

BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA



REGULAR MEETING MINUTES

TUESDAY, DECEMBER 8, 2015

Commission Chambers  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
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COUNTY COMMISSIONERS      DISTRICT

Bob Solari, Chairman	District 5	Present	Joseph A. Baird, County Administrator	Present
Joseph E. Flescher, Vice Chairman	District 2	Present	Dylan Reingold, County Attorney	Present
Wesley S. Davis	District 1	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

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DVD  
TIMES

PACKET  
PAGES

1.      CALL TO ORDER                      9:00 A.M.
2.      INVOCATION                              Reverend Steve Jones, Vero Christian Church
3.      PLEDGE OF ALLEGIANCE              Commissioner Bob Solari, Chairman
4.      ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS  
9:01      ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner  
a.m.      Davis, the Board unanimously approved the Agenda as presented.
5.      PROCLAMATIONS and PRESENTATIONS  
9:25      A.      Presentation by Tracy Levy, Director of Development, SafeSpace  
a.m.

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

**SafeSpace's Director of Development Tracy Levy and Rural Outreach Coordinator Cidanelia Brozenick spoke about the services provided by SafeSpace, and thanked the Clerk of Circuit Court and Comptroller Jeffrey R. Smith for the office provided for them at the Courthouse.**

**Clerk of Circuit Court and Comptroller Jeffrey R. Smith spoke on the issue of domestic violence.**

**6. APPROVAL OF MINUTES**

**9:03  
a.m.**

- A. Regular Meeting of November 10, 2015**
- B. Regular Meeting of November 17, 2015  
ON MOTION by Vice Chairman Flescher, **SECONDED** by Commissioner O'Bryan, the Board unanimously approved the Regular Minutes of November 10, 2015 and November 17, 2015, as written.**

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

- A. 2016 Commissioner Committee Assignments  
(memorandum dated November 30, 2015) 1-3**
- B. 2015-16 Appointments to the Treasure Coast Regional Planning Council (TCRPC)  
(memorandum dated December 1, 2015) 4-5**
- C. Indian River County District School Board Committee Appointments 6-9**
- D. Florida Department of State Minority Appointment Reporting Calendar Year 2014  
(memorandum dated November 24, 2015) 10-19**

**8. CONSENT AGENDA**

**9:03  
a.m.**

- ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Davis, the Board unanimously approved the Consent Agenda as presented.**
- A. Approval of Checks and Electronic Payments – November 20, 2015 to November 24, 2015  
(memorandum dated November 25, 2015) 20-26  
Approved the list of warrants (checks) and electronic payments as supplied by the Comptroller's office.**

- B.** Out of County Travel to attend the Florida Shore and Beach Preservation Association Conference  
(memorandum dated December 2, 2015) 27-28  
**Authorized out of County travel for Commissioners and staff to attend the Florida Shore and Beach Preservation Association Conference in Jacksonville, Florida, February 3 through 5, 2016.**
- C.** FY 2014-2015 Records Disposition Compliance Statement and Records Management Liaison Officer Form – Board of County Commission  
(memorandum dated December 2, 2015) 29-39  
**Authorized the Chairman to execute the Records Management Compliance Statement for Fiscal Year 2014-2015 for the Indian River Board of County Commission.**
- D.** First Addendum to Amended Developer’s Agreement with DiVosta Homes, L.P. for Waterway Village  
(memorandum dated November 30, 2015) 40-45  
**Approved and authorized the Chairman to execute the First Addendum to Amended Developer’s Agreement with DiVosta Homes, L.P. for Waterway Village.**
- E.** Declaration of Excess Equipment as Surplus for Sale or Disposal  
(memorandum dated November 24, 2015) 46-48  
**Declared the items on the Excess Equipment List as surplus and authorized their sale and/or disposal.**
- F.** Adoption of Revised Purchasing Manual  
(memorandum dated November 24, 2015) 49-89  
**Concurred with the proposed changes to the Purchasing Manual.**
- G.** Amendment No. 2 – FDEP Grant Agreement No. 14IR2, Sector 3 Dune Repair Project  
(memorandum dated November 30, 2015) 90-123  
**Approved Amendment No. 2 to the Florida Department of Environmental Protection Grant Agreement No. 141R2 and authorized the Chairman to execute two (2) copies of the Agreement on behalf of the County.**
- H.** Miscellaneous Budget Amendment 006  
(memorandum dated December 2, 2015) 124-128  
**Approved Resolution 2015-135 amending the Fiscal Year 2015-2016 Budget.**

