



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
REGULAR MEETING MINUTES**

**TUESDAY, MAY 17, 2016**

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

**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	Terri Collins-Lister, Deputy Clerk	Present

**DVD  
TIMES**

**PACKET  
PAGES**

1.      **CALL TO ORDER**                      **9:00 A.M.**
  
2.      **INVOCATION**                              Commissioner Wesley S. Davis
  
3.      **PLEDGE OF ALLEGIANCE**              Commissioner Tim Zorc
  
4.      **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**  
**9:01**      **Move Item 14.A.1. to be heard in conjunction with Item 5.E.**  
**a.m.**      **Move Item 14.D.1. to be heard following Item 5.E.**  
  
**ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner  
Davis, the Board unanimously approved the Agenda as amended.**
  
5.      **PROCLAMATIONS and PRESENTATIONS**  
**9:03**      A.      Presentation of Proclamation and Retirement Award Honoring William  
**a.m.**      Michel on His Retirement from Indian River County Board of County  
Commissioners Department of Emergency Services/Fire Rescue With Thirty  
Years of Service  
  
1-2


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**Chairman Solari read and presented the Proclamation to William  
Michel.**

9:12 a.m. B. Presentation of Proclamation Designating the Week of May 15<sup>th</sup> – May 21<sup>st</sup> 2016, as Emergency Medical Services Week 3

Vice Chairman Flescher read and presented the Proclamation to Brian Burkeen, Assistant Fire Chief, Indian River County Emergency Services. Also present were Greg Lowe, CEO of Lawnwood Regional Medical Center and Heart Institute; Kimberly Fitzgerald-Wright, Director of Trauma Educational Coordinator; Katy Maxemow, Trauma Injury Prevention and Education Coordinator; and Corey Richter, Training Battalion Chief, Indian River County Emergency Services.

9:21 a.m. C. Presentation of Proclamation Recognizing May 20, 2016 as Indian River County’s Bike to Work Day 4

Chairman Solari read and presented the Proclamation to Jean Piper, Chair of the Vero Cycling “National Cycling Month” Program, Sharon LaPoint, Club President, and Tad Diesel, Volunteer. Chair Jean Piper detailed the “Ride to Work” event that is to be held on Friday, May 20, 2016 at 8:30 am. Club President Sharon LaPoint discussed and invited the Board to participate in the “Road of Silence Ride” scheduled for May 18, 2016, in honor of those injured or killed while cycling.

9:34 a.m. D. Presentation of Proclamation Recognizing May 15 through 21, 2016, as National Police Week 5

Commissioner Davis read and presented the Proclamation to Sheriff Deryl Loar and Chief Deputy L.E. Spencer from the Indian River County Sheriff’s Office.

9:41 a.m. E. Presentation by Ken Grudens, Executive Director, Indian River Land Trust on Proposed Oyster Bar Marsh Trail Partnership Project Between Indian River County and the Indian River Land Trust

Ken Grudens, Executive Director, Indian River Land Trust (IRLT), in his PowerPoint Presentation, provided background information on the proposed Oyster Bar Marsh Trail Partnership and summarized the IRLT goals for the project, design, maintenance responsibilities, and construction costs for the proposed Oyster Bar Marsh Trail.

6. APPROVAL OF MINUTES  
None

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

10:09 a.m. A. Indian River County Emergency Management Program is granted Full Accreditation by the Emergency Management Accreditation Program (EMAP) Commission 6-7  
Chairman Solari acknowledged and congratulated Indian River

**County Emergency Services for a job well done in their Full Accreditation by the Emergency Management Accreditation Program Commission.**

- B. Florida Public Service Commission Order No. PSC-16-0188-PCO-EI Petition for limited proceeding to modify and continue incentive mechanism, by Florida Power & Light Company has been received and is available for review in the Office of the Clerk to the Board
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8.  
10:11  
a.m.

