

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, August 15, 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**

15. SPECIAL DISTRICTS AND BOARDS

The Board reconvened as the Board of County Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District Meeting.

2. ROLL CALL

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

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

Pastor Scott K. Blount, Associate Minister, Vero Christian Church

In Pastor Blount's absence, Clerk of Circuit Court and Comptroller Jeffrey R. Smith offered the invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Move: Item 8.JJ. to be heard as Item 12.E.2.

Pull for Discussion: Item 8.G., 8.P., 8.U., 8.PP.

Move: Item 13.C. to be heard after Proclamations and Presentations

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

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. [17-0799](#) Presentation of Proclamation Designating the Day of September 11, 2017, as Florida Missing Children's Day

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Ms. Floy Turner, Retired Special Agent, Florida Department of Law Enforcement. Ms. Turner explained that Florida Missing Children's Day is held to remember Florida's missing children, to recognize the State's efforts in child protection and to educate Florida's citizens on child safety and abduction prevention. The website for the annual event held in Tallahassee is www.fmcd.org.

Read and Presented

- 5.B. [17-0800](#) Presentation of Proclamation Designating the Month of September as Suicide Awareness Month

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Solari read and presented the Proclamation to Mrs. Cathy Cordeiro, Director of Operations, Suncoast Mental Health Center, along with two members of her staff, Sophia and Rebecca. To help raise suicide awareness, they have collaborated with the American Motorcycle Association to hold a motorcycle rally on September 16, 2017; and partnered with Martin Health System for their Annual World Suicide Prevention Symposium on September 29, 2017.

Read and Presented

- 5.C. [17-0845](#) Presentation on Tunnel to Towers by Gina Kempf, Director, Tunnel to Towers Vero Beach

Recommended Action:

Gina Kempf, Director, Tunnel to Towers Vero Beach, invited the public to attend a walk/run event on September 9, 2017 at 7:30 a.m. at Riverside Park. She explained that this event is held annually to celebrate local heroes providing service to the community and to remember those who lost their lives on September 11, 2011. Additional information can be found at www.tunnel2towers.org.

Read and Presented**6. APPROVAL OF MINUTES**

- 6.A. [17-0812](#) Regular Meeting of June 20, 2017

Recommended Action: Approve

Attachments: [06202017BCC](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of June 20, 2017, as written. The motion carried by the following vote:

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

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

- 7.A.** [17-0807](#) Commissioner Appointments of Members to the Development Review and Permit Process Advisory Committee (District 2 - Commissioner Flescher, Chairman)

Recommended Action: Informational

Attachments: [Commissioner Memorandum](#)
[Carter S. D. Taylor Application 07132017](#)
[Joseph Paladin Application 07242017](#)

No Action Taken or Required

- 7.B.** [17-0818](#) Commissioner Appointments of Members to the Development Review and Permit Process Advisory Committee (District 4 - Commissioner O'Bryan, Vice Chairman)

Recommended Action: No action required

Attachments: [Commissioner's Memorandum](#)
[Committee Application Banov](#)
[Committee Application Redus](#)

No Action Taken or Required

- 7.C.** [17-0873](#) Commissioner Appointments of Members to the Development Review and Permit Process Advisory Committee (District 1 - Commissioner Adams)

Recommended Action: Informational

Attachments: [Commissioner's Memorandum](#)
[Robin Raiff Application \(SA Appt\)](#)
[Debb Robinson](#)

No Action Taken or Required

- 7.D. [17-0877](#) Commissioner Appointments of Members to the Development Review and Permit Process Advisory Committee (District 3 - Commissioner Zorc)

Recommended Action: Informational Item

Attachments: [Commissioner's Memorandum](#)
[James Wesley Mills Application](#)
[Richard A Brown Application](#)

No Action Taken or Required

- 7.E. [17-0878](#) Commissioner Appointments of Members to the Development Review and Permit Process Advisory Committee (District 5 - Commissioner Solari)

Recommended Action: Informational Item

Attachments: [Commissioner's Memorandum](#)
[Chuck Mechling Application](#)
[John Blum Application 08042017](#)

No Action Taken or Required

- 7.F. [17-0865](#) Update on All Aboard FL/Vero Electric Expenses

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[All Aboard FL Expenses](#)
[FP&L-Vero Beach-FMPA expenses](#)

No Action Taken or Required

- 7.G. [17-0844](#) Florida Department of Agriculture and Consumer Services, Florida Forest Service, Indian River County 2017 Annual Fire Management Report

Recommended Action: Informational Only. No Action Required.

Attachments: [Florida Forest Service 2017 Annual Report](#)

No Action Taken or Required

- 7.H. [17-0806](#) City of Fellsmere Notice of Intent to Adopt Ordinance 2017-19 to Annex +/- 9.92 acres located at 13875 and 13945 89th Street, south of Ditch 18 and the Garofalo Tract into the City of Fellsmere, said annexation requested by Gerald W. Renick, as Trustee of the Gerald W. Renick Revocable Trust (property owner)

Recommended Action: The referenced annexation notification is provided for the Board's information. No action is needed at this time.

Attachments: [City of Fellsmere notice of intent to annex +/- 9.92 Acres](#)

No Action Taken or Required

- 7.I. [17-0862](#) Proclamation and Retirement Award Honoring Richard E. Ridge on His Retirement From Indian River County Board of County Commissioners Department of Emergency Service/Fire Rescue Division with Twenty-Five Years of Service

Attachments: [Proclamation](#)
[Service Award](#)

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No Action Taken or Required

- 7.J. [17-0816](#) Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2016 is on file for review in the Office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

- 7.K. [17-0790](#) The Public Official Bond for the newly appointed Hospital Trustee Tracey L. Zudans has been received from Attorney Jennifer D. Peshke's office. The bond is on File in the Office of the Clerk to the Board.

Recommended Action: For Information Only

Attachments: [Public Official Bond for Tracey L. Zudans](#)

No Action Taken or Required

- 7.L. [17-0781](#) Florida Public Service Commission- Consummating Order PSC-0265-CO-EI makes Order PSC-17-0229-TRF-EI effective and final; docket to be closed. In re: Petition for approval of revisions to tariff sheet Nos. 4.070 and 4.080, deposit requirements and customer billing, by Duke Energy Florida, LLC. Is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

- 7.M. [17-0782](#) Florida Public Service Commission-Consummating Order PSC-2017-0264-CO-EI makes Order PSC-17-0230-TRF-EI effective and final; docket shall be closed. In re: Petition for approval of revised customer security deposit tariff sheets, by Florida Power & Light Company. Is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

- 7.N. [17-0792](#) Florida Public Service Commission- Order No. PSC-2017-0278-PAA-EQ In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company. Is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only.

