



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

TUESDAY, OCTOBER 13, 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	Present	Court and Comptroller	Present
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	Present

**DVD
TIMES**

**PACKET
PAGES**

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

2. **INVOCATION** Stan Boling, Community Development Director

3. **PLEDGE OF ALLEGIANCE** Vice Chairman Bob Solari

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

9:02 **Addition: Emergency Item 5.B. Presentation by Waste Management on Update
a.m. of Garbage and Recycling Transition of Services**

**Addition: Emergency Item 14.A.1. Roseland Community Building; 12925 83rd
Avenue (Regarding Structural Issues)**

**ON MOTION by Vice Chairman Solari, SECONDED by Commissioner
Flescher, the Board unanimously approved the Agenda as amended.**

5. **PROCLAMATIONS and PRESENTATIONS**

9:03
a.m.

- A. Presentation Entitled “Muck – A Major Source of Nitrogen & Phosphorus in the Northern Indian River Lagoon (IRL)” by Dr. John Trefry, Professor of Marine and Environmental Systems, Florida Institute of Technology

Dr. John Trefry provided a presentation on muck, and how to keep it out of the Indian River Lagoon. He also provided an update on the Florida Inland Navigation District dredging project.

9:27
a.m.

- B. **Addition: Emergency Item 5.B. Presentation by Waste Management on Update of Garbage and Recycling Transition of Service**

Alec Pittman and Bob DelaCruz, Waste Management Representatives, provided an update on the garbage and recycling transition of service; responded to the Board’s concerns; and described their plan of recovery for problematic issues.

6. **APPROVAL OF MINUTES**

9:44
a.m.

- A. Regular Meeting of September 15, 2015

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the regular meeting minutes of September 15, 2015, as written.

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

9:44
a.m.

- A. St. John’s River Water Management District Final Budget for Fiscal Year 2015-2016
(letter dated September 22, 2015) 1-4

- B. Tourist Development Council – Vacancy
(memorandum dated October 7, 2015) 5-6

Commissioner Flescher pointed out the vacancy on the Tourist Development Council, and the requirement that the individual be an owner/operator of a tourist accommodation.

- C. Retirement Award and Proclamation Honoring Richard Vidal on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Twenty-Six Years of Service 7-8

Commissioner O’Bryan announced the retirement of Richard Vidal.

8. **CONSENT AGENDA**

9:47 a.m. **ON MOTION** by Commissioner Flescher, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda, as written.

- A. Approval of Warrants – September 25, 2015 to October 1, 2015
(memorandum dated October 1, 2015) 9-17

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

- B. Intersection Improvement Project #1203 (Oslo Road and 66th Avenue), Oslo Road, East of 66th Avenue, Audrey Graves Sexton
(memorandum dated September 29, 2015) 18-27

Approved and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate with Audrey Graves Sexton, as Trustee of the Audrey Graves Sexton Trust, for \$38,300.52.

- C. Consideration of Indian River County’s Ship Program Annual Report for State FY 2013-14 Funding
(memorandum dated October 6, 2015) 28-43

Approved the State Housing Initiatives Partnership (SHIP) Annual Report, and authorized the Chairman to execute the Annual Report Certification for SHIP Program and the Certification for Regulatory Reform Implementation SHIP Program.

- D. Request for Extension of Agreement for Transit Advertising Services
(memorandum dated October 2, 2015) 44-80

Approved the Renewed and Amended Agreement for Transit Advertising Services with America No Line, LLC dba Eye Level Digital.

- E. Interfund Borrowing – Fiscal Year 2014/2015
(memorandum dated October 5, 2015) 81-82

Approved interfund borrowing as necessary to cover any cash deficits of individual funds that may occur.

- F. Authorization to Attend Florida SAFE Investment Seminar
(memorandum dated October 6, 2015) 83-85

Authorized the County Administrator and/or staff to attend a free Florida SAFE Investment Seminar, on October 28, 2015, in Orlando, Florida.

- G. Approval of Work Authorization No. 2015-001 to Blue Goose Construction to complete Water Main Loops to The Highlands and Falcon Trace
(memorandum dated October 5, 2015) 86-90

Approved Work Authorization Directive No. 2015-003, with Blue Goose Construction, in the amount of \$101,954.60.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:48
a.m.

- 1. **This item was initially considered at a Public Hearing on September 22, 2015 which was continued to October 6th, and then continued to this Board meeting of October 13th:**

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 October 6, 2015))

91-131

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 explained the substance of the proposed Ordinance which will: (1) clarify but not change the existing allowances for conventional residences regarding parking; (2) establish and match the State’s definition of a “vacation rental”; and (3) establish more stringent parking regulations for vacation rentals, compared to allowances for conventional residences. He reported that the Planning and Zoning (P&Z) Commission voted 5-1 for the Board to approve the proposed Ordinance, but without Item 4 - the excess parking space provision.

