

5. PROCLAMATIONS and PRESENTATIONS

- 9:04 a.m.** **A.** Presentation of Proclamation Designating May 3 - 9, 2015, as Public Service Recognition Week in Indian River County 1

Chairman Davis read and presented the Proclamation to County Staff.
- 9:09 a.m.** **B.** Presentation of Proclamation Designating the Week of May 3 through May 9, 2015, as National Correctional Officers and Employees Week 2

Commissioner Zorc read and presented the Proclamation to Sheriff Deryl Loar, who was joined by several Law Enforcement Officers.
- 9:11 a.m.** **C.** Presentation of Proclamation Recognizing May 10 through 16, 2015, as National Police Week 3

Commissioner Flescher read and presented the Proclamation to Sheriff Deryl Loar, who was joined by several Law Enforcement Officers. The Sheriff presented a short video displaying a better understanding of what officers face on a daily basis.
- Police Chief of Fellsmere Keith Touchberry invited everyone to join them in a ceremony to be held outside the Courthouse, Monday, May 11, 2015, at 10:00 a.m., as they honor Law Enforcement Week.**
- 9:26 a.m.** **D.** Presentation of Proclamation Recognizing May as Bike Month and May 11 – 15, 2015, as Bike to Work Week 4

Vice Chairman Solari read and presented the Proclamation to Vicki Gould, Co-Chairman of the Local Bike Friendly Community Working Group.
- 9:31 a.m.** **E.** Presentation of Proclamation Designating the Month of May, 2015, as Water Safety Month 5

Commissioner O’Bryan read and presented the Proclamation to members from the Rotary Club of Vero Beach, Oceanside.

6. APPROVAL OF MINUTES

- 9:32 a.m.** **A.** Regular Meeting of April 7, 2015
- B.** Regular Meeting of April 14, 2015
- ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan the Board unanimously approved the Regular Meeting Minutes of April 7, 2015, and April 14, 2015, as written.**

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

- A. Amendment of Temporary License Agreement for Transit Hub
(memorandum dated April 28, 2015) 6-9
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8. **CONSENT AGENDA**

9:34
a.m.

ON MOTION by Commissioner Flescher SECONDED by Chairman Davis, the Board unanimously approved the Consent Agenda, pulling Item 8.E. for discussion.

- A. Approval of Warrants – April 10, 2015 to April 16, 2015
(memorandum dated April 16, 2015) 10-19
-

Approved the list of warrants (checks) and wires as supplied by the Comptroller’s office.

- B. Approval of Warrants – April 17, 2015 to April 23, 2015
(memorandum dated April 23, 2015) 20-27
-

Approved the list of warrants (checks) and wires as supplied by the Comptroller’s office.

- C. Quarterly Investment Report for Quarter Ending 03/31/2015
(memorandum dated April 24, 2015) 28-40
-

Accepted the Quarterly Investment Report for Quarter Ending March 31, 2015.

- D. Quarterly OPEB Trust Report for Quarter Ending 03/31/2015
(memorandum dated April 24, 2015) 41-43
-

Accepted the Other Post Employment Benefits (OPEB) Trust Report for the Quarter Ending March 31, 2015.

9:40
A.M

- E. Change in Investment Policy
(memorandum dated April 24, 2015) 44-52
-

Vice Chairman Solari sought clarity on the Investment policy changes. Finance Director Diane Bernardo explained that after a discussion with the County’s investment committee they decided to increase the CD amount from \$3,000,000 to \$6,000,000, for slightly higher rates, yet low enough to collateralize, so all banks have an opportunity to invest in the County’s surplus funds.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Chairman Davis, to accept Staff’s recommendation.

Commissioner Zorc sought further information regarding the County’s reserve requirements.

The Chairman **CALLED THE QUESTION**, and the Motion carried unanimously. The Board accepted the Investment Policy change to Page 4, Section VIII – Portfolio Composition, Risk and Diversification to read “No more than 10% of the portfolio may be placed in certificates of deposit with a Qualified Public Depository (and collateralized in accordance with State requirements) and no more than \$6 million of the portfolio may be placed in certificates of deposit with any one financial institution.”

