

BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA



REGULAR MEETING MINUTES
TUESDAY, AUGUST 18, 2015

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

COUNTY
COMMISSIONERS

DISTRICT

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

DVD
TIMES

PACKET
PAGES

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

2. INVOCATION Deputy Teddy Floyd, Indian River County Sheriff's Office

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

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

9:03 a.m. Add: Item 14.A. Chairman Davis: Christian Outreach International, Inc.'s Request for Inclusion in the Urban Service Area

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

5. PROCLAMATIONS and PRESENTATIONS

9:04 a.m. A. Presentation of Proclamation Honoring Jeff Luther on His Retirement from the Indian River County Sheriff's Office

Chairman Davis read and presented the Proclamation to Jeff Luther.

Sheriff Loar, Board Members, and Tax Collector Carole Jean Jordan congratulated and commended Major Luther.

- 9:14 a.m.** B. Presentation of Proclamation Designating the Week of August 9 through 15, 2015, as National Health Center Week 2

Commissioner Flescher read and presented the Proclamation to Vickie Soule, CEO, Treasure Coast Community Health, Inc., who was accompanied by a representative of the organization.

- 9:20 a.m.** C. Presentation by Daisy Packer, Executive Director, Keep Indian River Beautiful (KIRB), on International Coastal Cleanup Day, Saturday, September 19th 3-5
Daisy Packer, Executive Director, Keep Indian River Beautiful (KIRB), gave a brief presentation on International Coastal Cleanup Day, to be held on Saturday, September 19, 2015.

6. **APPROVAL OF MINUTES**

- 9:22 a.m.** A. Regular Meeting of June 23, 2015
B. June 25, 2015 Workshop
C. Regular Meeting of July 7, 2015
D. Regular Meeting of July 14, 2015

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved the meeting minutes of the June 23, 2015; July 7, 2015; and July 14, 2015 regular meetings; and the June 25, 2015 workshop meeting.

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

- 9:23 a.m.** A. Appointment of Glenn Powell to the Short Term Vacation Rental Advisory Committee (District 1) (memorandum dated July 20 , 2015) 6-8
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- B. Appointment of District 2 – Short Term Vacation Rental Advisory Committee (memorandum dated July 15, 2015) 9-14
Noted for the record was the appointment of Joseph Paladin to the Short Term Vacation Rental Advisory Committee.

C.	Short-term Vacation Rental Advisory Committee (District 3) (memorandum dated July 16, 2015)	15-17
	Noted for the record was the appointment of Joel Molinari to the Short Term Vacation Rental Advisory Committee.	
D.	Short-term Vacation Rental Advisory Committee Appointee (District 4) (memorandum dated July 30, 2015)	18-20
	Noted for the record was the appointment of George Alan Curtis to the Short Term Vacation Rental Advisory Committee.	
E.	Short-Term Vacation Rental Advisory Committee Appointment (District 5) (memorandum dated July 29, 2015)	21-23
	Noted for the record was the appointment of Glenn Heran to the Short Term Vacation Rental Advisory Committee.	
F.	Florida Transportation Plan (memorandum dated July 20, 2015)	24-28
	Commissioner O’Bryan encouraged community members to attend the Regional Workshop to be held by the Florida Department of Transportation at Indian River State College, Mueller Campus, Richardson Center, on Wednesday, August 26, 2015, from 1:30 to 4:30 p.m.	
G.	Retirement Award and Proclamation Honoring Diane Pickhardt on Her Retirement From Indian River County Board of County Commissioners Department of Community Development/SHIP Program with Twelve Years of Service	29-30
H.	Update on All Aboard Florida / Vero Electric Expenses (memorandum dated August 11, 2015)	31-33
I.	City of Vero Beach Ordinance 2015-012, Requested by National Oil & Gas Distributor/Orange State Retail Properties, Inc. and 1660 US Highway 1 LLC to Annex Properties in Dr. Richard E. Bullington’s Subdivision	34-39
J.	Florida Department of Environmental Protection Biennial Report of Entrance Fees and Expenses Associated with Sebastian Inlet State Park (letter dated July 2, 2015)	40-41
K.	Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2014, is on file in the Office of the Clerk to the Board	----

8. CONSENT AGENDA

9:26 a.m. ON MOTION by Commissioner Flescher, **SECONDED by Chairman Davis, the Board unanimously approved the Consent Agenda, pulling Item 8.M., 8MM, and 8OO, for discussion.**

A.	Approval of Warrants – July 6, 2015 to July 9, 2015 (memorandum dated July 9, 2015)	42-48
	Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.	
B.	Approval of Warrants – July 10, 2015 to July 16, 2015 (memorandum dated July 16, 2015)	49-57
	Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.	
C.	Approval of Warrants – July 17, 2015 to July 23, 2015 (memorandum dated July 23, 2015)	58-65
	Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.	
D.	Approval of Warrants – July 24, 2015 to July 30, 2015 (memorandum dated July 30, 2015)	66-73
	Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.	
E.	Approval of Warrants – July 31, 2015 to August 6, 2015 (memorandum dated August 6, 2015)	74-81
	Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.	
F.	Quarterly Investment Report for Quarter Ending 06/30/2015 (memorandum dated July 31, 2015)	82-94
	Accepted the Quarterly Investment Report for April 1, 2015 through June 30, 2015.	
G.	Quarterly Other Post-Employment Benefits (OPEB) Trust Report for Quarter Ending Ended 06/30/2015 (memorandum dated July 31 2015)	95-96
	Accepted the Other Post-Employment Benefits (OPEB) Trust Report for the quarter ended June 30, 2015.	
H.	Dori Slosberg Driver Education Safety Act, Indian River County Traffic Education Program Trust Fund Report, Cumulative Reporting Through 06/30/15 (memorandum dated July 31, 2015)	97-98
	Accepted the Statement of Revenues, Expenditures and Changes in Fund Balances for the Traffic Education Program.	
I.	County Capital Asset Inventories (memorandum dated August 12, 2015)	99-100
	Approved the Schedule of Assets for deletion from the County inventory.	

