

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, January 16, 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

ROLLCALL

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

Pastor Jimmie Hill, Salt of the Earth Ministry

Commissioner Susan Adams offered the Invocation in Pastor Hill's absence.

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Delete: Item 8.H. Work Order No. 4, REI Engineers, Inc. - Design and Replacement of Sebastian Corners Roof

Move Item 13.A. County Attorney Matters: Remainder Interest in the Event of Sale of Indian River Memorial Hospital to follow Item 11.A. County Administrator Matters: Indian River Medical Center Potential Financial Impact on County

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

6. APPROVAL OF MINUTES

6.A. [18-1366](#) Regular Meeting of December 5, 2017

Recommended Action: Approve

Attachments: [12052017BCC](#)

Approved

6.B. [18-1367](#) Regular Meeting of December 12, 2017

Recommended Action: Approve

Attachments: [12122017BCC](#)

A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to approve the Regular Meeting Minutes of December 5, 2017 and December 12, 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

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**7.A.** [18-1374](#) Florida Public Service Commission Order No. PSC-2018-0028-FOF-EI, In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor, is on file for review in the Office of the Clerk to the Board.

Recommended Action: Informational 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 Item 8.I. 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. [18-1362](#) Checks and Electronic Payments December 29, 2017 to January 4, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 29, 2017 to January 4, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1377](#) Emergency Services Director Position Posting and Vacation Compensation Consideration

Recommended Action: Staff recommends the Board of County Commission authorize an overlap of up to two months for the Emergency Services Director position at a cost not to exceed \$30,000.00. Staff also recommends that a special exception be made to

Administrative Policy Manual Number AM-502.1 (7) and authorize payment for 20 additional days of accrued vacation leave balance exceeding the maximum vacation leave allowed to be paid.

- Attachments:** [Staff Report](#)
[Vacation Leave Policy](#)
[Benefit Budget Worksheet](#)

Approved staff's recommendation

8.C. [18-1370](#) Vero Beach Air Show

Recommended Action: Staff recommends authorizing the use of the County Administration Complex Parking Lots and Building A for the April 2018 Vero Beach Air Show volunteers park and ride transportation services.

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

Approved staff's recommendation

8.D. [18-1359](#) Mediated Settlement: William Hall

Recommended Action: In keeping with administrative policy, staff requests the Board approve the settlement in the amount of \$75,000.00, and authorize the County Administrator to execute any documents necessary to effectuate the settlement, after review and approval by the County Attorney.

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

Approved staff's recommendation

8.E. [18-1363](#) Award of Bid 2017062 - Spoonbill Marsh Vertical Turbine Pump

Recommended Action: Staff recommends the Board award Bid 2017062 to the lowest, responsive and responsible bidder, Barney's Pumps and authorize the Purchasing Division to issue a Purchase Order in the amount of \$49,500.00 for the purchase of the pump.

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

Approved staff's recommendation

- 8.F. [18-1357](#) D.R. Horton Inc.'s Request for Release of a Portion of a Utility Easement at 7645 20th Street (Parcel B, Pointe West East Village Phase I PD)

Recommended Action: Staff recommends that the Board, through adoption of the resolution, approve release of the east 30 feet of the 60-foot wide utility easement as described in the resolution.

Attachments: [Staff Report](#)

[Map](#)

[Resolution](#)

Approved Resolution 2018-012, releasing a portion of a utility easement on Parcel B, Pointe West East Village Phase I PD.

- 8.G. [18-1358](#) FDOT Amendment Number One to Small County Outreach Program (SCOP) Agreement FM No. 434840-1-54-01 and Resolution Authorizing the Chairman's Signature for Reconstructing 58th Avenue from 26th Street to 57th Street

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment Number One to SCOP Agreement FM No. 434840-1-54-01 and Resolution and authorize the chairman to execute the same.

Attachments: [Staff Report](#)

[Authorizing Resolution](#)

[Amendment Number One](#)

Approved staff's recommendation and Resolution 2018-013 with the Florida Department of Transportation authorizing the Chairman's execution of Amendment Number One to Small County Outreach Program Agreement FM No. 434840-1-54-01 for reconstructing of 58th Avenue from 26th Street to 57th Street.

- 8.H. [18-1360](#) Work Order No. 4, REI Engineers, Inc. - Design and Replacement of Sebastian Corners Roof

Recommended Action: Staff recommends that the BCC approve Work Order No. 4 for REI Engineers, Inc. to design, assist in bidding and perform construction administration services for the replacement of the existing roof at Sebastian Corners, and authorize the Chairman to execute Work Order No. 4 in the lump sum amount of \$25,900.00.

