

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com*



Meeting Minutes - Final

Tuesday, February 14, 2017

9:00 AM

Commission Chambers

Board of County Commissioners

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

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

1. CALL TO ORDER

ROLL CALL

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

2. INVOCATION

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

3. PLEDGE OF ALLEGIANCE

Jason E. Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A [17-0146](#) Presentation of Proclamation Recognizing February 14, 2017 as Rotary Has Heart Day

Recommended Action: Read and Presented

Attachments: [Rotary Has Heart Day Proclamation](#)

Commissioner Solari read and presented the Proclamation to representatives of various local Rotary Clubs. Rotarians who spoke about individual projects included Vickie Soule, Rotary Oceanside; Joe Falzone, Sebastian Rotary; Russell Twiss, Vero Beach Rotary; Kevin Anderson, Vero Beach Sunrise Rotary; Marc Gingras, Sebastian Rotary; and Tom Kiernan, Orchid Island Rotary.

No Action Taken

6. APPROVAL OF MINUTES

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

7.A [17-0116](#) Permit Application Submittal to the St. John's River Water Management District for

Stream Crossing Footbridge at the Ansin Riverfront Tract Conservation Area

Recommended Action: No Board Action Required

Attachments: [Staff Report](#)

[Fig2 Ansin BoardwalkPlan Aerial B](#)

[TrailMaps_8x11_AnsinTract_B](#)

Mike Getz, 1507 Eagles Circle, Sebastian, sought and received information regarding the removal of the Red Trail from the Wetland Boardwalk Plan for the Ansin Riverfront Conservation Tract (Ansin Tract). He also expressed concerns about the possibility of the County situating a bus hub on conservation property.

Stan Boling, Community Development Director, explained that the configuration of the Red Trail was not finalized at this time, so it was removed from the map.

Assistant County Administrator Michael Zito added that today's agenda item was intended to show the development of the boardwalk at the Ansin Tract.

Chairman Flescher stated that the Metropolitan Planning Organization (MPO) had considered the site as being optimal for a bus hub; however, there was no imminent plan regarding a bus hub at the site.

No Action Taken

7.B [17-0134](#) Economic Development Council Membership

Attachments: [Staff Report](#)

Noted for the record was the election of Brian Bauer, the incoming President/CEO of Career Source Research Coast, as the Workforce Development representative on the Economic Development Council.

No Action Taken

7.C [17-0149](#) 2017 Election of Environmental Control Hearing Board (ECHB) Chairman and Vice Chairman

Recommended Action:

Attachments: [ECHB Chair & Vice Chair 2017](#)

Noted for the record was the re-election of Richard Cahoy as Chairman, and Dr. Philip Glade as Vice Chairman, of the Environmental Control Hearing Board for 2017.

No Action Taken

7.D [17-0160](#) Employment Report for January 2017

Recommended Action: No Action Required

Attachments: [Commissioner Memorandum](#)

No Action Taken

8. CONSENT AGENDA

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

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

8.A [17-0157](#) Checks and Electronic Payments January 27, 2017 to February 2, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the period of January 27, 2017 to February 2, 2017

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation

8.B [17-0145](#) FDOT Small County Outreach Program (SCOP) Amendment Number Two and Resolution Authorizing the Chairman's Signature for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of CR512 from Roseland Road to US-1

Recommended Action: Staff recommends the Board of County Commissioners approve Small County Outreach Program (SCOP) Amendment Number Two and Resolution and authorize the chairman to execute the same.

Attachments: [Staff Report](#)
[Resolution](#)
[SCOP Agreement Amendment Two](#)

Approved [Resolution 2017-012](#), with the Florida Department of Transportation authorizing the Chairman's execution of Amendment Number Two to the Small County Outreach Program Agreement for Construction (Resurfacing) and Construction Engineering Inspection (CEI) Services of CR512 from Roseland Road to US-1.

