

# 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, April 11, 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**

**ROLL CALL**

**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**

Rabbi Michael Birnholz, Temple Beth Shalom

**3. PLEDGE OF ALLEGIANCE**

Dylan Reingold, County Attorney

**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**     [17-0404](#)     Presentation of Proclamation Honoring Gail Kavanagh

**Recommended Action:** Read and Presented.

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

Commissioner Zorc announced that although Gail Kavenagh was not in attendance, she was watching the telecast of the live meeting. He read the Proclamation and a letter from former Senator and Treasure Coast Builder's Association (TCBA) Member Ken Pruitt, acknowledging Ms. Kavenagh's service to the community, and relayed the comments of President of Indian River State College Edwin Massey, acknowledging Ms. Kavenagh's contributions to education. Commissioner Zorc also thanked Ms. Kavenagh for her positive impact on his (Commissioner Zorc's) career.

Peter Robinson, representing the TCBA, and Mattie Williams, Executive Officer of the TCBA, spoke of Ms. Kavenagh's leadership and accomplishments in the TCBA and the community.

**Read and Presented**

- 5.B [17-0355](#) Presentation of Proclamation Recognizing National Public Safety Telecommunications Week

**Recommended Action:** Read and Presented.

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

Chairman Flescher read and presented the Proclamation to Sheriff Deryl Loar; Captain Chuck Kirby; Administrator of the 911 Dispatch Center Sandy Fox; and a group of telecommunications professionals from the Indian River County Sheriff's Office.

Sandy Fox announced that there was an initiative to reclassify Public Safety Telecommunicators as Protective Service Occupations, and requested that the Board and public sign the petition at [www.apointl.org/whitehousepetition](http://www.apointl.org/whitehousepetition).

**Read and Presented**

- 5.C [17-0399](#) Presentation of Proclamation Observing April, 2017 as Aviation Appreciation Month.

**Recommended Action:** Read and Presented.

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

Vice Chairman O'Bryan read and presented the Proclamation to Vero Beach Regional Airport Director Eric Menger; Piper Aircraft CFO John Calcagno; and FlightSafety International Center Manager Nancy Ritter.

**Read and Presented**

- 5.D [17-0359](#) Presentation of Florida Bicycle Association 2016 Law Enforcement Agency of the Year Award and Florida Bicycle Association 2016 Program of the Year Award by Becky Afonso, Florida Bicycle Association Executive Director

**Recommended Action:** Presentations made

Florida Bicycle Association (FBA) Executive Director Becky Afonso announced that the FBA was celebrating its 20th Anniversary, and described its mission to educate the public and promote bike safety.

Ms. Afonso presented FBA's 2016 Annual Law Enforcement Agency of the Year Award to Sheriff Deryl Loar and Major Eric Flowers, representing the Indian River County Sheriff's Office. Discussion ensued on the initiatives within the Sheriff's Department and in the community, to promote bike safety and provide bicycles to disadvantaged citizens.

The FBA's 2016 Annual Program of the Year award was presented by Ms. Afonso to the leadership team of the Bike Rehab Project. Present were Owner of Orchid Island Bikes and Kayaks Malcolm Allen; Deputy Teddy Floyd; Mike Vincent; "Red;" Members of Vero Cycling; Members of Bike Walk Indian River County; Julianne Price; and Jean and Jake Piper. Discussion ensued on the mission of the Bike Rehab Project, which has repaired bicycles and furnished free bikes to many citizens in need.

**Read and Presented**

**6. APPROVAL OF MINUTES**

**6.A**     [17-0397](#)     Regular Meeting of February, 21, 2017

**Recommended Action:** Approve

**Attachments:** [02212017BCC](#)

**Approved**

**6.B**     [17-0406](#)     Regular Meeting of March 7, 2017

**Recommended Action:** Approve

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

**Approved**

**6.C**     [17-0389](#)     Regular Meeting of March 14, 2017

**Recommended Action:** Approve

**Attachments:** [03142017BCC](#)

**Approved**

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of February 21, 2017; March 7, 2017; and March 14, 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

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

Approved

**7.A**     [17-0394](#)     Fellsmere Water Control District Interlocal Agreement

**Recommended Action:**

**Attachments:**   [Staff Report](#)  
[3rd Amended and Restated Fellsmere Water Control District](#)  
[Fellsmere Water Control District ILA](#)

No Action Taken or Required

**8. CONSENT AGENDA**

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 8.D. 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**     [17-0396](#)     Checks and Electronic Payments March 24, 2017 to March 30, 2017

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 24, 2017 to March 30, 2017

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

Approved staff's recommendation

**8.B**     [17-0381](#)     Annual Financial Report for Fiscal Year 2015-2016

**Recommended Action:** Approve the Annual Financial Report for Fiscal Year 2015-2016 and authorize the Chairman to execute any related documents.

