

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



**REGULAR MEETING MINUTES
TUESDAY, JANUARY 12, 2016**

Commission Chambers
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com

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 Court and Comptroller	Present
Peter D. O'Bryan	District 4	Present	Maureen Gelfo, Deputy Clerk	Present
Tim Zorc	District 3	Present		

**DVD
TIMES**

**PACKET
PAGES**

1. **CALL TO ORDER** **9:00 A.M.**
 2. **INVOCATION** Stan Boling, Community Development Director
 3. **PLEDGE OF ALLEGIANCE** Commissioner Tim Zorc
 4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS-
NONE**
 5. **PROCLAMATIONS and PRESENTATIONS**
- 9:03 a.m.** A. Presentation of Proclamation Honoring Maria I. Suesz on Her Retirement from the Indian River County Clerk of Circuit Court and Comptroller's Office Effective January 29, 2016 1
-
- Chairman Solari read and presented the Proclamation to Maria I. Suesz.**

9:16 a.m. B. Presentation of Proclamation Indian River County Celebrating Children's Week 2

Commissioner O'Bryan read and presented the Proclamation to Pat Houston, Director of Programs, Early Learning Coalition; and Brooke Flood, Board Member Early Learning Coalition and Coordinator of School Readiness for Indian River County School District.

9:20 a.m. C. Agricultural Extension Service Annual Agricultural Extension Update Presentation by Christine Kelly-Begazo, Indian River County Extension Director/Agricultural Agent

Christine Kelly-Begazo gave a PowerPoint Presentation on the 2015 accomplishments and the 2016 goals of the Indian River County Extension Service.

9:31 a.m. D. Presentation of Indian River County Chamber of Commerce Economic Development Division Fiscal Year 2014-2015 Annual Report by Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce 3-20

Helene Caseltine gave a PowerPoint Presentation outlining the achievements and activities of the Economic Development Division of the Indian River County Chamber of Commerce for the 2014-2015 Fiscal Year.

6. **APPROVAL OF MINUTES**

- 9:50 a.m. A. Regular Meeting of December 1, 2015
B. Regular Meeting of December 8, 2015
C. Regular Meeting of December 15, 2015

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board approved the Regular Meeting Minutes of December 1, 2015, December 8, 2015, and December 15, 2015, as written.

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

- 9:51 a.m. A. Invitation to Fort Pierce Job Fair, Thursday, January 14, 2016, 10:00 a.m. to 2:00 p.m. 21

Commissioner O'Bryan pointed out that there would be a special time from 10:00 a.m. to 10:30 a.m., allotted for veterans at the job fair. The event will be held at the Percy Peek Gymnasium in Ft. Pierce, Florida.

- 9:52 a.m. B. Letter from Ted Robinson Re: People vs. All Aboard Florida (memorandum dated December 16, 2015) 22-24

Commissioner Davis read Ted Robinson's letter opposing All Aboard Florida into the record.

- 9:01 a.m. C.** Indian River County Code Chapter 309, Fair Housing – Annual Report
(memorandum dated January 4, 2016) 25
-
- 9:54 a.m. D.** Update on All Aboard Florida/Vero Electric Expenses
(memorandum dated January 4, 2016) 26-30
- Commissioner Zorc asked whether private citizens who are opposed to All Aboard Florida may contact the County’s lobbyists, and if the County has sufficient funds to cover the legal expenses associated with the City of Vero Beach Electric issue.**
- County Attorney Dylan Reingold stated that any citizen opposing All Aboard Florida, who wants to speak with a lobbyist, should contact him (Attorney Reingold) initially. He also provided a brief update on House Bill 579, sponsored by Debbie Mayfield, regarding the Florida Municipal Power Agency.**
- County Administrator Joseph Baird confirmed that the County’s budget would accommodate the legal expenses associated with the Vero Beach Electric issue.**
- 9:57 a.m. E.** Safe Routes to School Non-Infrastructure Grant Renewal
(memorandum dated January 5, 2016) 31-59
-
- 9:57 a.m. F.** Retirement Award and Proclamation Honoring George Rogala on His Retirement from Indian River County Board of County Commissioners Department of Public Works/Facilities Management Division With Nineteen Years of Service 60-61
- Vice Chairman Flescher acknowledged George Rogala on his retirement.**
- 9:57 a.m. G.** Retirement Award and Proclamation Honoring John Krupke on His Retirement from Indian River County Board of County Commissioners Department of Public Works/Road & Bridge Division With Ten Years of Service 62-63
- Vice Chairman Flescher acknowledged John Krupke on his retirement.**
- 9:01 a.m. H.** Appointment to Treasure Coast Regional Planning Council (TCRPC) Comprehensive Economic Development Strategy Committee (CEDS)
(memorandum dated January 5, 2016) 64
- Noted for the record was the appointment of Joe Griffin, City Manager of Sebastian, to represent District 2.**

8. CONSENT AGENDA

10:00 a.m. ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Consent Agenda, pulling Items 8.J. and 8.N. for discussion.

