

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



**REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 10, 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** Commissioner Wesley S. Davis, Chairman

3. **PLEDGE OF ALLEGIANCE** Commissioner Joseph E. Flescher

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

9:01 **ON MOTION** by Commissioner O'Bryan, **SECONDED** by Commissioner
a.m. Flescher, the Board unanimously approved the agenda as presented.

5. **PROCLAMATIONS and PRESENTATIONS**

9:02 **A.** Announcement of National Award for Outstanding Overall Achievement by
a.m. a Small-to-Mid Sized Metropolitan Planning Organization (MPO) Awarded
to the Indian River County MPO on October 21, 2015, by the Association of
Metropolitan Planning Organizations, Washington, D.C.

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Chairman Davis read and presented the plaque to the Metropolitan Planning Organization's Staff Director Phil Matson; Chairperson Susan Adams (City of Fellsmere Mayor); Senior Planners Brian Freeman and Andrew Sobczak; and Staff Assistant Sharon Schalm. Mrs. Phil Matson was also present.

The Board Members congratulated and commended MPO staff.

Julianne Price, Indian River County Health Department, also commended MPO staff.

9:18 a.m. B. Presentation of Proclamation Designating November 15 Through November 22, 2015, as National Hunger and Homelessness Awareness Week
Commissioner Zorc read and presented the Proclamation to Mary Ellen McGuire, Executive Director, Homeless Family Center; John Corapi, Director of Development Salvation Army; and Cindy Hejlik, Chair of National Hunger & Homeless Awareness Week. 4

9:25 a.m. C. Presentation of Proclamation Designating November, 2015 as the Gifford Youth Orchestra Month in Indian River County
Commissioner Flescher read and presented the Proclamation to Reverend Dr. Crystal Bujol, Founder and Artistic Director, Gifford Youth Orchestra, who was accompanied by Johnny May Perry, Chief Operations Officer, and Freddie Woolfork, who has been involved with the organization since its inception. 5

Dr. Bujol invited everyone to attend the 12th Anniversary Concert to be held at the Gifford Community Center on Saturday, November 14, 2015.

6. APPROVAL OF MINUTES

9:39 a.m. A. Regular Meeting of October 6, 2015

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved the Regular Meeting Minutes of October 6, 2015 as written.

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

9:40 a.m. A. Florida Forest Service (memorandum dated October 30, 2015) 6-8

Vice Chairman Solari acknowledged the work done by the Florida Forest Service at the North Sebastian Conservation Area.

- 9:41 a.m.** **B.** Retirement Award and Proclamation Honoring Randy Valentino on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue With Thirty-One Years of Service 9-10
Commissioner O’Bryan recognized Randy Valentino for his years of service with the Department of Emergency Services.

8. CONSENT AGENDA

9:41 a.m. **ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda.**

- A.** Approval of Checks and Electronic Payments – October 23, 2015 to October 29, 2015
(memorandum dated October 30, 2015) 11-19
Approved the list of warrants (checks) and electronic payments as supplied by the Comptroller’s office.
- B.** Internal Audit Division of the Clerk’s Office
(memorandum dated November 4, 2015) 20-21
Accepted the third annual report of the Internal Audit Division of the Clerk’s Office.
- C.** Local Option Gas Tax Florida Department of Revenue Confirmation
(memorandum dated November 3, 2015) 22-24
Authorized the Chairman to execute the letter to the Florida Department of Revenue.
- D.** Escheated Properties Located Within the Municipal Boundaries of the City of Fellsmere
(memorandum dated October 22, 2015) 25-28
Authorized the Chairman to execute the two County Deeds conveying the properties at: (1) 187 S. Oleander Street; and (2) 1005 Vernon Street, both in Fellsmere, Florida, to the City of Fellsmere, pursuant to Section 197.592(3), Florida Statutes.
- E.** M.A.C.E. (Multi-Agency Criminal Enforcement Unit), Project Generated Income (PGI), Miscellaneous Budget Amendment 001
(memorandum dated November 4, 2015) 29-49
Approved the utilization of Project Generated Income (PGI) totaling \$137,649.07, which represents remaining funds in the Multi-Agency Criminal Enforcement Unit (M.A.C.E.) PGI Fund from interest earnings and PGI not reported to the Florida Department of Law Enforcement (FDLE); and approved Resolution 2015-125, amending the Fiscal Year 2015-2016 Budget.

- F.** G & C Holland Vero Investors, LLC Request for Release of Easements at 1180 US Highway 1 (Casa Rio Subdivision) (memorandum dated October 29, 2015) 50-56
Approved Resolution 2015-126, releasing easements on Lots 1 and 22, Block 2, Casa Rio Subdivision.
- G.** 26th Street-Advance Acquisition of Right-of-Way, 2625 54th Avenue, Michael J. and Lisa B. Giessert (memorandum dated October 27, 2015) 57-65
Approved and authorized the Chairman, on behalf of the Board, to execute the Contract for Sale and Purchase of the Giessert property for \$233,000.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9:42 a.m.** **A. Indian River County Tax Collector Carole Jean Jordan, CFC**
 Annual Fiscal Report for the Fiscal Year Ended September 30, 2015 (memorandum dated October 30, 2015) 66-70
Carole Jean Jordan, Tax Collector, presented the Board with the Fiscal Year 2014-2015 Financial Report, and a check in the amount of \$2,646,564 in excess fees. She was accompanied by Brenda Doninger-Bradley, Tax Collector's Office.

