

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

OCTOBER 15, 2013

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JEFFREY R. SMITH

Clerk to the Board



October 15, 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 15, 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 County Administrator Joseph A. Baird, County Attorney Dylan Reingold, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Shelly Satran, Our Savior Lutheran Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

- NONE

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF OCTOBER 2013 AS NATIONAL ARTS AND HUMANITIES MONTH

Vice Chairman Davis read and presented the Proclamation to Chairman Barbara Hoffman and Board Members Donna Lindsey and Alan Shapiro, of the Cultural Council of Indian River County. Ms. Hoffman advised that further information about events and activities can be found in the 2013-2014 Arts and Cultural Event Guide, and online at www.cultural-council.org.

5.B. PRESENTATION OF HIGHLIGHTS FROM THE FINAL REPORT ON THE “REGIONAL ECONOMIC BENEFITS OF THE SEBASTIAN INLET” BY SEBASTIAN INLET DISTRICT COMMISSIONER BETH MITCHELL AND SEBASTIAN INLET DISTRICT ADMINISTRATOR MARTY SMITHSON

Beth Mitchell, Commissioner of the Sebastian Inlet District and President/CEO of the Sebastian Chamber of Commerce, commented on the positive long-term relationship that the District has enjoyed with the County.

Marty Smithson, Sebastian Inlet District (SID) Administrator, distributed a pamphlet to the Board (copy on file), and gave a PowerPoint presentation highlighting Cardno ENTRIX’s study on the regional economic benefits of maintaining navigation on the Sebastian Inlet. He said the benefits include income for marine and other businesses; employment; state and local tax revenues; enhanced property values; and natural resource value (seagrass). He advised that further information is available at www.sebastianinletdistrict.com. Mr. Smithson also reported

that, according to a survey issued by Cardno ENTRIX, many boaters want artificial reefs to be created closer to shore.

**5.C. PRESENTATION ON 2014 SHOOTING INDUSTRY MASTERS TOURNAMENT
TO BE HOSTED BY INDIAN RIVER COUNTY AT THE INDIAN RIVER COUNTY
SHOOTING RANGE BY MICHAEL ZITO, ASSISTANT COUNTY
ADMINISTRATOR, INDIAN RIVER COUNTY**

Assistant County Administrator Michael Zito announced that FMG Publications (FMG), the sponsor of the Shooting Industry Masters Tournament, has selected the Indian River County Shooting Range as the venue for this year's tournament, which is scheduled for July 17 through July 19, 2014. He used a PowerPoint presentation to provide an outline of proposed events, which include a charity golf tournament on July 17, 2014 for Honored American Veterans Afield (HAVA), and played the promotional video that accompanied the Request For Proposal (RFP) that was sent to FMG. He stated that the Indian River County Shooting Range will be added to the map of the County's Sports Tournament Facilities, marketing Indian River County as a sports and vacation destination, and that the Shooting Range expansion should be completed in time for the tournament.

Vice Chairman Davis suggested that an overlay be created on the map to highlight the sporting opportunities offered by the municipalities, such as the ROTC Challenge Course in Fellsmere.

Holden Kriss, Shooting Range Manager, affirmed that the tournament is a high-end event that will bring in at least 50 CEO's involved in the shooting industry.

Discussion ensued with individual Commissioners voicing their enthusiasm and support for the upcoming tournament and the positive publicity that will be generated for Indian River County. The Board stressed the importance of completing the Shooting Range improvements

before the event, and noted that the tournament will have a tremendous economic impact on the community, particularly on hotels/ motels, restaurants, and shops.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF SEPTEMBER 10, 2013

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

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved the minutes of the September 10, 2013 meeting, as written.

