Proclamation Designating June 21, 2014 as a Day for Commemorating Delta Company, 2nd Battalion, 16th Infantry Regiment, Rangers, 1st Infantry Division

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Presented by Commissioner Flescher to Frank Jencik.

6. **APPROVAL OF MINUTES** **PAGE**
None

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

None

8. **CONSENT AGENDA**

9:17 a.m. **MOTION WAS MADE** by Commissioner Flescher, **SECONDED** by Vice Chairman Davis, to approve the Consent Agenda, pulling Item 8.E. 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 23, 2014 to May 30, 2014
(memorandum dated May 30, 2014) 3-10
Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.
- B. Request for Authorization to Trade-In Two Vehicles for Purchase of One
(memorandum dated June 3, 2014) 11-12
Approved the trade in of two 2007 Chevy Impalas for \$4,500 and \$5,500, respectively, offsetting the purchase price of a new vehicle for the Property Appraiser's Office.
- C. Resolution Cancelling Taxes on Property Purchased by the County for Right-Of-Way Along 49th Street East of 66th Avenue
(memorandum dated June 2, 2014) 13-42
Approved Resolution 2014-050, Cancelling Certain Taxes Upon Publicly Owned Lands, Pursuant to Section 196.28, Florida Statutes. (Susan Hobbs)

- D.** Approval of Resolution Adopting the 2014 Indian River County Emergency Plan for Hazardous Materials (memorandum dated May 30, 2014) 43-47
Approved Resolution 2014-051, approving the Indian River County Hazardous Materials Emergency Plan.
- 9:17 a.m.** **E.** Miscellaneous Budget Amendment 017 (memorandum dated June 4, 2014) 48-50
Chairman O'Bryan reported that the budget amendment contains funding for a replacement vehicle for Facilities Management, and donations to the Indian River County libraries.
- ON MOTION** by Commissioner Solari, **SECONDED** by Commissioner Flescher, the Board unanimously approved Resolution 2014-052, amending the Fiscal Year 2013-2014 Budget.
- F.** Request to Approve an Additional Pre-Qualified Housing Inspection Firm to Perform Housing Program Inspection Services (memorandum dated June 2, 2014) 51-71
Approved: (1) the Selection Committee's recommendation to add Guardian Community Resource Management, Inc. to the list of prequalified inspection services firms; and (2) authorized the Chairman to execute the Inspection Services Agreement with Guardian Community Resource Management, Inc.
- G.** Approval of Work Authorization No. 2014-001 to Melvin Bush Construction, Labor Contractor, for Two 12" Directional Bores to Replace 1,150 feet of 10" AC Water Main and 200 feet of 10: Force Main on US 1 South North of 21st Street SE – UCP #4096 (memorandum dated June 2, 2014) 72-75
Approved: (1) the total estimated cost of the project at \$166,000.00; and (2) approved and authorized the Chairman to execute Work Authorization No. 2014-001 to Melvin Bush in an amount of up to \$106,000.00 for labor.
- H.** Amendment to 3-Year Renewal of Lease for North County Offices (memorandum dated May 28, 2014) 76-81
Approved: (1) the revised prorated lease rates for the North County Offices; (2) authorized the Chairman to execute the Amendment to Lease Agreement with Greene Investment Partnership, Ltd. (f/k/a FNB Properties); and (3) approved a retroactive payment of the \$71.87 increase for five (5) months, February through June, after which the monthly rental amount will reflect the increased rate of \$3,186.45.

- I. Telephone System Upgrade – Proposal for NEC PBX Systems Upgrade for Indian River County Courthouse and Main Library, Approval of NEC Corporation of America (NEC) as Sole Source Provider (memorandum dated May 28, 2014)

82-89

Approved: (1) NEC Corporation of America (NEC) as the sole source provider to upgrade the PBX telephone systems at the Courthouse and Main Library; and (2) the proposals from NEC.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

PAGE

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

1. Hutton Growth One, LLC's Request to Rezone Approximately 3.32 Acres from RM-10 Residential Multi-Family (up to 10 units per acres) 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 (memorandum dated May 30, 2014)

90-119

(Quasi-Judicial)

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

The Commissioners, as requested by the Chairman, disclosed that there had been no ex parte communications, site visits, or independent investigations. Commissioners Davis, Zorc, and Solari noted that they have driven by the property. The Board Members also affirmed that they have an open mind and are able to base their decisions on the evidence presented and the 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.

