

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, February 20, 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

Philip Katrovitz, Humanists of the Treasure Coast

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Add: Item 5.E. Keep Indian River Beautiful, Certificate of Appreciation
Item 8.J. Town of Indian River Shores Reclaimed Water Franchise Agreement,
additional back-up

Move: Item 14.E.1. Millstone Landing Certificate of Occupancy, to be heard
following Item 10.B.3., Public Discussion Items

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc,
to approve the Consent 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. [18-1433](#) Presentation of Proclamation Honoring Larry Staley on His Retirement From Indian
River County Board of County Commissions, Department of General Services,
Recreation Division with Thirty-Seven Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Larry Staley,
congratulating him on his retirement.

Commissioner Flescher, Recreation Director Mike Redstone, County Administrator
Jason Brown and Assistant County Administrator Michael Zito summed up the

character of Larry "Coach" Staley.

Read and Presented

- 5.B. [18-1520](#) Presentation of Proclamation Honoring Dr. A. Ronald Hudson

Recommended Action: Proclamation Read and Presented

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to Dr. A. Ronald Hudson, who was honored as an African American Pioneer.

Read and Presented

- 5.C. [18-1481](#) Presentation of Proclamation Honoring the Gifford Youth Achievement Center, Inc., for 20 Years of Dedicated Service

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to the Gifford Youth Achievement Center, Inc., represented by Executive Director Angelia Perry and Public Relations and Facilities Operations Director Freddie Woolfork.

Read and Presented

- 5.D. [18-1406](#) Presentation by Kim Prado, Board Member, and Michelle Dion, Volunteer Coordinator on the 2018 Vero Beach Air Show

Recommended Action: No Action Required

Attachments: [Air Show Volunteer Information](#)

Board Member Kim Prado and Volunteer Coordinator Michelle Dion presented an update regarding the 2018 Vero Beach Air Show to be held April 21-22, 2018.

Read and Presented

Added: 5.E Presentation of Certificate of Appreciation, to the Board of County Commissioners from Keep Indian River Beautiful

Chairman O'Bryan displayed a Certificate of Appreciation plaque, presented to the Board of County Commissioners, from Keep Indian River Beautiful (KIRB).

Read and Presented

6. APPROVAL OF MINUTES

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

7.A. [18-1458](#) Proclamation Honoring Tony B. Etter on His Retirement From Indian River County Board of County Commissioners, Department of Utility Services, Wastewater Treatment Division with Twenty-Eight Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

7.B. [18-1518](#) Florida Public Service Commission Consummating Order No. PSC-2018-0076-CO-EI In re: Petition for approval of curtailable service tariff modifications, 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

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve the Consent Agenda as amended, pulling Items 8.D. and 8.J. 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. [18-1492](#) Checks and Electronic Payments February 2, 2018 to February 8, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 2, 2018 to February 8, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1621](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 12/31/17

Recommended Action: Accept the report

Attachments: [Finance Department Staff Report](#)
[Traffic Education Fund](#)

Accepted

- 8.C. [18-1511](#) Quarterly Investment Report for the Quarter Ending 12/31/17

Recommended Action: Accept the report

Attachments: [Quarterly Investment Report](#)

Accepted

- 8.D. [18-1512](#) Quarterly Tourist Development Tax Report for the Quarter Ending 12/31/17

Recommended Action: Accept the report

Attachments: [Quarterly Tourist Development Tax Report](#)

Clerk of Circuit Court and Comptroller Jeffrey R. Smith presented the possible theories regarding the decline in revenue from short-term rentals, following a question from Commissioner Zorc.

Commissioner Adams applauded the Clerk's efforts, taking notice of the significant incline of Tourist Tax dollars from December 31, 2016 to December 31, 2017. Mr. Smith gave credit to Internal Auditor, Edward Halsey.

