

# Indian River County Florida

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



## Meeting Minutes - Draft

**Tuesday, September 18, 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**

**Randi Wardlow, Deputy Clerk**

**1. CALL TO ORDER**

**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**

Stan Boling, Community Development Director

**3. PLEDGE OF ALLEGIANCE**

Commissioner Joseph E. Flescher

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

Moved Item 9.A.: 19th Judicial Circuit Cynthia L. Cox, Circuit Judge: Award of the 2018/2019 Alcohol and Other Drug Abuse Treatment Fund and Designation of Indian River County's Problem Solving Courts as a Chosen Program Recipient, to be heard after Item 4. Additions/Deletions to the Agenda/Emergency Items

Moved Item 14.B.1.: Anti-chaining Ordinance for Dogs and Cats, to be heard in conjunction with Item 10.B.1. Request to Speak from Betsy Begens Regarding Request for Anti-chaining Ordinance for Dogs and Cats

**A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, 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

*[Clerk's Note: Item 9.A. was heard prior to Item 5. Proclamations and Presentations]*

**5. PROCLAMATIONS and PRESENTATIONS**

**5.A. 18-2294** Presentation of Proclamation Honoring Cory Sanford Richter on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services With Twenty-Five Years of Service

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

Chairman O'Bryan presented the proclamation to Assistant Chief Richter.

Director of Emergency Services Tad Stone, along with the Commissioners and staff, praised Chief Richter's dedication and contribution to the community.

**Read and Presented**

- 5.B. 18-2290** Presentation of Proclamation Designating September 17-21, 2018 as Industry Appreciation Week in Indian River County, Florida

**Recommended Action:** Read and Presented

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

Commissioner Flescher presented the Proclamation to Helene Caseltine, Director of Economic Development for the Indian River Chamber of Commerce, who was joined by a host of industry representatives.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

- 7.A. 18-2287** Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2017 is on file in the Office of the Clerk to the Board.

**Recommended Action:** Information Only

**No Action Taken or Required**

- 7.B. 18-2194** Proclamation Honoring James H. Hargreaves on His Retirement From Indian River County Board of County Commissioners Department of Utilities Services Wastewater Treatment Division with Twenty-Five Years of Service

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

Chairman O'Bryan thanked Mr. Hargreaves for his service to the County.

**No Action Taken or Required**

- 7.C. 18-2310** Resolution Adopted by the Board of County Commissioners Addressing Biosolids and Biosolids Applications

**Attachments:** [Staff Report](#)  
[Resolution No. 2018-084](#)

**No Action Taken or Required**

**8. CONSENT AGENDA**

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, 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. 18-2277** Checks and Electronic Payments August 31, 2018 to September 6, 2018

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 31, 2018 to September 6, 2018

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

**Approved**

**8.B. 18-2305** County Capital Asset Inventories

**Recommended Action:** Approve the list of assets for removal from the inventory system

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

**Approved**

**8.C. 18-2283** Second Amended and Restated Interlocal Agreement Medical Examiner District 19

**Recommended Action:** The County Attorney recommends that the Board approve the proposed Second Amended and Restated Interlocal Agreement for the Medical Examiner District 19, and authorize the Chairman of the Board to execute the proposed Second Amended and Restated Interlocal Agreement and any documents necessary to effectuate the Second Amended and Restated Interlocal Agreement.

**Attachments:** [Staff Report](#)  
[Second Amended and Restated ILA](#)

**Approved staff's recommendation**

**8.D. 18-2302** Approval of Resolution Establishing Fair Market Rental Rates for Housing Choice Voucher Program

**Recommended Action:** Staff recommends the Board approve the resolution setting the Fair Market Rental Rates for Fiscal Year 2019 and authorize the Chairman to execute the resolution on behalf of the Board.

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

**Approved Resolution 2018-085, approving payment standards for beginning Fiscal Year 2019 for the Housing Choice Voucher Program.**

- 8.E. 18-2271** Release of Retainage and Change Order No. 1 for CR512 Westbound Resurfacing (Roseland Road to US 1) and CR512 Eastbound Resurfacing (Easy Street to US 1),IRC-1139

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 8 to Timothy Rose Contracting, Inc. in the amount of \$168,162.20 for release of retainage.