- J. Approval of Warrants – Purchasing Card
(memorandum dated August 11, 2015) 101-102

Approved the list of warrants (checks) for purchasing card payments issued by the Comptroller’s Office from October 9, 2014 to August 10, 2015.

- K. Fiscal Year 2015/16 (October 1, 2015 through September 30, 2016),
Blanket Authorization for Commissioners, County Officers, and Staff for
Out of County Travel
(memorandum dated August 7, 2015) 103

Approved Commissioners, County Officers, and Staff to travel out of County for: (1) current and future assigned committee meetings; Florida Association of Counties, National Association of Counties, and local or regional legislative conferences or programs; (2) lobbying efforts including travel to Tallahassee when necessary; and (3) Florida Municipal Power Agency (FMPA) and All Aboard Florida (AAF) meetings or hearings, during the 2015-2016 Fiscal Year.

- L. Certification of 2015 Tax Roll – Request to Order the Tax Roll Extended
Prior to Completion of the Value Adjustment Board Hearings
(memorandum dated August 4, 2015) 104-106

Approved to extend the certification of the 2015 tax roll prior to the completion of the Value Adjustment Board hearings.

- 9:27 a.m. M. Request for Authorization to Trade-In One Vehicle for the Purchase of
Another Vehicle
(memorandum dated July 28, 2015) 107

Commissioner O’Bryan recalled the Board’s denial on April 21, 2015 of the Property Appraiser’s request to trade in a used vehicle and purchase a newer car. He stated that the Board should be consistent, and noted that the mileage on the Tax Collector’s car is not as high as it is on some other County vehicles.

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Vice Chairman Solari, to DENY the request of the Tax Collector’s Office to trade in its 2008 Jeep Liberty to offset the purchase price of a new vehicle.

Tax Collector Carole Jean Jordan explained that the current vehicle is difficult to drive, feels unsafe, and has limited capacity.

Commissioner O’Bryan offered to test-drive the car to ascertain its safety and drivability.

MOTION WAS AMENDED by Commissioner O’Bryan, SECONDED by Vice Chairman Solari, to TABLE this item and bring it back to the September 15, 2015 Board of County Commission meeting, to allow

time for vehicle testing.

A brief discussion ensued regarding the Board's preference to auction off used County vehicles.

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

- N. Temporary Construction Easement for 45th Street Beautification Project
(memorandum dated August 11, 2015) 108-113
Approved the Temporary Construction Easement Deed for the installation of landscaping on the south side of Gifford Middle School in association with the 45th Street Beautification Project and authorized the Chairman to execute the Acceptance of Conveyance of the easement on behalf of the Board; after the Chairman executes the document, it will be forwarded to the School Board for approval and signature.
- O. Blue Goose South Mine (formerly known as Ranch Road Lake Mine) –
Assumption of Cash Escrow
(memorandum dated July 28, 2015) 114-124
Approved and authorized the Chairman to execute the (1) Assignment of Road Maintenance Agreement; (2) Assignment of Cash Deposit and Escrow Agreement for Compliance and Restoration of PHASE 1; and (3) Assignment of Cash Deposit and Escrow Agreement for Compliance and Restoration of PHASE 2, with Blue Goose South Mine (fka Ranch Road Lake Sand Mine).
- P. Planning and Zoning Commission Re-Appointment
(memorandum dated August 11, 2015) 125
Reappointed Jordan B. Stewart to fill the Member At Large vacancy on the Planning and Zoning Commission.
- Q. Traffic Counters: Board Approval For Trade-in and Purchase of One (1)
Traffic Counter
(memorandum dated July 24, 2015) 126-129
Approved the transaction and authorized staff to trade in one (1) old traffic counter and purchase one (1) new traffic counter, from Jace Chandler & Associates, Inc. Highway Safety and Intelligent Transportation Products.
- R. Traffic Control Device Ledger
(memorandum dated July 27, 2015) 130-151
Approved Resolution 2015-085, approving traffic control devices authorized by the Director of Public Works.

