



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

**REGULAR MEETING MINUTES  
TUESDAY, OCTOBER 20, 2015**

**Commission Chambers  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
[www.ircgov.com](http://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	<b>Present</b>
Peter D. O'Bryan	District 4	<b>Present</b>	Court and Comptroller	
Tim Zorc	District 3	<b>Present</b>	Maureen Gelfo, Deputy Clerk	<b>Present</b>

---

**DVD  
TIMES**

**PACKET  
PAGES**

1.      **CALL TO ORDER**                      **9:00 A.M.**
2.      **INVOCATION**                              Deputy Teddy Floyd, IRC Sheriff Department  
Community Development Director Stan Boling
3.      **PLEDGE OF ALLEGIANCE**              Dylan Reingold, County Attorney

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

**9:01 a.m.**      Delete: Item 13.A. Overview of Legislative Update By Kate Pingolt Cotner, Assistant County Attorney

Add: Item 5.D. Update by Waste Management on Solid Waste and Recycling Collection

**ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the agenda as amended.**

5. **PROCLAMATIONS and PRESENTATIONS**

9:02  
a.m.

- A. Presentation of Proclamation Designating the Month of October 2015, as National Arts and Humanities Month

1

**Commissioner O’Bryan read and presented the Proclamation to Barbara Hoffman, Executive Director, Cultural Council. Ms. Hoffman distributed copies of the 2015-2016 Arts and Cultural Guide.**

9:10  
a.m.

- B. Presentation of Proclamation Designating the Week of October 26, 2015, as Community Action Agency Week

2

**Chairman Davis read and presented the Proclamation to Leonard Edwards, Executive Director, and Joseph Dousi, Jr., Board Member, of the Economic Opportunities Council (EOC) of Indian River County.**

9:15  
a.m.

- C. Presentation of Proclamation Designating the Day, October 23, 2015, as Breast Cancer Awareness/Wear Pink Day in Indian River County, Florida

3

**Vice Chairman Solari read and presented the Proclamation to Traffic Analyst Jeanne Bresett, who was accompanied by seven other individuals.**

9:26  
a.m.

- D. Emergency Addition: Update by Waste Management on Solid Waste and Recycling Collection

**Waste Management representatives Lisa McNeight and Bob DelaCruz gave an update on the recycling and subscription garbage collection services that the company took over on October 1, 2015. They discussed problems that have occurred with the deployment of the trash/recycling carts and missed pickups, apologized for same, and described Waste Management’s plans for improving service.**

**The Commissioners posed questions and expressed opinions to Ms. McNeight and Mr. DelaCruz regarding customers who have not yet received trash/recycling service or carts; the firm’s call center; the need to avoid further service delays; and holiday pickups.**

**Under further discussion, staff disclosed that there is a provision in the current franchise contract for Waste Management’s client list to be surrendered if a new hauler assumes service in the future.**

**Stephen Sczurek, 945 37<sup>th</sup> Avenue, spoke to Waste Management’s need to have sufficient staff on the haul routes.**

**Mr. DelaCruz briefly reviewed the requirements for yard waste pick up.**

**County Administrator Joseph Baird advised Waste Management that some commercial customers have not been receiving service.**

County Attorney Dylan Reingold asked the Board to forward to appropriate staff or to him, any public record requests for copies of the franchise agreement between the County and Waste Management.

The Board also wanted the contract to be published on the County’s website.

6. **APPROVAL OF MINUTES**

None

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

- A. Florida Public Service Commission Consummating Order No. PSC-15-0386-PAA-EQ Effective and Final has been Received and is Available for Review in the Office of the Clerk to the Board -----
- B. State of Florida Department of Transportation Public Transportation Joint Participation Agreement with the Indian River County Metropolitan Planning Organization ----- 4-22
- C. Save the Date – Gifford Housing Fair, Monday November 2, 2015 ----- 23
- D. Retirement Award and Proclamation Honoring Rebecca Roach on Her Retirement from Indian River County Board of County Commissioners Department of Public Works/Engineering Division with Thirty Years of Service ----- 24-25  
*(Clerk’s Note: This item was discussed following Item 8.F., and is placed here for continuity).*

10:16 a.m.