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

7.A. THE FLORIDA FOREST SERVICE'S 2013 ANNUAL FIRE MANAGEMENT REPORT FOR DISTRICT 16 – INDIAN RIVER COUNTY IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.B. RESIGNATION OF Ms. KAREN SWANSON, DISTRICT 3 APPOINTEE TO THE CHILDREN'S SERVICES ADVISORY COMMITTEE (CSAC)

Noted for the record was the vacancy on the Children's Services Advisory Council (CSAC), of the District 3 Appointee, subsequent to the resignation of Ms. Karen Swanson, effective immediately. Commissioner Zorc disclosed that several individuals have expressed interest in the position, and welcomed others to apply before he makes the appointment.

**7.C. OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH FINALIZED
SALARIES FOR FISCAL YEAR 2013-14**

Noted for the record was the receipt of the report issued by the Clerk of Circuit Court and Comptroller's office on final salary recommendations for the Indian River County Commissioners.

8. CONSENT AGENDA

**8.A. APPROVAL OF WARRANTS – SEPTEMBER 27, 2013 TO SEPTEMBER 30,
2013**

ON MOTION by Commissioner O'Bryan, 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 27, 2013 to September 30, 2013, as requested in the memorandum of September 30, 2013.

8.B. APPROVAL OF WARRANTS – OCTOBER 1, 2013 TO OCTOBER 3, 2013

ON MOTION by Commissioner O'Bryan, 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 October 1, 2013 to October 3, 2013, as requested in the memorandum of October 3, 2013.

8.C. INTERFUND BORROWING

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved interfund borrowing as necessary to cover any cash deficits of individual funds that may occur, as recommended in the memorandum of October 9, 2013.

8.D. APPROVAL OF RENEWAL AGREEMENT WITH SHERIFF’S OFFICE FOR USE OF THE INDIAN RIVER COUNTY PUBLIC SHOOTING RANGE

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the Agreement between the Indian River County Sheriff’s Office and the Board of County Commissioners, Indian River County, Florida, as recommended in the memorandum of September 30, 2013.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. TAX EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) PUBLIC HEARING ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS (ADMINISTRATIVE)

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

Elbert Jones, Jr., CEO, Escambia County Housing Finance Authority (the Housing Finance Authority), thanked the Board for partnering with the Housing Finance Authority since 1991, and encouraged them to continue to participate by signing the proposed Interlocal Agreement and Resolution. He discussed past loans that the Housing Finance Authority has made to first-time homeowners in Indian River County, and reported that three loan companies are currently participating in the program, with a fourth lender pending.

Chairman Flescher acknowledged that the program is mutually beneficial to both counties.

The Chairman opened the Public Hearing; there were no speakers, and the Chairman closed the Public Hearing.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved: (1) **Resolution 2013-110**, authorizing the Escambia County Housing Finance Authority to operate within the boundaries of Indian River County, Florida, and approving a plan to finance single-family mortgage loans on behalf of Indian River County, Florida; authorizing the Board of County Commissioners to enter into agreements with the Escambia County Housing Finance Authority and to execute and deliver certain documents and instruments in connection therewith; approving a form of interlocal agreement; approving the issuance of the Escambia County Housing Finance Authority of not exceeding \$150,000,000 single family mortgage revenue bonds,

pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended; providing that such bonds constitute limited, special obligations; and providing an effective date; and (2) the Interlocal Agreement between Indian River County, Florida and the Escambia County Housing Finance Authority.

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

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING OCTOBER 22, 2013:

PUBLIC NOTICE OF PUBLIC HEARING SCHEDULED FOR OCTOBER 22, 2013 TO CONSIDER AMENDING CHAPTER 313 (MERCHANTISING OF TOBACCO PRODUCTS) OF THE INDIAN RIVER COUNTY CODE WITH REGARD TO ELECTRONIC NICOTINE DELIVERY DEVICES (E-CIGARETTES)

County Attorney Dylan Reingold read the notice into the record.

Commissioner Zorc inquired whether the proposed Ordinance would address the use of e-cigarettes in public places.

Attorney Reingold explained that the Florida Department of Business and Professional Regulation classifies electronic nicotine delivery devices as tobacco products and as such, they fall under the Florida Clean Indoor Air Act. He added that the aforementioned law regulates smoking and states that local governments do not have that authority.

