



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

**REGULAR MEETING MINUTES**

**TUESDAY, SEPTEMBER 22, 2015**

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

**COUNTY COMMISSIONERS      DISTRICT**

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

**DVD  
TIMES**

**PACKET  
PAGES**

1.      **CALL TO ORDER**                      **9:00 A.M.**
  
  2.      **INVOCATION**                              Reverend Shelly Satran, Our Savior Lutheran Church
  
  3.      **PLEDGE OF ALLEGIANCE**              Commissioner Wesley S. Davis, Chairman
  
  4.      **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:02 a.m.**      Delete Item 8.J. Second Amendment to Elevated Water Tank Space License Agreement with New Cingular Wireless PCS, LLC.
- Move Item 10.A.4. Commercial Event Ordinance, to be heard prior to 10.A.3.
- Move Item 14.E.2. Florida Power and Light (FPL) Care to Share Program, to be heard following Item 5.G.
- ON MOTION** by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously approved the Agenda as amended.

5. **PROCLAMATIONS and PRESENTATIONS**

- 9:04 a.m. A. Presentation of Proclamation Designating October 4 through October 10, 2015, as Mental Illness Awareness Week in Indian River County, Florida 1  
**Commissioner Flescher read and presented the Proclamation to Reverend Robert Whiteley.**
- 9:11 a.m. B. Presentation of Proclamation Designating the Month of October, 2015, as National Domestic Violence Awareness Month 2  
**Vice Chairman Solari read and presented the Proclamation to Director of Development for SafeSpace, Tracy Levy.**
- 9:19 a.m. C. Presentation of Proclamation Designating the Month of October, 2015, as National Arts and Humanities Month 3  
**Proclamation was read by Commissioner O’Bryan.**
- 9:23 a.m. D. Presentation of Proclamation Designating September 22, 2015, as National Voter Registration Day 4  
**Chairman Davis read and presented the Proclamation to Supervisor of Elections Leslie Swan and Technical Program Coordinator Stephanie Nelson.**
- 9:34 a.m. E. Presentation of Proclamation Designating the Month of October, 2015, as Indian River County Family History Month 5  
**Commissioner Zorc read and presented the Proclamation to Bob Satola, Cindy Heinman, and Susan Barker.**
- 9:42 a.m. F. Presentation of Proclamation Observing September 26, 2015 as Margo Donadio Memorial Fire Girls 5K and World Heart Day 6  
**Commissioner Zorc read and presented the Proclamation to Anthony J. Donadio and six of the Fire Girls of Indian River County.**
- 9:52 a.m. G. Presentation on FPL Care to Share by Louis Gonzalez, FPL Special Consumer Services Manager and Dianne Verner, FPL Special Consumer Services East Area Manager 7  
**Louis Gonzales and Dianne Verner gave a brief presentation on Florida Power and Light’s (FPL) Care to Share Program, and the Financial Assistance Information and Services Program, for individuals who need assistance to pay their electric bill.**
- Commissioner Zorc asked about the possibility of implementing a similar Care to Share Program with Indian River County’s Water and Sewer website and payment system.**

