

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, April 3, 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

Shellie Kasper, Deputy Clerk

1. CALL TO ORDER**2. 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**

Rabbi Michael Birnholz, Temple Beth Shalom

(Clerk's Note: Commissioner Zorc entered the meeting at 9:04 a.m.)

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

4.A. 18-1667 Emergency Addition to April 3, 2018 Agenda - County Administrator's Matters
Agenda Item 11.A: Millstone Landing - Progress Update

Recommended Action: It is recommended the Board consider the progress at Millstone Landing, and provide direction to staff on issuance of Building Permits and continuation of the issuance of Certificates of Occupancy.

Attachments: [Staff Report](#)

Moved: Item 13.C. County Attorney Matters: 2018 State Legislative Final Report to be heard following Proclamations and Presentations.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, 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. 18-1597 Presentation of Proclamation Honoring Penny Chandler on Her Retirement from the Indian River County Chamber of Commerce

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Penny Chandler, with each member of the Board congratulating her on her retirement.

Read and Presented

5.B. 18-1489 Presentation of Proclamation Recognizing the Month of April as Guardian Ad Litem Month

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Vice Chairman Solari read and presented the Proclamation to Wendy Rodriguez, Supervising Child Advocate Manager, State of Florida Guardian ad Litem Program.

Read and Presented

5.C. 18-1569 Presentation of Proclamation Designating the Month of April, 2018 as Child Abuse Prevention Month

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Angel Robertson, Community Relations Specialist from the CASTLE Program, accompanied by members of The Exchange Club of Indian River.

Read and Presented

5.D. 18-1572 Presentation of Proclamation Designating the Day of April 10, 2018, as Equal Pay Day

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Suzanne Jones, who was accompanied by members of the American Association of University Women.

Read and Presented

5.E. 18-1604 Presentation of Proclamation Observing April 2018 as Aviation Appreciation Month

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to Simon Caldecott, CEO, Piper Aircraft; Stephanie Lowery, FlightSafety Academy; Robert Paugh, President, Vero Beach Air Show; and Eric Menger, Airport Director, Vero Beach Regional Airport.

Read and Presented

5.F. 18-1625 Presentation on Indian River STEAM Fest by Stephanie Watson, Kelly J. Brown, and Mie Powell

Recommended Action: No Action Required

Attachments: [STEAM Fest Information](#)
[Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Stephanie Watson, Kelly Brown and Mie Powell.

Read and Presented

6. APPROVAL OF MINUTES

6.A. 18-1640 Regular Meeting of February 13, 2018

Recommended Action: Approve

Attachments: [02132018BCC](#)

Approved

6.B. 18-1632 Regular Meeting of February 20, 2018

Recommended Action: Approve

Attachments: [02202018BCC](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of February 13, 2018; and the Regular Meeting Minutes of February 20, 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. 18-1627** Florida Public Service Commission Consummating Order No. PSC-2018-0152-CO-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: Informational Only

No Action Taken or Required

- 7.B. 18-1629** Final "State Approved" Indian River County Local Housing Assistance Plan for Fiscal Years 2018-2019, 2019-2020, and 2020-2021

Recommended Action: The approved LHA plan for FY 2018-2019, FY 2019-2020, and FY 2020-2021 is provided to the Board for its information. No action is needed at this time.

Attachments: [Staff Report](#)
[2018-2021 LHAP](#)

No Action Taken or Required

- 7.C. 18-1634** 2018 Beach and Shores Preservation Advisory Committee Chairman and Vice-Chairman Election

Recommended Action: Informational

Attachments: [Staff Report](#)

The Beach and Shore Preservation Advisory Committee members voted to elect Michael Ochsner as Chairman and Bob Anderson as Vice Chairman of the Committee for 2018.

No Action Taken or Required

- 7.D. 18-1637** City of Sebastian Ordinance 0-18-03, Notice of Annexation of 182.87 Acres, is on file in the Office of the Clerk to the Board

Recommended Action: Informational Only

No Action Taken or Required

- 7.E. 18-1642** Continuing Participation with St. Lucie County and Martin County in the Treasure Coast HOME Program Consortium

Recommended Action: This staff report is for the Board's information and no action is needed at this time.

