

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, September 12, 2017

9:00 AM

Commission Chambers

Board of County Commissioners

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

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

1. CALL TO ORDER

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

Stan Boling, Community Development Director

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 15.B.1. Tenth Amendment to Republic Services

Moved: All items on the September 12, 2017 Board Agenda to the Commission Meeting on September 19, 2017 with the exception of: Public Hearings - Items 10.A.1., 10.A.2., and Emergency Services District: Item 15.A.1.

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

5. PROCLAMATIONS and PRESENTATIONS

6. APPROVAL OF MINUTES

6.A. [17-0939](#) Regular Meeting of July 11, 2017

Recommended Action: Approve

Attachments: [07112017BCC](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

6.B. [17-0937](#) Budget Workshop July 12, 2017

Recommended Action: Approve

Attachments: [07122017BudgetWorkshop-Final](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

6.C. [17-0942](#) Regular Meeting of July 18, 2017

Recommended Action: Approve

Attachments: [07182017BCC](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

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

7.A. [17-0889](#) Florida Public Service Commission- Consummating Order PSC-2017-0321-CO-EQ makes Order PSC-2017-0278-PAA-EQ effective and final; docket to be closed. 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

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

7.B. [17-0893](#) Resignation of Duane Weise, as Citizen Member Appointee to the Value Adjustment Board

Recommended Action: No Action Required

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

7.C. [17-0894](#) Florida Public Service Commission - Consummating Order PSC-2017-0331-CO-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

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

7.D. [17-0903](#) Florida Public Service Commission Order No. PSC-2017-0336-PAA-EQ In re:

Petition for approval of amended standard offer contract and amended interconnection agreement, by Duke Energy Florida, LLC. Is on file for review in the Office of the Clerk to the Board.

Recommended Action: Informational Only

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

7.E. [17-0926](#) Update On All Aboard Florida/Vero Electric Expenses

Recommended Action: No Action Required

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

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

7.F. [17-0934](#) City of Fellsmere Ordinance 2017-19 Annexation of 9.92 Acres, is on file in the Office of the Clerk to the Board

Recommended Action: Information Only

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

7.G. [17-0936](#) Tri-County Meeting to Discuss Joint Legislative Matters

Attachments: [Informational Report](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8. CONSENT AGENDA

8.A. [17-0890](#) Checks and Electronic Payments August 4, 2017 to August 10, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 4, 2017 to August 10, 2017

Attachments: [Finance Department Staff Report](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.B. [17-0895](#) Checks and Electronic Payments August 11, 2017 to August 17, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 11, 2017 to August 17, 2017

Attachments: [Finance Department Staff Report](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.C. [17-0905](#) Checks and Electronic Payments August 18, 2017 to August 24, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 18, 2017 to August 24, 2017

Attachments: [Finance Department Staff Report](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.D. [17-0930](#) Checks and Electronic Payments August 25, 2017 to August 31, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 25, 2017 to August 31, 2017

Attachments: [Finance Department Staff Report](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.E. [17-0828](#) Acceptance and Approval of Expenditures for Emergency Management Federally-Funded Subgrant Agreement (EMPG) 18-FG-XX-10-40-01-XXX

Recommended Action: Staff recommends approval of the Federally Funded Subgrant Agreement (18-FG-XX-10-40-01-XXX), associated expenditures and authorization for the Chairman to execute this agreement between Indian River County Emergency Management and the State of Florida Division of Emergency Management.

Attachments: [Staff Report](#)
[Budget Office Grant Form](#)
[EMPG Contract](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

- 8.F. [17-0829](#) Acceptance and Approval of Expenditures for Emergency Management State-Funded Subgrant Agreement (EMPA) 18-BG-XX-XX-XX-XXX

Recommended Action: Staff recommends the acceptance of State-Funded Subgrant Agreement 18-BG-XX, associated expenditures and authorization for the Chairman to execute this agreement between Indian River County Emergency Management and the State of Florida Division of Emergency Management.

Attachments: [Staff Report](#)
[Budget Office Grant Form](#)
[EMPA Contract](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

- 8.G. [17-0891](#) U.S. Dollar LIBOR-Based Instrument Class Action Lawsuit

Recommended Action: The County Attorney's Office recommends that the Board vote to stay in the class and authorize the County Attorney's Office to file a claim, if eligible to do so, by the December 21, 2017 deadline.

