



JEFFREY R. SMITH

Clerk to the Board

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BOARD OF COUNTY COMMISSIONERS

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JEFFREY R. SMITH

Clerk to the Board



October 1, 2013

REGULAR MEETING OF THE BOARD OF COUNTY

COMMISSIONERS

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, October 1, 2013. Present were Chairman Joseph E. Flescher, Vice Chairman Wesley S. Davis, and Commissioners Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were Assistant County Administrator Michael Zito, County Attorney Dylan T. Reingold, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman Flescher called the meeting to order at 9:00 a.m.

2. INVOCATION

Deputy Teddy Floyd, Indian River County Sheriff's Department, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner O'Bryan led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

- NONE

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Agenda as presented.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION RECOGNIZING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Chairman Flescher read and presented the Proclamation to Tracy Levy, representative of SafeSpace, Inc. She announced the "Walk a Mile in Her Shoes" event scheduled for Saturday, October 26, 2013, starting at 10:30 a.m., at the Indian River Mall,

5.B. PRESENTATION OF PROCLAMATION DESIGNATING OCTOBER 6 THROUGH OCTOBER 12, 2013, AS MENTAL ILLNESS AWARENESS WEEK IN INDIAN RIVER COUNTY, FLORIDA

Commissioner Zorc read and presented the Proclamation to Valerie Smith, President of National Alliance Mental Illness (NAMI), and members of NAMI. She announced that on Tuesday, October 8, 2013, from 2:30 p.m. to 4:30 p.m., there would be a special program at the Indian River Main Library, featuring guest speaker Reverend Dr. John F. Baggett.

5.C. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF OCTOBER, 2013 AS INDIAN RIVER COUNTY FAMILY HISTORY MONTH

Commissioner Solari read and presented the Proclamation to Robert Satola, President of the Indian River Geological Society, Tony Young, past President, and Board Members of the Society. He announced that on Tuesday, October 15, 2013, at 5:00 p.m., the Society would be presenting historical information to interested Indian River County employees.

5.D. PRESENTATION BY CHRISTOPHER “ANDY” HEMMINGS, LEAD ARCHEOLOGIST, OLD VERO ICE AGE SITE

Dick Kerr, member of the Vero Ice Age Committee, introduced Christopher “Andy” Hemmings, Lead Site Archeologist for the excavation of the Ice Age site, which will start in January 2014.

Christopher “Andy” Hemmings provided background, described the importance of the project, and revealed future plans.

5.E. PRESENTATION BY TODD HOWDER, PRESIDENT, VERO BEACH AIR SHOW, INC., ANNOUNCING THE VERO BEACH AIR SHOW WHICH IS TAKING PLACE ON OCTOBER 5TH AND 6TH, 2013, AT THE CITY OF VERO BEACH MUNICIPAL AIRPORT

Todd Howder, President of the Vero Beach Air Show, Inc., announced the 2013 Vero Beach Air Show event (flier on file) scheduled for October 5th and 6th at the City of Vero Beach Municipal Airport. Funds will be raised for the prevention of child abuse in Indian River County, and help local veterans in need.

**5.F. PRESENTATION BY VINCENT OUTLER AND CRYSTAL BUJOL ON THE
GIFFORD YOUTH ORCHESTRA ANNUAL CONCERT AND 10TH ANNIVERSARY
CELEBRATION**

Vincent Outler provided background on the Gifford Youth Orchestra, and introduced its founder, Dr. Crystal Bujol. She spoke about the history of the organization, its future, and the 10th Anniversary Celebration scheduled for November 2, 2013, at 2:00 p.m., at the Emerson Center (brochure on file).

**5.G. PRESENTATION BY JACKI JACKSON, CEO/EXECUTIVE DIRECTOR, EARLY
LEARNING COALITION OF INDIAN RIVER, MARTIN, AND OKEECHOBEE
COUNTIES**

Jacki Jackson, CEO/Executive Director of the Early Learning Coalition, provided an annual update on the organization, and asked the Board to pass a resolution authorizing a County-wide referendum on the 2014 ballot to see if voters would want an independent Childrens Services Council.

Elizabeth Barbella, Executive Director of the House of Hope in Martin County, recapped her PowerPoint presentation (on file), providing information on Florida's Childrens Services Councils.

A lengthy discussion followed as the Board discussed and debated whether this item should go to referendum.