- F.** Memorandum of Lease with Capstar Radio Operating Company for Old Dixie WAXE Tower
(memorandum dated April 20, 2015) 53-60
Approved and authorized the Chairman to execute on behalf of the Board the Memorandum of Lease with Capstar Radio Operating Company, the tenant at the Old Dixie Highway WAXE Tower site.
- G.** Resolution Canceling Taxes on Properties Acquired by the City of Fellsmere for the Benefit of the Municipal Water System
(memorandum dated April 16, 2015) 61-67
Approved Resolution 2015-053, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (1010 Booker Street, Fellsmere, Florida 32948; Lots 191, 192 and 193, Block 8, Hall, Carter and James Subdivision; acquired via foreclosure of a water lien (Katonía Rodríguez aka Katonía Pretric Lockett, et al.) public purpose: for the benefit of the municipal water system.
- H.** Miscellaneous Budget Amendment 13
(memorandum dated April 28, 2015) 68-70
Approved Resolution 2015-054 amending the Fiscal Year 2014-2015 Budget.
- I.** Adoption of a Resolution Requesting an Easement from the State of Florida for Construction of the Trans-Central Florida Rail Trail through the St. Sebastian Preserve State Park
(memorandum dated April 23, 2015) 71-79
Approved: 1) Resolution 2015-055 requesting an easement through a portion of the St. Sebastian River State Park for construction of a recreational trail known as the Trans-Central Florida Railroad Trail; 2) authorized the Chairman to sign the Resolution; and 3) authorized staff to transmit the Resolution to the State of Florida.

- J.** Lease Extension, Little Mermaid Car Wash, 1935 43rd Avenue, 43rd Avenue/SR60 Intersection Widening and Improvements, Timothy E. and Joshana Tynes
(memorandum dated April 16, 2015) 80-86
Approved and authorized the Chairman to execute the agreement with Little Mermaid Car Wash extending the lease until April 30, 2016.
- K.** Approval to Replace Two (2) Trimble GPS Units for Emergency Services 911 mapping from GPServ, Inc.
(memorandum dated April 16, 2015) 87-89
Approved the Director of Emergency Services to trade in and purchase two (2) GPS units from GPServ, Inc. in the amount of \$10,707.00.
- L.** Work Order No. 4, Kimley-Horn & Associates, Inc., 37th Street (US1 to Indian River Boulevard) 5-Laning, IRC Project No. 1230
(memorandum dated April 23, 2015) 90-96
Deleted
- M.** F.D.O.T. Small County Outreach Program (SCOP) Agreement and Resolution Authorizing the Chairman’s Signature for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of CR512 from 125th Avenue to I-95 – IRC Project No. 1304, FM No. 433066-1-58-01
(memorandum dated April 10, 2015) 97-120
Approved Resolution 2015-056 with the Florida Department of Transportation (FDOT), authorizing the Chairman’s execution of a Small County Outreach Program Agreement for Construction (resurfacing) and Construction Engineering Inspection (CEI) Services of CR512 from 125th Avenue to 900 feet west of I-95.
- N.** Award of Bid No. 2014049, Aviation Boulevard/20th Avenue Intersection Improvements, IRC Project No. 1422
(memorandum dated April 15, 2015) 121-131
Approved bid award to the lowest most responsive and responsible bidder, Guettler Brothers Construction, LLC for \$586,068.00, and authorized the Chairman to execute the agreement upon review and approval of both the agreement and required public construction bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

- O.** Work Order No. 1 – Southeastern Surveying and Mapping Corporation, 58th Avenue (57th Street to CR 510) Topographic Design Survey, IRC Project No. 1325
(memorandum dated April 20, 2015) 132-139

Approved and authorized the Chairman to execute Work Order No. 1, authorizing Southeastern Surveying and Mapping Corporation to perform a Topographic Design Survey on 58th Avenue (57th Street to CR510), as outlined in the Scope of Services (Exhibit A) for Project No. 1325, in the amount of \$80,090.00.
- P.** Work Order No. 2 – Kimley-Horn and Associates, Inc., Indian River Boulevard Sidewalk (37th Street to 53rd Street) Topographic Design Survey, IRC Project No. 1415
(memorandum dated April 9, 2015) 140-148