Attachments: [Staff Report](#)

No Action Taken or Required

- 7.F. 18-1652** Update on All Aboard FL/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

- 7.G. 18-1651** Residential Paper Shredding Event on April 7, 2018

Recommended Action: No action needed - for informational purposes only.

Attachments: [Staff Report](#)

Stephanie Fonvielle, Recycling Education and Marketing Coordinator, SWDD, provided information on the upcoming Residential Paper Shredding Event.

No Action Taken or Required

- 7.H. 18-1656** Announcing the Winners of the "Drop Savers" Water Conservation Poster Contest

Recommended Action: No action needed - informational item only.

Attachments: [Staff Report](#)
[Drop Savers Poster Contest Handout](#)
[Drop Savers Winning Posters](#)
[Photos of Drop Savers Winners](#)

Stephanie Fonvielle, Recycling Education and Marketing Coordinator, SWDD, recognized Grayton Del Tufo, Edy Dowd and Anna Gruber as the first, second, and third place prize winners for the annual "Drop Savers" Water Conservation Poster Contest.

No Action Taken or Required**8. CONSENT AGENDA**

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda, as amended, pulling Items 8.E., 8.F., and 8.J. for discussion. The motion carried by the following vote:

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

8.A. 18-1624 Checks and Electronic Payments March 9, 2018 to March 15, 2018

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

Attachments: [Finance Department Staff Report](#)

Approved

8.B. 18-1638 Checks and Electronic Payments March 16, 2018 to March 22, 2018

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

Attachments: [Finance Department Staff Report](#)

Approved

8.C. 18-1567 Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard Inc. to Provide Interfacility Transportation Services

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "B" Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard Inc., to be effective for a period of two (2) years from May 4, 2018 to May 4, 2020.

Attachments: [Staff Report](#)
[COPCN Renewal Application Coastal Health Services of Brevard, Inc.](#)
[COPCN Certificate Coastal Health Services of Brevard, Inc.](#)

Approved staff's recommendation

- 8.D. 18-1583** GH Vero Beach Development, LLC's Request for Final Plat Approval for a Development to be known as Laguna Village at Grand Harbor, Plat 34 [PD-15-12-04 / 99020110-80718]

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners grant final PD plat/plan approval for Laguna Village at Grand Harbor, Plat 34.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation

- 8.E. 18-1626** Award of Bid No: 2018021 IRC Jail Complex Roofing Replacement, Recover and Repair Project

Recommended Action: Staff recommends that the project be awarded to Atlantic Roofing II of Vero Beach, Inc. in the amount of \$1,263,655.00 and requests that 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](#)
[Sample Agreement](#)

Chairman O'Bryan made mention of the roof replacement and repair project for the Indian River County Jail Complex, and noted that the bid came in higher than the engineer's estimate.

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

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

The Chairman called for a recess at 10:51 a.m., and reconvened the meeting at 11:03 a.m. with all members present.

- 8.F. 18-1641** 26th Street - Advance Acquisition of Right-of-Way 5816 26th Street, Vero Beach, FL 32966

Recommended Action: Staff recommends the Board approve the Residential Contract for Sale and

for the 1.49 acres of property located at 5816 26th Street, Vero Beach, FL 32966, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)

[Residential Contract for Sale and Purchase](#)

Vice Chairman Solari commented on the recommended purchase of a 1.49 acre parcel of property located on 26th Street for the widening of 26th Street to four lanes between 58th and 66th Avenue. With the assistance of County Administrator Jason Brown, he explained the reasoning behind the purchase price of the property and noted that since one of the parties involved was a former County Commissioner, Wesley Davis, he felt that it was necessary to discuss the issue for transparency purposes.

