

# 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, March 6, 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**

**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**

Reverend Tristan Hohler, GraceSpring Church

**3. PLEDGE OF ALLEGIANCE**

Jason E. Brown, County Administrator

**4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

Move: Item 14.E.1. Support for the School District of Indian River County Grant Proposals to follow Item 5.B. Presentation by School District of Indian River County on the Expansion and Relocation Plans for the Vocational and Technical Program for IRC Adults and Students

**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**

**5.A.**     [18-1420](#)     Presentation of Proclamation Designating the Month of March as March for Meals Month

**Recommended Action:** Read and Presented.

**Attachments:**   [Proclamation](#)

Vice Chairman Solari read and presented the Proclamation to Senior Resource Association CEO Karen Diegl and Director of Programs Shawna Callaghan.

**No Action Taken or Required**

- 5.B. [18-1461](#) Presentation by School District of Indian River County on the Expansion and Relocation Plans for the Vocational and Technical Program for IRC Adults and Students

**Recommended Action:** Presentation only, no action required.

Chairman O'Bryan congratulated Superintendent of Schools Mark Rendell on receiving the Ronald E. Carrier Award for alumni achievement from James Madison University.

Dr. Michael Arnett, Director of Career and Technical Education, and Christi Shields, Principal of the Technical Center for Career and Adult Education with the School District, used a PowerPoint Presentation to provide an overview of the career programs currently offered by the Technical Center. Dr. Arnett requested that the Board produce a letter asking the State to support the School District's grant applications to the Florida Department of Economic Opportunity.

Tiffany Justice, School Board Member, and Cristen McMilan, Public Information Officer, were also present from the School District.

**No Action Taken or Required**

## **6. APPROVAL OF MINUTES**

- 6.A. [18-1539](#) Regular Minutes of January 23, 2018

**Recommended Action:** Approve

**Attachments:** [01232018BCC](#)

**Approved**

- 6.B. [18-1549](#) Regular Meeting of February 6, 2018

**Recommended Action:** Approve

**Attachments:** [02062018BCC](#)

**Approved**

**6.C.**     [18-1555](#)     Special Call Meeting of January 30, 2018

**Recommended Action:** Approve

**Attachments:** [01302018 Special Call Meeting](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Minutes of January 23, 2018 and February 6, 2018, and the Special Call Meeting of January 30, 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.**     [18-1540](#)

**Attachments:** [Proclamation](#)

Chairman O'Bryan congratulated Kenneth Bleakley on his retirement, and thanked him for his service to the community.

**No Action Taken or Required**

**7.B.**     [18-1551](#)     Notice of Upcoming FEMA Open House for Public Review of Proposed Revisions to Certain Flood Insurance Rate Maps in Indian River County

**Recommended Action:** No action is required or recommended; this notice is for informational purposes only.

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

[Notice of Open House](#)

[Map of Area with Proposed FIRM Revisions](#)

[February 16, 2018 FEMA Letter](#)

Chairman O'Bryan encouraged citizens to attend the Federal Emergency Management Agency (FEMA) Open House on March 21, 2018 at Sebastian River High School, to learn more about the proposed revisions to the flood insurance rate maps.

**No Action Taken or Required**

- 7.C. [18-1534](#) Florida Public Service Commission Order No. PSC-2018-0085-PAA-EQ In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company is on file for review in the office of the Clerk to the Board.

**Recommended Action:** Information Only

**No Action Taken or Required**

- 7.D. [18-1545](#) Florida Public Service Commission Consummating Order No. PSC-2018-0099-CO-EI In re: Petition for determination under Rule 25-6.115, F.A.C., and approval of associated revised tariff sheet 6.300, by Florida Power & Light Company is on file for review in the office of the Clerk to the Board.

**Recommended Action:** Informational Only

**No Action Taken or Required**

- 7.E. [18-1546](#) Florida Public Service Commission Order No. PSC-2018-0100-FOF-EI In re: Environmental cost recovery clause is on file for review in the office of the Clerk to the Board.

**Recommended Action:** Informational Only

**No Action Taken or Required**

- 7.F. [18-1562](#) Florida Public Service Commission Order No. PSC-2018-0103-PCO-EI In re: Application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate, by Duke Energy Florida, LLC is on file for review in the office of the Clerk to the Board.

**Recommended Action:** Informational Only

**No Action Taken or Required**

- 7.G. [18-1563](#) Florida Public Service Commission Order No. PSC-2018-0105-PCO-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**

- 7.H. [18-1564](#) Indian River County Venue Event Calendar Review

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

**Attachments:** [Event Calendar](#)

Chairman O'Bryan made mention of the upcoming events in the County.