<b>10:09 a.m.</b>	<p><b>H.</b> Presentation by Solid Waste Disposal District of Upcoming Recycling &amp; Solid Waste Changes (memorandum dated September 16, 2015) <span style="float: right;">8</span></p> <p><b>Director of Utility Services Vincent Burke and Solid Waste Disposal District Managing Director Himanshu Mehta provided a brief update and presentation regarding single-stream recycling services.</b></p>
<b>6.</b>	<p><b><u>APPROVAL OF MINUTES</u></b> None</p>
<b>7.</b>	<p><b><u>INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b></p>
<b>10:26 a.m.</b>	<p><b>A.</b> Comparison of Water and Sewer Rates for Seven AAA Bond Rated Utilities (memorandum dated September 14, 2015) <span style="float: right;">9-10</span></p> <hr/> <p><b>B.</b> MPO Transportation Plan Public Workshops <span style="float: right;">11</span></p>
<b>8.</b>	<p><b><u>CONSENT AGENDA</u></b> <b><u>ON MOTION</u> by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Consent Agenda, pulling item 8.G. for discussion.</b></p>
<b>10:26 a.m.</b>	<p><b>A.</b> Approval of Warrants – September 3, 2015 to September 10, 2015 (memorandum dated September 10, 2015) <span style="float: right;">12-17</span></p> <hr/> <p><b>Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.</b></p> <p><b>B.</b> Renewal of Concessionaire Contract No. 252 with Florida Fish and Wildlife Conservation Commission for the Indian River County Public Shooting Range (memorandum dated September 16, 2015) <span style="float: right;">18-19</span></p> <hr/> <p><b>Approved and authorized the Chairman to execute a letter requesting an additional ten-year term of the contract.</b></p> <p><b>C.</b> Authorization to Attend Public Trust Advisors Seminar (memorandum dated September 11, 2015) <span style="float: right;">20-24</span></p> <hr/> <p><b>Authorized out of County travel for the County Administrator to attend a free Public Funds Investment Seminar sponsored by Public Trust Advisors, on Thursday October 8, 2015, in Orlando, Florida.</b></p>

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- D.** Update on Disposal of Tax Collector Vehicle – 2008 Jeep Liberty  
(memorandum dated September 16, 2015) 25-26  
**Authorized the transfer of the 2008 Jeep Liberty (Asset no. 25123) from the Tax Collector to the Clerk of Circuit Court, in accordance with Section 274.05, Florida Statutes.**
- E.** Miscellaneous Budget Amendment 025  
(memorandum dated September 16, 2015) 27-31  
**Approved Resolution 2015-114, amending the Fiscal Year 2014-2015 Budget.**
- F.** Miscellaneous Budget Amendment 026  
(memorandum dated September 15, 2015) 32-35  
**Approved Resolution 2015-115, delegating authority to the County Administrator, the Assistant County Administrator or the Director of the Office of Management & Budget or their designee to execute all documents necessary to amend the Fiscal year 2014-2015 Budget during the period commencing November 10, 2015, through and including November 30, 2015.**
- G.** Approval of Sealed Bid Sale of 2605 53<sup>rd</sup> Avenue (Bid # 2015033)  
(memorandum dated September 15, 2015) 36-42  
**Chairman Davis pulled this item to announce a conflict of interest.**
- ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Davis abstained), the Board ratified and accepted the high bid of \$60,000.00 submitted by Bameric of VB, LLC; (2) approved the Agreement to Purchase and Sell Real Estate; (3) authorized the Chairman to execute the Agreement; and (4) authorized the County Attorney’s staff to prepare and execute any other necessary documents to complete the sale.**
- (Clerk’s Note: Form 8B Memorandum of Voting Conflict is attached to these minutes as Addendum A).*
- H.** Approval of Sealed Bid Sale of 5940 26<sup>th</sup> Street  
(memorandum dated September 14, 2015) 43-51  
**(1) Approved to ratify and accept the high bid of \$106,000.00 submitted by Tuan Nguyen; (2) approved the Agreement to Purchase and Sell Real Estate; (3) authorized the Chairman to execute the Agreement; and (4) authorized the County Attorney’s staff to prepare and execute any other necessary documents to complete the sale.**