Attachments: [Staff Report](#)
[Notice for U.S. Dollar LIBOR-Based Instrument Class Action Lawsuit](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

- 8.H. [17-0892](#) Thomas F. Scott's Request for Extension of Site Plan Approval for an Assisted Living Facility Development to be Known as Reflections ALF (SP-MA-15-11-32 / 2003070312)

Recommended Action: Staff recommends that the Board of County Commissioners approve Thomas F. Scott's request for a 90 day extension of the site plan approval for the Reflections ALF development with all original approval conditions to remain in effect. The new site plan approval expiration date shall be January 20, 2018.

Attachments: [Staff Report](#)
[Request Letter](#)
[Location Map](#)
[Site Plan](#)
[List of Approval Conditions](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

- 8.I. [17-0897](#) Approval of Extension of FX Software Agreement

Recommended Action: Staff recommends the Board authorize a one (1) year extension to the FX Software Agreement.

Attachments: [Staff Report](#)
[Extension of EDACS FX Agreement](#)
[FX Software Agreement Quote](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.J. [17-0899](#) Invitation from John's Island Golf Club for Staff to Participate in a "Public Safety Day" Golf Outing

Recommended Action: Staff respectfully requests favorable consideration by the Board regarding the invitation from John's Island Club for Emergency Services staff to participate in the golf outing.

Attachments: [Staff Report](#)
[John's Island Letter 8-18-17](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.K. [17-0901](#) Request to Waive Bid Process for Supplemental Building Inspection Services for Fiscal Year 2017/2018

Recommended Action: Staff recommends that the Board waive the bid process requirement for supplemental building inspection services for the 2017/2018 fiscal year; ratify the agreement and amendments with MT Causley; and authorize the Purchasing Manager, after approval by the Budget Office, to approve purchase orders and Change Orders for authorized firms up to the available budgeted amount.

Attachments: [Staff Report](#)
[MT Causley Agreement and Amendments](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.L. [17-0902](#) *JWD Automotive, Inc. d/b/a Napa Auto Care of Cape Coral v. DJM Advisory Group LLC et al. Class Action Lawsuit*

Recommended Action: The County Attorney's Office recommends that the Board vote to stay in the settlement class and file a claim.

Attachments: [Staff Report](#)

[Notice of Class Action Lawsuit - JWD Automotive-Napa Auto Care
Cape Coral v DJM Advisory Group LLC](#)

**Due to Hurricane Irma, this item was deferred to the September 19, 2017
Commission Meeting.**

8.M. [17-0911](#)

Resolution of Support for Application to the Florida Highway Beautification Council for a Highway Beautification Grant for South US Highway 1 in Indian River County

Recommended Action: Staff recommends that the BCC approve the Resolution of Support for application to the Florida Highway Beautification Council for a Highway Beautification Grant.

Attachments: [Staff Report](#)

[Resolution](#)

**Due to Hurricane Irma, this item was deferred to the September 19, 2017
Commission Meeting.**

8.N. [17-0914](#)

2017/2018 State/County Contract Indian River County Health Department

Recommended Action: Staff recommends that the Board of County Commissioners approve the 2017/2018 contract.

Attachments: [Staff Report](#)

[August 26, 2017 Letter from County Health Department Administrator
2017/2018 State/County Contract](#)

**Due to Hurricane Irma, this item was deferred to the September 19, 2017
Commission Meeting.**

8.O. [17-0929](#)

Release of Retainage - Work Order No. 3 Morgan & Eklund, Inc. 2017 Beach Profile Monitoring Surveys (Summer)

Recommended Action: Staff recommends the Board approve the release of all withheld retainage under Work Order No. 3 in the amount of \$5,500.

Attachments: [Staff Report](#)

[Morgan and Eklund Final Invoice](#)

**Due to Hurricane Irma, this item was deferred to the September 19, 2017
Commission Meeting.**

8.P. [17-0932](#)

Carole Jean Jordan, Tax Collector, Request for the Tax Roll to be Extended Prior to the Completion of the Value Adjustment Board Hearings Pursuant to Florida Statute 197.323

Recommended Action: Carole Jean Jordan, Tax Collector Recommends the Tax Roll be Extended Prior to

the Completion of the Value Adjustment Board Hearings

Attachments: [Tax Collector Memo Dated August 14, 2017](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.Q. [17-0935](#) Miscellaneous Budget Amendment 023

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

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

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.R. [17-0940](#) State Aid to Libraries New Library Director Grant Certification of Credentials Form DLIS/SA01

Recommended Action: Staff recommends Board of County Commission authorize Chairman to sign the State Aid to-Libraries Grant Certification of Credentials documents certifying Anne Shepherd meets qualifications.