**CONSENT AGENDA**

**ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda as amended, pulling Items 8.C. and 8F.**

- A. Approval of Checks and Electronic Payments – April 29, 2016 to May 05, 2016  
(memorandum dated May 5, 2016) 8-15  
**Approved the list of checks and electronic payments as supplied by the Comptroller’s office.**
- B. Approval of Resolution Adopting the 2016 Indian River County Comprehensive Emergency Management Plan  
(memorandum dated May 9, 2016) 16-19  
**Approved Resolution 2016-044, adopting a Comprehensive Emergency Management Plan for Indian River County.**
- 10:11 a.m. C. Grant of Utility Easement to the City of Vero Beach to Benefit the Boys and Girls Club of Indian River County  
(memorandum dated May 10, 2016) 20-33  
**Deputy County Attorney William DeBraal stated as a result of the new addition to the Boys and Girl’s Club of Indian River County facility, new utility easements are needed so the improvements can be served by the City of Vero Beach Utilities.**
- ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Solari, the Board unanimously approved the Utility Easement Deed and the Lessor Joinder and Approval of the Bill of Sale of Utility Facilities to the City of Vero Beach, and authorized the Chairman to execute the documents on behalf of the Board.**
- D. Approval of Work Order No. GKE OA1 for Environmental and Landscape Design Consulting Services for Osprey Acres Stormwater Park  
(memorandum dated May 10, 2016) 34-40  
**Approved Alternative No. 1, Work Order No. GKE OAI with GK Environmental, Inc. for Professional Services.**

- E. Deputy Lease and License Agreement Amendments  
(memorandum dated May 5, 2016) 41-47

**Approved and authorized the Chairman to execute the Second Amendment to Lease Agreement with Deputy Teddy Floyd and the First Amendment to License Agreements with Deputy Bryan Klassen and Deputy Roger Harrington.**

- 10:12 a.m. F. Library Systems 3-D Printer Policy and Fees  
(memorandum dated May 5, 2016) 48-49

**Commissioner O'Bryan asked if Josh Perez, Assistance Coordinator for the Libraries, could elaborate on the Library Systems 3-D Printer.**

**Josh Perez, Assistance Coordinator for the Libraries, explained how the 3D printer works, the technology involved, and provided answers to the Board regarding product durability, cost of materials, and the possible implementation of classes for the general public.**

**ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) the 3-D Printer Policy and procedures including fees; and (2) authorized staff to adjust the fees consistent with the price of materials, repair, and replacement as needed.**

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 10:16 a.m. A. **Indian River County Sheriff – Deryl Loar**  
Request for Funds from the Law Enforcement Forfeiture Trust Fund be used to purchase equipment and support programs and agencies as listed 50-52

**ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously approved funds from the Law Enforcement Forfeiture Trust Fund to be used to purchase equipment and support programs and agencies as listed in the letter dated May 9, 2016.**

**Chairman Solari called a recess at 10:16 a.m. and the meeting reconvened at 10:25 a.m. with all members present.**

10. **PUBLIC ITEMS**

- 10:25 a.m. A. **PUBLIC HEARINGS**

1. Public Hearing to Consider Revenue Distribution Formula Local Option Gas Tax Distribution Percentages  
(memorandum dated May 3, 2016) 53-58

***Proof of Publication of Advertisement for Hearings is on file in the Office of the Clerk to the Board.***

Chairman Solari opened the floor for public comments on the Revenue Distribution Formula Local Option Gas Tax Distribution Percentages.

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

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the 2016-2017 Revenue Distribution Formula Local Option Gas Tax Distribution Percentages.

10:26  
a.m.

**B. PUBLIC DISCUSSION ITEMS**

1. Request to Speak from Kenny Godfrey Regarding 99<sup>th</sup> Street – Road Made by Kenny Godfrey to get to his Sand Mine

59

James K. Godfrey “Kenny”, 13515 101<sup>st</sup> Street, Fellsmere, came to the Board for a solution regarding an on-site haul road on 99<sup>th</sup> Street that the County had him build on his neighbor’s property in order for him to access his sand mine. He added the problem was that his neighbor closed half of 99<sup>th</sup> Street because the County grader has torn up the road.

Mr. Godfrey felt the only solution was to let him build a road on his property.

Public Works Director Chris Mora detailed the easement and the right-of-way on 99<sup>th</sup> Street for access and drainage purposes.

Community Development Director Stan Boling stated that mining permit regulations require that the on-site haul road must have a 300-foot setback requirement from an occupied residential structure, and that is why Mr. Godfrey had to build a road on his neighbor’s property to access his sand mine.

The Board sought and received information from Mr. Godfrey and staff regarding the right-of-way to go through the Fish Farm, grant of easement, and possible routes to access the sand mine.

County Attorney Dylan Reingold stated one of the discussion points was the maintenance map process under Florida Statute Chapter 95.361; he needed to research that

issue in terms of the area, not within the district property, but on private property, which was maintained by the County; and examine the history of the easement and other rights-of-way history.

It was the Board's CONSENSUS to direct staff to look into the matter and report back to the Board and Mr. Godfrey as quickly as possible with alternatives.

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

A. Community Development  
None

B. Emergency Services  
None

C. General Services  
None

D. Human Resources  
None

E. Office of Management and Budget  
None

F. Public Works  
None

G. Utilities Services  
None

13. COUNTY ATTORNEY MATTERS

11:02  
a.m.