Director of Community Development Stan Boling used a PowerPoint presentation to provide background and analysis on Hutton Growth One LLC's request to rezone a ±3.32 acre property located at the intersection of 43rd Avenue and 45th Street, for the purpose of developing a mixed use project. He

disclosed that the conceptual plan includes a Family Dollar store and a planned development with up to thirty-three residential units. Director Boling relayed that the developer proposes to install a sidewalk and a transit stop, and to prohibit the sale or consumption of alcohol on the commercial site. He thereafter presented the recommendation of the Planning and Zoning Commission (P&Z) and staff for the Board to approve the zoning amendment and conceptual PD Plan through adoption of the proposed Ordinance.

9:33
a.m.

Bonnie Meriwether, E.I., 1725 5th Avenue, Tampa, Fl.; representing Campo Engineering and Hutton Growth One, LLC, addressed a question from the Board regarding a drainage ditch on the north side of the property.

9:34
a.m.

The Chairman opened the Public Hearing.

Freddie Woolfork, 4590 57th Avenue, spoke in support of the project.

Patricia Hunt addressed the Board with her request to speak on another matter, and was asked to discuss her item under Public Discussion (see Item 10.B.4).

Sharon Raulerson, Property Manager Heritage Villas, made arrangements with Director Boling to receive a copy of the plans for the Family Dollar store.

9:42
a.m.

There were no additional speakers, and the Chairman closed the Public Hearing.

Commissioner Zorc initiated a brief discussion on the possibility of a cooperative effort between the developer and County to culvert part of the canal on 45th Street.

County Administrator Joseph Baird stated that staff would research costs for the County's portion of the culvert, and report back to the Board.

9:45
a.m.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Solari, the Board unanimously adopted Ordinance 2014-011, amending the Zoning Ordinance and the accompanying Zoning Map from RM-10, Residential Multi-Family (up to 10 units/acre) to PDMXD, Planned Development Mixed Use District, for approximately 3.32 acres of land generally located on the southeast corner of 45th

Street and 43rd Avenue and described herein and providing for an effective date; with the following conditions:

1. Prior to the issuance of a land clearing and tree removal permit, the applicant shall pay the fee-in-lieu of tree mitigation.
 2. Prior to preliminary PD plan release, the applicant shall obtain approval from Public Works for the 45th Street westbound left turn lane design.
 3. Prior to the issuance of the first certificate of occupancy (C.O.), the applicant shall:
 - a. Install all required on-site mitigation trees.
 - b. Complete all landscape and opaque feature improvements along the south property line, as depicted on the approved conceptual PD plan.
 - c. Construct a sidewalk along the overall site's entire 45th Street frontage and repair the site's 43rd Avenue sidewalk as required by Public Works.
 - d. Install the westbound left turn lane on 45th Street at the project's driveway and obtain Public Work's approval of the installation.
 - e. Install the proposed transit stop, not including a bus shelter, along the project's 45th Street frontage.
 4. All preliminary PD plan/plat applications shall include building elevations that meet corridor criteria and provide a common architectural theme among the project's commercial and residential buildings.
 5. Prior to or via the final plat, the applicant shall dedicate without compensation the 40' corner clip at the 43rd Avenue/45th Street intersection.
 6. Within the commercial area, the sale and the consumption of alcoholic beverages onsite are prohibited, consistent with the PDMXD zoning ordinance prohibition on alcoholic beverage sales and consumption on site.
 7. The Family Dollar (Gifford Mixed Use) project site shall revert to its original RM-10 zoning if project construction has
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not commenced within 7 years of the approval of the conceptual PD plan and PDMXD rezoning.

B. PUBLIC DISCUSSION ITEMS

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

9:47
a.m.

1. Request to Speak from Joe Wiggins Regarding South County Park Multi-purpose Building and Playground for Children 120

Joe Wiggins, 895 11th Street SW, stated that there has been a long-term need for a multipurpose building and/or open playground for children to use at the South County Park. He stressed that the youth who do not participate in special groups or organized sports have nothing to do at the park.

Administrator Baird explained that the projected completion time for the multi-purpose building is 15 to 18 months, and agreed to keep Mr. Wiggins abreast of construction milestones. He also advised that the County is exploring the creation of a walking path and open field at the park.

Commissioner Solari asked Administrator Baird to put the timeline for the multi-purpose building under informational items on future Board agendas, and to ensure that future plans include an area for additional playground equipment.