Commissioner Solari felt that focusing on the merchandising of the e-cigarettes would address the concerns expressed by Dr. Barry Hummel and Leslie Spurlock at the October 1, 2013 County Commission meeting. He added that careful product placement would deter young people from shoplifting the devices and potentially developing a tobacco habit.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

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 - NONE

13. COUNTY ATTORNEY MATTERS - NONE

14. COMMISSIONER ITEMS

14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE

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

14.C. COMMISSIONER PETER D. O'BRYAN - NONE

14.D. COMMISSIONER BOB SOLARI

14.D.1. RESPONSE TO SEPTEMBER 30, 2013 LETTER OF MR. BUSHA

(EXECUTIVE DIRECTOR OF THE TREASURE COAST REGIONAL PLANNING COUNCIL)

Commissioner Solari objected to statements made in the September 30, 2013 letter sent by Michael Busha, Executive Director of the Treasure Coast Regional Planning Council (TCRPC), to City of Sebastian Mayor Bob McPartlan, pursuant to the Mayor's request. He explained that Mr. Busha had included "talking points" relative to concerns that he (Commissioner Solari) had voiced about the Seven50 initiative at various public meetings. Commissioner Solari detailed his objections, which included, but were not limited to, statements that Mr. Busha made: (a) refuting his (Commissioner Solari's) views of the South Florida Regional Planning Council when he (Mr. Busha) had previously accepted them; (b) disparaging Indian River County residents who opposed the Seven50 effort; and (3) discounting his (Commissioner Solari's) position that there is a clear overlap between the values of the Seven50 group (copy on file) and the Department of Housing and Urban Development. He thereafter requested that Commissioner O'Bryan, as the TCRPC Chairman, designate an item on the Council's December agenda, to allow him a chance for a rebuttal.

After a brief discussion among the Board, Commissioner O'Bryan agreed to direct TCRPC staff to designate a special agenda item for Commissioner Solari.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman Flescher, to direct Commissioner O'Bryan, Chairman of the Treasure Coast Regional Planning Council (TCRPC), to have a designated item placed on the December 2013 TCRPC agenda for Commissioner Solari to respond to a letter sent by Michael Busha to the City of Sebastian Mayor Bob McPartlan.

Commissioner Zorc was curious as to what Mayor McPartlan had sent to the TCRPC that prompted Mr. Busha's letter of response.

Commissioner Solari stated that he would request that information.

The Chairman invited public comment; there was none.

The Commissioners debated whether Commissioner O'Bryan's position as Chairman of the TCRPC would vest him with the power/authority to add a specific agenda item.

MOTION WAS AMENDED by Vice Chairman Davis, SECONDED by Chairman Flescher, to direct Commissioner O'Bryan, *if the Treasure Coast Regional Planning Council declines to designate an agenda item for Commissioner Solari on its December 2013 agenda*, to return to the Board at the next County Commission meeting on October 22, 2013, with the rationale for the TCRPC's refusal.

Bob Johnson, Coral Wind Subdivision, observed that the County, as a member of the Treasure Coast Regional Planning Council, should have a copy of its charter.

Discussion followed about the County's relationship with the TCRPC, after which the Board took the following action:

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) requested that Commissioner O'Bryan, Chairman of the Treasure Coast Regional Planning Council (TCRPC), have a designated item placed on the December 2013 TCRPC agenda for Commissioner Solari to address the Council in response to a letter sent by Michael Busha to the City of Sebastian Mayor Bob McPartlan, and (2) directed Commissioner O'Bryan, *if the Treasure Coast Regional Planning Council declines to designate an agenda item for Commissioner Solari on its December 2013 agenda*, to return to the Board at the next County Commission meeting on October 22, 2013, with the rationale for their refusal.

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

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 Board of County Commission meeting adjourned at 10:20 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MG/2013Minutes