



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
REGULAR MEETING MINUTES**

TUESDAY, OCTOBER 14, 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	Present
Wesley S. Davis, Vice Chairman	District 1	Present	Dylan Reingold, County Attorney	Present
Joseph E. Flescher	District 2	Present	Jeffrey R. Smith, Clerk of the Circuit	Present
Bob Solari	District 5	Present	Court and Comptroller	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	Present

- | | | | | |
|-----------|---|-------------------------|--|---------------------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | | <u>PAGES</u> |
| 2. | <u>INVOCATION</u> | | Deputy Teddy Floyd, Indian River County Sheriff Department | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | | Commissioner Peter D. O'Bryan, Chairman | |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | | | |

9:02 a.m. Deletion: Item 9.A. Executive Session with Indian River County Sheriff Deryl Loar to Discuss Teamsters Union Negotiations with Major James G. Harpring, General Counsel, at a time Certain of 11:00 a.m.

Addition: Item 10.B.3. Request to Speak from Honey Minuse Regarding an Update on the Vero Beach Rail Commission and the Train Impact Coalition (TIC).

Addition: Item 14.A. Discussion to Set a Date for a Vote on the Oslo Boat Ramp Project.

5. **PROCLAMATIONS and PRESENTATIONS**

- 9:03 a.m. A. Presentation of Proclamation Designating October 17, 2014, as Erdheim-Chester Research and Awareness Day in Indian River County, FL 1
Presented by Chairman O'Bryan and received by Cindy Livings, on behalf of Kathy Brewer of the Erdheim-Chester Disease (ECD) Global Alliance.
- 9:14 a.m. B. Presentation of Proclamation Designating the Month of October, 2014, as National Arts and Humanities Month 2
Presented by Commissioner Solari to Barbara Hoffman, Chairman of the Board of Directors Cultural Council of Indian River County.

6. **APPROVAL OF MINUTES**

- 9:21 a.m. A. September 16, 2014 Final Budget Hearing
ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Final Budget Hearing minutes of September 16, 2014, as written.

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

- A. Florida Department of Agriculture and Consumer Services, Florida Forest Service, Annual Fire Management Report 3-7
- 9:21 a.m. B. CareerSource Research Coast Fall 2014 Job Fest, October 15, 2014, Indian River County Fairgrounds Expo Center 8
Noted for the record was the 2014 Fall Job Festival, scheduled for October 15, 2014, at the Indian River County Fairgrounds Expo Center, from 10:00 a.m. to 2:00 p.m.
- C. Proclamation Celebrating the Garden Club of Indian River County 9

8. **CONSENT AGENDA**

- 9:23 a.m. **ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Consent Agenda.**
- A. Approval of Warrants – September 26, 2014 to September 30, 2014 (memorandum dated September 30, 2014) 10-15
Approved the list of warrants (checks) and wires as supplied by the Comptroller's Office.