A. Permission to File Suit for Injunction on 4560 32<sup>nd</sup> Avenue, Gifford, Owners: Keith Mason, John Gilbert and Georgan Gilbert (memorandum dated May 11, 2016)

60-67

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**Deputy County Attorney William DeBraal detailed the condition of the property located at 4560 32<sup>nd</sup> Avenue and requested permission to file suit seeking injunction from the court, ordering Mr. Keith**

Mason and John and Georgan Gilbert to bring the property into compliance with the Indian River County Code.

The Board sought and received information from Deputy Attorney DeBraal regarding the involvement of two adjacent, vacant parcels, one owned by Anna Brown and one foreclosed parcel, which needed cleanup as well.

Roland DeBlois, Chief of Environmental Planning and Code Enforcement, explained to the Board that Mr. Mason was heir to Anna Brown's property and had an interest in both parcels.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Zorc, the Board unanimously authorized the County Attorney's Office to file suit against Mr. Keith Mason, John Gilbert and Georgan Gilbert for injunctive relief and petition for an Order commanding Mr. Mason to bring the property into compliance with Indian River County Code.

B. County Attorney's Annual Employment Agreement

68-72

11:08  
a.m.

ON MOTION by Vice Chairman Flescher, **SECONDED** by Chairman Solari, the Board unanimously approved the County Attorney's Annual Employment Agreement and authorized the Chairman to execute the said Agreement.

14.

**COMMISSIONERS MATTERS**

A. **Commissioner Bob Solari, Chairman**

9:50  
a.m.

1. Proposed Oyster Bar Marsh Trail  
(memorandum dated May 6, 2016)

73-85

This Item was heard with Item 5.E. and placed here for continuity.

Board discussion continued from Item 5.E. and Vice Chairman Flescher felt that the Board had a great passion for moving forward with the proposed Oyster Bar Marsh Trail to preserve Indian River County. He pointed out that since Chairman Solari had placed the item on the agenda, he should have the ability to make motions to move forward with the proposal as necessary. He believed that if Chairman Solari would temporarily relinquish his responsibilities as Chairman, and pass the gavel to the Vice-Chairman, he would be able to make the appropriate motions.

Chairman Solari thanked the Indian River Land Trust, he felt the Indian River Lagoon Greenway was a great asset to

the community and indicated the funds to cover the expenses for the proposed Oyster Bar Marsh Trail project was in the 5-year plan.

Chairman Solari passed the gavel to Vice Chairman Flescher, who opened the floor for public comment; there was none and he closed the floor.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Davis, the Board unanimously approved the partnership with the Indian River Land Trust and other partners for the proposed Oyster Bar Marsh Recreational Trail and to make application with the Florida Inland Navigation District (FIND) for matching funds.

Vice Chairman Flescher passed the gavel back to Chairman Solari.

B. Commissioner Joseph E. Flescher, Vice Chairman  
None

C. Commissioner Wesley S. Davis

1. Fellsmere Road Maintenance  
(memorandum dated May 9, 2016)

86

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Commissioner Davis expressed concern over some of the issues the Citizens had with the grading of the roads in the unincorporated area of Fellsmere.

He spoke to the need to create clear policies for:

1. Mandatory Curbside Recycling Pickup
2. Number of roads or units in Fellsmere Farms
3. Agreement with Water Control District
4. Requirements to reconcile property tax issues
5. Maintenance of Vero Lake Estates roads

MOTION WAS MADE by Commissioner Davis, SECONDED by Vice Chairman Flescher, to direct staff to come up with a plan for a County Policy on maintaining roadways in the unincorporated area of Fellsmere.

A discussion ensued on maintaining the roads and the current routes for grading, Municipal Service Benefit Unit (MSBU), and Waste Management trucks.

Public Works Director Chris Mora discussed possible grader route options and addressed the concerns of the

11:10  
a.m.



**Board.**

**Management and Budget Director Jason Brown expressed his concerns on the liability created by maintaining the roadways. He wanted in the agreement with the Water Control District, an indemnity and hold harmless clause because some of the roadways have very limited right-of-way.**

**A discussion ensued on the incorporating provisions in the agreements with the Water Control Districts and maintaining the roads.**

**Chairman Solari opened the meeting for public discussion.**

**Mike Grimm, 13270 85<sup>th</sup> Street, Fellsmere, discussed the difference of property values on the east and west side of 85<sup>th</sup> Street, especially Willow Street, yet the service was the same.**

**Bernie Wilson, 13485 87<sup>th</sup> Street, Fellsmere, mentioned there were only three roads left on Willow Street, not graded and asked the Board to approve the grading for the remaining three roads.**