Approved and authorized the Chairman to execute Work Order No. 2 with Kimley-Horn and Associates, Inc. to perform a Topographic Design Survey at Indian River Boulevard Sidewalk (37th Street to 53rd Street) as outlined in the Scope of Services Project No. 1415, for a lump sum amount of \$20,195.00.
- Q.** Work Order No. 3 – Carter Associates, Inc., 49th Street (58th Avenue to 31st Avenue) Topographic Design Survey, IRC Project No. 1414
(memorandum dated April 9, 2015) 149-159

Approved and authorized the Chairman to execute Work Order No. 3 with Carter Associates, Inc. to perform a Topographic Design Survey for Project No. 1414, at 49th Street (58th Avenue to 31st Avenue), for a lump sum amount of \$33,640.00.
- R.** Work Order No. 2 – Masteller, Moler & Taylor, Inc. (formerly Masteller, Moler, Reed & Taylor, Inc.), 69th Street left turn lane at U.S. Highway No. 1 Topographic Design Survey, IRC Project No. 1360
(memorandum dated April 21, 2015) 160-167

Approved and authorized the Chairman to execute Work Order No. 2 with Masteller, Moler & Taylor, Inc. to perform a Topographic Design Survey for a 69th Street left turn lane at U.S. Highway No. 1, Project No. 1360, for a lump sum of \$20,115.00.

- S. HUD Grant Renewals for Homeless Management Information System (HMIS) and Continuum of Care (CoC) Program (memorandum dated April 28, 2015)

168-173

The Board: 1) Acknowledged the renewal of awards by the Florida Department of Housing and Urban Development (HUD) in the aggregate amount of \$758,861; 2) Authorized the Budget Office to process reimbursement requests from the Treasure Coast Homeless Services Council (TCHSC) pursuant to the terms of the original grants; 3) Upon receipt of the original HUD agreements and with approval by the County Attorney, authorized the Chairman to execute same; 4) Allowed the Treasure Coast Homeless Services Council to submit the grant agreement on behalf of the County.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

9:44
a.m.

- A. **Indian River County Sheriff Deryl Loar**
Department of Homeland Security Operation Stonegarden Grant (letter dated April 24, 2015)

174-182

Sheriff Deryl Loar presented for the second consecutive year the Homeland Security Operation Stonegarden Grant application. This Grant requires no matching funding. Over \$100,000.00 from the Federal Government will help the Sheriff's department police the 22 miles of river and ocean.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously authorized the Sheriff to make application for the Department of Homeland Security Operation Stonegarden Grant in the amount of \$129,468.

After the motion, Chairman Davis asked Sergeant Eric Flowers to talk about the Healthy Start Program.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:46
a.m.

1. Request for Authorization to Submit an FY 2015 Grant Application for 49 USC Ch. 53, Section 5307 Mass Transit Capital and Operating Assistance (memorandum dated April 24, 2015)

183-192

Administrative

Indian River County and Metropolitan Planning Organization (MPO) Staff Director Phil Matson was seeking approval of a Resolution authorizing the filing of the application for this Grant. He explained that half of the GoLine operational funds come from this grant, and these funds are passed through to the Senior Resource

Association (SRA), the designated County transit service provider. He provided an update on GoLine's management, use, and operation. Subsequent to the 2010 Census, Indian River is no longer grouped in a pool with St. Lucie County, and funding will continue until 2023 solely for our County's use.

The Chairman opened the floor to the public; seeing none, the Chairman closed the Public Hearing.

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

Commissioner Zorc shared his experience when he took a ride on a GoLine bus, and found it to be crowded. He believed soon we would be seeing the number of riders grow. Upon his inquiry, he learned that by an automated tracking system is used to count the number of riders on and off the buses, and manual tracking will be continued for one more year.

The Chairman CALLED THE QUESTION and the Motion carried. The Board unanimously approved Resolution 2015-057 authorizing the filing of a FY 2015 Grant Application for 49 USC CH. 53, Section 5307 Mass Transit Capital and Operating Assistance.

B. PUBLIC DISCUSSION ITEMS

9:53
a.m.

