



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

REGULAR MEETING MINUTES

TUESDAY, JULY 5, 2016 - 9:00 A.M.

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	Jason E. Brown, 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	
Peter D. O'Bryan	District 4	Present	Court and Comptroller	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	

**DVD
TIMES**

**PACKET
PAGES**

1. **CALL TO ORDER** **9:00 A.M.**

2. **INVOCATION** Freddie L. Woolfork, Gifford Youth Achievement Center, Inc.

3. **PLEDGE OF ALLEGIANCE** Commissioner Wesley S. Davis

4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

9:02 a.m. **ON MOTION** by Vice Chairman Flescher, **SECONDED** by Commissioner Davis, the Board unanimously approved the agenda as presented.

5. **PROCLAMATIONS and PRESENTATIONS**

9:02 a.m. A. Presentation of Proclamation Honoring ~~Reliyah~~ Raliyah Dawson as Youth of the Year Winner for Indian River County, the State of Florida, and the Southeast Region of the United States

Commissioner Davis read and presented the Proclamation to Raliyah Dawson.

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6. **APPROVAL OF MINUTES**

9:07
a.m.

- A. Regular Meeting of May 17, 2016

ON MOTION by Vice Chairman Flescher, **SECONDED** by Commissioner Zorc, the Board unanimously approved the Regular Meeting Minutes of May 17, 2016, as written.

- B. Regular Meeting of May 24, 2016

ON MOTION by Vice Chairman Flescher, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved the Regular Meeting Minutes of May 24, 2016, as written.

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

9:08
a.m.

- A. Update on All Aboard Florida / Vero Electric Expenses
(memorandum dated June 27, 2016)

2-7

- B. Florida Public Service Commission Conference-Docket No. 160049-EU – Petition for Modification of territorial order based on changed legal circumstances emanating from Article VIII, Section 2(c) of the Florida Constitution, by the Town of Indian River Shores, has been received and is available for review in the Office of the Clerk to the Board.

8. **CONSENT AGENDA**

ON MOTION by Vice Chairman Flescher, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda, pulling Items 8.I., 8.J., and 8.M. for discussion and/or comment.

9:08
a.m.

- A. Approval of Checks and Electronic Payments – June 10, 2016 to June 16, 2016
(memorandum dated June 10, 2016)

8-14

Approved the list of checks and electronic payments as supplied by the Comptroller’s office.

- B. Approval of Checks and Electronic Payments – June 17, 2016 to June 23, 2016
(memorandum dated June 23, 2016)

15-23

Approved the list of checks and electronic payments as supplied by the Comptroller’s office.

- C. Resolutions Delegating the Authority to the County Administrator or his Designee to Call Letters of Credit and to Act on Behalf of Indian River County during the time frames of July 13, 2016, through and including August 15, 2016, and August 17, 2016, through and including September 12, 2016
(memorandum dated June 28, 2016)

24-28

Approved: (1) Resolution 2016-058, delegating authority to the County Administrator or his designee, to execute Resolutions Calling Letters of Credit as necessary during the period commencing July 13, 2016, through and including August 15, 2016, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing July 13, 2016, through and including August 15, 2016; and (2) Resolution 2016-059, delegating authority to the County Administrator or his designee, to execute Resolutions Calling Letters of Credit as necessary during the period commencing August 17, 2016, through and including September 12, 2016, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing August 17, 2016, through and including September 12, 2016.

- D. Release of Interest, if any, for 59th Avenue in Albrecht Acres Subdivision (memorandum dated June 27, 2016) 29-36
(1) Approved the conveyance of 59th Avenue by County Deed to Harmony Reserve, LLC; (2) accepted the Utility Easement by Troy D. Pinner and Dena K. Pinner; and (3) authorized the Chairman to execute the Deed on behalf of the Board.
- E. Budget Amendment for Start Up Costs at the Indian River County Shooting Range New Skeet & Trap Facility (memorandum dated June 21, 2016) 37-40
Approved funding for the startup costs of salaries in the amount of \$15,523.49, and expenses in the amount of \$80,079.00; and authorized the Budget amendment for Fiscal Year 2015-2016 in the amount of \$95,602.49.
- F. Cafeteria Facility – Building A / Daily Dose Café – Lease Renewal (memorandum dated June 21, 2016) 41-43
Approved the extension of the existing lease from August 1, 2016 through July 30, 2017, with automatic renewal for three (3) one year terms, each on the same terms and conditions.
- G. Right-of-Way Acquisition – 49th Street Road Improvement Project #1412, 2785 49th Street, Vero Beach, FL 32967, Owner: Thomas Reno (memorandum dated June 16, 2016) 44-54
Approved the Purchase Agreement of the Thomas Reno property for \$13,632.00, and authorized the Chairman to execute same on behalf of the Board.
- H. Resolution Requesting Funding Assistance from State of Florida Beach Erosion Control Program – FY 2017-2018 (memorandum dated June 23, 2016) 55-56