Approved

8.C [17-0143](#) Work Order No. 22 Ecological Associates, Inc. Sector 3 Beach Restoration Project, 2017 Post Construction Biological Monitoring Services

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 22 to the

contract with Ecological Associates, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)

[Ecological Associates Inc Work Order No. 22](#)

[Ecological Associates Inc Work Order No. 22 - Exhibit 1 - Scope](#)

[Ecological Associates Inc Work Order No. 22 - 2017 Exhibit 2 - Cost Proposal](#)

Approved staff's recommendation

Approved staff's recommendation

8.D [17-0156](#) 2016/2017 Edward Byrne Memorial Justice Assistance Grant (JAG)

Recommended Action: Staff recommends that the Board of County Commissioners approve the Certificate of Acceptance of Subgrant Award and the Attestations and Certifications and authorize the Chairman to execute these documents.

Attachments: [Staff Report](#)

[FDLE Letter January 23, 2017](#)

[Exhibit A JAG 20162017](#)

[Exhibit B JAG 20162017](#)

Approved staff's recommendation

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1 [17-0142](#) Request from ETS Experience Transportation Services Inc. for a Class E1 Certificate of Public Convenience and Necessity to provide wheelchair transports originating from Indian River County.

Recommended Action: Staff recommends the Board of County Commissioners approve and grant a Class "E1" COPCN to ETS Experience Transportation Services Inc. for a period of two (2) years.

Attachments: [Staff Report](#)

[ETS COPCN Application](#)

[Ad Proof . 2.6.17](#)

Assistant Fire Chief Brian Burkeen requested that the Board consider the

application of ETS Experience Transportation Services Inc, for a Class E1 Certificate of Public Convenience and Necessity to provide wheelchair transport service.

The Chairman opened the public hearing; there were no speakers and the public hearing was closed.

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

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

B. PUBLIC DISCUSSION ITEMS

- 10.B.1** [17-0154](#) Request to Speak from Deborah Ecker Regarding Thank You to BCC and County Staff for Actions for Environmental Protection

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Deborah Ecker, 550 Riomar Drive, announced that she will be leaving the County, and addressed the Board with her farewell statement. She gave a brief history of environmental projects she has been involved with, and thanked former and current County staff and Boards for their work and dedication. She hoped other citizens would have the chance to have such positive experiences working with the Board and staff.

Individual Commissioners praised Ms. Ecker for her contributions and civility.

No Action Taken

C. PUBLIC NOTICE ITEMS

- 10.C.1** [17-0113](#) Notice of Scheduled Public Hearing for March 7, 2017: County initiated request to amend the text of Policy 5.6 of the Future Land Use Element of the Comprehensive Plan. **[Legislative]**

Recommended Action: The referenced Notice of Scheduled Public Hearing is provided for the Board's information. No action is needed at this time.

No Action Taken

- 10.C.2** [17-0152](#) Notice of Public Hearing for March 7, 2017: Consideration of Proposed Amendments to County Sign Regulations (Land Development Regulations Chapter 901, Definitions, Chapter 956, Sign Regulations, and Chapter 912,

Single-Family Development) [Legislative]

Recommended Action: This notice of public hearing is provided for the Board's information. No action is needed at this time.

County Attorney Dylan Reingold read the notices into the record.

No Action Taken

11. COUNTY ADMINISTRATOR MATTERS

11.A [17-0155](#) Request for Executive Session - February 21, 2017

Recommended Action: Staff recommends the Board establish a time certain of 10:00 a.m., February 21, 2016, for the executive session to discuss resolution of the IAFF collective bargaining agreement.

Attachments: [Staff Report](#)

County Administrator Jason Brown presented staff's request for an Executive Session on February 21, 2017, to discuss the remaining issues in the Collective Bargaining Agreement between the County and the International Association of Fire Fighters (IAFF) Union.

Chairman Flescher asked citizens who will be attending the February 21, 2017 County Commission meeting to plan for a break of approximately one hour at 10:00 a.m.