**No Action Taken or Required**

- 7.I. [18-1558](#) All Aboard Florida/Vero Electric Expenses

**Recommended Action:** No Action Required

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

[All Aboard FL Expenses](#)

[FP&L-Vero Beach-FMPA expenses](#)

**No Action Taken or Required**

## **8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Consent Agenda as presented. The motion carried by the following vote:**

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

- 8.A. [18-1526](#) Checks and Electronic Payments February 9, 2018 to February 15, 2018

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 9, 2018 to February 15, 2018

**Attachments:** [Finance Department Staff Report](#)

**Approved**

- 8.B. [18-1548](#) Checks and Electronic Payments February 16, 2018 to February 22, 2018

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 16, 2018 to February 22, 2018

**Attachments:** [Finance Department Staff Report](#)

**Approved**

- 8.C. [18-1527](#) Participating Addendum to National Association of State Purchasing Officials (NASPO) Contract OK-SW-300 for Automated External Defibrillators (AEDs) and Accessories

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the Participating Addendum to National Association of State Purchasing Officials (NASPO) Contract SW300 and authorize the Chairman to execute it after the County Attorney has approved it as to content and legal sufficiency.

**Attachments:** [Staff Report](#)  
[Participating Addendum](#)

**Approved staff's recommendation**

- 8.D. [18-1528](#) Award of Bid 2018020 - NCAC Water Slide Step Repair

**Recommended Action:** Staff recommends the Board award Bid 2018020 to Close Construction, LLC, approve the sample agreement and authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager.

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

**Approved staff's recommendation**

- 8.E. [18-1541](#) Recommended Selection of Consultant for RFQ 2018029 - Engineering and Biological Support Services for Sector 5 (City of Vero Beach) Beach and Dune Renourishment Project

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

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

**Approved staff's recommendation, with the final ranking of Firms being Aptim Environmental & Infrastructure, Inc.; Coastal Tech-G.E.C., Inc.; and Applied Technology and Management, Inc., and authorized negotiations with the top-ranked firm (and the subsequently ranked firms, should negotiations with any higher ranked firms fail) in accordance with Florida Statutes 287.055, Consultant's Competitive Negotiation Act.**

- 8.F. [18-1561](#) Miscellaneous Budget Amendment 008

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

**Attachments:** [Staff Report](#)  
[2017 2018 Resolution](#)  
[Exhibit "A"](#)

**Approved Resolution 2018-023, amending the Fiscal Year 2017-2018 Budget.**

- 8.G. [18-1532](#) Request for Extending Housing Inspection Services Agreements with Current Inspection Services Providers

**Recommended Action:** Staff recommends that the Board of County Commissioners extend the housing inspection agreements with McAlhany Construction, LLC, and Guardian Community Resource Management, Inc. with an expiration date of June 10, 2024.

**Attachments:** [Staff Report](#)  
[Extension Contract Agreement -McAlhany Construction](#)  
[Extension Contract Agreement - Guardian](#)

**Approved staff's recommendation**



- 8.H. [18-1535](#) Second Amendment to Lease Agreement with Gifford Youth Achievement Center, Inc.

**Recommended Action:** Staff recommends that the Board authorize the Chairman to sign the Second Amendment to Lease Agreement between Indian River County and Gifford Youth Achievement Center, Inc. to provide for the construction of the new classroom building and future improvements to the GYAC property. Staff further recommends the Board authorize the Chairman to execute the resolution approving the lease extension as required by Florida Statutes Section 125.38.

**Attachments:** [Staff Report](#)  
[Second Amendment to Lease Agreement](#)  
[Resolution](#)

**Approved Resolution 2018-024, approving a second amendment to lease agreement with the Gifford Youth Achievement Center, Inc., for the County owned property known as the Gifford Youth Achievement Center.**

- 8.I. [18-1530](#) Approval of Renewal for a Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety

**Recommended Action:** Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety, to be effective for a period of two (2) years from April 15, 2018 to April 15, 2020.

**Attachments:** [Staff Report](#)  
[Renewal Application from Indian River Shores Public Safety-COPCN](#)  
[COPCN Certificate](#)

**Approved staff's recommendation**

- 8.J.**     [18-1537](#)     FDOT SCOP Agreement FM No. 433068-1-54-01- Exhibit B Revision CR512 Resurfacing & Shoulder Widening (Myrtle Street to 125th Avenue) Project No. IRC-1305, FM No. 433068-1-54-01

**Recommended Action:** Staff recommends the Board of County Commissioners approve the substitution of Revised Exhibit B in FDOT Small County Outreach Program (SCOP) Agreement FM No. 433068-1-54-01.

