

# Indian River County Florida

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



## Meeting Minutes - Final

**Tuesday, May 2, 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**

**1. CALL TO ORDER****ROLLCALL**

**Present:** 5 - Chairman Joseph Flescher  
Vice Chairman Peter O'Bryan  
Commissioner Susan Adams  
Commissioner Bob Solari  
Commissioner Tim Zorc

**2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS****2.B. INVOCATION**

Reverend Jack Diehl, Pastor Emeritus, Our Savior Lutheran Church

**3. PLEDGE OF ALLEGIANCE**

Commissioner Bob Solari

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

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the 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

**5. PROCLAMATIONS and PRESENTATIONS**

- 5.A.**     [17-0403](#)     Presentation of Proclamation Designating May 16, 2017 as Peacemakers and Protectors Day

**Recommended Action:** Read and Presented.

**Attachments:**   [Proclamation](#)

Chairman Flescher presented the Proclamation to Susan Harris, Jetson Appliances Customer Relations & Networking Executive; Sandy Oswald Sosta, Velde Ford Internet Sales Manager; and Catherine Cadell, Director of Public Affairs, Veterans Council of Indian River County. Colonel Martin Zickert also attended the Proclamation Presentation.

**Read and Presented**

- 5.B.**     [17-0464](#)     Presentation of Proclamation Designating the Month of May as Mental Health Awareness Month

**Recommended Action:** Read and Presented.

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

Commissioner Zorc presented the Proclamation to Gabrielle Radcliff, Board of Directors President of Suncoast Mental Health; and Art Ciasca, former CEO of Suncoast Mental Health. Ms. Radcliff reminded the Board of the Vero Beach Wine and Film Festival to be held on June 8-11, 2017, as net proceeds will be donated to Suncoast Mental Health. Joanie Kelleher, Case Manager with New Horizons of the Treasure Coast, was also present and explained the services offered to assist those dealing with a crisis.

**Read and Presented**

- 5.C. [17-0441](#) Presentation of Proclamation Designating the Month of May, 2017, as Historic Preservation Month

**Recommended Action:** Read and Presented.

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

Commissioner Adams presented the Proclamation to Carolyn Bayless, President of the IRC Historical Society. Representatives from numerous clubs, also working to protect the roots of the community, were present.

**Read and Presented**

- 5.D. [17-0465](#) Presentation of Proclamation Designating May 1, 2017 as Law Day and May 1-7, 2017 as Law Week

**Recommended Action:** Read and Presented.

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

Commissioner Solari presented the Proclamation to Asheley Novander, President of the Young Lawyers Division, Indian River County Bar Association (IRCBA). Deputy County Attorney William DeBral was also in attendance for the Presentation.

**Read and Presented****6. APPROVAL OF MINUTES****7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

- 7.A. [17-0461](#) Update on All Aboard Florida/Vero Electric Expenses

**Recommended Action:** No Action Required

**Attachments:** [Staff Report](#)  
[All Aboard FL Expenses](#)  
[FP&L-Vero Beach-FMPA expenses](#)

**No Action Taken or Required**

7.B. [17-0440](#) Sebastian Lionfish Fest is back!

**Recommended Action:** Informational Item

**Attachments:** [Staff Report](#)  
[Event Flyer](#)  
[Tournament Flyer](#)  
[Hiram's Portfolio Ad](#)

Coastal Environmental Specialist Kendra Cope gave an informative Lionfish presentation, along with outlining the events of the upcoming 2nd Annual Sebastian Lionfish Fest.

**No Action Taken or Required**

7.C. [17-0452](#) Indian River County Venue Event Calendar Review

**Recommended Action:** No Board Action Required

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

**No Action Taken or Required**

7.D. [17-0447](#) Notice of Application for Division of Historic Resources Grant for the Jones' Pier Fruit Stand and Educational Kiosks at Significant Sites along Historic Jungle Trail

**Recommended Action:** No Board Action Required

**Attachments:** [Staff Report](#)  
[CA Authorization Letter](#)

**No Action Taken or Required**

7.E. [17-0474](#) U.S. Army Corps of Engineers Community Meeting on Remedial

Investigation/Feasibility Study scheduled for Tuesday, May 9, 2017, at 5:30 p.m. Indian River County Administration Complex, Building A, Commission Chambers

**Recommended Action:** Informational

**Attachments:** [Meeting Announcement](#)  
[Project Information](#)

**No Action Taken or Required**

- 7.F. [17-0458](#) Florida Public Service Commission Order No. PSC-17-0140-CO-EI In re: Petition for approval of a new optional pilot LED streetlight tariff, by Florida Power & Light Company, is available for review in the Office of the Clerk to the Board.