No Action Taken or Required

- 7.O. [17-0797](#) Florida Public Service Commission- Order No. PSC-2017-0283-TRF-EI In re: Petition for approval of revised underground residential distribution tariffs, by Duke Energy Florida, LLC. Is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

- 7.P. [17-0861](#) Florida Public Service Commission - Order No. PSC-2017-0316-PCO-EI In re: Petition for determination under Rule 25-6.115, F.A.C., and approval

of associated revised tariff sheet 6.300, by Florida Power & Light Company is on file for review in the Office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

7.Q. [17-0826](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an informational item only, no Board action is required

Attachments: [Staff Report](#)

No Action Taken or Required

8. CONSENT AGENDA

As previously explained in Additions/Deletions, Item 8.JJ. was moved to be heard as Item 12.E.2.

Commissioner Zorc asked that Item 8.P. be pulled for discussion.

Vice Chairman O'Bryan asked that Item 8.G., Item 8.U. and Item 8.PP. be pulled for discussion.

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

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

8.A. [17-0789](#) Checks and Electronic Payments July 7, 2017 to July 13, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of July 7, 2017 to July 13, 2017

Attachments: [Finance Department Staff Report](#)

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

Approved staff's recommendation

8.B. [17-0796](#) Checks and Electronic Payments July 14, 2017 to July 20, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office

for the time period of July 14, 2017 to July 20, 2017

Attachments: [Finance Department Staff Report](#)

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

Approved staff's recommendation

8.C. [17-0811](#) Checks and Electronic Payments July 21, 2017 to July 27, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of July 21, 2017 to July 27, 2017

Attachments: [Finance Department Staff Report](#)

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

Approved staff's recommendation

8.D. [17-0841](#) Checks and Electronic Payments July 28, 2017 to August 3, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of July 28, 2017 to August 3, 2017

Attachments: [Finance Department Staff Report](#)

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

Approved staff's recommendation

8.E. [17-0776](#) Dori Slosberg Driver Education Safety Act, Indian River County Traffic Education Program Trust Fund Report through 06/30/17

Recommended Action: Accept the report

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation

8.F. [17-0859](#) Quarterly Investment Report for Quarter Ending 06/30/17

Recommended Action: Accept the Quarterly Investment Report

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation

8.G. [17-0860](#) Quarterly OPEB Trust Report for the Quarter Ending 06/30/17

Recommended Action: Accept the Quarterly OPEB Trust Report

Attachments: [Finance Department Staff Report](#)

Vice Chairman O'Bryan inquired to Clerk of Circuit Court and Comptroller Jeffrey R. Smith about the Post Employment Trust Benefits allocations, noting that the account balances were very close to exactly where they needed to be. Mr. Smith explained that the Investment Advisory Committee looked at the allocations, then used the new money being deposited to keep the accounts balanced.

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

8.H. [17-0872](#) Quarterly Tourist Development Tax Report for the Quarter Ending 06/30/17

Recommended Action: Accept the Quarterly Tourist Development Tax Report

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation

8.I. [17-0858](#) Change in Investment Policy

Recommended Action: Accept the investment policy changes

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation

8.J. [17-0881](#) Nationwide Service Administration Contract

Recommended Action: Approve the Nationwide Services Agreement with a term of five years with two optional 2-year extensions. Give approval to the County Attorney's office to schedule a public hearing revising Section 104.05 Deferred Compensation of the Indian River County Code of Ordinances.

Attachments: [Finance Department Staff Report](#)
[Nationwide Contract Final 8-8-17](#)

Approved staff's recommendation

- 8.K.** [17-0852](#) Out of State Travel to Washington, D.C. Related to All Aboard Florida (Brightline)

Recommended Action: Approval for Commissioners and/or staff to attend meetings, sessions, or hearings in Washington, D.C. as determined necessary in relation to All Aboard Florida (aka Brightline).

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.L.** [17-0887](#) Purchase of Right-of-Way from Lockwood Lane Development Group, LLC for 27th Avenue/17th Street SW Intersection Improvements

Recommended Action: Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate between Indian River County and Lockwood Lane Acquisition Group, LLC for the right-of-way for the 17th Street SW/27th Avenue intersection and authorize the Chairman to execute any documents necessary to close the purchase of the property.

Attachments: [Staff Report](#)
[Exhibits A and B](#)
[Agreement to Purchase and Sell Real Estate](#)

Approved staff's recommendation

- 8.M.** [17-0791](#) Approval of 2017/2018 State Funded Subgrant Agreement To Update Indian River County's Hazards Analysis

Recommended Action: Staff recommends approval of this agreement and acceptance of the funding provided in the agreement.

Attachments: [Staff Report](#)
[Hazardous Analysis Grant Agreement](#)
[Grant Form](#)

Approved staff's recommendation

- 8.N. [17-0794](#) Request for Authorization to Submit an Application for 49 USC CH. 53, Section 5311 Transit Operating Assistance Funds for FY 2017/18

Recommended Action: Staff recommends that the Board of County Commissioners adopt the resolution authorizing the filing of the FY 2017/18 Section 5311 grant application.

Attachments: [Staff Report](#)
[Resolution](#)
[Grant Application](#)
[Budget Form](#)

Approved Resolution 2017-075, authorizing the submission of a FY 2017/18 grant application for 49 USC Ch. 53, Section 5311 Public Transit Operating Assistance.

- 8.O. [17-0795](#) Acceptance of Drainage and Maintenance Easement from River Club At Carlton Community Association, Inc.

Recommended Action: Accept the perpetual, non-exclusive 20-foot Easement for drainage and maintenance from River Club At Carlton Community Association, Inc. and authorize the Chairman of the Board of County Commissioners to execute the County's acceptance on the Easement for recordation in the Public Records of Indian River County, Florida.

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

Approved staff's recommendation

- 8.P. [17-0798](#) Award of Bid No: 2017060 Go-Line Bus Turn-Off CR 510 (90th Avenue)

Recommended Action: Staff recommends that the project be awarded to Cathco, Inc., in the amount of \$137,691.05 and requests that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance and after the County Attorney has approved the agreement as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Sample Agreement](#)

Commissioner Zorc supported the use of the existing right-of-way on 90th Avenue, and thanked staff for their efficiency on this matter.

A motion was made by Commissioner Zorc, 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

8.Q. [17-0803](#) Right-of-Way Acquisition - 66th Avenue Widening Project Owner: Randy and Diane Lott - 7425 66th Avenue, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the property located at 7425 66th Avenue, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)
 [Original Purchase Agreement](#)

Approved staff's recommendation

8.R. [17-0804](#) Consideration of the Indian River County SHIP Program 2017 Annual Report

Recommended Action: Staff recommends that the Board of County Commissioners approve the SHIP 2017 annual reports and authorize the Chairman to sign the Certification form.

Attachments: [Staff Report](#)
 [SHIP Funds and Applicants Information Summary](#)
 [SHIP Annual Report for FY 2014-2015 \(final Closeout report\)](#)
 [SHIP Annual Report for FY 2015-2016 \(Interim report\)](#)
 [SHIP Annual Report for FY 2016-2017 \(Interim report\)](#)
 [SHIP Annual Report Certification Form](#)

Approved staff's recommendation

8.S. [17-0810](#) Approval of Renewal for a Class "E" Certificate of Public Convenience and Necessity for Senior Resource Association to Provide Wheelchair Services.