**Attachments:**   [Staff Report](#)  
                      [Original Exhibit B](#)  
                      [Revised Exhibit B](#)

**Approved staff's recommendation**

- 8.K.**     [18-1538](#)     Indian River County Shooting Range Skeet and Trap Facility Improvements Final Payment, Release of Retainage and Change Order No. 1

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 11 FINAL to West Construction, Inc. in the amount of \$89,095.40 for final payment and release of retainage.

**Attachments:**   [Staff Report](#)  
                      [Application for Payment No. 11 FINAL](#)  
                      [Change Order No. 1](#)

**Approved staff's recommendation**

- 8.L.**     [18-1543](#)     Release of Retainage and Change Order No. 1 GoLine Bus Turn-Off Project IRC-1715

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 3 (Final) to Cathco Inc. in the amount of \$6,828.78.

**Attachments:**   [Staff Report](#)  
                      [Application for Payment No. 3 \(Final\)](#)  
                      [Change Order No. 1](#)

**Approved staff's recommendation**

- 8.M.**     [18-1559](#)     Indian River Boulevard Sidewalk from 37th Street to 53rd Street (IRC-1415) Award of Bid No. 2018026 and FDOT Local Agency Program (LAP) Supplemental Agreement No. 1 and Resolution Authorizing the Chairman's Signature for FM No. 436860-1-58-01

**Recommended Action:** Staff recommends approval of FDOT LAP Supplemental Agreement No. 1 (FM No. 436860-1-58-01) and recommends adopting the Resolution and authorizing the Chairman to sign FDOT LAP Supplemental Agreement No. 1. Staff further recommends the project be awarded to Timothy Rose Contracting, Inc. in the amount of \$540,135.57 and requests the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance and after the County Attorney has approved the agreement as to form and legal sufficiency.

**Attachments:**   [Staff Report](#)  
                      [IRC Grant Form](#)  
                      [Authorizing Resolution](#)  
                      [FDOT LAP Supplemental Agreement No. 1](#)  
                      [Sample Agreement](#)

**Approved staff's recommendation and Resolution 2018-025, authorizing the Chairman's execution of Local Agency Program (LAP) Supplemental Agreement No. 1 with the Florida Department of Transportation for construction of a 5-foot wide concrete sidewalk, pedestrian signals and drainage improvements along the west side of Indian River Boulevard from 37th Street to 53rd Street.**

- 8.N.**     [18-1544](#)     22nd Street SE Sewer Lateral Replacement: Approval of Blue Goose Construction Work Authorization No. 2018-002

**Recommended Action:** Staff recommends that the Board of County Commissioners approve Blue Goose Construction Work Authorization No. 2018-002 and authorize staff to purchase materials to construct the 22nd Street SE Sewer Lateral Replacement.

**Attachments:**   [Staff Report](#)  
                      [BGC Work Authorization No. 2018-002](#)  
                      [Cost Estimate - Labor & Material](#)

**Approved staff's recommendation**

## **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. [18-1556](#)** Prima Vista II Corporation's Request for Abandonment of a Portion of 129th Avenue (now being 93rd Avenue) and a Portion of 130th Avenue (now being 93rd Court) within the Paradise Park Unit No. 3 Subdivision [ROWA-17-02-01 / 2002010153-78160] (Legislative)

**Recommended Action:** Staff recommends that the Board abandon its rights to the subject portions of rights-of-way and authorize the chairman to execute the abandonment resolution.

**Attachments:** [Staff Report](#)  
[Application](#)  
[Location Map](#)  
[Aerial](#)  
[Abandonment Resolution](#)

Chief of Current Development John McCoy, County Planning Department, in his PowerPoint Presentation, provided background and analysis on Prima Vista II Corporation's request for an abandonment of two parcels within the Paradise Park Unit No. 3 Subdivision, adjacent to the State Road 60-Interstate 95 corridor. He relayed staff's request for the Board to approve the Resolution providing for the abandonment.

The Chairman opened the public hearing.

Bob Johnson, Coral Wind Subdivision, posed questions regarding the proposed abandonment; his queries were addressed by Mr. McCoy and Chairman O'Bryan.

There were no additional speakers, and the Chairman closed the public hearing.