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to schedule an Executive Session on February 21, 2017, at a time certain of 10:00 a.m. to discuss the resolution of the International Association of Fire Fighters (IAFF) Collective Bargaining Agreement. The motion carried by the following vote:

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

11.B [17-0161](#) Indian River Shores Correspondence February 7, 2017, Old Winter Beach Road Grant Opportunity

Recommended Action: It is Requested that the Board of County Commissioners discuss the Old Winter Beach Roadway and the Proposed Grant Opportunity, and Provide Direction to Staff

Attachments: [Staff Report](#)

[Indian River Shores Letter dated February 7, 2017](#)

[Appropriations Project Request Grant Old Winter Beach Road.pdf](#)

[AdditionalBackupReceivedatMeeting](#)

Robert Stabe, Jr., Town Manager of Indian River Shores (the Town), provided background on Old Winter Beach Road, which he stated poses a significant safety

hazard (particularly during hurricane evacuations), due to flooding and storm water drainage issues. He recalled his meetings with individual Board Members in December 2016, and provided an update on the cooperative project which was discussed at that time. Town Manager Stabe discussed an opportunity for the County to participate in a cost-share with the Town to accomplish the proposed project, which would elevate the road and reduce stormwater impacts on the Lagoon through the installation of treatment trains. He stated that the Town has applied for funding through the Florida Legislature's new House Form, and for a Cost-Share Grant from the St. John's River Water Management District (SJRWMD). He discussed the State funding deadline, and advised the Board that the County was not obligated to participate.

A lengthy discussion ensued. The main topics of conversation included the County's current legislative priorities; the time frame for the grant; the nutrient load of the stormwater; whether River Club would provide the necessary right-of-way; the status of the project's permitting/construction; and the documentation that was included on the Town's Grant Application.

County Administrator Jason Brown remarked that it would be best to defer a decision on funding for this matter.

No Board Action was Taken or Required

11.C [17-0162](#) 5.35 Acre Vacant Parcel, Indian River Shores

Recommended Action: It is requested that the Board of County Commissioners provide direction to staff.

Attachments: [Staff Report](#)

[Indian River Shores Letter dated February 7, 2017](#)

[County Deed Dated March 16, 1993](#)

County Administrator Jason Brown announced that he had received correspondence from the Town of Indian River Shores (the Town) declaring that they would be auctioning off a 5.35 acre (combined) vacant parcel of land located at 5110 State Road A1A, adjacent to the County's Tracking Station Oceanfront Park. He recalled that the County had deeded said property to the Town, and that the County has the Right of First Refusal to purchase the property within a 90-day time frame. Administrator Brown pointed out that the Town has secured its own auction services, and that there is a federal requirement for public oceanfront access which needs to be addressed.

Robert Stabe, Jr., Town Manager of Indian River Shores, disclosed that it would be

helpful for the Town to know prior to the auction whether or not the County wishes to purchase the parcel. He asked the Board to consider the following three options: (1) relinquish its right of first refusal; (2) provide the Town with a document advising that it has no plan to buy the parcel (if that is the case); or (3) commit to making a decision more quickly than 90 days.

Vice Chairman O'Bryan observed that the issue of the public beach access should be clarified before the Town auctions off the property, and suggested that the County Attorney work with the Town on the configuration.

Town Manager Stabe informed Board Members that the Town's Planning, Zoning, and Variance Board would be recommending that the Town Council provide a five-foot wide "A1A to gate" access area for the public.

County Attorney Reingold affirmed that he would work with the Town and report his findings back to the Board.

It was the Board consensus for the County to maintain its Right of First Refusal, and after the property is bid on, to provide a speedy response to the Town regarding its decision on whether or not to purchase the parcel.

Chairman Flescher assured Town Manager Stabe that if the County is notified of the results of the auction no later than noon on a Wednesday, that the matter would be placed on the Board's next County Commission Agenda.

The Chairman called a recess at 10:21 a.m., and reconvened the meeting at 10:33 a.m., with all members present.

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

12.E.1 [17-0158](#) Quarterly Budget Report

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[Reports at a Glance December 2016](#)
[Qtrly Budget Report Revenue](#)
[Qtrly Budget Report Expense](#)
[Budget Reconciliation](#)
[AdditionalBackupProvidedatMeeting](#)

Management and Budget Director Michael Smykowski used a PowerPoint Presentation to review and provide analysis of the Quarterly Budget Report for the first quarter of Fiscal Year 2016-2017. He also discussed and provided to the Board, copies of the Revenue Manual, a reference guide to County revenue sources.

