

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, December 19, 2017

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

1. CALL TO ORDER

ROLL CALL

- Present:** 4 - Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Joseph Flescher
Commissioner Tim Zorc
- Absent:** 1 - Vice Chairman Bob Solari

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

2.B. INVOCATION

Pastor Jim Gallagher, Calvary Chapel of Vero Beach

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Delete: Item 8.H. Work Order No. 23 APTIM Coastal Planning and Engineering, Inc. Sector 5 Beach Restoration Project

Add: Emergency Item 5.B. Special Presentation by Traffic Engineering Staff Assistant Maya Miller - Christmas Medley

Add: Emergency Item 13.C. Florida Development Finance Corporation Lawsuit (December 2017)

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Agenda, as amended. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** [17-1246](#) Presentation of 2016-2017 Economic Development Annual Report by Helene Caseltine, CEcD, Economic Development Director, Indian River County Chamber of Commerce

Recommended Action: No Action Required

Attachments: [2016-2017 Economic Development Annual Report](#)

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, used a PowerPoint Presentation to provide an overview of the Economic Development Annual Report for Fiscal Year 2016-2017.

No Action Taken or Required

5.B. Emergency Addition: Presentation by Maya Miller

Traffic Engineering Staff Assistant Maya Miller performed a medley of Christmas songs, and encouraged citizens to reach out to one another in the spirit of the holiday.

Accepted

6. APPROVAL OF MINUTES

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

- 7.A. [17-1282](#) Proclamation Honoring John Coughlin on His Retirement From Indian River County Board of County Commissioners Department of Utilities / Wastewater Collection Division with Twenty-Four Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan congratulated John Coughlin on his retirement.

No Action Taken or Required

- 7.B. [17-1302](#) Proclamation Honoring James W. Karl on His Retirement From Indian River County Board of County Commissioners Department of Public Works / Engineering Division with Twenty-Seven Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan recognized James W. Karl on his retirement.

No Action Taken or Required

- 7.C. [17-1290](#) Environmental Hearing Control Board Committee Resignation-Vacancy

Recommended Action: No action required

Attachments: [Staff Report](#)
[Resignation from ECHB R. Cahoy](#)

No Action Taken or Required

7.D. [17-1303](#) Economic Development Council Resignation-Vacancy

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[Nov 21st Letter](#)
[Dec 11th Email](#)

No Action Taken or Required

7.E. [17-1286](#) 2017-2018 District School Board of Indian River County Official Appointments

Recommended Action: Informational

Attachments: [Staff Report](#)
[Board Member Committee Appointments](#)
[Organization Assignments/Memberships](#)

No Action Taken or Required

7.F. [17-1304](#) 2017-2018 City of Fellsmere Appointments

Recommended Action: Informational

Attachments: [Staff Report](#)
[2017-18 Fellsmere Committee Appointments](#)

No Action Taken or Required

7.G. [17-1281](#) St. Johns River Water Management District's Governing Board 2018 Meeting Schedule

Recommended Action: No Action Required

Attachments: [2018 Governing Board Meeting Schedule](#)

No Action Taken or Required

7.H. [17-1295](#) Florida Department of State Minority Appointment Reporting for Calendar Year 2016

Recommended Action: Provided for Board Information - No Action Required

Attachments: [Staff Report](#)
[Minority Appointment Report Calendar Year 2016](#)

No Action Taken or Required

7.I. [17-1299](#) Indian River County Venue Event Calendar Review

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

Attachments: [Staff Report](#)

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 under Item 4, deleting Item 8.H. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

8.A. [17-1283](#) Checks and Electronic Payments December 1, 2017 to December 7, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 1, 2017 to December 7, 2017

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [17-1287](#) County Acceptance of Dedication of Limited Access Easements from the Three Southern Oaks Affidavit of Exemption [AOE-17-05-03 / 2015100082-78776] (Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners accept the dedication of limited access easements and authorize the chairman to execute the subject Affidavit of Exemption.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Affidavit of Exemption Layout](#)

Approved staff's recommendation

8.C. [17-1292](#) Miscellaneous Budget Amendment 002

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2017-2018 budget.

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit "A"](#)
[Budget Amendment & Revised Budget](#)
[Property Appraiser reconciliation](#)

Approved Resolution 2017-125, amending the Fiscal Year 2017-2018 budget.