A motion was made by Commissioner Adams, seconded by Vice Chairman Solari, to accept the Quarterly Tourist Development Tax Report for Quarter Ending 12/31/2017, as written. The motion carried by the following vote:

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

- 8.E. [18-1513](#) Quarterly OPEB Trust Report for the Quarter Ending 12/31/17

Recommended Action: Accept the report

Attachments: [Quarterly OPEB Trust Report](#)

Accepted

- 8.F. [18-1490](#) Appointment to the Economic Opportunities Council of Indian River County, Inc.

Recommended Action: The County Attorney recommends that the Board appoint Grant Gillenwater to the Economic Opportunities Council of Indian River County, Inc.

Attachments: [Staff Report](#)
[Ltr fm Angela Davis-Green](#)
[Ltr fm Grant Gillenwater](#)
[Grant Gillenwater Resume](#)
[Ltr fm Linda McConkey](#)

Approved staff's recommendation to appoint Grant Gillenwater to the Economic Opportunities Council of Indian River County, Inc.

8.G. [18-1491](#) Environmental Liability Insurance Recovery

Recommended Action: The County Attorney recommends that the Indian River County Board of County Commissioners authorize the County Attorney to enter into a contract with Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA for their services in environmental liability insurance recovery with Eisenstein Malanchuk LLP and Nason Yeager Gerson White & Lioce, PA receiving 30 percent of any proceeds recovered.

Attachments: [Environmental Liability Insurance Recovery](#)

Approved staff's recommendation

8.H. [18-1506](#) Berkley Square Subdivision - Request for 2-Year Extension to Final Lift of Asphalt Contract; Developer: GHO Berkley Square Corp.

Recommended Action: Approve the Modification to Contract for Construction for Final Life of Asphalt, Contract No. SD-04-07-31-FLA (95080082-72145) to extend the completion date to January 28, 2020, and authorize the Chairman to execute same. It is also noted that the supporting security in the form of \$20,296.75 cash would remain in escrow and continue to be subject to the terms and conditions of both the Contract, as modified, and Cash Deposit and Escrow Agreement for Final Lift of Asphalt.

Attachments: [Staff Report](#)
[Letter Request for Extension](#)
[Modification to Contract](#)

Approved staff's recommendation

8.I. [18-1507](#) Lily's Cay At Vero Beach - Request for 1-Year Extension to Final Lift of Asphalt Contract; Developer: Diamond Court West FL, LLC

Recommended Action: Approve the Modification to Contract for Construction for Final Lift of Asphalt, Contract No. SD-15-05-07-FLA (2006030269-74273) to extend the completion date to September 13, 2019, and authorize the Chairman to execute same. It is also noted that the supporting security in the form of \$58,126.81 cash would remain in escrow and continue to be subject to the terms and conditions of both the Contract, as modified, and Cash Deposit and Escrow Agreement for Final Lift of Asphalt.

Attachments: [Staff Report](#)
[Letter Request for Extension](#)
[Modification to Contract](#)

Approved staff's recommendation

8.J. [18-1508](#) Town of Indian River Shores Reclaimed Water Franchise Agreement

Recommended Action: The County Attorney recommends that the Indian River County Board of County Commissioners approve the reclaimed water franchise agreement with the Town of Indian River Shores and authorize the Chair to execute the franchise agreement.

Attachments: [Staff Report](#)
 [Proposed Reclaimed Water Franchise Agreement](#)
 [Agreement for Delivery of Reclaimed Water](#)
 [Amended Page 4 of Reclaimed Water Franchise Agreement](#)

County Attorney Dylan Reingold disclosed the history regarding the implementation of the Indian River Shores Reclaimed Water Franchise Agreement, and informed the Board of the proposed changes to Section 14, Right of First Refusal. Attorney Reingold confirmed that he would be attending a meeting with the Town of Indian River Shores, which was scheduled for later in the afternoon.