Approved Resolution 2016-060, requesting assistance from the State of Florida Beach Erosion Control Program – FY 2017/2018.

**9:08
a.m.**

- I.** Work Order No. 7 to Kimley-Horn & Associates, Inc., 66th Avenue Roadway Widening (49th Street – 81st Street)
(memorandum dated June 22, 2016)

57-61

Commissioner Zorc, having reviewed the Metropolitan Planning Organization (MPO) 2025 Long Range Transportation Plan, questioned whether there should be a modification to the Agreement for the bridge design on 53rd Street.

Public Works Director Rich Szpyrka reported that no modification was needed, and disclosed that staff had already made accommodations for the future road and bridge.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 7 with Kimley-Horn Associates, Inc. for a lump sum amount of \$59,845.00.

**9:13
a.m.**

- J.** 2015 HUD Grant Renewals for Homeless Management Information System (HMIS) and Continuum of Care (CoC) Program
(memorandum dated June 20, 2016)

62-69

(Clerk's Note: This Item was heard following Item 8.M., and is placed here for continuity.)

Commissioner O'Bryan received clarification from staff that there were no unfavorable conditions or clauses in the Agreement.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously: (1) acknowledged the renewal of awards by Housing and Urban Development (HUD) in the aggregate amount of \$804,569.00; (2) authorized the Budget Office to process reimbursement requests from the Treasure Coast Homeless Services Council, Inc. (TCHSC) pursuant to the terms of the original Grants; and (3) allowed the TCHSC to submit the Grant Agreement on behalf of the County.

- K.** Traffic Video Detection at 15th Place and Highway US1: Board Approval for Trade-in and Purchase of Four (4) Video Detection Cameras and One (1) Processor
(memorandum dated June 23, 2016)

70-72

(1) Declared four cameras surplus; and (2) authorized staff to trade-in four (4) traffic video detection cameras and one (1) processor, and purchase four (4) new traffic video detection cameras and one (1) processor.

- L. Miscellaneous Budget Amendment 021
(memorandum dated June 28, 2016) 73-77

Approved Resolution 2016-061, amending the Fiscal Year 2015-2016 Budget.

- 9:10 a.m. M. Approval of Sealed Bid Sale of Former County Jail Site Tower
(memorandum dated June 27, 2016) 78-93

Commissioner Zorc voiced his concerns over the sale of the footprint that the tower sits on, and the Transfer of Sale not addressing the guy wires. He felt there needed to be a provision where the purchaser would have the rights to attach the support wires to the ground.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Zorc, the Board unanimously: (1) accepted the \$175,680.00 bid from Datapath Tower, LLC for the tower site as is, with no relocation of the guy wires required; (2) approved the Agreement to Purchase and Sell Real Estate (guy wires to remain in their current location); (3) authorized the Chairman to execute said Agreement; (4) authorized the County Attorney's staff to prepare and execute any other necessary documents to complete the sale; (5) declared asset number 21650 a 25kW Genset generator (serial number NGS00522) associated with the tower to be surplus to the County's needs for its inclusion in the sale; and (6) approved the above items subject to establishing the footprint for the guy wires.

- N. First Amendment and Renewal of Concessionaire License Agreement for Food Concession Services with Treasure Coast Consulting, Inc. d/b/a Treasure Coast Concession
(memorandum dated June 20, 2016) 94-109

Approved the First Amendment and Renewal of the Concessionaire License Agreement with Treasure Coast Consulting, Inc., and authorized the Chairman to execute same on behalf of the Board.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9:15 a.m. A. **Indian River County Sheriff Deryl Loar:**
Intent to Apply for Edward Byrne Memorial Justice Assistance Grant (JAG):
Local Solicitation
(letter dated June 27, 2016) 110-116

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously authorized the Indian River County Sheriff's Office to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) – Local Solicitation funds, for the purchase and installation of digital monitors and to replace headsets in the Indian River County Sheriff's Office existing helicopters.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

9:16
a.m.