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

8.G. 18-1646 Work Order No. 3 Environmental Science Associates, Jungle Trail Shoreline Stabilization Project

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 3 to the contract with Environmental Science Associates and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)

[Environmental Science Associates Work Order No. 3](#)

[Project Location Map](#)

Approved staff's recommendation

8.H. 18-1647 Work Order No. 2018006-2, Aptim Environmental & Infrastructure, Inc. Sector 3 Beach and Dune Renourishment - Design and Permitting

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2018006-2 to the contract with Aptim Environmental & Infrastructure, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)

[Aptim Environmental & Infrastructure, Inc. Work Order No. 2018006-2](#)

Approved staff's recommendation

- 8.I. 18-1650** Approval of Agreement - Aptim Environmental & Infrastructure, Inc. for Engineering and Biological Support Services for Sector 5 (Vero Beach) Beach and Dune Renourishment Project. RFQ# 2018029

Recommended Action: Staff recommends the Board approve the negotiated standard fee schedule and the “master” agreement with APTIM and requests the Board to authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[Aptim Environmental & Infrastructure, Inc. Agreement and Fee Schedule](#)

Approved staff's recommendation

- 8.J. 18-1654** Amendment No. 1 to Work Order No. 10 with Kimley-Horn and Associates - North Reverse Osmosis Water Treatment Facility 2016/2017

Recommended Action: Staff recommends that the Board of County Commissioners approve Amendment No.1 to Work Order No. 10 with Kimley-Horn and Associates, for an additional sum amount of \$24,582.00 for a total lump sum amount of \$71,966.00, and authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
[Amendment No. 1 to Work Order No. 10](#)

Carter Taylor, 2235 Silver Sands Court, expressed his concerns regarding the renewal of the Spoonbill Marsh operating permit.

Chairman O'Bryan explained to Mr. Taylor that this Agenda Item was an Amendment to a Work Order with a consultant, not a Public Hearing, and that he would have the opportunity to present his information at a Public Hearing on April 12, 2018 from 1:00 p.m. to 4:00 p.m.

Donna Halleran, 925 Greenbrier Avenue, Vice President of Pelican Island Audubon Society, asked to have this item postponed until after the Public Hearing was held.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, 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.K. 18-1655** 22nd Street SE Sewer Lateral Replacement: Approval of Change Order and Final Payment Blue Goose Construction Work Authorization No. 2018-002

Recommended Action: Staff recommends that the Board of County Commissioners approve Change Order No. 1 to reduce Work Authorization No. 2018-002 by \$6,809.31, and to authorize final payment to Blue Goose Construction in the amount of \$8,191.25.

Attachments: [Staff Report](#)
[Change Order No. 1](#)
[Blue Goose Construction Invoice](#)

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. 18-1608 Ocean Trail, LLC's Request for Vacation of the Hideaway Cove Subdivision Plat [PVSD-79-04 (221) / 2000120037-80175] (Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners vacate the Hideaway Cove Subdivision plat and authorize the chairman to execute the attached plat vacation resolution.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Aerial](#)
[Plat Vacation Resolution](#)

Community Development Director Stan Boling, through the use of a PowerPoint Presentation, provided background and analysis on Ocean Trail, LLC's request to vacate the Hideaway Cove Subdivision Plat.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, sought and received information from the Board regarding the vacation of the plat.

There being no further comments, the Chairman closed the Public Hearing.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve: 1) Staff's recommendation; and 2) Resolution 2018-036, providing for the vacation of Hideaway Cove subdivision, Plat Book 10, Page 60, Indian River County, said land lying and being in 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

10.A.2. 18-1609 Ocean Trail, LLC's Request for Abandonment of the West 20 Feet as shown as Additional Right-of-Way Dedication on the Plat of Hideaway Cove Subdivision [ROWA-17-11-05 / 2000120037-80055] (Legislative)

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

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Aerial](#)
[Hideaway Cove Subdivision Plat](#)
[Abandonment Resolution](#)
[County Deed](#)

Through the use of a PowerPoint Presentation, Community Development Director Stan Boling provided details on the abandonment of a 20-foot wide strip of property that was dedicated as a right-of-way on the Plat of Hideaway Cove Subdivision.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve: 1) Staff's recommendation; and 2) Resolution 2018-037, providing for the closing, abandonment, vacation and discontinuance of the west 20.00 feet of Hideaway Cove Subdivision lying east of State Road A-1-A Highway, according to the map or plat thereof, as recorded in Plat Book 10, Page 60, 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

10.A.3. 18-1631 Schwerin and Other's Request to Rezone ± 9.94 Acres from MED to CG (RZON-99070136-80287) & County's Request to Rezone ± 0.20 Acres from MED to CG (RZON-2018010067-81006) (Quasi-Judicial)

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve both the “Schwerin and Others” request and the county initiated request to rezone the “Colley Property” to CG (General Commercial District) by approving the two attached ordinances.