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve staff's recommendation, and authorize the Chairman to execute Resolution 2018-026, providing for the closing, abandonment, vacation and discontinuance of a portion of a 70 foot wide right-of-way of 129th Avenue (now being 93rd Avenue) lying between Blocks K and P of the Paradise Park Unit No. 3 Subdivision, and between 21st Street and 22nd Street, and a portion of a 70 foot wide right-of-way of 130th Avenue (now being 93rd Court) lying between the west lot line of Lot 11, Block K of the Paradise Park Unit No. 3 Subdivision and the east right-of-way line for State Road No. 9 / Interstate 95, south of 22nd Street. 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. [18-1557](#)**

The Moorings Club, Inc.'s Request for Abandonment of a Portion of 57th Street (a.k.a. Storm Grove Road) [ROWA-16-08-01 / 92020089-76980] (Legislative)

**Recommended Action:** Based on the analysis, staff recommends that the Board of County Commissioners abandon its rights to the subject portion of right-of-way and authorize the chairman to execute the abandonment resolution, with the following condition: 1. That a County utility easement be retained over the area described in Exhibit B in the attached abandonment resolution. 2. Prior to or simultaneously with the recording of the abandonment resolution, an executed private easement agreement acceptable to the private utility providers shall be recorded or placed into escrow for recording.

**Attachments:** [Staff Report](#)  
[Application](#)  
[Location Map](#)  
[Aerial](#)  
[Abandonment Resolution](#)

Chief of Current Development John McCoy, County Planning Department, through a PowerPoint Presentation, provided background and history on The Moorings Club, Inc.'s request for abandonment of a portion of 57th Street (Storm Grove Road) located between the Florida East Coast Railway (FECR) and the Indian River Farms Water Control District (IRFWCD). He mentioned that after the applicant takes possession, utility easements will be granted to the County's Department of Utility Services, Florida Power & Light (FPL), and AT&T. Mr. McCoy recommended that the Board approve the Resolution providing for the abandonment.

Vice Chairman Solari sought and received information on a County-owned parcel located west of the subject right-of-way, which had not been included in the abandonment request.

The Chairman opened the public hearing.

There were no speakers, and the Chairman closed the public hearing.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve staff's recommendation and Resolution 2018-027, providing for the closing, abandonment, vacation and discontinuance of a portion of a 90 foot wide right-of-way of 57th Street (also known as Storm Grove Road) lying between the west right of way line of the Florida East Coast Railway and the east right of way line of the Lateral 'G' Canal as shown on the State of Florida Department of Transportation right of way map showing Section 88508-2601 as recorded in Plat Book 11, page 29 of the Public Records of Indian River County, Florida. 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. [18-1525](#)** Request to Speak from Chris Strange Regarding Reduction of Lien for Demolition of Condemned Structure

**Recommended Action:** No Action Required

**Attachments:** [Request to Speak Form](#)

Mr. Strange was not present.

**No Action Taken or Required**

- 10.B.2. [18-1536](#) Request to Speak from John O'Connor, President IAFF L2201, Regarding Gender disparity study / Pregnancy policy for IRC employees

**Recommended Action:** No Action Required

**Attachments:** [Request to Speak Form](#)

County Attorney Dylan Reingold stated that the County's pregnancy policy complies with State and Federal statutes and requirements, and provided the Board with guidance on the discussion parameters for this matter.

John O'Connor, President of the International Association of Firefighters (IAFF) Local 2201 (the Firefighters Union), spoke on the lack of a policy in Indian River County for pregnant firefighters, and asked the Board to create a light-duty policy. He further requested that the Board undertake a gender disparity study.

County Administrator Jason Brown advised that the current Collective Bargaining Agreement with the IAFF does not allow for light-duty for non-duty related illness, injury, or condition. He reviewed the benefits provided for employees of the Firefighters Union who become pregnant, and stressed that the County has made a written commitment that no employee will lose their job due to a pregnancy.

During discussion, it was noted that the Board was limited in making a policy change at this time. Commissioner Flescher advocated for the Fire Chief to apply the greatest latitude possible to accommodate Nicole Morris, the firefighter who is eight months pregnant.

The following persons addressed the Board requesting a light-duty policy for pregnant firefighters:

Christen Brewer, 19-year County employee

Ephraim Warren, Nicole Morris's father

Richard Ridge, 5801 Johnston Rd., former Fire Lieutenant

Amanda Murdoch, speaking as the spouse of a firefighter

Nicole Haagenon, U.S. Air Force Veteran, 4725 Stephanie Lane SW

Tory Fatjo, Retired Fire Rescue, Broward County

Nicole Morris, Solo Fire Medic/Engineer, sought flexibility with her work schedule and relayed her concerns about taking time off and losing income. She asked the Board to institute a policy that would take pregnant firefighters into consideration.