- S. Release of Remaining Retainage for Work Order No. PCS-1 and Subsequent Change Orders with Hydromentia, Inc. for Osprey Marsh Stormwater Park
(memorandum dated July 22, 2015) 152-154
Approved final payment and release of remaining retainage for Work Order No. PSC-1 and all subsequent change orders with Hydromentia, Inc.
- T. Request for Ratification, Florida Department of Law Enforcement, FY 2015/2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
(memorandum dated August 10, 2015) 155-165
(1) Ratified the County Administrator’s action in executing the Certificate of Participation; and (2) authorized grant applications for each of the Law Enforcement Agencies detailed in staff’s report.
- U. M.A.C.E. (Multi-Agency Criminal Enforcement Unit), Project Generated Income (PGI), Miscellaneous Budget Amendment 020
(memorandum dated July 24, 2015) 166-168
(1) Approved the utilization of Project Generated Income totaling \$4,821.22; and (2) Resolution 2015-086, amending the Fiscal Year 2014-2015 budget.
- V. Miscellaneous Budget Amendment 021
(memorandum dated August 11, 2015) 169-176
Approved Resolution 2015-087, amending the Fiscal Year 2014-2015 budget.
- W. 2016 Holiday Schedule
(memorandum dated August 10, 2015) 177
Approved the 2016 Holiday Schedule.
- X. Award of Bid, 87th Street and 92st Avenue Sidewalk Improvements, IRC Project No. 1205, Bid No. 2015036
(memorandum dated July 30, 2015) 178-188
(1) Approved the Bid Award to Kerns Construction & Property Management, Inc., in the amount of \$1,084,854.00 as the lowest and most responsive bidder meeting the specifications as set forth in the invitation to Bid; (2) approved the sample agreement; and (3) 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.
- Y. FDOT Local Agenda Program (LAP) Supplemental Agreement and Resolution Authorizing the Chairman’s Signature, Old Dixie Highway Sidewalk from 38th Lane to 45th Street, IRC Project No. 0845B – FM No. 189-193

423186-2-58-01

(memorandum dated July 15, 2015)

Approved: (1) the Local Agency Program (LAP) Supplemental Agreement FM No. 423186-2-58-01; and (2) Resolution 2015-088, authorizing the Chairman's execution of a Local Agency Program Supplemental Agreement for construction of a 5-foot sidewalk along the east side of Old Dixie Highway from 38th Lane to 45th Street.

- Z. Continuing Contract Engineering Services (Utilities), Change of Name – Bridge Design Associates, Inc., RFQ No. 2011054
(memorandum dated July 23, 2015) 194-202

Authorized staff to assign the Continuing Contract Agreement for Professional Services from Bridge Design Associates, Inc. to Wantman Group, Inc., for structural engineering services.
- AA. Work Order No. 1 with Dunkelberger Engineering & Testing, Inc., 87th Street and 91st Avenue Sidewalk Improvements, IRC Project No. 1205
(memorandum dated July 10, 2015) 203-211

(1) Approved Work Order No. 1 to Dunkelberger Engineering & Testing, Inc., authorizing the professional services as outlined in the Materials Testing Services – Revised Proposal (Exhibit A) dated June 23, 2015; and (2) authorized the Chairman to execute the Work Order on their behalf for a not-to-exceed amount of \$17,490.00.
- BB. Historic Dodgertown (fka Vero Beach Sports Village), Room Renovations – Change Order No. 5 and Release of Retainage, IRC Project No. 1341 Bid No. 2014003
(memorandum dated July 23, 2015) 212-254

Approved Change Order No. 5 to OAC Action Construction Corporation, increasing the contract total to \$660,907.22 and payment of OAC Action Construction Corporation Contractor's Application for Payment No. 9 in the amount of \$97,950.84.
- CC. Change Order No. 1 and Release of Retainage, Old Dixie Highway Sidewalk from 38th Lane to 45th Street, IRC Project No. 0845B Bid No. 2014032
(memorandum dated July 15, 2015) 255-272

Approved Change Order No. 1 and payment of Timothy Rose Contracting, Inc., Pay Application No. 3 (Final) for release of retainage in the amount of \$6,457.24.
- DD. Change Order No. 1, Final Payment and Release of Retainage, Old Dixie Highway Resurfacing From IRFWCD North Relief Canal to 71st Street, IRC Project No. 1137, Bid No. 2014044
(memorandum dated July 30, 2015) 273-284

Approved Change Order No. 1 and payment of Timothy Rose Contracting, Inc. Pay Application No. 5 (Final) for final payment and

release of retainage in the amount of \$90,408.50.

- EE. Resolution Requesting Funding Assistance from State of Florida Beach Erosion Control Program – FY 2016/17
(memorandum dated July 29, 2015) 285-286
Approved Resolution 2015-089, requesting assistance from the State of Florida Beach Erosion Control Program – FY 2016/2017.
- FF. Eagle Trace at Vero Beach Homeowner’s Association, Inc. Request for Release of a Maintenance Easement on Lots 1-11, Block B, of Eagle Trace Subdivision
(memorandum dated August 5, 2015) 287-294
Approved Resolution 2015-090, releasing an easement on Lots 1 through 11, Block B, Eagle Trace Subdivision Replat, a.k.a. Eagle Trace Unit I.
- GG. Eagle Trace at Vero Beach Homeowner’s Association, Inc. Request for Release of a Maintenance Easement on Lots 12-22, Block B, of Eagle Trace Subdivision
(memorandum dated August 5, 2015) 295-302
Approved Resolution 2015-091, releasing an easement on Lots 12 through 22, Block B, Eagle Trace Subdivision Replat, a.k.a. Eagle Trace Unit I.
- HH. Consideration of Indian River County’s SHIP Program Annual Reports
(memorandum dated August 3, 2015) 303-330
(1) Approved the three State Housing Initiatives Partnership (SHIP) annual reports; and (2) authorized the Chairman to execute (a) the Annual Report Certification for the SHIP Program; and (b) the Certification for Regulatory Reform Implementation for the SHIP Program.
- II. Work Order No. 4 Bridge Design Associates, Inc., Release of Retainage – 20th Avenue at 16th Street Intersection Improvements, IRC Project No. 0225
(memorandum dated August 5, 2015) 331-333
Approved payment for release of retainage to Bridge Design Associates, Inc., for Work Order No. 4 in the amount of \$1,244.50.
- JJ. Change Order No. 1, Martin Luther King Walking Trail, IRC Project No. 1413, Bid No. 2015034
(memorandum dated August 6, 2015) 334-340
Approved Change Order No. 1 to Timothy Rose Contracting, Inc., increasing the contract amount by \$15,205.12 for a new contract total of \$143,928.72.