- I. Request for Burnett Lime Inc. Sole Source Vendor for Lime Slurry (memorandum dated November 30, 2015) 129-130  
**Authorized the Purchasing Department to use Burnett Lime Company as the sole source provider for lime slurry which is used in the finish water stabilization system at both water treatment plans.**

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9:04 a.m. A. **Indian River County Sheriff Deryl Loar**  
Proposed FY 2015/2016 Budget for Mental Health Court (letter dated December 2, 2015) 131-132  
**Sheriff Deryl Loar requested that the Board approve funding for the Mental Health Court.**

**ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously approved the proposed Fiscal Year 2015-2016 budget for Mental Health Court.**

10. **PUBLIC ITEMS**

- A. **PUBLIC HEARINGS**  
9:04 a.m. 1. Alfred and Betty Sammartino's Request to Rezone ± 1.98 Acres from CH to CG (memorandum dated December 1, 2015) 133-175  
**Quasi Judicial**  
**Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board.**

**The Commissioners, as requested by the Chairman, disclosed that there had been no ex parte communications, site visits, or independent investigations. Each Commissioner affirmed that he had an open mind and was able to base his decision on the evidence presented and the applicable law.**

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

**Community Development Director Stan Boling, through a PowerPoint Presentation, provided background and analysis on the request of Alfred and Betty Sammartino to rezone the southeast corner of Oslo Road and Old Dixie Highway Southwest from Heavy Commercial (CH) to General Commercial (CG).**

**He noted that the Dollar General store has plans to locate on the subject site, and relayed the recommendations of the Planning and Zoning Commission and staff for the Board to approve the rezoning request.**

Commissioner O'Bryan posed questions regarding traffic patterns and trip generation rates. He also inquired about the status of the County's Heavy Commercial properties.

Director Boling addressed his questions.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, sought and received confirmation that the local community had received notice about the rezoning, and remarked on the structure of the Planning and Zoning Commission.

Jeremy Anderson, Hanlex Oslo, LLC, representing the Sammartino's, clarified where the driveway access points would be to the proposed Dollar Store.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Zorc, the Board unanimously adopted Ordinance 2015-020, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±1.98 acres located at the Southeast corner of Old Dixie Highway SW and 9<sup>th</sup> Street SW, from CH, Heavy Commercial District, to CG, General Commercial District; and providing codification, severability, and effective date.

A brief discussion followed on the possibility of streamlining these types of rezoning requests.

**B. PUBLIC DISCUSSION ITEMS**

None

**C. PUBLIC NOTICE ITEMS**

9:24  
a.m.

**1. Notice of Scheduled Public Hearing December 15, 2015:**

Ron Taylor's Request for Abandonment of a 30' Wide Right-of-Way Lying South of Lot 5, Block B of the Green Acres Estates Subdivision (**Legislative**)  
(memorandum dated November 25, 2015)

176

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**Attorney Reingold read the notice into the record.**

**11. COUNTY ADMINISTRATOR MATTERS**

None

12.

**DEPARTMENTAL MATTERS**

**A. Community Development**

9:33  
a.m.

1. Consideration of Allowing Farmer's Market (Food and Produce) Events in Gifford (memorandum dated December 1, 2015)

177-185

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Community Development Director Stan Boling reported that Action Item 6.5, the allowance of food and produce vendors for weekend markets and special events in designated areas of Gifford (subject to temporary use regulations), has been incorporated into the Gifford Neighborhood Plan. He stated that staff would need to hold at least one Gifford Community workshop meeting to get community input, and it was staff's recommendation for the Board to direct staff to move forward with the Land Development Regulation amendment process to review and consider farmer's market regulations for Gifford.

Vice Chairman Flescher spoke in support of the proposition, and noted that the old Brownfields site in Gifford might be a suitable location.

Commissioner Davis wondered whether this initiative could be looked at countywide.

Chairman Solari advocated waiving the permit application fee and making the process as simple as possible.

Director Boling advised that a temporary use permit is currently \$75.00.

Chairman Solari was concerned that the fee would be a deterrent, but stated this could be discussed another time.

Julianne Price, Indian River County Department of Health, spoke in support of staff's recommendation.

Freddie Woolfork, 4590 57<sup>th</sup> Avenue, supported the proposal, and stressed the importance of offering the residents a safe location and products. He also relayed the support of Joe Idlette III, Progressive Civic League of Gifford, for the farmer's market concept.