**Recommended Action:** Informational Only

**No Action Taken or Required**

- 7.G. [17-0481](#) Declaration Local State of Emergency in Connection with Wildfires

**Recommended Action:** Informational Only

**Attachments:** [Staff Report](#)  
[Proclamation Declaring Local State of Emergency](#)  
[Emergency Order 2017-001](#)  
[Office of Governor Executive Order 17-120](#)  
[Florida Forest Service County Burn Bans 4/26/17](#)

County Administrator Jason Brown addressed the Board, explaining why the County was under an emergency burn ban.

Emergency Services Director and Fire Chief John King gave cautionary details pertaining to the Local State of Emergency, noting that backyard campfire burning and fire-pit burning is not allowed at this time.

**No Action Taken or Required**

## **8. CONSENT AGENDA**

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Items 8.F., 8.H., 8.I., and 8.J. for discussion. The motion carried by the following vote:**

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

**8.A.**     [17-0430](#)     Checks and Electronic Payments April 7, 2017 to April 13, 2017

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 7, 2017 to April 13, 2017

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

Approved the list of checks and electronic payments as supplied by the Comptroller's office.

**Approved**

**8.B.**     [17-0442](#)     Checks and Electronic Payments April 14, 2017 to April 20, 2017

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 14, 2017 to April 20, 2017

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

Approved the list of checks and electronic payments as supplied by the Comptroller's office.

**Approved**

**8.C.**     [17-0437](#)     Landfill Escrow Agreement

**Recommended Action:** Approve the escrow agreement and authorize the Chairman to execute related documents

**Attachments:**   [Finance Department Staff Report](#)  
[Closing and Long-Term Care Escrow Agreement](#)

**Approved staff's recommendation**

**8.D.**     [17-0444](#)     Dori Slosberg Driver Education Safety Act, Indian River County Traffic Education Program Trust Fund Report Through 03/31/17

**Recommended Action:** Accept the report

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

**Approved staff's recommendation**

**8.E.**     [17-0457](#)     Travel Authorization for Service on Constitution Revision Commission

**Recommended Action:** Staff Recommends that the Board approve Reimbursement for Travel Expenses, in accordance with Section 112.061, Florida Statutes, when not covered by the Constitution Revision Commission.

**Attachments:** [Staff Report](#)  
[Travel Facts](#)  
[Travel Navigator - Office of the Governor](#)

**Approved**

**8.F. [17-0455](#) Agreement to Warranty and Guaranty Utility Improvements Under FEC Railway Property**

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the Contract for Construction of Utility Improvements on Florida East Coast Railway, LLC, Property and Agreement to Warranty and Guaranty Utility Improvements at Completion and to Provide a Bill of Sale, and authorize the Chairman to execute the same, as presented.

**Attachments:** [Staff Report](#)  
[Contract for Construction of Utility Improvements](#)

Commissioner Zorc suggested staff research Exhibit "B" in reference to the depth of the proposed underground piping for Utility Improvements on Florida East Coast Railway, LLC (FEC) property.

Director of Utility Services Vincent Burke agreed to contact FEC and the developer, to ensure that in the event that a double-track railway was required in the future, no issues would arise.

**A motion was made by Commissioner Zorc, seconded by Chairman Flescher, to approve staff's recommendation, amended to authorize the Chairman to sign any amendments consistent with the discussed changes, if necessary. The motion carried by the following vote:**

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

**8.G. [17-0450](#) Final Pay and Release of Retainage to E&D Contracting Services, Inc., to Rehabilitate the Headworks at Central Wastewater Treatment Plant - UCP #4111, Bid No. 2016023**

**Recommended Action:** Staff recommends that the BCC approve the Final Pay Application in the amount of \$18,000.00 and release of retainage of \$15,232.80 for a total payment of \$33,232.80 to E&D Contracting Services.

**Attachments:** [Staff Report](#)  
[Final Pay Application](#)

**Approved staff's recommendation**

- 8.H. [17-0451](#) Request for Repair - Smith & Loveless Pista Grit Chamber, South County Wastewater Treatment Facility

**Recommended Action:** The staff of IRCDUS recommend that the Board of County Commissioners (BCC) waive the bid requirement and authorize the Purchasing Division to issue a purchase order to the Sanders Company for \$86,924.00 for the OEM Smith & Loveless Model 7 Pista 270 Grit Chamber, and authorize the County Administrator to sign the sales agreement, after approval by the County Attorney.