**Attachments:** [Staff Report](#)  
[Timothy Rose Contracting, Inc. Application for Payment No. 8](#)  
[Change Order No. 1](#)

**Approved staff's recommendation**

- 8.F. 18-2276** Jones' Pier Conservation Area Public Use Improvements - Amendment Number 1 to MBV Work Order #5 for Jones' Pier Conservation Area (FTC No.:05-039-FF)-New Pavilion & Restroom Building Architectural Services

**Recommended Action:** Staff recommends approval of Amendment Number 1 to MBV Work Order #5 for Jones' Pier Conservation Area (FTC No.: 05-039-FF) - New Pavilion & Restroom Building Architectural Services.

**Attachments:** [Staff Report](#)  
[Addendum #1 to Work Order #5 Jones Pier Rev 1](#)

**Approved staff's recommendation**

- 8.G. 18-2278** One-Year Extension of Telecommunications Systems Equipment, Material, Supplies, Maintenance, and Installation Agreements (Bid 2017057)

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the extension of the Telecommunications Systems Equipment, Material, Supplies, Maintenance, and Installation Agreements and authorize the Chairman to execute the extensions after review and approval by the County Attorney as to form and legal sufficiency and after any updated insurance has been received and approved.

**Attachments:** [Staff Report](#)  
[First Extension Danella, Inc.](#)  
[First Extension DraftPros, Inc.](#)  
[First Extension Gerelcom, Inc.](#)  
[First Extension Universal Cabling Systems, Inc.](#)

**Approved staff's recommendation**

**8.H. 18-2281** 27th Avenue at 21st Street SW Intersection/Signalization Improvements -Release of Retainage and Change Order No. 1, IRC-1643

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 6 to Traffic Control Devices, Inc. in the amount of \$74,759.84 for final payment and release of retainage.

**Attachments:** [Staff Report](#)  
[Contractor's Application for Payment No. 6](#)  
[Change Order No. 1](#)

**Approved staff's recommendation**

**8.I. 18-2282** Annual Renewals for Continuing Professional Surveying and Mapping Services Firms, RFQ# 2016029, IRC-1605

**Recommended Action:** Staff recommends approval of the renewal agreements and fee schedules between the County and the five (5) firms selected and requests the Board to authorize the Chairman to execute the agreements.

**Attachments:** [Staff Report](#)  
[Carter Associates, Inc. Renewal Agreement and Fee Schedule](#)  
[Kimley-Horn & Assoc., Inc. Renewal Agreement and Fee Schedule](#)  
[Morgan Eklund, Inc. Renewal Agreement and Fee Schedule](#)  
[Southeastern Surveying & Mapping Corp. Renewal Agreement and Fee Schedule](#)  
[CivilSurv Design Group, Inc. Renewal Agreement and Fee Schedule](#)

**Approved staff's recommendation**

**8.J. 18-2284** Notice of Grant Application for FDEP FY 2018-19 Hurricane Irma Supplemental Funding Requests

**Recommended Action:** Staff recommends Board approval authorizing the County Administrator or his designee to submit the FDEP FY 2018/2019 Hurricane Irma Supplemental Funding request on behalf of the County.

**Attachments:** [Staff Report](#)  
[Supplemental funding application](#)

**Approved staff's recommendation**

**8.K. 18-2286** Termination of Bid 2018060 Annual Bid for Utilities Concrete Restoration and

**Recommended Action:** Staff recommends the Board of County Commissioners terminate bid #2018060 with Professional Services Group, LLC, and authorize staff to rebid using different line item pricing that is equitable to both the contractors and the County.