- B.** Approval of Warrants – October 1, 2014 to October 3, 2014
(memorandum dated October 3, 2014) 16-23
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.
- C.** Request for Approval to Redraw Precinct #2 Boundary Lines on Newly Annexed Land and Authorization to Trade-in Existing EViD (electronic poll books) by Indian River County Supervisor of Elections, Leslie R. Swan
(letter dated October 7, 2014) 24-28
Authorized the Supervisor of Elections to: (1) move the boundaries for voting in Precinct No. 2 to coincide with the new City of Fellsmere boundary lines; and (2) trade in all 104 Electronic Voter Identification (EViD) units (electronic poll books) for new machines.
- D.** Award of Bid No: 2014045, 69th Street Bridge over the Indian River Farms Water Control District (IRFWCD) Lateral G Canal, IRC Project No. 1363
(memorandum dated September 30, 2014) 29-39
Approved bid award to Melvin Bush Construction, Inc., Port St. Lucie, in the amount of \$224,228.88; approved the sample agreement; and authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency.
- E.** F.D.O.T. Transportation Regional Incentive Program (TRIP) Agreement Amendment No. 3 and Resolution Authorizing the Chairman’s Signature, IRC Project No. 0545B - 66th Avenue from SR-60 to 41st Street, FM# 425883-1-58-01
(memorandum dated October 2, 2014) 40-45
Adopted Resolution 2014-091, with the Florida Department of Transportation authorizing the Chairman’s execution of Amendment No. 3 to the Transportation Regional Incentive Program Agreement FM No. 425883-1-58-01 for construction (widening and reconstruction) along 66th Avenue from SR-60 to 41st Street.
- F.** Adoption of Revised Purchasing Manual
(memorandum dated October 6, 2014) 46-80
Approved the revised Purchasing Policies and Procedures Manual.
- G.** VB Three Oaks, LLLP Request for Partial Release and Replacement of Conservation Easements at 1955 74th Avenue (The Villas at Three Oaks Subdivision)
(memorandum dated October 7, 2014) 81-92
Approved Resolution 2014-092, releasing portions of conservation area Tract E and Tract F in the Villas at Three Oaks Subdivision.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

9:24
a.m.

A. **Indian River County Sheriff Deryl Loar**
Time Certain: 11:00 a.m.

Request for an Executive Session with the Board of County Commissioners Pursuant to s. 447.605, Florida Statutes, to Discuss Teamsters Union Negotiations with Major James G. Harpring, General Counsel, at a Time Certain of 11:00 a.m.

(letter dated October 6, 2014)

93

Deleted

10. **PUBLIC ITEMS**

Clerk's Note: These items were heard following Item 10.B.3. Public Discussion, and are placed here for continuity.

A. **PUBLIC HEARINGS**

9:54
a.m.

1. Request for the Board of County Commissioners to Consider an Ordinance to Approve New Impact Fee Schedules for Residential Uses and Automated Warehouse Use, and Modify the Title X Impact Fee Ordinance Regulations for the Unincorporated Indian River County and Municipalities

(memorandum dated October 1, 2014)

94-165

(Legislative)

Community Development Director Stan Boling, using a PowerPoint presentation, recalled that in July 2013 the Board hired Tindale-Oliver and Associates, Inc. to conduct an update of Impact Fees; a Workshop was held on January 22, 2014 whereby the consultant presented a preliminary report that did not include school impact fee information; in February and March of 2014 staff conducted "road shows" to present preliminary findings and receive feedback; in April 2014 the Commissioners adopted reduced impact fees for non-residential uses; on June 11, 2014 a Workshop was held on residential impact fees which included school impact fees; and in September 2014 the School Board held a Workshop and Special Meeting on school impact fees and voted to request that the Board of County Commissioners adopt the recommended impact fees for schools.

Director Boling presented the following proposals: (1) to accept the final technical report; (2) to accept the complete impact fee schedules: residential (school impact fees) and high cube automated warehouse; (3) approve text changes to the impact fee ordinance (updated level of service (LOS), appeals, individual assessments, and new exemption for improvements to older structures); and (4) approve the fee resolution which would

eliminate and reduce certain application review fees.

**10:00
a.m.**

Associate Principal Nilgun Kamp from Tindale-Oliver, used a PowerPoint presentation to summarize the consumption-based fee calculation methodology, and the recommended fee rates.

**10:06
a.m.**

Tyson Smith, Esq., White and Smith, LLC, Planning and Law Group, Charleston, SC, on behalf of Tindale-Oliver and Associates, Inc., provided some legal aspects of the project and the calculation of impact fees.

Chairman O'Bryan affirmed with Attorney Smith that the total fee in the technical report had been properly calculated and would be legally defensible.

Commissioner Zorc sought and received further details regarding the complexities of school impact fees; the potential capacity to meet the 10-year growth plan; and the lack of revenue-sharing for charter schools.

Vice Chairman Davis voiced concerns about possible challenges in court, and wanted to know what Fund the refunds would come from.

