

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, May 22, 2018

9:00 AM

Commission Chambers

Board of County Commissioners

Peter D. O'Bryan, Chairman, District 4

Bob Solari, Vice Chairman, District 5

Susan Adams, District 1

Joseph E. Flescher, District 2

Tim Zorc, District 3

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

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

1. CALL TO ORDER

2. ROLL CALL

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

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

2.B. INVOCATION

Tracy Moore, Minister, Vero Beach Church of Christ

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Addition: Item 5.B. Presentation by Indian River County Health Department on Rabies Alert

Deletion: Item 12.C.1. Assignment and License Agreement for Operation of Middleton's Fish Camp

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. [18-1846](#) Presentation of Moms Demand Action for Gun Sense in America by Pat Simmons

Recommended Action: No Action Required

Attachments: [Moms Demand Action](#)
[National Gun Violence Awareness Day June 2, 2018](#)

Pat Simmons, 26 Lake Vista Trail, aided by a PowerPoint Presentation and video, explained the organization's mission to end gun violence and the symbolism of wearing orange.

No Action Taken or Required

- 5.B. [18-1872](#) Presentation by the Indian River County Health Department on the Rabies Alert Issued on May 15, 2018.

Recommended Action: [No Action Taken]

Miranda Hawker, County Health Officer, and Cheryl Dunn, County Environmental Health Manager, used a PowerPoint Presentation to provide information about the May 15, 2018 Rabies Alert including the source, scope, response protocols, and control tips.

The Commissioners sought and received information about the timeline for the alert, transmission methods, education materials, and the costs associated with a rabies response.

No Action Taken or Required**6. APPROVAL OF MINUTES**

- 6.A. [18-1854](#) Regular Meeting of April 17, 2018

Recommended Action: Approve

Attachments: [04172018Draft](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of April 17, 2018 as written. The motion carried by the following vote:

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

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

- 7.A. [18-1840](#) Florida Public Service Commission Order No. PSC-2018-0247-PAA-EI In re: Request for approval of change in rate used to capitalize allowance for funds used during construction (AFUDC) from 6.16% to 5.97%, effective January 1, 2018, by Florida Power & Light Company is on file for review in the office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

- 7.B. [18-1847](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an information item only; no Board action is required

Attachments: [Staff Report](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Items 8.E. and 8.F. for discussion. The motion carried by the following vote:

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

8.A. [18-1834](#) Checks and Electronic Payments May 4, 2018 to May 10, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of May 4, 2018 to May 10, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1828](#) Indian River County Grant Contract Subrecipient Awards

Recommended Action: Approve the Indian River County Grant Contract Subrecipient Award agreements with the SRA and the TCHSC and execute any related documents.

Attachments: [Finance Department Staff Report](#)
[SubRecipient Grant Agreement-TCHSC 2018](#)
[SRA SubRecipient Grant Agreement 2018](#)

Approved staff's recommendation

8.C. [18-1839](#) Out of County Travel to attend the 2018 Florida Governor's Conference on Tourism

Recommended Action: Approval

Attachments: [Staff Report](#)
[2018 Florida Governor's Conference on Tourism](#)

Approved staff's recommendation

8.D. [18-1833](#) Work Order No. 1, MBV Engineering, Inc. Old Dixie Highway and Highland Drive (IRC-1362)

Recommended Action: Staff recommends approval of Work Order No. 1 to MBV Engineering, Inc., authorizing the professional services as outlined in the Scope of Services and requests

the Board authorize the Chairman to execute Work Order No. 1 on their behalf for a lump sum amount of \$20,000.00.

Attachments: [Staff Report](#)
[Work Order No. 1](#)

Approved staff's recommendation

8.E. [18-1838](#) Rejection of Bids for Fire Station 8 Concrete Replacement (Bid 2018053)

Recommended Action: Staff recommends the Board reject the bids received for Bid 2018053 and authorize the Fire Rescue Department to revise the specifications and the Purchasing Division to release a new invitation to bid for the subject work.

Attachments: [Staff Report](#)

Commissioner Zorc questioned the disparity between the estimated and actual costs for the concrete replacement at Fire Station 8. Public Works Director Richard Szyrka pointed to the increase in cost for concrete and advised that the numbers were consistent with what developers were paying for materials.