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "E" Certificate of Public Convenience and Necessity for the Senior Resource Association, to be effective for a period of two (2) years from October 2, 2017 to October 2, 2019.

Attachments: [Staff Report](#)
 [Senior Resource Association COPCN Application](#)
 [COPCN Certificate](#)

Approved staff's recommendation

8.T. [17-0817](#) Miscellaneous Budget Amendment 021

Recommended Action: Staff recommends that the Board of County Commissioners approve the budget resolution amending the fiscal year 2016/2017 budget

Attachments: [Staff Report](#)
 [Final Budget Resolution ba 021 year ending](#)
 [Exhibit A](#)

Approved Resolution 2017-076, delegating authority to the County Administrator, the Assistant County Administrator or the Director of the Office of Management & Budget or their Designee to execute all documents necessary to amend the Fiscal Year 2016-2017 Budget during the period commencing November 15, 2017, through and including November 30, 2017.

8.U. [17-0876](#) Miscellaneous Budget Amendment 022

Recommended Action: Staff recommends that the Board of County Commissioners approve the budget resolution amending the fiscal year 2016/2017 budget.

Attachments: [Staff Report](#)
 [2016 2017 Resolution](#)
 [Exhibit "A" BA 022](#)

Regarding the Intergenerational Facility, Vice Chairman O'Bryan commended the recreational staff for their hard work and enthusiasm, acknowledging that there were many weekly activities/programs being utilized by the community, and that future events, including proms, have also been booked.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Resolution 2017-077, amending the Fiscal Year 2016-2017 Budget. The motion carried by the following vote:

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

8.V. [17-0819](#) Sea Turtle Education Grant - Darker Skies Darker Beaches

Recommended Action: Staff recommends the Board approve the Darker Skies Darker Beaches education program grant with Inwater Research Group and authorize the Chairman to sign the Agreement on behalf of the County.

Attachments: [Staff Report](#)
[Sea Turtle Educational Grant application](#)
[Grant acceptance instructions](#)
[Grant Consent Form](#)
[IRC Grant Form](#)

Approved staff's recommendation

- 8.W.** [17-0820](#) Approval of Work Order No. AA-1 With Anderson Andre Consulting Engineers, Inc. for Construction Material Testing and Monitoring Services for Osprey Acres Floway and Nature Preserve

Recommended Action: Staff recommends the Board of County Commissioners approve Work Order No. AA-1 with Anderson Andre Consulting Engineers, Inc. and authorize the Chairman to execute the Work Order on behalf of the County.

Attachments: [Staff Report](#)
[Osprey Acres Andersen Andre Work Order AA-1](#)
[Osprey Acres Andersen Andre Exhibit A](#)

Approved staff's recommendation

- 8.X.** [17-0821](#) Consideration of the County's Comprehensive Plan Update and Evaluation and Appraisal Report (EAR) Options

Recommended Action: Staff recommends that the Board of County Commissioners direct staff to submit a notification letter to the state indicating that the Board has determined that: 1. Consistent with Florida Statutes Section 163.3178 the county's Coastal Management Element and any other elements, as necessary, will be revised within one year of notification to contain specific information and policies related to sea level rise, and, 2. No other amendments to the Comprehensive Plan are needed to reflect changes made to state requirements since the last comprehensive plan update.

Attachments: [Staff Report](#)
[BCC staff report for March 7, 2017 meeting](#)
[Minutes from 3-7-17 BCC meeting](#)
[Staff letter to DEO dated March 7, 2017](#)
[DEO Letter to the County dated March 16, 2017](#)
[Section 163.3178, Florida Statutes on Coastal Management Element Components](#)

Approved staff's recommendation

- 8.Y. [17-0822](#) Recommendation to Delay Construction of the Reinforced Concrete Wall Sawing and Duperon FlexRake Rehabilitation at PC Main Screening System and Reissuance of Bond

Recommended Action: Staff recommends the Board approve delaying the Work until February 2018 and releasing Costello Brothers Marine Construction, Inc.'s existing Public Construction Bond, and allowing it to provide a new Public Construction Bond at an appropriate time before commencing construction in February 2018.

Attachments: [Staff Report](#)
[Construction Delay Bond Letter - Liberty Surety First](#)
[Costello Bros Extension of Agreement](#)

Approved staff's recommendation

- 8.Z. [17-0823](#) Work Order No. 3, Masteller & Moler, Inc., 64th Avenue Sidewalk Project - Wabasso

Recommended Action: Staff recommends approval of Work Order No. 3 with Masteller & Moler, Inc. authorizing the professional services as outlined in the Scope of Services and requests the Board authorize the Chairman to execute Work Order No. 3 on their behalf for a total lump sum amount of \$21,435.00.

Attachments: [Staff Report](#)
[64th Avenue Sidewalk - Masteller Moler Work Order 3](#)

Approved staff's recommendation

- 8.AA. [17-0824](#) Gifford Neighborhood 45th Street Beautification Project Phase II, Work Order No. 14, Kimley-Horn & Associates, Inc.

Recommended Action: Staff recommends approval of Work Order No. 14 to Kimley-Horn & Associates, Inc., authorizing the professional services as outlined in the Scope of Services (Exhibit A) and requests the Board authorize the Chairman to execute Work Order No. 14 on their behalf for a lump sum amount of \$85,495.00.

Attachments: [Staff Report](#)
[45th Street Beautification Project, Kimley-Horn Scope of Services](#)

Approved staff's recommendation

- 8.BB.** [17-0830](#) Approval of Work Order No. S-1 With CivilSurv Design Group, Inc. for Topographic Survey Services for the Proposed North Relief Canal Stormwater Treatment Facility

Recommended Action: Staff recommends the Board of County Commissioners approve Work Order No. S-1 with CivilServ Design Group, Inc. and authorize the Chairman to execute the Work Order on behalf of the County.

Attachments: [Staff Report](#)
[North Relief Canal - Work Order No. S-1 CivilSurv Design Group](#)

Approved staff's recommendation

- 8.CC.** [17-0831](#) Stabilized Material Purchase Order Increase Beyond County Administrators Approval Limit

Recommended Action: Staff recommends approval of increasing the Purchase Order by \$25,000 to a total of \$75,000.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.DD.** [17-0834](#) 1-Year Renewal of Lease for North County Offices

Recommended Action: Staff recommends the Board approve the lease renewal rates as proposed for the North County Offices and authorize the Chairman to execute the Lease Renewal Agreement.