- I. Authorize County Administrator to Execute an Agreement with Florida Blue for the County’s Excess Loss/Reinsurance Policy (memorandum dated September 15, 2015) 52-59  
**Authorized the County Administrator to execute the Agreement for Option 3 with Florida Blue for the County’s Excess Loss/Reinsurance Policy for plan year 2015-2016.**
- J. Second Amendment to Elevated Water Tank Space License Agreement with New Cingular Wireless PCS, LLC (memorandum dated September 14, 2015) 60-85  
**Deleted**
- K. Approval of Work Authorization No. 2015-002 to Replace Corroded Galvanized Water Main and Water Services in Vista Royale, Phase 2 UCP #4120 (memorandum dated September 16, 2015) 86-89  
**(1) Approved the total project cost of \$81,212.32; (2) approved retaining Blue Goose Construction to replace the galvanized pipe and services in Vista Royale in the amount of \$66,000.99 for labor; (3) approved Work Authorization No. 2015-002; and (4) authorized the Chairman to execute same.**
- L. Authorize County Administrator to Execute the BlueMedicare Group Master Agreement (memorandum dated September 15, 2015) 90-110  
**Authorized the County Administrator to execute the BlueMedicare Group Master Agreement.**
- M. Amendment No. 1 to Work Order No. 1 for Masteller & Moler, Inc., 49<sup>th</sup> Street/US1 Intersection Improvements, IRC Project No. 1412 (memorandum dated September 3, 2015) 111-114  
**Approved and authorized the Chairman to execute Amendment No. 1 to Work Order No. 1 to Masteller & Moler, Inc., authorizing the professional services as outlined in the Scope of Services, for a total lump sum amount of \$3,500, with a reimbursables maximum of \$1,000.00.**
- N. Indian River County Intergenerational Recreation Facility at South County Regional Park – FPL Easement, IRC Project No. 1135 (memorandum dated September 8, 2015) 115-118  
**(1) Approved the Utility Easement with Florida Power and Light Company (FPL); (2) authorized the Chairman to execute the Easement; and (3) authorized the County Attorney’s office to record the executed Easement as presented.**

- O. Rachel's Storage, LLC's Request for Release of Easements at 11650 and 11660 Hewlett Drive (Sebastian Grove Estates Subdivision) (memorandum dated September 14, 2015) 119-124  
**Approved Resolution 2015-116, releasing certain Easements on Lots 3, 4, 7, and 8, Block 3, Sebastian Grove Estates Subdivision.**
- P. Amy Honey's Request for Partial Release of an Easement at 1415 Sunset Point Lane (Sunset Point Subdivision) (memorandum dated September 14, 2015) 125-131  
**Approved Resolution 2015-117, releasing a portion of an Easement on Lot 6, Sunset Point Subdivision.**
- Q. Developer Request for Additional 2-Year Extension to Construct Required Sidewalk Improvements (memorandum dated September 15, 2015) 132-133  
**(1) Authorized staff to proceed with advertising for the Board to hold a Public Hearing to consider amending portions of Chapter 913 with respect to sidewalk extensions on subdivisions that were platted prior to 2009; and (2) allowed a grace period for the developers (of subdivisions of Millstone Landing Phase 3, Provence Bay, and Vero Lago Phases 2, 3 and 5), from having to construct the sidewalks while the Board considers the adoption of an ordinance amendment to provide for an additional 2-year extension to the existing sidewalk contracts, and in the event the Board does not adopt an ordinance amendment, allow the developers a 90-day grace period from the date of the Public Hearing to complete the sidewalk construction. If the Board does not adopt such an ordinance amendment and the developer does not complete the sidewalk construction within the 90-day grace period, authorize staff to proceed to call the security due to the contract being in default.**

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 10:27 a.m. A. **Indian River County Sheriff Deryl Loar:**  
 Request to Discuss Expenditure from the Criminal and Sex Offender Registrant Fee Account (letter dated September 15, 2015) 134  
**ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously authorized the Sheriff's office to use \$24,000 from the Criminal and Sex Offender Registrant Fee account to purchase camera monitors in the amount of \$4,000; storage cabinets in the amount of \$3,000; digital hand held cameras in the amount of \$4,000, office supplies in the amount of \$9,000; and chairs for the registrant processing area and lobby in the amount of \$4,000.**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**10:28  
a.m.**

1. Gregory and Susanne Zaino’s Request for Abandonment of Right-of-Way for a 10’ Wide Alley Running from 129<sup>th</sup> Avenue to 129<sup>th</sup> Court and Lying Between Lots 1-3 and Lots 4-5, Block 2 of the Tropical Village Estates Subdivision (memorandum dated September 10, 2015)

