

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



**REGULAR MEETING MINUTES
TUESDAY, OCTOBER 6, 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	
Peter D. O'Bryan	District 4	Absent	Court and Comptroller	
Tim Zorc	District 3	Present	Maureen Gelfo, Deputy Clerk	

DVD
TIMES

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PAGES

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

2. **INVOCATION** Commissioner Wesley S. Davis, Chairman

3. **PLEDGE OF ALLEGIANCE** Commissioner Tim Zorc

4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

Addition: Item 5.D. Update by Director of Utilities Vincent Burke on the Transition of Subscription Trash and Recycling Collection Services to Waste Management

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the agenda as amended.

5. **PROCLAMATIONS and PRESENTATIONS**

9:02
a.m.

- A. Presentation of Proclamation Designating the Month of October 2015, as Fighting Indian Marching Band Month

1

Chairman Davis read and presented the Proclamation to Band Director James Sammons, Vero Beach High School, and three other individuals.

9:07
a.m.

- B. Presentation of Proclamation Designating October 2015, as Manufacturing Month in Indian River County, Florida

2

Vice Chairman Solari read and presented the Proclamation to Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce; Jay Hart, Alex MacWilliam Real Estate; Angela Ledford, Aluma Tower Company, Inc.; and Scott Cooley, Nylacarb Corporation.

9:16
a.m.

- C. Presentation by Marty Zickert, Veterans Council of Indian River County, on the First Annual Veterans & Family Picnic October 17, 2015

3

Colonel Martin Zickert provided the details of the First Annual Veterans & Family Picnic that will take place on Saturday, October 17, 2015, from 12:00 noon to 5:00 p.m., at Gifford Park. Tim Nightingale added that the Council hopes to make the picnic an ongoing event.

9:26
a.m.

- D. Emergency Addition: Update by Director of Utilities Vincent Burke on the Transition of Subscription Trash and Recycling Collection Services to Waste Management

Director of Utilities Vincent Burke provided a status update on the transition from dual to single-stream recycling, and discussed measures that are being taken to address issues that have occurred since Waste Management took over the recycling and subscription trash collection services on October 1, 2015.

6. **APPROVAL OF MINUTES**

9:33
a.m.

- A. September 10, 2015 Preliminary Budget Hearing

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the Preliminary Budget Hearing Minutes of September 10, 2015, as written.

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

A. Florida Public Service Commission Consummating Order No. PSC-15-0393-CO-EG Regarding Duke Energy Florida, Inc., has been received and is available for review in the Office of the Clerk to the Board

9:33
a.m.

B. Update on All Aboard Florida / Vero Electric Expenses (memorandum dated September 30, 2015)

-----4-6

Commissioner Zorc sought and received additional information on the County's funding for issues related to the Florida Municipal Power Agency (FMPA).

8. **CONSENT AGENDA**

9:34
a.m.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved the Consent Agenda.

A. Approval of Warrants – September 11, 2015 to September 17, 2015 (memorandum dated September 17, 2015)

-----7-14

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

B. Approval of Warrants – September 18, 2015 to September 24, 2015 (memorandum dated September 24, 2015)

-----15-21

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

C. Resolution Cancelling Taxes on Property Acquired by the City of Sebastian for Remediation of Public Nuisance and Health Hazard (memorandum dated September 22, 2015)

-----22-28

Approved Resolution 2015-120, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Acquired from Joan Pollitt; Location Lot 21; Block 16, Sebastian Highlands, Unit 1; 198 Columbus Street, Sebastian, FL 32958)

D. Resolution Formally Designating County Owned Property Along C.R. 510 in Wabasso as Right-of-Way (memorandum dated September 22, 2015)

-----29-34

Approved Resolution 2015-121, formally designating certain County owned property for right-of-way, and to request that the Indian River County Property Appraiser earmark any maps within the Property Appraiser's office to reflect this designation.

