

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 21, 2017

9:00 AM

Commission Chambers

Board of County Commissioners

Joseph E. Flescher, District 2

Peter D. O'Bryan, District 4

Susan Adams, District 1

Bob Solari, District 5

Tim Zorc, District 3

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

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

Maureen Gelfo Deputy Clerk

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**

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

3. PLEDGE OF ALLEGIANCE

Commissioner Tim Zorc

3.A. ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN

County Attorney Dylan Reingold commenced the election of the new Chairman and Vice Chairman of the Board of County Commissioners by opening the floor to nominations.

Commissioner Zorc nominated Commissioner O'Bryan for Chairman. There were no other nominations.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to close the floor to nominations. The motion carried by the following vote:

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

A motion was made by Commissioner Zorc, seconded by Commissioner Solari, to elect Commissioner Peter D. O'Bryan as Chairman of the Board of County Commissioners, effective November 21, 2017. The motion carried by the following vote:

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

3.B. ELECTION OF BOARD OF COUNTY COMMISSION VICE-CHAIRMAN

Attorney Dylan Reingold opened the floor to nominations for the Vice Chairman.

Commissioner Flescher nominated Commissioner Bob Solari for Vice Chairman. There were no other nominations.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to close the floor for nominations. The motion carried by the following vote:

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

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to elect Commissioner Bob Solari as Vice Chairman of the Board of County Commissioners, effective November 21, 2017. The motion carried by the following vote:

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

Attorney Reingold passed the gavel to Chairman O'Bryan, who spoke of his intention to continue with the Board's tradition of accepting public input.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Chairman O'Bryan noted that the Board had received two updates to the November 21, 2017 County Commission Agenda, as follows: (1) Item 8.F. Declaration of Excess Equipment as Surplus for Sale or Disposal; and (2) Item 13.B. Amendment to Hobart Tower Lease.

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, 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. 17-1185** Presentation of Monetary Grants for Recycling Pilot Program within the Indian River County School District, by Stephanie Fonvielle, Recycling Education and Marketing Coordinator, Indian River County

Recommended Action: Informational only - no action required.

Attachments: [Staff Report](#)
[WM Think Green Grant Recipient Confirmation Email](#)
[Carton Council Grant Recipient Confirmation Email](#)

Stephanie Fonvielle, Recycling Education and Marketing Coordinator, in her PowerPoint Presentation, gave an overview of the Indian River County School Recycling Pilot Program. She announced that recycling containers will be provided at Storm Grove Middle School, Vero Beach High School's Freshman Learning Center, Rosewood Magnet Elementary School, and Pelican Island Elementary School. Ms. Fonvielle read a letter from Barbara Heineken, Carton Council representative, and thanked the Carton Council for providing a \$5,000 grant to encourage carton recycling. She also extended appreciation to Waste Management for its \$2,500 Think Green Grant; Recycle Across America for donating labels for the recycling containers; and the Indian River County School District for its cooperation and support.

Amy Boyson, Community Affairs Manager for Waste Management, conveyed her enthusiasm for the pilot program.

Dr. Mark Rendell, Superintendent, Indian River County School District, thanked Himanshu Mehta, Managing Director of the Solid Waste Disposal District, and Ms. Fonvielle, for providing the School District with the opportunity to participate in the recycling endeavor.

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, commended Ms. Fonvielle on her work and for securing the grants.

A brief discussion ensued regarding an experimental program being initiated by Pelican Island Elementary to compost biodegradable food trays.

Commissioner Zorc acknowledged Waste Management's Government Affairs Director George Geletko and Manager Dina Reider-Hicks, who encouraged the County to pursue the grants which are available through Waste Management.

6. APPROVAL OF MINUTES

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

7.A. 17-1203 Thank You Note for Public Works Department

Recommended Action: No action required

Attachments: [Commissioner's Memorandum](#)

Chairman O'Bryan pointed out that the Public Works Department has received a thank you note acknowledging a road repair on 3rd Avenue S.W.

7.B. 17-1200 Indian River County Venue Event Calendar Review

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

Attachments: [Staff Report](#)

Chairman O'Bryan mentioned that the County's event calendar lists two months of events, including his South County Community Meeting and Commissioner Adams' Community Office Hours events.

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve the Consent Agenda, pulling Items 8.F., and 8.L. 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. 17-1191 Checks and Electronic Payments November 3, 2017 to November 9, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 3, 2017 to November 9, 2017

Attachments: [Finance Department Staff Report](#)

Approved

8.B. 17-1186 Vero Beach Regional Airport - Request for Letter of Support

Recommended Action: It is recommended that the Board of County Commission review and approve the draft letter of support for the Vero Beach Regional Airport's Small Community Air Service Development Program Grant Application.