**Attachments:** [Staff Report](#)  
[Smith & Loveless Inquiry Number 25320](#)  
[Sole Source Letter, Sanders Company OEM](#)

Vice Chairman O'Bryan suggested this item be opened for public input, as staff has recommended waiving the bid requirement.

Chairman Flescher asked for public input; however, there was none.

**A motion was made by Vice Chairman O'Bryan, 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

- 8.I. [17-0462](#) Miscellaneous Budget Amendment 013

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the resolution amending the fiscal year 2016/17 budget.

**Attachments:** [Staff Report](#)  
[2016 2017 Resolution](#)  
[Exhibit "A" BA 013](#)

Vice Chairman O'Bryan communicated that the proposed Budget Amendment would allow for an additional Assistant Fire Chief position, in order for a seamless succession when dealing with the upcoming retirements.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Resolution 2017-037, amending the Fiscal Year 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

- 8.J. [17-0435](#) Approval of Award for Bid 2017040 - Admin Complex Buildings A&B Roof Replacement



**Recommended Action:** Staff recommends the Board award Bid 2017040 to the lowest, responsive and responsible bidder, Advanced Roofing, Inc., and authorize the Chairman to execute the agreement after approval by the County Attorney as to legal form and sufficiency, the receipt and approval of the required public construction bond, and the receipt and approval of the required insurance.

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

Commissioner Zorc aired concerns generated by the public regarding the removal of the tile roof, and replacing it with a metal roof. Due to the fact that the tile roof was leaking, he confirmed that the County received a settlement which would cover a significant portion of the replacement.

Public Works Director Rich Szyrka explained the process taking place, with the next step being to award the contract to the low bidder. They would then return to the Board with the material and color samples so that a final decision on color could be made.

**A motion was made by Commissioner Zorc, 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

- 8.K.** [17-0439](#) Release of Retainage for CB&I Coastal Planning and Engineering, Inc., Work Order No. 13 - Sector 3 Beach Restoration, 2016 Physical Monitoring

**Recommended Action:** Staff recommends the Board approve the release of all withheld retainage under Work Order No. 13 in the amount of \$4,995.33.

**Attachments:** [Staff Report](#)  
[Release of Retainage WO 13 - Sector 3 CB&I - Retainage Invoice](#)

**Approved staff's recommendation**

- 8.L.** [17-0436](#) Work Order No. 12-Engineering-Kimley-Horn & Associates, Inc. 1st Street SW and 27th Avenue Intersection Signalization Improvement

**Recommended Action:** Staff recommends approval of Work Order No. 12 to Kimley-Horn & Associates Inc. authorizing design of traffic signalization plans for 1st Street SW and 27th Avenue and requests the Board to authorize the Chairman to execute Work Order No. 12 on their behalf for a lump sum amount of \$23,140.00.

**Attachments:** [Staff Report](#)  
[Kimley Horn & Associates, Inc. Work Order No. 12](#)

**Approved staff's recommendation**

- 8.M.**     [17-0443](#)     Work Order No. 2, Masteller & Moler, Inc. IRC Courthouse Judges Security Upgrades

**Recommended Action:** Staff recommends approval of Work Order No. 2 to Masteller & Moler, Inc. authorizing the professional services as outlined in the Scope of Services, and requests the Board authorize the Chairman to execute Work Order No. 2 on their behalf for a total lump sum amount of \$26,432.50.

**Attachments:**   [Staff Report](#)  
                      [Work Order No. 02](#)

**Approved staff's recommendation**

- 8.N.**     [17-0445](#)     Work Order No. 02 - Andersen Andre Consulting Engineers, Inc. CR512 Westbound Resurfacing (Roseland Road to US 1) and CR512 Eastbound Resurfacing (Easy Street to US 1) - Testing Services

**Recommended Action:** Staff recommends approval of Work Order No. 2 to Andersen Andre Consulting Engineers, Inc. authorizing the professional services as outlined in the Scope of Services and requests the Board to authorize the Chairman to execute Work Order No. 2 on their behalf for a not-to-exceed amount of \$98,732.00.