The Chairman opened the Public Hearing.

The following individuals spoke in support of the proposed Ordinance:

- **Glenn Powell, 12845 Bay Street, Roseland, supported staff’s proposed ordinance for transient vacation rentals (those who stay in a vacation rental for less than 30 days), but he did not want it to be overly restrictive for non-transient rentals (those who stay in a vacation rental for more than 30 days). He wanted transient and non-transient rules to be separate.**

- **David Hunter, City of Vero Beach, supported Mr. Powell’s distinction between the properties of transient and non-transient, and provided a proposal that other counties use as regulations to**

conduct inspections of rental properties (on file). He encouraged the Board to eliminate Item 4, as recommended by P&Z.

- Joe Paladin, President of Black Swan Consulting and Entitlement, supported P&Z's recommendation to eliminate Item 4; agreed with Mr. Powell's distinctions; and asked the Board to consider how parking would be enforced.

- Margo Sudnykovich, Real Estate Agent with Coldwell Banker, explained the different types of tenants and leases in real estate; spoke about the new parking requirements; and encouraged the Board to take both recommendations into consideration.

- Glenn Powell stated that vacation rentals do not apply to the Florida Landlord Tenant Act; they have their own regulations.

The Chairman called for a break at 10:38 a.m., and reconvened the meeting at 10:48 a.m., with all members present.

- Dr. Miles Conway, 2340 South Highway A1A, wanted Item 4 deleted from the proposed Ordinance. He read statements into the record from Walter Forman, Carol Lewis Buffum, and other residents who could not attend this meeting (letters on file).

- Noah Powers, 400 18th Street, on behalf of the Indian River Neighborhood Association (IRNA) and himself, supported P&Z's recommendation to not allow excess parking. He also did not want "flip-flopping" between residential and commercial rentals.

- Tuck Ferrell, 12546 North Highway A1A, President North Beach Property Owners Association, supported the Ordinance proposal and showed a picture of illegally parked cars in his residential neighborhood.

- Carter Taylor, 2235 Silver Sands Court, South Beach, on behalf of the South Beach Property Association Executive Committee and the Indian River Neighborhood Association (IRNA) Executive Committee, read a letter from George Lamborn (on file), supporting the proposed Ordinance.

The following individual spoke in opposition to the proposed Ordinance:

- Barry Segal, 3096 Cardinal Drive, Suite 2C, representing Mitchell Dudek, opposed staff's recommendation, believing the proposed parking ordinance was redundant, unnecessary, and event-related. He also felt the proposed Ordinance would

infringe on homeowners' property rights, and urged the Board to table or deny the Ordinance.

Deputy County Attorney Bill DeBraal clarified both the State's and staff's definition of vacation rentals; and reported that the County's Code authorizes the Sheriff to enforce parking on State owned rights-of-way if there is a sign posted. He encouraged the placement of signs to prohibit parking.

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 O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously adopted Ordinance 2015-014, concerning amendments to its Land Development Regulations (LDRS); providing for amendments to Chapter 901, Definitions, Chapter 911, Zoning, and Chapter 912, Single-Family Development; by amending Section 901.03, establishing the definition for "Vacation Rental"; by amending General Provisions Section 911.15(4), Parking or Storage of Vehicles; and by amending Single-Family Development Section 912.17(2), Parking or Storage of Vehicles; and by providing for repeal of conflicting provisions; codification; severability; and effective date; excluding Land Development (LDR) Section 2, Item (4)(b) 4., and Section 3, Item (2)(b) 4.

The Chairman called for a break at 12:40 p.m. and reconvened the meeting at 12:53 p.m., with all members present.

12:53
p.m.

2. **This item was considered at a Public Hearing on September 22, 2015, and was Continued to this Board meeting of October 13th:**
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 October 1, 2015)

132-166

Legislative

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

Environmental Planning and Code Enforcement Chief Roland DeBlois spoke about a code citation to an owner on the barrier island for sea turtle protection lighting violations during sea turtle nesting season; the citation being overturned on appeal to the

Code Enforcement Board; and the Board of County Commissioners' directive at the April 7, 2015 meeting for staff to draft an ordinance amending Land Development Regulation Sections 901.03 and 932.09. He reviewed: (1) the proposed amendment to the County's sea turtle protection lighting regulations and how it will resolve certain inconsistencies within the ordinance; and (2) the recommendations of the Planning and Zoning (P&Z) Commission, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service (USFWS). He urged the Board to adopt the proposed ordinance amendment, and approve the revised language in the annual sea turtle letter that is sent to beachfront property owners, advising them of their responsibilities.