135-143

**Legislative**

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

Community Development Director Stan Boling reviewed Gregory and Susanne Zaino’s request to abandon right-of-way for a 10-foot wide alley in the Tropical Village Estates Subdivision.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved Resolution 2015-118, providing for the closing, abandonment, vacation and discontinuance of a 10 feet wide alley lying and being in Block 2 as shown on the plat of Tropical Village Estates, as recorded in Plat Book 4, Page 94 ½, Public Records of Indian River County, Florida; said alley bounded on the east by the west right-of-way line of 129<sup>th</sup> Avenue (a 70 foot wide right-of-way); bounded on the west by the east right-of-way line of 129<sup>th</sup> Court (a 70 foot wide right-of-way); bounded on the north by Lots 1, 2 and 3, and bounded on the south by Lots 4 and 5.

**10:30  
a.m.**

2. Orchid Quay, LLC; Request to Rezone ± 41.95 Acres Located East of US #1 and North of 82<sup>nd</sup> Street from CG, General Commercial District, to OCR, Office, Commercial, Residential District (memorandum dated September 8, 2015)

144-172

**Quasi Judicial**

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

Chairman Davis requested and received disclosure of ex parte communications, site visits, or independent investigations.

Commissioners also affirmed that they have open minds and can base their decisions on the evidence presented and applicable law.

Vice Chairman Solari announced his conflict of interest and said he would abstain from voting.

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

Director Boling explained the request by the owner, Orchid Quay, LLC, to rezone ± 41.95 acres from General Commercial (CG) to Office Commercial Residential (OCR). He said that staff and the Planning and Zoning Commission (P&Z) recommended the Board approve the rezoning request.

County Attorney Dylan Reingold spoke briefly regarding the ongoing litigation and moving forward with the owner's request.

The Chairman opened the Public Hearing.

Attorney Bruce Barkett, representing Orchid Quay, LLC, stressed his client's request to move forward with rezoning. He said the Board would have no liability if it is rezoned, but there would be, if the rezoning is not granted because of the owner's due process rights.

Joseph Paladin, President, Black Swan Consulting and Entitlements, LLC, requested the vote be tabled until the litigation is settled.

Bob Johnson, Coral Wind Subdivision, wanted this issue tabled until the legal action is resolved.

Attorney Lee Goldberg, 12 Inlet Cay Drive, Ocean Ridge, Counsel for Suncor Bristol Bay (the litigant), spoke about the rights of first offer and issues that are currently before the Federal District Court. He did not believe this to be an urgent matter, and requested the rezoning be tabled until the issue is resolved in Court.

Attorney Reingold responded to the Commissioners' questions.

Attorney Joshua Prever, Morgan Lewis, Litigation Counsel for Orchid Quay, LLC, recommended the Board issue a ruling today to rezone the property.



Commissioners O’Bryan and Flescher voiced their opinions.

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

**ON MOTION** by Commissioner O’Bryan, **SECONDED** by Commissioner Zorc, by a 4-0 vote (Vice Chairman Solari abstained), the Board adopted **Ordinance 2015-012**, amending the Zoning Ordinance and Zoning Map for approximately ±41.95 acres, located east of U.S. #1 and north of 82<sup>nd</sup> Street, from CG, General Commercial District; to OCR, Office, Commercial, Residential District; and providing codification, severability, and effective date.

*(Clerk’s Note: Form 8B Memorandum of Voting Conflict is attached to these minutes as Addendum B).*

3:45  
p.m.

3. Consideration of Proposed Parking Regulations for Vacation Rentals (“Ordinance 1”); Amending Land Development Regulations Chapters 901 (Definitions), 911 (Zoning), and 912 (Single-Family Development)  
(memorandum dated August 31, 2015)

173-213

**Legislative**

*(Clerk’s Note: This Item was heard following Item10.A.4, and placed here for continuity.)*

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

Director Boling provided history and background on Indian River County’s vacation rentals; outlined the current and proposed regulations at single-family homes; and reviewed the proposed Ordinance. He said the Planning and Zoning Commission (P&Z) recommended approval of the Ordinance without an excess parking space provision; and staff recommended the Board adopt the Ordinance establishing vacation rental parking regulations, which would reasonably accommodate and limit the number of automobiles parked outside carports and garages at vacation rentals.