Management and Budget Director Jason Brown said that from a historical perspective, when the Board adopted the Childrens Services ordinance, the thought of a separate organization was considered, but due to reasons of duplication of services, additional bureaucracy, and

additional administrative costs, the Board decided against a separate entity. He also pointed out the millage changes over the years, and the cut backs in funding when the tax rolls went down.

Ms. Jackson wanted to know what her next step would be.

Chairman Flescher informed Ms. Jackson that this matter could come back to the Board under a Commissioner or staff item for further discussion.

The Chairman called for a recess at 11:04 a.m., and reconvened the meeting at 11:16 a.m., with all members present.

6. APPROVAL OF MINUTES

6.A. MEETING OF AUGUST 20, 2013

The Chairman asked if there were any corrections or additions to the minutes. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the meeting minutes of August 20, 2013, as written.

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

7.A. RESIGNATION OF TODD WESTOVER FROM THE ENTERPRISE ZONE DEVELOPMENT AGENCY (EZDA)

Noted for the record was the vacancy of Todd Westover, who tendered his resignation effective immediately as a Member at Large; his term would have expired in January 2015.

7.B. RECOGNITION OF BELA NAGY, GOLF PROFESSIONAL – SANDRIDGE GOLF CLUB, ON BEING NAMED 2013 SOUTH FLORIDA SECTION PGA MERCHANDISER OF THE YEAR IN THE PUBLIC CATEGORY

The Board and staff recognized Bela Nagy for being named the 2013 South Florida Section Professional Golfers Association (PGA) Merchandiser of the year.

8. CONSENT AGENDA

Chairman Flescher asked if there was anyone in the audience who wished to pull an item on the Consent Agenda for discussion. There were no speakers.

8.A. APPROVAL OF WARRANTS – SEPTEMBER 6, 2013 TO SEPTEMBER 12, 2013

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of September 6, 2013 to September 12, 2013, as requested in the memorandum of September 12, 2013.

**8.B. PROCLAMATION AND RETIREMENT AWARD HONORING LYNN WILLIAMS
ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS DEPARTMENT OF PUBLIC WORKS/FACILITIES
MANAGEMENT WITH THIRTY-TWO YEARS OF SERVICE**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the Proclamation and Retirement Award honoring Lynn Williams on his retirement from the Department of Public Works/Facilities Management.

**8.C. SELECTION OF CONTINUING PROFESSIONAL SURVEYING AND MAPPING
SERVICES – RFO# 2013043 – IRC PROJECT NO. 1333**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the Fee Schedules and Master Agreements for surveying and mapping services with: (1) Carter Associates, Inc.; (2) Kimley-Horn and Associates, Inc.; (3) Masteller, Moler, Reed, and Taylor, Inc.; (4) Morgan and Eklund, Inc.; and (5) Southeastern Surveying and Mapping Corporation; and authorized the Chairman to execute said Agreements, as recommended in the memorandum of September 10, 2013.

AGREEMENTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.D. RENEWAL OF AGREEMENT WITH INDIAN RIVER COUNTY FAIR ASSOCIATION FOR USE OF COUNTY FAIRGROUNDS

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the “Renewal of Agreement for Use of Indian River County Fairgrounds” with the Indian River County Fair Association, Inc., as recommended in the memorandum of August 14, 2013.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.E. APPROVAL OF BID AWARD FOR IRC BID No. 2014004 ANNUAL BID FOR ASPHALT PAVING AND RESURFACING

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously authorized: (1) the award of Bid Items 1-9 to Community Asphalt Corporation of Vero Beach, and award of Bid Item 10 to Ranger Construction Industries, Inc. of Fort Pierce, as the lowest responsive and responsible bidders meeting the specifications as set forth in the Invitation to Bid; (2) the Purchasing Division to issue blanket purchase orders for the period of October 1, 2013 through September 30, 2014 to the recommended bidders; and (3) the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 20, 2013.

8.F. CHANGE ORDER #4 CRIME SCENE FACILITY PROCTOR CONSTRUCTION COMPANY

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Change Order No. 4 to the Crime Scene Facility Contract with Proctor Construction Company, in the amount of \$5,909.38, increasing the contract amounts to \$1,877,355.11, as recommended in the memorandum of June 11, 2013.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.G. FDOT LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE – OLD DIXIE HIGHWAY SIDEWALK FROM 8TH STREET TO 20TH STREET, IRC PROJECT No. 1102 – FM#: 425710-1-58-01

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-108**, authorizing execution of a supplemental agreement for the sidewalk construction on Old Dixie Highway from 8th Street to 20th Street with the State of Florida, Department of Transportation.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.H. CONSIDERATION OF THE INDIAN RIVER COUNTY TRANSIT DEVELOPMENT
PLAN (TDP) MAJOR UPDATE**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the Transit Development Plan, as recommended in the memorandum of September 20, 2013.

DOCUMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES**

**9.A. INDIAN RIVER COUNTY SHERIFF DERYL LOAR - FISCAL YEAR 2013
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
FORMULA PROGRAM: LOCAL SOLICITATION**

(Clerk's Note: This Item was heard following Item 5.G., and is placed here for continuity.)

Chairman Flescher asked if there was anyone who wished to speak on this item, and there being none, moved forward with the motion.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously authorized the Sheriff to move forward with the Fiscal Year 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation. The JAG grant is in the amount of \$21,928.00, with no match required, for the purchase of information technology items described

as: Message Switch and three computers, as requested in the letter dated September 18, 2013.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. ROBERT WILLIAMS' REQUEST TO REZONE ± 0.15 ACRES FROM RS-6 TO RM-6 (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, divulged that there had been no ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and are able to base their decisions on the evidence presented and the applicable law.

In accordance with Chairman Flescher's declaration that this meeting was quasi-judicial, the Deputy Clerk administered the Oath to all persons who wished to speak.

Community Development Director Robert Keating, using a PowerPoint presentation (on file), explained the request and the purpose of rezoning ± 0.15 acres of undeveloped property, located at 910 9th Court S.W., from RS-6 Single-Family Residential District to RM-6 Multi-Family Residential District. He reported that both the Planning and Zoning Commission and staff recommend the Board approve the proposed rezoning request.

Commissioners sought clarification from staff regarding access to the property and the applicant's mailing address.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved **Ordinance 2013-013**, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ± .15 acres located at 910 9th Court S.W. from RS-6, Single-Family Residential District (up to 6 units/acre), to RM-6, Multi-Family Residential District (up to 6 units/acre); and providing codification, severability, and effective date.

10.A.2. COUNTY INITIATED REQUEST TO AMEND THE TEXT OF THE POTABLE WATER AND SANITARY SEWER SUB-ELEMENTS OF THE COUNTY'S COMPREHENSIVE PLAN (LEGISLATIVE)

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

Planning Director Stan Boling used a PowerPoint presentation (on file) to recap his memorandum dated August 28, 2013. He recalled that at the June 18, 2013 Board of County Commissioners meeting, a number of property owners who reside along 66th Avenue, outside the Urban Service Area, expressed a strong desire to be connected to centralized water and sewer main lines being installed along the road. He defined the procedures for reviewing Comprehensive Plan amendments; explained the purpose of the proposed text amendments to Policy 5.7 of the Potable Water Policy, and Policy 5.8 of the Sanitary Sewer; spoke about the consistency with the Comprehensive Plan; analyzed different scenarios on how an amendment could affect certain properties; and revealed that the Planning and Zoning Commission had recommended that the Board adopt a revised amendment that would allow connection only for properties adjacent to a main line. Staff's recommendation is for the Board to approve the

transmittal resolution and announce the intention to adopt the amendment at a future final hearing.

Public Works Director Chris Mora explained staff's objection to extending the water lines beyond 500 feet.

Commissioners Davis and Zorc sought and received additional information regarding road right-of-ways.

Director of Utility Services Vincent Burke outlined the five points listed on page 157 of the Agenda Packet, relating to expanding water and/or sewer service outside the Urban Service Area. He spoke about issues concerning right-of-ways, water lines in tight areas, extending water lines to properties outside the 500-foot maximum distance, and installing lines that are not designed as part of the master plan system.

Discussion ensued as the Commissioners sought and received information and clarification from staff.

The Chairman opened the Public Hearing.

Larry Semprevivo, 7020 4th Street, pointed out that on 66th Avenue there is a fire hydrant and a newly trenched ditch on the west side of 66th Avenue to 72nd Street, and wanted to know if a fire hydrant could be installed in the vicinity of 74th Street. He spoke about the poor water quality issues for people living west of 66th Avenue; did not believe that running a water line west of town would be a problem since there is already a trench and line there; and felt this would benefit that entire area.

Robert Brice, 125 McKee Lane, thanked the Board for their support; believed the answer to the situation goes beyond today's discussion; stressed that only a water system can

make the water quality satisfactory; and was convinced that eventually the whole area would be provided with County water.

Chris Crawford, 185 66th Avenue, voiced concerns over health issues due to the water quality, said his property is about 500 feet from the water line, and has interest in connecting to it at \$10 per foot, but not \$50.

