

# 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, October 3, 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  
Rhonda D. Zirkle, Deputy Clerk

**1. CALL TO ORDER****2. ROLL CALL**

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

**Absent:** 1 - Commissioner Bob Solari

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

Deputy Teddy Floyd, Indian River County Sheriff Department

In Deputy Teddy Floyd's absence, Freddie Woolfork, Director of Public Relations and Facilities Operations, Gifford Youth Achievement Center, offered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Dylan Reingold, County Attorney

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

Add: Emergency Item 13.B., Foreign Trade Zone, to County Attorney Matters

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

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

**Absent:** 1 - Commissioner Solari

**5. PROCLAMATIONS and PRESENTATIONS**

**5.A. 17-0664** Presentation of Proclamation Designating the Month of September, 2017 as Hunger Action Month

**Recommended Action:** Read and Presented.

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

Commissioner Zorc read and presented the Proclamation to Krista Garofalo, Chief Strategy and Advocacy Officer, Treasure Coast Food Bank. Ms. Garofalo, with the assistance of numerous local agencies and non-profit organizations, pointed out that approximately 20,000 residents were helped each week. She encouraged the community to educate themselves by visiting [www.stop hunger.org](http://www.stop hunger.org), and noted that

the Turkey Drop dates and locations would soon be announced, with volunteers being needed.

**Read and Presented**

- 5.B. 17-0995** Presentation of Proclamation Designating the Month of October, 2017 as National Arts and Humanities Month

**Recommended Action:** Read and Presented.

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

Commissioner Adams read and presented the Proclamation to Bonnie Pendleton, Humanities Liaison, The Emerson Center, who gave a brief overview of the upcoming free cultural and historical presentations coming to The Emerson Center in the near future.

**Read and Presented**

- 5.C. 17-0931** Presentation Thanking Commission for Supporting Gifford Youth Achievement Center by Freddie Woolfork, Director of Public Relations & Facilities Operations

**Recommended Action:** No Action Required

Gifford Youth Achievement Center (GYAC) Public Relations & Facilities Operations Director Freddie Woolfolk expressed his gratitude towards the Board for being a supportive element of the GYAC over the past 20 years. He applauded community partner, Waste Management, for coming to the aid of the Gifford Community by donating backpacks filled with school supplies during the 19th Annual Back-to-School Bash. Waste Management also provided hot meals to over 500 individuals in the days following Hurricane Irma.

Chairman Flescher thanked Mr. Woolfork for the open-door policy that he and his team have demonstrated on a daily basis.

**Read and Presented**

- 5.D. 17-1022** Presentation on "Real Men Wear Pink" by Commissioner Peter O'Bryan

**Recommended Action:** Presentation - No Action Needed

Vice Chairman O'Bryan disclosed statistics relating to breast cancer, and announced his commitment to the "Real Men Wear Pink" fund raising campaign with a PowerPoint Presentation, showing himself and Commissioner Adams having their hair dyed pink, in support of women and men fighting cancer.

Theresa Woodson and Jenny Davis, both of the American Cancer Society, were in

attendance to speak of the advantages of early cancer detection, and to promote the awareness walk, Making Strides of Indian River, on October 21, 2017.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

- 7.A. 17-0987** Florida Public Service Commission Consummating Order No. PSC-2017-0351-CO-EQ In re: Petition for approval of amended standard offer contract and amended interconnection agreement, by Duke Energy Florida, LLC. is On File in the Clerk to the Board's Office.

**Recommended Action:** Informational Only

**No Action Taken or Required**

- 7.B. 17-1009** Florida Public Service Commission Order No. PSC-2017-0359-PAA-E1 In re: Petition for approval of a new depreciation class and rate for energy storage equipment, by Florida Power & Light Company is On File in the Clerk to the Board Office.