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

1. Request to Speak from Dan Lamson, Indian River Neighborhood Association, Regarding Indian River County's All Aboard Florida Lawsuit

193

Dan Lamson, Executive Director of the Indian River Neighbor Association (IRNA), read a short statement from the Association thanking the Board for their efforts to protect the community from the serious impacts that the new expanded rail proposal of All Abroad Florida would bring.

9:56
a.m.

2. Request to Speak from Anna Garramone, President, St. Christopher Harbor Home Owner's Association, Regarding Head Island Restoration Project

194

Anna Garramone, President of the St. Christopher Harbor Home Owner's Association, 2136 Harbor Lane, recalled the Board's decision of March 10, 2015 to terminate the

contract with TSI Disaster Recovery, LLC and end the project due to additional funding needed to dispose of dredged material to an off-site location. She appealed to the Board to complete the project. She related that between the County and her Home Owner's Association over \$100,000 had been invested in the project, and the Association wanted to see it finished.

Several questions were posed to Environmental Planning and Code Enforcement Chief Roland DuBlois by the Board. He explained that they had a qualified engineer give a revised estimate and staff felt it was a firm price, but they would still need to go out for a Request For Proposal (RFP).

Scott McGuire, Knight, McGuire and Associates, Royal Palm Point, clarified that the extra expense was due to the fact that the contractor was from out of town, and had no contacts locally to work with to remove the fill. Mr. McGuire has since obtained a firm price from a local contractor to complete the entire project, and he said there would be no additional cost to relocate the dredged material.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Davis, to direct staff to move forward with the Request For Proposal (RFP) and to complete the Head Island Restoration Project.

Attorney Reingold asked Commissioner O'Bryan, if he wanted to include in his motion the additional items that staff originally requested on March 10, 2015: a contribution cap of 50%, and the access issue with the Home Owner's Association. Commissioner O'Bryan responded affirmatively and amended his motion.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Chairman Davis, to approve staff's recommendation made on March 10, 2015, Agenda Item 12.A.

Chairman Davis asked if there were any other comments from the public. Seeing none, he concluded the discussion.

The Chairman CALLED THE QUESTION and the MOTION, AS AMENDED carried by a 4-1 vote (Vice Chairman Solari opposed). The Board: 1) approved staff to issue a RFP to complete the remaining project work; 2)

approved to fund a contribution cap of 50% of the overall project cost, with a County cap of \$115,000; and 3) authorized staff to coordinate with St. Christopher Harbor Home Owner's Association to obtain the Home Owner's Association's authorization to use Island Drive for land-based removal of fill and a commitment of further contribution to project costs.

3. Request to Speak from Patricia Hunt Regarding New Public Cameras in Public Building, Documented, Etc. 195
Deleted

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

A. Community Development

10:05
a.m.

1. Consideration of Draft Parking Regulations for Vacation Rentals (memorandum dated April 23, 2015) 196-230

Community Development Director Stan Boling recalled the Board meeting of February 10, 2015, when the Board directed staff to draft parking regulations for vacation rentals. Mr. Boling, using a PowerPoint presentation, stated that the draft ordinance defines the term "vacation rental", clarifies existing parking regulations for single-family residences in general, and establishes parking regulations specific to vacation rentals. He asked the Board to review the draft ordinance and determine whether or not to direct staff to initiate the formal Land Development Regulation (LDR) amendment process with any initial ordinance modifications desired by the Board.

Each Commissioner shared their concerns and opinions on how to fairly apply different regulations on vacation rentals from regulations on a single-family residence. The Board posed questions to staff to gather additional information.

Commissioner Zorc stated, aside from parking regulations, he wanted to see regulations imposed similar to those applied to Bed and Breakfast businesses, to enforce

capacity and occupancy regulations.

The Board discussion continued regarding comparisons of the proposed parking regulation ordinance to other property restrictions, and several Board Members mentioned that the real issue was events, and not parking.

The Chairman opened the floor to the Public.

Joseph Paladin, President of Black Swan Consulting, and Atlantic Coast Construction, wanted to know how the Board would count the cars at vacation rentals in a mixed use project, and learned that the Associations within those projects have their own parking regulations.