Discussion ensued regarding cost sharing for running a water line,

Todd Vanhouten, 1495 Treasure Cove Lane, who works for a water conditioning business, disclosed that there are solutions to solving some of the water quality issues through new technology, and conveyed that his local business could help.

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

Discussion ensued among Commissioners and staff pertaining to the poor quality of water and providing residents with County water.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, to: (1) approve **Resolution 2013-109**, approving the transmittal of a proposed Indian River County Comprehensive Plan text amendment to State and Regional Review Agencies; (2) announce staff's recommendation to hold and advertise a final public hearing at the adoption stage of the plan amendment process; and (3) and direct staff to continue exploring ways to facilitate future connections.

Vice Chairman Davis voiced concerns that staff's recommendation would not resolve the enclave problem, and Commissioner Solari stated that his Motion would solve the problem at hand today; and the other issues could be addressed after staff has a chance to analyze the issues further.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**10.A.3. PROPOSED AMENDMENT TO FERTILIZER AND LANDSCAPE
MANAGEMENT ORDINANCE (LEGISLATIVE)**

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

County Attorney Dylan Reingold recalled that on August 20, 2013, the Board approved a comprehensive Fertilizer Ordinance (2013-012), and on September 10, 2013, the Board directed the County Attorney's office to draft an amendment to the Ordinance on two issues: (1) provide a period of time (up to June 1, 2014) to phase in the 50% slow-release nitrogen, and (2) regulate that the Ordinance and its provision only be applicable within the unincorporated area of Indian River County.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, sought and received clarification on the restricted season for fertilizing (June 1 – September 30); enforcement procedures and penalties; and the Enforcement Officer position.

Commissioner Solari suggested that Resolution 2013-089 be added to the County's website so the public can view the "Citation Ordinance Schedule of Penalties and Notification of Time Frames."

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

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Ordinance 2013-014**, concerning the Fertilizer and Landscape Management Ordinance, amending Section 316.6 (Fertilizer Content and Application Rates) and Section 316.15 (Applicability) of Chapter 316 (Indian River County Fertilizer and Landscape Management Ordinance) of the Code of Indian River County to allow for the gradual amortization of the supply of certain nitrogen containing fertilizer and applying Chapter 316 to unincorporated Indian River County, and providing for an effective date.

The Chairman called for a recess at 1:08 p.m., and reconvened the meeting at 1:28 p.m., with all members present.

**10.A.4. ORDINANCE REGARDING REASONABLE OPPORTUNITY TO BE HEARD,
PER SENATE BILL 50 (LEGISLATIVE)**

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

Attorney Reingold recapped his memorandum dated September 18, 2013, recalling that on September 10, 2013, the Board adopted Resolution 2013-090, establishing rules and policies governing the public's opportunity to be heard at Board of County Commissioners meetings (in compliance with Section 286.0114 of the Florida Statutes), and requested that the Board adopt

the proposed ordinance to establish said rules and policies in Section 102.11 of the County's Ordinance Code.

A brief discussion ensued regarding the public's opportunity to be heard.

The Chairman opened the Public Hearing.

Althea McKenzie, 4876 30th Avenue, sought and received clarification on the technicalities of "reasonable opportunity to be heard," and hoped the Board would continue encouraging individual speaking. She also received clarification regarding the three-minute rule in Ordinance 2013-015, Section 102.11.3, and the accessibility of Consent Agenda items prior to the meeting.

Discussion ensued regarding open communication and transparency, what the Ordinance covers, and the current Board not imposing the three-minute rule.

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

Further discussion ensued on whether the "Request to Speak" form should state that remarks are limited to three minutes unless additional time is granted by the Board, even though the Board does not impose the three-minute rule.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved **Ordinance 2013-015**, concerning policies governing opportunities for members of the public to be heard; amending Section 102.07 (addressing the Commission) and establishing a new Section 102.11 (Public opportunity to be heard) and of Chapter 102 (Board of County Commissioners; Meetings and Procedures); making

findings and providing for severability, codification and an effective date.