No Action Taken

F. Public Works**12.F.1** [17-0150](#) Kimley-Horn & Associates, Inc., 37th Street (US1 to Indian River Blvd) 5-Laning, Rescinding Work Order #5

Recommended Action: Staff recommends that the Board of County Commissioners approve rescinding Work Order No. 5 and requests the Board to authorize the Public Works Director to execute a letter to Kimley-Horn & Associates rescinding Work Order No. 5. Staff also recommends that the Board grant approval to advertise a Request for Qualifications to complete the design of the project

Attachments: [Staff Report](#)

Public Works Director Richard Szyrka recalled the Board's approval in June 2015 for Work Order No. 5 to Kimley-Horn & Associates, for engineering services pertaining to the widening of 37th Street from US 1 to Indian River Boulevard. He explained that the initial estimates for the project have increased substantially, and that in order to comply with the Consultants Competitive Negotiation Act (CCNA), the County must issue a Request for Qualifications (RFQ) and rescind the Work Order.

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

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

G. Utilities Services

13. COUNTY ATTORNEY MATTERS**13.A** [17-0140](#) Construction Board of Adjustment and Appeals Member Appointment

Recommended Action: The County Attorney recommends that the Board review the applicant's résumé and application, and determine whether to appoint her to fill the unexpired term for the "General Public" representative to the Construction Board of Adjustment and Appeals.

Attachments: [Staff Report](#)
[Committee Application \(CBAA\) - DixonC](#)
[C Dixon Resume](#)

County Attorney Dylan Reingold requested that the Board consider the appointment of Cindi Dixon to fill the unexpired term for the "General Public" representative to the Construction Board of Adjustment and Appeals.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to appoint Cindi Dixon to fill the unexpired term for the "General Public" representative to the Construction Board of Adjustment and Appeals. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS**A. Commissioner Joseph E. Flescher, Chairman****B. Commissioner Peter D. O'Bryan, Vice Chairman****14.B.1** [17-0159](#) Minor Subdivision Site Plan Ordinance (for discussion--no back-up)

Recommended Action: Direct Staff to draft ordinance allowing for a minor subdivision site plan for commercial splits.

Attachments: [Commissioner Memorandum](#)

Vice Chairman O'Bryan recapped portions of County Ordinance 1983-24 pertaining to the rules for splitting parcels in subdivisions. He noted that the rules allow for a parcel to be split one time, and that the owner must undertake the full subdivision approval process if the parcel needs to be split again. He asked his fellow Commissioners to consider initiating a minor subdivision site plan for commercial property splits, which would provide more flexibility to the property

owner and still ensure that staff has an overall vision of the future parcels.

Wesley Davis, 7000 184th Avenue, discussed the need for the minor subdivision site plan, citing an example of a new Dunkin' Donuts where due to a lot adjustment, the developer must undergo the entire replat process.

Community Development Director Stan Boling described the types of situations where the minor subdivision site plan would apply, and informed the Board that it would take approximately 90-120 days to amend the Subdivision Ordinance.

Bob Johnson, Coral Wind Subdivision, sought and received information on whether the minor subdivision site plan would impact Community Development staffing.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to direct staff to draft an amendment to the Subdivision Ordinance, allowing for a minor subdivision site plan for commercial property splits, and to move forward with the amendment process. The motion carried by the following vote:

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

C. Commissioner Susan Adams

D. Commissioner Bob Solari

14.D.1 [17-0163](#) Naming of Gifford Park Ball Fields

Attachments: [Commissioner Memorandum](#)
[Additional Back-up Provided 02/13/17](#)

Commissioner Solari relayed a proposal from a citizen to name the Gifford football field after William H. "Chicken Shack" Wilson, Jr., (Coach Wilson) and Scott Chisholm. He stated that both individuals have a lifetime of helping local young people, and read a portion of Coach Wilson's and Mr. Chisholm's biographies.

Anthony Brown, 4159 57th Court, spoke of the ethics and sportsmanship which were instilled in him by Coach Wilson, and recounted an incident where Mr. Chisholm helped outfit the Gifford Little League team at no charge.

