

# 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, March 13, 2018

9:00 AM

Commission Chambers

### Board of County Commissioners

*Peter D. O'Bryan, Chairman, District 4*

*Bob Solari, Vice Chairman, District 5*

*Susan Adams, District 1*

*Joseph E. Flescher, District 2*

*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**

**2. ROLL CALL**

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

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

**2.B. INVOCATION**

Pastor Frank Ellis, Kings Baptist Church

**3. PLEDGE OF ALLEGIANCE**

Commissioner Joseph E. Flescher

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

Moved: Item 14.A.1. Commissioners Matters, to be heard after Item 10.B.2. Public Discussion Items

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

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

**5. PROCLAMATIONS and PRESENTATIONS**

**5.A.**     [18-1580](#)     Presentation on Up With People Live on Tour 2018 in Vero Beach by Mary Beth Cunningham, Local Coordinator, and Gaby Mendoza and Maria Ontiveros, Up With People Advance Team

**Recommended Action:** Presentation Only - No Action Required

Mary Beth Cunningham, Local Coordinator, with the assistance of members of the Advance Team, gave a presentation on the mission of "Up With People" and provided details on the upcoming production scheduled at the Intergenerational Center.

**No Action Taken or Required**

- 5.B.**     [18-1589](#)     Presentation of Proclamation Designating March, 2018, as Colon Cancer Awareness Month

**Recommended Action:** Read and Presented.

**Attachments:** [Proclamation](#)

Chairman O'Bryan presented the Proclamation to Theresa Woodson, Senior Manager, American Cancer Society; accompanied by Dr. James Grichnik, MD, PhD Director of Scully Welsh Cancer Center at Indian River Medical Center; Michelle Bollinger, MS, HRM, SPHR, Cancer Care Service Coordinator; and Donna Goodwin, Health Systems Manager, American Cancer Society.

**No Action Taken or Required**

## **6. APPROVAL OF MINUTES**

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

## **8. CONSENT AGENDA**

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

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

- 8.A.**     [18-1581](#)     Approval of Agreement for 45th Street Improvements - 43rd Avenue to 58th Avenue (IRC-1722) - RFQ 2018012

**Recommended Action:** Staff recommends the Board of County Commissioners approve the proposed agreement with Masteller & Moler Inc., authorizing the above-mentioned professional services as outlined in the Scope of Services (Exhibit C) and authorize the Chairman to execute the agreement.

**Attachments:** [Staff Report](#)

[Agreement](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

**Approved staff's recommendation**

- 8.B.**     [18-1584](#)     Approval of Amendment to the Florida Blue Administrative Services Agreement Exhibit "B" Reducing the Administrative Service Fee from \$51.50 to \$50.00 PEPM for the Period October 1, 2017 through September 30, 2018

**Recommended Action:** Staff Recommends and Respectfully Requests the Board of County Commissioners Approve the Amendment to the Florida Blue Administrative Services Agreement Exhibit "B" Reducing the Administrative Service Fee from \$51.50 to \$50.00 pepm for the Period October 1, 2017 though September 30, 3018 and authorize the Chairman to Sign the Revised Agreement.

**Attachments:**   [Staff Report](#)  
                          [Amendment to FL Blue ASO](#)  
                          [Exhibit B](#)

**Approved staff's recommendation**

- 8.C.**     [18-1585](#)     Checks and Electronic Payments February 23, 2018 to March 1, 2018

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 23, 2018 to March 1, 2018

**Attachments:**   [Finance Department Staff Report](#)

**Approved**

- 8.D. [18-1588](#) Resolutions Cancelling Taxes on Properties Purchased by Indian River County for Public Purposes

**Recommended Action:** Authorize the Chairman of the Board of County Commissioners to execute the four Resolutions to cancel certain taxes upon publicly owned lands, and the Clerk to send a certified copy of each Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

**Attachments:** [Staff Report](#)  
[Resolution \(Tate\)](#)  
[Resolution \(Dean/Frost\)](#)  
[Resolution \(TD Bank\)](#)  
[Resolution \(Madsen\)](#)

**Approved:** 1) staff's recommendation; 2) Resolution 2018-028, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes, for the purchase of right-of-way along 69th Street; 3) Resolution 2018-029, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes, for the purchase of right-of-way along 65th Street; 4) Resolution 2018-030, cancelling certain taxes upon publicly owned lands, pursuant to section 196.28, Florida Statutes, for the purchase of right-of-way along 66th Avenue; and 5) Resolution 2018-031, cancelling certain taxes upon publicly owned lands, pursuant to section 196.28, Florida Statutes, for the purchase of right-of-way along 66th Avenue.