8.D. [17-1297](#) Interest Rate Change on All County Financing

Recommended Action: Staff recommends that the Board of County Commissioners approve the fixed interest rate of 5.00%. Staff further recommends that this rate remain in effect for calendar year 2018 for all County financing with the exception of projects directly affiliated with a bond issue for which the bond covenants dictate a different interest rate.

Attachments: [Staff Report](#)
[Interest Rate History](#)

Approved staff's recommendation

8.E. [17-1284](#) Right-of-Way Acquisition - 66th Avenue Widening Project TD Bank NA - 7555 66th Avenue, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the 0.15 acres of property located at 7555 66th Avenue, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Purchase Agreement](#)
[Water Damage, Toxic Mold Disclosure Release](#)
[Indemnity Agreement](#)

Approved staff's recommendation

- 8.F. [17-1293](#) Release of Retainage for APTIM Coastal Planning and Engineering, Inc. Work Order No. 15 - Sector 3 Beach Restoration, 2017 Physical Monitoring

Recommended Action: Staff recommends the Board approve the release of all withheld retainage under Work Order No. 15 in the amount of \$4,397.78.

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

Approved staff's recommendation

- 8.G. [17-1298](#) Final Release of Retainage - Borrelli & Partners, Inc. - Intergenerational Recreation Facility at South County Regional Park - IRC Project No. 1135 RFQ No. 2012024

Recommended Action: Staff recommends approval of Borrelli & Partners, Inc. Invoice No. Retainage #3, dated August 25, 2017 in the amount of \$12,405.00 for final release of retainage for design services for the Intergenerational Recreation Facility at South County Regional Park.

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

Approved staff's recommendation

- 8.H. [17-1300](#) Work Order No. 23 APTIM Coastal Planning and Engineering, Inc. Sector 5 Beach Restoration Project

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 23 to the contract with APTIM Coastal Planning and Engineering Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[Work Order](#)

Deleted

- 8.I. [17-1276](#) 8th Street Sidewalk Improvements (58th Avenue to 21st Court) Release of Retainage and Change Order No. 1

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 7 to Timothy Rose Contracting, Inc. in the amount of \$25,893.30 for release of retainage.

Attachments: [Staff Report](#)
[Contractor's Application for Payment No. 7](#)
[Change Order No. 1](#)

Approved staff's recommendation

- 8.J. [17-1306](#) Declaration of Excess Equipment as Surplus for Sale, Trade-In or Disposal
- Recommended Action:** Staff recommends the Board declare the items on the Excess Equipment List for 121917 Agenda as surplus or Trade-In as indicated, and authorize their sale and/or disposal.

Attachments: [Staff Report](#)
[Excess Equipment List](#)

Approved staff's recommendation**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9.A. [17-1291](#) Award of the 2017/2018 Alcohol and Other Drug Abuse Treatment Fund And Designation of Indian River County's Problem Solving Courts As A Chosen Program Recipient

Recommended Action: That for the fiscal year 2017/2018, the Indian River County Board of County Commissioners designate the Indian River County's Problem Solving Courts as a chosen program recipient to receive up to \$25,000 from the Alcohol and Other Drug Abuse Trust Fund for use for substance abuse treatment and testing for the drug court, mental health and veteran treatment court participants in Indian River County that are indigent. In the event the defendants have the ability, they will be required to reimburse the funds. All applicants, testing and treatment would be preapproved by the presiding judge and team and submitted for reimbursement monthly or quarterly.

Attachments: [2017 SA Trust Fund Application Drug Court 12-10-17](#)

County Attorney Dylan Reingold provided background on the Alcohol and Other Drug Abuse Trust Fund (the Fund), which obtains funds from court assessments on drug offenses. He relayed the request of the Nineteenth Judicial Circuit of Florida to designate the Indian River County Problem Solving Courts, which consist of the Drug Court, Mental Health Court, and Veterans Treatment Court as a Fund recipient, and to receive an allocation of up to \$25,000 for Fiscal Year 2017-2018 for drug testing and drug treatment for program participants.