Robert Auwaerter, Councilman, Town of Indian River Shores, was in attendance and acknowledged the work done by Attorney Reingold and County Administrator Jason Brown.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve: 1) staff's recommendation; and 2) the proposed changes to Indian River Shores Reclaimed Water Franchise Agreement, Section 14, Right of First Refusal. The motion carried by the following vote:

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

8.K. [18-1496](#) Stratus Bent Pine LLC's Request for Release of a Portion of a Utility Easement at 5800 58th Avenue (Bent Pine Preserve Phase 1)

Recommended Action: Staff recommends that the Board, through adoption of the resolution, approve release of the portion of the 15-foot wide utility easement described in the resolution.

Attachments: [Staff report](#)
 [Maps of easement proposed for release](#)
 [Proposed resolution releasing easement](#)

Approved Resolution 2018-021, releasing a portion of a utility easement in proposed plat Bent Pine Preserve Phase 1, lying in Section 16, Township 32 South, Range 39 East, Indian River County, Florida.

8.L. [18-1503](#) West Regional Wastewater Treatment Facility Filter Replacement

Recommended Action: Staff recommends that the Board of County Commissioners approve the change order to Proposal #140380 with Aqua-Aerobics System, Inc, in the amount of \$32,612.00, and authorize the Purchasing Manager approve the additional work.

Attachments: [Staff Report](#)
[Change Order to Proposal #140380](#)
[Photos of Affected Filter Equipment](#)

Approved staff's recommendation

8.M. [18-1495](#) Fourth of July Fireworks Funding

Recommended Action: Staff recommends that the Board of Commissioners approve funding the fireworks displays for Cities of Sebastian and Vero Beach in the amount of \$2,500 each. Staff also recommends that each of the cities (Vero Beach and Sebastian) appropriate and pay an equal amount up to \$2,500 and the County will match that amount, up to \$2,500 each, after the City of Vero Beach and Sebastian pay their share.

Attachments: [Staff Report](#)
[Lions Club of Sebastian Letter Dated 2/5/2018](#)

Approved staff's recommendation

8.N. [18-1524](#) Miscellaneous Budget Amendment 007

Recommended Action: Staff recommends that the Board of Commissioners approve the budget resolution amending the fiscal year 2017/2018 budget.

Attachments: [Staff Report](#)
[Resolution with 18 year](#)
[Exhibit "A" BA 007](#)

Approved Resolution 2018-022, amending the Fiscal Year 2017-2018 Budget.

8.O. [18-1469](#) Two-Year Extension of Hurricane Debris Removal Contract For Ceres Environmental Services, Inc.

Recommended Action: Staff recommends that the Board of County Commissioners approve the extension of the debris removal agreement and authorize the County Administrator to execute the extension upon review and approval of the County Attorney and review and approval by all applicable staff.

Attachments: [Staff Report](#)
[Ceres Environmental Services, Inc. Extension](#)

Approved staff's recommendation

8.P. [18-1498](#) Work Order No. 2018007-1, Coastal Technology Corporation, Sector 7 Beach and Dune Renourishment - design and Permitting

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2018007-1 to the contract with Coastal Technology Corporation and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[Coastal Technology Corporation Work Order No. 2018007-1](#)

Approved staff's recommendation

8.Q. [18-1500](#) Work Order No. 1 Ecological Associates, Inc. HCP Sea Turtle Monitoring North County

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 1 to the contract with Ecological Associates, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[Ecological Associates Inc., Work Order No. 1](#)
[Letter of Commitment- SISP](#)
[Letter of Commitment - ACNWR](#)
[Letter of Intent - FSISP](#)
[Letter of Intent - FOOCR](#)

Approved staff's recommendation

8.R. [18-1501](#) Work Order No. 2018006-1 APTIM Environmental and Infrastructure, Inc., Sector 3 Beach Restoration Project, 2018 Post Construction Sea Turtle Monitoring Services

