

# 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, January 10, 2017

9:00 AM

Commission Chambers

### Board of County Commissioners

*Joseph E. Flescher, Chairman, District 2  
Peter D. O'Bryan, Vice Chairman, 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  
Shelli Gagnon, Deputy Clerk

## 1. CALL TO ORDER

### ROLLCALL

**Present:** 4 - Chairman Joseph Flescher  
Vice Chairman Peter O'Bryan  
Commissioner Susan Adams  
Commissioner Bob Solari

**Absent:** 1 - Commissioner Tim Zorc

## 2. INVOCATION

Stan Boling, Community Development Director

## 3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Chairman

### 3.A CONSTITUTIONAL OFFICERS OATH OF OFFICE

The Honorable Robert L. Pegg, Circuit Judge, Nineteenth Judicial Circuit Court of Florida

Circuit Judge Robert L. Pegg administered the Oath of Office to Constitutional Officers Jeffrey R. Smith, Clerk of Circuit Court and Comptroller; David Nolte, Property Appraiser; Deryl Loar, Indian River County Sheriff; Leslie R. Swan, Supervisor of Elections; and Carole Jean Jordan, Tax Collector.

The Chairman called a recess at 9:09 a.m., and reconvened the meeting at 9:21 a.m.

Commissioner Zorc entered the meeting during the recess at approximately 9:10 a.m.

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

Moved Item 12.E.1, Office of Management and Budget, to Item 12.D.1, Human Resources

Item 14.E.1. to be heard under Item 11, County Administrator Matters

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Zorc, to approve the Agenda, as amended. The motion carried by the following vote:**

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

## 5. PROCLAMATIONS and PRESENTATIONS

**5.A 17-0027** Presentation on 2018 Vero Beach Air Show by Colonel Marty Zickert on behalf of the Veterans Council of Indian River County

**Recommended Action:** Presentation Only No Action Required

Retired Colonel Marty Zickert, USAF, provided information on the Vero Beach Air Show for 2018. Colonel Zickert reported that The Blue Angels will be appearing, with the tentative dates set for April 21, 2018 and April 22, 2018. He also spoke about two upcoming fundraisers being held at the Indian River County Shooting Range; one to benefit the Veteran's Council, and one to benefit the Blue Angels.

Commissioner Zorc asked for a video link for the 2018 Vero Beach Air Show to be placed on the County website, and Vice Chairman O'Bryan made the request to Mr. Zickert to communicate to the Blue Angels that, from his perspective, the Board wanted The Blue Angels to fly low, fast, and loud, so that when the residents heard them, they would recognize the sound of freedom flying overhead.

- 5.B 17-0003** Presentation by Ann Berner, Chief Executive Officer, and Becky Walker, Director of Network Management, Southeast Florida Behavioral Health Network on the Requirements of Senate Bill 12 for a county Transportation Plan and Designated Receiving System, and a Report on the Criminal Justice Mental Health Reinvestment Act Grant awarded for the Mental Health Court in Indian River County.

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

Becky Walker, Director of Network Management, Southeast Florida Behavioral Health Network, provided background on the Requirements of Senate Bill 12, relating to mental health and substance abuse, for a County Transportation Plan and Designated Receiving System. She stated that Senate Bill 12 would require the County to collaborate with other managing entities to develop a plan that would provide transportation for patients who have been involuntarily committed, and designate the proper receiving facilities to be used for care. She explained that an approval must be made by the County, Southeast Florida Behavioral Health Network, and the Department of Children and Families; and that the Plan must be implemented by July 1, 2017.

County Attorney Dylan Reingold noted that he would continue working to ensure that a Plan came before the Council and the Board before July 1, 2017.

A short discussion ensued regarding any allocated funding from the Legislature for the Bill, the transportation entities involved in the Baker Act process, and an estimate of how many people would be affected by Senate Bill 12 annually.

Ms. Walker also updated the Board on the Report on the Criminal Justice Mental Health Reinvestment Act Grant that has been awarded to the Mental Health Court in Indian River County.