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

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.1. 18-2183** 19th Judicial Circuit Cynthia L. Cox, Circuit Judge: Award of the 2018/2019 Alcohol and Other Drug Abuse Treatment Fund and Designation of Indian River County's Problem Solving Courts as a Chosen Program Recipient

**Recommended Action:** It is recommended that for the fiscal year 2018/2019, the Indian River County Board of County Commissioners designate the Indian River County's Problem Solving Courts as a chosen program recipient to receive up to \$25,000 from the Alcohol and Other Drug Abuse Trust Fund for use for substance abuse treatment and testing for the drug court, mental health and veteran treatment court participants in Indian River County that are indigent

**Attachments:** [Memorandum dated August 14, 2018](#)

*[Clerk's Note: This item was heard following Item 4. Additions/Deletions to the Agenda and is placed here for consistency.]*

Judge Cynthia L. Cox spoke of the numerous participants who benefited from the recovery programs paid for by the Alcohol and Other Drug Abuse Treatment Fund (the Fund). The Fund collects fines from drug offenses and uses it to offer financial assistance for testing and treatment programs offered through Indian River County's three problem solving courts.

Chairman O'Bryan stated support for the work of the courts and commented on the financial status of the Fund.

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the request from Circuit Court Judge Cynthia L. Cox for the award of the 2018/2019 Alcohol and Other Drug Abuse Treatment Fund and designation of Indian River County's Problem Solving Courts as a Chosen Program Recipient. The motion carried by the following vote:**

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

## **10. PUBLIC ITEMS**

### **A. PUBLIC HEARINGS**

#### **10.A.1. 18-2273**

Consideration of Land Development Regulation (LDR) Amendments to Chapters 911, 912, 913, 914, 915, and 972 Regarding the Affidavit of Exemption (AOE) and Final Plat Review and Approval Process, Master Lot Drainage Plans for New Subdivision Projects, Affordable Housing Conceptual Plans, Early Model Homes on Subdivision Construction Sites, and Medical District Side Yard (Setback) Requirements (Legislative)

**Recommended Action:** Staff recommends that the Board of County Commissioners adopt all six ordinances amending Chapters 911, 912, 913, 914, 915, and 972 of the County land development regulations.

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

[Excerpt from Draft August 23, 2018 PZC Minutes](#)

[Resolution Establishing the Committee](#)

[Ordinance #1 - Affidavit of Exemption \(AOE\) Review and Approval Process](#)

[Ordinance #2 - Final Plat Review and Approval Process](#)

[Ordinance #3 - Master Lot Drainage Plans for New Subdivision Projects](#)

[Ordinance #4 - Affordable Housing Conceptual Plans](#)

[Ordinance #5 - Early Model Homes on Subdivision Construction Sites](#)

[Ordinance #6 - Medical District Side Yard \(Setback\) Requirements](#)

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

Director of Community Development Stan Boling, with aid of a PowerPoint presentation, highlighted components of the Land Development Regulation amendments which included six (6) proposed ordinances. The ordinances were based on recommendations from the Development Review and Permit



Process Advisory Committee (DRPPAC) and each ordinance focused on a specific step or process with the goal of solving problems and expediting procedures.

Discussion ensued among Commissioners, staff, and Debb Robinson, Chair of the DRPPAC, who sought to clarify questions regarding water access, the needs of site contractors, and accountability for developer improvements. Praise was given for the positive results that emerged from the collaboration between the construction community and staff.

The Chairman opened the Public Hearing.

Joseph Paladin, Black Swan Consulting and Vice-Chair of the DRPPAC, spoke in praise of the amendments and the Committee.

There being no further speakers, the Chairman closed the Public Hearing.

Staff noted that the DRPPAC would sunset after its final meeting in October 2018, unless the Board votes to extend it.

**A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to adopt the following Ordinances:**

**Ordinance 2018-017, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 912, Single-Family Development, and Chapter 913, Subdivisions and Plats; by amending Sections 912.06(1), Property “buildability”; determining if a parcel can be built upon; 913.06(4), Compliance required; and by providing for repeal of conflicting provisions; codification; severability; and effective date.**

**Ordinance 2018-018, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 913, Subdivisions and Plats; by amending Section 913.07(5)(A) and Section 913.07(6)(B) and Section 913.07(6)(D) and Section 913.07(6)(F)3 and Section 913.07(6)(F)7 and Section 913.07(6)(G) specifically; and Section 913.10 specifically; and by providing for repeal of conflicting provisions; codification; severability; and effective date.**