Staff addressed the Board’s questions and concerns regarding parking at vacation rentals.

The Chairman opened the Public Hearing.

The following individuals spoke in support of the proposed Ordinance:

- Bill Waterman, 460 10<sup>th</sup> Place SW
- Thomas Gilman, 2455 23<sup>rd</sup> Street, SE
- Carter Taylor, 2235 Silver Sands Court, on behalf of the Southbeach Property Association Executive Committee and the Indian River Neighborhood Association (IRNA) Executive Committee, read letter from George Lamborn (on file)
- Tuck Ferrell, 12546 N. Highway A1A, and President of the North Beach Civic Association
- Glenn Powell, 12845 Bay Street, Roseland
- Dr. Miles Conway, 2340 South Highway A1A (and to include P&Z's recommendation)

Commissioner O'Bryan agreed with P&Z, to delete Item 4 of the proposed Ordinance, approve it as is, and later tweak it accordingly.

Vice Chairman Solari supported eliminating Item 4 in the proposed Ordinance.

Throughout the hearing, the Commissioners posed questions to staff and expressed opinions.

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

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously approved to postpone taking action and continue the Public Hearing at the October 6, 2015, Board of County Commission meeting.

1:46  
p.m.

4. Commercial Event Ordinance  
(memorandum dated September 14, 2015) 214-222
- 
- Legislative**

*(Clerk's Note: This Item was heard following Item 12.A.1., and placed here for continuity.)*

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

Deputy County Attorney Bill DeBaal recalled the Board's direction at the May 5, 2015 Board of County Commission meeting to accept the draft ordinance and direct staff to draft a separate ordinance that would prevent commercial events at vacation rentals in single-family residential neighborhoods. He spoke about residential concerns relating to lighting, noise, parking, litter, and emergency vehicle access. He reviewed the proposed ordinance; changes to County Code Sections 901, 911, and 912; enforcement; and recommended the Board approve the ordinance.

The Commissioners sought and received further information regarding violations, registered events, contracts, exceptions, and temporary use permits.

The Chairman opened the Public Hearing.

The following individuals spoke in support of the proposed Commercial Event Ordinance:

- Tuck Ferrell, 12546 N. Highway A1A, and President of the North Beach Civic Association
- Kathleen Taylor, Oceanside Subdivision
- Dr. Peter Fallon, 12930 North A1A, Ambersand Beach
- Glenn Powell, 12845 Bay Street, Roseland
- Carol Lewis Buffum, 1965 Anglers Cove
- John Conway, owner of Sebastian Vacation Rentals, Sebastian
- Joseph Paladin, President of Black Swan Consulting, 6450 Tropical Way
- Attorney Barry Segal, 3096 Cardinal Drive, Suite 2C, representing Mitchell Dudek

Attorney Reingold read a statement from Daniel Lamson, Executive Director of the Indian River Neighborhood Association (IRNA), who supported the Ordinance.

The following individuals spoke in opposition to the proposed Commercial Event Ordinance:

- Lara Andrews, Event Coordinator and Wedding Planner
- Daniel Tappen, Photographer, 2165 Buena Vista Boulevard

Throughout the hearing, Commissioners posed questions and expressed opinions.

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

The Board asked Attorney Reingold to add a sentence that states: the commercial event at a residence will not be a violation of the code so long as the contract documents are provided to the Community Development Director by October 31, 2015.

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously adopted Ordinance 2015-013, amending Indian River County Code Section 901.03 defining Commercial Event at Residence and Sections 911.15 and 912.18 prohibiting Commercial Events at Residence, providing for codification; providing for severability; and providing for an effective date.

The Chairman called for a break at 3:36 p.m., and reconvened the meeting at 3:45 p.m., with all members present.

5:02  
p.m.

- 5. Consideration to Adopt Amendments to County Sea Turtle Protection Lighting Regulations (Land Development Regulations Section 901.03, Definitions, and Section 932.09, Sea Turtle Protection)  
(memorandum dated September 11, 2015)

223-257

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**Legislative**

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

The Chairman opened the Public Hearing.