KK. Approval of Renewal for a Class “E” Certificate of Public Convenience and Necessity for Senior Resource Association to Provide Wheelchair Services
(memorandum dated July 27, 2015) 341-350

Approved renewal of the Class “E” Certificate of Public Convenience and Necessity for the Senior Resource Association, to be effective for a period of two (2) years from October 2, 2015 to October 2, 2017.

LL. Invitation from John’s Island Golf Club for Staff to Participate in a “Public Safety Day” Golf Outing
(memorandum dated August 10, 2015) 351-353

Approved for Emergency Services staff to participate in the golf outing sponsored by John’s Island Club, on August 30, 2015.

9:38
a.m.

MM. Board Consideration to Authorize Contract Negotiations with CO Services LLC to Complete Channel Restoration Work at Head Island
(memorandum dated August 10, 2015) 354-369

Chief of Environmental Planning Roland DeBlois reported that additional funding will be required from the St. Christopher Harbor Homeowners Association, and from the County’s Florida Boating Improvement Fund, in order to complete the channel restoration work at Head Island (a.k.a. the Green Salt Marsh Conservation Area).

Anna Garamone, 2136 Harbor Lane, spoke on behalf of the St. Christopher’s Harbor Homeowners Association.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously: (1) authorized staff to negotiate a contract with CO Services, LLC to complete the Head Island channel restoration work based on the bid price of \$159,770.41, contingent upon the St. Christopher Harbor Homeowners Association committing \$7,385.71 in additional funds towards the project; and (2) approved a revised total expenditure of \$119,634.70 in Florida Boating Improvement Funds for the Head Island Improvements and channel restoration project.

NN. VB Three Oaks, LLLP’s Request to Replat a Portion of The Villas at Three Oaks
(memorandum dated August 7, 2015) 370-392

Granted final plat approval for the Replat of The Villas at Three Oaks, including approval of the provisions in the utilities contract which provides two automatic one-year extensions for all required project utility service relocates.

393-403

9:26
a.m.

- OO. Fischer Lake Island Petition Water Assessment Project, Request for Authorization for the Department of Utility Services to Proceed with Engineering Design Services and Retain Masteller, Moler and Taylor for Surveying Services
(memorandum dated August 6, 2015)

Vice Chairman Solari explained that the Board would be deciding whether to terminate or move forward with the project.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner O'Bryan, the Board unanimously: (1) approved and authorized the Chairman to execute Work Order No. 3 with Masteller, Moler and Taylor, Inc., for a lump sum amount of \$22,870.00; and (2) authorized staff to move the project to the Design Phase.

- PP. Indian River Farms Water Control District Five-Year Lease Agreements to Add IRC-11
(memorandum dated July 16, 2015)

404-412

Approved to add IRC-11, as presented on page 412 of the Agenda Packet, to the existing Interlocal Agreement with Indian River Farms Water Control District, and authorized the Chairman to execute same.

- QQ. Osprey Marsh Stormwater Park: Construction Project Closeout and Release of Retainage to Close Construction
(memorandum dated August 5, 2015)

413-434

Approved: (1) Change Order No. 6 (Final) and authorized the Chairman to execute same; (2) Pay Request No. 18 (Final), and (3) release of \$300,740.94 in retainage to Close Construction, LLC.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:48
a.m.

1. 9th Lane Petition Millings Project in Glendale Lakes Subdivision and Glendale Lakes Subdivision Unit Two, IRC Project No. 1436
(memorandum dated July 20, 2015)

435-442

Legislative

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

Public Works Director Chris Mora provided background on the proposed petition millings project which involves six properties in the Glendale Lakes Subdivision and Glendale Lakes Subdivision Unit Two.

Director Mora confirmed for Commissioner O'Bryan that 100% of the property owners support the project.

The Chairman opened the public hearing.

Joe Earman, 4375 9th Lane, spoke in support of the millings project.

There were no additional speakers; the Chairman closed the public hearing.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved Resolution 2015-092, confirming the assessment roll for certain asphalt milling improvements to 9th Lane, in the Glendale Lakes Subdivision and Glendale Lakes Subdivision Unit Two, County Project No. 1436; and providing for special assessment liens to be made of record.

9:53
a.m.

2. Adoption of an Ordinance Establishing the Oslo Park Area Street Lighting Municipal Service Benefit Unit (memorandum dated August 5, 2015)

443-491

Legislative

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

Public Works Director Chris Mora provided background on the proposed creation of a new Municipal Services Benefit Unit (MSBU) to recover the cost of street lighting improvements in the Oslo Park area.

Commissioner O'Bryan inquired whether the County could pay the initial costs so the streetlights could be installed promptly, and then have the homeowners reimburse the County through the MSBU assessments.

The Chairman opened the public hearing.

Ralph Horton, 1265 19th Avenue SW, sought and received further information with regards to the Oslo Park

homeowners' costs.