Attachments: [Staff Report](#)
[Draft Letter of Support](#)

Approved

8.C. 17-1187 Miscellaneous Budget Amendment 001

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 2017-113, amending the Fiscal Year Budget 2017-2018 Budget.

- 8.D. 17-1188** Recommended Selection of Consultant for RFQ 2018006 - Engineering and Biological Support Services for Sector 3 Beach (Wabasso 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

- 8.E. 17-1193** Approval of Mailroom Copier Lease Agreement and Amendment with U.S. Bank and Atlantic Business Solutions Maintenance Agreement

Recommended Action: Staff recommends the Board authorize the Purchasing Manager to execute the U.S. Bank lease agreement and addendum, as well as the maintenance agreement with Atlantic Business Solutions.

Attachments: [Staff Report](#)
[US Bank Lease Agreement](#)
[US Bank State and Local Government Addendum](#)
[Atlantic Business Solutions Maintenance Agreement](#)

Approved staff's recommendation

- 8.F. 17-1195** Declaration of Excess Equipment as Surplus for Sale or Disposal

Recommended Action: Staff recommends the Board declare the items on the Excess Equipment List for 112117 Agenda as surplus and authorize their sale and/or disposal. There is no cost to the County associated with this request.

Attachments: [Staff Report](#)
[Excess Equipment List for 112117 Agenda](#)
[Additional / Supplemental Back-up](#)

County Administrator Jason Brown explained the necessity to include an additional seven vehicles to be surplus, as presented on the supplement to the Excess Equipment List.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to declare the items on the Excess Equipment List for the November 21, 2017 Agenda, including an additional seven vehicles as depicted on the supplement to the Excess Equipment List for the November 21, 2017 Agenda, as surplus, and authorize their sale and/or disposal. The motion carried by the following vote:

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

8.G. 17-1196 Miscellaneous Budget Amendment 021 (2016/2017 Fiscal Year)

Recommended Action: Staff recommends that the Board of County Commissioners approve Exhibit "A" amending the fiscal year 2016/2017 budget.

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

Approved staff's recommendation

8.H. 17-1198 Recommended Selection of Consultant for RFQ 2018007 - Engineering and Biological Support Services for Sector 7 (Porpoise Point) 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

8.I. 17-1183 Right-of-Way Acquisition - 66th Avenue Widening Project Owner: Melissa Dean & Donald Arthur Frost 6350 65th Street, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the 0.48 acres of property located at 6350 65th Street, Vero Beach, FL 32967, and authorize the

Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Purchase Agreement](#)
[Temporary Construction Easement](#)

Approved staff's recommendation

8.J. 17-1184 Right-of-Way Acquisition - 66th Avenue Widening Project Owner: Fischer Family Partnership, LLC 6425 77th Street, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the 0.27 acres of property located at 6425 77th Street, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

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

Approved staff's recommendation

8.K. 17-1192 Land Purchase - Future Expansion Owner: G & T, LLC 1612 20th Street, Vero Beach, FL 32960 and 2015 16th Avenue, Vero Beach, FL 32960

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the properties located at 1612 20th Street, Vero Beach, FL 32960 and 2015 16th Avenue, Vero Beach, FL 32960, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

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

Approved staff's recommendation

8.L. 17-1194 Countryside Citrus Well Mitigation Plan - Design Phase

Recommended Action: Staff recommends approval of Work Order No. 16 authorizing the referenced professional services and requests the Board of County Commissioners to authorize the Chairman to execute Work Order No. 16 on their behalf for a lump sum amount of \$44,608 to Kimley-Horn and Associates.

Attachments: [Staff Report](#)
[Work Order No. 16 and supporting documents](#)
[AdditionalBackupReceivedatMeeting](#)

Chairman O'Bryan relayed that the agenda item is designated as "Countryside

Well Mitigation Plan - Design Phase" and that the correct title should be "Frederick W. Van Antwerp and Florence B. Van Antwerp Well Mitigation Plan - Design Phase." He explained that Countryside Citrus is a lessee, while the Van Antwerps are the property owners.

Commissioner Zorc made mention that the County may have need of the property in the future, and suggested that if the owners were willing, perhaps the sale of the Antwerp property could be discussed as part of the "cure options."