Attachments: [Staff Report](#)
[CertificationofCredentialsForm_New \(2\)](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.S. [17-0941](#) Work Order No. 15 with Kimley-Horn and Associates for the Control System Implementation for Well No. 4 and 7 at South County RO Plant (SCRO)

Recommended Action: Staff recommends approval of the attached Work Order No. 15 authorizing the professional services and requests the Indian River County Board of County Commissioners to authorize the Chairman to execute Work Order No. 15 on their behalf for a sum amount of \$24,992.00 to Kimley-Horn and Associates.

Attachments: [Staff Report](#)
[Work Order No. 15](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.T. [17-0946](#) Assignment of Leases and Rents from Sebastian Corners Retail Center, LLC

Recommended Action: Staff recommends the Board approve the Assignment of Leases and Rents from Sebastian Corners Retail Center, LLC, and authorize the Chairman to execute the document on behalf of the Board.

Attachments: [Staff Report](#)

[Assignment of Leases and Rents from Sebastian Corners Retail Center, LLC](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.U. [17-0948](#) Approval of Agreement with Florida Blue for the County's Excess Loss/Reinsurance Policy

Recommended Action: Staff recommends and respectfully requests the Board of County Commissioners approve the agreement for the renewal option with Florida Blue for the County's excess loss/reinsurance policy for plan year 2017/2018 and authorize the Chairman to execute the renewal agreement.

Attachments: [Staff Report](#)

[Indian River BOCC - Renewal4 Firm Net \(09 01 17\)](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

8.V. [17-0950](#) Request for Approval of Library System's Plan of Service 2017/2018

Recommended Action: Staff recommends Board of County Commission approval of the Library System's Plan of Service for FY 2017-2018

Attachments: [Staff Report](#)

[IRC Library Annual Plan 2017-2018](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1. [17-0900](#) Deferred Compensation Ordinance Change (Legislative)

Recommended Action: Approve the draft ordinance

Attachments: [Finance Department Staff Report](#)
[Deferred Compensation Ordinance Draft](#)

The Chairman opened the public hearing and announced that the hearing would be continued to the September 19, 2017 Board of County Commissioner Meeting and then closed the public hearing.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to continue the Public Hearing to the September 19, 2017 Board of County Commissioners Meeting. The motion carried by the following vote:

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

10.A.2. [17-0908](#)

Konover Acquisitions Corporation's Request to Rezone Approximately 9.66 Acres from CL, Limited Commercial to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project Known as Vero Beach Square [PD-17-04-02 / 2007110117-78442] (Quasi-Judicial)

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners approve the proposed Planned Development (PD) rezoning and the conceptual PD plan, with the following conditions: 1. Prior to PD plan release, the applicant shall: a. Obtain Planning staff approval of the final architectural elevations for all proposed structures. b. Dedicate to FDOT the required right-of-way for the SR 60 right-turn lane at the project entrance on SR 60. c. Submit a copy of the recorded easement agreement with Walmart. 2. Prior to issuance of land clearing and tree removal permits, the applicant shall obtain Environmental Planning staff approval of the project's final tree protection and mitigation plan. 3. Prior to issuance of a land development permit (LDP), the applicant shall: a. Obtain Planning staff approval of a final landscape and buffer plan. b. Obtain County staff approval of the final design of all off-site improvements. 4. Prior to issuance of the first project certificate of occupancy (C.O.), the applicant shall: a. Install all required on-site mitigation trees. b. Install all landscape and opaque feature improvements along all project perimeters, as depicted on the approved conceptual PD plan. c. Extend the westbound left-turn lane at SR 60 and 53rd Avenue, extend the eastbound left-turn lane at the existing median opening south of the Advance Auto Parts, and obtain FDOT and Public Work's approval of the turn lane construction. d. Construct an eastbound right-turn lane on SR 60 at the project's entrance, relocate the SR 60 sidewalk, and obtain FDOT and Public Work's approval of the turn lane/sidewalk construction. 5. Prior to issuance of a certificate of occupancy (C.O.) for the proposed hotel facility (Phase II), the applicant shall either extend the northbound left-turn lane on Walmart's north/south driveway (a.k.a. "53rd Avenue") or provide a two-year construction bond to guarantee a post-C.O. two-year construction window (construction subject to Walmart's authorization).