There were no additional speakers, and the Chairman closed the public hearing

A brief discussion ensued about the possibility of FPL transitioning to more energy efficient street lights.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously: (1) adopted **Ordinance 2015-010**, creating the Oslo Park Area Street Lighting Municipal Service Benefit Unit; Purpose; Levy of Assessment, Adoption of Budget; Disposition of Proceeds from the Levy of Assessment; amending Section 200.07 of Chapter 200, Municipal Service Taxing or Benefit Unit, of the Indian River County Code of Ordinances; and providing for codification; providing for severability; and providing for an effective date; and (2) authorized staff to pay the lighting installation costs up front, with each Oslo Park Property Owner to reimburse the County \$25.47 per year for the initial three years, through the Municipal Service Benefits Unit assessments.

10:07
a.m.

3. Ordinance Amending Section 201.09 (Impact Fees) to Allow Modification of Loan
(memorandum dated August 10, 2015)

492-505

Quasi-Judicial / Legislative

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

County Attorney Dylan Reingold said the proposed Ordinance would allow the interest rate on utility impact fee loans to be decreased to the currently approved Board of County Commissioner's rate, if: (1) at least 10% of the outstanding principal of the loan has been paid; and (2) payments were remitted on time.

The Chairman opened the public hearing.

There were no speakers, and the Chairman closed the public hearing.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Zorc, the Board unanimously: (1) adopted **Ordinance 2015-011**, amending Section 201.09.D "Impact

Fees” of Chapter 201, County Water and Sewer Services, of the Code of Indian River County to provide under certain circumstances that the Department of Utility Services of Indian River County may reduce the interest rate with regard to impact fee loans, and providing for severability, codification, and an effective date; (2) approved the proposed Amendment to Lien Agreement for Connection to Existing System; and (3) approved Resolution 2015-093, authorizing the County Utilities Director or his designee, on behalf of the Board of County Commissioners, to execute amendments with regard to reduction of interest rates relating to lien agreements for connection to existing system.

B. PUBLIC DISCUSSION ITEMS

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

10:09
a.m.

1. Request to Speak from Patricia Hunt Regarding Request for Evening County Meetings, Advocacy

506

Patricia Hunt, PO Box 442, addressed the Board regarding evening County Commission Meetings, her public records request, and the creation of a new Public Task Force Advocacy Group.

Chairman Davis advised Ms. Hunt she could obtain a DVD of today’s Board meeting from the County Commission office.

10:23
a.m.

2. Request to Speak from Joel Molinari, Sr., Regarding Code Enforcement Board, Unlicensed Contractors

507

Joel Molinari, Sr., 1025 54th Avenue, addressed the Board about Code Enforcement Board (CEB) fines, and about the number of unlicensed pool contractors in the County.

Vice Chairman Solari suggested that Mr. Molinari work on this issue with the Treasure Coast Builders Association (TCBA), and with Building Official Scott McAdam.

Administrator Baird noted that the TCBA has been distributing business cards with a hotline number to report violators.

The Board CONSENSUS was to educate the public on the dangers of using unlicensed contractors, and to publicize the telephone number to report unlicensed activity on the County’s TV station, its website, and on certain County vehicles.

10:49
a.m.

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3. Request to Speak from Joel Molinari, Jr., Regarding Traffic Pattern at the Corner of 61st Avenue and 6th Street

508

Joel Molinari, Jr. asked the Board to address traffic safety issues at the corner of 61st Avenue and 6th Street in the Pine Tree Park subdivision.

A brief analysis of the situation was provided by Director of Public Works Chris Mora; comments and suggestions from the Board followed.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously directed staff to report back to a County Commission meeting (*preferably on September 22, 2015, but no later than October 2015*), with options to improve safety at the corner of 61st Avenue and 6th Street.

11:03
a.m.

4. Request to Speak from Keith Kite Regarding Money County Has Spent on Legal Cost Against All Aboard Florida (AAF)

509

Keith Kite, 1045 Winding River Road, addressed the Board with his request to stop spending taxpayer dollars to contest All Aboard Florida (AAF) and to work with them to obtain the infrastructure improvements the County will need to accommodate the railway. He read from, and provided a handout entitled, "Rail Crossing Safety Evaluation for Indian River County Considering Implementation of All Aboard Florida Passenger Trains" (copy on file).

Attorney Reingold provided input on the Florida East Coast Railway (FECR), and disclosed that he had scheduled a meeting with an attorney from AAF, but the gentleman cancelled.

Mr. Kite offered to facilitate a meeting between Attorney Reingold and AAF.

Susan Mehiel, 131 Laurel Oak Lane, provided safety statistics with regards to FECR accidents, and urged the Board to continue contesting the railway.

Mr. Kite asked Ms. Mehiel to provide the Board with the statistics she referred to in her address.

The Chairman called a recess at 11:29 a.m., and reconvened the meeting at 11:45 a.m., with all members present.

11:45
a.m.

C. **PUBLIC NOTICE ITEMS**

1. **Notice of Scheduled Public Hearings for September 22, 2015:**
(memorandum dated August 10, 2015)

510-511

- a. Orchid Quay, LLC; Request to Rezone ± 41.95 Acres Located East of US #1 and North of 82nd Street from CG, General Commercial District, to OCR, Office, Commercial, Residential District
Quasi-Judicial
- b. Consideration of Proposed Amendments to County Sea Turtle Protection Lighting Regulations (Land Development Regulations Section 901.03, Definitions, and Section 932.09, Sea Turtle Protection)
Legislative
- c. Consideration of Proposed Parking Regulations for Vacation Rentals (“Ordinance 1”); Amending Land Development Regulations Chapters 901 (Definitions), 911 (Zoning), and 912 (Single-Family Development)
Legislative
- d. Consideration of Proposed Prohibition of Commercial Events at Single-Family Residences (“Ordinance 2”)
Legislative

County Attorney Dylan Reingold read the notices 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

1. Water & Sewer Revenue Refunding Bonds, Series 2005 Refunding Resolutions
(memorandum dated August 11, 2015)

512-556

Director of Management and Budget Jason Brown provided background and analysis on the proposed refunding of the Water and Sewer Revenue Refunding Bonds Series 2005.