**Attachments:**   [Staff Report](#)  
                      [Work Order No. 2](#)  
                      [Scope of Services \(Exhibit A\)](#)

**Approved staff's recommendation**

- 8.O.**     [17-0448](#)     HUD Grant Renewals for Homeless Management Information System (HMIS) and Continuum of Care (CoC) Program

**Recommended Action:** Staff recommends the Board: 1) Acknowledge the renewal of awards by HUD in the aggregate amount of \$849,564. 2) Authorize the Budget Office to process reimbursement requests from the TCHSC pursuant to the terms of the original grants. 3) Approve the budget resolution amending the fiscal year 2016/2017 budget.

**Attachments:**   [Staff Report](#)  
                      [HUD FY 2016 Coc Program Letter](#)  
                      [BA 014 HUD Grants](#)  
                      [BA 014-Exhibit A](#)

**Approved: (1) staff's recommendation; and (2) Resolution 2017-038, amending the**

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Fiscal Year 2016-2017 Budget.

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

- 10.A.1. [17-0453](#)** Consideration of a Proposed Land Development Regulation Amendment to Chapter 913 (Subdivisions and Plats) Allowing Lot Splits for Commercial Property (Legislative)

**Recommended Action:** Staff recommends that the Board of County Commissioners adopt the proposed commercial lot split ordinance.

**Attachments:** [Staff Report](#)  
[February 14, 2017 BCC Agenda Item and Minutes](#)  
[Draft April 13, 2017 PZC Minutes](#)  
[Proposed Ordinance](#)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

Community Development Director Stan Boling used a PowerPoint Presentation to explain the proposed streamlined process for dividing commercial property.

Chairman Flescher opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, sought and received information from Director Boling regarding buffering in the residential area along 5th Street SW and Oslo Road. It was explained that all buffering and landscaping requirements would remain the same.

Black Swan Consulting President Joe Paladin asked Director Boling if there would be any changes in reference to creating perimeter roads and out parcels, and it was explained that they would continue to be required to go through the platting process.

Ralph Poppell, 525 34th Ave SW, spoke in support of the proposed changes, and thanked staff and the Board for their efforts.

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

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to adopt Ordinance 2017-004, concerning amendments to its Land Development Regulations (LDRs); providing for amendment to Chapter 913,**

Subdivisions and Plats; by amending Section 913.06(1) Unlawful Activity and 913.06(2) Exemptions; and by providing for repeal of conflicting provisions; codification; severability; and effective date. The motion carried by the following vote:

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

## **B. PUBLIC DISCUSSION ITEMS**

**10.B.1.** [17-0456](#) Request to Speak from Fred Mensing Regarding All Aboard Florida - Brightline

**Recommended Action:**

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

Fred Mensing, 7580 129th Street, spoke regarding All Aboard Florida/Brightline and the Florida East Coast (FEC) Railroad. In addition, he pled for a tunnel that would run under the railroad, allowing vehicle access to the hospital district.

**No Action Taken or Required**

## **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**

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

**12.E.1.** [17-0460](#) Quarterly Budget Report

**Recommended Action:** No action required.

**Attachments:** [Staff Report](#)[Reports at a glance March 2017](#)[Qtrly Budget Report Q2 201617 revenue](#)[Qtrly Budget Report Q2 201617 expense](#)[Budget Amendment History](#)

Management and Budget Director Michael Smykowski used a PowerPoint Presentation to review the Quarterly Budget Report.

Discussion ensued amongst Vice Chairman O'Bryan, County Administrator Jason Brown, and Commissioner Zorc in reference to credits involving ad valorem taxes, franchise fees, and impact fees.

Bob Johnson, Coral Wind Subdivision, sought and received answers regarding traffic impact fee revenue due to Corrigan Ranch changing municipalities.

Jeffrey R. Smith, Clerk of Circuit Court and Comptroller, noted that efforts have been concentrated on audits regarding tourist tax, with there being a substantial collection from a local hotel. He also mentioned, in response to a question from Commissioner Zorc, that initiating the Registration Information Sharing and Exchange Program (RISE) will generate some additional tourist tax dollars.

The chairman called for a recess at 10:59 a.m., and reconvened at 11:08 a.m., with all members present.