1. Festival Ordinance
(memorandum dated June 23, 2016)

117-123

Legislative

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

County Attorney Dylan Reingold provided background and outlined the proposed amendments to the Indian River Code of Ordinances, which addresses and resolves issues relating to festival-like events. He also reviewed the additional proposed language under Section 205.09, Sub-Section (2)(a), which relates to permits requiring Board authorization for the Indian River County Fairgrounds.

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 Flescher, the Board unanimously adopted **Ordinance 2016-007**, amending Section 205.02 (Definitions); repealing Section 205.08 (Festivals); and amending Section 205.09 (Sale and Consumption of Alcoholic Beverages at Designated Recreational Facilities) of Chapter 205 (Parks and Recreation) of the Indian River County Code; and providing for severability, codification, and an effective date.

B. **PUBLIC DISCUSSION ITEMS**

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

9:34
a.m.

1. Request to Speak from Wanda Scott, Gifford Economic Development Council, Regarding Updating Gifford Community Activities

124

(Clerk's Note: This Item was heard following Item 10.B.2. and is placed here for continuity.)

Wanda Scott, 4306 26th Avenue, representing the Gifford Economics Development Council, thanked staff for the improvements to 45th Street; voiced concerns over infrastructure and maintenance issues; and requested that the Board consider maintenance funding for Gifford in the Fiscal Year 2016-2017 Budget.

9:21
a.m.

2. Request to Speak from Nancy Offutt, Laura Riding Jackson Foundation, Regarding Creating Designation of Poet Laureate for Indian River County, and Designating the Laura Riding Jackson Foundation as the Organization to Make the Official Recommendation on Who is to be Named to this Honorary Four-Year Position

125-129

Nancy Offutt, 686 Date Palm Road, representing the Laura Riding Jackson Foundation, provided background on the American poet, and requested the Board designate an honorary position of Poet Laureate for Indian River County.

Commissioner O'Bryan informed Ms. Offutt that the Board does not take formal action under Public Discussion items, but said he would bring this back to the July 12, 2016, Board of County Commission meeting for a vote.

Discussion ensued regarding sister Counties appointing Poet Laureates; the vetting process; reaching out to the Cultural Council; and waiting to see if other organizations within the County are aware and/or interested in designating a Poet Laureate.

9:42
a.m.

3. Request to Speak from Michael Marsh Regarding Fraud / Budget Indian River County Courthouse

130

Michael Marsh voiced concerns regarding the denial of an indigent package that he submitted to the Courthouse; Clerks not having access to the Property Appraiser's website; and not being permitted to use a recorder in the Courthouse or Sheriff's office.

Attorney Reingold explained the law as it applies to the authority of elected officials, and stated that Mr. Marsh's allegation of document fraud with the indigent package should go back to the Judge, the Sheriff's office, or the State Attorney's office. He explained that the Clerk of Circuit Court's job is to fulfill a ministerial function, and reiterated that the Board of County Commissioners could not get involved in his issue.

After clarification from the County Attorney, Chairman Solari informed Mr. Marsh that since his issue falls under the Florida State Statutes, he would need to pursue a State Agency to examine the forms and decide if changes needed to be made. He said the Board of County Commissioners did not have the authority to change the Statute, nor can the Board direct the Clerk of Circuit Court to do something in contravention to a State Statute.

Commissioner Davis encouraged Mr. Marsh to consider appealing the Judge's decision, and to continue on to the Supreme Court to find resolution.

**10:01
a.m.**

- 4. Request to Speak from Hampton Jackson, Coldwell Banker, Regarding Gifford Gardens Apartments Withdrawal of Demolition & Water/Sewer Liens**

131

Hampton Jackson, Real Estate Agent with Coldwell Banker and representing K2 Management, requested the Board to withdraw the demolition lien and the water/sewer liens that had accumulated on the Gifford Gardens Apartments property. He said the structures were demolished in April of 2012 and now he wants the property to be developed.

Chairman Solari explained why he did not wish to eliminate the liens on the property.

Discussion ensued regarding the County's liens on the property; the blighted condition of the property before the demolition; and having used taxpayers' money to pay for the demolition.