Attachments: [Staff Report](#)
[One Original Lease Renewal Agreement](#)

Approved staff's recommendation

- 8.EE.** [17-0835](#) Indian River County Intergenerational Recreation Center (IG Bldg) at South County Regional Park - Final Pay, Release of Retainage and Change Order No. 6

Recommended Action: Staff recommends approval of Change Order No. 6, and payment of Application for Payment No. 20 to Kast Construction, LLC in the amount of \$493,491.61 for final payment and release of retainage.

Attachments: [Staff Report](#)
[Contractor's Application for Payment No. 20](#)
[Change Order No. 6](#)

Approved staff's recommendation

8.FF. [17-0836](#) Request for Approval of Circus Pages License Agreement for Use of the Indian River County Fairgrounds for Event on September 8, 2017

Recommended Action: Staff respectfully requests that the Board approve the Indian River County Fairgrounds License Agreement with authorization for Chairman to sign on behalf of the Board of County Commission. In addition, staff respectfully requests that the Board authorize the Assistant County Administrator to execute agreements for future circuses so long as such agreements are substantially similar to the attached agreement and has the signature of the County Attorney, or his designee, approving such document as to form and legal sufficiency.

Attachments: [Staff Reports](#)
[2017-09-08 CircusPages License Agreement Pkg.](#)

Approved staff's recommendation

8.GG. [17-0837](#) Final Payment to Parkson Corporation for Bid #2016037 Headworks Screen and Compaction Equipment Refurbishment

Recommended Action: Staff recommends that the Board of County Commissioners approves Final Payment to Parkson Corporation in the amount of \$18,921.95.

Attachments: [Staff Report](#)
[Invoice AR1-51017393 from Parkson Corporation](#)

Approved staff's recommendation

8.HH. [17-0838](#) Final Pay and Release of Retainage to Harn R/O Systems, Inc., for Membrane Replacement for RO Skids at North County RO Water Treatment Plant, Bid No. 2016025

Recommended Action: Staff recommends that the Board of County Commissioners approve the Final Pay Application No. 10 in the amount of \$56,032.69, which will release retainage to Harn R/O Systems, Inc.

Attachments: [Staff Report](#)
[Final Pay Application](#)

Approved staff's recommendation

8.II. [17-0840](#) Esri ArcGIS Server License Additions

Recommended Action: Staff requests that the Board of County Commissioners approve the expenditure and authorize staff to create a Purchase Order to the associated vendor.

Attachments: [Staff Report](#)
[Esri Vendor Quote #20510635](#)

Approved staff's recommendation

8.JJ. [17-0842](#) Recommended Selection of Consultants for RFQ 2017053 - Continuing Environmental and Biological Support Services for Engineering Projects

Recommended Action: Staff recommends the Board approve the committee's final ranking and authorize negotiations with the four top ranked firms (and the subsequently ranked firms, should negotiations with any higher ranked firms fail) in accordance with FS 287.055, Consultant's Competitive Negotiation Act.

Attachments: [Staff Report](#)
[FEC Formal Protest Letter](#)
[Response to FEC Protest](#)

(Clerk's Note: This item was heard following the recess as Item 12.E.2. and is placed here for continuity. Commissioner Adams was absent.)

Purchasing Manager Jennifer Hyde explained the process used to select consultants for the Continued Environmental and Biological Support Services, confirming that eight (8) firms applied, and that four (4) firms were ultimately awarded contracts. She mentioned that prior to the selection process, the selection committee decided that based on workload, there would not be a need for more than four (4) consulting firms.

Tim Maslin, President, Florida Environmental Consulting, Inc., 1835 20th Street, detailed his protest and expressed disappointment, as his firm had missed the cut for the second time.

Discussion ensued amongst the Board; however, it was determined that the selection committee was fair in their actions.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, by a 4-0 vote (Commissioner Adams absent), to approve staff's recommendation. The motion carried by the following vote:

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

Absent: 1 - Commissioner Adams

8.KK. [17-0886](#) Developer Agreement For The Installation Of The Offsite Water Main and Sewer Lines to Lost Tree Preserve

Recommended Action: Staff recommends approval of the Developer's Agreement with Lost Tree Preserve, L.L.C., and authorize the Chairman to execute the Developer's Agreement on their behalf.

Attachments: [Staff Report](#)
[Lost Tree Preserve Developers Agreement](#)

Approved staff's recommendation

8.LL. [17-0849](#) Round Island Riverside Park Pavement Resurfacing Release of Retainage and Change Order No. 1

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 2 to Community Asphalt Corporation in the amount of \$11,386.88 for release of retainage.

Attachments: [Staff Report](#)
[Contractor's Application for Payment No. 2](#)
[Change Order No. 1](#)

Approved staff's recommendation

8.MM. [17-0853](#) Award of Bids for Annual Telecommunication Systems Equipment, Material, Supplies, Maintenance, and Installation (Bid 2017057)

Recommended Action: Staff recommends the Board award the bid as follows: Group 1 to DraftPros, LLC, dba DraftPros, Inc. and Gerelcom, Inc.; Group 2 to Danella, Inc., Group 3 to DraftPros, LLC, dba DraftPros, Inc. and Gerelcom, Inc.; and, Group 4 to Universal Cabling Systems, Inc. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute it after approval by the County Attorney as to form and legal sufficiency. Finally, staff recommends the Board authorize the Purchasing Division to issue Purchase Orders for work as needed under this award and authorized within the sample agreement.

Attachments: [Staff Report](#)
[Sample Agreement](#)

Approved staff's recommendation

- 8.NN.** [17-0866](#) Benefits Consultant/Broker/Actuary Services - Approval of Consulting Services and Business Associate Agreements with Lockton Companies effective October 1, 2017

Recommended Action: Staff Recommends and Respectfully Requests the Board of County Commissioners Approve the Consulting Services and Business Associate Agreements with Lockton Companies effective October 1, 2017, and Authorize the Chair to Sign once the Agreements have been Reviewed and Approved by the County Attorney.

Attachments: [Staff Report](#)
[Business Associate Agreement - Draft - Lockton](#)
[Service Agreement - Draft - Lockton](#)

Approved staff's recommendation

- 8.OO.** [17-0867](#) Second Renewal and Extension of License Agreement for Ryall Tract

Recommended Action: Staff recommends that the Board authorize the Chairman to sign the Second Renewal and Extension of License Agreement between Indian River County and the Deputy to provide for the extension of the Agreement until June 2018.

Attachments: [Staff Report](#)
[Second Renewal and Extension of License Agreement](#)

Approved staff's recommendation

- 8.PP.** [17-0868](#) Locally Funded Agreement with the Florida Department of Transportation for Relocation Expenses for Mark's Mobil, Mermaid Carwash and Harbora Parcels

Recommended Action: Staff recommends the Board of County Commissioners approve the Locally Funded Agreement with the Florida Department of Transportation for Relocation Expenses for Mark's Mobil, Mermaid Carwash and Harbora parcels and approve the accompanying Resolution authorizing the Chairman to execute the Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Locally Funded Agreement with FDOT](#)
[Authorizing Resolution](#)

Vice Chairman O'Bryan voiced his concerns regarding future right-of-way property acquisitions and the costs involved, particularly when the Florida Department of Transportation (FDOT) becomes involved and State or Federal mandates apply. He understood that nothing could be done about the relocation fees that the County must pay for Mark's Mobil, Mermaid Carwash and the Harbora Parcels, but expressed interest in having staff adopt a policy for future acquisitions.