Commissioner O’Bryan applauded Rebecca Roach on her public service as a County employee for thirty years.

8. **CONSENT AGENDA**

9:53 a.m. **ON MOTION** by Commissioner Flescher, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda, pulling Items 8.F. for discussion.

- A. Approval of Warrants – October 2, 2015 to October 8, 2015 (memorandum dated October 8, 2015) ----- 26-33  
**Approved the list of warrants (checks and electronic payments) and wires as supplied by the Comptroller’s office.**

- B.** Declare Excess Equipment Surplus for Trade-Up Program  
(memorandum dated October 13, 2015) 34-38  
-----  
**Declared Taser Units X00-290961 and X00-387171 surplus, and authorized the Animal Control Division to destroy them for a total \$360 discount on the purchase of the two new Taser units from TASER International, Inc.**
- C.** Change Order No. 1 and Release of Retainage, 45<sup>th</sup> Street Canal Enclosure (43<sup>rd</sup> Avenue – Family Dollar Entrance), IRC Project No. 1427  
(memorandum dated October 7, 2015) 39-57  
-----  
**Approved Change Order No. 1 and payment of Johnson-Davis, Inc.’s Contractor’s Application for Payment No. 3F for release of retainage in the amount of \$7,698.33.**
- D.** Change Order No. 1 and Release of Retainage, Bid No: 2014046, 13<sup>th</sup> Street S.W. at 58<sup>th</sup> Avenue Bridge, IRC Project No. 0530B  
(memorandum dated October 5, 2015) 58-91  
-----  
**Approved Change Order No. 1 and payment of Dickerson Florida, Inc.’s Pay Application No. 9 (Final) for release of retainage in the amount of \$133,372.10.**
- E.** Change Order No. 2, Martin Luther King Walking Trail, IRC Project No. 1413, Bid No. 2015034  
(memorandum dated October 12, 2015) 92-95  
**ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 2 to Timothy Rose Contracting, Inc., increasing the contract amount by \$67,446.95 for a new contract total of \$211,375.67.**
- 9:54 a.m. F.** Florida Inland Navigation District (FIND) Project Agreement No. ICW-IR-15-01, Small Scale Derelict Vessel Removal Program  
(memorandum dated October 12, 2015) 96-108  
**Commissioner Flescher invited County Coastal Engineer James Gray to elaborate on the derelict vessel removal program.**

**County Coastal Engineer James Gray gave a PowerPoint Presentation on derelict vessels, which included information on permitting requirements and related costs for vessel removal. He disclosed that two (2) derelict vessels have been identified in the Intracoastal Waterway near Sebastian, and two (2) additional “at risk or pre-derelict” vessels have been located in the County and may need removal in the future. Mr. Gray advised that the Florida Inland Navigation District (FIND) Grant provides a maximum of \$6,000 towards removal costs; \$2,000 would come from local funds.**

**Commissioner O’Bryan suggested asking the City of Sebastian if it would like to cost-share with the County on removal of the vessels.**

**A brief discussion ensued, with input from staff, about the lengthy permitting process for removal of derelict vessels.**

**ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved and authorized the Chairman to execute on behalf of the County, two (2) copies of the Florida Inland Navigation District's (FIND) Project Agreement No. ICW-IR-15-01.**

**Bob Johnson, Coral Wind Subdivision, sought and received further information on the vessel removal process.**

**A brief discussion ensued on this year's successful green sea turtle nesting season. Vice Chairman Solari requested a spreadsheet comparing green sea turtle nesting activity over the past several years.**