**Recommended Action:** Informational Only

**No Action Taken or Required**

- 7.C. 17-1008** 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.D. 17-1015** Indian River County Venue Event Calendar Review

**Recommended Action:** Information Item Only, No Action Required

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

**No Action Taken or Required****7.E. 17-1018** State of Florida Special Olympic Aquatic Championships

**Recommended Action:** This item is informational only. No Board action is required.

**Attachments:** [Staff Report](#)  
[2017 State Swimming- Fact Sheet](#)

Recreation Manager Michael Redstone and Assistant County Administrator Michael Zito were present and spoke regarding the 12th consecutive Special Olympics, with 428 athletes within the State of Florida participating on October 7 & 8, 2017. It was noted that 39 counties would be represented.

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

Vice Chairman O'Bryan asked that Item 8.H. be pulled for discussion.

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

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

**Absent:** 1 - Commissioner Solari

**8.A. 17-0976** Checks and Electronic Payments September 1, 2017 to September 14, 2017

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 1, 2017 to September 14, 2017

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

**Approved staff's recommendation****8.B. 17-1002** Checks and Electronic Payments September 15, 2017 to September 21, 2017

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 15, 2017 to September 21, 2017

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

**Approved staff's recommendation**

- 8.C. 17-0969** Wild Turkey Sand Mine - Fourth Phase: Cash Deposit and Escrow Agreements for Compliance and Restoration

**Recommended Action:** Authorize the Chairman of the Board of County Commissioners to execute the two compliance and restoration Cash Deposit and Escrow Agreements with regard to the transfer from the third phase to the fourth phase.

**Attachments:** [Staff Report](#)  
[Compliance - Cash Deposit and Escrow Agreement](#)  
[Restoration - Cash Deposit and Escrow Agreement](#)

**Approved staff's recommendation**

- 8.D. 17-0989** Change Order No. 1, Final Payment and Release of Retainage IRC Go-Line Transfer Hub IRC Project No. 1330, Bid No. 2016019

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Barth Construction, Inc. Pay Application No. 9 for final payment and release of retainage in the amount of \$88,701.86.

**Attachments:** [Staff Report](#)  
[Barth Construction, Inc. Pay Application No. 9](#)  
[Change Order No. 1](#)  
[Description of Itemized Changes](#)

**Approved staff's recommendation**

- 8.E. 17-0990** Approval of Renewal of a Class "E" Certificate of Public Convenience and Necessity for The ARC of Indian River County, Inc. to Provide Wheelchair Services

**Recommended Action:** Staff respectfully recommends that the Board of County Commissioners approve the renewal of the Class "E" Certificate of Public Convenience and Necessity for The ARC of Indian River County Inc., to be effective for a period of two (2) years commencing October 5, 2017, and expiring October 5, 2019.

**Attachments:** [Staff Report](#)  
[ARC Renewal Application](#)  
[COPCN Certificate](#)

**Approved staff's recommendation**

- 8.F. 17-0991** Approval of Renewal for a Class "B" and "E" Certificate of Public Convenience and Necessity for We Care of the Treasure Coast Inc. to Provide Wheelchair/Stretcher Services

**Recommended Action:** Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "B" and "E" Certificate of Public Convenience and Necessity for We Care of the Treasure Coast Inc., to be effective for a period of two (2) years from October 15, 2017 to October 15, 2019.

**Attachments:** [Staff Report](#)  
[We Care of the Treasure Coast Renewal Application](#)  
[COPCN Certificate](#)

**Approved staff's recommendation**

**8.G. 17-0992** Right-of-Way Acquisition - 66th Avenue Widening Project Owner: SBA Towers III LLC - 6590 65th Street, Vero Beach, FL 32967

**Recommended Action:** Staff recommends the Board approve the Purchase Agreement for the 0.45 acres of property located at 6590 65th Street, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Purchase Agreement](#)  
[Temporary Construction Easement](#)

**Approved staff's recommendation**

**8.H. 17-0993** Indian River County Shooting Range Hunter Education Classroom Change Order No. 1 (Final), Final Payment and Release of Retainage

**Recommended Action:** Staff recommends approval of Change Order No. 1 Final and payment of Application for Payment No. 5 to Proctor Construction Company, LLC in the amount of \$71,401.95 for final payment and release of retainage.

