

Indian River County Florida

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



Draft Meeting Minutes

Tuesday, January 30, 2018

9:00 AM

Special Call Meeting

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

Terri Collins-Lister, Deputy Clerk

1. CALL TO ORDER**ROLLCALL**

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

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

Commissioner Susan Adams

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher

4. DEPARTMENTAL MATTERS**A. Public Works****4.A.1 18-1441** Consideration of Substantial Progress on 17th Street SW and 27th Avenue Intersection

Recommended Action: Based on the meeting between SLV Millstone, LLC and County Staff on January 25, 2018, the Status Report provided by SLV Millstone, LLC at the January 25, 2018 meeting, and progress made on the project as observed on January 26, 2018, Staff recommends the following to the Board for consideration: (1) The Board reinstate the issuance of Certificates of Occupancy for residential units within the Millstone Landing Subdivision. (2) The Board continue the suspension of building permit issuance as well as the acceptance of new building permit applications within the Millstone Landing Subdivision until the construction of the 17th Street SW and 27th Avenue project reaches substantial completion as determined by the Public Works Director. (3) The Board reserves the right to cease the issuance of Certificates of Occupancy for future residential units within the Millstone Landing Subdivision if the Developer does not continue to make significant progress on the project. (4) The Board stipulates that the Developer will have 60-days from January 30, 2018 (March 31, 2018) to complete the project. If the project is not complete by this time, the Board authorizes the Public Works Director and Community Development Director to cease issuing Certificates of Occupancy.

Attachments: [Staff Report](#)[Letter to SLV Millstone, LLC., dated December 13, 2018](#)[First Amendment to the SLV Millstone, LLC. Millstone Landings
Developers Agreement](#)

Public Works Director Richard Szyrka recapped his letter to Starwood Land Ventures, LLC. (SLV) dated December 13, 2017 regarding the Millstone Landing Developer's Agreement and the completion of the 17th Street SW Improvements. He gave a timeline of events that led up to the Special Call Meeting.

Director Szyrka commented that progress had been made toward the project since January 26, 2018, and that a Special Call Meeting was justified in order to move forward. He reviewed staff's recommendations for the Board's consideration.

Chairman O'Bryan asked Director Szyrka to provide a status report on 23rd Street SW construction before proceeding with discussion on the 17th Street SW Improvements. Director Szyrka indicated that on December 17, 2017, the Board approved a Second Amendment to the Developer's Agreement which deferred the improvements of 23rd Street SW to either July 1, 2018, or the issuance of the 450th Certificate of Occupancy for Millstone Landing. Director Szyrka said that during a site visit on January 26, 2018, there was no visible construction activity on 23rd Street SW, as the site of the proposed roadway has not been cleared.

A discussion ensued and staff addressed the Board's concerns regarding the Developer Agreements, the Certificates of Occupancy, Impact Fees, the South County Initiatives, the second access road for Millstone Landing, and the lack of completion of 17th Street SW and 23rd Street SW Improvements.

Attorney Bruce Barkett, Collins Brown Barkett Garavaglia & Lawn, Chartered, representing SLV Millstone, indicated that 17th Street SW could not be completed until Florida Power and Light (FPL) removed the poles. He asked for the Board's consideration for the target date of completion to begin at the time that FPL moves the poles and for a list of objective criteria with completion dates.

Chairman O'Bryan informed Attorney Barkett that FPL planned to remove the poles by the first week of February 2018.

A discussion followed and Mr. John Brian, Vice President of SLV Millstone, addressed the Board's questions on the date and the amount paid to FPL to remove the poles.

Joseph Paladin, President of Black Swan Consulting, felt the Board would be setting a precedent by allowing the Developer additional time to complete the project after they signed the Developer's Agreement.

Millstone Landing's residents Richard Desocio, Mary Bennett, and Ann Brino expressed their concerns with the Developer and the completion of the project.

Chairman O'Bryan elaborated on his position recommending that the Board: 1) reinstate the issuances of Certificates of Occupancy through January 31, 2018, that would allow the existing eight homes ready for Certificates of Occupancy to move forward, but would cease after January 31, 2018; 2) continue the suspension of building permit applications and as well as the acceptance of new building permit applications; and 3) allow Certificates of Occupancy and building applications to be issued once the completion of 17th Street SW and 27th Avenue intersection was up and fully functioning with traffic signals operational and traffic flowing through the intersection.

A Motion was made by Commissioner Adams, seconded by Chairman O'Bryan to recommend that the Board approve to: 1) reinstate the issuances of Certificates of Occupancy through January 31, 2018, that would allow the existing eight homes ready for Certificates of Occupancy to move forward, but would cease after January 31, 2018; 2) continue the suspension of building permit applications as well as the acceptance of new building permit applications; and 3) allow Certificates of Occupancy and building applications to be issued once the completion of 17th Street SW and 27th Avenue intersection was up and fully functioning with traffic signals operational and traffic flowing through the intersection.

County Administrator Jason Brown sought clarification from Chairman O'Bryan regarding his recommendation. Chairman O'Bryan replied that he wanted the full length of 17th Street SW to be functional, the completion of sidewalks, bike lanes, landscaping, road striping, traffic signals operational and traffic flowing through the intersection.

A discussion ensued on final striping of 17th Street SW with Mr. Brian asking for the Board to consider the project "done" with the temporary striping versus final striping. He explained that the difference between temporary striping versus final striping was a thirty-day window and would not impact traffic. Director Szyrka stated temporary striping allows completion of the intersection; it was a curing function of the asphalt and he did not have an issue allowing the project to be considered "done" except for the final striping.

Commissioner Adams amended her motion and Chairman O'Bryan amended his second to: 1) reinstate the issuances of Certificates of Occupancy through January 31, 2018 that would allow the existing eight homes ready for Certificates of Occupancy to move forward, but would cease after January 31, 2018; 2) continue the suspension of building permit applications as well as the acceptance of new building permit applications; and 3) allow Certificates of Occupancy and building applications to be issued once the completion of 17th Street SW and 27th Avenue intersection was up and fully functioning meaning the completion of sidewalks, bike lanes, landscaping, striping of the road, except for the final striping, traffic signals operational and traffic flowing through the intersection. The motion carried by the following vote:

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

Nay: 1 - Commissioner Flescher

4.A.2 18-1442 Status Report on 23rd Street SW Construction (Millstone Landing)

Recommended Action: This is an informational item and therefore no recommendation from staff.

Attachments: [Staff Report](#)

[Second Amendment to the SLV Millstone, LLC Millstone Landings
Developers Agreement](#)

Clerks Note: This matter was held under Item 4.A.1.

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:09 a.m.