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2018006-1 to the contract with APTIM Environmental and Infrastructure, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[APTIM Engineering and Infrastrucdtire Inc. Work Order 2018006-1](#)

Approved staff's recommendation

- 8.S.** [18-1504](#) Approval of Ranking of Contractors and Award for RFP No. 2018024 74th Ave and 1st St SW Culvert Replacement IRC-1737

Recommended Action: Staff recommends the Board approve the committee's final ranking of firms and award the project to Johnson-Davis, Inc. Staff also recommends the Board approve the sample agreement and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency, after receipt and approval of the Public Construction bond by the County Attorney, and after receipt and approval of the required insurance by the Risk Manager.

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

Approved: 1) staff's recommendation; and 2) the final ranking of Contractors being Johnson-Davis, Inc., Sunshine Land Design, Inc., Timothy Rose Contracting, Inc., Hinterland Group, Inc., Loren Jock Trucking, Inc., and Centerline Utilities, who was disqualified for failure to acknowledge Addendum #1.

- 8.T.** [18-1505](#) Approval of Ranking of Contractors and Award for RFP No. 2018033 Blue Cypress Lake Road Culvert Replacement IRC-1758

Recommended Action: Staff recommends the Board approve the committee's final ranking of firms and award the project to Hinterland Group, Inc. Staff also recommends the Board approve the sample agreement and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency, after receipt and approval of the Public Construction bond by the County Attorney, and after receipt and approval of the required insurance by the Risk Manager.

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

Approved: 1) staff's recommendation; and 2) the final ranking of Contractors being Hinterland Group, Inc., Johnson-Davis, Inc., Timothy Rose Contracting, Inc., Sunshine Land Design, Inc., Loren Jock Trucking, Inc., and TSI Disaster Recovery, LLC., who was disqualified for failure to acknowledge Addendum #2.

- 8.U.** [18-1499](#) Final Payment, Release of Retainage and Change Order No. 1 Indian River County Courthouse Judge's Security Upgrade Project IRC-1621

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 5 FINAL to Summit Construction of Vero Beach, LLC in the amount of \$48,661.06.

- Attachments:** [Staff Report](#)
[Application for Payment No. 5 FINAL](#)
[Change Order No. 1](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. [18-1447](#) Applications for Citizen Member to the Value Adjustment Board

Recommended Action: Review and Nominate one of the following applicants to fill the vacant Citizen Member position on the Value Adjustment Board

- Attachments:** [Clerk to the Board's Memorandum](#)
[Application of Wesley Davis](#)
[Application Evan Esposito](#)
[Resignation of Duane Weise](#)

Clerk of Circuit Court and Comptroller Jeffrey R. Smith acknowledged the retirement of Duane Weise, Citizen Member Appointee to the Value Adjustment Board, and thanked him for his faithful and dedicated service while volunteering his time.

County Attorney Dylan Reingold confirmed that Evan Esposito and Wesley S. Davis submitted applications for the vacant Citizen Member position.

A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to appoint Wesley S. Davis as a Citizen Member Appointee to the Value Adjustment Board. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [18-1517](#) Continuation: Water Main Extension along 103rd Court from 88th Street to S. 89th Street within a portion of Blocks E and H, Vero Lake Estates Subdivision, Unit H-3, located in Indian River County, Public Hearing and the Adoption of Resolution No. III (Legislative)

Recommended Action: Continue the public hearing opened on February 6, 2018. At this time, based on the petitions received as of February 15, 2018, staff recommends that the Board of County Commissioners (BCC) choose Alternative 1: Table the project. If any new information is obtained between now and the hearing date of February 20, 2018, then staff recommendation could change. Alternative 1: If no further

petitions are received to indicate a super-majority (66.7%) of residents in favor, staff recommends tabling the project. -Or- Alternative 2: If a favorable super-majority is indicated by either receipt of petitions or during the public hearing, staff recommends adopting Resolution No. III with the following conditions: a. Cost per parcel of \$5,200.00; b. Nine benefitting parcels as part of the special assessment lien; c. For benefitting parcels above in point b, allow property owners to finance the capital cost of \$5,200.00 for up to 10 years, payable in 10 equal yearly installments at an annual interest rate of 5.00% (set by the BCC each January); and, d. Allow property owners to connect once the new water main has been placed into service prior to Resolution IV.