Ms. Jordan announced that the concealed weapons permit room at the Tax Collector's office has been completed.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously accepted the Indian River County Tax Collector Carole Jean Jordan's Financial Report for Fiscal Year 2014-2015.

- 9:52 a.m.** **B. Indian River County Sheriff Deryl Loar**
1. Annual Fiscal Report for the Fiscal Year Ended September 30, 2015 (letter dated November 4, 2015) 71-72
Sheriff Loar presented the Board with the Fiscal Year 2014-2015 Financial Report.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board unanimously accepted the Indian River County Sheriff Department's Financial Report for Fiscal Year 2014-2015.

9:53 a.m. 2. Department of Justice, Bureau of Justice Assistance State Criminal Alien Assistance Program (SCAAP) FY 2015 Award (letter dated October 27, 2015) 73-74
ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved for a check in the amount of \$36,918.04 to be deposited into the Sheriff's Department's Corrections Operating Expenses.

9:54 a.m. C. **Indian River County Property Appraiser David C. Nolte, ASA**
Annual Fiscal Report for the Fiscal Year Ended September 30, 2015 (letter dated October 30, 2015) 75-81

ON MOTION by Vice Chairman Solari, SECONDED by Chairman Davis, the Board unanimously accepted the Indian River County Property Appraiser's Financial Report for Fiscal Year 2014-2015, as presented on pages 76 through 81 of the Agenda Package.

9:54 a.m. D. **Indian River County Clerk of Circuit Court & Comptroller Jeffrey R. Smith, CPA, CGFO, CGMA**
Annual Fiscal Report for the Fiscal Year Ended September 30, 2015 (letter dated October 28, 2015) 82-84

Clerk of the Circuit Court and Comptroller Jeffrey Smith presented the Annual Financial Report for Fiscal Year 2014-2015, and gave the Board of County Commissioners a check in the amount of \$10,817.86 representing excess fees for non-court operations, plus reimbursement for the workers' compensation premium. Mr. Smith thanked County staff for working closely with the Clerk's office this past year, and acknowledged the Board for their support of the new software packages for processing minutes (Granicus), and records retention (Laserfiche).

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously accepted the Indian River County Clerk of Circuit Court and Comptroller's Report for Fiscal Year 2014-2015.

9:55 a.m. E. **Indian River County Supervisor of Elections Leslie R. Swan**
1. Annual Fiscal Report for the Fiscal Year Ended September 30, 2015 (letter dated October 28, 2015) 85-89

Supervisor of Elections Leslie Swan presented the Annual Financial Report for Fiscal Year 2014-2015, and gave the Board of County Commissioners a check in the amount of \$31,876.71 in excess fees.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously accepted the Indian River County Supervisor of Elections' Financial Report for

Fiscal Year 2014-2015.

**9:58
a.m.**

2. Help America Vote Act (HAVA) Federal Election Activities Funds Certificate Regarding Matching Funds (letter dated October 23, 2015)
ON MOTION by Vice Chairman Solari, SECONDED by Commissioner O'Bryan, the Board unanimously approved the County match of \$2,462.73 for the Federal Election Activities Grant, and authorized the Chairman to execute the Certificate Regarding Matching Funds to the Supervisor of Elections.

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10.

PUBLIC ITEMS

A. PUBLIC HEARINGS

None

B. PUBLIC DISCUSSION ITEMS

None

**9:59
a.m.**

C. PUBLIC NOTICE ITEMS

1. **Notice of Scheduled Public Hearing December 1, 2015:**
County Initiated Request to Amend the 5 Year Capital Improvements Program and Supporting Data and Analysis of the Capital Improvements Element of the Comprehensive Plan
Legislative
(memorandum dated October 28, 2015)
County Attorney Dylan Reingold read the notice into the record.

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The Chairman called a recess at 10:00 a.m. and reconvened the meeting at 10:08 a.m., with all members present.

11.

COUNTY ADMINISTRATOR MATTERS

**10:09
a.m.**

- A. Appeal by Impact Fee Consultants of a Decision by the County Administrator to Deny Requests for Refund of School Impact Fees Paid in 2008
Administrative
(memorandum dated October 28, 2015)
Director of Community Development Stan Boling gave a PowerPoint Presentation providing background and analysis on the request of Charles Wilson, Impact Fee Consultants, for the County to appeal a decision made by the County Administrator to deny Mr. Wilson's request for a refund of forty (40) School Impact Fees which were paid in 2008. Staff had determined that the impact fees collected in 2008 were

96-195

spent in accordance with the impact fee law and there was no basis for refund, and County Administrator Joseph Baird had upheld staff's conclusion. Director Boling disclosed that Mr. Wilson was appealing the County Administrator's decision to the Board of County Commissioners, and that staff's recommendation was for the Board to uphold said decision and deny the refunds.