Glenn Powell, 12845 Bay Street, Roseland, did not think parking regulations were sufficient, and believed that the renters would find ways to work around the Ordinance. He thought the big issue was the number of people, and suggested limiting the number of people that can occupy a vacation rental at any given time.

Commissioner Flescher agreed; however, Deputy County Attorney Bill DeBraal stated that staff found it to be easier to enforce parking regulations, than event regulations. He encouraged the Board to focus on events as another issue.

The Board continued discussing the enforcement issue.

Commissioner Flescher stated earlier and reiterated that the County needed to prevent events at vacation rentals.

Emergency Services Director John King advised the Board that residences are only discussed through code enforcement, and not under fire regulations. For residences operating as a business, he said that the County would need additional regulations. He pointed out that a number of vacation rental owners were not applying for a business license. Without a separate County ordinance, he would have very little influence.

Fire Marshal John Duran responded to questions on occupancy loads in residences.

Joseph Paladin saw no difference in a short term rental and a Bed and Breakfast.

David Hunter, 3702 Eagle Drive, Vero Beach, pointed out

that we have a black market operation in the County where vacation rentals are operating without a license, which is a misdemeanor. He related that the County is losing revenue from sales taxes, and that the situation is causing chaos because the County has no way to control it.

Commissioner Zorc confirmed that Florida Statute 509.242, Public Lodging Establishment, was the Statute that Mr. Hunter was discussing, and agreed with his statements.

Honey Minuse, 27 Starfish Drive, representing the Indian River Neighborhood Association (IRNA), said vacation rentals are threatening the cohesiveness and stability of the community. She pointed out some requirements established in order to operate a vacation rental in Monroe County, and asked the Board to look into having local regulations in place that would treat vacation rentals as a business.

Mr. Hunter thought the County needed to find a way to control bad behavior at events.

Vic Cooper, 715 Harbor Drive, in the Moorings, commented that people tend to “push the envelope”, and when you allow this to happen it affects property values, and tax revenues. He suggested developing a contract.

The Chairman called for a break at 11:22 a.m. and he reconvened the meeting at 11:34 a.m., with all members present.

John Burns, 1811 E. Sandpointe Place, pointed out that there are some homeowners that are not a part of any homeowner’s association. He related that it is the responsibility of the South Beach Property Association (SBPA) to advocate the regulations of the rentals. He addressed other issues that needed to be dealt with such as unsightly trash, disorderly conduct, and loud music. He urged the Board to issue a strong ordinance that regulates these issues.

A discussion followed by the Board with comments and questions to staff regarding issues addressed by Mr. Burns.

George Bryant, 180 Springline Drive, in the Moorings, President of the Moorings’ Property Owners Association, supported the adoption of the Ordinance on a reasonable

number of vehicles parking at a vacation rental. He recalled staff's memorandum of April 23, 2015, where other issues were addressed besides parking that they feel should be addressed with specific limitation: heads in bed, noise, trash containers, and compliance with State safety and licensing requirements.

Tuck Ferrell, 12546 N. Highway A1A, President of the North Beach Civic Association, addressed problems with people abusing the system at events held in his neighborhood. He provided pictures for the record. He looked up VRBO (Vacation Rentals by Owner) who are advertising special events on the internet, and addressing parking at the County park. He thought the parking Ordinance was a good start, but did not know if it was going to help the event situation. He supported the Board for all their efforts in this matter.

A lengthy discussion continued between the Board and staff regarding ways to fairly regulate events in an Ordinance.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Chairman Davis, to: 1) accept the draft ordinance as written, and direct staff to initiate the formal Land Development Regulations amendment process; and 2) direct staff to draft a separate ordinance that would prevent commercial events at vacation rentals in single-family residential neighborhoods, defining specific events that are prohibited, include criteria for formal advertising, whether it be newspaper, internet or other prima facia evidence for the use of commercial activity, and include general criteria to enforce the ordinance.

Attorney Barry Segal, representing his client Mitch Dudak, a vacation rental owner, presented a letter from his client, pointing out that vacation rental parking is not the problem; it is an event problem. His client would be very encouraged to see the event problem addressed. Attorney Segal responded to several questions from the Board.

Commissioner Flescher said the vehicle count on the parking ordinance was the one thing preventing him from supporting the motion, and he asked that it be modified.