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

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

8.F. [18-1843](#) Approval of the Special Olympics Florida Aquatic Championships Agreement for the Swimming Event to be held at North County Aquatic Center and for the Opening Ceremony to be held at the iG Center

Recommended Action: Staff recommends that the Board approve the Agreement between Indian River County and Special Olympics Florida, Inc. for the use of the North County Aquatic Center and the iG Center and authorize the Chairman to sign.

Attachments: [Staff Report](#)
[Special Olympics Florida Agreement](#)

Chairman O'Bryan recognized the Recreation Department for their hard work in hosting this event for the past eleven years. He encouraged the community to come out and volunteer in support of Special Olympics and the participating athletes.

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

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

8.G. [18-1844](#) First Amendment to Custodial Services Between Indian River County and American Janitorial, Inc.

Recommended Action: Staff recommends the Board approve the First Amendment to Custodial Services Between Indian River County and American Janitorial, Inc. Staff further recommends the Board approve the agreement and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[First Amendment to Custodial Agreement for American Janitorial](#)

Approved staff's recommendation

8.H. [18-1860](#) AT&T ABN Long-Distance Calling Agreement - Extension

Recommended Action: IRC Staff recommends that the Board of County Commissioners approve the proposed 12-month extension to the AT&T ABN long-distance calling agreement, until County migrates to SIP Trunking services, or the entire IRC long-distance calling agreement with AT&T is re-negotiated at the end of the proposed 12-month agreement extension.

Attachments: [Staff Report](#)
[AT&T Business Network Short Term Agreement](#)
[Original 2008 AT&T Business Network with Multi-Service Agreement](#)

Approved staff's recommendation

10. PUBLIC ITEMS

10.A.1. [18-1622](#) Request for Authorization to Submit Applications for Federal Transit Administration Grants for Capital and Operating Assistance for FY 2018 (Section 5307) and Bus Replacement for FYs 2016, 2017, and 2018 (Section 5339) (Administrative)

Recommended Action: Staff recommends that the Board of County Commissioners adopt the resolution authorizing the filing of the Section 5307 grant application for FY 2018 and Section 5339 grant application for FYs 2016, 2017, and 2018.

Attachments: [Staff Report](#)
[Section 5307 Grant Application](#)
[Section 5339 Grant Application](#)
[Resolution](#)
[Budget Forms](#)

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF

THE CLERK TO THE BOARD.

Brian Freeman, Senior Transportation Planner, gave an overview of Indian River County's transit services and detailed the grants available. Mr. Freeman highlighted the value of available matching funds and the expenses these grants would cover.

Chairman O'Bryan opened the Public Hearing. There being no speakers, Chairman O'Bryan closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve: 1) staff's recommendation; and 2) Resolution 2018-051, authorizing the filing of applications for grant funding assistance from the Federal Transit Administration. The motion carried by the following vote:

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

10.A.2. [18-1819](#) Code Enforcement Fine Ordinance (Legislative)

Recommended Action: The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

Attachments: [Staff Report](#)
[Draft Code Enforcement Fine Ordinance](#)

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

County Attorney Dylan Reingold reviewed the increased fines that would be imposed for tampering with the County's water utility connections. Additionally, he explained that the proposed Ordinance allows the same elevated fines to be imposed for a commercial event held at a residence.

Commissioner Zorc sought and received clarification from Roland DeBlois, Chief of Environmental Planning and Code Enforcement, regarding repeat violations for utilities tampering.

Chairman O'Bryan opened the Public Hearing. There being no speakers, Chairman O'Bryan closed the Public Hearing.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to adopt Ordinance 2018-011 amending Section 103.03 (Regulatory Commissions and Boards) and section 103.06 (Code Enforcement Special Master) of Part I (In General) of Chapter 103 (Commissions and Boards) of the Code of Indian River County, Florida in order to establish higher fine limits for certain Code Violations; and Providing for Codification, Severability, Repeal of Conflicting Provisions, and an Effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

10.B.1. [18-1848](#) Request to Speak from Herb Whittall Regarding Spoonbill Marsh and Lagoon

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Herb Whittall, 19 Park Avenue, requested to speak to the Board regarding Spoonbill Marsh and the Lagoon. He remarked upon the vitality of Spoonbill Marsh, and suggested more resources should be devoted for cleaner canal runoff. Chairman O'Bryan highlighted the sales tax funds that are earmarked for Lagoon improvements.