Attachments: [Staff Report](#)

[Summary Page](#)

["Schwerin and Others" Rezoning Application](#)

["Colley Property" Rezoning Application](#)

[Approved Minutes of the January 25, 2018 Planning and Zoning Commission meeting](#)

[Approved Minutes of the February 8, 2018 Planning and Zoning Commission meeting](#)

[Table of Uses for Commercial Zoning Districts](#)

[Copy of July 13, 1999 BCC Staff Report for Rezoning ±136 Acres to MED](#)

[Copy of July 27, 2001 BCC Staff Report for Rezoning ±6.09 Acres from MED to PD](#)

[County Staff's Correspondence with "Colley Property" Taxpayer of Record](#)

[Rezoning Ordinance for "Schwerin and Others"](#)

[Rezoning Ordinance for "Colley Property"](#)

Chairman O'Bryan introduced the parties for the proceeding as being Indian River County (the Colley Property) and Warren L. Schwerin, Schwerin Realty Corp., Michael J. Buchel and Santo Molino (Schwerin and Others).

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

The Chairman opened the Public Hearing.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling provided a PowerPoint Presentation on the location and existing land uses for the subject property located on the southeast corner of 41st Street and U.S. Highway 1. He explained the purposes for the proposed rezoning of the Colley Property and the Schwerin and Other's Property, as well as the anticipated environmental impacts associated with the proposal.

Vice Chairman Solari made comments regarding the Colley Property being too small to develop, and that it would be in the best interest of the Colley Family to participate in the rezoning, as it would be more difficult to develop the property in the future without a separate rezoning request.

Attorney Bruce Barkett, Collins, Brown, Caldwell, Barkett, Garavaglia and Lawn, Chartered, representative for the applicant, provided an update on negotiations with the nearby property owners from the Casa Bella Subdivision, and representatives of the Casa Bella of Vero Beach Home Owners Association (Casa Bella HOA) endorsed staff's recommendation.

Curtis Johnson, Jr., nearby property owner, explained that he was concerned about the fate of the area and the potential tax impacts that the rezoning would have on the property owners.

Bob Johnson, Coral Wind Subdivision, asked about where the current owners of the property reside, if the rezoning would affect ownership, and if there was documentation of the owner's approval of the rezoning. Director Boling acknowledged that the owner had been notified on multiple occasions, and had not taken a formal position on whether to support or not support the rezoning request.

A short discussion ensued with Chairman O'Bryan assuring Mr. Johnson that staff had gone above and beyond what is required by law in notifying the property owner, and explained that the County-initiated request for the rezoning of the Colley Property would be of benefit to the owner of the property.

The Chairman asked for any final presentations by staff and the applicant, and verified that the Deputy Clerk was in possession of all documents that had been admitted into evidence.

The Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to: 1) approve staff's recommendation; 2) adopt Ordinance 2018-007, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±9.94 acres located south of 41st Street and east of US Highway 1, from MED, Medical District, to CG, General Commercial District; and providing codification, severability, and effective date; and 3) adopt Ordinance 2018-008, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±0.20 acres located south of 41st Street and approximately 90 feet east of US Highway 1, from MED, Medical District, to CG, General Commercial District; and providing codification, severability, and effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS**18-1671** Millstone Landing Update

County Administrator Jason Brown recalled the meeting of March 6, 2018, where the Board authorized the lifting of the moratorium on Certificates of Occupancy (COs) for Millstone Landing through April 3, 2018.

Public Works Director Richard Szyrka provided an update regarding the construction progress of the Millstone Landing development Project.

Chairman O'Bryan stated that he felt that enough progress had been made to be comfortable with lifting the moratorium on COs, and was willing to consider the acceptance of building permit applications, but not allow the issuance of permits until after the Public Works Director was satisfied with the construction progress and brings it back to the Board for final approval.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to approve to : 1) lift the moratorium on Certificates of Occupancy; and 2) at the Public Works Director's discretion, allow the acceptance of building permit applications, but to suspend the issuance of building permits until final approval from the Board. The motion carried by the following vote:

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

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**

12.F.1. 18-1644 Indian River County Welcome Sign Design and Locations

Recommended Action: Staff recommends that the Board of County Commissioners select and approve one of the two available County Welcome Sign designs and one of the four available finishes. In addition, Staff recommends that the Board of County Commissioners approve some or all of the five locations identified on the County Welcome Sign Location Map.