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING OCTOBER 15, 2013: BOARD CONSIDERATION OF THE APPROVAL OF A PLAN OF FINANCE TO PROVIDE CAPITAL, INCLUDING THE ISSUANCE FROM TIME TO TIME BY THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY, ON BEHALF OF INDIAN RIVER COUNTY AND OTHER PARTICIPATING COUNTIES, OF NOT EXCEEDING \$150,000,000 SINGLE FAMILY MORTGAGE REVENUE BONDS

The County Attorney read the Notice into the record.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. REPORT ON CURRENT ZONING OF COUNTY ADMINISTRATION CAMPUS

Director Keating, using a PowerPoint presentation (on file), recapped his memorandum to provide the Board with zoning and permitted uses pertaining to the County Administration Campus, as requested at the September 17, 2013 Board of County Commissioners meeting.

The Commissioners sought additional information from staff pertaining to administrative and government uses.

Director Keating did not think staff would be successful in trying to get the southern portion of the County Administration Campus (which is currently zoned as Medium and High Density Multiple-Family Residential District) rezoned to government use, especially since there has been neighborhood opposition.

No Board action required or taken.

12.A.2. CONSIDERATION OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PROPOSED SURPLUS AND SALE OF THREE CONSERVATION LAND PARCELS ASSOCIATED WITH THE ST. SEBASTIAN RIVER PRESERVE STATE PARK

Environmental Planning and Code Enforcement Chief Roland DeBlois provided background, conditions, and analysis on the consideration of the Florida Department of Environmental Protection's (FDEP) proposed surplus of statewide properties, as well as three conservation land parcels - DRP-30, DRP-49, and DRP-50, associated with St. Sebastian River Preserve State Park. He outlined the alternatives regarding the three proposed surplus sites, and suggested the Board recommend to FDEP that only the southern pasture portion of DRP-30 (south of the Trans-Florida Central Railway corridor) remain on the preliminary surplus lands list, and that the remainder of DRP-30, all of DRP-49, and all of DRP-50 be taken off.

Commissioner Zorc proposed that future land swaps with the State include a reversion clause so the property that is determined to be surplus will come back to the County.

Discussion ensued regarding properties that are taken off the list by the State, and the process used when properties are offered back to the local government.

Ruth Stanbridge, 4835 66th Avenue, County Historian, provided background on the parcels, and did not support the County taking them out of conservation. She wanted the Board

to send a strong message to the State that these are conservation, natural, and historical resources. She recommended that the sites not be surplussed, that they stay under State ownership, and that they remain as environmentally sensitive lands.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously authorized the Chairman to write a letter to the Florida Department of Environmental Protection, recommending that DRP-30, DRP-49, and DRP-50 not be surplussed, that they stay under State ownership, and that they remain as environmentally sensitive lands.

Dr. Richard Baker, Pelican Audubon Society, provided history and emphasized that people feel that land that was set aside for conservation should remain in conservation.

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

**12.J.1. VERO SHORES 10" FORCE MAIN REPLACEMENT UNDER US1, FINAL
PAY TO ANDREW SITEWORK, LLC**

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously approved the project's total construction amount of \$161,855.04, and approved payment of Pay Request No. 4 Final from Andrew Sitework, LLC in the amount of \$8,092.75 to release the retainage. Payment of the retainage will release the County's obligation to the Contractor, as recommended in the memorandum of September 12, 2013.

13. COUNTY ATTORNEY MATTERS

**13.A. FOURTH AMENDMENT AND EXTENSION TO CONTRACT FOR PROVIDING
ANIMAL SHELTER SERVICES FOR INDIAN RIVER COUNTY**

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the "Fourth Amendment and Extension to Contract for Providing Animal Shelter Services for Indian River County, Florida," with the Humane Society of Vero Beach and Indian River County, as recommended in the memorandum of September 25, 2013.

Deputy County Attorney William DeBraal explained a new provision in the Agreement that should the County require them to hold an animal past ten days, due to a custody matter or court case, the Humane Society will receive \$10 per day for boarding.

DOCUMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

13.B. REQUEST FOR SATISFACTION OF CODE ENFORCEMENT LIEN AT 2443 2ND PLACE SW IXORA PARK SUBDIVISION

Attorney DeBraal said he received a phone call from an attorney representing the Bank of New York Mellon concerning a house at 2443 2nd Place SW, that had been foreclosed, sold at auction, and purchased by the bank. He revealed that the closing had been set, and when the lien search was complete, they found a code enforcement lien had not been satisfied through the foreclosure action, and after further research, found that the County had not been properly served. He reported that the Bank's remedy would be to pay the code lien to pass clear title (about \$85,000), or re-foreclose. He said that in his conversations with the bank attorney, they agreed that if the Bank would pay the County \$1,500 out of the closing proceeds, it would satisfy the code lien, and the new purchaser could close on the property. He recommended the Board accept the \$1,500 for the satisfaction of the lien.