Vice Chairman Solari pointed out that the County's Utility Department is one of seven Florida Utilities to have an AAA rating on the Fitch Report.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved refunding the Water & Sewer Revenue Refunding Bonds, Series 2005, as follows: approximately half of the outstanding principal (\$7,100,000) will be refunded from available Utility reserves and the remaining half (\$7,105,000) will be refunded by the Water and Sewer Revenue Refunding Notes, Series 2015; (2) accepted the proposal from Hancock Bank for a bank loan; (3) approved Resolution 2015-094, amending and supplementing Resolution No. 93-80 of the County, as previously amended and supplemented; authorizing the issuance of \$7,171,000 in principal amount of its Water and Sewer Revenue Refunding Note, Series 2015, in order to refund a portion of the County's Water and Sewer Revenue Refunding Bonds, Series 2005; making certain other covenants and agreements in connection with the issuance of such note; providing certain terms and details of such note, including authorizing the sale of said note to Whitney Bank d/b/a/Hancock Bank; appointing the paying agent and registrar with respect to said note; authorizing the delivery of a direction

11:48
a.m.

letter regarding the refunding; and providing an effective date; (4) approved Resolution 2015-095, authorizing the redemption of a portion of the County's Water and Sewer Revenue Refunding Bonds, Series 2005; providing certain other matters in connection therewith; and providing an effective date; (5) authorized the Chairman to execute all necessary documents for the Water and Sewer Revenue Refunding Note, Series 2015; (6) authorized staff to make any non-substantive changes to any necessary documents and submit for Board approval; and (7) directed staff to report back to the Board on the County's utility rate standing in comparison to the other six Florida Utilities which have an AAA Fitch credit rating.

F. Public Works

None

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

12:00
p.m.

- A. Short Term Vacation Rental Advisory Committee Appointments
(memorandum dated August 12, 2015)

557

Deputy County Attorney Bill DeBraal provided background on the Board's approval on July 14, 2015, of Resolution 2015-082, creating a Short Term Vacation Rental Advisory Committee. He requested that the Board make two (2) committee appointments from the three qualified applicants: George McEwan Bryant, Robert S. DeWaters, and Angela B. Waldrop.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously appointed Angela B. Waldrop to serve on the Short Term Vacation Rental Advisory Committee.

Chairman Davis said he would like to see one of the remaining two candidates be appointed as an At-Large Committee-Wide Alternate Member.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously appointed Robert S. DeWaters to serve on the Short Term Vacation Rental Advisory Committee.

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner Zorc, by a 4-1 vote (Chairman Davis opposed), the Board appointed George McEwan Bryant as an alternate member of the Short Term Vacation Rental Advisory Committee, to serve in the absence of Robert S. DeWaters.

12:07
p.m.

- B. Update on Demolition of Structures Where Owners Have Requested to Stop Demolition and for Additional Time to Repair Structures (memorandum dated August 11, 2015)

558-574

Attorney DeBraal provided background, analysis, and staff's recommendation on each of the following properties. Throughout his presentation, he addressed questions and comments from the Board.

Connie Clark: 4481 & 4485 25th Avenue

Mrs. Clark appeared before the Board to provide the status of her property, and requested additional time to bring the structure up to code.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously approved to forestall the demolition of the structure owned by Connie Clark, at 4481 & 4485 25th Avenue, and **grant Ms. Clark a 30-day period to submit a complete building permit application signed by a licensed contractor;** if said condition is not met, the Board authorized staff to demolish the structure, and directed the Building Official and the Purchasing Agent to solicit public bids for demolition.

Estate of Phoebe Gipson: 4254 28th Avenue

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner O'Bryan, the Board unanimously approved the demolition of the structure owned by the Estate of Phoebe Gipson, at 4254 28th Avenue; and directed the Building Official and the Purchasing Agent to solicit public bids for demolition of this structure.

Johnny Lee Johnson: 4886 35th Avenue

Mr. Johnson appeared before the Board to provide an update on his structure, and requested additional time to bring the building up to code.

MOTION WAS MADE by Vice Chairman Solari to forestall the demolition of the structure owned by Johnny Lee Johnson, at 4886 35th Avenue, and **grant Mr. Johnson a 30-day period to submit a complete building permit application signed by a licensed contractor.**

Motion DIED for lack of a second.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, by a 3-2 vote (Commissioners O’Bryan and Solari opposed), the Board approved to forestall the demolition of the structure owned by Johnny Lee Johnson, at 4886 35th Avenue, and grant Mr. Johnson a 60-day period to submit a complete building permit application signed by a licensed contractor; if said condition is not met, the Board authorized staff to demolish the structure, and directed the Building Official and the Purchasing Agent to solicit public bids for demolition.

Attorney DeBraal explained why the following properties should be removed from the demolition list.

**Vincent Valenti: 34 20th Lane SW
Bank of America, 2313 3rd Avenue SE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously REMOVED the following two structures from the demolition list: Vincent or Marilyn Valenti, 34 20th Lane SW; and Bank of America, 2313 3rd Avenue SE.