Attachments: [Staff Report](#)
[County Welcome Sign Design Alternatives](#)
[County Welcome Sign Location Map](#)

Infrastructure Project Manager Andy Sobczak gave a brief background on the County Welcome Sign project, and explained that in order to move forward with the placement of the signs, the Board needed to select a sign design and finish, as well as review the locations for the Welcome Signs.

Each Commissioner stated their preferences as to the sign's design and finish, and it was the Board's CONSENSUS to select Design Option 2 with the graphics centered; the Cobblestone finish; and approved sign locations at South County U.S. Highway 1; State Road 60 and Interstate 95 Interchange; County Road 512 and Interstate 95 Interchange; and North County U.S. Highway 1.

12.F.2. 18-1653 Award of Bid No. 2018005 58th Avenue Resurfacing/Reclamation from 26th Street to 49th Street (IRC-1324, FM No. 434840-1-54-01)

Recommended Action: Staff recommends the Board approve award to the lowest responsive and responsible bidder, Timothy Rose Contracting, Inc. for \$2,825,641.68. Staff further recommends the Board authorize the Chairman to execute the agreement upon review and approval of both the agreement and required public construction bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

Attachments: [Staff Report](#)
[Bid Comparison](#)
[Sample Agreement](#)
[Mancil's Tractor Services, Inc. Protest with IRC-Purchasing Response](#)

Public Works Director Richard Szyrka provided details on the bid process for the 58th Avenue resurfacing project, and explained the reasons for the protest made by Mancil's Tractor Service regarding the award of the bid to Timothy Rose Contracting, Inc.

Commissioner Zorc sought and received additional information from Director Szyrka regarding the protest made by Mancil's Tractor Service.

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

G. Utilities Services

12.G.1. 18-1657 Waive the Bid Process for Holding Tank Restoration at the Residuals Dewatering Facility - UCP 4138

Recommended Action: Staff recommends the Board of County Commissioners waive the Bid Process and authorize the Purchasing Division to issue a purchase order to Concrete Conservation, Inc., in the amount of \$249,700.00 for the restoration of all three (3) tanks at the Residuals Dewatering Facility.

Attachments: [Staff Report](#)
[Letter from SBS](#)

Director of Utilities Services Vincent Burke gave an analysis on the deterioration of the concrete holding tanks at the Residual Dewatering Facility located at the Indian River County Landfill. He explained the causes for the corrosion of the coating system, and that in order to keep the facility running efficiently, it was determined that the best solution was to have all three (3) tanks lined with the SpectraShield system that is currently being utilized at the South and Central Wastewater Treatment Plant with high success.

Vice Chairman Solari sought and received information from Director Burke regarding the operations of the facility while the work was being completed, and the origin of the hydrogen sulfide gas that has been determined to cause the deterioration of the concrete holding tanks.

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

13. COUNTY ATTORNEY MATTERS

- 13.A. 18-1628** Resolution Authorizing the Florida Department of Transportation to Acquire Property Rights for County Road 609 (82nd Avenue/Ranch Road) from 69th Street to County Road 510

Recommended Action: Staff recommends the Board of County Commissioners approve the Resolution authorizing the Florida Department of Transportation to acquire property rights for County Road 609 (82nd Avenue/Ranch Road) from 69th Street to County Road 510 and authorize the Chairman to execute the Resolution on behalf of the Board.

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

Deputy County Attorney William DeBraal provided details about the Florida Department of Transportation's (FDOT) request to acquire property rights for lands needed for CR 609 (82nd Avenue/Ranch Road) from 69th Street to CR 510 to make 82nd Avenue connect Oslo Road to CR 510.

A motion was made by Commissioner Zorc, seconded by Chairman O'Bryan, to approve: 1) Staff's recommendation; and 2) Resolution 2018-038, authorizing the Florida Department of Transportation to acquire property rights. The motion carried by the following vote:

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

- 13.B. 18-1630** Memorandum of Understanding between the County and the Sheriff's Office for Standard Software License and Service Agreement

Recommended Action: Staff recommends the Board of County Commissioners approve the Memorandum of Understanding with the Sheriff's Office for Standard Software License and Service Agreement and authorize the Chairman to execute it on behalf of the Board.