Chairman O'Bryan suggested that Commissioner Zorc discuss his ideas with Director of Utilities Vincent Burke and County Attorney Dylan Reingold, for potential inclusion in staff's future dialogues with the Van Antwerps.

Attorney Reingold pointed out that both the Work Order and the exhibit have been drafted with the Van Antwerp name.

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

8.M. 17-1201 Subordination of City Utility Easements to the Florida Department of Transportation, for the SR 60/43rd Avenue Project

Recommended Action: Staff recommends the Board of County Commissioners approve the Subordination of City Utility Interests with the City of Vero Beach and the Florida Department of Transportation, for the SR 60/43rd Avenue Project and approve the accompanying Resolution authorizing the Chairman to execute the Subordination on behalf of the Board.

Attachments: [Staff Report](#)
[Subordination of City Utility Interest](#)
[Authorizing Resolution](#)

Approved Resolution 2017-114, authorizing the Chairman's execution of a Subordination of City Utility Interests for the Florida Department of Transportation for the 43rd Avenue/State Road 60 Project.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

- 10.C.1. 17-1171** Notice of Scheduled Public Hearing for December 5, 2017: County Initiated Request to Amend the 5 Year Capital Improvements Program and the Supporting Data and Analysis of the Capital Improvements Element of the Comprehensive Plan for the Period FY 2017/18 - 2021/22 (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.2. 17-1190** Notice of Scheduled Public Hearing for December 5, 2017: Dee Brown's Request for Abandonment of a Portion of 21st Place Between 97th Road and East 98th Avenue Lying South of Lots 1-3, Block I-I and North of Lots 7-9, Block H-H of Vero Tropical Gardens, Unit 2 [ROWA-17-07-04 / 2003090183-79125] (Legislative)

Recommended Action: This notice of 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.

11. COUNTY ADMINISTRATOR MATTERS**12. DEPARTMENTAL MATTERS****A. Community Development**

- 12.A.1. 17-0963** Condemnation, Demolition and Removal of Unsafe Structure Located at 4076 Old Dixie Highway, Vero Beach

Recommended Action: Staff recommends that the Board of County Commissioners declare this structure unsafe and a nuisance, and order the building demolished, with related debris removed from the property by a private vendor approved through standard bid procedures. Staff further recommends that the Board adopt the resolution authorizing the Building Official to report the County's demolition and debris removal cost for the structure to the County Attorney for the preparation and recording of a lien to be placed on the real property of the owner of the demolished unsafe structure for the purpose of recovering the County's demolition costs.

Attachments: [Staff Report](#)
[Resolution](#)
[Condemnation List](#)
[Pictures of Condemned Structure - Club Bali](#)

Deputy County Attorney William DeBraul provided background and analysis on staff's request to condemn a structure, known as the Club Bali, which is located at 4076 Old Dixie Highway. He displayed photographs depicting the state of the building, and mentioned that Summit Tax Partners, the property owner, has not responded to staff's communications.

Attorney Michael O'Hare, representing Mr. Cobb (the neighboring property owner), spoke in support of the demolition of the Club Bali structure.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to: (1) declare the structure located at 4076 Old Dixie Highway, Vero Beach, unsafe and a nuisance, and order the building demolished, with related debris removed from the property by a private vendor approved through standard bid procedures; and (2) approve Resolution 2017-115, providing for the demolition of an unsafe structure and the recovery of costs. The motion carried by the following vote:

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

Chairman O'Bryan recognized the following Indian River Charter High School students who were present in the Chambers: Samuel Girard, Mikhaila Callahan, and Derek Callahan.

B. Emergency Services

12.B.1. 17-1189 Signing of Work Order No. 3 for Radio System P25 Migration Project

Recommended Action: Staff recommends the Board approve Work Order No. 3 with Communications International, Inc. and authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[Work Order No. 3](#)
[Exhibit A](#)
[Quote from Communications International, Inc.](#)

Director of Emergency Services Fire Chief John King provided background on the interoperable digital two-way communications system for public safety organizations. He described the need to make enhancements to the Countywide P25 Microwave Radio System, and attested to the value of the radio systems during severe emergency situations.

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. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

12.E.1. 17-1204 4th Quarter Preliminary FY 2016/2017 Budget Report

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[Qtrly Budget Report Q4 201617 revenue](#)
[Qtrly Budget Report Q4 201617 expense](#)
[Reports at a glance-Sept 2017 prelim](#)
[Budget Amendment History](#)

Director of Management and Budget Michael Smykowski, through a PowerPoint Presentation, provided a detailed overview of the Fourth Quarter Fiscal Year 2016-2017 Preliminary Budget Report, which describes the preliminary total budget as of September 30, 2017. In his review of the Municipal Service Taxing Unit (MSTU) Funds, he reported that the Intergenerational Facility (IG) was showing an intake of 57.7% of revenue as a percentage of the operating expense.