County Attorney Dylan Reingold recapped that the School Impact Fees must be spent on capital improvements necessitated by growth and development.

Steve Tindale, Tindale-Oliver & Associates, continued the PowerPoint Presentation to review the "Dual Rational Nexus" for the expenditure of School Impact Fees, and confirmed that the County has met the requirements for expenditure of the 2008 fees.

Scott Sanders, Director of Facilities Planning and Construction, Indian River County School District, assumed the PowerPoint Presentation, to describe the school projects that have been done with impact fees, as well as a current classroom expansion at Citrus Elementary School.

Throughout the presentations, the Board posed questions to staff and expressed opinions regarding the School Impact Fees.

Charles Wilson, President, Impact Fee Consultants, addressed the Board with his arguments that the School Impact Fees that his clients paid in 2008 were not expended in accordance with certain requirements of School Impact Fee law. He stated that the impact fees could not be used to build more student stations when there is unused capacity within the school system.

A lengthy discussion followed as the Board, staff, Mr. Tindale, Mr. Sanders, and Mr. Wilson continued to comment and pose questions on School Impact Fees.

Joseph Paladin, Black Swan Consulting and Entitlement, remarked that the County could not give the refunds if the school impact fees were expended properly.

Additional discussion ensued, with input from Mr. Sanders, about school capacity and student stations.

Mr. Wilson reiterated his stance that the impact fee money was not spent in accordance with impact fee law.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously upheld the County Administrator's decision to deny requests for refund of school impact fees paid in 2008.

The Chairman called a recess at 12:38 p.m., and reconvened the meeting at 12:48 p.m., with all members present.

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**
None

- G. **Utilities Services**
None

13.

COUNTY ATTORNEY MATTERS

**12:48
p.m.**

- A. Treasure Coast Regional Planning Council 2016 Legislative Priorities (memorandum dated October 28, 2015)

196-198

County Attorney Dylan Reingold announced that Michael Busha, Executive Director of the Treasure Coast Regional Planning Council (TCRPC), was seeking the Board's input on the Council's proposed legislative priorities for 2016. He announced that the TCRPC's theme for this year is "Restore the Everglades and Eliminate Harmful Freshwater Discharges into the St. Lucie River Estuary and Indian River and Lake Worth Lagoons," and recapped several of the ten initiatives on their proposed priority list.

Vice Chairman Solari advocated selecting one item from the TCRPC's list as the legislative priority – Bullet Item 6: "...adequately funding local government efforts to comply with Total Maximum Daily Load regulations and targets contained in the Florida Department of Environmental Protection Basin Management Action Plans."

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Chairman Davis, to recommend to the Treasure Coast Regional Planning Council that they focus on one legislative priority as presented in Bullet Item 6 of the Council's 2016 Legislative Priorities list: "...adequately funding local government efforts to comply with Total Maximum Daily Load regulations and targets contained in the Florida Department of Environmental Protection Basin Management Action Plans."

Commissioner O'Bryan preferred to keep all of the projects listed on the legislative priority list.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Commissioner O'Bryan opposed), the Motion carried.

Attorney Reingold stated that he would advise Mr. Busha of the Board's recommendation.

14. COMMISSIONERS MATTERS

12:52 p.m. A. Commissioner Wesley S. Davis, Chairman

1. Future Parking for Historic Dodgertown (memorandum dated November 4, 2015)
Chairman Davis reported that the City of Vero Beach is selling the former Dodgertown Golf Course, and spoke to other possible changes in and around Historic Dodgertown. He stated that future expansion in the area may generate the need for additional parking, and stressed that the funding for any future improvements should come from sources other than the one-cent local option sales tax. He also wanted staff to confirm that the business model for Historic Dodgertown is working well.

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A discussion ensued, with input from County Administrator Joseph Baird, about funding options for possible future improvements.

County Administrator Baird confirmed that the President and Vice President of Historic Dodgertown have kept the County well informed regarding operations at the facility.

The Board CONSENSUS was for staff to: (1) explore the potential need and options for additional parking at Historic Dodgertown; (2) confirm that the business model at Historic Dodgertown is doing well; and (3) seek funding sources other than the one-cent local option sales tax for any future improvements.

Commissioner Flescher discussed the resurgence of Dodgertown, and acknowledged that increased parking might be important in the future.

At this time, the Commissioners thanked and commended outgoing Board Chairman Commissioner Wesley S. Davis on his leadership over the past year.

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 **1:04 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____

Approved: December 8, 2015

[BCC/MG/2015Minutes](#)