Vince DeTurris, 595 Reef Road, Vice President of the South Beach Property Owners Association (SBPOA), and a concerned citizen, appreciated the Board's support on this

issue. He introduced Dr. Miles Conway who had been working on this issue for three years.

Mr. Hunter disputed Mr. Dudak's comments presented by Attorney Segal that the use of vacation rental properties and the parking issue are a separate issue.

Dr. Miles Conway, 2314 S. Highway A1A, Economist Industrial Consultant, Director and Secretary of SBPOA, and Chairman of the Land Use Sub-Committee, provided a slide presentation regarding social economic impact of transient boarding houses, or vacation rentals. He defined the reasoning and supportive suggestions of the SBPOA:

1. Avoid the gaming of the system, and control the influx of people, the ordinance needs to include the restriction of designated drivers in a driveway, and also eliminate valet parking, limousine, and shuttle service.
2. Remove the stipulation "for a vacation dwelling, the number of automobiles parked outside of a carport or garage." They see that as a step going backwards.
3. Adopt an ordinance as Monroe County has for their vacation rental law, and property license requirements.
4. Counsel staff on using qualitative statistics.

Discussion continued by the Board commenting on Dr. Conway's presentation, and further questions were posed to staff.

Sheriff Loar stated his office's responsibility is to enhance and assist the County with any ordinance that they adopt.

The Chairman asked Vice Chairman Solari to restate his Motion, as two separate motions.

MOTION WAS RESTATED by Vice Chairman Solari, **SECONDED** by Chairman Davis, to approve staff's recommendation directing staff to initiate the formal Land Development Regulation (LDR) amendment process.

Discussion continued by Chairman Davis who posed additional questions to staff, reviewing the issues addressed

and shared thoughts and ideas on how staff could address them in the ordinance.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

MOTION WAS RESTATED by Vice Chairman Solari, SECONDED by Commissioner Flescher, to direct staff to draft an ordinance that would prevent commercial events at vacation rentals in single-family residential neighborhoods, defining specific events that are prohibited, include criteria for formal advertising, whether it be newspaper, internet or other prima facia evidence for the use of commercial activity, and include general criteria to enforce the ordinance.

Following the Motion, Vice Chairman Solari stated that he wanted staff to bring the Ordinance back to the Board through the normal LDR amendment process.

The Chairman CALLED THE QUESTION and the Motion passed unanimously.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Zorc, to ask staff to review and analyze the Monroe County Ordinance on Vacation Rentals, consider the comments from the SBPOA, and bring it back to the Board for further discussion.

A brief discussion followed among several Board members regarding the Monroe County Ordinance being in compliance with Department of Environmental Protection and Health Regulations.

Vice Chairman Solari read the Monroe County Ordinance and said he was not going to vote in support of this Motion. He found the Monroe County Ordinance to be incredibly onerous, and while Monroe County has certain specific aspects to its nature for which it may be appropriate in that County, he did believe it was not appropriate for the unincorporated area of Indian River County.

The Chairman CALLED THE QUESTION and the Motion carried, by a 3-2 vote (Commissioner Flescher and Vice Chairman Solari opposed).

The Chairman called for a break at 1:42 p.m. and reconvened the meeting at 1:55 p.m.

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

1. FEMA Project Worksheet De-Obligations and Appeals for Hurricanes Frances and Jeanne and Miscellaneous Budget Amendment 014 (memorandum dated April 27, 2015)

231-249

Management and Budget Director Jason Brown explained for the Board that two project worksheets from Federal Emergency Management Agency (FEMA) have been de-obligated: Project Worksheet (PW) 5784 for FEMA-FL-DR1561 (Hurricane Jeanne) was reduced by \$500,000; and PW 5313 under FEMA-FL-DR1545 (Hurricane Frances) was reduced by \$500,000. Staff's position, he explained, is that these de-obligations are unwarranted and incorrect, and the County had filed an appeal for each, attempting to clarify the County's position. He said that outside counsel Ernest Abbott, with Baker Donelson, was enlisted to assist in the appeal process. He also advised that the State had invoiced the County since they already incurred the charge from FEMA. He recommended that payment be made to the State at this time, to avoid placing a financial burden on the State, and should the County prevail in the appeal process, the County would be eligible for a reimbursement.