**12:26
p.m.**

- C. Demolition Lien
(memorandum dated July 13, 2015)

575-578

Attorney DeBraal reported on the costs associated with the demolition of the structure at 13185 76th Court; Sebastian, Florida.

The Chairman invited input on the proposed lien amount; no one addressed the Board.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved the lien amount of \$6,715.40, for the demolition of dilapidated structures on the parcel owned by Linda Jackson, located at 13185 76th Court, Sebastian, FL; and authorized the Chairman to execute the lien for recordation in the public records.

**12:28
p.m.**

- D. Approval of Supplemental Attorney’s Fees Incurred for Abazis: Parcel 108
(memorandum dated August 12, 2015)

579-581

Attorney DeBraal presented background and analysis on the Abazis’ request for an additional \$24,000 in supplemental attorney’s fees, with regards to the eminent domain lawsuit that was filed in 2012 by the Abazis against the County.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously approved the Abazis Family's Supplemental Attorney's Fees in the amount of \$24,000.00.

12:34
p.m.

- E. Declaration of Former County Jail Tower Site as Surplus Property
(memorandum dated August 12, 2015)

582-585

Attorney DeBraal provided background on the County's tower site on the grounds of the former County jail. He said that there is a proposed buyer for the site, and recommended that the site be declared surplus, and put up for sale via sealed bid.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board unanimously: (1) approved Resolution 2015-096, finding that the sale of the Tower Site at the Old County Jail is in the best interests of the citizens of Indian River County, Florida; and (2) directed staff to arrange for it to be sold by sealed public bid, subject to Board approval, in conformance with the applicable statute.

12:38
p.m.

- F. 2016 Legislative Priorities – Update
(memorandum dated August 11, 2015)

586-588

Assistant County Attorney Kate Pingolt Cotner reviewed the current list of legislative priorities for Indian River County:

**Sale of City of Vero Beach Electric to Florida Power & Light (FPL)
Indian River Lagoon
All Aboard Florida
County Funding of Court Related Functions
Beach Restoration and Nourishment
Border Modification of Foreign Trade Zone 136
Florida Municipal Power Agency (FMPA) Oversight
Water Projects:**

- **Sebastian Septic To Sewer Project**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved to retain on the list of legislative priorities, all phases of the *Sebastian Septic to Sewer Project* as an economic development and environmental project; the County and various other local sources will be required to provide a total of 50% in matching funds.

- **Alternative Water Supply Project**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved to TABLE the Alternative Water Supply Project for one year.

.....

Attorney Cotner discussed three new proposed water projects to improve the Pollution Control (PC) Main Screening System.

1) Replace and upgrade Conveyor Systems No. 1 and 2 on PC Main Screening System

2) Replace Debris Screen No. 1

3) Upgrade inlet channel hydraulics by modifying three inlet channel divider walls

ON MOTION by Commissioner O’Bryan, **SECONDED** by Chairman Davis, the Board unanimously approved to add Items 1 and 2 to the list of legislative priorities, to improve the PC Main Screening System by: (1) replacing and upgrading Conveyor Systems No. 1 and 2; and (2) replacing Debris Screen No. 1; the County and various other local sources will be required to provide a total of 50% in matching funds.

Proposed Aquatic Plant Pilot Project

Attorney Cotner, with input from Stormwater Engineer Keith McCully, discussed a proposed pilot program that would employ a combination of aquatic plants to remove pollution from the canal system.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved to add to the list of legislative priorities, the Aquatic Plant Pilot Project at an estimated cost of \$300,000; if funding is received, staff will determine the optimal location for the project. The County and various other local sources will be required to provide a total of 50% in matching funds.

Attorney Cotner provided background and analysis on her suggestions to amend the legislative priority list, as follows:

Amend County Funding of Court Related Functions

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved to add to the legislative priority list, **SUPPORT** of proposed legislation to amend Section 28.24(12)(e)(1), Florida Statutes, to increase the service fee for recording documents and instruments from \$4.00 to \$8.00, so that \$6.00 of the fee is distributed to counties to help fund “Court-related technology” expenses.

Amend Beach Restoration and Nourishment

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Zorc, the Board unanimously approved to add to the legislative priority list, **SUPPORT** for the continuation of a statutory funding source for Beach Renourishment projects, **with an increase over** the current amount of \$30 million.

At this time, in response to his request, the Chairman granted permission for Cliff Reuter to address the Board on Item 10.A.2.

Mr. Reuter, 1135 15th Avenue SW, was concerned that no street lights were proposed for 14th Avenue.

Director of Public Works advised Mr. Reuter that there would be street lights on 14th Avenue.

Attorney Cotner, resuming her presentation, provided background on the following proposed legislative priorities.

Emergency Medical Services (EMS)

ON MOTION by Vice Chairman Solari, **SECONDED** by Chairman Davis, the Board unanimously approved to add to the legislative priority list, **OPPOSITION** to legislation that would limit the ability of County Emergency Medical Services providers to be reimbursed for out-of-network transports.

County Share of Cost for Medicaid Services

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously approved to add to the legislative priority list: (1) **SUPPORT** for establishing a 3% cap on annual growth rate of individual county Medicaid costs; and (2) **OPPOSITION** to efforts to further shift state Medicaid costs to counties.

Utility Relocation

ON MOTION by Commissioner Flescher, **SECONDED** by Vice Chairman Solari, the Board unanimously approved to add to the legislative priority list, **OPPOSITION** to legislation requiring counties to pay for the relocation of private utilities when such utilities are located within a county-owned right-of-way and must be moved to accommodate a county project.