Commissioner Flescher asked about charter schools, student counts, and whether the numbers had been skewed.

**10:25
a.m.**

Steven Tindale, Chief Executive Officer, informed the Board that there had been no skew with the numbers, explained why the generation rates were a little lower per home, provided reasons why the fees were reduced, and believed that over time revenue would be generated to fund the school system.

Chairman O'Bryan stated that the Board would be focusing on the adoption of the technical report, the residential fee schedule, and the cube warehouse rate.

The Chairman opened the Public Hearing.

**10:29
a.m.**

Indian River County School Board Chairman Carol Johnson emphasized that by law, impact fees do not apply to charter schools. She said unless there is growth, impact fees are not collected.

**10:34
a.m.**

Charles Wilson, 2134 18th Avenue, Vero Beach, provided background regarding impact fees, thanked the Board for their patience on the issue, and reiterated the purpose of impact fees.

10:42 a.m. Dan Lamson, Executive Director of the Indian River Neighborhood Association, supported the Impact Fee Ordinance changes.

10:43 a.m. Dale Simchick, School Board member, supported transparency and the adoption of the Ordinance.

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

10:48 a.m. MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to accept the Consultant's (Tindale-Oliver and Associates, Inc.) Impact Fee Update Final Report, dated September 26, 2014.

Discussion ensued regarding the use of impact fees.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

10:56 a.m. MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman O'Bryan, to adopt the updated residential impact fee schedules and amended non-residential impact fee schedules, to include the new high cube (automated) warehouse category, as contained in Appendix A of the Ordinance.

A brief discussion ensued regarding commercial impact fees and the calculation of the full rate.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

The Chairman called for a break at 10:59 a.m., and reconvened the meeting at 11:10 a.m. Commissioners Davis and Flescher joined the meeting at 11:14 a.m.

11:10 a.m. Director Boling continued his presentation. He reviewed the proposed text modifications to Title X of the Impact Fee Ordinance, and the proposed revision of fees for processing impact fee refund applications and individual assessments.

The Chairman re-opened the Public Hearing.

11:17 a.m. Charles Wilson supported the adoption of the resolution to eliminate and reduce certain impact fee related application review fees, and further explained the impact fee rules, level of service, and appeals process.

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

11:22
a.m.

ON MOTION by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, the Board unanimously adopted Ordinance 2014-016, amending Title X, Impact Fees, of the Code of Indian River County, to amend the text of Title X for Level of Service Standards used in Impact Fee Calculations, exemptions, individual assessments, appeals, and various updates and clean up revisions; and to amend Appendix A, Impact Fee Schedules, to approve new Impact Fee Schedules for residential uses and for high-cube automated warehouse use for the unincorporated Indian River County and Municipalities; providing for effective date for new Impact Fee Schedules; and providing for codification; severability; and effective date.

11:23
a.m.

ON MOTION by Vice Chairman Davis, **SECONDED** by Commissioner Flescher, the Board unanimously approved Resolution 2014-093, revising fees for processing Impact Fee Refund Applications and individual assessments.

11:24
a.m.

2. SR 60 Vero, LLC's Request to Rezone Approximately 19.99 Acres from RM-8 Residential Multi-Family (up to 8 units per acre) to Planned Development Mixed Use District (PDMXD) and to Obtain Conceptual PD Plan and Concurrent Preliminary PD Plan Approval for a Project Known as The Reserve at Vero Beach (memorandum dated October 2, 2014)

166-211

(Quasi-Judicial)

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.

The Chairman opened the Public Hearing.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

11:27
a.m.