- 8.E. [18-1595](#) Subordination of City Utility Interests to the Florida Department of Transportation, for the SR 60/43rd Avenue Project

**Recommended Action:** Staff recommends the Board of County Commissioners approve the Subordination of City Utility Interests with the City of Vero Beach and the Florida Department of Transportation, for the SR 60/43rd Avenue Project and approve the accompanying Resolution authorizing the Chairman to execute the Subordination on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Right-Of-Way Map](#)  
[Subordination of City Utility Interests](#)  
[Resolution](#)

**Approved:** 1) staff's recommendation; and 2) Resolution 2018-032, authorizing the Chairman's execution of a Subordination of City Utility Interests for the Florida Department of Transportation for the 43rd Avenue/State Road 60 Project.

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**10.A.1. [18-1497](#)**

Consideration of Land Development Regulation (LDR) Amendments to Chapters 910, 913, 914, 952, and 971 Regarding Traffic Study Requirements, Subdivision and Site Plan Review Processes, and Staff Level Approval Authority for Certain Uses (**Legislative**)

**Recommended Action:** Staff recommends that the Board of County Commissioners adopt all five ordinances amending Chapters 910, 913, 914, 952, and 971 of the land development regulations.

**Attachments:** [Staff Report](#)

[Minutes from January 16, 2018 BCC Meeting](#)

[Resolution Establishing the Committee](#)

[Draft Minutes from February 8, 2018 PZC Meeting](#)

[Ordinance #1 for Chapter 910](#)

[Ordinance #2 for Chapter 913](#)

[Ordinance #3 for Chapter 914](#)

[Ordinance #4 for Chapter 952](#)

[Ordinance #5 for Chapter 971](#)

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

Community Development Director Stan Boling used a PowerPoint Presentation to provide background on the proposed Land Development Regulation (LDR) amendments, highlighting the changes to portions of the existing development review process that were considered by the Development Review and Process Advisory Committee and the Planning and Zoning Commission (PZC).

The Chairman opened the Public Hearing.

Joseph Paladin, President of Black Swan Consulting and Vice Chairman of the Development Review and Process Advisory Committee, made comments in support of staff and the proposed amendments to the Land Development Regulations.

Debb Robinson, Vice President, Laurel Homes and Chairman of the Development Review and Process Advisory Committee, commented on the positive efforts made by the Committee and staff to streamline the application and review process.

The Chairman closed the Public Hearing.

**A motion was made by Commissioner Zorc, seconded by Commissioner**

Flescher, to approve: 1) Ordinance 2018-002, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 910, Concurrency Management System; by amending Section 910.11(1)(B) Determination of Concurrency, specifically; and by providing for repeal of conflicting provisions; codification; severability; and effective date; 2) Ordinance 2018-003, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 913, Subdivisions and Plats; by amending Sections 913.07(4)(A) and 913.07(4)(F) specifically; and by providing for repeal of conflicting provisions; codification; severability; and effective date; 3) Ordinance 2018-004, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 914, Site Plan Review and Approval Procedures; by amending Sections 914.06(1) and 914.06(5) General Thresholds and Procedures for Site Plan Review and Approval, specifically; and by amending Section 914.14(3) General Submittal Requirements specifically; and by providing for repeal of conflicting provisions; codification; severability; and effective date; 4) Ordinance 2018-005, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 952, Traffic; by amending Section 952.07 Traffic Impact Study; and by providing for repeal of conflicting provisions; codification; severability; and effective date; and 5) Ordinance 2018-006, concerning amendments to its Land Development Regulations (LDRs); providing for amendment to Chapter 971, Regulations for Specific Land Uses; by amending Section 971.11 Same-Unenclosed; by amending Section 971.12 Commercial Services, by amending Section 971.13 Commercial Uses, by amending Section 971.28 Institutional Uses, by amending Section 971.41 Residential Uses, by amending Section 971.42 Sales; General Merchandise, by amending Section 971.45 Vehicular Sales, Service and Storage; and by providing for repeal of conflicting provisions; codification; severability; and effective date. The motion carried by the following vote:

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

## **B. PUBLIC DISCUSSION ITEMS**

**10.B.1. [18-1579](#)** Request to Speak from Robert Galbraith Regarding Sale of Weapons in County Government Facilities

**Recommended Action:** No Action Required

**Attachments:** [Public Discussion Form](#)

Robert Galbraith, 1276 Scarlet Oak Circle, expressed his opposition to the sale of weapons in a County-owned facility at the Indian River County Fairgrounds.