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

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously approved to postpone taking action and continue the Public Hearing at the October 13, 2015 Board of County Commission meeting.

11:12  
a.m.

**B.**

**PUBLIC DISCUSSION ITEMS**

*(Clerk's Note: This item was heard following Item 10.A.2. and is placed here for continuity.)*

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

- 1. Request to Speak from Patricia Hunt Regarding Public Awareness, Advocacy

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258

Patricia Hunt spoke about a meeting she had with Attorney General Pam Bondi; restated her previous requests for public records; asked that the Law Library be restored; and requested that one Commissioner attend the Florida Commission on Access to Civil Justice meeting scheduled for February 12, 2016.

Attorney Reingold reiterated to Ms. Hunt that the Board of County Commissioners was not in the position to solve her issues with the State Attorney's office, the Sheriff's office, or the Clerk's office.

Commissioner O'Bryan recommended she take her complaints back to Attorney General Bondi's office, if she felt that the State Attorney's office had not properly addressed her complaints.

The Chairman called a recess from 11:31 a.m. to 1:00 p.m., to attend a Sebastian River Medical Center Trustee meeting.

C. **PUBLIC NOTICE ITEMS**

None

11. **COUNTY ADMINISTRATOR MATTERS**

5:03  
p.m.

- A. Florida Association of Counties Ethics Training  
(memorandum dated September 10, 2015)

259-262

*(Clerk's Note: This Item was heard following Item 10.A.5., and placed here for continuity.)*

County Administrator Joe Baird informed the Board that the Florida Association of Counties had scheduled an Ethics Training Class immediately prior to the start of the Florida Association of Counties Legislative Conference, scheduled for November 17, 2015. He asked the Commissioners if they wished to attend the Ethics Training Class and cancel the regularly scheduled Board of County Commission meeting, or continue with the normal November 17, 2015 Board of County Commission meeting.

**MOTION WAS MADE** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Solari, to continue with the normal November 17, 2015 Board of County Commission meeting.

A brief discussion ensued regarding the Ethics Training Class, the option to complete it online, and what might be on the Florida Association of Counties Legislative Conference's Agenda.

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

12. **DEPARTMENTAL MATTERS**

1:31  
p.m.

A. **Community Development**

- 1. Condemnation, Demolition and Removal of Unsafe Structure Located at 2 Sunset Drive in the River Edge Subdivision (memorandum dated September 8, 2015) 263-274  
*(Clerk's Note: This Item was heard after the Board adjourned from recess).*

**Building Official Scott McAdam** asked for the Board's consideration to approve the demolition of a vacant, unsecure, and unsafe structure located at 2 Sunset Drive, in the River Edge Subdivision, owned by Joseph Sorota.

**Director Boling** revealed that there were community concerns about the house; there was a contract on the property; and there were outstanding code enforcement liens. He revealed that the process would stop if the buyer would pull a demolition permit (Building Permit Application on file).

**James Belanger, 4100 Abington Woods Circle, Realtor and Certified General Contractor,** spoke of his plan to obtain the Demolition Permit; said he had a Purchase and Sale Agreement for the property, which would be conditioned on the County's concessions with the Code Enforcement liens; and explained how he intends to move forward.

**ON MOTION** by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, the Board unanimously approved **Resolution 2015-119**, providing for the demolition of unsafe structure and the recovery of costs.

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

Public Works

5:05  
p.m.

F. *(Clerk's Note: This item was heard following Item 11.A. and is placed here for continuity.)*

1. 6<sup>th</sup> Street and 61<sup>st</sup> Avenue – Pine Tree Park Subdivision – Staff Follow-up Regarding Traffic Related Comments Made by Joel Molinari, Jr. at BCC Meeting on 08-18-2015  
(memorandum dated September 16, 2015)

275-276

**Public Works Director Chris Mora recalled the Board's direction from the August 18, 2015 Board of County Commission meeting, whereby the Board directed staff to report back with an analysis on the 90-degree curve and options to improve safety at the intersection of 6<sup>th</sup> Street and 61<sup>st</sup> Avenue, after Joel Molinari, Jr. voiced traffic safety issues. Director Mora reviewed and recommended approval of the traffic sign changes.**

**ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the traffic signage changes.**

5:11  
p.m.