**Attachments:** [Staff Report](#)  
[Contractor's Application for Payment No. 5](#)  
[Change Order No. 1 Final](#)

Vice Chairman O'Bryan confirmed that the Shooting Range Hunter Education Classroom was complete, and felt that the Shooting Range was one of the best in the State, if not in the Country.

Assistant County Attorney Michael Zito mentioned the Ribbon Cutting Ceremony for the Shooting Range Hunter Education Classroom would be held in early November 2017.

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

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

**Absent:** 1 - Commissioner Solari

- 8.I. 17-1004** Approval of a 2017 House Appropriations Grant and a Fiscal Year 2017 TMDL Water Quality Restoration Grant for Osprey Acres Floway and Nature Preserve

**Recommended Action:** Staff recommends that the County Commission approve Standard Grant Agreement Number NS027 for the TMDL Water Quality Restoration Grant and the Florida House Appropriations Grant and authorize the Chairman to execute it on behalf of the County.

**Attachments:** [Staff Report](#)  
[Osprey Acres Grants Agreement](#)

**Approved staff's recommendation**

- 8.J. 17-1006** Approval of State Sovereignty Submerged Lands Lease Renewal for the Jones's Pier Dock Facility

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the sovereignty submerged lands lease renewal for the Jones's Pier dock facility, and authorize the Board Chairman to sign the lease on behalf of the County.

**Attachments:** [Staff report](#)  
[Submerged lands lease renewal](#)

**Approved staff's recommendation**

- 8.K. 17-1010** Division of Library and Information Services State Aid Application/Agreement

**Recommended Action:** Staff respectfully requests that the Board authorize its Chairman to sign the agreement and return to the Library Services Director to be forwarded to the appropriate State Library staff.

**Attachments:** [Staff Report](#)  
[State Aid To Libraries Grant Agreement](#)  
[Grant Form Library State Aid Application](#)

**Approved staff's recommendation**



**8.L. 17-1012** Library Services Request for Consideration to Update Circulation Limits

**Recommended Action:** Staff recommends the Board approve the revised Indian River County Library System's circulation limits policy adjusting the length of check out period and quantity of materials.

**Attachments:** [Staff Report](#)  
[IRC Library Loan Rules - Circulation Matters](#)  
[IRC Library Sys Procedures proposed revised Circulation Matters Pages 9-10 only](#)

**Approved staff's recommendation**

**8.M. 17-1013** Forest Park Water Main Extension: Approval of Blue Goose Construction Work Authorization No. 2017-008

**Recommended Action:** Staff recommends that the Board of County Commissioners approve Blue Goose Construction Work Authorization No. 2017-008 and authorize staff to purchase materials to construct the Forest Park 6" Water Main Extension.

**Attachments:** [Staff Report](#)  
[FDEP In-Kind Approval Letter](#)  
[BGC Work Authorization No 2017-008](#)  
[Cost Estimate - Labor and Material](#)  
[Exhibit - Proposed Water Main](#)

**Approved staff's recommendation**

**8.N. 17-1014** Collier Creek Estates Subdivision (Utility Phases 1, 1a, 1b, and 2) and Harbor Point Subdivision (Utility Phase 3) Petition Water Assessment Project - Bidding Status: Bid No. 2017-067

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners award the project to Timothy Rose Contract, Inc., in the amount of \$1,291,717.40 and approve the sample agreement.

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

**Approved staff's recommendation**

**8.O. 17-1021** Miscellaneous Budget Amendment 024

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

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit "A" BA 024](#)

Approved **Resolution 2017-104**, amending the Fiscal Year 2016-2017 Budget.