Deputy County Attorney William DeBral provided clarification, explaining that there was a cap on relocation fees, which only applied if the entire property was taken and the property owner relocates. He also noted that the County would save on attorney fees and half the acquisition fees when the FDOT was involved.

Commissioner Zorc agreed with the frustrations of the process, and offered to add this topic to the Legislative Priorities discussion list.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Locally Funded Agreement, and to approve Resolution 2017-078, authorizing the Chairman's execution of a Locally Funded Agreement with the Florida Department of Transportation for Relocation Expenses for Mark's Mobil, Mermaid Carwash and Harbora Parcels for the 43rd Avenue/State Road 60 Project. The motion carried by the following vote:

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

8.QQ. [17-0869](#)

Three Party Escrow Agreement between the Florida Department of Transportation, the Florida Department of Financial Services and Indian River County for Right-of-Way Acquisition, Demolition and Relocation Assistance for the SR 60/43rd Avenue Project

Recommended Action: Staff recommends the Board of County Commissioners approve the Three Party Escrow Agreement between the Florida Department of Transportation, the Florida Department of Financial Services and Indian River County for Right-of-Way acquisition, Demolition and Relocation Assistance for the SR 60/43rd Avenue Project and approve the accompanying Resolution authorizing the Chairman to execute the Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Three Party Escrow Agreement](#)
[Authorizing Resolution](#)

Approved Resolution 2017-079, authorizing the Chairman's execution of a Three Party Escrow Agreement with the Florida Department of Transportation, the Florida Department of Financial Services and Indian River County for Right of Way Acquisition, Demolition and Relocation Assistance for the SR 60/43rd Avenue Project.

8.RR. [17-0871](#) Subordination of County Utility Easements 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 County Utility Easements for 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](#)
[Subordination Agreement](#)
[Authorizing Resolution](#)

Approved Resolution 2017-080, authorizing the Chairman's execution of a Subordination of County Utility Easements for the Florida Department of Transportation for the 43rd Avenue/State Road 60 Project.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A.1. [17-0855](#) Indian River County Sheriff Deryl Loar: Request for transfer of \$25,035.45 from the forfeiture of real or personal property for the purchase of aviation survival equipment, video capture kit for helicopter flashback system, and a video capture system for interview room in accordance with Florida Statute 932.7055 - Florida Contraband Forfeiture Act.

Recommended Action: Approve the transfer of \$25,035.45 from the forfeiture of real or personal property for the purchase of aviation survival equipment, video capture kit for helicopter flashback system, and a video capture system for interview room in accordance with Florida Statute 932.7055 - Florida Contraband Forfeiture Act.

Attachments: [Letter Dated August 1, 2017](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Sheriff Deryl Loar's request for the transfer of \$25,035.45 from the forfeiture of real or personal property for the purchase of aviation survival equipment, video capture kit for helicopter flashback system and a video capture system for interview room in accordance with Florida Statute 932.7055 Florida Contraband Forfeiture Act. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [17-0802](#) Medical Marijuana Ordinance (Legislative)

Recommended Action: The County Attorney's Office recommends that the chair open the public hearing

and take any public comment and then vote to approve the draft ordinance.

Attachments: [Staff Report](#)
[Draft Medical Marijuana Ordinance](#)

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

(Clerk's Note: This item was heard following the Executive Session Items 11.A. & 11.B.)

County Attorney Dylan Reingold communicated the history leading up to the drafting of the ordinance, as it would ban medical marijuana treatment dispensaries (Dispensaries) in the unincorporated areas of the County. He explained that the City of Sebastian has indicated that it intends to allow Dispensaries, and that the City of Vero Beach, although planning to prohibit Dispensaries, has grandfathered in one previously approved location.

Commissioner Solari explained that he would like to have the Community Development Department track the concerns brought to their attention. In addition, he suggested that the Board revisit this one year from the date the Dispensaries open to see if the plan is working in the best interest of the citizens. Commissioner Adams and Chairman Flescher were in agreement. Attorney Reingold explained that the County Attorney's office would also be following this topic at the Legislative Sessions in Tallahassee and would return to the Board with updates.

The Chairman opened the Public Hearing.

Walter Geiger, 7000 20th Street, Lot 900, supported the allowing of multiple Dispensaries within the County. He read a publication from an AARP Bulletin dated January-February 2017, which supported the possible benefits of Medical Marijuana being used for various health reasons.

Joseph Cassano, 1939 Sunset Dr SW, spoke in support of the availability of Medical Marijuana, opposing the banning of Dispensaries within the unincorporated areas of the County.

Kim Brady, on behalf of the Substance Awareness Center, 1507 20th Street, thanked the Board for their efforts in controlling the location of the Dispensaries.

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

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to adopt Ordinance 2017-010, amending Chapter 306 of the Code of Indian River County entitled "Miscellaneous Offenses and Programs" to create Section 306.15 "Medical Marijuana Treatment Center Dispensing Facilities Prohibited" and amending Chapter 315 of the Code of Indian River County entitled "Indian River County Pain Management Clinic and Controlled Substance Ordinance" to eliminate regulations and prohibitions of certain

activities relating to Medical Marijuana; and providing for severability, codification and an effective date. 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

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. [17-0863](#) Executive Session Time Certain - 10:00 a.m.: IAFF Local 2201

Recommended Action: An executive session will be held at 10:00 a.m. on August 15, 2017

Attachments: [Staff Report](#)

The Chairman read into the record the opening remarks of the Executive Session requested for 10:00 a.m. Those in attendance were Commissioners Joseph E. Flescher, Susan Adams, Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were Suzanne Boyll, Director of Human Resources; Michael Zito, Assistant County Administrator; John King, Emergency Services Director; Brian Burkeen, Emergency Services Assistant Chief; Michael Smykowski, Director of Management and Budget; and Jason E. Brown, County Administrator.

No Action Taken or Required

11.B. [17-0864](#) Executive Session: Teamsters Local 769 (Will Follow Immediately after completion of Executive Session: IAFF Local 2201)

Recommended Action: An executive session will be held immediately following the IAFF executive session scheduled at 10:00 a.m. on August 15, 2017

Attachments: [Staff Report](#)

The Chairman read into record the opening remarks of the Executive Session requested to immediately follow Item 11.A., scheduled for 10:00 a.m. Those in attendance were Commissioners Joseph E. Flescher, Susan Adams, Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were Suzanne Boyll, Director of Human Resources; Michael Zito, Assistant County Administrator; Michael Smykowski, Director of Management and Budget; and Jason E. Brown, County Administrator.