G. Utilities Services

1. Upper Floridan Aquifer Modeling and Consumptive Use Permit Modification  
(memorandum dated June 25, 2015)

277-287

**Director of Utility Services Vincent Burke provided a timeline and analysis of the Consumptive Use Permit (CUP); listed the pros and cons associated with a potential CUP modification; and reviewed the Work Order with CDM Smith, Inc. for CUP**

Modification and Upper Floridan Aquifer (UFA) Groundwater Modeling; and recommended the Board approve the Work Order.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved and authorized the Chairman to execute Work Order No. CCNA-2014-WO No. 3, Consumptive Use Permit Modification and Upper Floridan Aquifer Groundwater Modeling, for the St. Johns' River Water Management District.

13. COUNTY ATTORNEY MATTERS

None

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

5:17  
p.m.

B. Commissioner Bob Solari, Vice Chairman

1. Bicycle Safe 66<sup>th</sup> Avenue  
(memorandum dated September 16, 2015)

288-292

Vice Chairman Solari read his Memorandum on page 288 of the Agenda Packet, and led discussion on a proposal to improve bicycle safety along 66<sup>th</sup> Avenue.

Hugh Aaron, 1994 6<sup>th</sup> Avenue SE, speaking on behalf of the Bike Walk Indian River County Board and the bicycle community, indicated in his PowerPoint presentation the number of fatalities in Florida, the reasons and advantages for focusing on dedicated bike lanes on 66<sup>th</sup> Avenue, and the lack of connectivity for bicyclists in Indian River County.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Flescher, to convert the existing paved shoulders of the newly constructed portion of 66<sup>th</sup> Avenue, both south and north of SR 60, to designated bike lanes; plan for the extension of 66<sup>th</sup> Avenue to CR 510 as they go forward, designated bike lanes, and move forward with the installation of "Begin Right Turn Lane, Yield to Bikes" signs, where the bike lane crosses each dedicated right-turn lane along 66<sup>th</sup> Avenue.

Chairman Davis felt this should be a Countywide policy for all new roads being constructed.



Director Mora informed the Board that bike signs and symbols are not mandatory on County and State roads, and the *Manual on Uniform Traffic Control Devices* (MUTCD) designates the placement of bike symbols. He explained that a 40-inch wide bike symbol would not fit into 40 inches of pavement space, due to the MUTCD requirement of discernable space between the line and the symbol.

Administrator Baird suggested adding bike lane symbols where they will fit.

Director Mora stated that some of the paved shoulders on 66<sup>th</sup> Avenue are too narrow to add the symbol, but he would have staff apply them where they can. He also said that bike lane signs would be installed where appropriate.

Attorney Reingold clarified the components of the motion: (1) Director Mora was directed to do whatever can be reasonably done on 66<sup>th</sup> Avenue; (2) Metropolitan Planning Organization (MPO) Director Phil Matson was directed to obtain better design criteria or alter the criteria for less hurdles in the future; and (3) the County will incorporate these improvements onto our roads in the future.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

C. Commissioner Joseph E. Flescher

None

D. Commissioner Peter D. O’Bryan

None

E. Commissioner Tim Zorc

5:42  
p.m.

1. Indian River Lagoon Council Update  
(memorandum dated September 11, 2015) ..... 293

**Commissioner Zorc provided an update on the Indian River Lagoon Council’s most recent meeting whereby Duane DeFreese was hired as the new Executive Director.**

10:06  
a.m.

2. Florida Power and Light (FPL) Care to Share Program  
(memorandum dated September 11, 2015) ..... 294

**This item was heard in conjunction with Item 5.G.**

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

None

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **5:44 p.m.**

ATTEST:

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

\_\_\_\_\_  
Wesley S. Davis, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Approved: November 3, 2015

BCC/LA/2015Minutes