- 9:01 a.m.
- A. Approval of Checks and Electronic Payments – December 4, 2015 to December 10, 2015
(memorandum dated December 10, 2015) 65-72
Approved the list of checks and electronic payments as supplied by the Comptroller’s office.
- B. Approval of Checks and Electronic Payments – December 11, 2015 to December 17, 2015
(memorandum dated December 17, 2015) 73-78
Approved the list of checks and electronic payments as supplied by the Comptroller’s office.
- C. Approval of Checks and Electronic Payments – December 18, 2015 to December 23, 2015
(memorandum dated December 23, 2015) 79-85
Approved the list of checks and electronic payments as supplied by the Comptroller’s office.
- D. Approval of Checks and Electronic Payments – December 28, 2015 to December 30, 2015
(memorandum dated December 30, 2015) 86-92
Approved the list of checks and electronic payments as supplied by the Comptroller’s office.
- E. Authorization to Attend Health Benefits Conference & Expo
(memorandum dated January 4, 2016) 93-97
Authorized the County Administrator and/or staff to attend the 25th Annual National Health Benefits Conference and Expo on January 25th through January 27, 2016, in Clearwater Beach, Florida.
- F. Resolution Canceling Taxes on Property Dedicated to Indian River County for A1A Right-Of-Way with regard to a Planned Development Project known as Sandy Lane
(memorandum dated December 28, 2015) 98-104
Approved Resolution 2016-001, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Dedicated to County by 790 A1A, LLC for right-of-way)
- G. Resolution Canceling Taxes on Property Dedicated to Indian River County for 27th Avenue SW Right-Of-Way with regard to Dunkin Donuts Oslo Site Plan
(memorandum dated December 28, 2015) 105-112
Approved Resolution 2016-002, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Dedicated to Indian River County by D.T.O. Oslo Property, LLC)

- H.** Release and Satisfaction of Demolition Lien (Lot 27, Winter Beach Highlands Subdivision)
(memorandum dated December 23, 2015) 113-114
Authorized the Chairman to execute the Release and Satisfaction with Manco Holdings, LLC, for forwarding to the title company for recordation in the Public Records of Indian River County, Florida.
- (Clerk's Note: Prior owner Cathy Roberta Brissette, f/k/a Cathy Roberta Caudill and Cathy Moravec).*
- I.** Release of Retainage – Donadio and Associates, Architects, P.A., Skeet and Trap Facility Improvements – Indian River County Public Shooting Range RFQ No. 2013017
(memorandum dated December 30, 2015) 115-117
Approved for release of retainage to Donadio and Associates, Architects, P.A., in the amount of \$4,101.52.
- 10:08 a.m. J.** Children's Services Advisory Committee's "Annual Report October 1, 2014 to September 30, 2015"
(memorandum dated December 15, 2015) 118-160
Commissioner O'Bryan pointed out that the Children's Services Advisory Committee's programs were a great benefit to the community at a very low cost.
- ON MOTION** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously accepted the Children's Services Advisory Committee's Annual Report for 2014-2015, as submitted.
- K.** Release of Retainage for CB&I Coastal Planning and Engineering, Inc., Work Order No. 9 – Sector 3 Beach Restoration, 2015 Physical Monitoring
(memorandum dated December 18, 2015) 161-164
Approved for release of retainage to CB&I Coastal Planning and Engineering, Inc., under Work Order No. 9 in the amount of \$5,296.71.
- L.** Agreement for Developer Contributions to Road Improvements / Asphalt Millings on 45th Street West of 66th Avenue
(memorandum dated December 18, 2015) 165-168
Approved the Developer Agreement between Indian River County and Hugh D. Corrigan and authorized the County Administrator to execute an agreement as approved by the County Attorney.
- M.** M.A.C.E. (Multi-Agency Criminal Enforcement Unit), Project Generated Income (PGI), Miscellaneous Budget Amendment 008
(memorandum dated January 4, 2016) 169-171

(1) Approved the utilization of Project Generated Income (PGI) totaling \$4,161.15; and (2) approved Resolution 2016-003, amending the Fiscal Year 2015-2016 Budget (Budget Amendment 008).

