

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com*



Meeting Minutes - Draft

Tuesday, November 1, 2016

9:00 AM

Commission Chambers

Board of County Commissioners

*Bob Solari, Chairman, District 5
Joseph E. Flescher, Vice Chairman District 2
Wesley S. Davis, District 1
Peter D. O'Bryan, District 4
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: 4 - Chairman Bob Solari
Commissioner Wesley Davis
Commissioner Peter O'Bryan
Commissioner Tim Zorc

Absent: 1 - Vice Chairman Joseph Flescher

2. INVOCATION

Community Development Director Stan Boling

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Delete: Item 10.B.1. Request to Speak from Ardra Rigby and Bill Rigby Regarding Issue on Natural Gas/Franchise Agreement Negotiated with Waste Management

A motion was made by Commissioner Davis, seconded by Commissioner O'Bryan, to approve the agenda as amended. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

Absent: 1 - Vice Chairman Flescher

5. PROCLAMATIONS and PRESENTATIONS

- A. 16-922** Presentation of Proclamation Recognizing Indian River State College Selection as a Top Ten Finalist for the 2017 Aspen Prize Award

Recommended Action: Read and Present

Attachments: [IRSC Proclamation](#)

Commissioner Davis read and presented the Proclamation to Dr. Casey Lunsford, Provost, Indian River State College.

- B. 16-956** Presentation of Proclamation Honoring Joan Haar, Music Director for the Gifford Florida Youth Orchestra

Recommended Action: Read and Presented

Attachments: [Joan Haar Gifford Youth Orchestra](#)

Commissioner O'Bryan read and presented the Proclamation to Joan Harr, Music

Director for the Gifford Youth Orchestra (GYO). Five members of the GYO Board were also present.

C. 16-963 Presentation by Sarah Tippet Ruwe, Executive Director, Florida's Coast to Heartland Chapter American Red Cross on Hurricane Matthew

Sarah Tippet Rowe, American Red Cross, reported that 1,199 County residents were housed in the emergency shelters during Hurricane Matthew. She thanked the County staff, School District, Ham Radio Operators, and citizen volunteers who helped in the shelters and in the community at large. Ms. Rowe also detailed the routine services that the Red Cross provides to the community.

D. 16-950 Quarterly/Annual Recycling Update for Fiscal Year 2015/16

Recommended Action: None needed.

Attachments: [Staff Report](#)

Recycling Education and Marketing Coordinator Stephanie C. Fonvielle, in her PowerPoint Presentation, gave the Recycling Update for the 4th Quarter. She disclosed that with the onset of single stream recycling, tonnages for this year have increased by about 51.5%. Ms. Fonvielle discussed the types of plastic and other materials that cannot be recycled, and detailed the Solid Waste Disposal District's plans to continue with its public outreach on recycling.

Solid Waste Disposal District Managing Director Himanshu Mehta addressed questions regarding Materials Recovery Facilities (MRFs).

Brian Katz, Tropical Recycling, was available to address any questions.

6. APPROVAL OF MINUTES

A. 16-942 Regular Meeting of September 13, 2016

Recommended Action: Approve

Approved

B. 16-931 Regular Meeting of September 20, 2016

Recommended Action: Approve

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, to approve the Regular Meeting Minutes of September 13, 2016 and September 20, 2016. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

Absent: 1 - Vice Chairman Flescher

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

A. 16-940 Planning and Zoning Commission Vacancy

Attachments: [Staff Report](#)
[P&Z Resignation - MCalderone](#)

Noted for the record was the resignation of Maria Calderone as the Board of County Commission Appointee, District No.3 representative to the Planning and Zoning Commission.

B. 16-936 Proclamation and Retirement Award Honoring Thomas Vannoy on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service

Attachments: [T Vannoy Service Award](#)
[T Vannoy Proclamation](#)

Commissioner O'Bryan recognized Thomas Vannoy on his retirement.

C. 16-974 Indian River Lacrosse Association to Host the Sunshine State Games Fall Lacrosse Classic for the Second Year

Commissioner O'Bryan announced that the Sunshine State Games Fall Lacrosse Tournament will take place on November 5 and 6, 2016.