Attachments: [Staff Report](#)

[Work Order](#)

Deleted

- 8.I. [18-1361](#) Amendment No. 9 to the Civil Engineering and Land Surveying Agreement for Intersection Improvements at SR-60 and 43rd Avenue and the Widening of 43rd Avenue from 18th Street to 26th Street with Arcadis US, Inc.

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment No. 9

for a lump sum fee of \$23,710.00 and requests the Board of County Commissioners authorize the Chairman to execute Amendment No. 9 on their behalf.

Attachments: [Staff Report](#)
[Amendment No. 9 with Arcadis US, Inc.](#)

Commissioner Zorc sought and received further details from Public Works Director Rich Szyrka about how the roadway improvements would affect the neighboring businesses; eminent domain costs; and business damage assessments.

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.J. [18-1371](#) North Sebastian Phase 1 Septic to Sewer Approval of Cost Share Funding Agreement - Amendment No. 1

Recommended Action: Staff recommends approval of Amendment No. 1 to the Cost Share Agreement between the St. Johns River Water Management District and Indian River County, and requests the Indian River County Board of County Commissioners authorize the Chairman to execute the same on their behalf.

Attachments: [Staff Report](#)
[Amendment 1](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

10.C.1. [18-1365](#) Public Notice of Public Hearing Scheduled for January 23, 2018 to Consider Codifying the Code of Indian River County - LEGISLATIVE

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notices into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS**11.A. [18-1378](#) Indian River Medical Center Potential Financial Impact on County**

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[Preliminary Budget FY 2017-2018](#)
[Profit Loss Budget vs. Actual FY 2017-2018](#)

County Administrator Jason Brown recalled the Board's direction at the January 9, 2018 County Commission meeting for staff to provide an update regarding: (1) the potential impact on the County of a sale of the Indian River Medical Center (IRMC); and (2) indigent care expenses funded by the Indian River County Hospital District (the Hospital District). He detailed the average reimbursement rates among hospitals (according to data provided by hospital officials) and concluded that any significant changes in reimbursement rates from those currently charged by IRMC could create a detrimental impact on the County's health plan with Florida Blue. He also provided background and analysis on the Hospital District's funding for indigent care at the IRMC.

Discussion ensued as Board Members offered comments and sought additional financial details from Administrator Brown.

No Action Taken or Required

12. DEPARTMENTAL MATTERS**A. Community Development****12.A.1. [18-1326](#) Consideration of Two "Early" Recommendations from the Development Review and Permit Process Advisory Committee: Changes to LDR Chapters 910, 913, 914, 952, and 971; and Payment Timing Option for Certain Fire Construction Plan Review Fees**

Recommended Action: The Development Review and Permit Process Advisory Committee and staff recommend that the Board of County Commissioners: 1. Authorize staff to initiate the formal LDR amendment process for the attached draft LDR amendments, and 2. Adopt the resolution providing a fire construction plan review fee payment timing option for projects subject to a large fee.

Attachments: [Staff Report](#)[Minutes from November 8, 2017](#)[Minutes from December 14, 2017](#)[Summary of LDR Changes](#)[Chapter 910 draft ordinance](#)[Chapter 913 draft ordinance](#)[Chapter 914 draft ordinance](#)[Chapter 952 draft ordinance](#)[Chapter 971 draft ordinance](#)[Memo from Emergency Services Director](#)[Proposed Resolution](#)

(Clerk's Note 1: This item was heard following Item 12.C.1. Fair Associations Request to Amend the Agreement for Use of the Indian River County Fairgrounds, and is placed here for continuity).

Community Development Director Stan Boling provided background on the focus and goals of the Development Review and Permit Process Advisory Committee (the Committee). He reviewed the information contained in staff's report to explain the proposed amendments to the Land Development Regulations (LDRs) and the proposed fee payment option for projects with high fire construction plan review fees.

Deb Robinson, Laurel Homes, and Chairman of the Development Review and Permit Process Advisory Committee, stated that the Committee's recommendations would benefit the homeowners and the developers.