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES****10. PUBLIC ITEMS****A. PUBLIC HEARINGS****10.A.1. 17-0994** Consideration of a Proposed Land Development Regulation Amendment to Chapter 904 (Nonconformities) (Legislative)

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

**Attachments:** [Staff Report](#)  
[July 11, 2017 BCC Staff Report](#)  
[July 11, 2017 BCC Minutes](#)  
[August 24, 2017 Draft PZC Minutes](#)  
[911.07 Excerpts](#)  
[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 history of Chapter 904, Nonconformities. He included the circumstances which led to a proposed amendment to the Nonconformities Ordinance, referring to attached accessory structures, such as screen enclosures.

The Chairman opened the Public Hearing. There were no speakers and the Chairman closed the Public Hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to adopt **Ordinance 2017-013**, concerning amendments to its Land Development Regulations (LDR's); providing for amendment to Chapter 904, Nonconformities; by amending Section 904.05 expansion, increase, or change of nonconformities; and by providing for repeal of conflicting provisions; codification; severability; and effective date. The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Solari

## **B. PUBLIC DISCUSSION ITEMS**

**10.B.1. 17-0988** Request to Speak from Reza Torkaman Regarding Utility Policy on tenant non-payment

**Recommended Action:**

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

Reza Torkaman, a resident of the County since 1988 and also a landlord, detailed his dissatisfaction towards the rules of the Utilities Department due to the fact that, as the landlord/property owner, he is responsible for bringing the balance of the water bill to zero prior to the next tenant transferring the account into their name.

Vice Chairman O'Bryan confirmed the issue, but felt that the primary problem stemmed from Mr. Torkaman's tenants who did not transfer the account into their name, making the landlord responsible for not only the base amount of an unpaid water bill, but also the consumption. He recommended that Mr. Torkaman begin signing all new leases a few days in advance of the lease effective date, which would allow the new tenant time to transfer the account into their name, and then release the keys when the account transfer was complete.

County Administrator Jason Brown, Chairman Flescher and Commissioner Adams were all in agreement that Mr. Torkaman would benefit from changing his business procedure.

**No Action Taken or Required**

**10.B.2. 17-0996** Request to Speak from Ardra Rigby and Bill Rigby Regarding the Demolition of the Property at 6345 85th Street

**Recommended Action:** Discussion Item

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

Ardra Rigby, President, West Wabasso Neighborhood Association, along with his brother, Bill Rigby, 8465 59th Avenue, requested that the property at 6345 85th Street be pulled from the demolition list. They have requested additional time to get the answers needed regarding transforming the vacant property into a historical museum.

Discussion ensued amongst the Board, Community Development Director Stan Boling and Deputy County Attorney Bill DeBaal, which brought about several concerns, including: 1) Property Ownership. It was reported that the owner of the property was The Estate of William C. Minnis, Jr., and that Sarah Minnis had offered to donate the property; 2) Property Condition. It was agreed that, with the authority of Ms. Minnis, the vacant, abandoned and unsecure structure, if not demolished, needed to be boarded up for public safety concerns; and 3) Tax Liens. It was pointed out that the tax liens have exceeded the value of the property, and that changing ownership of the property would not make the tax liens disappear.

Bill Rigby responded that he had been in contact with the Internal Revenue Service (IRS), in an attempt to reduce the tax lien dollar amount. He also explained that he would like to clean and to power wash the inside of the structure prior to boarding it up. Additionally, he confirmed that he had been working on funding options.

County Administrator Jason Brown opposed delaying the demolition, as he felt that there were an abundance of obstacles to overcome.

County Attorney Dylan Reingold expressed sincere concern regarding unauthorized individuals trespassing on the property, due to the fact that the Rigby's are not the property owners. He explained that the Board was not authorizing any such activity.

Vice Chairman O'Bryan, upon checking the Property Appraiser's website, noticed the possibility of a tax deed sale. He suggested tabling the item and returning to the Board for additional discussion in two weeks under Commissioner Zorc's Matters. Prior to the meeting, Ardra or Bill Rigby would be required to provide authorization from Sarah Minnis, along with pictures of the secured building and correspondence with the IRS. Additionally, it was noted that a tax deed sale of the property would discontinue further discussion regarding this matter.