During discussion, Mrs. Morris was assured that even if she exhausts all of her Family Leave, she would retain her job. Several Board Members mentioned that provisions for this type of situation will be considered at the next contract renewal.

The Chairman called a recess at 9:46 a.m., and reconvened the meeting at 10:51 a.m., with all members present.

**No Action Taken or Required**

### **C. PUBLIC NOTICE ITEMS**

- 10.C.1.** [18-1510](#) Notice of Scheduled Public Hearing for March 20, 2018: Eugene J. Kane, Jr.'s request to rezone ± 2.009 Acres from RS-1 to RS-3 & ± 4.827 Acres from RS-1 to CON-2 (RZON-2017080084-80032). Subject property is located north and adjacent to Round Island Riverside Park and west of South Highway A1A. **[Quasi-Judicial]**

**Recommended Action:** The referenced Notice of Scheduled Public Hearing is provided for the Board's information. No action is needed at this time.

**No Action Taken or Required**

- 10.C.2.** [18-1514](#) Notice of Scheduled Public Hearing for March 13, 2018: Consideration of Land Development Regulation (LDR) Amendments to Chapters 910, 913, 914, 952, and 971 Regarding Traffic Study Requirements, Subdivision and Site Plan Review Processes, and Staff Level Approval Authority for Certain Uses (**Legislative**)

**Recommended Action:** The referenced Notice of Scheduled Public Hearing is provided for the Board's information. No action is needed at this time.

**No Action Taken or Required**

**No Action Taken or Required**



**10.C.3. [18-1515](#)**

Notice of Scheduled Public Hearing for March 20, 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 Scheduled Public Hearing is provided for the Board's information. No action is needed at this time.

**No Action Taken or Required**

**10.C.4. [18-1516](#)**

Notice of Scheduled Public Hearing for April 3, 2018: Schwerin and Other's Request to Rezone ± 17.94 Acres from MED to CG & County's Request to Rezone ± 0.20 Acres from MED to CG. Subject properties are located at the southeast corner of U.S. Highway 1 and 41st Street. **[Quasi-Judicial]**

**Recommended Action:** The referenced Notice of Scheduled Public Hearing is provided for the Board's information. No action is needed at this time.

County Attorney Dylan Reingold read the notices into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS****A. Community Development****B. Emergency Services****C. General Services**

**12.C.1. [18-1565](#)**

Jones' Pier Conservation Area Public Use Improvements - Project Update and Status of FEMA Project Worksheet #796

**Recommended Action:** 1. For FEMA Project Worksheet #796, staff recommends the Board authorize staff to immediately proceed with repairs to the Observation Pier and Guest Cottage to pre-storm conditions and pursue FEMA reimbursement funding; and to return to the Board with a plan for an improved project to the Main House in accordance with the 2008 Approved Management Plan which may or may not be eligible for FEMA reimbursement funding. 2. Authorize staff to pursue funding the public use improvements eligible under the 2018/19 Florida Inland Navigation District's Cooperative Assistance Program due March 30, 2018, including, but not limited to parking, restrooms, boardwalks and other support facilities that relate to Lagoon access. 3. Direct staff to return to the Board with a conceptual plan for refurbishing and repurposing the main house and other buildings to serve as public facilities.

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

[Attach A Jones Pier FCT Special Conditions BCC03-06-18](#)

[Attach B Fema Form 90-91 IRCAG03 BCC03-16-18](#)

[Attach C JonesPierConceptPlan BCC03-06-18](#)

[Attach D Jones Timeline 2-27-18 BCC03-06-18](#)

[Attach E BCC Dec13,2016 BCC03-06-18](#)

[2018\\_0226\\_IRLNEP\\_RestorationApp\\_IRC\\_JPCA](#)

Assistant County Administrator Michael Zito stated that the Jones' Pier Conservation Area (JPCA) was purchased in 2008 with a cost-share grant from the Florida Communities Trust (FCT). He explained that this update would focus on staff's vision for public access improvements and preservation of the property going forward. Assistant Administrator Zito requested direction from the Board regarding: (1) the County's pending Florida Emergency Management Agency (FEMA) claim related to Hurricane Matthew; (2) FEMA Project Worksheet #796; and (3) the procurement of an additional Florida Inland Navigation District (FIND) Grant.

Conservation Lands Manager Beth Powell gave a detailed PowerPoint Presentation, providing a history of the site and its structures from 2008 to the present. Ms. Powell provided information regarding, but not limited to, the management plan created as a condition of the FCT Grant Award; past/prospective grant awards; the impacts of Hurricane Matthew; and the conceptual site plans for public use improvements and wetland restoration.