The Board posed questions to staff about responding promptly to permit applicants; traffic study requirements and staff review time; and fire inspection review fees.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to authorize staff to initiate the formal LDR amendment process for the draft LDR amendments as included in staff's report; and approve Resolution 2018-014, amending the schedule for payment of fees for plan review for Commercial, Institutional and Multi-Family Residential Developments and providing 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. Emergency Services**C. General Services**

12.C.1. [18-1339](#) Fair Associations Request to Amend the Agreement for Use of the Indian River County Fairgrounds

Recommended Action: Staff respectfully recommends that the Board decide whether to grant the Fair Association's request to amend the Fair Agreement to allow the Association to apply for a Fairgrounds Alcohol Permit and direct staff accordingly.

Attachments: [Staff Report](#)
[Fair Association's Request](#)
[IRC Fair Assn Executed Contract](#)

(Clerk's Note: This matter was heard following Item 13.A. Remainder Interest in the Event of Sale of Indian River Memorial Hospital, and is placed here for continuity).

Assistant County Administrator Michael Zito relayed the request of the Indian River County Fair Association, Inc. (Fair Association) for the Board to amend the Agreement for Use of Indian River County Fairgrounds (the Fairgrounds) to allow the sale and consumption of alcohol at the Fairgrounds.

Wayne Howard, 1585 78th Avenue, General Manager, Firefighters' Indian River County Fair, explained that alcohol sales would help offset the costs associated with entertainment.

The Board sought and received additional information about the requirements for alcohol servers, and whether any adjustments would need to be made to security operations.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve staff's recommendation.

Mr. Howard stated that the Fair Association would monitor the impacts of alcohol sales and adjust the policy or eliminate alcohol sales, if necessary.

Assistant Administrator Zito requested that the Motion include direction to the County Attorney to return to the Board with the amendment to the Fairgrounds Agreement.

MOTION WAS AMENDED by Commissioner Flescher, seconded by Commissioner Adams, to approve staff's recommendation, and direct the County Attorney to return to the Board with the amendment to the Agreement for Use of Indian River County Fairgrounds with the Indian River County Fair Association, Inc., and Vero Beach Firefighters Association Inc. The motion carried by the following vote:

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

1. Human Services**2. Sandridge Golf Club****3. Recreation****D. Human Resources****E. Office of Management and Budget****F. Public Works****G. Utilities Services****12.G.1. [18-1376](#) West Wabasso Phase II Septic to Sewer - Status and Update**

Recommended Action: Staff recommends the Board of County Commissioners consider the following: 1. Choose Option 1 as outlined for the three (3) potential funding sources and have staff bring forth an updated funding summary and cost at a later date, depending on successful grant award; 2. Authorize moving forward with submitting a grant application to the St. Johns River Water Management District Cost-Share Program in January/February 2018; 3. Authorize moving forward with submitting a grant application to the Community Development Block Grant (CDBG) application cycle tentatively scheduled to open in March, 2018. Direct staff to coordinate the Citizens Advisory Task Force (CATF) meeting to discuss 2018 CDBG categories and project options, schedule public hearings and solicit a grant administrator; and, 4. Authorize moving forward with submitting a grant application to the Local Funding Initiative FY 18-19 through the Florida Legislature.

Attachments: [Staff Report](#)

Director of Utilities Vincent Burke summarized the history of the West Wabasso Septic to Sewer Phase II Project (the Project). He used a PowerPoint Presentation to analyze potential funding opportunities through Option 1: a Community Development Block Grant (CDBG); a St. Johns River Water Management District (SJRWMD) Cost-Share Program Grant, and a State Appropriation; or Option 2: a St. Johns River Water Management District (SJRWMD) Cost-Share Program Grant and a State Appropriation. He recommended that the Board authorize staff to apply for funding through Option 1 and noted that staff has included Optional Sales Tax as an alternative funding source in both options.

Discussion followed regarding the uncertainties of funding and final project costs;

the federal requirements of the CDBG; and the County's need to bridge any funding gap and build the Project.

The Chairman called a recess at 10:13 a.m., and reconvened the meeting at 10:23 a.m., with all members present.

The following persons addressed the Board with comments of appreciation to the Board, staff, and other involved persons, for bringing the Project to fruition:

Julianne Price, Indian River Health Department, Division of Environmental Health
Deputy Teddy Floyd, Indian River County Sheriff's Office
Ardra Rigby, 465 59th Avenue, President of West Wabasso Progressive Civic League
Sharon Kohler, 545 Honeysuckle Lane, Progressive Civic League
Mary Rue, Wabasso resident, 8450 62nd Avenue
Eula Helpling, 9115 U.S. 1 Wabasso, Chairman of the Wabasso Awareness Committee.