**No Action Taken or Required**



- 10.B.2. [18-1594](#) Request to Speak from Joel Molinari Regarding Public Gatherings and Events on/in Taxpayer Owned Property/Facility

**Recommended Action:** No Action Required

**Attachments:** [Public Discussion Form](#)

Joel Molinari, 1025 54th Avenue, expressed his support for the gun shows and other events held in County-owned facilities at the Indian River County Fairgrounds, and felt that the events were organized for the benefit of the community.

Chairman O'Bryan mentioned that the Board does not take any action under a Public Discussion Item, and explained the procedure in order for a vote to take place.

Mike Strickland, 6576 4th Lane, Owner and President of Patriot Productions, spoke of the economic impacts of the Home & Remodel Shows, the Arts and Crafts Expo and the Gun Shows that have been held at the Indian River Fairgrounds. He noted that he is a legal, legitimate business owner who follows all of the rules and regulations required, and requested that the Board allow him to continue doing business in the County.

The following persons addressed the Board:

Richard Chapman, Westfield Circle, Vero Beach, Florida  
Don Cole, 7810 91st Avenue, Vero Beach, Florida  
Angela Cletzer, 812 Foster Avenue, Sebastian, Florida  
Jason Yergler, 6425 5th Street, Vero Beach, Florida  
Juan Posada, 1855 40th Avenue, Vero Beach, Florida  
Ana Assink, 2536 Date Drive, Cocoa, Florida  
Ervin Cartwright, 4275 31st Avenue, Vero Beach, Florida  
Barbara Larson, 10 Felicidad Court, Fort Pierce, Florida  
Larry Graham, 2100 block of 2nd Ave SE, Vero Beach, Florida  
Lamarre Notargiacomo, 5082 4th Lane, Vero Beach, Florida  
David Van Der Meulen, 968 Starflower Avenue, Vero Beach, Florida  
Tyler O'Toole, 5060 9th Street, Vero Beach, Florida  
Merana Cadorette, 520 Wright Circle, Vero Beach, Florida  
Brenda Librand, 545 7th Place, Vero Beach, Florida

The Board made individual comments about the subject, and expressed their opinions regarding the Indian River County Fairgrounds and the legal use of the facilities for gun shows.

The Chairman called for a recess at 10:35 a.m., and reconvened the meeting at 10:45 a.m. with all members present.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

**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. [18-1593](#)** Children's Services Funding Allocation for Fiscal Year 2018/2019

**Recommended Action:** Staff recommends that the Board of County Commissioners approve funding for Children's Services agencies in the amount of \$1,663,965 for fiscal year 2018/2019.

**Attachments:** [Staff Report](#)  
[Children's Services Funding History](#)  
[Children's Services Meeting Minutes 2017](#)

*(Clerk's Note: This Item heard following Item 14.A. Commissioners Matters, and is placed here for continuity.)*

Management and Budget Director Mike Smykowski used a PowerPoint Presentation to describe the recommended funding allocations for Children's Services for the Fiscal Year 2018-2019.

Bob Johnson, Coral Wind Subdivision, questioned the increases made to the Children's Services funding as compared to last year's allocations.

Chairman O'Bryan, with the assistance of County Administrator Jason Brown, answered Bob Johnson's questions and explained the reasons for the increase in the Children's Services funding.

**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 O'Bryan, Vice Chairman Solari, Commissioner Adams, Commissioner Flescher, and Commissioner Zorc

**F. Public Works****G. Utilities Services**

**12.G.1. [18-1587](#)** Utility Construction Standards, March 2018

**Recommended Action:** Staff recommends that the Board of County Commissioners approve adoption of the Indian River County Department of Utility Services Water, Wastewater and Reclaimed Water Construction Standards - March 2018, as presented.

