



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
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www.ircgov.com

Meeting Minutes 3 - Final

Board of County Commissioners

Bob Solari, Chairman, District 5
Susan Adams, Vice Chairman, District 1
Joseph E. Flescher, District 2
Peter D. O'Bryan, District 4
Tim Zorc, District 3

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, May 14, 2019

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Bob Solari
Vice Chairman Susan Adams
Commissioner Joseph Flescher
Commissioner Peter O'Bryan
Commissioner Tim Zorc

ROLL CALL

Present: 5 - Chairman Bob Solari
Vice Chairman Susan Adams
Commissioner Joseph Flescher
Commissioner Peter O'Bryan
Commissioner Tim Zorc

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

2.B. INVOCATION

Pastor Jeremy Rebman, First United Methodist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams, Vice Chairman

At this time, the Chairman made a public announcement regarding an Executive Session requested by the Indian River County Sheriff's Office, scheduled for May 28, 2019 at 9:30 a.m. Present will be the Board of County Commissioners, County Administrator Jason Brown, and Undersheriff James Harpring. The purpose of the meeting will be to discuss the resolution of an impasse related to the Indian River County Sheriff's Office and the International Union of Police Associations (IUPA) Collective Bargaining Agreement.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Move: Item 13.B. Pre-Trial Services to follow Item 5.C.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Agenda as amended. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

5. PROCLAMATIONS and PRESENTATIONS

5.A. [19-0281](#) Presentation of Proclamation Designating the Month of May, 2019, as Mental Health Awareness Month

Attachments: [Proclamation](#)

Vice Chairman Adams read and presented the Proclamation to Brett Hall of the Mental Health Collaborative, who was accompanied by representatives from the Florida Department of Health, Indian River County; School District of Indian River County; University of Florida; Cleveland Clinic Behavioral Health Center; Public Defender's Office; Treasure Coast Community Health Care; Mental Health Association Indian River County; Suncoast Mental Health Center; and Legacy Behavioral Health.

A brief discussion followed about the services offered by the McCabe Connections Center and the Mental Health Association.

Read and Presented

- 5.B.** [19-0321](#) Presentation of Proclamation Designating the Month of May, 2019, as Foster Care Awareness Month

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to representatives of Devereux Community Based Care; Camelot Community Care; Place of Hope Treasure Coast; Mount Bethel Human Services Corporation; and 4KIDS, Inc. Treasure Coast.

Caryn Toole, Devereux Community Based Care, spoke to the need for foster parents in Indian River County.

Commissioner Zorc announced that the informational program on Foster Care will take place on May 14, 2019 at the Hampton Inn. The Family Fun Day event will take place on June 1, 2019 at the Vero Bowl.

Read and Presented

- 5.C.** [19-0373](#) Presentation of Proclamation Designating the Week of May 18 Through May 24, 2019, as National Safe Boating Week.

Attachments: [Proclamation](#)

Commissioner O'Bryan read and presented the Proclamation to Franc Eyberse, United States Coast Guard Auxiliary Flotilla 5-6 (56) who was accompanied by several auxiliary members. Mr. Eyberse described the mission of the flotilla, detailed the services they provide, and thanked the Board for recognizing the organization.

Read and Presented

6. APPROVAL OF MINUTES

- 6.A.** [19-0410](#) Regular Meeting of March 26, 2019

Attachments: [03262019BCC_Draft](#)

Approved

- 6.B.** [19-0381](#) Regular Meeting of April 2, 2019

Attachments: [04022019BCC_Draft](#)

Approved

- 6.C. [19-0407](#) Regular Meeting of April 9, 2019

Attachments: [04092019BCC_Draft](#)

A motion was made by Commissioner Flescher, seconded by Commissioner O'Bryan, to approve the Regular Meeting Minutes of March 26, 2019; April 2, 2019; and April 9, 2019 as written. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

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

- 7.A. [19-0403](#) Proclamation Honoring Catherine Daniel on Her Retirement From Indian River County Board of County Commissioners Department of Public Works Facilities Management Division with Twenty-Eight Years of Service

Attachments: [Proclamation](#)

Chairman Solari congratulated Catherine Daniel on her retirement after twenty-eight years of service to the County.