**Ordinance 2018-019, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 913, Subdivisions and Plats; by amending Section 913.07(5)(B) specifically; and by providing for repeal of conflicting provisions; codification; severability; and effective date.**

**Ordinance 2018-020, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 914, Site plan review and approval procedures; by amending Section 914.07, Administrative approvals and modifications to approved site plans; and Section 914.14(4), Conceptual site plans, submittal and informational requirements; and by providing for repeal of conflicting provisions; codification; severability; and effective date.**

**Ordinance 2018-021**, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 972, Temporary Uses; by amending Section 972.08(1), Specific uses, standards and requirements; Chapter 913, Subdivisions and Plats; by amending Section 913.06(2), Exemptions; and Chapter 915, Planned Development (P.D.) Process and Standards for Development; by amending Section 915.05, Coordination with other regulations; and by providing for repeal of conflicting provisions; codification; severability; and effective date.

**Ordinance 2018-022**, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 911, Zoning; by amending Section 911.10, Commercial Districts Subsection (7) Size and Dimension Criteria; 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

#### **10.A.2. 18-2274**

Consideration of a Land Development Regulation (LDR) Amendment to Chapters 911 and 971 Regarding the Review and Approval Process for Places of Worship (Legislative)

**Recommended Action:** Staff recommends that the Board of County Commissioners: 1. Direct staff to make any changes necessary to the proposed ordinance, and 2. By a vote of 4 or 5 BCC members set the second, final adoption hearing for the regular BCC meeting of October 16, 2018 which is scheduled to begin at 9:00 AM.

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

[Excerpt from March 1, 2016 BCC Minutes](#)

[Excerpt from Draft August 23, 2018 PZC Minutes](#)

[LDR Section 971.05](#)

[Proposed Ordinance](#)

Stan Boling, Director of Community Development, used a PowerPoint presentation to provide background from the initial presentation that took place on March 1, 2016. The proposed Ordinance would change the use classification for places of worship from special exception use to an administrative permit. The changes would streamline the review and approval process by providing objective standards for location criteria as well as eliminating the need for a public hearing.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, expressed concerns over the impact of the changes.

There being no further speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the proposed Ordinance with no changes. The motion carried by the following vote:

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

A motion was made by Commissioner Adams, seconded by Vice Chairman Solari, to set the second, final adoption hearing of the proposed Ordinance for the regular BCC meeting of October 16, 2018, which is scheduled to begin at 9:00 am. 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. 18-2199** Request to Speak from Betsy Begens Regarding Request for Anti-chaining Ordinance for Dogs and Cats

**Recommended Action:** No Action Required

**Attachments:** [Request to Speak Form](#)  
[pictures](#)

*[Clerk's Note: Item 14.B.1., Anti-chaining Ordinance for Dogs and Cats, was heard in conjunction with this item. See Item 14.B.1. for further discussion and vote.]*

Betsey Begens, 3200 Eagle Drive, requested changes to the existing anti-tethering ordinance in Indian River County. Ms. Begens presented photos of chained dogs and highlighted sections of the current ordinance that she described as vague or contradictory. She advocated for a simplified ordinance similar to the one in effect for Seminole County.

**No Action Taken or Required**

**10.B.2. 18-2214** Request to Speak from Evan Esposito, E.E. Solar, Regarding a Request that the County Propose and Support Legislation on Solar and Green Energy for construction and buses.

**Recommended Action:** No Action Required

**Attachments:** [Request to Speak Form](#)

Speaker not present

**No Action Taken or Required**

The Chairman called for a recess at 10:27 a.m., and reconvened the meeting at 10:39 a.m., with all members present.

**10.B.3. 18-2262** Request to Speak from Fred Mensing Regarding All Aboard Florida / Brightline / Florida East Coast Railway Railroad Crossings - Tunnels and Bridges

**Recommended Action:** Public Discussion Item - No Action Required

**Attachments:** [Request to Speak Form](#)

Fred Mensing, 4123 18th Place, addressed the Board regarding the impact to Indian River County from a possible railway expansion by All Aboard Florida/Brightline/Florida East Coast Railway. He urged the Commission to conduct a study for improvements that may be needed at the County's railroad crossings.