#### **No Action Taken or Required**

The Chairman called for a recess at 10:57 a.m., and reconvened the meeting at 11:18 a.m., with Commissioner Solari absent.

## C. PUBLIC NOTICE ITEMS

### 11. COUNTY ADMINISTRATOR MATTERS

- 11.A. 17-1005** Collective Bargaining Agreement Between Indian River County Firefighter/Paramedic Association IAFF Local 2201 - FY2017/18 General Wage Increase

**Recommended Action:** Staff respectfully recommends approval of a 2.5% general wage increase for employees represented by the Indian River County Firefighter/Paramedic Association IAFF Local 2201 effective the first full pay period in October 2017 and requests the Board authorize its Chairman to sign the amendment to Article 34- Salaries of the collective bargaining agreement providing for the general wage increase.

**Attachments:** [Staff Report](#)  
[First Amendment to CBA](#)  
[Exhibit A](#)

County Administrator Jason Brown recapped the Collective Bargaining Agreement wage adjustment negotiations, and recommended a 2.5 percent wage increase, which would go into effect on Friday, October 13, 2017.

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

**Absent:** 1 - Commissioner Solari

### 12. DEPARTMENTAL MATTERS

#### A. Community Development

- 12.A.1. 17-0928** Consideration of ACS Financial, LLC's Request For a Local Jobs Grant (File #2-2017)

**Recommended Action:** The Economic Development Council and staff recommend that the Board of County Commissioners: 1. Approve a local jobs grant of up to \$136,000 for Company, and, 2. Authorize the chairman to sign the Jobs Grant Agreement for Company after approval of the agreement by appropriate county staff and the county attorney's office (draft agreement attached).

**Attachments:** [Staff Report](#)  
[Tax resolutions services offered by Company](#)  
[Jobs Grant Application \(on file in Planning Division\)](#)  
[Draft Jobs Grant Agreement](#)  
[Portion of Draft September 19, 2017 EDC Meeting Minutes](#)

Community Development Director Stan Boling used a PowerPoint Presentation to provide the details of a Local Jobs Grant application received from ACS Financial, LLC., which offers tax resolution services.

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

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

**Absent:** 1 - Commissioner Solari

## **B. Emergency Services**

## **C. General Services**

**12.C.1. 17-1007** Library Services Request for Consideration to run a Fine Amnesty Campaign October 17 - 31, 2017

**Recommended Action:** Staff recommends Board approve the Fine Amnesty campaign from October 17, to October 31, 2017.

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

Anne Shepherd, Library Director, used a PowerPoint Presentation to introduce the many changes and programs at the Library. She announced the Fine Amnesty Campaign, running from October 17-31, 2017, and explained that there would be no late fees assessed for returning Indian River County Library items in person.

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

**Absent:** 1 - Commissioner Solari

### **1. Human Services**

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

### **3. Recreation**

**12.C.3. 17-0943** Approval for the Aquatic Center Geo-Thermal System Repair

**a.**

**Recommended Action:** Staff recommends that the Board declare Symbiont Service Corp as a sole source provider of parts and maintenance on the geo-thermal systems at both Gifford Aquatic and North County Aquatic Center, and authorize the Purchasing Division to issue purchase orders as needed and funded.

**Attachments:** [Staff Report](#)  
[Symbiont Service Corp Quote](#)  
[Symbiont Service Corp Sole Source Letter](#)

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

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

**Absent:** 1 - Commissioner Solari

#### **D. Human Resources**

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

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

**12.F.1. 17-1011** Designation of Securitas Electronic Security Inc., as Sole Source Provider for the Security Access Control System for the Indian River County Courthouse

**Recommended Action:** Staff recommends the Board of County Commissioners declare Securitas Electronic Security, Inc., as the County's sole source provider for the Courthouse Security Access System maintenance and repairs.

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

Public Works Director Rich Szyrka presented history regarding replacement of the Security Access Control System at the Courthouse, and explained that during the replacement project, additional work would be required. He also requested that Securitas Electronic Security Inc. be designated as Sole Source Provider for the Security Access Control System for the Courthouse.