Discussion ensued between the Board and staff on what types of items could be sold at a farmer's market, and what the potential liability would be for events held on County property.

**ON MOTION** by Vice Chairman Flescher, **SECONDED** by Commissioner Zorc, the Board unanimously directed staff to initiate the formal process for reviewing and considering adoption of the proposed Gifford farmer's market regulations, including a Gifford community workshop as part of the review process.

9:51  
a.m.

2. Consideration of the Gifford Neighborhood Plan Annual Report Card for 2015  
(memorandum dated December 1, 2015)

186-208

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**Community Development Director Stan Boling, through a PowerPoint Presentation, presented the Gifford Neighborhood Plan (GNP) Annual Report Card for 2015.**

**Chairman Solari and citizens Freddie Woolfork, Linda Morgan (3986 46<sup>th</sup> Street), and Tony Brown (4159 57<sup>th</sup> Court) extended kudos to those who have helped make the Gifford Neighborhood Plan so successful.**

**ON MOTION** by Vice Chairman Flescher, **SECONDED** by Commissioner Davis, the Board unanimously accepted the Gifford Neighborhood Plan 2015 implementation report card.

12. **DEPARTMENTAL MATTERS**

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

9:59  
a.m.

F. **Public Works**

1. Resolution Opposing Seismic Airgun Testing in the Atlantic Ocean  
(memorandum dated December 1, 2015)

209-217

Director of Public Works Chris Mora stated that the Bureau of Ocean Energy Management (BOEM)'s proposal to employ seismic airgun testing for offshore oil and gas might have detrimental impacts on marine life. He asked the Board to consider a Resolution opposing seismic Airgun testing and supporting lower-impact alternative technologies for energy exploration in the ocean.

Chairman Solari pointed out that BOEM's experts have stated there was no documented scientific evidence that the noise from the airguns would adversely affect the marine animal population.

Commissioner O'Bryan pointed out that BOEM's study indicated that the noise could affect migration patterns.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board (by a 3-2 vote (Commissioners Solari and Davis opposed), supported the Beach and Shore Preservation Advisory Committee's request and approved Resolution 2015-136, opposing seismic airgun testing in the Atlantic Ocean.

G. **Utilities Services**  
None

13. **COUNTY ATTORNEY MATTERS**

- 10:04  
a.m. A. Request for Closed Attorney-Client Session Relating to *Indian River County et al. vs. Peter M. Rogoff et al. and AAF Holdings, LLC* (Case No.: 1:15-cv-00460-CRC) and *Indian River County v. Florida Development Finance Corporation and AAF Holdings LLC* (Case No. 2015 AP 40)  
(memorandum dated December 1, 2015)

218



County Attorney Dylan Reingold presented staff's recommendation for the Board to schedule a closed attorney-client session to discuss two cases associated with the proposed All Aboard Florida (AAF) project, for December 15, 2015, at 10:30 a.m.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously scheduled a closed attorney-client session regarding Indian River County et al. vs. Peter M. Rogoff et al. and AAF Holdings, LLC (Case No.: 1:15-cv-00460-CRC) and Indian River County v. Florida Development Finance Corporation and AAF Holdings LLC (Case No. 2015 AP 40), to occur on Tuesday, December 15, 2015, at 10:30 a.m. in the County Commissioners' conference room.

10:06 B.  
a.m.

Lobbyist for 2016 Legislative Session  
(memorandum dated November 25, 2015)

219-222

Attorney Reingold reported that the County's contract with Anfield Consulting Group, Inc. for lobbying services will expire on December 31, 2015. He provided funding details, spoke of the group's work on behalf of the County, and presented staff's recommendation for Board approval of the renewed contract.

ON MOTION by Commissioner Zorc, SECONDED by Commissioner O'Bryan, the Board unanimously entered into the proposed agreement with Anfield Consulting Group, Inc., for lobbying services for the term of January 1, 2016 to December 31, 2016 and authorized the County Administrator to execute the agreement with Anfield Consulting Group, Inc.

10:08 C.  
a.m.