**No Action Taken or Required**

**F. Public Works****G. Utilities Services****12.G.1. [17-0454](#)**

Collier Creek Estates Subdivision (Utility Phase 2) and Harbor Point Subdivision (Utility Phase 3) Petition Water Assessment Project, Resolutions I (Preliminary Assessment Roll) and II (Public Hearing Date)

**Recommended Action:** The staff of the Utilities Department recommends the following: 1) Adopt the resolution providing for the installation of the water main within Utility Phase 2 of Collier Creek Estates Subdivision and Utility Phase 3 of Harbor Point Subdivision, subject to the terms outlined in the resolution. The BCC shall establish the applicable interest rate at the time the final assessment roll is approved. 2) Adopt a resolution setting the time and place of the Public Hearing on Tuesday June 13, 2017, at 9:05 am, in the Indian River County Commission Chambers.

**Attachments:** [Staff Report](#)  
[Providing Resolution \(Resolution I\)](#)  
[Setting Resolution for Public Hearing \(Resolution II\)](#)  
[Assessment Roll](#)  
[Assessment Area Map](#)

Director of Utility Services Vincent Burke explained that 60 benefiting parcels would be included in the Collier Creek Estates Subdivision (Utility Phase 2) and Harbor Point Subdivision (Utility Phase 3) Petition Water Assessment Project, if approved. He also confirmed, as directed, that staff has applied for the Florida Department of Environmental Protection (FDEP) permit for the entire area. The next step would be the notification process, which would involve staff mailing letters to the 60 property owners; notifying the public via the newspaper; informing the City of Sebastian in order to notify the Council on May 24, 2017; and conducting an informal meeting at the Sebastian Yacht Club on May 25, 2017. Staff would then return to the Board for a Public Hearing on June 13, 2017 at 9:00 a.m.

Vice Chairman O'Bryan expressed satisfaction pertaining to the cost, as all property owners would be assessed the same dollar amount with no regard to which Phase the property lies.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Resolution 2017-039, providing for a water main extension from 101 Barbara Court to and including 108 Barbara Court; 101 Arega Street to and including 110 Arega Street; 201 Arega Street to and including 213 Arega Street; 200 Hunt Court to and including 204 Hunt Court; and 201 Banks Court to and including 203 Banks Court, within portions and Phases Two and Six of the Subdivision of Collier Creek Estates (Utility Phase 2); and providing for a water main extension from 100 Harbor Point Drive to and including 117 Harbor Point Drive; and 900 S. Fleming Street to and including 907 S. Fleming Street within Harbor Point Subdivision (Utility Phase 3), located within the City of Sebastian, in Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served; and Resolution 2017-040, setting a time and place at which the owners of properties from 101 Barbara Court to and including 108 Barbara Court; 101 Arega Street to and including 110 Arega Street; 201 Arega Street to and including 213 Arega Street; 200 Hunt Court to and including 204 Hunt Court; and 201 Banks Court to and including 203 Banks Court, within portions of Phases Two and Six of the Subdivision of Collier Creek Estates (Utility Phase 2); and from 100 Harbor Point Drive to and including 117 Harbor Point Drive; and 900 S. Fleming Street to and including 907 S. Fleming Street within Harbor Point Subdivision (Utility Phase 3), located within the City of Sebastian, in Indian River County, Florida; and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extensions, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby.**

**The motion carried by the following vote:**

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

**12.G.2. [17-0470](#)** Update on the Residuals Dewatering (Biosolids) Facility

**Recommended Action:** Staff recommends the BCC: 1. Shut down all haulers who are from out of county immediately and authorize staff to notify IRC haulers they have 30 days to find alternative arrangements for any waste they currently pick up out of county. 2. Direct staff to work with the County Attorney's office to create an agreement similar to the one in use by Brevard County that can be tailored for use by IRC haulers. 3. Direct staff to evaluate the cost basis and pricing structure of the facility to determine fair and equitable rates to cover operating expenses and environmental concerns.

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

[Brevard County Sample Septage and Grease Hauler Agreement-Application](#)  
[Three Year Cost Summary of the Biosolids Operation](#)

Director of Utility Services Vincent Burke used a PowerPoint Presentation to explain the Florida Department of Environmental Protection (FDEP) Consent Order 17-0072, and the options that staff is recommending in order to come back into compliance. Grab sampling and testing all incoming septage for ten days revealed that the Residuals Dewatering Facility (RDF), also known as the Biosolids Facility, which accepts sewage and other waste from haulers throughout the Treasure Coast and Brevard County, was a main contributor to the West Regional Wastewater Treatment Facility (WRWWTF) exceedances. The grab samples revealed extremely high Nitrogen and Phosphorus levels, with strengths beyond the design capacity of the plant. Due to the urgency of the situation, staff felt that the RDF must stop receiving out of county waste, as 66% of the hauled waste by septic haulers was not generated from locations within Indian River County (IRC). It was also recommended that IRC haulers be given 30 days to find alternate arrangements for any waste currently being picked up outside the County.