Discussion ensued regarding the numerous contributions made to the community by the two gentlemen.

Jackie Solari, 730 Painted Bunting Lane, read a tribute to Coach Wilson and Mr. Chisholm, describing the positive impact each man had on thousands of children in sports, dance, and other areas. She encouraged the Board to name the sports field after William H. Wilson, Jr., and Scott Chisholm.

Director Brown advised that he would get signage in place, and coordinate a ceremony for the dedication of the Wilson-Chisholm Field.

Chairman Flescher added that there would be a public announcement for the dedication. He also mentioned that at the February 21, 2017 County Commission meeting, he will be presenting a request to name the Gifford Park complex after Victor Hart, Senior. He noted that Mr. Hart will be receiving a Proclamation at that meeting.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to direct staff to move forward with the process of designating the Gifford football field as the Wilson-Chisholm Field, in honor of William H. "Chicken Shack" Wilson, Jr. and Scott Chisholm. The motion carried by the following vote:

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

E. Commissioner Tim Zorc

14.E.1 [17-0166](#) Request to Discuss Scheduling a Meeting on the Development Review Process

Recommended Action: Discussion

Attachments: [Commissioner Memorandum](#)

Commissioner Zorc outlined his request for a public workshop meeting to discuss some issues which have come to his attention regarding delays in the plan review and permitting processes. He wanted to have participation from the County's Planning, Building, Public Works, Emergency Services (Fire Inspectors) Departments, and open the meeting to engineering professionals, developers, property owners, and other interested parties. He mentioned that it would also be beneficial to have participation from the City of Vero Beach's permitting bodies. The purpose of the open meeting would be to review the County's current regulations, and determine what changes or procedures could be implemented to expedite permitting and address any issues upfront, and not at the time of Certificate of Occupancy.

A lengthy discussion ensued, which included deliberations about the potential meeting site, date, time, format, and goals for the meeting. The Board consensus

was that Commissioner Zorc would chair the meeting, formulate agenda topics, and provide structure to the forum.

Vice Chairman O'Bryan remarked that delays could be on the side of the developers and building professionals; they are not always the County's responsibility. He also pointed out that the Fire Inspectors have a heavy load and inquired about the possibility of adding staff.

County Administrator Jason Brown discussed the need to build staffing back up, after the economic downturn. He also spoke of pending State legislation that would help counties with the shortfall of building inspectors.

Discussion ensued about the need for a fresh look at the County's tree regulations.

Chuck Mechling, 5215 Tradewinds Drive, stated that he would be attending the meeting, and that he was interested in discussing the tree regulations.

Robert Votaw, 1025 33rd Avenue SW, offered to volunteer his time to help tighten up regulations for developers and builders.

Bob Johnson, Coral Wind Subdivision, cautioned the Board to be mindful of the regulations that the County has developed over the years, and avoid allowing the meeting to develop a pro-developer bias.

Chairman Flescher emphasized that there would be an opportunity for the public to be apprised of any proposed policy amendments.

Commissioner Zorc advised that he would return to a future Board meeting with a date and time frame for the proposed public meeting, which he envisioned would take place in approximately three to four weeks.

A motion was made by Commissioner Zorc, seconded by Commissioner Solari, to host an open public workshop meeting to review the County's current regulations, explore the concerns of industry, and determine whether any changes or procedures could be implemented to expedite the County's development and permit review process. The motion carried by the following vote:

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

Commissioner O'Bryan announced that State Representatives have proposed House Bill 17, which would interfere with the home rule authority of local governments.

Chairman Flescher noted that the County Attorney's office would be reporting back

at the February 21, 2017 County Commission meeting regarding House Bill 17.

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

The Board of County Commissioners adjourned the regular meeting and reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

15.A.1 [17-0141](#)

Business Agreement Amendment with PerSe' Technologies Services, Inc. (PST) a McKesson Company for Collection of Public Emergency Medical Transportation Supplemental Medicaid Fees

Recommended Action: Staff recommends approval of the amendment with PerSe' Technologies Services, Inc.

Attachments: [Staff Report](#)
[Amendment P201710013626](#)

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

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

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:01 p.m.