No Action Taken or Required

8. **CONSENT AGENDA**

A motion was made by Commissioner Flescher, seconded by Commissioner O'Bryan, to approve the Consent Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

- 8.A. [19-0396](#) Checks and Electronic Payments April 26, 2019 to May 2, 2019

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation

- 8.B. [19-0390](#) Local Option Gas Tax Distribution Percentages

Attachments: [Staff Report](#)

[Local Option Gas Tax 2019 Chart](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**10. PUBLIC ITEMS****A. PUBLIC HEARINGS****B. PUBLIC DISCUSSION ITEMS****C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS****11.A. [19-0416](#) Indian River County 2019 State Legislative Final Report**

Attachments: [Staff Report](#)

[2019 State Legislative Final Report](#)

For their advocacy of County issues, County Administrator Jason Brown thanked Senator Debbie Mayfield and her assistant Margaret Mitchell, and Representative Erin Grall and her assistant Ed Barenborg. He reviewed the information contained in the Indian River County 2019 State Legislative Final Report, providing details on legislation related to Water Quality Projects; High Speed Passenger Rail; Biosolids; House Bill 829; Foreign Trade Zone; Beach Restoration; Texting While Driving; Short Term Vacation Rentals; and the State Housing Initiatives Partnership Program (SHIP). Administrator Brown noted that House Bill 771, which included a ban on plastic straws, was vetoed by Florida Governor Ron DeSantis. Concluding his presentation, Administrator Brown gave a synopsis of other significant legislation which passed during the Legislative Session that ended May 4, 2019.

Commissioner O'Bryan made mention that Governor DeSantis had written a letter of explanation, which purportedly made a case for local government, regarding his veto of the plastic straw ban.

The Board consensus was to have Chairman Solari send a letter thanking Governor DeSantis for his support of local government, if this is deemed to be appropriate after review of the Governor's letter.

Commissioner Zorc posited that local businesses can now apply for their foreign trade zone subzone number, and expressed dismay that SHIP has not been fully funded.

No Action Taken or Required

12. DEPARTMENTAL MATTERS

- A. Community Development**
- B. Emergency Services**
- C. General Services**

12.C.1. [19-0415](#) Staff Report and Update to the Indian River County Board of County Commissioners - Pickleball in Indian River County, Florida

Attachments: [Staff Report](#)
[Comprehensive Plan/CIE Pages A-7 & A-8](#)

Director of Parks & Conservation Resources Kevin Kirwin recalled the County Commission Meeting of March 26, 2019, at which Mari Colacino, on behalf of Pickleball University, Inc., had requested that funding for a pickleball complex be made available sooner than the currently planned for Fiscal Year 2021/22 Capital Improvement Element (CIE). He provided background on existing pickleball courts, noting that the City of Vero Beach Council authorized Pickleball University to raise funds to upgrade the courts at Pocahontas Park. Director Kirwin stated that the available funding to develop a pickleball complex at Dick Bird Park has been included in the Fiscal Year 2021/22 CIE, and invited questions from the Board.

Responding to the Board's questions and comments, Director Kirwin spoke to the proposed courts at Dick Bird Park, and Pickleball University's Go Fund Me initiative. He also affirmed staff's intention that funding for the Pickleball courts would not impact the County's other recreational venues.

Mari Colacino, President of Pickleball University, discussed the progress being made on the Pocahontas Park courts and advocated for staff's recommendation. She thanked the Board and staff, and noted the importance of the County planning for adequate parking at the recreational facility.

Discussion ensued, with input from County Administrator Jason Brown, about public/private partnerships.

Director Kirwin clarified that this item will be coming back to the Board in the CIE in December 2019.

Chairman Solari suggested that staff keep the dialogue open with the Pickleball University members.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

The Chairman called a recess at 10:23 a.m., and reconvened the meeting at 10:34 a.m., with all members present.

1. **Human Services**

2. **Sandridge Golf Club**

3. **Recreation**

D. **Human Resources**

E. **Office of Management and Budget**

F. **Public Works**

G. **Utilities Services**

12.G.1. [19-0413](#) Modifications to Septic Hauler Agreement for the Residuals Dewatering Facility

Attachments: [Staff Report](#)

[Draft of Application and Agreement - June 2019](#)

[Blank Portable Restroom-Holding Tank Route Sheet](#)

Director of Utility Services Vincent Burke provided background on the Septic Hauler Agreement for Disposal of Septage, Food Establishment Sludge, and Portable Restroom Wastewater at the County Residuals Dewatering Facility (RDF). He detailed staff's proposed modifications to the Agreement, as outlined in staff's report, and affirmed that all of the haulers will be provided with the updated agreement.

Amy Robinson asked if there were any prospective septic to sewer projects for homes south of 17th Street on the barrier island. County Administrator Jason Brown advised that the City of Vero Beach is the provider of sewer services on the south barrier island.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

13. **COUNTY ATTORNEY MATTERS**

13.A. [19-0368](#) County Attorney's Annual Employment Agreement

Attachments: [Staff Report](#)
 [DTR Contract \(2019-2020\)](#)

County Attorney Dylan Reingold invited the Board to consider the renewal of his employment contract for another year. He also thanked and commended his legal team on their work.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve the renewal of the Employment Agreement between the County and the County Attorney Dylan Reingold for a term of one year commencing July 1, 2019. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

13.B. [19-0404](#) Pretrial Services

Attachments: [Staff Report](#)
[Pretrial Supervision Program Handout](#)
[Interlocal Agreement between St. Lucie County and Martin County](#)
[Memorandum from Ray P. Hudson to Sheriff William D. Snyder, dated June 11, 2018](#)

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

County Attorney Dylan Reingold provided information on St. Lucie County's Pretrial Program (the Program), which provides various services that enable a defendant to stay out of jail prior to trial. He disclosed that St. Lucie County currently uses the Program as well as providing it to Okeechobee and Martin Counties, and that the Indian River County Public Safety Council for Criminal Justice, Mental Health and Substance Abuse voted unanimously to support offering the Program in Indian River County. Attorney Reingold asked for authorization to return to the Board with a more definitive cost estimate for providing the Program in the County.