10:00
a.m.

2. Request to Speak from Phylicia Wiggins Regarding Public Access to Fields, restrooms, and have a South County Pool 121
No Board Action Taken or Required

10:17
a.m.

3. Request to Speak from Althea McKenzie Regarding Review Agenda Items – Specifically Consent Agenda and Commissioners Matters 122-123

Althea McKenzie, 2405 16th Avenue, discussed her objections to the Board’s approval on May 20, 2014, to purchase 2,000 bumper stickers in concert with the Indian River Neighborhood Association’s bumper sticker campaign to educate the public about the blackout season for fertilizer applications.

Board Members addressed her concerns, and discussed other public/private initiatives that have improved the community.

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No Board Action Taken or Required

10:52 a.m.

ADDITION:

4. Request to Speak from Patricia Hunt

(Clerk's Note: This item was added during the latter part of the public hearing, pursuant to Ms. Hunt's request to speak at that time).

Patricia Hunt stated that she was denied access to her public records at the County Courthouse, and is also having trouble obtaining copies of certain courthouse surveillance tapes that she has requested from the Sheriff's Office.

County Attorney Dylan Reingold advised Ms. Hunt that he would be happy to meet with her and/or her attorney to discuss this matter.

The Chairman called a recess at 11:02 a.m. and reconvened the meeting at 11:17 a.m., with all members present.

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

A. Community Development

**11:17
a.m.**

1. Consideration of Consultant Selection Committee Ranking and Recommendation on the Economic Development Positioning Proposals
(memorandum dated June 2, 2014)

124-139

Community Development Director Stan Boling recalled that on November 12, 2013, the Board authorized funding to hire a consultant to develop an Economic Development Positioning Analysis and Action Plan, and directed staff to develop a Request for Proposals (RFP). He advised that after the Board's approval of the document on April 8, 2014, the RFP was issued, and Ady Voltedge was ranked by the selection committee as the number one firm of twelve companies. Director Boling requested that the Board approve the consultant selection committee's ranking, and authorize staff to negotiate the Phase I tasks for a cost of up to \$80,000 starting with the highest ranked firm.

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, noted that one important task of the consultant will be to interview various persons and groups to find out how the County is perceived

as a place to do business.

Suggestions were made by the Board as to which groups or persons it might be beneficial for the consultant to interview.

11:34
a.m.

Bob Johnson, Coral Wind Subdivision, supported the plan and hoped that it would help fill the vacant parcels at the 98th Avenue Industrial Park where the CVS Distribution Center is located.

11:36
a.m.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved: (1) the Consultant Selection Committee's ranking for the firms Ady Voltedge, Inc.; DCG Corplan Consulting LLC; and Strategic Planning Group, Inc.; and (2) authorized staff to begin contract negotiations for a Phase I project price of up to \$80,000, starting with the number one ranked firm (Ady Voltedge, Inc.), and to continue contract negotiations with the subsequent ranked firms, if negotiation with the first ranked firm is not successful.

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

11:37
a.m.

1. Distinguished Budget Presentation Award Fiscal Year 2013-2014
(memorandum dated June 2, 2014)

140-144

Management and Budget Director Jason Brown announced that the Government Finance Officers Association (GFOA) has presented the Distinguished Budget Presentation Award to the County for the twenty-third consecutive year, and that this year, the County's annual budget document was also accorded Special Performance Measures Recognition.

F. Public Works
None

G. Utilities Services
None

13. COUNTY ATTORNEY MATTERS

11:42
a.m.

A. Code Enforcement Board Orders for Maurice Rolle and Livingston Rolle
4402 35th Avenue and 4415 34th Court
(memorandum dated June 4, 2014)

145-150

Deputy County Attorney Bill DeBraul presented this item to the Board, explaining that Mr. Rolle needs to resolve the tax liability and code enforcement fines on two properties that are due for a tax sale. He thereafter presented staff's recommendation for the Board to set the fines to an amount certain, so Mr. Rolle can pay the back taxes and get a clean title to the property.

Joseph Paladin, President Black Swan Consulting and Entitlements, LLC, representing Maurice Rolle, asked the Board to approve staff's recommendation and to combine the Code Enforcement Board's administrative costs for the two properties, making it a single fee.

Chief of Environmental Code Enforcement and Planning Roland DeBlois confirmed that both properties are completely in compliance, and that the Code Board has calculated about \$2,000 for administrative costs on one property, and \$1,700 for the other parcel.