Attachments: [Staff Report](#)
[New Petitions](#)
[Handwritten Petitions from February 6, 2018](#)
[Map of Assessment Area](#)
[Estimated Monthly Expenses for Water Assessment](#)
[Confirming Resolution \(Resolution No. III\)](#)
[Assessment Roll \(Exhibit A to Resolution No. III\)](#)

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

Director of Utility Services Vincent Burke detailed the continuation from the February 6, 2018 meeting, where staff was directed to present updated petitions to the nine (9) property owners who would be affected by the revised water assessment per-residence cost of \$5,200. He confirmed that five (5) respondents were in favor of moving forward with the project, three respondents (3) were not in favor of moving forward, and one (1) property owner had not responded; however, due to President's Day being a federal holiday, it was possible that the final vote could still be received. Director Burke explained that, due to the in-favor percentage being 55.5%, which is less than the super-majority (66.7%), staff recommended tabling the project.

Chairman O'Bryan opened the Public Hearing.

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

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to approve Alternative 1: Table the project. 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. [18-1509](#)** Request to Speak from Alet Filmalter Regarding Millstone Roadway Improvements to 17th Street SW

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Alet Filmalter addressed the Board, requesting that the Certificate of Occupancy (CO) for her new home at Millstone Landing be released.

Chairman O'Bryan, who conveyed the Board's sensitivity towards Ms. Filmalter's situation, explained the pertinent details of the Developer's Agreement with SLV Millstone, L.L.C. (Starwood).

No Action Taken or Required

- 10.B.2. [18-1522](#)** Request to Speak from Jeffrey L. Vaughan Regarding Millstone Roadway Improvements to 17th Street SW

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Jeffrey Vaughan, present with his wife, and currently residing at the Comfort Suites Hotel, addressed the Board in support of having the CO released for their new home at Millstone Landing.

Chairman O'Bryan felt that Mr. and Mrs. Vaughan's home builder, D.R. Horton, should take some responsibility for failing to complete their home by the projected completion date of January 12, 2018; this would have allowed for the release of the CO prior to January 31, 2018.

County Administrator Jason Brown pointed out that the current list indicated four (4) homes cleared for CO, and mentioned that Mr. and Mrs. Vaughan's home was not one of the homes listed. Chairman O'Bryan suggested that staff reconfirm the addresses that were awaiting a CO to be released, and asked Community Development Director Stan Boling to obtain Mr. and Mrs. Vaughan's contact information in an effort to clear up the confusion.

No Action Taken or Required

- 10.B.3. [18-1523](#)** Request to Speak from Jennifer and Philip Snyder Regarding Millstone Roadway Improvements to 17th Street SW

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Mr. and Mrs. Snyder were not present.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

The Chairman called for a recess at 10:48 a.m., and reconvened the meeting at 11:00 a.m., with all members present.

E. Office of Management and Budget

12.E.1. [18-1494](#) 2018/2019 Budget Workshop / Hearing Schedule

Recommended Action: Staff recommends that the Board of Commissioners approve the budget workshop dates and the dates for the budget hearings for 2018/2019 budgets.