**6. APPROVAL OF MINUTES****6.A 17-0013** Regular Meeting of November 15, 2016

**Recommended Action:** Approve

**Attachments:** [11152016BCC](#)

Approved

**6.B 17-0009** Regular Meeting of November 22, 2016

**Recommended Action:** Approve

**Attachments:** [Minutes 11222016 BCC](#)

Approved

**6.C 17-0010** Regular Meeting of December 6, 2016

**Recommended Action:** Approve

**Attachments:** [Minutes 12062016 BCC](#)

A motion was made by Commissioner Zorc, seconded by Vice Chairman O'Bryan, to approve the Regular Meeting Minutes of November 15, 2016, November 22, 2016, and December 6, 2016. The motion carried by the following vote:

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

**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A 17-0004** Proclamation Designating January 22 - 28, 2017, as Indian River County School Choice Week

**Recommended Action:** Informational Only. No Action Required

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

Indian River County School Board Member Shawn Frost described School Choice Week and expressed gratitude to the Board for recognizing the variety of opportunities in education that have been made available in this community.

**No Action Taken**

**7.B 17-0007** Florida Public Service Commission Consummating Order No. PSC-16-0577-CO-EI, In re: Petition for limited proceeding for approval to include

in the base rates the revenue requirement associated with the acquisition of the Osprey Plant and Phase 2 of the Hines chiller uprate project, by Duke Energy Florida, LLC

**Recommended Action:** Informational Only

**Attachments:** [PSC-16-0577-CO-EI](#)

**No Action Taken**

**7.C 17-0017 Fitch Press Release**

**Recommended Action:** The information contained herein is for informational purposes only and does not require any formal action by the Board of County Commissioners

**Attachments:** [Staff Report](#)  
[Fitch Press Release](#)

Commissioner Solari commented on the AAA ratings given to Indian River County's Water and Sewer Revenue Refunding Bonds, series 2009, and commended the Utilities Department for their efforts.

**No Action Taken**

**7.D 17-0035 Electronics and Household Hazardous Waste Recycling Event on January 21, 2017**

**Recommended Action:** No action needed.

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

Himanshu Mehta, Managing Director, Solid Waste Disposal District, provided information on the Electronics and Household Hazardous Waste Recycling Event scheduled for January 21, 2017, in the parking lot at the North County Pool.

**No Action Taken**

**7.E 17-0032 Indian River County Venue Event Calendar Review**

**Recommended Action:** Informational Only - No Action Required

**Attachments:** [Indian River County Venue Event Calendar Review](#)

**No Action Taken**

**7.F 17-0031 2017 Committees Vacancies**

**Recommended Action:** There are no qualified applicants to be considered for appointment.

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

[Vacancies List - Info 01.02.17](#)

The Chairman presented the current 2017 Committee Vacancy List.

**No Action Taken**

**7.G 17-0042** Job Fair for Lowe's

**Recommended Action:** No action required

**Attachments:** [Informational - Job Fair for Lowe's](#)

Commissioner O'Bryan presented information on a job fair to be held by Lowe's Home Improvement Stores on January 12, 2017 for Treasure Coast locations.

**No Action Taken**

**7.H 17-0043** Job Fair--City of Fort Pierce

**Recommended Action:** No Action Required

**Attachments:** [Item 7 Jan 10 2017 Job Fair Fort Pierce](#)

Commissioner O'Bryan announced the job fair being held by the City of Fort Pierce at the Percy Peek Gymnasium on January 19, 2017, from 10:00 a.m. to 2:00 p.m.

**No Action Taken**

**7.I 17-0044** Employment Report for November 2016

**Recommended Action:** No Action Required

**Attachments:** [Nov. 2016 Employment Report](#)

**No Action Taken**

**8. CONSENT AGENDA**

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

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

**8.A 17-0005** Approval of Checks and Electronic Payments December 9, 2016 to December 15, 2016

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 9, 2016 to December 15, 2016

**Attachments:** [Approval of Checks and Electronic Payments December 9, 2016 to December 15, 2016](#)

**Approved**

**8.B 17-0021** Approval of Checks and Electronic Payments December 16, 2016 to December 22, 2016

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period December 16, 2016 to December 22, 2016