Attachments: [Staff Report](#)
[Support Agreement](#)
[Memorandum of Understanding](#)

Deputy County Attorney William DeBraal provided details regarding the Memorandum of Understanding between the County and the Sheriff's Office for a software license and service agreement for the 911 software system primarily used by the Sheriff's Office. He recommended that the County and the Sheriff enter into a Memorandum of Understanding to determine each party's responsibilities concerning the agreement.

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

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

13.C. 18-1659 2018 State Legislative Final Report

Recommended Action: The County Attorney's Office recommends the Board direct staff to work with individual Indian River County Commissioners, the County's lobby team, the Treasure Coast Council of Local Governments, and the Florida Association of Counties to prepare for the 2019 legislative session by using the anticipated topics outlined in the 2018 Final Legislative Report.

Attachments: [Staff Report](#)
[Indian River County's 2018 State Legislative Final Report](#)

(Clerk's Note: This Item was heard immediately following Proclamations and Presentations, and is placed here for continuity.)

Assistant County Attorney Kate Cotner, through the use of a PowerPoint Presentation, provided an overview of the 2018 State Legislative Session. She detailed both the successes and the setbacks from the Session, and explained a list of what to expect for the 2019 Legislative Session. Attorney Cotner asked the Board for permission to be involved in conversations about how the State would be handling the 2020 Recycling Mandate, and the goal of 75% recycled material by the year 2020.

Erin Grall, Florida State Representative, District 54, expressed her appreciation to the Board for their involvement with the legislative process, for the accessibility and open lines of communication provided by staff, and for the efforts made behind the scenes during the Legislative Session.

Commissioner Zorc sought and received information from Attorney Cotner about the Office of Program Policy Analysis and Government Accountability (OPPAGA), which was the office directed to contract for the passenger rail safety study.

Each member of the Board and staff individually commended Representative Grall and Attorney Cotner for their hard work and dedication, and for their positive influences in Tallahassee.

Chairman O'Bryan incorporated Commissioner Zorc's Item 14.E.2. Discussion on Florida Housing Coalition State and Local Housing Trust for discussion.

Commissioner Zorc discussed the fact that the Florida Legislature has removed over \$2 billion in funding for the Florida State and Local Housing Trust Funds for use in other initiatives. He requested adding the funding for the State Housing Initiatives Partnership (SHIP) Program to the Legislative Priority List for the 2019 Legislative Session and to coordinate with the Florida Association of Counties.

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to give staff the authority to pursue conversations about the anticipated topics outlined in the 2018 Final Legislative Report with any regulatory agencies that staff deems appropriate, to prepare for the 2019 Legislative Session. The motion carried by the following vote:

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

It was the CONSENSUS of the Board during the meeting to incorporate the authority given in Item 13.C. into Item 14.E.2. Discussion of Florida Housing Coalition State and Local Housing Trust Funds.

13.D. 18-1633 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 draft a resolution initiating the conflict resolution procedure under the Florida Governmental Conflict Resolution Act.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold provided background on the City of Sebastian Fire Marshal Ordinance enacted by the City of Sebastian City Council, establishing an independent City Fire Marshal's Office that would have the same responsibilities as that of the Indian River County Fire Marshal's Office. Attorney Reingold asked the Board for guidance on how to proceed, and provided the steps needed in order to see if Indian River County Emergency Services District and the City would be able to resolve the differences between the two entities before any litigation is filed.

Vice Chairman Solari was in opposition of initiating a dispute resolution, and suggested writing a letter to the elected representatives of the City of Sebastian to offer a choice.

A lengthy discussion ensued with the Board and staff each expressing their individual opinions and concerns about the issues, and the acknowledgement of potential opportunities to offer better service because of the recent retirements from the department.

Tad Stone, Emergency Services Director and Fire Chief, answered Commissioner Zorc's questions regarding the effective date of the City of Sebastian's Fire Marshal Ordinance and spoke briefly about the City's request for assistance with their inspections.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to direct staff to draft a letter to the Sebastian City Council and to the Mayor providing the option of whether to stay with the Fire Marshal's District or exit from the Emergency Services District, with an additional paragraph concerning an interest in obtaining a conflict resolution. The motion carried by the following vote:

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

Nay: 1 - Commissioner Adams

The Chairman called for a short recess at 12:55 p.m. and reconvened the meeting at 1:02 p.m., with all members present.