Attachments: [Staff Report](#)

Management and Budget Director Michael Smykowski provided tentative dates for the Budget Workshop and Final Budget Hearings for Fiscal Year 2018-2019 as follows: (1) the Budget Packet to be distributed to the Board of Commissioner on Friday, July 6, 2018; (2) the Budget Workshop is scheduled to be held on Wednesday, July 11, 2018 and Thursday, July 12, 2018, if needed; (3) a Public Hearing on the tentative budget and proposed millage rates is scheduled to be held on Wednesday, September 12, 2018 at 5:01 p.m.; and, (4) the Final Budget

Hearing to adopt budget and millage rates is scheduled to be held on Wednesday, September 19, 2018 at 5:01 p.m. In addition, he mentioned that the School Board gets first choice of meeting dates, and although there have not been conflicts in the past, they will monitor and propose changes, if it is necessary.

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

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Bob Solari, Vice Chairman

14.B.1. [18-1519](#) Update on Florida's Constitution Revision Commission

Recommended Action: No action required

Attachments: [Commissioner's Memorandum](#)

Vice Chairman Solari updated the Board on several Proposals being considered by the Constitution Revision Commission. Under Proposal 54, Removing Requirement for Certificate of Need, he recalled receiving multiple requests to have Hospice removed from this provision. County Administrator Jason Brown agreed with the consensus of the Board that he request direction from Emergency Services Director John King on this matter.

Vice Chairman Solari was hopeful that the citizens of Indian River County would visit the Constitution Revision Commission's website, www.revisefl.com, to educate themselves on the 37 proposals under active consideration.

No Action Taken or Required

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

14.E.1. [18-1521](#) Millstone Landing Certificate of Occupancy

Recommended Action: Discussion and Action Request

Attachments: [Commissioner Memorandum](#)
[Public Construction Bond](#)
[Memorandum from Office of County Attorney](#)
[Millstone Landing Contract](#)
[Email from Phil Vitello](#)
[Email from Glen Bloomer](#)

(Clerk's Note: This item was heard following 10.B.3., and is placed here for continuity.)

Commissioner Zorc presented an update on Millstone Landing. He clarified details pertaining to the Indian River County Public Construction Bond, and relayed that D.R. Horton had suspended payments to SLV Millstone, L.L.C. (Starwood) until the 17th Street SW road work was complete, due to the fact that Starwood was in breach of their contract. Commissioner Zorc confirmed that there were 32 homes either cleared or soon-to-be cleared for the Certificates of Occupancy (CO) to be released.

A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to allow for the release of Certificate's of Occupancy while the 17th Street SW roadwork was being completed.

Commissioner Flescher stated that he would like to add a completion date to the motion, which would specify that any home ready for the CO release prior to a certain date, such as March 1, 2018, would be approved.

Public Works Director Rich Spzyrka explained that significant progress had been made over the past week, and he suggested that CO's should be released through March 6, 2018, the date of the next Board of County Commissioners meeting, where he would report back to the Board at that time regarding Starwood's progress. Commissioner Zorc was open to continue the discussion to provide for a date to be added to his motion, and he mentioned March 13, 2018 as an option.

Chairman O'Bryan, who was satisfied with adding the date of March 6, 2018 to Commissioner Zorc's motion, delivered his concerns regarding the 23rd Street SW entrance, as it is required to be complete by July 1, 2018. He offered the suggestion of adding a written warning to future building permits being issued in Millstone Landing, adding that the builders would be required to notify potential

buyers of the possibility of delays in releasing CO's if the 23rd Street SW entrance is not complete by July 1, 2018.

County Administrator Jason Brown agreed with Chairman O'Bryan's concerns, as he confirmed that there had not been any work done on the 23rd Street SW entrance. He recommended that no Building Permits be issued until the entrance at 17th Street SW and 27th Avenue is complete, including the application of thermoplastic road marking paint.

Joseph Paladin, President of Black Swan Consulting, addressed the Board in support of the motion.

An amended motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to approve: 1) the release of all Certificates of Occupancy that are cleared through March 6, 2018; and 2) the suspension of building permits being issued for homes in Millstone Landing until the 17th Street SW and 27th Avenue entrance is complete, including the application of thermoplastic road marking paint. The motion carried by the following vote:

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

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 11:18 a.m.