- 10:01 a.m. N.** Miscellaneous Budget Amendment 009
(memorandum dated January 5, 2016) 172-178
- Commissioner Zorc requested deferring the expense in the proposed budget amendment for Entry Number 12 for air conditioning controls, until the feasibility can be determined of the County acquiring a newer style of air conditioner with built-in controls.
- ON MOTION by Commissioner Zorc, SECONDED by Chairman Solari, the Board unanimously approved, AMENDED to omit Budget Amendment 009, Entry Number 12 for air conditioning controls for Facilities Management, Resolution 2016-004, amending the Fiscal Year 2015-2016 Budget.
- Discussion ensued, with input from staff, about whether the air conditioning repairs could be briefly delayed while more information is gathered on the new type of air conditioner.
- ON MOTION by Commissioner Zorc, SECONDED by Chairman Solari, the Board unanimously put a placeholder on the Board agenda in case the alternative air conditioner is not feasible; and approved for this matter to be brought back before the Board at the County Commission meeting of February 2, 2016.
- O.** Miscellaneous Budget Amendment 010
(memorandum dated January 4, 2016) 179-194
- Approved Resolution 2016-005, amending the Fiscal Year 2015-2016 Budget.
- P.** North Sebastian Sewer Design – Phase II
(memorandum dated December 29, 2015) 195-204
- Approved and authorized the Chairman to execute on the Board's behalf, Work Order No. 2, authorizing the professional services for the Gravity Sewer Project for North County, for a lump sum amount of \$188,065.00 to Masteller and Moler, Inc.
- Q.** Acceptance and Approval of Expenditures of the 2015/2016 Federally-Funded Community Emergency Response Team (CERT) sub-grant # 16-CI-S9-10-40-02-XXX
(memorandum dated January 4, 2015) 205-207

Accepted and approved of expenditures as directed in the Federally Funded Sub-Grant Agreement; and authorized staff to make any line-item changes which may occur after execution of the contract, with the written approval of the Florida Division of Emergency Management (FDEM).

- R. Work Order No. 5 with Kimley Horn and Associates for Design and Implementation of Membrane Replacement for RO Skids at North (Hobart) RO Water Treatment Plant
(memorandum dated January 4, 2016)

208-214

Approved and authorized the Chairman to execute on the Board's behalf, Work Order No. 5 authorizing the professional services for the Hobart Reverse Osmosis Water Treatment Plant, for a lump sum amount of \$32,380.00 to Kimley-Horn and Associates.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

(As a general rule, public discussion items should be limited to matters on which the commission may take action.)

10:09 a.m.

1. Request to Speak from Jason Redmon, Indian River Sports Complex, Regarding Youth Sports in Area

215

Jason Redmon, 2538 12th Square SW, representing the Indian River Sports Complex, requested the Board to consider allocating a portion of the \$1 million derived from the Windsor Property Swap (earmarked for recreational purposes), for upgrades to the 16th Street Sports Complex.

Derek Muller, also representing the Indian River Sports Complex, gave a PowerPoint Presentation detailing the need for improvements, including adequate restroom facilities, at the 16th Street facility.

County Administrator Joseph Baird discussed the history of the 16th Street site and outlined his objections to expending funds on said property.

Discussion ensued between the Commissioners, staff, and Messrs. Redmon and Muller regarding the need to have a

sports facility that generates enough revenue to cover operating costs; whether to liquidate the 16th Street Complex and build other baseball/multi-purpose fields; whether the School Board or the City of Vero Beach might want to acquire the 16th Street property, and the possibility that the County could acquire the Dodgertown Golf Course property. The Board Members and staff also proposed uses for the \$1 million earmarked for recreation.

The Board CONSENSUS was to direct County Administrator Joseph Baird to review the overall needs in the County for baseball and recreation facilities in general, and to report back to the Board on the cost of temporary restrooms for the 16th Street Sports Complex.

C. PUBLIC NOTICE ITEMS

10:51 a.m.

- 1. **Notice of Scheduled Public Hearing January 19, 2016:**
County initiated request to amend the text of the Policy 5.7 of the Potable Water Sub-Element and Policy 5.8 of the Sanitary Sewer Sub-Element of the County’s comprehensive plan
Legislative
(memorandum dated December 31, 2015) 216-217

- 2. **Notice of Scheduled Public Hearing January 19, 2016:**
Consider Codifying the Code of Indian River County
Legislative
(memorandum dated December 28, 2015) 218
County Attorney Dylan Reingold read the notices into the record.