Commissioner O'Bryan suggested staff make a presentation to the Code Enforcement Board, so they will understand the Board's reasoning and logic.

Chief DeBlois conveyed that tinting the windows would apply to new development, and would make it more consistent with the State's model sea turtle lighting ordinance.

The Chairman opened the Public Hearing.

Bob Johnson questioned whether this was a State mandate requirement, and believed it would be sufficient to support Federal guidelines.

Dr. Miles Conway, 2340 South Highway A1A, supported the draft ordinance, and asked that only the dune in the South Beach area be included.

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

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously: (1) adopted Ordinance 2015-015, concerning amendments to its Land Development Regulations (LDRS); providing for amendments to Chapter 901, Definitions, and Chapter 932, Coastal Management; by amending Section 901.03, revising the definitions of "Illuminate" and "Tinted or Filmed Glass"; by amending Coastal Management Section 932.09, Sea Turtle Protection; and by providing for repeal of conflicting provisions; codification; severability; and effective date; and (2) approved the revised language in the sea turtle letter that staff annually sends to beachfront property owners.

B. PUBLIC DISCUSSION ITEMS

None

C. PUBLIC NOTICE ITEMS

1:31
p.m.

1. Notice of Scheduled Public Hearings for Upcoming Board Meeting of October 20, 2015:

(memorandum dated October 5, 2015) 167

- a. 790 A1A, LLC's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval for a Project to be known as Sandy Lane PD
Quasi-Judicial
- b. Consideration of an Ordinance to Amend (Update) County Code Chapter 800, Title VIII, Comprehensive Plan of the Code of Indian River County
Legislative

County Attorney Dylan Reingold read the Notices into the record.

11. COUNTY ADMINISTRATOR MATTERS

1:32
p.m.

A. Recruitment of New County Administrator (memorandum dated September 29, 2015)

168-206

County Administrator Joseph Baird recalled the September 15, 2015 Board of County Commission meeting, when staff was directed to develop timelines and determine the cost of recruiting a new County Administrator. He revealed that June 30, 2016, would be his last workday, and he reviewed the options for the Board to consider when recruiting and selecting his replacement.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, by a 4-1 vote (Chairman Davis opposed), the Board approved to advertise the position internally and select an internal candidate.

Commissioner O'Bryan stated that if a good internal candidate is not found, the Board would move to the next step of advertising externally.

Commissioner Zorc confirmed that 30 days would be the cutoff for internal candidates, before seeking external candidates.

1:38
p.m.

At this time, the Chairman invited Mr. Wilson to speak.

Charlie Wilson provided a utility update and informed the Board of some of the changes that the Orlando Utilities Commission (OUC) was planning to make to the City of Vero Beach Utility contract. He provided Minutes

of the July 14, 2015 Orland Utilities Commission meeting (on file).

Board discussion followed.

12. **DEPARTMENTAL MATTERS**

2:11
p.m.

A. **Community Development**

1. Consideration of Comprehensive Plan Amendment Options: Water Connection Policy Change or Urban Service Area Expansion West of 58th Ave and South of the Main Relief Canal (memorandum dated October 5, 2015)

207-223

Director Boling recalled the August 18, 2015 Board of County Commission meeting, where staff was directed to explore options to change the water connection policy to add another exception that would allow Epic Missions f/k/a Christian Outreach International, Inc. and similar facilities to connect, or expand the Urban Service Area (USA) to include or touch the Epic Missions site. He explained why staff believed the USA boundary should remain unchanged, and the problematic issues with making a water connection change. He recommended the Board not change the water connection policy or expand the USA.

A lengthy discussion ensued as the Board made comments and posed questions to staff.

Paul Munsie, President and co-founder of Epic Missions, provided background, urged the Board to allow Epic Missions and nearby similar sites to connect to County water, and offered to pay for the installation of the water distribution lines.

Kent Hawkins, Minister of Cornerstone Christian Church, a neighboring site to Epic Missions, encouraged the Board to allow a water connection.

Louis Schacht, owner of Schacht Groves, a neighboring site, encouraged the Board to extend the urban service boundary, and provide urban services. He stated that he would pay for the water line.

Commissioner Flescher stressed that this would not be an Urban Service Boundary move.

MOTION WAS MADE by Commissioner Flescher, **SECONDED** by Chairman Davis, to direct staff to initiate a Comprehensive Plan Amendment to change the water connection policy to allow certain types of use, with costs to be borne by the applicants.