Attorney Cotner announced that there would be a local Legislative Delegation meeting on September 23, 2015.

The Board CONSENSUS was to designate officials or staff to represent the legislative priority issues, as follows:

- Sebastian Septic To Sewer Project: Chairman Davis
- Border Modification of Foreign Trade Zone 136: Commissioner Zorc
- Proposed Aquatic Plant Pilot Project: Vice Chairman Solari
- Replace and Upgrade Conveyor Systems No. 1 and 2 on PC Main Screening System: Vice Chairman Solari
- Replace Debris Screen No. 1 on PC Main Screening System: Vice Chairman Solari
- All Aboard Florida: Vice Chairman Solari
- Amend County Funding of Court Related Functions: Assistant County Attorney Kate Pingolt-Cotner
- Beach Restoration and Nourishment: Commissioner Zorc and/or staff
- Emergency Medical Services: Director of Emergency Services John King
- County Share of Cost for Medicaid Services: County Administrator Joe Baird or Management and Budget Director Jason Brown
- Utility Relocation: Director of Public Works Chris Mora
- Florida Municipal Power Agency (FMPA) Oversight: Vice Chairman Solari
- Sale of City of Vero Beach Electric to FPL: Vice Chairman Solari

Attorney Reingold, assisted by Attorney Cotner, provided an update regarding the City of Vero Beach Electric Utility.

The Chairman called a recess at 1:37 p.m. and reconvened the meeting at 1:43 p.m., with all members present.

1:44
p.m.

- G. Request for Closed Attorney-Client Session Relating to *Indian River County et al. vs. Peter M. Rogoff et al. and AAF Holdings, LLC* (Case No.: 1:15-cv-00460-CRC)

589

County Attorney Dylan Reingold presented his request for a Closed Attorney-Client Session Relating to *Indian River County et al. vs. Peter M. Rogoff et al. and AAF Holdings, LLC* (Case No.: 1:15-cv-00460-CRC) to be held on September 15, 2015 at 10:30 a.m., in the County Commissioner's Conference Room. The attendees will be the Board of County Commissioners, the County Administrator, the County Attorney, and a certified court reporter.

(Clerk's Note: Mr. Rogoff is the Under Secretary for the United States Department of Transportation).

ON MOTION by Commissioner O’Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously scheduled a Closed Attorney-Client Session to occur at 10:30 a.m. on September 15, 2015.

14. **COMMISSIONERS MATTERS**

A. **Commissioner Wesley S. Davis, Chairman**

- Add 1. **Emergency Item: Christian Outreach International, Inc.’s Request for Inclusion in the Urban Service Area**

Chairman Davis described the request of Christian Outreach International for access to the water and sewer utility services available in the Urban Service Area (USA). He noted that the entity is only 700 feet away from the USA boundary.

ON MOTION by Commissioner Flescher, **SECONDED** by Chairman Davis, by a 4-1 vote (Vice Chairman Solari opposed), the Board directed staff to return to the Board with options on the possibility of Christian Outreach International, Inc. connecting to water and sewer utility services.

B. **Commissioner Bob Solari, Vice Chairman**

1. Sunset of Enterprise Zone
(memorandum dated July 31, 2015)

Vice Chairman Solari reported that the State Enterprise Zone Program will expire on December 31, 2015.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously: (1) directed the County Attorney to tie up any loose ends and prepare for the December 31, 2015 sunset of the State Enterprise Zone Program; and (2) directed staff to provide notice to the businesses that are currently receiving State Enterprise Zone benefits.

Discussion ensued, with input from Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, with regards to providing special incentives for those businesses located within the geographical area of the Enterprise Zone.

Commissioner O’Bryan announced that the Treasure Coast Regional Planning Council (TCRPC) is seeking a County representative to sit on its Brownfields Selection Committee.

2:03
p.m.

590

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, by a 4-1 vote (Vice Chairman Solari opposed), the Board appointed Vice Chairman Solari to sit as the County representative on the Treasure Coast Regional Planning Council’s Brownfields Selection Committee.

2:11
p.m.

2. Grove Isle Petition and Resolution Against All Aboard Florida (AAF) (memorandum dated August 12, 2015) 591-592
- Vice Chairman Solari provided for the record a Resolution and Petition from Grove Isle (copy on file), opposing any Federal or State taxpayer funding for All Aboard Florida (AAF). He stressed that public support against AAF has not wavered.**

C. **Commissioner Joseph E. Flescher**
None

D. **Commissioner Peter D. O’Bryan**
None

E. **Commissioner Tim Zorc**

2:12
p.m.

- Add 1. Emergency Item: Short-Term Rentals

Commissioner Zorc encouraged his fellow Board Members to watch the replay of ABC Television’s August 16 program on the pitfalls of short-term rentals.

15. **SPECIAL DISTRICTS AND BOARDS**

2:14
p.m.

A. **Emergency Services District**

The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

1. Approval of Minutes Meeting of June 23, 2015
2. Affiliation Agreement between Orlando Medical Institute, Inc. and Indian River County Emergency Services District (memorandum dated August 5, 2015) 593-596

2:18
p.m.

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. Town Hall Meetings for Upcoming Recycling & Solid Waste Changes
(memorandum dated August 7, 2015) 597

- 2. Approval of Minutes Meeting of June 23, 2015

- 3. Approval of Minutes Meeting of July 7, 2015

- 4. Approval of Minutes Meeting of July 14, 2015

C. Environmental Control Board

None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **2:20 p.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: _____

BCC/MG/2015Minutes