- G.** Agreement with the State Department of Environmental Protection for Maintenance of the Trans-Central Florida Railroad Trail through the St. Sebastian Preserve State Park  
(memorandum dated October 12, 2015) 109-117  
-----  
**Approved the Memorandum of Agreement with the State Department of Environmental Protection – Division of Recreation and Parks for maintenance of the Trans-Central Florida Trail in St. Sebastian River State Park.**
- H.** Agreement with the State of Florida Division of State Lands to Obtain an Easement for Construction of the Trans-Central Florida Railroad Trail through the St. Sebastian Preserve State Park  
(memorandum dated October 12, 2015) 118-130  
-----  
**Adopted the Direct Benefit Easement Agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and authorized staff to transmit the executed agreement to the State of Florida.**
- I.** Request for the Board of County Commissioners to Enter into a Public Transportation Supplemental Joint Participation Agreement (SJPA) with the Florida Department of Transportation (Public Transportation Block Grant)  
(memorandum dated October 8, 2015) 131-143  
-----  
**Approved: (1) the Public Transportation Supplemental Joint Participation Agreement (SJPA) [Contract No. ARQ56] for Public Transportation Block Grant with the Florida Department of Transportation (FDOT); and (2) Resolution 2015-122, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.**
- J.** Request for the Board of County Commissioners to Enter into a Public Transportation Supplemental Joint Participation Agreement (SJPA) with the Florida Department of Transportation (Formula Grants for Rural Areas)  
(memorandum dated October 8, 2015) 144-156  
-----

Approved: (1) the Public Transportation Supplemental Joint Participation Agreement (SJPA) [Contract No. ARQ46] for Rural Areas funds, with the Florida Department of Transportation (FDOT); and (2) Resolution 2015-123, authorizing the execution of a Public Transportation Supplemental Joint Participation Agreement with the Florida Department of Transportation.

- K. Second Amendment to Elevated Water Tank Space License Agreement with New Cingular Wireless PCS, LLC  
(memorandum dated October 7, 2015)

157-177

Approved the Second Amendment to Elevated Water Tank Space License Agreement with New Cingular Wireless PCS, LLC, and authorized the Chairman to execute the lease with same.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

10:16  
a.m.

- 1. 790 A1A, LLC's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval for a Project to be known as Sandy Lane  
(memorandum dated October 6, 2015)

178-196

**Quasi Judicial**

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

As requested by the Chairman, Commissioners O'Bryan, Solari, Flescher, and Zorc affirmed that they had an open mind and were able to base their decisions on the evidence presented and the applicable law. Commissioner O'Bryan said that he had spoken with staff about Sandy Lane, but maintained an open mind and would base his decision on evidence and law.

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

Community Development Director Stan Boling provided a PowerPoint Presentation (copy on file) detailing 790 A1A, LLC's request for a Conceptual Planned Development (PD) Plan and Special Exception Approval for Sandy Lane, a proposed nine-lot single-family PD to be located at 790 Highway A1A. He conveyed the recommendations of the Planning & Zoning Commission and staff, for Board approval of the conceptual PD Plan and special exception use request, with conditions outlined in staff's report.

The Chairman opened the Public Hearing.

Joseph Schulke, Project Engineer, Schulke, Bittle, and Stoddard, LLC, invited questions; there were none.

There were no additional speakers, and the Chairman closed the Public Hearing

**ON MOTION** by Commissioner Flescher, **SECONDED** by Vice Chairman Solari, the Board unanimously granted conceptual Planned Development (PD) and Special Exception Approval for Sandy Lane, with conditions outlined on page 184 of the agenda package.

10:31  
a.m.

2. Consideration of an Ordinance to Amend (Update) County Code Chapter 800, Title VIII Comprehensive Plan of the Code of Indian River County (memorandum dated October 8, 2015)

197-213

---

**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 provided background and analysis on staff's request to revise certain sections of Chapter 800 of the County Code, which has not been updated since 1990.