Director Boling used a PowerPoint presentation to explain SR 60 Vero, LLC's request to rezone ±19.99 acres from Residential Multi-Family (RM-8) to Planned Development Mixed Use District (PDMXD). The project site is located between SR 60 on the north, College Lane on the south, Century Town Center/Olive Garden on the east and Sixty Oaks on the west. The proposed development would consist of 159 multi-family units comprised of seven 3-story buildings, and 4.55 acres of commercial in the form of three

different parcels. Director Boling spoke about the proposed improvements, conditions, landscaping, and project phasing. He reported that the Planning and Zoning Commission (PZC) recommended that the Board approve the project with the condition that evidence will be presented to the Board with respect to project traffic impacts, especially impacts of the 58th Avenue / SR 60 intersection. He also relayed staff's recommendation for the Board to approve the proposed PDMXD rezoning and the conceptual PD plan with conditions.

The Board sought and received further details throughout the presentation.

11:55
a.m.

Attorney Bruce Barkett supported staff's presentation; believed the project would be a viable way to develop the property; and felt it would be a critical link on the SR 60 corridor; however, he did not agree with the condition that the western most parcel not be permitted to have a drive-through facility situated on it.

11:55
a.m.

Mark Dugan, property owner in SixtyOaks, voiced concerns over the intersection of SR 60 / 58th Avenue, and increased noise and traffic.

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

12:02
p.m.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously: (1) approved the proposed Planned Development Mixed Use District rezoning and the conceptual Plan Development plan with conditions as described by staff; and (2) adopted Ordinance 2014-017, amending the Zoning Ordinance and the accompanying Zoning Map from RM-8, Residential Multi-Family (up to 8 units/acre), to PDMXD, Planned Development Mixed Use District, for approximately 19.99 acres of land generally located on the south side of SR 60 approximately 1,200 feet west of 58th Avenue and described herein and providing for an effective date.

B. PUBLIC DISCUSSION ITEMS

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

Clerk's Note: These items were heard following Item 8. Consent Agenda.

- 9:24 a.m.** 1. Request to Speak from Patricia Hunt Regarding Request for Evening Meetings Once a Month, Public Records Statute, 119.07, and Sign to be Posted on the Street of the County Buildings Regarding Designated Parking 212
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- Patricia Hunt, Roseland, updated the Board on a recent Vero Beach City Council meeting; requested the Board consider holding a once-a-month evening meeting; requested that a sign be posted on the street of the County Administration buildings identifying “no parking” areas; and requested that the Sheriff’s office provide her with the Courthouse video surveillance tape of March 27, 2014.**
- 9:33 a.m.** 2. Request to Speak from Fred Mensing Regarding Bringing Forward Frauds of Indian River County 213-214
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- Fred Mensing, 7580 129 Street, provided history concerning a court case from 2008 that dealt with a 60-foot strip of land on the Fleming Grant Plat; provided details of a lawsuit that he plans to file; and requested the Board pay the Judgment for \$123,000 to avoid the lawsuit.**
- 9:41 a.m.** 3. **Addition: Request to Speak from Honey Minuse Regarding an Update on the Vero Beach High-Speed Rail Commission and the Train Impact Coalition (TIC).**
- 9:51 a.m.** **Honey Minuse, 27 Starfish Drive, Vero Beach, Chairman of the Indian River Neighborhood Association Executive Committee, provided background and an update on the Vero Beach City Council’s High-Speed Rail Commission and the Train Impact Coalition (TIC); listed numerous impacts that All Aboard Florida (AAF) would create; spoke about the local organizations/agencies involved in the TIC; and suggested there be a coordinated effort between the Vero Beach City Council, Sebastian City Council, and Indian River County Commission, so there would be a singular response. She also informed the Board that during the joint meeting between the Vero Beach City Council and the Railroad Commission, there was a motion passed to mimic the County’s Resolution opposing the AAF high speed passenger rail service project.**
- There was a brief discussion regarding the requirements and obligations of the Environmental Impact Statement (EIS).**

12:03
p.m.

C. PUBLIC NOTICE ITEMS

1. **Notice of Schedule Public Hearing for October 21, 2014**
To Consider Adoption of a Proposed Ordinance Amending the
Indian River County Code With Respect to Medical Marijuana
(memorandum dated October 6, 2014) 215
County Attorney Reingold read the Notice into the record.