**Attachments:**   [Finance Department Staff Report](#)  
[2015-2016 Annual Financial Report](#)

Approved staff's recommendation

**8.C**     [17-0383](#)     Extension of Professional Coastal Engineering and Coastal Environmental

## Services Agreement RFQ No. 2012050

**Recommended Action:** Staff recommends approval of the onetime 9-month contract extension between the County and 1) CB&I Coastal Planning & Engineering, Inc. and 2) Ecological Associates, Inc. and requests the Board to authorize the Chairman to execute the agreements.

**Attachments:** [Staff Report](#)  
[Renewal of Continuing Contract for CB&I](#)  
[Email concurrence relative to contract extensions](#)  
[Renewal of Continuing Contract for Transit dba EAI](#)

**Approved staff's recommendation**

**8.D**     [17-0352](#)     Florida Department of Environmental Protection (FDEP) Consent Order 17-0072 for the Indian River County West Regional Wastewater Treatment Facility

**Recommended Action:** Staff recommends that the Board of County Commissioners: A. Authorize the Chairman to execute Consent Order 17-0072. B. Authorize staff to pay the \$500 administrative fee to the FDEP within 60 days of the effective date of the Order. C. Waive the requirements for bids and authorize the Purchasing Manager to issue a Purchase Order for a lump sum amount of \$32,926.05 to Hach for the in-kind equipment purchase/penalty offset, upon FDEP approval. D. Waive the requirements for bids and authorize the Purchasing Manager to issue a Purchase Order to CH2M Hill for a lump sum of \$29,900 for process engineering consulting services at the biosolids facility.

**Attachments:** [Staff Report](#)  
[Consent Order 17-0072](#)  
[Price Proposal from Hach](#)  
[Price Proposal for Consulting Services from CH2M](#)

Vice Chairman O'Bryan was in favor of staff's recommendation, but pulled this item to point out that the recommendation included a request to waive the bid requirements for two items and authorize the Purchasing Manager to: (1) purchase in-kind equipment from Hach, and (2) to procure CH2M Hill's professional consulting services. He also discussed his interest in having staff take a new look at the County's reuse water system, including its pricing; uses; end users; potential new markets; and disposal of surplus reuse water in the future.

**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

Robert Adair, 7060 33rd Street, Florida Research Center, discussed the problem of citrus greening, and reported that the reuse water is ideal for irrigating citrus crops. He outlined some of the benefits of reuse water, and urged the Board to expand the reuse program to more areas of the County, including the region west of Interstate 95.

Commissioner Zorc asked whether the County has the ability to refuse waste materials that waste haulers from outside areas bring in.

Director of Utilities Vincent Burke stated that staff retains the right of refusal on any questionable materials, and that staff would be meeting with various waste haulers regarding what may and may not be accepted into the County's waste stream.

In addition to its earlier vote to approve staff's recommendation, the Commissioners reached a consensus for staff to report back to them on the County's reuse water program/system.

**8.E**      [17-0384](#)      Dwight T. Seward Jr.'s Request for Release of Easements at 195 Ocean Way (Seagrove South Subdivision)

**Recommended Action:** Staff recommends that the Board, through adoption of the resolution, approve release of the side yard utility easements described in the resolution.

**Attachments:**    [Staff report](#)  
                          [Attachment 1: maps](#)  
                          [Attachment 2: proposed resolution](#)

**Approved Resolution 2017-033, releasing certain easements on Lot 2, Block G, Seagrove South Subdivision Unit One.**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A**      [17-0382](#)      Indian River County Clerk of the Circuit Court and Comptroller, Jeffrey R. Smith: Presentation of the Comprehensive Annual Financial Report (CAFR) and Popular Annual Financial Report (PAFR)

**Recommended Action:** No action required

**Attachments:**    [CAFR 2016 Power Point Presentation](#)  
                          [PAFR 2016 Received at Meeting](#)

Clerk of Circuit Court and Comptroller Jeffrey Smith gave a PowerPoint overview of the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year October 1,

2015 through September 30, 2016. He announced that the County has received for 33 consecutive years, the Certificate of Achievement for Excellence in Financial Reporting from The Government Finance Officers Associations (GFOA) of the United States and Canada. Mr. Smith then reviewed the information contained in the Popular Annual Financial Report (PAFR), which contains an accessible summary of information from the CAFR, and reported that the Clerk received the award for the first PAFR produced for 2015 by the GFOA for Excellence in Popular Annual Financial Reporting. He gave an update on initiatives that were being continued or instituted by the Clerk's office, and thanked Finance Director Diane Bernardo, Assistant Finance Director Elissa Nagy, Staff Accountant Raeanne Cone, and Internal Auditor Ed Halsey, for their work on the CAFR, and Records Management Liaison Officer Laura McIver for designing the PAFR. Mr. Smith announced that he would distribute the PAFR at the April 12, 2017 meeting of the Taxpayers' Association of Indian River County, and pursuant to Vice Chairman O'Bryan's request, would provide to him copies of the PAFR to distribute at his South County community meetings.