The Board reconvened in the Chambers at 10:35 a.m., and the Chairman closed the Executive Session. The County Commission meeting resumed with Item 10.A.1.

No Action Taken or Required

11.C. [17-0847](#) Sale of Indian River County Annex Building a/k/a Old Library 1028 20th Place, Vero Beach, Florida 32960

Recommended Action: Staff recommends the Board approve the sale of the Annex Building to Youth Guidance and authorize the Chairman to execute the Agreement to Purchase and Sell Real Estate.

Attachments: [Staff Report](#)
[Agreement to Purchase and Sell Real Estate](#)
[Resolution](#)

County Administrator Jason Brown explained the Purchase and Sell Real Estate Agreement, drafted for the sale of the Indian River County Annex Building, a.k.a. the Old Library, to the Youth Guidance Donation Fund of Indian River County, Inc. (Youth Guidance). He remarked that there was an addendum to the Agreement, drafted in order to include some miscellaneous furniture being included in the sale.

Deputy County Attorney William DeBraal used a PowerPoint Presentation to disclose the inventory included in the addendum.

Commissioner Solari wished continued success to Youth Guidance, as they provide valuable programs within the community.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to: (1) approve Resolution 2017-081, finding that the sale of the Old Library property is in the best interests of the citizens of Indian River County, Florida; and (2) execute the Purchase and Sell Real Estate Agreement with the Youth Guidance Donation Fund of Indian River County, Inc., with the addition of the Addendum. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [17-0814](#) Request for Authorization to Develop an Agreement with Pulte Homes for Improvements to 58th Avenue

Recommended Action: Staff recommends that the Board of County Commissioners authorize staff to develop an agreement with Pulte Homes to design and construct an extension to the 58th Avenue widening project from 53rd Street to 57th Street, and for said agreement to be considered by the Board at a future date.

Attachments: [Staff Report](#)
[The Lakes at Waterway Village Consultant Proposal for 58th Avenue Widening Project Extension](#)
[Proposed 58th Avenue Widening Conceptual Plan Graphic for Extended Project Limits](#)

Community Development Director Stan Boling used a PowerPoint Presentation to

describe the area involved in the improvements to 58th Avenue, as Pulte Homes, Inc. is committed to making four (4) lanes from 49th Street to 53rd Street. He explained that, as a result of new residential developments in the vicinity already initiated, staff is recommending a widening extension to the north, across the North Relief Canal, proceeding to 57th Street.

Commissioner Adams thanked staff for bringing this item forward, and noted that traffic constraints in the area were already present.

A motion was made by Commissioner Adams, 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

12.A.2. [17-0839](#)

Request to Consider Establishing an Exception to Cut and Fill Balance Requirements for Commercial/Industrial Development in Flood Hazard Areas

Recommended Action: Staff recommends that the Board of County Commissioners re-affirm the policy of maintaining a CRS classification of "6," consider the provided information, and provide direction to staff regarding the requested cut and fill balance exception.

Attachments: [Staff report](#)

[Attachment 1: Poppell property location map](#)

[Attachment 2: LDR Subsection 930.07\(2\)\(i\)](#)

[Attachment 3: Draft proposed LDR revision](#)

[Attachment 4: FEMA compensatory storage information](#)

[Attachment 5: CRS classification information](#)

[Attachment 6: Comprehensive Plan policies](#)

Community Development Director Stan Boling presented a request received from Ralph Poppell, commercial property owner, to establish an exception to the requirements for cut and fill balances in flood hazard areas. Mr. Poppell would like to fill a 1/2 acre pond at his commercial/industrial property located at 1931 98th Avenue.

Discussion ensued amongst the Board, Environmental Planning & Code Enforcement Chief Roland DeBlois, and Director Boling as to whether allowing for the exception would affect the County's flood insurance premiums. Due to the fact that it was a small area, it was decided to approve a minor code amendment to allow Mr. Poppell to move forward with the project. In addition, the Board concluded that evaluating the entire process would be beneficial in handling future requests.

Ralph Poppell, 525 34th Avenue SW, communicated the reasoning behind his request, along with his knowledge regarding elevation in the Vero Beach area.

Bob Johnson, Coral Wind Subdivision, and Joseph Paladin, President, Atlantic Coast Construction Builders and Black Swan Consulting, both spoke in support of the Board's decision regarding this matter.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to: (1) approve the requested minor code amendment to the Land Development Regulations (LDR) County Code Subsection 930.07(2)(i); and (2) direct staff to evaluate the process and report back at a future meeting. The motion carried by the following vote:

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

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. [17-0882](#) Indian River County Travel Policy

Recommended Action: Staff recommends that the Board approve the proposed Indian River County Travel Policy and incorporate into the Administrative Policy Manual

Attachments: [Staff Report](#)
[Travel Policy](#)

Management & Budget Director Michael Smykowski explained how travel expense reimbursements have been handled for County employees, confirming that there had been no formal written travel policy, as the County had been following Section 112.061 of the Florida Statutes. He proposed that, upon approval, the Indian River County Travel Policy would be added to the current Administrative Policy Manual.

Commissioner Zorc questioned the guidelines used for mileage reimbursement, noting that the amount set by the Internal Revenue Service was much higher. Chairman Flescher felt that the per mile rate currently in effect was adequate.

Commissioner Solari felt strongly that the disciplinary rules had been overstated, and pointed out that he did not want new employees who were provided the Administrative Policy Manual to continually read that they were subject to imprisonment. After much discussion amongst the Board and County Administrator

Jason Brown, it was decided that the Indian River County Travel Policy was satisfactory, as written.

Bob Johnson, Coral Wind Subdivision, inquired as to whether there was a provision for trip reports that included the reason the travel was necessary. Chairman Flescher confirmed that the forms were very detailed, and that any out-of-county travel must be authorized. Mr. Johnson also asked if there was a provision that would allow the public to receive travel expense reimbursements. County Attorney Dylan Reingold confirmed that decisions such as that would be handled by the Board at the time of necessity.

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, by a 4-1 vote (Commissioner Solari opposed), to approve staff's recommendation, as written. The motion carried by the following vote:

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

Nay: 1 - Commissioner Solari

The Chairman called for a recess at 12:00 p.m., and reconvened the meeting at 12:31 p.m., beginning with Item 8.JJ., which was moved to be heard as Item 12.E.2. Commissioner Adams was absent.

F. Public Works

G. Utilities Services

12.G.1. [17-0883](#) Sole Source for Kruger/Oxidation Systems

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners approve Kruger as the sole source provider for Kruger/Oxidation Systems, as well as for any necessary factory maintenance, waive the requirement for bids, and authorize the Purchasing Division to issue purchase orders to Kruger as needed.