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

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

None

F. Public Works

None

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

12:04
p.m.

- A. Community Development Block Grant Citizen Advisory Task Force
(memorandum dated October 7, 2014)

216-226

Attorney Reingold provided a brief background regarding the Florida Small Cities Community Development Block Grant (CDBG) Program, and informed the Board that under a new rule from the Florida Department of Economic Opportunity (DEO), an applicant requesting funding may claim up to ten additional points in the CDBG application, if there is an active Citizen Advisory Task Force (CATF), which has at least five members, of which at least 51% whom are from low to moderate income households. He stated that the County has an active CATF, but there are eleven positions (four are vacant), and it does not meet the 51%. He recommended the Board restructure the CATF from eleven members to five, eliminating the four vacant positions, removing the Director of Community Development, and eliminating one of the members who exceeds the income threshold. He also requested that the Board approve the following list of remaining CATF members: Joe Idlette, Jr., Pastor William Mosley, Teddy Floyd, Leroy Smith, and Joe Wiggins.

Chairman O'Bryan wanted staff to ensure that the CATF members know that they will be an advisory committee for the "entire" county.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Zorc, the Board unanimously approved Resolution 2014-094, to formally re-structure and re-establish the Community Development Block Grant (CDBG) Citizen Advisory Task Force (CATF).

14. COMMISSIONERS MATTERS

12:08
p.m.

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

1. **Addition: Discussion to Set a Date for a Vote on the Oslo Boat Ramp Project**

Chairman O'Bryan queried fellow Commissioners to see if they wanted to bring the Oslo Road Boat Ramp Project back to the October 21, 2014 Board of County Commission Meeting, or set a Special Call Meeting for a formal vote.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved to schedule the Oslo Boat Ramp Project vote to the Agenda of the October 21, 2014 Board of County Commission Meeting.

B. Commissioner Wesley S. Davis, Vice Chairman

None

C. Commissioner Joseph E. Flescher

None

D. Commissioner Bob Solari

**12:11
p.m.**

1. Reauthorization of the Florida Enterprise Zone Program
(memorandum dated October 7, 2014)

227-229

Commissioner Solari stated he was the liaison to the Enterprise Zone Development Agency, and relayed their request for a Resolution supporting the reauthorization of the Florida Enterprise Zone Program.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Solari, to approve a Resolution to support the reauthorization of the Florida Enterprise Zone Program.

**12:12
p.m.**

Helene Caseltine, Economic Development Director, Indian River Chamber of Commerce, and Enterprise Coordinator, reported that an identical Resolution was sent to the Vero Beach City Council last week for their consideration, at their October 21, 2014 meeting. She encouraged the Board to forward the executed Resolution to the Governor, Senate President, and Speaker of the House, then once all the committees are formed after the election, to send it to the Committee Chairman.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved Resolution 2014-095, supporting reauthorization of the Florida Enterprise Zone Program, currently set to sunset on December 31, 2015.

E. Commissioner Tim Zorc

None

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

None

12:14
p.m.

C. **Environmental Control Board**

The Board reconvened as the Board of Commissioners of the Environmental Control Board. Those Minutes are available separately.

1. Approval of Minutes Meeting of July 15, 2014
2. Report of Activities for First Quarter Fiscal Year 2013-2014
(October 1, - December 31, 2013)
(memorandum dated October 3, 2014) ----- 230-233
3. Report of Activities for Second Quarter 2014 (January 1 – March
31, 2014)
(memorandum dated October 3, 2014) ----- 234-235
4. Report of Activities for Third Quarter 2014 (April 1 – June 30,
2014)
(memorandum dated October 3, 2014) ----- 236-240
5. Report of Activities for Fourth Quarter 2014 (July 1 – September 30,
2014)
(memorandum dated October 3, 2014) ----- 241-243

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **12:15 p.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: November 18, 2014

BCC/LA/2014Minutes