Gary Farlis, Farlis Properties, informed the Board that he acquires homes that are vacant for numerous years, brings them up to code, gets the liens paid off, and markets them.

MOTION WAS MADE by Vice Chairman Davis,
SECONDED by Chairman Flescher, to approve staff's
recommendation.

A brief discussion ensued regarding the lien process.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved settlement of the Code Enforcement Lien at 2443 2nd Place SW for \$1,500.00, and authorized staff to execute a satisfaction of the lien upon payment of the settlement amount, as recommended in the memorandum of September 24, 2013.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN

14.A.1. APPOINTMENT FOR TOURIST DEVELOPMENT COUNCIL (TDC) A

PERSON INTERESTED IN TOURISM DEVELOPMENT/NOT AN OWNER OF HOTEL/MOTEL/ OR TOURIST ACCOMMODATIONS

Chairman Flescher reviewed his memorandum dated September 18, 2013, regarding the resignation of Ursula Gunter from the Tourist Development Council (TDC), and the vacancy of the position. He announced that the following individuals had submitted their applications for the vacancy and that they all meet the requirements: Steve Hayes, Oscar Sales, Jr., Sophie Bentham Wood (Shanaphy), and Karen Mechling. He thereafter recommended that Karen Mechling be appointed as the replacement for the TDC.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman Flescher, to appoint Karen Mechling, as the Tourist Development Council Person Interested in Tourism Development / Not an Owner of Hotel / Motel / or Tourist Accommodations, with the term expiring in January 2015.

The Commissioners were pleased that there were four applicants who applied for the position, stressed that there was nothing negative with the other candidates, and hoped the candidates would keep their applications on file for future positions.

Karen Mechling thanked Chairman Flescher for the recommendation.

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

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE

14.C. COMMISSIONER PETER D. O'BRYAN

14.C.1. UPDATE ON THE INDIAN RIVER LAGOON COUNTIES COLLABORATIVE

Commissioner O'Bryan reported that he had joined with Martin County Commissioner Ed Fielding, to unite the six Counties along the Indian River Lagoon to see what can be done as a collective group at County level. He spoke about the Collaborative's September meeting, said the group is preparing to hold another meeting, and requested permission from the Board to: (1) use the County Commission Chambers for the next Collaborative meeting, and (2) allow Indian River County staff, in particular GIS staff, to work with staff from other Counties on data collection and storage.

Commissioner Davis suggested Commissioner O'Bryan showcase to the collaborative group, the different projects (oyster reefs, Kilroy monitoring system, plant mats, and the algal turf scrubbers) that Indian River County has implemented.

Commissioner Solari suggested using either the Chambers in Building A or the Conference Room in Building B.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved: (1) the Collaborative group to use the County Commission Chambers in Building A or the Conference Room in Building B, for the next meeting; (2) to give an Indian River County presentation on recent improvement projects; and (3) for Indian River County staff, in particular GIS staff, to work with staff from other Counties on data collection and storage.

A brief discussion ensued regarding the Sunshine Law and the Collaborative.

14.D. COMMISSIONER BOB SOLARI

14.D.1. ELECTRONIC CIGARETTES

Commissioner Solari spoke about the electronic nicotine delivery device, aka electronic cigarette, or e-cigarette, and asked whether the Board wished to consider adding the device to the County's current cigarette ordinance.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Flescher, to add electronic cigarettes to the County's current cigarette ordinance.

Discussion ensued regarding the proper name of the electronic nicotine delivery device.

Dr. Barry Hummell, Jr. informed the Board that they should be careful about the term e-cigarette because electronic cigars are currently available, and the correct scientific term is "electronic nicotine delivery device." He believed that adding it to the existing ordinance,

putting it behind the counter, and adding an age restriction would protect the County's youth. He also pointed out that there is a Bill currently being filed to make it a statewide rule that an individual must be at least 18 years of age to purchase tobacco products.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Chairman Flescher, to add the terminology "electronic nicotine delivery device" to the County's current cigarette ordinance.

The Chairman CALLED THE QUESTION and the amended motion carried unanimously.

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

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

15.B.1. APPROVAL OF MINUTES – MEETING OF AUGUST 20, 2013

**15.B.2. REQUEST FOR GENERAL FUNDS – PACE PROJECT AND OTHER
COMMUNITY PROJECTS**

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 3:05 p.m.

ATTEST:

Jeffrey R. Smith, Clerk
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/LA/2013Minutes