Wendy Parent, Mental Health Court, explained that the funds would be used to help defendants who cannot afford program costs. County Administrator Jason Brown confirmed that the Fund was designed to be used for this purpose.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve for the Fiscal Year 2017-2018, to designate the Indian River County Problem Solving Courts as a chosen program recipient to receive up to \$25,000 from the Alcohol and Other Drug Abuse Trust Fund for use for substance abuse treatment and testing for the Drug Court, Mental Health and Veteran

Treatment Court participants in Indian River County that are indigent. In the event the defendants have the ability, they will be required to reimburse the funds. All applicants, testing, and treatment would be preapproved by the presiding judge and team, and submitted for reimbursement monthly or quarterly. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

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

E. Office of Management and Budget

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [17-1289](#) Conveyance of Right-Of-Way Parcels to the Florida Department of Transportation for the SR 60/43rd Avenue Project

Recommended Action: Staff recommends the Board of County Commissioners approve the conveyance of the six parcels to the Florida Department of Transportation for the SR 60/43rd

Avenue Project and approve the Resolution authorizing the Chairman to execute the County Deed on behalf of the Board.

Attachments: [Staff Report](#)
[Right-Of-Way Maps](#)
[County Deed](#)
[Resolution](#)

Deputy County Attorney Bill DeBraal reviewed information pertaining to the County's Grant Program Locally Funded Agreement (Incentive Agreement) with the Florida Department of Transportation (FDOT). He explained that the County had previously acquired numerous parcels near the State Road 60/43rd Avenue intersection to be used as right-of-way for the intersection improvements (Project), and that six parcels must now be conveyed to the FDOT. The six parcels to be conveyed, either as a whole or in part, are as follows: Harbora, Lazy J, Historic Dodgertown, and the former Mark's Mobil, Lennie's Lounge, and Mermaid Car Wash.

Commissioner Zorc sought and received additional details about the Project from Public Works Director Rich Szyrka.

Bob Johnson, Coral Wind Subdivision, voiced his concerns as to whether the 7-Eleven store and Young's Market properties would be affected by the Project.

A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to approve: (1) staff's recommendation; and (2) Resolution 2017-126, authorizing the conveyance of certain parcels of property to the Florida Department of Transportation to be used as right-of-way for the State Road 60/43rd Avenue Intersection Improvement Project. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

13.B. [17-1305](#) Affordable Housing Advisory Committee Appointment

Recommended Action: The County Attorney recommends that the Board review the applicant's application and résumé information which is on file in the Commissioners' front office area, and determine whether to appoint him to fill the unexpired term for the "Actively engaged in residential home building industry" representative to the Affordable Housing Advisory Committee.

Attachments: [Staff Report](#)
[Evan Esposito Application](#)

County Attorney Dylan Reingold announced the vacancy on the Affordable Housing Advisory Committee (the Committee) for the position of "Actively Engaged in

Residential Home Building Industry" representative. He asked the Board to consider the appointment of Evan Esposito to the Committee.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, after Board review of the applicant's application and résumé information, to appoint Evan Esposito to fill the unexpired term for the "Actively Engaged in Residential Home Building Industry" representative to the Affordable Housing Advisory Committee. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

13.C. [17-1307](#) Florida Development Finance Corporation Lawsuit (December 2017)

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 authorize the filing of a lawsuit seeking an injunction against the issuance of any bonds until the Florida Development Finance Corporation conducts a meeting in compliance with the Sunshine Law.

Attachments: [Staff Report](#)
[FDFC Letter -- December 14 2017](#)
[JLAC Letter - November 15 2017](#)

County Attorney Dylan Reingold reported that on December 13, 2017, the Florida Development Finance Corporation (FDFC) had scheduled an emergency meeting for Monday, December 18, 2017 in Jacksonville to approve the \$1.15 billion dollars in private activity bonds for Phase II of the proposed All Aboard Florida Project (the Project). He also disclosed that on Friday, December 15, 2017, the United States Department of Transportation (USDOT) had issued the Record of Decision (ROD) for the Project. Attorney Reingold conveyed that he had originally requested authorization to file suit against the FDFC in the event they approved the bonds on December 18, 2017; however, the meeting was subsequently cancelled. He stated that in view of past incidents with the agencies, he was still seeking Board authorization to file: (A) suit against the FDFC, in the event another meeting is called in violation of law; and (B) should the County Attorney's Office deem it good cause, against the USDOT Federal Railroad Administration (FRA) in conjunction with issuance of the ROD.

Commissioner Zorc sought and received information regarding permit approvals that have not yet been issued for the pending All Aboard Florida Project.