A brief discussion ensued regarding the possibility that the neighboring property owners could connect to the wastewater hookup after it is installed at the JPCA

site.

Garrett Donlin, 1010 Morningside Drive, addressed the Board regarding the potential wastewater connection, community garden feature, and replica fruit stand.

Vice Chairman Solari stressed that the Main House needs to be elevated before any improvements are made to the structure.

Chief of Environmental Planning Roland DeBlois disclosed that the County has already applied for, and is close to receiving, a Hazard Mitigation Grant through the Federal Emergency Management Agency (FEMA) to elevate the Main House.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to direct staff to return to the Board with a conceptual plan for refurbishing and repurposing the main house and other buildings to serve as public facilities, with the understanding that if there is an issue with the FEMA Grant, staff is empowered to look at alternatives. The motion carried by the following vote:**

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

Assistant Administrator Zito discussed FEMA Project Worksheet #796, which is related to FEMA reimbursement funding, repairs to the Observation Pier and Guest Cottage, and an improvement project for the Main House.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to: (1) authorize staff to immediately proceed with repairs to the Observation Pier and Guest Cottage to pre-storm conditions and pursue FEMA reimbursement funding, in accordance with Federal Emergency Management Agency (FEMA) Project Worksheet #796; (2) direct staff to return to the Board with a plan for an improved project to the Main House in accordance with the 2008 Approved Management Plan, which may or may not be eligible for FEMA reimbursement funding; and (3) to authorize staff to pursue any appropriate grant opportunities which may arise. The motion carried by the following vote:**

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

Vice Chairman Solari suggested that staff consider the future development of a computer application detailing the County's conservation lands and parks.

**12.C.2. [18-1574](#)** Notice of Application for FDEP Land and Water Conservation Fund Grant for Public Access Improvements to the Hallstrom Farmstead Conservation Area

**Recommended Action:** Staff recommends authorizing staff to prepare and submit an application to FDEP for the LWCF Grant to provide funding for the construction of parking, restrooms, trails, and a picnic pavilion at the Hallstrom Farmstead Conservation Area. The maximum amount of the grant request is proposed to be \$150,000 with a County match of \$150,000.

**Attachments:** [Staff Report](#)  
[Attachment A. BCC03-06-18 Hallstrom FCT Conditions](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to authorize staff to prepare and submit an application to the Florida Department of Environmental Protection for the Land and Water Conservation Fund Program Grant to provide funding for the construction of parking, restrooms, trails, and a picnic pavilion at the Hallstrom Farmstead Conservation Area; the maximum amount of the grant request is proposed to be \$150,000 with a County match of \$150,000. 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**

**12.F.1. [18-1488](#)**

Approval of Ranking of Proposals and Award of RFP 2018018 - Custodial Services for County Buildings

**Recommended Action:** Staff recommends the Board approve the committee's final rankings and award the custodial services to: K's Commercial Cleaning (Group 1), Beachland Cleaning Service (Group 2), W&G Maintenance Corp. (Group 3), CER Signature Cleaning (Group 4) and American Janitorial, Inc. (Group 5). Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute after review and approval by the County Attorney as to form and legal sufficiency and after the required certificates of insurance have been received and approved by the Risk Manager.

**Attachments:** [Staff Report](#)  
[Sample Agreement](#)  
[CER Signature Cleaning Protest Letter](#)  
[Decision Regarding Protest Letter](#)

Public Works Director Richard Szyrka reported that since the County's contract with its current cleaning company was set to expire on February 28, 2018, staff had issued a Request For Proposal (RFP) #2018018 for custodial services for the County Buildings. He disclosed that two pre-solicitation meetings had been held, as one firm did not attend the first meeting due to a miscommunication. Mr. Szyrka stated that the service area had been divided into Group 1 through Group 5, and announced the bid awardees for each Group. Director Szyrka recommended that the Board approve the bids as outlined in staff's memorandum of February 22, 2018. He also relayed that one of the bidders, CER Signature Cleaning, had filed a letter protesting the second pre-bid meeting and the bid award for Group 5.

Jennifer Hyde, County Purchasing Agent, reviewed the criteria used to score each of the bidders.

Charles and Ruth Ross, owners of CER Signature Cleaning, discussed their objections to the second mandatory pre-solicitation conference which was held on December 6, 2017, and explained why they felt their firm should have received the award for servicing Group 5, the Tax Collector's office.

Purchasing Manager Jennifer Hyde spoke on the scoring criteria and recommendations of the selection committee.

Discussion ensued regarding the bid award process that was followed with this RFP, with County Attorney Dylan Reingold affirming the legitimacy of the second

pre-solicitation meeting.