**No Action Taken or Required**

### **C. PUBLIC NOTICE ITEMS**

**10.C.1. 18-2309** Public Notice of Public Hearing Scheduled for October 2, 2018, to Consider Adoption of a Notice of Intent to Affirm the Existence of a Recreational Customary Use of the Beach on Private Property (Legislative)

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

County Attorney Dylan Reingold read the Public Notice into the record.

**No Action Taken or Required**

### **11. COUNTY ADMINISTRATOR MATTERS**

**11.A. 18-2312** Agreement for Sale and Purchase of Dodgertown Golf Course Property

**Recommended Action:** Staff recommends the Board review the terms and timeline of the Agreement for Sale and Purchase of the Dodgertown Golf Course Property and direct staff to include any changes to the Agreement and authorize the Chairman to execute the Agreement on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Agreement for Sale and Purchase](#)  
[Sketch & Legal re Aviation Blvd/43rd Ave ROW Roadway Project](#)

County Administrator Jason Brown provided background on the proposed purchase agreement for the Dodgertown Golf Course (the Property), located at the southeast corner of Aviation Boulevard and 43rd Avenue.

Deputy County Attorney Bill DeBaal used a PowerPoint presentation to provide details of the proposed purchase agreement for the Property including restrictions and timelines. Attorney DeBaal confirmed to the Board that staff's recommendation was to approve the agreement in order to meet the October 5, 2018 deadline for signatures by both the City of Vero Beach and the County.

In response to a request from the Board, Administrator Brown displayed and discussed two ideas for the future of the Property. Chairman O'Bryan mentioned the deed restriction against residential development and stressed the conceptual nature of the ideas shown.

The following speakers addressed the Board:

Bob Johnson, Coral Wind Subdivision, received clarification regarding funding for the purchase.

Dori Stone, President, Indian River Chamber of Commerce, provided a letter of support on behalf of the Chamber for the County's purchase of the Property.

Joseph Paladin, Black Swan Consulting, supported the sale of the Property to the County.

Fred Augenstein, 179 Caprona Street, presented ideas to preserve the legacy of the Property.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Agreement for Sale and Purchase of the Dodgertown Golf Course Property with no changes. The motion carried by the following vote:**

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

**Nay:** 1 - Vice Chairman Solari

## **12. DEPARTMENTAL MATTERS**

### **A. Community Development**

### **B. Emergency Services**

### **C. General Services**

#### **12.C.1. 18-2275** Notice of Hazard Mitigation Grant Program Award (Hurricane Matthew) for Oslo Riverfront Conservation Area

**Recommended Action:** Staff recommends authorizing the Chairman to execute the grant award contract and to direct Budget Office to authorize \$16,250.00 for the project from the Native Upland Mitigation Fund; and, authorize the Chairman to execute the

Grant Agreement and necessary forms attached to the grant contract, as required.

**Attachments:** [Staff Report](#)  
[4283-40-R, Contract \(8-20-18\)](#)  
[HMGP Grant Form for 09-18-2018](#)

Beth Powell, Conservation Lands Manager, used a PowerPoint presentation to show the scope of the Oslo Riverfront Conservation Area (ORCA). Photos detailed the overgrown, hurricane-damaged vegetation and its potential fire hazard. The Hazard Mitigation Grant Program funding would enable the creation of a cleared zone to establish a firebreak between the ORCA and the homes that abut it.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, 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

**1. Human Services**

**2. Sandridge Golf Club**

**3. Recreation**

**D. Human Resources**

**E. Office of Management and Budget**

**F. Public Works**

**12.F.1. 18-2280** Arabella Reserve Developers Agreement

**Recommended Action:** Staff recommends the Board approve the Developers Agreement between the County and GRBK GHO Arabella Reserve, LLC, funding in the amount of \$83,226.78, and authorize the Chairman to execute the Developers Agreement on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Developers Agreement w-Attachments](#)

Director of Public Works Richard Szyrka detailed the roadway improvements that will be required of the developers of Arabella Reserve, a new subdivision planned for the southeast quadrant of 49th Street and 58th Avenue.