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

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

**Absent:** 1 - Commissioner Solari

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

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

**13.A. 17-1019** Permission to Advertise Amending Indian River Code Chapter 201, Stormwater Discharge

**Recommended Action:** Staff recommends the Board approve advertisement of the amendment to the IRC Code to prohibit illicit discharges into storm sewers. A public hearing on the amendment will be held before the Board of County Commissioners on October 24, 2017.

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

Deputy County Attorney Bill DeBraal announced an ordinance amendment of Chapter 201 of the Indian River Code, and requested permission to advertise the Public Hearing, which would be held October 24, 2017. He acknowledged that the amendment, which follows an audit performed by the Florida Department of Environmental Protection (DEP), would define future disciplinary actions for illicit discharges into storm sewers, in addition to designating a Code Enforcement Authority.

Public Works Director Rich Szyrka confirmed the disciplinary action currently in effect, and suggested keeping the code enforcement authority in the stormwater department.

Vice Chairman O'Bryan offered suggestions for disciplinary action such as issuing a written notice as the initial warning, and implementing a small fine for the second offense.

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

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

**Absent:** 1 - Commissioner Solari

**13.B. 17-1042** Request for Emergency Addition Agenda Item 13B: Foreign Trade Zone

**Recommended Action:** The County Attorney's Office recommends that the Board amend the approved 2018 pre-session legislative list of priorities and concerns to state: "Indian River County supports the expansion of either Foreign Trade Zone 218 located in St. Lucie County or Foreign Trade Zone 136 located in Brevard County to include Indian River County."

**Attachments:** [Staff Report](#)  
[Foreign Trade Zone](#)



Assistant County Attorney Kate Cotner proposed amending the 2018 pre-session legislative list of priorities and concerns to include working with Foreign Trade Zone 218, located in St. Lucie County, which would allow staff to work with either St. Lucie County or Brevard County, Foreign Trade Zone 136.

Commissioner Zorc responded to a question from Vice Chairman O'Bryan, explaining that once a County/City was included in a Foreign Trade Zone, they would not be married to only one port.

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

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

**Absent:** 1 - Commissioner Solari

## **14. COMMISSIONERS MATTERS**

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

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

#### **14.B.1. 17-1023** Request Board Discussion on the Issue of Unmaintained County Roads

**Recommended Action:** Discussion to Generate Ideas to Address Issue

**Attachments:** [Commissioner's Memorandum](#)

*(Clerk's Note: Item 14.B.1. was heard following Item 14.B.2, and is placed here for continuity.)*

Vice Chairman O'Bryan initiated discussion regarding a possible long term policy change regarding unmaintained roads. He reported receiving calls from property owners who were concerned because of potholes and drainage issues, which made it difficult to get in and out of their residences/businesses, to receive deliveries or for emergency vehicles to respond to them. After offering several options, in addition to the idea of a Grading District, he acknowledged that increasing taxes to cover the additional equipment and manpower would be necessary.

Commissioner Adams pointed out that there were approximately 140 miles of unmaintained roads within the County. She felt that the roadways were originally designed to access ditches, canals, cattle or crops, but as agriculture began to decline, property owners sold lots, causing drainage and roadway issues. She suggested taking a comprehensive look at this item, knowing that taxes would need to be increased in order to cover the expenses involved.

Commissioner Zorc requested advice from David Gunter, Indian River Farms Water Conservation District Superintendent, as to how he would solve the issue. Mr. Gunter, who began by providing history going back to a time when this County was part of St. Lucie County, felt the Public Works Budget would need to be increased. He remembered the Budget was reduced many years ago, which was when he felt that the roads in question stopped being maintained by the County. In addition, he confirmed that the Water Control Districts were prohibited from constructing or maintaining public roadways.