The Chairman called a recess at 10:53 a.m., and reconvened the meeting at 11:04 a.m. with all members present.

11. COUNTY ADMINISTRATOR MATTERS

11:02 a.m.

- A. Health Insurance
(memorandum dated January 6, 2016) 219
County Administrator Joseph Baird advised that the County’s health care costs are continuing to trend upward, and requested that the Board hold several meetings for information and discussion on this matter.

Chairman Solari requested staff to report back with presentations on past, current, and projected health care costs.

Discussion ensued about the importance of distributing the information to the International Association of Firefighters, (IAFF)

Local 2201 (the Union) Union representatives/employees, and non-union County employees, so everyone has the same information.

John O'Connor, President, International Association of Firefighters, (IAFF) Local 2201, encouraged the Board to explore cost-savings initiatives, such as stand-alone health clinics.

Administrator Baird acknowledged that staff would explore various cost-savings options. He advised that staff anticipated reporting back to the Board at the County Commission meeting of February 2, 2016, or February 9, 2016.

12.

DEPARTMENTAL MATTERS

11:12 a.m.

A.

Community Development

1. Consideration of Continuing the Local Jobs Grant 10% Incentive Bonus for Businesses in the "Enterprise Zone" Area (memorandum dated January 5, 2016)

220-238

Community Development Director Stan Boling, through a PowerPoint Presentation, provided background and analysis on the County's former Enterprise Zone, which was established in 2005 and terminated on December 31, 2015. He recommended that the Board approve the proposed Resolution providing for the continuation of the 10% incentive jobs grant bonus for target industry in the former Enterprise Zone area (now referred to as the Enterprise Area), and approve the proposed changes to the Economic Development Ad Valorem Tax Exemption form and scoring matrix to remove references to the Enterprise Zone.

Discussion ensued between the Board and staff on the Enterprise Area boundaries and whether areas not in the original Enterprise Zone might be added.

Commissioner O' Bryan suggested that possible new designations for the former Enterprise Zone could be the Gifford Economic Opportunity Zone, or the Indian River County Economic Opportunity Zone.

MOTION WAS MADE by Vice Chairman Flescher, **SECONDED** by Commissioner Zorc, to approve (1) **Resolution 2016-006**, recognizing the sunseting of the Florida Enterprise Zone Act and the desire of the County to continue to recognize the Enterprise Zone Area as an area eligible for Local Jobs Grant Bonus Incentive; (2) the proposed changes for the County's Economic Development Ad Valorem Tax Exemption application form and scoring matrix to remove references to the Enterprise Zone; and (3) rebrand the area

formerly known as the Enterprise Zone (*final designation to be determined*).

Commissioner Davis proposed having a Countywide Enterprise Zone.

Chairman Solari spoke in opposition to continuing with the former Enterprise Zone program, noting that no Enterprise Zone business has taken advantage of the tax abatement program.

Helene Caseltine, Director of Economic Development, Indian River County Chamber of Commerce, spoke in support of staff's recommendation.

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

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

11:31 a.m.

1. 2016 Sebastian Lionfish Fest Presentation by Kendra Cope
(memorandum dated December 23, 2015)

239-248

Environmental Specialist Kendra Cope, County Coastal Engineering, gave a PowerPoint Presentation describing the economic and biological impacts of the red lionfish on the

Indian River Lagoon and Atlantic Ocean. She invited everyone to attend the Sebastian Lionfish Fest Fishing Tournament and Educational Cook-Off, to be held at Captain Hiram's Resort on May 14, 2016.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved the Board's "Snapper Fish" level sponsorship in the amount of \$500, for the 2016 Sebastian Lionfish Fest scheduled for May 14, 2016 at Captain Hiram's Resort; and authorized staff to continue assisting the Beach and Shore Preservation Advisory Committee in the planning for the festival.

Commissioner Davis noted that this is the type of event that the County is willing to help fund initially, with the hope that the private sector will step in.

11:46 a.m.