A discussion with the Board ensued covering topics such as a proposed Bethel Creek project, water hyacinths in the canals, and the County's maintenance of vegetation in the drainage ditches. A suggestion was made to raise public awareness of the County's Lagoon Rehabilitation Projects and their success.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

10.C.1. [18-1837](#) Notice of Scheduled Public Hearing for June 5, 2018: County Initiated Request to: Amend the text of the Sanitary Sewer Sub-Element for septic to sewer conversion and the associated text of the Future Land Use Element (**Legislative**); and Amend the text of the Coastal Management Element for sea level rise and associated text of the Future Land Use Element of the County's Comprehensive Plan. (**Legislative**)

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

County Attorney Dylan Reingold announced the upcoming Public Hearing which will be held on June 5, 2018.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. [18-1849](#) Mainland Boat Launch Joint Venture

Recommended Action: Staff is reluctant to proceed further in pursuing a joint venture with the City of Vero Beach at this location based upon the findings indicated. Therefore, staff recommends against moving forward with a boat launch facility at the City Power Plant/Wastewater

Treatment Plant location, and notifying the City of Vero Beach of this decision.

Attachments: [Staff Report](#)
[Excerpt from Manatee Protection Plan](#)
[2013 FWS Letter and Map](#)
[Power Plant Layout](#)

County Administrator Jason Brown reported on a meeting between Indian River County and the City of Vero Beach (the City) which explored a jointly developed boat launch. The City declined to participate noting that their two existing boat launch facilities met their needs. County staff analyzed the feasibility of developing and operating the boat launch on their own, but recommended against doing so because of the cost, challenging logistics, and lack of demand.

Paul Fafeita, Chapter President of the Coastal Conservation Association, suggested the Board table the matter.

Chris Pope, 2305 46th Avenue, raised safety concerns for the Youth Sailing Foundation's adjacent facility.

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

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

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

12.B.1. [18-1857](#) Emergency Operations Center (EOC) Audio/Visual System Upgrade

Recommended Action: Staff recommends the Board award the bid to the lowest, responsive and responsible bidder, IM Solutions, and authorize the Purchasing Division to issue a Purchase Order for the immediate EOC A/V work in the amount of \$108,035.66.

Attachments: [Staff Report](#)

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

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

C. General Services**12.C.1** [18-1845](#) Assignment and License Agreement for Operation of Middleton's Fish Camp

Recommended Action: Staff respectfully recommends that the Board approve the Assignment and License Agreement and authorize the Chairman to sign.

Attachments: [Staff Report](#)
[Assignment and License Agreement](#)

Item removed from agenda.

No Action Taken or Required

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****13.A.** [18-1859](#) Customary Use

Recommended Action: The County Attorney's Office recommends the Board determine whether to direct staff to draft an ordinance relating to the customary use doctrine, to draft an agreement for permission to access and renourish the area of sandy beach between the unvegetated dune seaward to the MHWL or ECL, or move forward with the next steps in establishing a special taxing district.

Attachments: [Staff Report](#)
[Copy of the draft ordinance from Flagler County](#)

Through a PowerPoint Presentation, Kate Cotner, Assistant County Attorney, and James Gray, County Coastal Engineer, provided a description and analysis of the Customary Use Doctrine and the effect House Bill (HB) 631 will have on beach access and efforts to mitigate beach erosion.

It was the Board's consensus to eliminate Option 3, to move forward with the next steps in establishing a special taxing district, from this meeting's discussion.

The Chairman called a recess at 10:33 a.m., and reconvened the meeting at 10:42 a.m., with all members present.

Commentary by the Board followed. Main discussion points included the urgency imposed by HB 631, clarification of expiration dates on agreements with property owners, safeguarding funding for beach renourishment, ensuring public access to beaches, and protection for nesting turtles.

The following individuals addressed the Board:

Mark Tripson, 5020 12th Street

Tuck Ferrell, 12546 North Highway A1A

Bob Johnson, Coral Winds Subdivision

Joseph Paladin, President of Black Swan Consulting

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to approve Option 2: to draft an agreement for permission to access and renourish the area of sandy beach between the unvegetated dune seaward to the Mean High Water Line or Erosion Control Line. The motion carried by the following vote:

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

13.B. [18-1822](#) County Attorney's Annual Employment Agreement

Recommended Action: The County Attorney recommends that the Board review the proposed agreement, and decide whether to approve the agreement and authorize the Chairman to sign it.