Attachments: [Staff Report](#)
[Kruger Quote No. 042517b rev3](#)
[Sole Source Letter, Kruger OEM](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, by a 4-0 vote (Commissioner Adams absent), to approve staff's recommendation. The motion carried by the following vote:

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

Absent: 1 - Commissioner Adams

12.G.2. [17-0884](#) Sole Source for Ring Power

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners approve Ring Power as the sole source provider for Caterpillar Generator systems service and repairs, and authorize the Purchasing Division to issue purchase orders to Ring Power for repairs as necessary.

Attachments: [Staff Report](#)
[Ring Power Quote](#)
[Sole Source Letter](#)

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, by a 4-0 vote (Commissioner Adams absent), to approve staff's recommendation. The motion carried by the following vote:

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

Absent: 1 - Commissioner Adams

12.G.3. [17-0888](#) Additional Grant Funding Opportunity for North Sebastian Septic to Sewer (S2S) Phase 1 Sewer Project

Recommended Action: Staff requests the Board of County Commissioners recommend submitting a proposal for the Florida Job Growth Grant Fund to offset some of the cost and also authorize the County Administrator to sign the subject proposal and, if awarded, any future agreements.

Attachments: [Staff Report](#)
[Enterprise Florida Job Growth Grant Fund Public Infrastructure Grant Proposal](#)

Director of Utility Services Vincent Burke thanked the County Attorney's office for their assistance in preparing the Florida Job Growth Grant Fund Proposal (the Proposal) for a Public Infrastructure Grant administered by the Department of Economic Opportunity (DEO). He mentioned that the Government Federal Employer Identification Number was left blank and would need to be provided as part of the application.

Commissioner Zorc suggested adding future economic development data to the Proposal in an effort to stand out amongst other applicants. He pointed out the possibility of adding jobs and tax base from commercial property previously not able to be developed.

Carter Taylor, President, Indian River Neighborhood Association, voiced his opinion regarding the importance of a successful Septic to Sewer Program, and hoped that,

with the possibility of being awarded grant funds, there would be new hope for the West Wabasso Septic to Sewer Project.

Commissioner Solari expressed dissatisfaction towards the recent budget allocations approved in Tallahassee. As a result, he was not in favor of applying for the Public Infrastructure Grant.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Zorc, by a 3-1 vote (Commissioner Solari opposed, Commissioner Adams absent) to approve staff's recommendation to: (1) submit a proposal for the Florida Job Growth Grant Fund with the following amendments: a) add the Governmental Federal Identification Number; and b) include future economic development data; and (2) authorize the County Administrator to sign the subject proposal and, if awarded, any future agreements. The motion carried by the following vote:

Aye: 3 - Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Zorc

Nay: 1 - Commissioner Solari

Absent: 1 - Commissioner Adams

13. COUNTY ATTORNEY MATTERS

13.A. [17-0857](#) 2018 Pre-Session Legislative List of Priorities and Concerns

Recommended Action: The County Attorney's Office recommends that the Board adopt a 2018 pre-session legislative list of priorities and concerns.

Attachments: [Staff Report](#)

[2018 Pre-Session Legislative Priorities and Concerns REV2](#)

Assistant County Attorney Kate Cotner announced that the 2018 State Legislative Session would be starting early this year, as the first committee week is scheduled to begin the week of September 11, 2017; and, the Legislative Session is scheduled to start on January 9, 2018. In addition, she highlighted several items from the Legislative Concerns List, and clarified the County's position on each item.

A lengthy discussion ensued amongst the Board, County Attorney Dylan Reingold, County Administrator Jason Brown and Attorney Cotner regarding many of the topics listed as Legislative Priorities and Concerns. Commissioner Zorc presented two items that he felt should also be addressed, but it was agreed upon that both items should be directed towards the Florida Association of Counties (FAC). The first item proposed involved the escalating costs of right-of-way procurements, as he felt that third-party fee collectors were responsible for the cost increase. The second item, which would reduce the cost of first responder vehicles by approximately \$70,000.00, involved: 1) allowing for an emissions waiver; and 2) making the five (5) point patient restraint and first responder seating harness an optional feature, rather than mandatory.

Carter Taylor, President, Indian River Neighborhood Association, noted his support of

the County's position on Legislative Concerns List Items #14, Septic To Sewer; #16, Vacation Rentals; and #20, Local Preemption on Business Regulations and Taxes.

(Clerk's Note: Commissioner Adams rejoined the meeting at 1:22 p.m.)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to: (1) adopt the 2018 Pre Session Legislative List of Priorities and Concerns; and (2) direct staff to work with the Florida Association of Counties regarding right of way procurement issues and first responder vehicle cost issues. The motion carried by the following vote:

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

13.B. [17-0846](#) Economic Development Council Appointment

Recommended Action: The County Attorney recommends that the Board review the applicant's résumé and application, and determine whether to appoint him to fill the unexpired term for the "local tourist industry" representative to the Economic Development Council.

Attachments: [Staff Report](#)
[Economic Development Council Application - Olson](#)
[Olson Resume - Economic Development Council](#)

County Attorney Dylan Reingold confirmed that Keith Kite resigned on June 20, 2017 from the Economic Development Council, where he had served as the local tourist industry representative. He explained that the vacancy had been posted for over 30 days, with Chad R. Olson being the only qualified applicant.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to appoint Chad R. Olson to fill the unexpired term vacancy as the Local Tourist Industry Representative to the Economic Development Council. The motion carried by the following vote:

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

13.C. [17-0880](#) Development Review and Permit Process Advisory Committee Appointments

Recommended Action: The County Attorney recommends that the Board review the applications and appoint the candidate(s) to represent the community at large on the Development Review and Permit Process Advisory Committee.

Attachments: [Staff Report](#)
[Stephen R. Melchiori Application-Resume](#)
[Joseph Schulke Application-Resume](#)
[Robert Votaw Application-Resume](#)
[David B. Kanarek Application-Resume](#)
[James G. Vitter II Application-Resume](#)
[Christopher Murphy Application-Resume](#)
[Greg Burke Application-Resume](#)

(Clerks Note: This item was heard following Item 5., Proclamations and Presentations.)

County Attorney Dylan Reingold gave a brief overview of Resolution 2017-070, as it was adopted on July 11, 2017 to establish the Development Review and Permit Process Advisory Committee (the Committee). He explained that the Committee would be made up of eleven to thirteen appointed members. Each Commissioner would appoint two members; one member would be from the building and development community, and one member would be from the Community-At-Large. The Board would also appoint, by majority vote, one to three Community-At-Large members.

After much discussion and consideration amongst the Board, the consensus was to appoint three (3) Community-At-Large members, bringing the total number of committee members to thirteen. In an effort to round out the areas of expertise, Raymond Sheltra, Greg Burke and Christopher Murphy were appointed as Community-At-Large members. The Board directed Attorney Reingold to revise Resolution 2017-070, reflecting that the Committee would have thirteen members. In addition, he was directed to add one Member-At-Large alternate to the Committee in the event that one of the appointed Community-At-Large members could not participate. Stephen Melchiori was appointed the Member-At-Large Alternate.