8. CONSENT AGENDA

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

Aye: 4 - Chairman Solari, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

Absent: 1 - Vice Chairman Flescher

A. 16-972 Approval of Checks and Electronic Payments September 30, 2016 to October 5, 2016

Approved

B. 16-917 Approval of Warrants October 7, 2016 to October 13, 2016

Recommended Action: Approve the attached list of warrants issued by the Comptroller's office for the period October 7, 2016 to October 13, 2016

Attachments: [Approval of Warrants](#)

Approved

- C. 16-929 Approval of Warrants October 14, 2016 to October 20, 2016

Recommended Action: Approve the attached list of warrants issued by the Comptroller's office for the time period October 14, 2016 to October 20, 2016

Attachments: [Approval of Warrants](#)

Approved

- D. 16-935 Resolution Cancelling Taxes on Property Purchased by Indian River County from Michael Staller for 26th Street Right-Of-Way

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the attached Resolution to cancel certain taxes upon publicly owned land, and the Clerk to send a certified copy of same to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

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

Approved Resolution 2016-113, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

- E. 16-843 Request to Waive Bid Process for Supplemental Building Inspection Services for Fiscal Year 2016/2017

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

Approved staff's recommendation.

- F. 16-937 SR 60 Vero LLC's Request for Final Plat Approval for The Reserve at Vero Beach PD Phase 2 [PD-14-06-04 / 98010178-76813]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for The Reserve at Vero Beach PD Phase 2.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Final Plat Graphics](#)
[Contract for Construction with Copy of LOC](#)

Approved staff's recommendation.

G. 16-930 Approval of Agreement for Paratransit In-Person Eligibility Assessments

Recommended Action: Staff recommends that the Board of County Commissioners:

Approve the selection of Advanced Motion Therapy, Inc. for paratransit in-person eligibility assessments;

Review the attached draft contract for eligibility assessment services (Attachment #1); and

Authorize the Chairman to execute the contract with Advanced Motion Therapy, Inc.

Attachments: [Staff Report](#)

[Attachment 1 - Agreement](#)

Approved staff's recommendation.

H. 16-938 Centex Homes, Inc.'s Request to Re-plat a Portion of Provence Bay to be known as Provence Bay 1 [SD-16-09-03 / 2004020217-77385]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Provence Bay 1 (re-plat).

Attachments: [Staff Report](#)

[Application](#)

[Location Map](#)

[Plat Layout](#)

Approved staff's recommendation.

I. 16-943 Change Order No. 1, Final Payment and Release of Retainage 20th Avenue and 16th Street Intersection Improvements

Recommended Action: Staff recommends approval of Change Order No. 1, and payment of Application for Payment No. 6 to Timothy Rose Contracting, Inc., in the amount of \$63,832.60.

Attachments: [Staff Report](#)

[Application for Payment No. 6](#)

[Change Order No. 1](#)

Approved staff's recommendation.

J. 16-947 Miscellaneous Budget Amendment 029

Recommended Action: Staff recommends that the Board of Commissioners approve the attached budget resolution amending the fiscal year 2015/16 budget.

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

Approved Resolution 2016-114, amending the Fiscal Year 2015-2016 Budget.

K. 16-971 Interfund Borrowing - Fiscal Year 2015-2016

Recommended Action: Staff recommends approval for interfund borrowing as necessary to cover any cash deficits of individual funds that may occur.

Approved staff's recommendation.

L. 16-776 Approval of FY 2016/2017 and 2017/2018 Radiological Emergency Preparedness Agreement (REP Grant)

Attachments: [Staff Report FPL Grant](#)
[FPL & IRC Agreement](#)
[Grant form signed](#)

Approved staff's recommendation.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

1. **16-952** Request to Speak from Ardra Rigby and Bill Rigby Regarding Issue on Natural Gas/Franchise Agreement Negotiated with Waste

Attachments: [Bill Rigby 110116.docx](#)

This item was deleted.

2. **16-951** Request to Speak from Michael Marsh Regarding Follow-up to last discussion regarding Recording Operations at Indian River County Courthouse

Attachments: [Michael Marsh 110116.docx](#)

Michael Marsh, P.O. Box 691061, voiced concerns about the processing and handling of an Application for Indigent Status that he had filed at the County Courthouse. He also objected to not being permitted to record while in the Courthouse.

Chairman Solari was assisted by County Attorney Dylan Reingold in responding to Mr. Marsh's comments.

3. **16-945** Request to Speak from Brian Heady Regarding Representative Government

Recommended Action:

Attachments: [Request to Speak Form](#)

Brian Heady, 406 19th Street, addressed the Board regarding a prospective national policy which would require veterans who received signing bonuses to return said benefits. He asked the Board to join with the City of Vero Beach to send a letter to the appropriate agencies, in support of veterans' rights.