**ON MOTION** by Commissioner Zorc, **SECONDED** by Chairman Davis, the Board unanimously adopted **Ordinance 2015-016**, amending Chapter 800, Title VIII, Comprehensive Plan, of the Code of Indian River County, and providing for codification; severability; and effective date.

**10. PUBLIC ITEMS**

**B. PUBLIC DISCUSSION ITEMS**

None

**C. PUBLIC NOTICE ITEMS**

None

**11. COUNTY ADMINISTRATOR MATTERS**

**10:34  
a.m.**

- A. Meetings of the Indian River County Board of County Commissioners Proposed 2016 Meeting Dates (memorandum dated October 2, 2015)

214-215

County Administrator Joseph Baird presented for Board consideration the proposed schedule of Board meeting dates for 2016.

ON MOTION by Commissioner Zorc, SECONDED by Commissioner Flescher, the Board approved the Indian River County Board of County Commission 2016 Meeting Dates, as presented on page 215 of the agenda package.

**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



10:34  
a.m.

**E. Office of Management and Budget**

1. Quarterly Budget Report  
(memorandum dated October 14, 2015)

216-228

-----  
**Management and Budget Director Jason Brown used a Prezi Presentation to present the budget report for the fourth quarter of fiscal year 2014-2015.**

**Chairman Davis asked staff to post on the County's website, the legal expenses for issues related to All Aboard Florida and the Vero Beach Electric/Florida Municipal Power Agency.**

**Discussion ensued about the Sporting Clays & Skeet/Trap Expansion and Educational Building that is anticipated to be complete in the summer of 2016.**

**Commissioner Zorc suggested that staff initiate some type of outreach program to advertise shooting range events.**

**F. Public Works**

None

**G. Utilities Services**

None

**13. COUNTY ATTORNEY MATTERS**

- A. Overview of Legislative Update By Kate Pingolt Cotner, Assistant County Attorney  
(no back-up)  
----- Deleted

**14. COMMISSIONERS MATTERS**

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

None

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

None

**C. Commissioner Joseph E. Flescher**

None

**D. Commissioner Peter D. O’Bryan**

None

**E. Commissioner Tim Zorc**

10:50  
a.m.

1. Resolution for Funding – Temporary Lease of up to Two (2) Ambulances (memorandum dated October 15, 2015)

229

Commissioner Zorc inquired about the possibility of renting one or two ambulances until the new emergency vehicles arrive in 2016. He spoke about a recent breakdown involving several emergency vehicles, and the increased need for services during the winter season.

Assistant Fire Chief Brian Burkeen replied that vehicle dealers do not lease ambulances and that the County currently has three spare ambulances. He stated that the recent breakdown was unlikely to reoccur, and that new emergency vehicles are on order.

Board deliberations followed, with input by County Administrator Joseph Baird, regarding the emergency vehicles and repair procedures. It was noted that an additional mechanic is being hired for the Department of Emergency Services.

John O’Connor, President, International Association of Firefighters (IAFF), Local 2201, asked why the mechanic position was budgeted for in July 2015, but not advertised until October 2015.

County Administrator Joseph Baird described the budget process, and said the position was budgeted for October 1, 2015, the beginning of the fiscal year.

Responding to Mr. O’Connor’s query, Chief Burkeen disclosed that a new fire engine and ambulance would be delivered for Fire Station 13 sometime in mid-November 2015.

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

None

**B. Solid Waste Disposal District**

11:15  
a.m.

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

1. Approval of Minutes August 18, 2015

2. Approval of Minutes September 10, 2015 Preliminary Budget Hearing

11:16  
a.m.

3. Amendment No. 3 to Work Order No. 1 to Kessler Consulting, Inc., for Service Transition Assistance (memorandum dated October 14, 2015)

.....230-235.....

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **11:25 a.m.**

ATTEST:

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

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

By: \_\_\_\_\_

Approved: December 1, 2015

BCC/MG/2015Minutes