Christopher Murphy, 780 Blackpine Drive, detailed his professional background, and confirmed that he has been on development review committees in the past, and was familiar with the Sunshine Law.

Chairman Flescher explained that the Sunshine Law regulations will apply, and that the rules will be explained by Counsel at the first meeting of the Committee.

A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to appoint Raymond Sheltra to the Development Review and Permit Process Advisory Committee as a Member-At-Large. The motion carried by the following vote:

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

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to appoint Greg Burke to the Development Review and Permit Process Advisory

Committee as a Member-At-Large. The motion carried by the following vote:

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

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to appoint Christopher Murphy to the Development Review and Permit Process Advisory Committee as a Member-At-Large. The motion carried by the following vote:

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

A motion was made by Commissioner Solari, seconded by Commissioner Adams, to approve Resolution 2017-083, providing for thirteen appointed Community-At-Large members and one appointed Member-At-Large alternate on the Development Review and Permit Process Advisory Committee. The motion carried by the following vote:

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

A motion was made by Commissioner Adams, seconded by Commissioner Solari, to appoint Stephen Melchiori to the Development Review and Permit Process Advisory Committee as a Member-At-Large Alternate. 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

14.A.1. [17-0870](#) Discussion of a Resolution In Support of Legislation making Texting While Driving a Primary Traffic Offense

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[Proposed Resolution](#)

Chairman Flescher thanked Deputy County Attorney William DeBraal for his assistance in drafting a resolution which would encourage the Florida Legislature to enact legislation making texting while driving a primary traffic offense, as this would allow law enforcement to initiate a traffic stop for that reason. He explained that Florida was among only five states that do not enforce texting while driving as a primary offense, and lives are being lost.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve Resolution 2017-082, encouraging the Florida Legislature to enact legislation that would make texting while driving a primary traffic offense. The motion carried by the following vote:

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

B. Commissioner Peter D. O'Bryan, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Bob Solari

14.D.1. [17-0879](#) Revision to County's Local Job Grant Program

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Commissioner Solari suggested modifications be made to the Local Job Grant Program award computation methodology, as it has been criticized as being too complex. He acknowledged that he was disappointed that this item was tabled at an Economic Development Council meeting on June 20, 2017. He would like for staff to review the Local Job Grant Program, then report back at a future meeting.

Economic Development Senior Planner Bill Schutt was present with a large binder and multi-page spreadsheet to demonstrate the amount of time and paperwork involved in processing one company's grant application.

Commissioner Adams and Vice Chairman O'Bryan were in agreement that a less complex process was needed.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to direct staff to review the Local Job Grant Program, and return to a future meeting. 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. [17-0815](#) Zoning and Rezoning Requirements

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Commissioner Zorc presented several concerns that were brought to his attention regarding zoning and rezoning requirements, corridor plans, plan development approvals and general requirements for commercial development. He gave examples of how rules and regulations have prohibited development, and suggested having the Development Review and Permit Process Committee examine the general zoning and rezoning requirements for commercial development.

Commissioner Solari supported the review of the general zoning and rezoning requirements by the Development Review and Permit Process Committee. He voiced concern that, due to the many additions over the years, the permit process may not be fixable and may need to be rewritten.

Community Development Director Stan Boling conveyed that he felt the discussion was warranted; however, he explained that zoning incompatibilities can cause problems, and that easy parcels always get developed first.

No Action Taken or Required

A. Emergency Services District

15.A.1. [17-0813](#) Approval of Minutes Meeting of June 20, 2017

Recommended Action: Approve

Attachments: [06202017ESD](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Meeting Minutes of June 20, 2017, as written. The motion carried by the following vote:

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

15.A.2. [17-0788](#) Approval to Increase Boundtree Medical Purchase Order

Recommended Action: Staff recommends the approval of an increase for the current and future purchase orders, as needed, with Boundtree Medical.

Attachments: [Staff Report](#)

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve a \$20,000.00 increase for current and future purchase orders, as needed, with Boundtree Medical. The motion carried by the following vote:

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

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

District Meeting.

B. Solid Waste Disposal District

- 15.B.1. [17-0850](#)** Final Pay to Kessler Consulting, Inc for Work Order No. 1 and Work Order No. 2, Solid Waste Procurement Services and Feasibility of Solid Waste Processing & Recycling Services

Recommended Action: SWDD staff recommends that its Board approve Kessler Consulting's final invoice amount of \$2,584.72.

Attachments: [Staff Report](#)
[Kessler Final Invoices](#)

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, 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

- 15.B.2. [17-0843](#)** Work Order No. 11 to CDM Smith, Inc. for Evaluation Monitoring for the C&D Landfill

Recommended Action: SWDD staff recommends that its Board approve the following: a) Ratify the action by the County Administrator in approving authorization for this work under an interim Purchase Order No. 78006 on July 21, 2017. b) Approve Work Order No. 11 with CDM Smith, Inc. in the amount of \$34,295 to provide engineering services related to the Evaluation Monitoring for the C&D Landfill. c) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
[Work Order No. 11](#)
[FDEP Review June 22 2017 Letter](#)

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, 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

- 15.B.3. [17-0851](#)** Approval of 2017 CPI Adjustment Request by Waste Management

Recommended Action: SWDD staff recommends that the Board approve the request for a 1.51% rate adjustment by Waste Management, Inc. of Florida and authorize the County Administrator to send a letter of approval.

Attachments: [Staff Report](#)
[Rate Adjustment Letter from Waste Management](#)
[Updated Exhibit 1](#)

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

15.B.4. [17-0874](#) Request Approval for Two Paper Shredding Events in Fiscal Year 2017/18

Recommended Action: Staff recommends the SWDD Board authorize the sponsorship of two Residential Paper Shredding Events in Fiscal Year 2017/18 utilizing Southeast Secure Shredding for a total cost of \$1,600. Staff also recommends that the SWDD Board authorize staff to work with the County Attorney's Office to pursue a multi-year agreement with Southeast Secure Shredding to host two paper shredding events per fiscal year.

Attachments: [Staff Report](#)

Recycling Education and Marketing Coordinator Stephanie Fonvielle confirmed that 265 vehicles passed through during the free recycling event on August 12, 2017.

A motion was made by Commissioner Solari, 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

15.B.5. [17-0885](#) Agreement for Recycling of Batteries

Recommended Action: SWDD staff recommends that the Board review and approve the agreement for recycling of batteries, and authorize the Chairman to sign on their behalf, once the agreement is reviewed and approved as to form and legal sufficiency by the County Attorney, and the necessary insurance requirements submitted to the Purchasing Department.

Attachments: [Staff Report](#)
[Agreement with St. Lucie Battery and Tire](#)
[Proposal from St. Lucie Battery and Tire](#)
[Letter of Signatory Authorization](#)

A motion was made by Commissioner Solari, 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 2:13 p.m.