St. Lucie County's Criminal Justice Coordinator Roy Hudson provided statistics on how much money the Program has saved St. Lucie and Martin Counties.

Sheriff Deryl Loar gave his perspective on the Program with respect to the criminal justice needs of Indian River County. He advocated that the Sheriff's Office continue to work with Mr. Hudson and other relevant parties to determine the potential cost benefits of the Program.

Commissioner Zorc reflected that although the Sheriff's operating costs would remain the same, the Program could forestall the need to open the "E Building," the prison's additional housing facility.

Discussion continued about the societal benefits of the Program, prospective costs and savings, and the Sheriff's costs for housing inmates. County Administrator Jason Brown advocated researching the Program further before bringing this matter back to the Board. Commissioner O'Bryan requested staff return with an accounting of the incremental costs per inmate.

Chief Judge Metzger advocated for the Program, which she stated would enhance public safety.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, that the Attorneys Matters be Approved. The motion

carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

13.C. [19-0412](#) Request for Permission to Advertise: Retail Sale of Dogs and Cats

Attachments: [Staff Report](#)

[Article](#)

[Proposed Ordinance](#)

Deputy County Attorney Bill DeBraul recalled discussion from the October 16, 2018 County Commission meeting at which Nicole Capobianco addressed the Board about banning the retail sale of puppies that were born in “puppy mills” and cited cases where sick animals were purchased at Pets Around the World II. He noted that Greg Doherty, owner of Pets Around the World II, was also present at that meeting. Attorney DeBraul recapped the conditions associated with the sale of pets at retail pet stores, and advocated for the County to pursue an Ordinance amendment to ban such sales. He explained that shelters and rescue organizations would still be permitted to sell pets, as would hobby breeders. Attorney DeBraul advised the Board that the proposed Ordinance amendment would be modeled on the Ordinance used in Seminole County, and the language would be inclusive of "kitten factories" as well as "puppy mills."

Responding to a query about the definition of “Hobby Breeder” in the proposed ordinance, Attorney DeBraul stated he would be working on harmonizing the existing Indian River County code with the proposed Seminole County model ordinance.

Commissioner O’Bryan made mention that he supported moving forward on this issue and that he had some suggestions for wording.

Nicole Capobianco, 7065 21st Street SW, expressed her appreciation to the Board for addressing this matter. In turn, she was thanked by Commissioner Flescher for her dedication in resolving this matter.

Kate Meghji, 2125 Buena Vista Boulevard, Executive Director of the Humane Society, spoke on the lack of best practices for pet stores nationwide, commended the Board, and offered assistance with the language in the Ordinance.

Amy Robinson, 1935 Surfside Terrace, suggested imposing a breeder’s tax and establishing a quota on the number of animals sold by hobby breeders.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve staff’s recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

14. COMMISSIONERS MATTERS

- A. **Commissioner Bob Solari, Chairman**
- B. **Commissioner Susan Adams, Vice Chairman**
- C. **Commissioner Joseph E. Flescher**
- D. **Commissioner Peter D. O'Bryan**
- E. **Commissioner Tim Zorc**

Commissioners Open Dialogue

.. [19-0402](#) Commissioners Open Dialogue

Attachments: [Informational Memorandum](#)

Commissioner Zorc announced that a Foster Care forum would be held at the Vero Beach Hampton Inn; reported that the American Aviation University is seeking to bring a training facility to the Vero Beach Regional Airport; and discussed the possibility of a fee-based natural gas line extension to the jail.

Vice Chairman Adams reported that the Code Enforcement Officer addressed and provided brochures to the residents of Vero Lake Estates; acknowledged the County's and staff's social media informational postings; and announced that Dr. James Sullivan will be giving a presentation on algae at the Treasure Coast Regional Planning Council.

Commissioner O'Bryan reported that the unemployment rate in the County was 3.7%, and announced that the Treasure Coast Regional Planning Council would be hosting a tour of the McLarty Ranch Water Storage/Treatment Project.

Commissioner Flescher thanked the governor and others who worked on passage of the Texting While Driving bill.

15. SPECIAL DISTRICTS AND BOARDS

- A. **Emergency Services District**
- B. **Solid Waste Disposal District**
- C. **Environmental Control Board**

16. ADJOURNMENT

There being no additional business, the Chairman adjourned the meeting at 11:10 a.m.