**David Melnick, 13705 81st Street, Fellsmere, addressed issues with: (1) recycling pickup, the damages sustained, and the liability it has added to homeowners; and (2) the problem with homeowners paying for Emergency Medical Services (EMS) when emergency vehicles cannot access the road to get to the home that made the call.**

**Commissioner Zorc suggested that staff bring back options, pros and cons on the maintenance of the roads within 30 days, and schedule a workshop at the Fellsmere City Hall. The workshop should include the Board, the Water Control Districts, and any other interested party to this issue. It was suggested that each of the parties should independently view the roads in question, and provide input at the meeting for solutions.**

**Commissioner Davis wanted to amend his motion to include something quantifiable that would determine if a road was eligible to be maintained or graded.**

**MOTION WAS AMENDED by Commissioner Davis, SECONDED by Vice Chairman Flescher, to direct staff to review and provide direction on a general long term plan to**

create clear policy and come up with suggestions on maintenance of the roadways after staff has a better idea of the total cost to the County and the scope of the entire issue.

Joel Tyson, 22 N. Mulberry Street, Fellsmere, President of the Property Owners Association for the Fellsmere Area, suggested the Board look at the roads after a rain storm, and expressed his concern over the property owners that have purchased their own box blades and doing their own grading.

The Chairman CALLED THE QUESTION, and the AMENDED Motion carried unanimously.

It was the Board's CONSENSUS to have the Community Workshop on or before June 30, 2016, pending availability, and directing staff to organize as part of the initial motion.

**D. Commissioner Peter D. O'Bryan**

10:03  
a.m.

1. New Name for Scrub Jay Preserve Property  
(memorandum dated May 3, 2016)

87-89

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This Item was heard following Item 5.E. and placed here for continuity.

The Board acknowledged and thanked Jane Schnee for her generous offer to make the property available to the County for preservation at a reasonable price.

Ms. Schnee gave background on how the property was attained and her volunteer service with Beth Powell, Conservation Land Manager, to help monitor the Florida Scrub Jays that are in the various conservation and private areas around the county. She expressed her delight that the County would maintain the property.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved naming the formerly known Sebastian Village Scrub to the new name of the Jane Schnee Scrub Preserve.

11:51  
a.m.

2. Request the Board to consider some relief for The Source for their sewer impact fee  
(memorandum dated May 10, 2016)

90-93

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Commissioner O'Bryan summarized that The Source, in the year 2005, made application for both water and sewer service through the County; however, for some unknown reason the sewer impact fee in the amount of \$16,227.25 was never collected, nor invoiced.

Commissioner O'Bryan asked for the Board's consideration to waive the deposit charges and that the County pay from the General Fund, one half of the sewer impact fee and right-of-way charges in the amount of \$7,976.13 and The Source be allowed to finance their portion of \$7,976.12 through the County for either 5 or 10 years at the current County interest rate of 5%. He said the Utilities Department has updated The Source's account and sewer service is currently being billed.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Solari, the Board unanimously approved: (1) waiving deposit charges; (2) 50/50 split between The Source and the County for sewer impact fees and right-of-way charges with the County's portion in the amount of \$7,976.13 from the General Fund; and (3) allowing The Source to finance their impact fees and right-of-way charges of \$7,976.12 at a 5% interest rate.

Commissioner Zorc requested to amend the motion to include the consideration of another commercial property owner in which the analysis showed that demand for area use for water was less than had been consumed, and the sewer connection was based on a lower E.R.U. than necessary.

County Administrator Baird replied that staff would analyze Commissioner Zorc's matter when an agreement was made.

Commissioner O'Bryan wanted to amend his motion to include that The Source's portion of the sewer impact fees and right-of-way charges determined by staff be paid to the General Fund.

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**MOTION WAS AMENDED** by Commissioner O'Bryan, **SECONDED** by Chairman Solari, to approved (1) to waive deposit charges; (2) a 50/50 split between The Source and the County for sewer impact fees and right-of-way charges with the County's portion in the amount of \$7,976.13 from the General Fund with The Source's portion of the sewer impact fees and right-of-way charges determined by staff to be placed in the General Fund; and (3) the option of financing the impact fees and right-of-way charges at a 5% interest rate.

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

Robin Diaz, representing The Source, thanked the Board.

E. **Commissioner Tim Zorc**

None

15.

**SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

11.57  
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 April 19, 2016

2. Amendment No. 7 to Republic Services  
(memorandum dated May 2, 2016)

94-99

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

**There being no further business, the Chairman declared the meeting adjourned at 11:58 a.m.**

ATTEST:

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

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

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

Approved: July 5, 2016

BCC/TCL/2016Minutes