Also included in the Presentation was a chart which compared RDF and four other area facilities, that showed the rate charged per wet ton on incoming waste. The RDF charged substantially less; therefore, staff recommended increasing the rate per wet ton.

Commissioner Zorc supported staff's recommendations, but mentioned that raising the rates would not solve the problem, and his concern was for the residents and the volume produced within the County.

Director Burke offered to test each load brought to the facility in order to identify the contents, but confirmed that the results would not be available for five to seven days after the fact, and would require an additional \$40,000 per month for lab costs.

Commissioner Solari expressed great concern, noting that the system at the WRWWTF is not designed to treat the sludge coming in with unacceptable Nitrogen and Phosphorus levels.

Vice Chairman O'Bryan brought up the idea of a possible emergency rate, charting the intake, and using the past 24 days of usage as a guideline to establish a monthly cap. He supported the concern for the residents of IRC.

Gary Johnston, Sebastian, suggested fining the haulers who are dumping loads with excessive Nitrogen and Phosphorus levels.

Chairman Flescher explained the emergency compliance situation, his interest in having a meeting with out-of-county haulers, and his support for revising the rules moving forward so that the problem could be rectified.

Mike Spears, owner of All-County Septic & Plumbing and Denny's Septic, addressed the Board offering to pay higher rates, and looking for a way to continue to dump waste at the RDF, due to the fact that St. Lucie County does not have a facility.

Commissioner Solari suggested staff schedule a meeting with out-of-county haulers, along with St. Lucie County and FDEP, in the near future, to move toward a long-term solution.

Suggestions and concerns offered by Jason Marcano, All-Star Septic Services; Jason Harris, All About Septic Services; Bruce McCullers, Reliable Septic; and Kyle Meeks, Meeks Plumbing, were well received.

Cheryl Dunn, Florida Department of Health, offered support at future meetings and idea sessions.

**A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve staff's recommendation with the following amendments; (1) to direct staff, within 30 days, to work with out-of-county haulers who are picking up waste within IRC; (2) to direct staff to continue working on a long-term solution with the haulers, St. Lucie County, and other regulatory and sister agencies; and (3) to allow staff the funding needed to work toward a solution. The motion carried by the following vote:**



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

County Attorney Dylan Reingold and County Administrator Jason Brown explained that temporarily increasing the rate per wet ton of sewage to \$15.00 would be justifiable.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to direct staff to draft a resolution, temporarily increasing the rate per wet ton of sewage at the biosolids facility (RDF) to \$15.00, to be approved and effective May 9, 2017. The motion carried by the following vote:**

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

The Chairman called for a recess at 1:14 p.m., and reconvened the meeting at 1:24 p.m., with all members present.

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

#### **13.A. [17-0473](#) Agreement for Improvement and Maintenance of Joe Earman Island**

**Recommended Action:** Staff recommends the Board of County Commissioners approve the Agreement for Improvement and Maintenance of Joe Earman Island with the Coastal Conservation Association and authorize the Chairman to execute the agreement on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Aerial Photo](#)  
[Agreement](#)

(Clerk's note: This item was heard following Item 10.B.1. at 10:25 a.m.)

Deputy County Attorney William K. DeBraal provided history regarding Joe Earman Island, and explained that the Coastal Conservation Association (CCA) has volunteered for clean-up and maintenance.

CCA Treasure Coast Chapter President Paul Fafeita expressed his excitement in reference to partnering with the County for the good of the environment.

**A motion was made by Vice Chairman O'Bryan, 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

- 13.B. [17-0429](#) Forest Lake Property Owners' Association MOU for Right-of-Way Landscaping and Resolution Delegating Authority for Public Works Director to Enter Into a Memorandum of Understanding with Property Owners' Associations for Right-of-Way Landscaping

**Recommended Action:** The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote to approve the Forest Lake POA MOU and the resolution and form memorandum of understanding for right-of-way landscaping as drafted.