County Administrator Jason Brown provided the details of the liens which totaled over \$400,000; felt the purchaser of the property should have been aware of the liens; and revealed that the property taxes had not been paid since the property was purchased.

Commissioner Zorc said he would help Mr. Jackson develop a spreadsheet that will show the credits and the value of the liens on the property.

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

A. Community Development

None

B. Emergency Services

None

12. **DEPARTMENTAL MATTERS**

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**

None

G. **Utilities Services**

None

13. **COUNTY ATTORNEY MATTERS**

10:15
a.m.

A. Construction Board of Adjustments and Appeals Appointment
(memorandum dated June 27, 2016)

132-135

Attorney Reingold announced the Architect vacancy on the Construction Board of Adjustment and Appeals and requested that the Board review the resume and application of Roy H. Lambert, Jr., before voting whether to appoint him to the position.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Zorc, the Board unanimously appointed Roy H. Lambert, Jr., to the unexpired term for the Architect representative to the Construction Board of Adjustment and Appeals.

14. **COMMISSIONERS MATTERS**

A. **Commissioner Bob Solari, Chairman**

10:16
a.m.

1. Short-Term Rentals and Hotels
(memorandum dated June 29, 2016)

136

Commissioner Solari felt the recent Ordinance (2016-006) pertaining to short-term rentals was treating the symptoms and not the cause of the short-term rental issue. He spoke about the increasing growth rates in tourism within Florida and Indian River County, and felt that if the City and County are going to promote tourism and discourage short-term rentals, there needs to be more hotels. He suggested that Community Development research hotels in the County and provide a report that would show: (1) where hotels would be appropriate or possible; (2) the existing hotels and the number of rooms they currently have both east of US-1 and throughout the County; and (3) the current estimate of short-term rentals. He also suggested staff provide suggestions on how to increase the number of hotel beds.

Vice Chairman Flescher and Chairman Solari explained why they wanted staff to involve the resources of the Treasure Coast Sports Commission and the Indian River and Sebastian Chambers of Commerce.

Joseph Paladin, President of Black Swan Consulting and Entitlement, LLC, encouraged the Board to use the Chamber of Commerce to reach out to hotel chains that might be interested in building within Indian River County.

Commissioner Zorc suggested staff consider using Smith Travel Research to provide hotel development guidelines.

Commissioner O'Bryan did not believe the proliferation of short-term rentals was due to the price of hotel rooms, but rather the easy access to rental services and rental houses being more desirable venues for families. He voiced opposition to economic incentives for hotels since they are not on the targeted industry list. He said he would support staff providing an inventory report, but felt the Board should stay focused on making sure that suitable land and zoning is available, and that the permitting process will be smooth and efficient.

Rick Hatcher, Executive Director of the Treasure Coast Sports Commission, revealed that there has been an increase in the local venues being used due to the recurring sporting events, and

believed that they would continue to take people away from the I-95 hotels and into the Vero Beach and Sebastian areas.

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Solari, the Board unanimously directed staff to research Indian River County and provide a report that would show: (1) where hotels would be appropriate or possible; (2) the existing hotels and the number of rooms they currently have on the east and west sides of US-1; (3) the most recent estimate of short term rentals in the County; and (4) suggestions on how to increase the number of hotel beds.

B. Commissioner Joseph E. Flescher, Vice Chairman

None

14. COMMISSIONERS MATTERS

C. Commissioner Wesley S. Davis

None

D. Commissioner Peter D. O’Bryan

10:39
a.m.

1. Deferred From Meeting of June 21, 2016:

Rewrite of County Code Section 956.15
(memorandum dated June 13, 2016)

137-144

Commissioner O’Bryan provided background and requested the Board to consider directing staff to rewrite Section 956.15 Regulations for Temporary Signs Requiring Permits, of the Indian River County Code, which regulates temporary signs. He believed the Supreme Court decision of Reed versus the Town of Gilbert, Arizona made this Section invalid.

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, to direct staff to rewrite Section 956.15 Regulations for Temporary Signs Requiring Permits.

Commissioner Zorc sought and received clarification regarding the rules of temporary and permanent signs.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

10:46
a.m.

**2. Update from FAC Annual Conference
(memorandum dated June 29, 2016)**

145

Commissioner O’Bryan provided an update from the Florida Association of Counties (FAC) Annual Conference.

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 **11:00 a.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____
Deputy Clerk

Approved: August 16, 2016

BCC/LA/2016Minutes