The proposed Developer's Agreement would allow the County to partner with the developer to obtain the necessary right-of-way and stormwater capacity in a cost efficient manner.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, 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

### **G. Utilities Services**

## **13. COUNTY ATTORNEY MATTERS**

### **13.A. 18-2313** 2019 Preliminary State Legislative List of Concerns

**Recommended Action:** The County Attorney's Office recommends that the Board discuss and adopt a 2019 preliminary legislative list of concerns.

**Attachments:** [Staff Report](#)  
[2019 Preliminary State Legislative List of Concerns](#)

Assistant County Attorney Kate Cotner highlighted new and existing local government policy issues in advance of the Florida Association of Counties (FAC) Policy Conference taking place between September 26 and 28, 2018.

Commissioners sought and received recommendations on the best path forward in the County's move to ban the use of biosolids, as well as hearing which policy proposals had been submitted by the County to the FAC.

**A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, 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

## **14. COMMISSIONERS MATTERS**

### **A. Commissioner Peter D. O'Bryan, Chairman**

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

#### **14.B.1. 18-2304** Anti-chaining Ordinance for Dogs and Cats

**Recommended Action:** Discuss

**Attachments:** [Commissioner's Memorandum](#)  
[Comments from Fellsmere Police Chief Touchberry](#)  
[Anti-chaining Ordinance Seminole County](#)

*[Clerk's Note: This is a continuation of the discussion started under item 10.B.1. Request to speak from Betsy Begens regarding request for anti-chaining ordinance for dogs and cats.]*

Vice Chairman Solari advocated for animal welfare by proposing a revised ordinance that would incorporate suggestions from the community and wording from the Seminole County ordinance.

Commissioners and staff entered into a discussion regarding the challenges of better enforcement for existing provisions, the needs of animal owners, and suggestions for simplifying the language of the existing ordinance.

Ilka Daniel, Director of Animal Protection for the Humane Society, provided reasons to support adopting a simplified ordinance similar to Seminole County's.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to direct staff to revise the existing Ordinance with input from the community and to bring it back before the Commission for consideration. The motion carried by the following vote:**

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

**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**

The Board reconvened as the Board of Commissioners for the Solid Waste Disposal District. Those minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**15.B.1. 18-2292** Second Amendment to Recyclables Transfer, Processing and Marketing Agreement

**Recommended Action:** Staff is recommending that the SWDD Board approve and authorize the



Chairman to sign the Second Amendment to Recyclables Transfer, Processing and Marketing Services Agreement between SWDD and Tropical Recycling.

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

[Letter from Tropical Recycling](#)

[Second Amendment to Tropical Recycling Agreement](#)

*[Clerk's note: Commissioner Adams briefly exited the meeting prior to the vote at 11:58am and returned at 11:59 am.]*

Utilities Director Vincent Burke thanked Mr. Brian Katz of Tropical Recycling for a successful partnership in servicing the County's single-stream recycling program. Director Burke also mentioned a future opportunity to align renewal of the Tropical Recycling contract with the Waste Management contract renewal.

**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 Flescher, and Commissioner Zorc

**Absent:** 1 - Commissioner Adams

#### **15.B.2. 18-2311** Eleventh Amendment to Republic Services

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the Eleventh Amendment to Republic Services to provide additional services for the non-Class 1 landfill services in response to any potential hurricanes, and authorize the Chairman to execute the same, as presented.

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

[Eleventh Amendment to Republic Services Contract Agreement](#)

Using a PowerPoint presentation, Director of Utilities Vincent Burke detailed the Hurricane Preparedness Plan (Plan) developed by staff and Republic Services. In an effort to manage the debris generated before and after a hurricane, a rotating system for the closure and clean-out of the County's Customer Convenience Centers and landfill was developed. Director Burke went on to detail the cost and logistics of the Plan which were not part of Republic Services' existing contract.

Vice Chairman Solari spoke favorably of the Plan and recommended beginning a public awareness campaign to support it.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, 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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 12:08 pm.