**Attachments:** [Staff Report](#)  
[Forest Lake Property Owners' Association MOU](#)  
[Resolution Delegating Authority](#)

Vice Chairman O'Bryan expressed satisfaction, stating that Property Owners' Associations may landscape along their right-of-way, as they would also be responsible for the mowing and maintenance involved.

County Attorney Dylan Reingold noted that this is only in reference to our local roads and jurisdictions.

**A motion was made by Commissioner Solari, seconded by Commissioner Adams, to approve the Forest Lake Property Owners' Association MOU for right-of-way landscaping, and to approve Resolution 2017-041, authorizing the County Public Works Director, on behalf of the Indian River County Board of County Commissioners to execute a Memorandum of Understanding relating to right-of-way landscaping. The motion carried by the following vote:**

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

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

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

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

- 14.B.1. [17-0471](#) Legislative Update

**Recommended Action:** Discussion

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

Vice Chairman O'Bryan gave an update regarding his testimony last week in Tallahassee before the House of Commerce Committee in opposition to the Short-Term Rental Bill (HB 425); however, HB 425 received enough votes to move forward. The Senate Bill version (SB 188) is neutral, keeping in place the 2014 rule to regulate anything except frequency and duration. He stated that the

Senate could decide to go with the House version of the Bill, which he felt would not be good for Indian River County.

In reference to the additional Homestead Exemption, SB 1774 passed 28-10 to move forward on the Senate side, and it is feared that the HB 7107 will also pass.

He also conveyed that the The Florida Association of Counties issued an alert, identifying a rumor that the Speaker may introduce a bill requiring the state to approve any increase to the millage rate; therefore, giving local government less control.

Vice Chairman O'Bryan suggested forming a caucus with Martin, St. Lucie, and Okeechobee Counties along with local municipalities, building a bigger voice and offering support to Legislators and Senators in the region. He would like the authority from the Board to speak at the Treasure Coast Council of Local Governments Meeting, bringing up the idea of forming a four (4) county caucus. He also introduced the idea of providing education to local voters, in reference to the additional Homestead Exemption, showing two different real-life scenarios, in order to help people better understand how the voting outcome would affect the area.

Assistant County Attorney Kate Pingolt Cotner was thanked for her time and efforts in Tallahassee during the recent Legislative session. She acknowledged the recognition, advised that the Budget was not complete at this time, and supported the forming of a local coalition, as Vice Chairman O'Bryan had discussed.

Discussion ensued between Commissioner Zorc, Chairman Flescher, and Vice Chairman O'Bryan, voicing frustrations of not being heard in Tallahassee.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to give authority to Vice Chairman O'Bryan to meet with other local government officials for the purpose of forming a four (4) county caucus to support Legislative Agendas. The motion carried by the following vote:**

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

### **C. Commissioner Susan Adams**

### **D. Commissioner Bob Solari**

### **E. Commissioner Tim Zorc**

#### **14.E.1. [17-0469](#) Follow-up on Development Review and Building Process Workshop**

**Recommended Action:** Discussion Item

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

Commissioner Zorc gave a brief summary regarding the Development Review and Building Process Workshop, held on April 12, 2017.

Chairman Flescher suggested for Commissioner Zorc to bring the ideas that came from the Workshop, to the Board.

Vice Chairman O'Bryan suggested giving staff more authority to make decisions, as some projects require some creativity to come together in a timely fashion. Commissioner Zorc agreed to share, with Community Development Director Stan Boling, the ideas communicated to him at the Workshop; and have Community Development return to the Board with their ideas and suggestions.

**No Action Taken or Required**

## **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. [17-0407](#) Approval of Minutes Meeting of March 7, 2017**

**Recommended Action:** Approve

**Attachments:** [03072017ESD](#)

**Approved**

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

#### **15.A.2. [17-0422](#) Approval of Minutes Meeting of March 21, 2017**

**Recommended Action:** Approve

**Attachments:** [03212017ESD](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Meeting Minutes of March 7, 2017 and March 21, 2017, as written. The motion carried by the following vote:**

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

#### **15.A.3. [17-0431](#) Approval of Amended Property Lease for Temporary Location of Fire Rescue Station No. 7**

**Recommended Action:** Staff recommends approval and authorization for the Chairman to execute the lease amendment.

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

**A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve the Amended Property Lease with St. Lucie Battery and Tire Company for Temporary Location of Fire Rescue Station No. 7. The motion carried by the following vote:**

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

**B. Solid Waste Disposal District**

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:59 p.m.