- E.** Authorization to Attend the Florida Government Finance Officers Association (FGFOA) and the Government Finance Officers Association (GFOA) Annual Conferences and FGFOA School of Government Finance
(memorandum dated September 28, 2015) 35

Authorized the County Administrator to attend the 2015 Florida Government Finance Officers Association (FGFOA) School of Governmental Finance; the 2016 Government Finance Officers Association (GFOA) Annual Conference; and the 2016 Florida Government Finance Officers Association (FGFOA) Conference.
- F.** Mediated Settlement – Charles P. Craig
(memorandum dated September 17, 2015) 36

Approved the Mediated Settlement with Charles P. Craig, in the amount of \$75,643.44.
- G.** D. R. Horton’s Request for Final Plat Approval for a Subdivision to be Known as Lexington Place Phase IV
(memorandum dated September 24, 2015) 37-45

Granted final plat approval for Lexington Place Phase IV.
- H.** Payment Authorization – Veritox, Inc.
(memorandum dated September 29, 2015) 46-48

Authorized final payment to Veritox, Inc., in the amount of \$35,000 for all work completed since June 1, 2015, for services related to indoor air quality at certain Fire Rescue Stations.
- I.** Declaration of Excess Equipment as Surplus for Sale or Disposal
(memorandum dated September 28, 2015) 49-57

Declared the items on the Excess Equipment List as surplus, and authorized their sale and/or disposal.
- J.** Approval of the 2015 FEMA Homeland Security Community Emergency Response Team (CERT) Subgrant Award Letter
(memorandum dated September 28, 2015) 58-63

Approved the Federally Funded 2015 Homeland Security Community Emergency Response Team (CERT) Award in the amount of \$3,392.00.
- K.** Acceptance and Approval of Expenditures for Emergency Management State-Funded Subgrant Agreement 16-BG-83-10-40-01-030
(memorandum dated September 25, 2015) 64-113

Accepted the State Funded Subgrant Agreement 16-BG-83-10-40-01-030, and approved the expenditures.

- L. Acceptance and Approval of Expenditures of Emergency Management Federally-Funded Subgrant Agreement and Expenditure Approval 16-FG-XX-10-40-01-097 (memorandum dated September 25, 2015) 114-159
Approved and authorized the Chairman to execute the Federally Funded Subgrant Agreement (16-FG-XX-10-40-01-097) associated expenditures between Indian River County Emergency Management and the State of Florida Division of Emergency Management.
- M. Approval to Authorize Payment for Shulman, Rogers, Gandal, Pordy, & Ecker, P.A. for 800 MHz Rebanding (memorandum dated September 22, 2015) 160-162
Approved the Incumbent Acknowledgement with Shulman, Rogers, Gandal, Pordy & Ecker, P.A., for services provided during the 800 MHz Rebanding performed by Nextel South Corporation (a/k/a Sprint Nextel).
- N. Amendment No. 1 to Work Order No. 12 with CDM Smith – Design, Permitting and Bidding Services for Construction of Well No. 7 and at the South County RO Plant (memorandum dated September 29, 2015) 163-170
(1) Approved and authorized the Chairman to execute Amendment No. 1 to Work Order No. 12 with CDM Smith, Inc; and (2) approved design fees in the lump sum amount of \$6,450.00.
- O. Final Payment to Blue Goose Construction for Replacement of 3” Galvanized Water Main and Services in Vista Royale, Phase 1 – UCP #4113 (memorandum dated September 25, 2015) 171-176
Approved the final cost for the Utilities Construction Project (UCP) #4113, of \$71,442.93, and approved the Application for Final Payment in the amount of \$71,442.93 from Blue Goose Construction, LLC.
- P. Second Extension to Agreement for IRC Bid No. 2012010 to Maintain and Operate the West Regional Wetlands System (memorandum dated September 23, 2015) 177-180
Approved and authorized the Chairman to execute the second (2nd) and final one (1) year extension agreement with Florida Environmental Consulting, Inc.
- Q. Work Order No. 1 – Wantman Group, Inc. (fka Bridge Design Associates, Inc.), 43rd Avenue Bridge over IRFWCD South Relief Canal Railing Repair, IRC Project No. 1523 (memorandum dated September 15, 2015) 181-184
Approved and authorized the Chairman to execute on the Board’s behalf, Work Order No. 1 to Wantman Group, Inc., authorizing

the professional services outlined in the Scope of Services, for a not-to-exceed amount of \$8,326.00.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:35
a.m.

1. **This item was considered at a Public Hearing on September 22, 2015, and was Continued to This October 6th Board Meeting:**

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 September 25, 2015))

185-225

Legislative

Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board

Chairman Davis stated that Commissioner O’Bryan was unable to attend today’s meeting, and suggested that this matter be continued at the October 13, 2015 Board of County Commission meeting, so the full Board could vote. He asked Community Development Director Stan Boling to defer staff’s report until then.

ON MOTION by Vice Chairman Solari, **SECONDED** by Commissioner Flescher, by a 4-0 vote (Commissioner O’Bryan absent), the Board approved: (1) the continuation of the public hearing to the October 13, 2015 County Commission meeting; and (2) to accept public input at today’s hearing.