Approval of Amendment to Declaration of Restrictive Covenants from Property Exchange with Windsor Properties at the former Golden Sands Park  
(memorandum dated December 2, 2015)

223-247

Deputy County Attorney Bill DeBraal presented background and conditions on Windsor Properties' request to reconfigure two oceanfront lots for estate homes, and to consolidate two oceanfront estate lots for seven "cottage homes". He stated that the proposed amendment will not increase the overall Planned Development density.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Zorc, the Board unanimously directed staff to: (1) coordinate with all interested parties and prepare an amendment to the Declaration of Restrictive Covenants by Windsor Properties, permitting the density change; and (2) have the proposed Planned Development (PD) change/replat and the amendment of the Declaration of Restrictive Covenants proceed through the approval process at the same time.

14.

**COMMISSIONERS MATTERS**

**A. Commissioner Bob Solari, Chairman**

10:13  
a.m.

1. Discussion regarding proposal to fund Visit Florida (memorandum dated December 2, 2015)

248-251

Chairman Solari reported on a proposal being considered by the House of Representatives' tax committee, which would mandate that 20% of locally-collected Tourist Development tax revenues are diverted from local communities to fund the tourist industry marketing corporation, Visit Florida.

**MOTION WAS MADE** by Vice Chairman Flescher, **SECONDED** by Chairman Solari, to direct staff to track the proposed Tourist Tax legislation, and draft a Resolution of opposition to same.

Assistant County Attorney Kate Pingolt-Cotner asked if the Board also wanted to oppose proposed legislation allowing 10% of Tourist Development taxes to be used for tourism-related law enforcement costs.

Commissioner O'Bryan stated that it might be premature to draft a Resolution since neither proposal has become an actual bill, but agreed that this issue should be monitored.

Further discussion ensued as the Board determined that it would be appropriate to go ahead and draft a Resolution stressing the County's home rule authority and opposing mandatory funneling of Tourist Development Taxes away from the local community.

**MOTION WAS AMENDED** by Vice Chairman Flescher, **SECONDED** by Chairman Solari, to direct the County Attorney's office to track any proposed legislation which would mandate the diversion of Tourist Development tax funds from local communities, and to draft a Resolution declaring the Board's support for the State to leave the Tourist Development Tax as is and not infringe on the County's home rule authority; and the Board's opposition to any State mandate that the County divert Tourist Development Tax Funds away from the local community.

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

County Attorney Dylan Reingold stated that the draft Resolution would be brought before the Board at the December 15, 2015 County Commission meeting.

B. Commissioner Joseph E. Flescher, Vice Chairman  
None

10:23  
a.m. C. Commissioner Wesley S. Davis  
1. Request for Letter of Support (memorandum dated December 3, 2015) 252-255  
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Commissioner Davis requested that the Board Chairman execute the letter to Gary Clark, Deputy Secretary for Land and Recreation, Florida Department of Environmental Protection, supporting the acceptance of the Lewis Friend Farms Ranch into the Florida Department of Environmental Protection's Florida Forever program.  
  
ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the letter supporting acceptance of the Lewis Friend Farms Ranch into the Florida Department of Environmental Protection's Florida Forever program.

10:24  
a.m. D. Commissioner Peter D. O'Bryan  
1. Summary of FAC 2015 Legislative Policy Conference (memorandum dated November 24, 2015) 256-269  
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Commissioner O'Bryan reported on the Florida Association of Counties Legislative Policy Conference, which was held on November 18 through November 20, 2015.

E. Commissioner Tim Zorc  
None

15. SPECIAL DISTRICTS AND BOARDS

10:29  
a.m. A. Emergency Services District  
The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.  
  
1. Approval of Minutes Meeting of November 3, 2015  
2. Approval of Minutes Meeting of November 17, 2015  
3. FY 2014-2015 Records Disposition Compliance Statement and Records Management Liaison Officer Form – Emergency Services District (memorandum dated December 2, 2015) 270-291  
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4. Approval of FY 2015/16 EMS County Awards Grant: Purchase of Capital/Operating Equipment Using Non-Matching EMS Grant Funds and Grant Resolution (memorandum dated December 1, 2015) ..... 292-304

**10:32 a.m.**      **B.      Solid Waste Disposal District**  
**The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.**

1. Approval of Minutes Meeting of November 17, 2015
2. FY 2014-2015 Records Disposition Compliance Statement and Records Management Liaison Officer Form – Solid Waste Disposal District (memorandum dated December 2, 2015) ..... 305-307

**C.      Environmental Control Board**  
**None**

**16.      ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **10:33 a.m.**

ATTEST:

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

\_\_\_\_\_  
Bob Solari, Chairman

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

Approved: January 12, 2016

BCC/MG/2015Minutes