Chairman O'Bryan confirmed with County Administrator Jason Brown that there was a budget allocation for a potential lawsuit.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to authorize the County Attorney's Office, should the County Attorney's office believe there is good cause, to: (1) file a lawsuit seeking an injunction against the issuance of any bonds until the Florida Development Finance Corporation conducts a meeting in compliance with the Sunshine Law; and (2) to file a lawsuit against the United States Department of Transportation Federal Railroad Administration (FRA) in conjunction with issuance of the Record of Decision. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1. [17-1294](#) Appointment of County Commission Representative To The Canvassing Board for The 2018 General Election Cycle

Recommended Action: Recommend the Board vote to approve Commissioner Susan Adams as the County Commission representative for the canvassing board for the 2018 General Election cycle.

Attachments: [Commissioner's Memorandum](#)
[Letter from Supervisor of Elections](#)

Chairman O'Bryan relayed the request of the Supervisor of Elections for the Board of County Commissioners to appoint a County Commission representative to the County Canvassing Board for the 2018 General Election cycle. He stated that the Chairman customarily serves; however, he is ineligible due to his plans to run for re-election to the County Commission. He relayed his recommendation for the Board to appoint Commissioner Susan Adams.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve Commissioner Susan Adams as the County Commission representative for the Canvassing Board for the 2018 General Election cycle. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

Chairman O'Bryan asked the Board to select a Commissioner to serve as the County Commission alternate to the Canvassing Board for the 2018 General Election cycle.

Commissioners Zorc and Flescher individually detailed the reasons that they were ineligible to serve on the Canvassing Board.

Chairman O'Bryan therefore recommended that Commissioner Solari be designated the alternate to the Canvassing Board.

A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to approve Commissioner Bob Solari as the County Commission alternate for the Canvassing Board for the 2018 General Election cycle. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

14.A.2. [17-1296](#) Request Board Support for the Sebastian Inlet Tax District Local Bill

Recommended Action: Request the Board to consider authorizing the Chairman to send a letter of support for the Sebastian Inlet Tax District Local Bill

Attachments: [Commissioner's Memorandum](#)
[Sebastian Inlet Tax District Local Bill Information](#)

Chairman O'Bryan reported that currently, there is confusion about the governance of the north and south jetty at the Sebastian Inlet. He explained that the Sebastian Inlet Tax District (the District) has submitted a local Bill to the State Legislature, clarifying that it is the District's responsibility to protect and maintain District facilities, including the north and south jetty. Chairman O'Bryan relayed that Senator Debbie Mayfield and Representative Erin Grall have voted to approve the Bill, and requested Board authorization to send a letter of support for the Sebastian Inlet Tax District Local Bill.

A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to authorize the Chairman to send a letter of support for the Sebastian Inlet Tax District Local Bill. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

B. Commissioner Bob Solari, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District**B. Solid Waste Disposal District**

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. [17-1268](#) Approval of Minutes Meeting of October 17, 2017

Recommended Action: Approve

Attachments: [10172017SWDD](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Solid Waste Disposal District meeting minutes of October 17, 2017, as written. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

15.B.2. [17-1301](#) Conveyance of Materials to the School District of Indian River County

Recommended Action: Staff recommends the Solid Waste Disposal District Board adopt and authorize the Chairman to sign the resolution to approve the conveyance of recycling materials for the recycling pilot program to the School District of Indian River County.

Attachments: [Staff Report](#)
[Conveyance Resolution](#)
[Exhibit A--materials list](#)

Stephanie Fonvielle, Education and Marketing Coordinator, stated that the Solid Waste Disposal District has received two grants which have provided funding for recycling containers and tools that will be used in a recycling pilot program at Storm Grove Middle School, Vero Beach High School's Freshman Learning Center, Rosewood Magnet Elementary School, and Pelican Island Elementary School. She explained how the program would work, and advised that the recycling materials need to be transferred to the Indian River County School District. The pilot program will be initiated on January 8, 2018 through January 12, 2018.

A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to approve and authorize the Chairman to execute Resolution

2017-001SWDD, approving conveyance of recycling materials for a recycling pilot program to the School District of Indian River County. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

C. Environmental Control Board

16. ADJOURNMENT

There was no further business, and the Chairman adjourned the meeting at 10:06 a.m.