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Bob Solari, Vice Chairman

C. Commissioner Susan Adams

14.C.1. 18-1658 Request Board Consideration for Discussion regarding Oslo Cemetery

Recommended Action: Discuss and Consider

Attachments: [Commissioner Memorandum](#)

[Deed](#)

[Corrective Deed](#)

[Quit Claim Deed](#)

[FL Statutes](#)

[County Attorney Letter](#)

Commissioner Adams summarized the history of the Oslo Cemetery, and mentioned that complaints had been received from individuals who had been unable to access the cemetery to visit the gravesites of deceased family members or obtain information about any available plots. She made mention that in the original transfer of ownership, there was a converter clause that stated "If the cemetery was no longer being used as a cemetery that the property would transfer back to the County."

County Attorney Dylan Reingold described the nature of recent conversations with the representative for the property owner, and stated that the property owner was open to further discussions concerning a resolution for the issues. He mentioned that he expected to have contact with the property owner in the next few weeks to discuss the situation further.

County Historian Ruth Stanbridge provided additional details about the Oslo Cemetery, and advocated for a resolution to the issues that have arisen because of the cemetery being owned by a private party.

Jane Peacock, Fort Walton Beach, Florida, and Chris Brunson, Atlanta, Georgia; family members of those currently buried in the Oslo Cemetery, expressed their concerns regarding cemetery access and asked for assistance in getting the issue resolved.

Chairman O'Bryan sought and received information from Ms. Stanbridge regarding the possibility of any interested parties forming a non-profit group that the County could contract with to maintain the cemetery, if the County were to take the property back.

Commissioner Adams suggested to continue conversations to address the maintenance of the property and the concerns of the family members, as well as obtaining an understanding of the laws that govern cemeteries and the requirements involved with allowing interested parties to form a group to operate the cemetery.

It was the CONSENSUS of the Board to direct staff to: 1) continue the conversations that address the concerns of the family members regarding access to the cemetery, the maintenance of the cemetery, and the ability of the family members to continue to be buried at the property; and 2) to research the laws governing cemeteries to determine which laws are applicable.

Referred to Staff

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

14.E.1. 18-1648 Discussion on Information regarding Takeover of Indian River Medical Center by Cleveland Clinic

Recommended Action: Discussion

Attachments: [Commissioner Memorandum](#)

Commissioner Zorc spoke about the treatment policies that are in place at the Indian River Medical Center for those with the inability to pay, and posed questions regarding the Cleveland Clinic's indigent care policies and a long-term care plan to continue to provide indigent care to the residents.

Ann Marie Suriano, Executive Director, Indian River County Hospital District, provided details about the indigent care services and affirmed that those services would continue to be provided. She explained that negotiations had not yet begun, but that the Hospital District would adopt some form of the Cleveland Clinic's Charity Care Policy. She explained that the specifics would not be available until negotiations were complete, but that she would provide an update to the Board as the outcome is presented.

14.E.2. 18-1649 Discussion on Florida Housing Coalition State and Local Housing Trust Funds

Recommended Action: Discussion and Action Request

Attachments: [Commissioner Memorandum](#)
[Historical Summary](#)

(Clerk's Note: This Item was heard in conjunction with Item 13.C. 2018 State Legislative Final Report)

15. SPECIAL DISTRICTS AND BOARDS

The Board reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

A. Emergency Services District

15.A.1. 18-1623 Sole Source Purchase of Four (4) Stryker Power-Pro XT Stretchers

Recommended Action: Staff recommends the Board declare asset numbers 25458, 25459, 25462, and 25457 as surplus, authorize their trade in and approve the sole source purchase of four (4) Stryker Power-Pro XT Stretchers.

Attachments: [Staff Report](#)
[Stryker Stretcher Price Quote](#)
[Stryker Sole Source Letter](#)

Commissioner Zorc sought and received information regarding the Stryker Power-Pro XT stretchers from Emergency Services Director Tad Stone.

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

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

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:24 p.m.