Mr. & Mrs. George Powers, 187 S. Maple Street, Fellsmere, used a PowerPoint Presentation to point out the location of their business at 14115 85th Street, Fellsmere, along with the one mile section of roadway that they would like to have graded in order to keep them in business. He questioned the benefit of the money paid to the drainage district; and offered to pay the County to grade the road twice per year.

Discussion ensued amongst Public Works Director Rich Szpyrka, Vice Chairman O'Bryan, Commissioner Adams and County Administrator Jason Brown regarding grading schedules and the estimated cost per mile, minimum roadway standards, along with agreements that would need to be amended if the County approves maintenance of currently unmaintained roads.

Jason Nunemaker, City of Fellsmere City Manager, voiced his concern regarding current and future drainage issues, as there were undeveloped lots holding water; however, once the lots are developed, the water would be displaced. He offered suggestions for moving forward, and, along with Mr. Gunter, offered his assistance to the Board regarding this matter.

Board consensus was for staff, at a future meeting, to present two options: 1.) to provide a schedule and the cost involved for maintaining all County roads; and 2.) to provide a schedule and the cost involved for maintaining the County roads that are currently unmaintained.

#### **Referred to Staff**

#### **14.B.2. 17-1024**

Request Board to Approve Resolution Supporting the \$14.8 Million Capital Outlay Request of Indian River State College for the Treasure Coast Advanced Manufacturing Center

**Recommended Action:** Approve Resolution

**Attachments:** [Commissioner's Memorandum](#)  
[Resolution to approve IRSC capital outlay request](#)

*(Clerk's Note: This item was heard prior to Item 14.B.1.)*

Indian River State College Mueller Campus Provost Casey Lunceford confirmed the ongoing collaborated funding efforts, and mentioned the need for a high-tech training facility; in addition to increasing the capacity, as Indian River State College offers a growing number of valuable programs to the Region, noting that the welding program has an enrollment wait list. He also remarked on the possibility of adding Marine and Aviation Engine Manufacturing to the list of programs offered.

Chairman Flescher recalled the community support he had witnessed, and felt that a facility such as this was needed for the college, as well as the community.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Resolution 2017-105, supporting the \$14.8 million capital outlay request of Indian River State College for the Treasure Coast Advanced Manufacturing Center. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**14.B.3. 17-1025** Attendance at October 10th Board of County Commissioners Meeting

**Recommended Action:** No Action Required

**Attachments:** [Commissioner's Memorandum](#)

Vice Chairman O'Bryan confirmed that he would be in Tallahassee testifying before a Senate Committee regarding short-term vacation rentals, and would be absent on Tuesday, October 10, 2017.

**No Action Taken or Required**

**C. Commissioner Susan Adams**

**D. Commissioner Bob Solari**

**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. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**15.B.1. 17-0944** Approval of Minutes of July 11, 2017

**Recommended Action:** Approve

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Zorc, to approve the Meeting Minutes of July 11, 2017, as written. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**15.B.2. 17-1001** Final Pay for CDM Smith CCNA 2014 Work Order No. 10 - C & D Debris Landfill Permit Renewal

**Recommended Action:** Staff recommends that its Board approve CDM Smith's final invoice amount of \$1,521.00.

**Attachments:** [Staff Report](#)  
[CDM Smith Project Completion Report & Final Invoice](#)

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

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

**Absent:** 1 - Commissioner Solari

**15.B.3. 17-1016** IRC Landfill Amendment No. 1 to Work Order No. 1 to CDM Smith, Inc.

**Recommended Action:** SWDD staff recommends that its Board approve the following: a) Approve IRC Landfill Amendment No. 1 to Work Order No. 1 with CDM Smith Inc. in the amount of \$558,679 to provide engineering services related to Phase 2 of the Class I Landfill Segment 3 Cell 2 expansion, partial closure of Segment 2, and expansion of the landfill gas collection system; and, b) Authorize the Chairman to execute the same, as presented.

**Attachments:** [Staff Report](#)  
[IRC Landfill Amendment No 1 to Work Order No 1](#)

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

**Absent:** 1 - Commissioner Solari

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:20 p.m.