**Attachments:** [Approval of Checks and Electronic Payments December 16, 2016 to December 22, 2016](#)

**Approved**

**8.C 17-0023** Approval of Checks and Electronic Payments December 23, 2016 to December 29, 2016

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period December 23, 2016 to December 29, 2016

**Attachments:** [Approval of Checks and Electronic Payments December 23, 2016 to December 29, 2016](#)

**Approved**

**8.D 17-0028** Public Official Bonds/Renewal Certificates - Constitutional Officers

**Recommended Action:** Approve Public Official Bonds

**Attachments:** [Memo Bonds Info Item](#)  
[Surety Bond - Carole Jean Jordan](#)  
[Surety Bond \(Continuation Certificate\) - Sheriff Deryl Loar](#)  
[Surety Rider & Certificate of Liability Insurance - Jeff Smith](#)

**Approved**

**8.E 17-0041** Cancellation of Agreement for Reservation of Right-of-Way for United Irrigation, Inc.

**Recommended Action:** Staff recommends the Board approve the Cancellation of Agreement for Reservation of Road Right-of-Way and authorize the Chairman to execute the document on behalf of the Board.

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

[Cancellation of Agreement for Reservation of Road Right-Of-Way](#)

Approved staff's recommendation.

- 8.F 17-0025** The Reserve At Vero Beach P.D. - Phase 2, Substitution of Security for Road and Drainage Warranty and Final Lift of Asphalt Guaranty

**Recommended Action:** Authorize the Chairman of the Board of County Commissioners to execute the attached Modification to Warranty and Guaranty Agreement for Required Improvements Contract No. PD-14-06-04-R&D2(2) and Modification to Contract for Construction for Final Lift of Asphalt Contract No. PD-14-06-04-FLA-PH2 memorializing the substitution of security.

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

[Modification to Warranty and Guaranty Agreement for Required Improvements](#)  
[Modification to Contract for Construction for Final Lift of Asphalt](#)

Approved staff's recommendation.

- 8.G 17-0033** Miscellaneous Budget Amendment 004

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

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

[Resolution](#)  
[Exhibit "A"](#)

Approved **Resolution 2017-001**, amending the Fiscal Year 2016-2017 Budget.

- 8.H 17-0024** Approval of Hourly Rate Increase for Day Labor Services Bid 2015020

**Recommended Action:** Staff recommends the Board approve the \$0.05 hourly rate increase and authorize the Purchasing Division to issue blanket purchase orders at the new hourly rate with People Ready for the period beginning January 11, 2017 through December 31, 2017.

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

[Rate Change Request Memo from People Ready](#)

Approved staff's recommendation.

- 8.I 17-0020** Designation of M.H. Corbin as Sole Manufacturer and Jace Chandler & Associates as Sole Source Provider of Traffic Counter/Classifier Equipment



**Recommended Action:** Staff recommends the Board declare M.H. Corbin the sole source manufacturer and Jace Chandler & Associates as the County's sole source distributor for all traffic counting related equipment and waive the requirement for bids for their purchase, as needed.

**Attachments:** [Staff Report](#)  
[Jace Chandler & Associates Letter](#)  
[Jace Chandler Quote](#)

**Approved staff's recommendation.**

**8.J 17-0018** Work Order No. 2 Morgan & Eklund, Inc. 2017 Beach Profile Monitoring Surveys (WINTER)

**Recommended Action:** The recommendation of staff is for the Board to approve Work Order No. 2 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc. and authorize the Chairman to sign on behalf of the County.

**Attachments:** [Staff Report](#)  
[Work Order No. 2 Morgan Eklund](#)

**Approved staff's recommendation.**

**8.K 17-0038** Work Order No. 11 with Kimley-Horn and Associates for the Construction of Well No. 4 at South County RO Plant (SCRO)

**Recommended Action:** Staff recommends approval of Work Order No. 11 authorizing the professional services, and requests the Board to authorize the Chairman to execute the same on their behalf for a sum amount of \$135,563.00 to Kimley-Horn and Associates.