The Board posed questions to staff.

ON MOTION by Vice Chairman Solari, **SECONDED** by Chairman Davis, the Board unanimously approved: 1) the payment request for reimbursement to the Florida Division of Emergency Management (FDEM) for PW's 5784 and 3571 for Hurricane Jeanne and PW 5313 for Hurricane Frances; 2) authorized payment of the invoices for PW 5784 in the amount of \$477,593.95, PW 3571 in the amount of \$183,170.66, and PW 5313 in the amount of \$452,500.00; 3) approved **Resolution 2015-058** amending the Fiscal Year 2014-2015 Budget; and 4) directed staff to continue with the appeal.

2. Quarterly Budget Report
 (memorandum dated April 27, 2015) 250-260

Director of Management and Budget Jason Brown presented the second quarter report for fiscal year 2014-2015. He responded to questions from the Board.

F. Public Works
None

12. DEPARTMENTAL MATTERS **PAGE**

G. Utilities Services
None

13. COUNTY ATTORNEY MATTERS

**2:26
p.m.**

- A.** Declaring unaddressed strip parcels to the north of 4465 28th Avenue and west of 1305 34th Avenue, Vero Beach, to be unbuildable and the parcel located at 116 N. Hickory Street, Fellsmere to be surplus
 (memorandum dated April 28, 2015) 261-268

Deputy County Attorney Bill DeBraal stated that three property owners approached the County Attorney's office about purchasing County owned strip parcels or unbuildable lots that are adjacent to property they already own:

- 1) Lot 116 N. Hickory Street, Fellsmere, Florida, adjacent to Kenny Godfrey's property. This property is sandwiched between two properties owned by Mr. Kenny Godfrey.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously approved staff's recommendation, due to the narrow width of the property, the length of time spent on the list of lands available and the location of the lot, declared the property surplus and authorized staff to

send out the notices required by law; if no other adjacent property owners express an interest in purchasing the lot after notified, staff will sell the lot to Mr. Godfrey at the price of \$700.00.

- 2) This property is an unaddressed lot to the north abutting 4465 28th Avenue, Vero Beach, adjacent to the Mt. Sinai Baptist Church property.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously approved staff's recommendation due to the lot being unbuildable because of its width and the 21 years spent on the list of lands available, declared the property surplus and authorized staff to send out the notices required by law. If no other adjacent property owner expresses an interest in purchasing the lot after notified, staff will sell the lot to the Trustees of Mt. Sinai Baptist Church at the price of \$100.00.

- 3) This property is an unaddressed property directly west of 1305 34th Avenue, Vero Beach, and is owned by John Vincent O'Reilly and Carolyn Chung O'Reilly. This property has been maintained by the O'Reilly's and they wanted to put a fence up.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously approved staff's recommendation due to the lot being unbuildable because of its width, and the 14 years spent on the list of lands available, declared the property surplus and authorized staff to send out the notices required by law. If no other adjacent property owner expresses an interest in purchasing the strip lot after receiving notice, staff will sell the lot to Mr. and Mrs. O'Reilly at the price of \$100.00.

2:30 p.m. B.

State of Florida 2015 Regular Legislative Session Review
(memorandum dated April 29, 2015)

269-277

Assistant County Attorney Kate Pingolt Cotner updated the Board on the 2015 Legislative Session stating that the closure of the legislative session three days early was a positive move for our County because the bills that we were watching died. Only 188 bills passed that will go to the Governor's office. She advised that we could expect the Beach Restoration and Enterprise Zone bills to be in the special session in June. The bills the County was opposing died, except the hazardous walking conditions. Before it passed, both Chambers were able to make a number of changes. From this point forward, the School Board and local government will work together to determine what is a hazardous condition, and enter into an interlocal agreement. She had no new

information regarding Amendment 1.

Attorney Coltner stated that the one bill that passed was local government construction preferences. When the County has a project that has 50% or more state funds associated with it, local government cannot place local government restrictions on the people that are hired for that project. In conclusion, she related that May 19th was the date of the next legislative special session.