Discussion followed among the Board about moving forward with Option 2 (minus the CDBG Grant), in order to avoid delays and potentially higher project costs. Commissioner Adams received assurance that the East Gifford Drainage Project would not be impacted. Commissioners O'Bryan and Solari expressed their support for Option 2, but noted they would want to re-evaluate the Project, if both the SJRWMD grant and the State Appropriation are not awarded.

Joe Idlette, 4570 57th Avenue, agreed that the West Wabasso residents would like to see the Project move ahead without delays.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to authorize staff to move forward with Option 2, submitting a grant application to the St. Johns River Water Management District Cost-Share Program in January/February 2018 and to the Local Funding Initiative FY 2018-19 through the Florida Legislature.

Administrator Brown requested authorization to allocate Optional Sales Tax for the SJRWMD Cost-Share Program. The Board consensus was to authorize up to \$1 million in Optional Sales Tax as an additional funding source.

MOTION WAS AMENDED by Commissioner Flescher, seconded by Vice Chairman Solari, to: (1) authorize staff to move forward with Option 2: submitting a grant application to the St. Johns River Water Management District Cost-Share Program in January/February 2018 and to the Local Funding Initiative FY 2018-19 through the Florida Legislature; and (2) to authorize an appropriation of up to \$1 million in Optional Sales Tax funding. The motion carried by the following vote:

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

13. COUNTY ATTORNEY MATTERS

13.A. [18-1375](#) Remainder Interest in the Event of Sale of Indian River Memorial Hospital

Attachments: [Staff Report](#)

(Clerk's Note 1: This item was heard following Item 11.A. Indian River Medical Center Potential Financial Impact on County, and is placed here for continuity).

(Clerk's Note 2: Indian River Memorial Hospital is now known as Indian River Medical Center).

County Attorney Dylan Reingold recalled the Board's direction at the January 9, 2018 County Commission meeting for staff to report back on the County's remainder interest in the event of a sale or lease of the Indian River Memorial Hospital (the Hospital). He referenced Chapter 155.40 of the Florida Statutes, to explain and support his presumption that the County would not have a remainder interest.

Vice Chairman Solari and Commissioner Zorc commented on the possibility that there may be an assignment clause in the Hospital's (Medical Center's) lease.

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

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. [18-1331](#) Approval of Minutes Meeting of November 14, 2017

Recommended Action: Approve

Attachments: [11142017ESD](#)

Approved

15.A.2. [18-1368](#) Approval of Minutes Meeting of December 5, 2017

Recommended Action: Approve

Attachments: [12052017ESD](#)

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve the Emergency Services District Minutes of November 14, 2017 and December 5, 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

15.A.3. [18-1364](#) Affiliation Agreement between Health Career Institute, LLC and Indian River County Emergency Services District

Recommended Action: Staff recommends approval of the Affiliation agreement between Health Career Institute, LLC and Indian River County Emergency Services District

Attachments: [Staff Report](#)

[EMT Affiliation Agreement with Health Career Institute 2018](#)

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

The Board of Commissioners adjourned the Emergency Services District meeting at 10:54 a.m.

B. Solid Waste Disposal District

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

15.B.1. [18-1369](#) Approval of Minutes Meeting of December 5, 2017

Recommended Action: Approve

Attachments: [12052017SWDD](#)

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Minutes of December 5, 2017. 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. [18-1372](#) CCNA-2014 Work Order No. 12 to CDM Smith, Inc. for the 2018 Annual Financial Reports

Recommended Action: SWDD staff recommends that its Board approve the following: a) Approve CCNA-2014 Work Order No. 12 with CDM Smith, Inc. in the amount of \$60,810 to provide engineering services related to the 2018 Annual Financial Reports; and b) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)

[CCNA-2014 Work Order No 12 - CDM Smith Inc](#)

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, 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. [18-1373](#) CCNA-2014 Work Order No. 13 to CDM Smith, Inc. for Engineering Services with the 2018 Annual Permit Compliance Monitoring and Reporting

Recommended Action: SWDD staff recommends that its Board approve the following: a) Approve CCNA-2014 Work Order No. 13 with CDM Smith, Inc. in the amount of \$150,990 to provide engineering services related to the 2018 Annual Permit Compliance Monitoring and Reporting; and b) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)

[CCNA-2014 Work Order No 13 - CDM Smith Inc](#)

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:56 a.m.