Attachments: [Staff Report](#)
[Proposed County Attorney Employment Agreement](#)

Members of the Board each praised the work and contributions of County Attorney Dylan Reingold.

The following persons expressed their high regard for Attorney Reingold: Joseph Paladin, President of Black Swan Consulting; Tuck Ferrell, 12546 North Highway A1A; Wilfred Hart, 617 19th Place SW; and Ardra Rigby, 8465 59th Avenue.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the proposed Employment Agreement and authorize the Chairman to sign it. The motion carried by the following vote:

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

13.C. [18-1842](#) City of Vero Beach Electric Utility Sale Letter of Support

Recommended Action: The County Attorney recommends that the Board authorize the chair to modify, if necessary, and execute the letter and have it submitted prior to or at the Florida Public Service Commission Agenda Conference.

Attachments: [Staff Report](#)
[Proposed Letter](#)

Vice Chairman Solari suggested incorporating the following to the letter: The Indian River County Board of County Commissioners has long believed that the best thing that could be done for economic development and for providing special help for many of our low income families would be for all county electric customers to have [the] lower FPL rates. Chairman O'Bryan approved the proposed change.

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

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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Bob Solari, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

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

15.B.1. [18-1855](#) Approval of Minutes Meeting of April 17, 2018

Recommended Action: Approve

Attachments: [04172018SWDDdraft](#)

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of April 17, 2018 as written. The motion carried by the following vote:

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

15.B.2. [18-1853](#) Final Pay for Tenth Amendment to Republic Services for Hurricane Irma Services

Recommended Action: SWDD staff recommends that its Board approve the following: a. Approve the Final Pay for the Tenth Amendment to Republic Services in the amount of \$125,042.54 for provision of additional services in response to Hurricane Irma for the non-Class 1 landfill services.

Attachments: [Staff Report](#)
[Hurricane Irma Final Invoice from Republic Services](#)

Solid Waste Disposal District Managing Director Himanshu Mehta used a PowerPoint Presentation to illustrate the impact Hurricane Irma had on the County's Customer Convenience Centers. Director Mehta's analysis broke down the subcontracting and overtime costs which were provided for under the Tenth Amendment to Republic Services' contract.

Chairman O'Bryan sought and received feedback on how to encourage citizens to start their hurricane preparations earlier in the season. The Chairman also requested photographs of the Oslo Convenience Center's brush disposal process to be shown at the next meeting.

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

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

15.B.3. [18-1850](#) Request to Approve the Redevelopment Plan for the Former South Gifford Road Landfill Site

Recommended Action: Staff is requesting input from the Solid Waste Disposal District Board on the following: 1. Provide input to the Treasure Coast Regional Planning Council to finalize and approve the Conceptual Draft Redevelopment Plan for the Former Gifford Road Landfill, which satisfies Action 13.6 of the 2014 Gifford Neighborhood Plan; and 2. Direct staff to seek out grants and other funding sources, and to return with an update on how this plan could be implemented.

Attachments: [Staff Report](#)

Himanshu Mehta, Solid Waste Disposal District Managing Director, along with Stephanie Heidt, Treasure Coast Regional Planning Council, Jill Johnson,

Geosyntec, and David Latham, Geosyntec, presented the Conceptual Draft Redevelopment Plan (the Plan) for the former South Gifford Road Landfill Site.

With aid of a PowerPoint Presentation, the timeline of meetings and community workshops leading to the Plan was presented. The Presentation expanded upon the Memorandum of May 9, 2018 with details of the five proposed phases, associated costs, and possible funding sources.

A discussion among the Commissioners and staff ensued with each stating his/her concerns, preferences, and visions regarding the Plan. Vice Chairman Solari elaborated on his reasons for opposition.

The following persons addressed the Board in favor of redevelopment:

Joe Idelette, 4570 57th Avenue

Wilfred Hart, 617 19th Place SW

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

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

Nay: 1 - Vice Chairman Solari

Chairman O'Bryan returned to the previously stated suggestion that Phase I, Frontage Improvements and an Open Field, would be appropriate to develop as a stand-alone item.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to direct staff to return with a final plan and cost estimate for Phase I, Frontage Improvements and an Open Field. The motion carried by the following vote:

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:22 p.m.