2:37
p.m.

C.

City of Vero Beach-Indian River Shores-Indian River County
Mediation Update
(memorandum dated April 27, 2015)

278

Attorney Reingold provided the update advising the Board that on May 1, 2015, the City of Vero Beach (the City) and the Town of Indian River Shores (the Town) decided not to pursue the mediation process relating to the electric utility issues under Chapter 164, Government Conflict Resolution process. Until May 15th the Town will be in posture to continue their litigation, and they may file an amended petition or amended complaint. In the meantime, Florida Power and Light (FPL) will be preparing to make an offer to the City relating to the Town's portion of the electric utility to the City. Based upon that, the Town has offered the City 50 days to respond to whatever petition complaint they refile on May 15th. He anticipates once he receives a copy of the complaint filed by the Town, he will review, analyze, and bring back to the Board recommendations on how to proceed with the Town's lawsuit.

Discussion ensued by Chairman Davis, Commissioner O'Bryan and Attorney Reingold, regarding the possible actions that could be undertaken by the Town, and how that would impact the County.

D.

Emergency Addition – Out of State Travel to attend the all Aboard Florida Preliminary Injunction Hearing – Washington D.C.
(memorandum dated May 4, 2015)

278

Attorney Reingold recalled that on February 1, 2015 the County filed a lawsuit in Federal Court of the District of Columbia against the United States Department of Transportation, challenging the approval of the allocation of \$1,075,000 worth of activity bonds for the All Aboard Florida project. The court set May 29, 2015, at 10:00 a.m., as the time for the hearing on the preliminary injunction.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Zorc, to approve Commissioners and/or staff to attend the out of state travel on the All Aboard Florida Preliminary Injunction Hearing in Washington, D.C. on May 29,

2015.

A brief discussion followed regarding the Motion and whether to send a designated Commissioner or to leave the option open.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

B. Commissioner Bob Solari, Vice Chairman

None

C. Commissioner Joseph E. Flescher

None

D. Commissioner Peter D. O'Bryan

None

3:00
p.m.

E. Commissioner Tim Zorc

1. Indian River Lagoon Council Membership Consideration
Agenda Item

(memorandum dated April 29, 2015)

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Commissioner Zorc said he had been attending the Indian River Lagoon Council (IRLC) meetings and he felt that being at the table had more benefits than not being there. He asked the Board to consider becoming a partner with the Council. He introduced Mr. Bob Ulevich, Polymath Consulting Services LLC., who wanted to encourage the Board to approve this request.

MOTION WAS MADE by Commissioner Zorc, for Indian River County to become a participating member of the Indian River Lagoon Council (IRLC).

Commissioner O'Bryan agreed that we do need to make a presence at the IRLC meetings. However, his one major reservation was the lack of representatives having the primary vote.

Vice Chairman Solari offered to sit down later with Mr.

Ulevich to explain what the County Commissioners did not approve. However, he did define two issues at stake, not just the health of the Lagoon, but good government, and he added, “what was sacrificed was good government.” He continued to expound on his argument by reading a Wall Street Journal Article that described the nature of bureaucracy, to “grab power and expand it” and he discussed facts indicating that the IRLC’s expenses are out of control. In conclusion, it was his opinion that the Board did the right thing by not joining the IRLC.

Bob Ulevich rebutted that the driving force behind the intended budget was the elected officials.

The CHAIRMAN CALLED THE QUESTION and the Motion died for LACK OF A SECOND.

2. Fire Station Planning and Other Fire District Related Topics (memorandum dated April 29, 2015)

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3:13
p.m.

Commissioner Zorc asked the Board to look at their June calendar to schedule a meeting to discuss fire station planning and other fire related topics, and to allow a three hour window.

There was a CONSENSUS to direct the County Administrator’s Assistant to schedule the workshop, based on the Commissioners’ availability.

15. SPECIAL DISTRICTS AND BOARDS

PAGE

A. Emergency Services District

None

B. Solid Waste Disposal District

None

C. Environmental Control Board

None

16. ADJOURNMENT – 3:18 p.m.

There being no further business, the Chairman declared the meeting adjourned at 3:18 p.m.

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: June 2, 2015

BCC/ms/05052015