Commentary followed by the Board and staff regarding the popularity and high utilization of the IG Facility for community events.

Commissioner Zorc requested staff to develop a mechanism to track the utilization rates of the Fairgrounds, the IG Facility, and other County rental facilities, to determine how much of a facility's available capacity is being used, and whether additional marketing is needed.

Assistant County Administrator Michael Zito stated that staff would provide a breakdown of each individual rental space in the IG, as well as data on the Fairgrounds, noting that the highest revenue is generated through private rentals.

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. 17-1172 Indian River County Committees - Member Reappointments

Recommended Action: The County Attorney recommends that the Board consider the list of committee members requesting reappointment, and reappoint such members as the Board deems appropriate.

Attachments: [Staff Report](#)

[List of Committee Members Requesting Reappointment 2018](#)

[List of Anticipated Committee Vacancies \(Informational Purposes Only\) 2018](#)

County Attorney Dylan Reingold recalled the Board's approval of Resolution 2011-072, which appoints the County Attorney to monitor the member terms of certain boards and committees. He relayed that after checking with the members whose terms were expiring in January 2018, staff had compiled a list of committee members who wish to be reappointed for another term. He advised that a list of committee vacancies had been included in staff's report, and asked the Board to reappoint the members it deems appropriate.

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.B. 17-1205 Amendment to Hobart Tower Lease

Recommended Action: The County Attorney's Office recommends that the Board authorize Jason Brown, County Administrator for Indian River County, to execute the amendment to the Original Agreement with GTP Towers I, LLC, and the corresponding W-9.

Attachments: [Staff Report](#)
[First Amendment to Lease Agreement](#)
[Replacement First Amendment to Lease Agreement](#)

Chairman O'Bryan noted that a revision has been made to "The First Amendment to License Agreement," and is included in the agenda package.

Assistant County Attorney Kate Pingolt Cotner recalled that in 2008, the County entered into a license agreement with Global Tower Assets, LLC (Global Assets), for the construction of Global Assets' communication tower at Hobart Park. The original agreement will expire in 2018, with a provision to extend the lease for a total of twenty years. She reported that GTP Towers I, LLC, the successor to Global Assets, has requested an amendment to the original license agreement, which would extend the lease for an additional fifteen (15) years beyond the twenty (20) years stated in the original agreement. She reviewed the terms of GTP Towers I, LLC's proposed amendment, and clarified that the revision to "The First Amendment to License Agreement" removes the clause giving GTP Towers I, LLC a limited right of first refusal if a third-party competitor of GTP Towers wants to purchase the property.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to authorize County Administrator Jason Brown to execute a number of documents, including: (1) the revised amendment to the Original Agreement with GTP Towers I, LLC; (2) the corresponding W-9 form; (3) the Memorandum of License; and (4) the Resolution and Consent Affidavit prepared by American Tower. 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 Joseph E. Flescher****B. Commissioner Peter D. O'Bryan****C. Commissioner Susan Adams****D. Commissioner Bob Solari****14.D.1. 17-1197** Senate Bill 574, Senator Greg Steube's Tree Bill

Recommended Action: Discussion regarding whether or not to add Senate Bill 574 to Indian River County's list of legislative concerns.

Attachments: [Commissioner's Memorandum](#)
[Senate Bill 574](#)
[Editorial--If a Tree Falls](#)
[Gainesville Sun--Tree Article](#)

Vice Chairman Solari provided background on Senator Greg Steube's proposed Senate Bill 574 (SB 574), which would preempt to the State, regulations relating to trees and vegetative debris. He spoke against the State being able to dictate how local governments handle their tree regulations. He requested that Attorney Cotner add this to the County's legislative priority list, and voice the Board's opposition to legislators.

Chairman O'Bryan commented that this would be categorized in the County's legislative priority list under Protecting Home Rule.

Attorney Cotner disclosed that staff has discussed the bill with Senator Steube, and that he is considering an amendment to the bill regarding vegetative debris. She affirmed that staff will continue to discuss this topic with legislators.

A brief discussion followed about Senate Bill 572, sponsored by Senator Debbie Mayfield. The bill relates to All Aboard Florida's Brightline High Speed Railway.

E. Commissioner Tim 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 adjourned the meeting at 10:31 a.m.