Discussion ensued about what a reasonable amount would be for the administrative costs, and Chief DeBlois said that there could be some flexibility in the \$3,700 amount he had presented earlier.

11:54
a.m.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Davis, to: (1) set the Code Enforcement Board Case fines to the certain administrative cost amounts of \$3,000 for the properties; and (2) authorize staff to execute the orders on behalf of the Board.

A brief discussion followed about the handling of governmental tax liens after a tax deed sale, and about designating a specific administrative cost amount for each separate property.

11:58
a.m.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Vice Chairman Davis, to: (1) set the Code Enforcement Board Case fines to the certain administrative cost amounts of \$2,000 for the 35th Avenue property and \$1,000 for the 34th Court property, for a total of \$3,000.

The Chairman CALLED THE QUESTION, and the Amended Motion carried unanimously.

11:59
a.m.

- B. Attorney for Indian River County Code Enforcement Board (memorandum dated June 2, 2014)

151-153

ON MOTION by Commissioner Solari, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the hiring of Attorney Jennifer D. Peshke to represent the Indian River County Code Enforcement Board on a month-to-month basis, and (2) authorized the Chairman to execute the Legal Services Agreement with Attorney Peshke.

11:59
a.m.

- C. Update by Deputy County Attorney Bill DeBaal on the Administrative Hearings Concerning the Pelican Audubon Society's Challenge to the St. Johns River Water Management District's (SJRWD) Permit for Proposed Expansion at the Oslo Road Boat Ramp

Attorney DeBaal explained the timeline to bring the administrative hearing process to its conclusion, and projected that a final decision will be forthcoming in August 2014.

14.

COMMISSIONERS MATTERS

PAGE

12:06
p.m.

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

1. All Aboard Florida (memorandum dated May 14, 2014)

154

Chairman O'Bryan reported that in accordance with the Board's authorization on May 6, 2014, the County Attorney has secured a law firm to assist with the review/analysis of All Aboard Florida's (AAF) Environmental Impact Statement (EIS) after its release. He noted that there are currently three outlooks in the community: (1) reject the project in this

region absolutely; (2) endorse the project; and (3) consider supporting the project if certain concessions are made by AAF. He stressed that the Board will need to develop clear objectives in terms of its position on the prospective All Aboard Florida (AAF) high speed rail project, and possible costs that might be incurred if the Board decides to challenge the project or aspects of the project.

12:12
p.m.

A lengthy discussion ensued among the Board Members, with input from Attorney Reingold, relative to various aspects of the AAF project, including its financing options. Several Commissioners stressed that it was necessary to get an expert overview of the EIS before the Board takes a final stance and considers possible future actions relative to the project.

12:26
p.m.

Commissioner Solari mentioned that a citizen has tried to no avail to obtain a copy of Florida East Coast Industries' (FECI) loan request information, and suggested that the County Attorney ask the Federal Railroad Administration (FRA) to make the information public. He also discussed Governor Scott's request to State Transportation Secretary Ananth Prasad to meet with community leaders/legislators about the AAF project for open discussion.

Further discussion was held, after which the Board CONSENSUS was to: (1) direct the County Attorney to report back to the Board with an executive summary on the Environmental Impact Statement (EIS) after its release and after consulting with (a) the outside counsel retained to review the EIS, and (b) the residents of Mariner Sands Country Club who are opposing AAF; (2) authorize the Chairman to execute a letter to the Federal Railroad Administration (FRA) requesting a copy of Florida East Coast Industries (FECI)'s Railroad Rehabilitation and Improvement Financing (RRIF) loan request information; and (3) authorize the County Attorney to send a letter on behalf of the Board, inviting Secretary of the Florida Department of Transportation (FDOT) Ananth Prasad to a public workshop in Indian River County to discuss the All Aboard Florida project.

Althea McKenzie suggested that the Board provide specific direction to the counsel who will be reviewing the EIS.

(Clerk's Note: Commissioner Zorc exited the meeting at 12:27 p.m.)

- B. Commissioner Wesley S. Davis, Vice Chairman
None
- C. Commissioner Joseph E. Flescher
None
- D. Commissioner Bob Solari
None
- E. Commissioner Tim Zorc
1. St. John's River Alliance Request for Support
(memorandum dated June 2, 2014)

12:44
p.m.

155-160

TABLED until June 17, 2014

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
12:44 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/MG/2014Minutes