2. Resolution Opposing United States Army Corps of Engineers (USACE) proposed plan to dredge and relocate bulk ocean sand from Martin and St. Lucie Counties to Dade County (memorandum dated December 17, 2015)

249-255

County Coastal Engineer James Gray reported on the United States Army Corps of Engineers' (USACE) proposal to remove offshore sand from Martin and St. Lucie Counties for Miami-Dade County beach restoration projects. He relayed the request of the Beach and Shore Preservation Advisory Committee (BSPA) for the Board to approve a Resolution opposing the USACE's proposal, and direct staff to work with the Legislators to look at the use of non-domestic sand sources for beach projects.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved **Resolution 2016-007**, opposing the United States Army Corps of Engineers proposed plan to dredge and relocate bulk ocean sand from Martin and St. Lucie Counties to Miami-Dade County.

Commissioner O'Bryan pointed out that Miami-Dade County is not behind the request for the off-shore sand; the federal government does not consider the use of non-domestic sand sources viable for beach restoration projects.

Tuck Ferrell, 1245 A1A, speaking on behalf of North Beach Civic Association, advocated for the protection of local sand sources. He encouraged the Board to urge the legislators to change the federal restrictions on using Bahamian sand.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously directed staff to begin discussions with the Florida Legislature relative to federal use of non-domestic sand sources and to request that Indian River County's offshore beach compatible sand sources be reserved for Indian River County's beach management program.

G. Utilities Services
None

13. COUNTY ATTORNEY MATTERS

11:53 a.m. A. Short Term Vacation Rental Questions from December 15, 2015 Meeting (memorandum dated January 6, 2016) 256

Deputy County Attorney William DeBraal gave a presentation with answers to questions posed by the Board at the December 15, 2015 County Commission meeting, regarding short-term vacation rental properties. He discussed homestead exemptions; the number of vacation rentals in the unincorporated County; the vacation rental organization Airbnb.com; enforcement of State regulations; and the number of residents that can reside in a rental property, according to the Fair Housing Act.

12:03 p.m. B. Use of Jungle Trail Logos (memorandum dated January 6, 2016) 257-264

Attorney DeBraal invited the following individuals to speak on their request to install signs bearing the Jungle Trail logo along the historic Florida Greenway known as the Jungle Trail:

Michael Stutzke, Port St. Lucie, gave background on the Jungle Trail Fruit Company box label and the Historic Jungle Trail logos.

County Historian Ruth Stanbridge, Indian River Historical Society, relayed that the Jungle Trail goes back to the 1920's.

Carolyn Bayless, President, Indian River County Historical Society, thanked the Board for their continued support of the organization's projects.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Davis, the Board unanimously approved and directed the Chairman to execute the Agreement for Use of Jungle Trail Logos and Fruit Box Labels with E. Michael Stutzke and Sue Stutzke, and directed staff to work with the parties to determine the best locations for installation of the signs.

12:11 p.m. C. Department of Juvenile Justice's 2014-2015 Reconciliation Statement
(memorandum dated January 6, 2016) 265-281

Assistant County Attorney Kate Pingolt Cotner provided background and analysis on the large discrepancy between the Florida Department of Juvenile Justice's (DJJ) initial estimate, and the follow-up Reconciliation Statement regarding the County's cost-share for juvenile detention care services. She asked the Board to approve the petition for a hearing on DJJ's reconciliation Statement.

MOTION WAS MADE by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, to approve the filing of the Petition for Formal Administrative Proceeding challenging the Florida Department of Juvenile Justice's 2014-2015 reconciliation statement.

Discussion followed between the Board and staff regarding the DJJ's methodologies.

Commissioner Zorc posed the possibility of developing some type of alternative short-term detention housing for juveniles in the County.

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

12:23 p.m. D. 2016 Committees Vacancies
(memorandum dated January 5, 2016) 282-284

County Attorney Dylan Reingold reported that many incumbents on County committees were reappointed, and that no qualified applications were received for the remaining vacancies. He noted that said vacancies are still posted on the County's website.

12:24 p.m. E. Repeal of Enterprise Zone Economic Development Ad Valorem Tax Exemption
(memorandum dated December 28, 2015) 285-286

(Clerk's Note: This item was discussed under Item 12.A.1. and is placed here for continuity).

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously authorized the County Attorney to advertise for public hearing an ordinance repealing that portion of the Economic Development Ad Valorem Tax Exemption pertaining to the Enterprise Zone.

14. **COMMISSIONERS MATTERS**

A. **Commissioner Bob Solari, Chairman**
None

- B. Commissioner Joseph E. Flescher, Vice Chairman
None
- C. Commissioner Wesley S. Davis
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 **12:23 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____

Approved: _____

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