**Attachments:** [Staff Report](#)  
[Work Order No. 11 and supporting documents](#)  
[Existing Well No. 4 Condition Assessment Report](#)

**Approved staff's recommendation.**

**8.L 17-0029** Work Order No. 10 with KHA - North RO Water Treatment Facility

**Recommended Action:** Staff recommends that the BCC approve Work Order No. 10 with Kimley-Horn and Associates, Inc., for the lump sum of \$47,384.00, and authorize the Chairman to executive the same, as presented.

**Attachments:** [Staff Report](#)  
[Work Order Number 10](#)

**Approved staff's recommendation.**

**8.M 17-0016** Children's Services Advisory Committee's Annual Report, 2015-2016

**Recommended Action:** Staff recommends that the Board accept the Annual Report and the Year-End Report for 2015-2016 as submitted.

**Attachments:** [Staff Report](#)  
[CSAC 2015-16 Annual Report - Reviewed by Budget](#)

**Approved staff's recommendation.**

**8.N 17-0040** Approval for Release of Final Payment to Summerlin's Marine Construction, LLC, Bid No. 2016024 - Round Island Riverside Park Boardwalk

**Recommended Action:** Staff respectfully requests that the Board authorize the release of final payment of \$46,300 to Summerlin's Marine Construction, LLC.

**Attachments:** [Staff Report](#)  
[Summerlins Marine Construction LLC Final Inv 3144](#)  
[Summerlins Marine Construction LLC - Agreement](#)

**Approved staff's recommendation.**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES****9.A 17-0014** Indian River County Supervisor of Elections Leslie R. Swan - Request to have the City of Vero Beach and City of Sebastian revenues received for the November elections, in the amount of \$16,573.50, rolled into the 2016/2017 Supervisor of Elections Budget.

**Recommended Action:** It is recommended that the Board of County Commission authorize rolling the November election revenues received from the City of Vero Beach and City of Sebastian in the amount of \$16,573.50 into the 2016/2017 Supervisor of Elections budget.

**Attachments:** [Letter Dated 12-22-16](#)

**A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to approve rolling the November election revenues received from the City of Vero Beach and City of Sebastian in the amount of \$16,573.50 into the 2016-2017 Supervisor of Elections Budget. The motion carried by the following vote:**

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

**9.B 17-0015** Indian River County Supervisor of Elections Leslie R. Swan - Request that a Reimbursement Check in the amount of \$3,336 from Neopost be rolled into the 2016/2017 Supervisor of Elections Budget.

**Recommended Action:** It is recommended that the Board of County Commission authorize the reimbursement check in the amount of \$3,336 from Neopost be rolled into the 2016/2017 Supervisor of Elections Budget

**Attachments:** [Letter Dated 12-22-16](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the reimbursement check from Neopost in the amount of \$3,336.00, be rolled into the Supervisor of Elections 2016-2017 Budget. The motion carried by the following vote:

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

## **10. PUBLIC ITEMS**

### **A. PUBLIC HEARINGS**

### **B. PUBLIC DISCUSSION ITEMS**

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

## **11. COUNTY ADMINISTRATOR MATTERS**

## **12. DEPARTMENTAL MATTERS**

### **A. Community Development**

### **B. Emergency Services**

### **C. General Services**

#### **1. Human Services**

#### **2. Sandridge Golf Club**

#### **3. Recreation**

### **D. Human Resources**

#### **12.D.1 17-0022 Update on Acupuncture Benefit**

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

Suzanne Boyll, Human Resources Director, updated the Board on the changes to the acupuncture benefit that were discussed and approved on December 20, 2016, and reported that those changes will be implemented on February 1, 2017.

She advised that she would be continuing to monitor claims and evaluate whether additional plan modifications need to be made in the future.

Vice Chairman O'Bryan recalled discussions from the December meeting where a representative from the acupuncture clinic mentioned that the collection of a co-payment (co-pay) would be implemented on January 1, 2017, and asked if there was a way to monitor if a co-pay is being collected. He expressed that he felt as though the Board came up with a fair, equitable solution to the issue, but remained unsure if the issue would not have to be addressed again at a later time.

Commissioner Zorc stated that he was satisfied with staff's presentation, and echoed Vice Chairman O'Bryan's thoughts about having to revisit the issue in the future.