The Chairman opened the public hearing.

David Hunter, City of Vero Beach resident, spoke against the overflow and special allowance parking provisions in the proposed Ordinance, and discussed the commercial licensing requirements for vacation rental properties.

Chairman Davis invited Mr. Hunter to provide his input at the Short Term Vacation Rental Advisory Committee meetings. He announced that the next meeting will occur on October 8, 2015 at 10:00 a.m. in County Administration

Building B, Room B1-501.

Dr. Thomas Gillman read a statement (copy on file) from Walter H. Forman, MD, who urged the Board to eliminate the provisions in the proposed parking Ordinance to: (1) allow overflow spaces in certain circumstances; and (2) set aside commercial parking regulations when the homeowner is staying at the residence.

Joseph Paladin, President, Black Swan Consulting and Entitlement, Short Term Vacation Rental Advisory Committee Member, stated that the goal of the parking regulations should be to preserve the property rights of the year-round residents, and make it hard to differentiate between a vacation rental and a permanent residence.

Miles Conway, 2340 South Highway A1A, advised that George Lamborn, the President of the South Beach Property Owners Association, hoped to address the Board at the next public hearing on this matter.

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

The Public Hearing will be continued until October 13, 2015.

Director Boling, responding to Chairman Davis's inquiry, provided a brief update with regards to Ordinance 2015-013 (adopted September 22, 2015), prohibiting commercial events at residences.

B. PUBLIC DISCUSSION ITEMS

None

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

A. Community Development

None

B. Emergency Services

None

C. General Services

None

1. Human Services

None

2. Sandridge Golf Club

None

3. Recreation

None

D. Human Resources

None

E. Office of Management and Budget

None

F. Public Works

**9:57
a.m.**

1. Petition Paving (Millings) Improvements for 4th Place from 66th Avenue to one block east of 63rd Avenue in the Pine Tree Park Subdivision, Units 2 and 3, IRC Project No. 1327, One Year Follow-Up and Termination of Project (memorandum dated September 14, 2015)

226-227

Public Works Director Chris Mora recapped the history of the petition paving project proposed for 4th Place east of 66th Avenue. He presented staff's recommendation for the Board to cancel the project due to the lack of a 2/3 majority to proceed.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, by a 4-0 vote (Commissioner O'Bryan absent), the Board approved to terminate Indian River County Project No. 1327, because six of the nine petitioners withdrew their petition and do not support the project at the lower price; three petitioners did not respond; and the project falls short of the 66.7% approval requirement.

G. Utilities Services

**10:01
a.m.**

1. Approval of Retaining Tim Rose Contracting, Inc. to Restore the Outside Southbound Lane of US Hwy. 1 Damaged by a Water Main Break
(memorandum dated September 24, 2015)

228-232

Director of Utility Services Vincent Burke gave background and analysis on a portion of roadway on U.S. 1, south of 11th Street SW, which was damaged by a water main break. He stated that due to time constraints, staff was asking the Board to waive the bid process and authorize staff to hire Timothy Rose Contracting, Inc., to make the lane repairs.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, by a 4-0 vote (Commissioner O'Bryan absent), the Board waived the bid process and authorized the Purchasing Division to issue a Purchase Order to Timothy Rose Contracting, Inc., the lowest most responsive and responsible bidder, to make the lane repairs to US 1 in the amount of \$51, 987.50.

13. COUNTY ATTORNEY MATTERS

None

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

**10:03
a.m.**

1. Interlocal Agreement Establishing the Treasure Coast Workforce Consortium and the Workforce Development Board of the Treasure Coast, Inc.
(memorandum dated September 18, 2015)

233-244

Chairman Davis invited the Board to comment on the proposed Interlocal Agreement to establish the Treasure Coast Workforce Consortium (the Consortium), and the Workforce Development Board (Workforce Development) of the Treasure Coast, Inc.

Vice Chairman Solari wanted additional time to research the Consortium and Workforce Development Group.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, by a 4-0 vote (Commissioner O'Bryan absent), the Board **TABLED this matter until the first County Commission meeting in November 2015.**

B. Commissioner Bob Solari, Vice Chairman

None

C. Commissioner Joseph E. Flescher

None

D. Commissioner Peter D. O'Bryan

None

E. Commissioner Tim Zorc

None

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 **10:07 a.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____

Approved: November 10, 2015

BCC/MG/2015Minutes