Discussion ensued among the Board and with staff.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners O'Bryan and Solari opposed), the Motion carried.

The Chairman called for a break at 3:13 p.m., and reconvened the meeting at 3:17 p.m., with Commissioner Zorc absent for the remainder of the meeting.

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

3:17
p.m.

1. Golf Cart Interfund Loan – Early Payoff
(memorandum dated October 7, 2015)

224-229

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board by a 4-0 vote (Commissioner Zorc absent), approved to repay the remaining principal balance outstanding on November 1, 2015, for \$59,747.70, on the interfund loan from the General Fund for golf carts; and authorized moving forward with the procurement process for replacing the existing golf cart fleet.

F. Public Works

3:19
p.m.

1. Update on ORCA Kilroy Units
(memorandum dated October 2, 2015) 230-234

Stormwater Engineer Keith McCully provided an update on the Ocean Research and Conservation Association (ORCA) Kilroy monitoring system. He said they had not yet fulfilled the promise to provide the one year deliverables under the original agreement; therefore, he did not believe the new ORCA units would benefit the County in its compliance efforts with total maximum daily load (TMDL) applications. He recommended the Board reject the proposed contract.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board by a 4-0 vote (Commissioner Zorc absent), approved staff's recommendation to reject the proposed Ocean Research and Conservation Association (ORCA) contract, whereby there would be no additional funding.

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

3:30
p.m.

- A. Sunset of Enterprise Zone
(memorandum dated October 6, 2015) 235-280

County Attorney Reingold recalled that during the August 18, 2015 Board of County Commission meeting, the Board directed him to examine how to prepare for the repeal of the Florida Enterprise Zone Act, which is set to expire December 31, 2015. He recommended the Board: (1) authorize him to proceed forward with an Ordinance that would establish a sunset date of December 31, 2015 in the Ordinance Code; (2) include a deletion of a reference to the Enterprise Zone within Section 207.02; and (3) direct the Community Development Department to examine whether any local incentive programs that deal with the Enterprise Zone should be maintained.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner O'Bryan, the Board by a 4-0 vote (Commissioner Zorc absent), authorized the County Attorney to move forward with an Ordinance to sunset the Florida Enterprise Zone.

MOTION WAS MADE by Vice Chairman Solari to sunset all existing local Enterprise Zone incentive programs. MOTION DIED for lack of a Second.

MOTION WAS MADE by Commissioner O’Bryan, **SECONDED** by Commissioner Flescher, to continue to allow the local incentives already in place to be applied to those businesses that locate into the boundaries of the Enterprise Zone.

Vice Chairman Solari requested that staff provide the cost to put the program in place, and report on what the benefits over the last five years have been.

MOTION WAS AMENDED by Commissioner O’Bryan, **SECONDED** by Commissioner Flescher, to continue to: (1) allow the local incentives already in place to be applied to those businesses that locate into the boundaries of the Enterprise Zone; and (2) direct staff to provide the cost to put the program in place and how the incentives have been applied in the Enterprise Zone for the last five years.

The Chairman **CALLED THE QUESTION**, and by a 3-1 vote (Vice Chairman Solari opposed and Commissioner Zorc absent), the Amended Motion carried.

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

1:38
p.m.

- 1. Emergency Item 14.A.1. Roseland Community Building; 12925 83rd Avenue (Regarding Structural Issues)**

Verna Moreira, representing the Roseland Women’s Club, used a PowerPoint presentation to request the Board’s approval for a complete inspection of the Roseland Community building to see what can be done to restore, renovate, and/or rebuild the historic building due to structural issues.

Staff informed the Board that a Structural Engineer had been hired to determine why the building was sinking, and was awaiting a report for the repair cost estimates, which will be brought to the Board within the next few weeks.

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

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

3:54
p.m.

1. Approval of Minutes Meeting of September 15, 2015
2. Approval of Work Order No. 1 for Fire-Rescue Station # 7 (1893 90th Avenue)
(memorandum dated October 5, 2015) 281-287
3. Approval of Work Order No. 2 for Renovations on Fire Rescue Station #1 (1500 Old Dixie)
(memorandum dated September 29, 2015) 288-297
4. Radio System Upgrade Purchase for Fire-Rescue Hand-Held Radios
(memorandum dated September 28, 2015) 298-301
5. Approval to Enter Into a Technical Service Support Agreement for Fire-Rescue Division from Physio Control, Inc.
(memorandum dated September 29, 2015) 302-312

15. SPECIAL DISTRICTS AND BOARDS

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 **3:58 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____
Deputy Clerk

Approved: November 17, 2015

BCC/LA/2015Minutes