#### **E. Office of Management and Budget**

#### **F. Public Works**

#### **G. Utilities Services**

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

#### **13.A 17-0030 Ordinance Concerning Medical Cannabis**

**Recommended Action:** The County Attorney's Office recommends that the Board vote as to whether to proceed with an ordinance which would regulate low-tetrahydrocannabinol (THC) and medical cannabis dispensing facilities under section 381.986, Florida Statutes, in the same manner as medical marijuana treatment centers under Amendment 2. If the Board wishes for the County Attorney's Office to draft such an ordinance, the County Attorney's Office recommends that the Board vote as to whether the ordinance should contain additional requirements for medical marijuana treatment centers and such dispensing facilities.

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

County Attorney Dylan Reingold provided background on the regulations adopted by the Board pertaining to medical marijuana and explained that even though medical cannabis and medical marijuana are the same, they are regulated under a different framework. He detailed a recent Statute adopted by the Florida Legislature which prohibits local governments from regulating the cultivation and processing of medical cannabis, but allows a county to adopt ordinances governing the criteria for the number, the location, and other permitting requirements for medical cannabis dispensing facilities. The County Attorney's Office requested direction

from the Board as to whether to draft an ordinance regulating medical cannabis dispensing facilities, and if the drafted ordinance should contain additional requirements for medical marijuana treatment centers and medical cannabis dispensing facilities.

Commissioner Solari suggested that the regulations for the medical cannabis dispensing facilities be combined with the existing Ordinance regulating medical marijuana. He felt that if additional requirements were added for medical marijuana treatment centers, it would give a competitive advantage to any existing dispensary facilities.

Commissioner Zorc posed questions regarding the amount of medical cannabis dispensing facilities that were currently dispensing FDA regulated cannabis, whether medical cannabis would be distributed in regular pharmacies, and the process of how patients would get those prescriptions filled.

Vice Chairman O'Bryan expressed his concern that if regulations were too restrictive for the low-THC (tetrahydrocannabinol) facilities, that those residents who legitimately have a need would not be able to obtain medical marijuana for their conditions because of the restrictions on the locations of the dispensing facilities. He stated that he would be voting against this motion for fear the people with legitimate prescriptions would not be able to obtain them due to the availability being limited to the two areas available in this County.

**A motion was made by Commissioner Solari, seconded by Chairman Flescher, to direct the County Attorney to: 1) draft an ordinance which will incorporate into the current code, regulations concerning medical cannabis dispensing facilities; and 2) ensure that the details are consistent and compliant with state law. The motion carried by the following vote:**

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

**Nay:** 1 - Vice Chairman O'Bryan

#### **14. COMMISSIONERS MATTERS**

**A. Commissioner Joseph E. Flescher, Chairman**

**B. Commissioner Peter D. O'Bryan, Vice Chairman**

**C. Commissioner Susan Adams**

**D. Commissioner Bob Solari**

**E. Commissioner Tim Zorc****14.E.1 17-0039** Florida Blue Acupuncture Information

**Attachments:** [Florida Blue Acupuncture 01102017](#)

**15. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District****B. Solid Waste Disposal District**

The Board reconvened at 10:10 a.m., as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved under the next Solid Waste Disposal District Meeting.

**15.B.1 17-0008** Approval of Minutes meeting of November 22, 2016

**Recommended Action:** Approve

**Attachments:** [11222016SWDD](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Solid Waste Disposal District meeting Minutes of November 22, 2016. The motion carried by the following vote:**

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

**15.B.2 17-0037** CCNA-2014 Work Order No. 9 to CDM Smith, Inc. for the 2017 Annual Financial Reports

**Recommended Action:** SWDD staff recommends that its Board approve Work Order No. 9 and authorize the Chairman to execute the same, as presented.

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

[CCNA-2014 Work Order No. 9 - CDM Smith, Inc.](#)

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

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

**15.B.3 17-0036** Final Pay for CDM Smith CCNA 2014 Work Order No. 5 - Full Cost Accounting and Financial Assurance Reporting

**Recommended Action:** SWDD staff recommends that its Board approve CDM Smith's final invoice amount of \$804.00.

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

[CDM Smith Project Completion Report & Final Invoice](#)

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

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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 10:13 a.m.