**Attachments:** [Staff Report](#)  
[Attachment A - List of Major Revisions to Standards](#)

Director of Utility Services Vincent Burke, through the use of a PowerPoint Presentation, explained the background and timelines associated with the updating of the Indian River County Department of Utility Services Water, Wastewater and Reclaimed Water Construction Standards - March 2018 (Standards). He provided a summary of the proposed upgrades and changes to the Standards, and how the revisions would impact initial capital costs to the developer, the maintenance costs to the Utilities, and the costs to the customer.

Commissioner Zorc sought and received information from Director Burke regarding the typical life cycles of the current materials used and the future costs of the renewal and replacement of the old infrastructure.

Joseph Paladin, Vice Chairman of the Development Review and Process Advisory Committee (Committee), asked the Board to allow the Committee to review the presentation and all future presentations, and receive the Committee's full support prior to action by the Board.

After a brief discussion concerning potential Sunshine Law problems, it was decided that ample time had been given for the Committee to review and make comments.

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

**Aye:** 4 - Chairman O'Bryan, Vice Chairman Solari, Commissioner Adams, and Commissioner Flescher

**Nay:** 1 - Commissioner Zorc

**13. COUNTY ATTORNEY MATTERS**

**13.A.** [18-1591](#) Economic Development Council Appointment

**Recommended Action:** The County Attorney recommends that the Board review the applicants' résumés/applications, and determine whether to appoint one of the applicants to fill the unexpired term for the "Representative Appointed by the Board of County Commissioners" to the Economic Development Council.

**Attachments:** [Staff Report](#)  
[Sven Frisell Application](#)  
[Sven Frisell Resume](#)  
[Bruce Redus Application](#)  
[Bruce Redus Resume](#)  
[Evan Esposito Application](#)

County Attorney Dylan Reingold explained that the vacant position of "Representative Appointed by the Board of County Commissioners" on the Economic Development Council had been advertised on the County's website and on Channel 27 for more than 30 days, and asked the Board to appoint one of the qualified applicants to fill the unexpired term.

Chairman O'Bryan explained that there were three (3) qualified applicants, and felt that Mr. Redus had more Economic Development experience.

Bruce A. Redus, summarized his career in Economic Development and expressed his appreciation for the opportunity to serve.

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the appointment of Bruce A. Redus to the position of "Representative Appointed by the Board of County Commissioners" on the Economic Development Council, which term expires in January 2019. The motion carried by the following vote:**

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

**14. COMMISSIONERS MATTERS****A. Commissioner Peter D. O'Bryan, Chairman**

**14.A.1. [18-1582](#)**

Requesting Board consideration to hold a public workshop to hear public opinion on the County's constitutional authority under Article VIII Section 5 of the Florida Constitution

**Recommended Action:** Consider and Discuss whether or not to hold a public workshop to hear public opinion on the County's constitutional authority under Article VIII Section 5 of the Florida Constitution

**Attachments:** [Commissioner's Memorandum](#)  
[FL Constitution Article VIII Section 5](#)  
[Broward County Ordinance](#)  
[Hillsborough County Ordinance](#)

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

Chairman O'Bryan discussed the County's constitutional authority under Article VIII, Section 5, of the Florida Constitution, which provides local government with the authority to require a criminal history records check and a three (3) to five (5) day waiting period in connection with the sale of any firearm in the County. He asked the Board to consider holding a public workshop to allow the citizens to voice their opinions, pending the outcome of the litigation filed by the National Rifle Association (NRA) against Senate Bill 7026 recently signed by Governor Scott.

It was the opinion of Commissioner Adams and Commissioner Flescher to wait until there was a better understanding of the impacts of the newly signed Bill before proceeding with a public workshop.

Chairman O'Bryan asked the County Attorney to monitor the lawsuit filed by the NRA and once clear direction was determined, to bring an update back to the Board for the consideration of a public workshop.

Adriana De Kanter, Vice Chair of the Democrats of Indian River County, 2745 Tropical Avenue, addressed the Board.

**The Board's consensus was to direct the County Attorney to: 1) monitor the litigation filed by the National Rifle Association against Senate Bill 7026 signed by Governor Scott; and 2) when clear direction from the Bill is determined, bring an update back to the Board for the consideration of a public workshop or discussion.**

**B. Commissioner Bob Solari, Vice Chairman**

**C. Commissioner Susan Adams**

**D. Commissioner Joseph E. Flescher**

**E. Commissioner Tim Zorc**

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

**B. Solid Waste Disposal District**

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 11:32 a.m.