Attachments: [Staff Report](#)
[Application](#)
[Excerpt from August 10, 2017 PZC Minutes](#)
[Location Map](#)
[PD Rezoning Ordinance](#)
[Aerial](#)
[Conceptual PD Plan](#)
[Preliminary Landscape Plan](#)
[Preliminary Architectural Building Elevations](#)

The Chairman opened the public hearing and announced that the hearing would be continued to the September 19, 2017 Board of County Commissioner Meeting and then closed the public hearing.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to continue the Public Hearing to the September 19, 2017 Board of County Commissioners Meeting. 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.1. [17-0951](#) Collective Bargaining Agreement Between Indian River County and Teamsters, Local Union No. 769 - FY2017/18 General Wage Increase

Recommended Action: Staff respectfully recommends approval of a 2.5% general wage increase for employees represented by the Teamsters, Local Union No. 769 effective the first full pay period in October 2017 and requests the Board authorize its Chairman to sign the amendment to Article 33 Wages of the collective bargaining agreement providing for the general wage increase.

Attachments: [Staff Report](#)
[First Amendment - Teamsters Collective Bargaining Agreement](#)
[Exhibit A](#)

Due to Hurricane Irma, this item was deferred to the September 19, 2017 Commission Meeting.

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

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

C. Commissioner Susan Adams

D. Commissioner Bob Solari

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

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

15.A.1. [17-0904](#) Approval to Purchase Sole Source Equipment for Fire Rescue

Recommended Action: Staff recommends the Board approve the purchases and to identify Physio Control and Stryker as Sole Source vendors for future purchases.

Attachments: [Staff Report](#)
[Physio Control Sole Source Letter](#)
[Stryker Sole Source Letter](#)

Administrator Brown presented Emergency Services' request for the approval to purchase of two (2) LifePak 15 units and one (1) Stryker power stretcher for Fire Rescue Station No. 14, which is scheduled to open in October 2017.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the purchase of two (2) Life Pak 15 Units and one (1) Stryker power stretcher and to identify Physio Control and Stryker as sole source vendors for future purchases. The motion carried by the following vote:

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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners of the regular meeting.

B. Solid Waste Disposal District

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

15.B.1. [17-0957](#) Tenth Amendment to Republic Services

Recommended Action: SWDD staff recommends that its Board approve the following: a.) Approve the Tenth Amendment to Republic Services to provide additional services in response to Hurricane Irma for the Class 1 landfill services and for the non-Class 1 landfill services, and b.) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
[Final Tenth Amendment to Republic Services](#)

County Administrator Jason Brown stated that the Tenth Amendment to Republic Services Agreement would provide additional services for landfill operation and maintenance from Hurricane Irma and pointed out that the per ton charge would remain unchanged. He mentioned that there may be a need to mobilize additional equipment to process additional volumes of material and additional staffing to cover the Convenience Centers.

Administrator Brown announced the operational hours of the Convenience Centers and discussed garbage collection and post- hurricane vegetative debris

pickup.

Commissioner Zorc sought clarification on the Tenth Amendment to Republic Services Agreement and noted that Item 4 in the previous agenda packet stated the final Tenth Amendment. County Administrator replied that it was the final version of the Tenth Amendment to Republic Services Agreement.

Commissioner Zorc felt that the County needed to make different provisions prior to a storm of finding a way to get the Convenience Centers cleaned up, so they can be opened up quickly after a storm. Administrator Brown agreed and replied that it was the intent, but that the conditions with the storm had changed.

Chairman Flescher mentioned that there were long lines at the Convenience Centers until closing, and suggested calling upon Republic Services to see if they had a contingency plan for the future.

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan to approve the Tenth Amendment to Republic Services to provide additional services in response to Hurricane Irma for the Class 1 landfill services and for the non-Class1 landfill services and authorize the Chairman to execute the same, as presented. The motion carried by the following vote:

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

The Board of Commissioners adjourned the Solid Waste Disposal District meeting and reconvened as the Board of County Commissioners of the regular meeting.

C. Environmental Control Board

16. ADJOURNMENT

A broad-ranging discussion followed regarding the Board's appreciation to all the volunteers and government agencies that came together to assist during the Pre/Post-Hurricane Irma, the status of the roads and bridges in the County and remembering the families involved in the September 11, 2011 attacks.

There being no further business, the meeting adjourned at 9:28 a.m.