C. PUBLIC NOTICE ITEMS

1. **16-924** Public Notice of Public Hearing scheduled for November 8, 2016 to consider amending Chapter 315 (Pain Management Clinics, Controlled Substances and Medical Marijuana) of the Code of Indian River County to revise the definition of a medical marijuana treatment center and clarify the prohibited activities

Attachments: [Staff Report](#)

2. **16-923** Public Notice of Public Hearing scheduled for November 8, 2016 to consider amending Chapter 312 (Rights-Of-Way) of the Code of Indian River County with regard to prohibiting distribution of items in portions of the rights-of-way with drivers and passengers of vehicles

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the Notices into the record.

11. COUNTY ADMINISTRATOR MATTERS

- A. **16-975** Hurricane Matthew Update

County Administrator Jason Brown, in his PowerPoint Presentation, gave an update on Hurricane Matthew recovery efforts. He also reported that the Federal Emergency Management Agency (FEMA) Disaster Recovery Center has been opened at the Brackett Library.

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services**C. General Services****1. Human Services****2. Sandridge Golf Club****3. Recreation****D. Human Resources****E. Office of Management and Budget****F. Public Works****G. Utilities Services**

1. **16-949** West Wabasso Phase II Sewer and the East Gifford Drainage Project - CDBG and Cost Share Grant: Bid No. 2017012

Recommended Action:

The staff would like to present the following options for the BCC to consider:

1. Since the bid prices are approximately \$1 million over budget, do nothing and terminate the project. This may shed a negative light on the County's future grant opportunities.
2. Award the bid to the lowest, responsive and responsible bidder, Blue Goose Construction, for a total sum of \$2,258,721.70 to include Schedule A and B work. Fund the deficit from other funding sources.
3. Reject the two bids, modify the specifications and re-advertise. Please note that this is not a guarantee that the county will receive bids lower than mentioned above in item 2.

Staff recommends the rejection of all bids submitted in response to Invitation to Bid No. 2017012 and authorize staff to re-advertise based on the modifications described above.

Attachments: [Staff Report](#)

Director of Utilities Vincent Burke reported that the bids for the West Wabasso Phase II Sewer and the East Gifford Drainage Project came in at approximately \$1 million over the budget. In his PowerPoint Presentation, he provided background and discussed modifications which could reduce the cost, and encouraged the Board to rebid the Project. Director Burke noted that due to the County's receipt of a Community Development Block Grant and a Cost Share

Grant, there is a timeline involved.

Commissioner Zorc suggested reducing costs by having two lift stations to minimize dewatering depths.

Director Burke discussed the grant timelines.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to reject all bids submitted in response to Invitation to Bid No. 2017012 and authorize staff to re-advertise based on the modifications described in staff's report. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

Absent: 1 - Vice Chairman Flescher

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Bob Solari, Chairman

B. Commissioner Joseph Flescher, Vice Chairman

C. Commissioner Wesley S. Davis

D. Commissioner Peter D. O'Bryan

E. Commissioner Tim Zorc

1. 16-939 Hurricane Evacuation

Recommended Action: For review and discussion

Attachments: [Hurricane Evacuation](#)

Commissioner Zorc discussed the bottleneck which occurred at the intersection of Highway 441 and Highway 60 in Yeehaw Junction when residents were evacuating from Hurricane Matthew, and while they were returning after the storm. He would like to have staff contact the Florida Department of Transportation (FDOT) and other appropriate agencies to explore strategies to facilitate emergency evacuation through that intersection.

Bob Auwaerter, Councilman-Elect, Town of Indian River Shores, described the traffic congestion that occurred while he and other residents were evacuating from Hurricane Matthew, and then returning to the County after the storm.

Discussion followed about having the Metropolitan Planning Organization (MPO) explore options for facilitating emergency travel at the subject intersection.

A motion was made by Commissioner Zorc, seconded by Commissioner Davis, to direct staff to contact incoming Senate and House members, officials with the Florida Department of Transportation, Osceola County, the POL Transportation Planning Organization, MetroPlan Orlando, and any other related agency, to look at short and long-term solutions for the State Road 60 and Highway 441 roadways, in addressing a proper evacuation plan for County residents. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Commissioner Davis, Commissioner O'Bryan, and Commissioner Zorc

Absent: 1 - Vice Chairman Flescher

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 10:27 a.m.