**A motion was made by Commissioner Adams, seconded by Vice Chairman Solari, to affirm that the second pre-solicitation meeting held on December 6, 2017, was appropriate. The motion carried by the following vote:**

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

A brief discussion ensued, with input from Ms. Hyde, regarding the selection committee's process for the bid awards.

The Rosses continued arguments supporting their view that CER Signature Cleaning should have received the award for cleaning Group 5, the Tax Collector's Office.

Tom Heveron, Beachland Cleaning Service, addressed the Board.

**A motion was made by Commissioner Adams, 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

The Chairman called a recess at 12:51 p.m., and reconvened the meeting at 1:00 p.m., with all members present.

**12.F.2. [18-1576](#)** Millstone Landing - 17th Street SW Construction Progress Update

**Recommended Action:** Informational Update

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

Public Works Director Richard Szyrka affirmed that Starwood Land Ventures (SLV's) development, Millstone Landings, is making good progress on the construction at 17th Street SW and 27th Avenue.

Chairman O'Bryan wanted to give the new residents of Millstone Landing assurance that they can move into their homes, and suggested that the Certificate of Occupancies be issued through April 3, 2018.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to lift the moratorium on Certificates of Occupancy for Millstone Landing through April 3, 2018. The motion carried by the following vote:**

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

### **G. Utilities Services**

**12.G.1. [18-1560](#)** Sole Source Vendor Name Change from Municipal Water Works to Empire Pipe and Supply, Inc.

**Recommended Action:** Staff recommends that the Board of County Commissioners authorize the Purchasing Department to use Empire Pipe and Supply, Inc. as the sole source provider for the Master Meter brand of radio read water meters.

**Attachments:** [Staff Report](#)  
[Sole Source Letter for Empire Pipe and Supply, Inc.](#)

**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

### **13. COUNTY ATTORNEY MATTERS**

**13.A.** [18-1542](#) Opioid Litigation

**Recommended Action:** The County Attorney's Office recommends that the Indian River County Board of County Commissioners provide guidance as to whether the Board wishes to participate in the opioid litigation. If the Board chooses to proceed with seeking to hire counsel to represent Indian River County in opioid litigation, the County Attorney's Office recommends that the Board authorize the County Attorney's Office and the Purchasing Division to prepare a request for proposals for potential law firms.

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

County Attorney Dylan Reingold reported that various governments have been filing lawsuits against pharmaceutical companies in relation to the current opioid crisis. He reviewed the information contained in his memorandum of February 20, 2018 to brief the Board on the current lawsuits and related information, and asked if the Board was interested in pursuing litigation.

A discussion ensued in regard to speaking with the Indian River County Sheriff's Office about developing local rules for dealing with opioid usage, and whether the Board would be penalized if no action is taken at this time.

Attorney Reingold stated that he was not aware of any circumstances which would require the Board to make a decision today, and that he would discuss this matter with Undersheriff James Harpring..

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to direct the County Attorney's Office to remain updated on the opioid litigation, communicate with the Indian River County Sheriff's Office and the Emergency Services Department, and report back to the Board with any updates. The motion carried by the following vote:**

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



**13.B.** [18-1573](#) City of Sebastian Fire Marshal Ordinance

**Recommended Action:** The County Attorney's Office recommends that the Indian River County Board of County Commissioners direct County staff to oppose the City Council ordinance establishing an independent City Fire Marshall's Office.

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

County Attorney Dylan Reingold provided background and analysis regarding the City of Sebastian (the City) City Council's proposed Ordinance which would establish an independent City Fire Marshal's Office. He relayed that the City Council would be considering the Ordinance at its March 14, 2018 meeting, and discussed statutory law pertaining to fire services, asking the Board for direction.

A broad-ranging conversation followed between the Board and staff. Key discussion items included, but were not limited to, Indian River County's fire services; the County's potential liability if a problem arises; streamlining the County's fire prevention plan review and permitting process; and the City of Fellsmere's fire protection services.

Discussion ensued regarding the advisability of the County's new Fire Marshal meeting with City staff to address the City's needs, and the possibility of making the inspection process more convenient for applicants. The Board further discussed what the County's recourse might be if the City adopted the Ordinance, with Attorney Reingold mentioning the Intergovernmental Dispute Resolution Process.

Linda Kinchen, Vice Mayor of Sebastian, gave background on the City's proposed Fire Marshal Ordinance, acknowledged the Board's concerns, and expressed a willingness to work with the new Fire Marshal.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to direct the County Attorney's Office to oppose the City's proposed Ordinance establishing an independent City Fire Marshal's Office, and to work with the City to make sure the County's fire review process is as smooth as possible. The motion carried by the following vote:**

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

**13.C. [18-1529](#)** Reasonable Accommodation Ordinance

**Recommended Action:** The County Attorney's Office recommends that the Indian River County Board of County Commissioners authorize the County Attorney's Office to draft a reasonable accommodation ordinance and authorize the County Attorney to execute the draft letter to the Department of Housing and Urban Development and the Department of Justice seeking further guidance concerning recovery residences.

**Attachments:** [Staff Report](#)  
[Portion of City of Port St. Lucie Ordinance 17-79](#)  
[Memorandum by R. Gregory Hyden, Special Legal Counsel](#)  
[Joint Statement](#)  
[Draft Letter](#)

County Attorney Dylan Reingold was present in support of staff's request.

**A motion was made by Commissioner Flescher, 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

**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**

**14.E.1. [18-1577](#)** Support for the School District of Indian River County Grant Proposals

**Recommended Action:** Discussion and Letter of Support

**Attachments:** [Commissioner Memorandum](#)

*(Clerk's Note: This item was heard following Item 5.B. Presentation by School District of Indian River County on the Expansion and Relocation Plans for the Vocational and Technical Program for IRC Adults and Students, and is placed here for continuity).*

Commissioner Zorc requested that the Board send a letter supporting the Indian River County School Board's grant applications, to the Honorable Governor Rick Scott; Peter Antonacci, President & CEO of Enterprise Florida; and Ciccio Proctor, Executive Director, Florida Department of Economic Opportunity.

**A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to authorize the Chairman to execute a letter supporting the Indian River County School District's applications for a Florida Job Growth Grant Fund Public Infrastructure Grant and a Florida Job Growth Grant Fund Workforce Training Grant; and to send the letter to the Honorable Governor Rick Scott, Peter Antonacci, President & CEO of Enterprise Florida, and Ciccio Proctor, Executive Director, Florida Department of Economic Opportunity. The motion carried by the following vote:**

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

**14.E.2. [18-1578](#)** Access to The Florida Channel

**Recommended Action:** Discussion and Action Request

**Attachments:** [Commissioner Memorandum](#)

Commissioner Zorc asked if a link to the Florida Channel, which features programming related to the State government, could be put on the County's website.

**A motion was made by Commissioner Zorc, seconded by Chairman O'Bryan, to direct staff to provide a link to The Florida Channel on the County's website. 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**

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

**15.B.1. [18-1474](#)** Approval of Minutes Meeting of January 16, 2018

**Recommended Action:** Approve

**Attachments:** [01162018SWDD](#)

**Approved**

**15.B.2 [18-1550](#)** Approval of Minutes Meeting of February 6, 2018

**Recommended Action:** Approve

**Attachments:** [02062018SWDD](#)

**A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of January 16, 2018 and February 6, 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.3. [18-1566](#)** MWI Corporation's Offer to Purchase Property

**Recommended Action:** Staff recommends the Board approve MWI's offer to purchase the 12.46-acre parcel with all improvements and authorize the Chairman to sign the Contract, County Deed and any other closing documents on behalf of the SWDD Board.

**Attachments:** [Staff Report](#)  
[August 16, 2011 SWDD minutes](#)  
[Offer to Purchase dated February 6, 2018](#)

Director of Utilities Vincent Burke reviewed the information contained in staff's memorandum dated February 27, 2018 to provide background and analysis on the history of the County property located at 7775 9th Street SW, which has been rented by MWI (Moving Waters Incorporated) Corporation since 2001. He provided details on MWI's proposal to purchase 12.46 acres of the parcel, in order to expand its business, and recommended Board approval of the sale.

**A motion was made by Commissioner Flescher, 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.4. [18-1571](#)** Request Approval to Participate in the FDEP Waste Tire Amnesty Day Program

**Recommended Action:** Staff recommends that the Solid Waste Disposal District Board authorize the participation in the Florida Department of Environmental Protection Tire Amnesty Day Event by raising the tire limit to 10 tires at the main county landfill and the five customer convenience centers for a one-day event on Saturday, April 28, 2018, from 9 am to 3 pm.

**Attachments:** [Staff Report](#)  
[IRC Scope of Work for Tire Amnesty Day](#)  
[IRC Tire Amnesty Day Flyer](#)

*(Clerk's Note: This item was heard following Item 15.B.2., and is placed here for continuity).*

Solid Waste Disposal District Managing Director Himanshu Mehta and Recycling Education and Marketing Coordinator Stephanie Fonvielle were present in support of their request.

**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. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 1:49 p.m.