Mr. Smith addressed questions from Commissioner Zorc regarding the Florida Retirement System, reimbursement funds from the Florida Department of Transportation, and the collection of short-term rental taxes.

The Chairman called a recess at 10:38 a.m., and reconvened the meeting at 10:47 a.m., with all members present.

Mr. Smith then reviewed the information contained in the Popular Annual Financial Report (PAFR), which contains an accessible summary of information from the CAFR, and reported that the Clerk received the award for the first PAFR produced for 2015 by the GFOA for Excellence in Popular Annual Financial Reporting.

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

- 9.B**      [17-0392](#)      Indian River County Sheriff Deryl Loar: Request for Project Generated Income (PGI) Reimbursement under JAG-C Grant 2016-JAGC-INRI-3-H3-195

**Recommended Action:** Authorization of Reimbursement

**Attachments:** [Letter Dated March 29, 2017](#)  
[Reimbursement Documentation](#)

Sheriff Deryl Loar appeared before the Commission in support of his request; there were no questions or comments from Board Members.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Indian River County Sheriff's request for Project Generated Income (PGI) reimbursement in the amount of \$624.64 from Special Investigations Unit PGI collected and turned over to the County under JAG-C Grant 2016-INRI-3-H3-195. The motion carried by the following vote:**

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

- 9.C**     [17-0395](#)     Indian River County Sheriff Deryl Loar: Request for \$32,427.16 from the Law Enforcement Trust Fund be used to purchase equipment and support programs

**Recommended Action:** Indian River County Sheriff Deryl Loar Recommends \$32,427.16 from the Law Enforcement Trust Fund be authorized to purchase equipment and support programs and agencies as outlined in the request.

**Attachments:**   [Letter Dated April 5, 2017](#)  
                          [Equipment Quote](#)

Sheriff Deryl Loar informed the Board, that as of July 1, 2016, the amount of forfeiture funds was reduced by an amendment to Florida Statute 932.7055, the Florida Contraband Forfeiture Act.

**A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to approve the request of Sheriff Deryl Loar to expend \$32,427.16 from the Indian River County Sheriff's Law Enforcement Trust Fund to purchase equipment and support the programs and agencies outlined in Sheriff Loar's letter of April 5, 2017. The motion carried by the following vote:**

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

## **10. PUBLIC ITEMS**

### **A. PUBLIC HEARINGS**

- 10.A.1**   [17-0385](#)     Prima Vista Corporation's Request for Abandonment of a Portion of 129th Avenue (now being 93rd Avenue) and a Portion of 130th Avenue (now being 93rd Court) within the Paradise Park Unit No. 3 Subdivision [ROWA-17-02-01 / 2002010153-78160] (Legislative)

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

**Attachments:**   [Staff Report](#)  
                          [Application](#)  
                          [Location Map](#)  
                          [Aerial](#)  
                          [Abandonment Resolution](#)  
                          [Affadavit of Publication](#)

Proof of Publication is on file in the Office of the Clerk to the Board

County Administrator Jason Brown announced that due to a clerical issue, staff's recommendation was for the Board to hold the public hearing, and then re-advertise this item for a future public hearing

The Chairman opened the public hearing; there were no speakers, and the Chairman closed the public hearing.

**No Action Taken or Required**

## **B. PUBLIC DISCUSSION ITEMS**

### **C. PUBLIC NOTICE ITEMS**

1. [17-0309](#) Notice of Public Hearing for April 18, 2017: Florida Power & Light Company's Request for Special Exception Use Approval for a Private Heavy Utility (Blue Cypress Solar Energy Center) [SP-SE-17-04-06 / 2017030093-78598] (Quasi-Judicial)

**Recommended Action:** This notice of public hearing is provided for the Board's information. No action is needed at this time.

County Attorney Dylan Reingold read the notice into the record.

**No Action Taken or Required**

## **11. COUNTY ADMINISTRATOR MATTERS**

### **12. DEPARTMENTAL MATTERS**

#### **A. Community Development**

- 12.A.1 [17-0386](#) Consideration of a Request For a Local Jobs Grant by a Target Industry Company (Application #2017-1)

**Recommended Action:** The Economic Development Council and staff recommend that the Board of County Commissioners: 1. Approve a local jobs grant of up to \$49,000 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.

**Attachments:** [Staff Report](#)  
[Attachment 1 - Jobs Grant Application](#)  
[Attachment 2 - Draft Jobs Grant Agreement](#)  
[Attachment 3 - Portion of Draft Minutes March 28, 2017 EDC Meeting](#)

Community Development Director Stan Boling gave a PowerPoint Presentation to

provide background and analysis on the Local Jobs Grant Program and to confirm the qualifications of the Target Industry Company ("Company") for the Grant. He announced that the applicant Company is in the Financial Services Industry, and that they are expanding and putting a corporate office in the County.

Vice Chairman O'Bryan led a brief discussion about the job creation threshold for applicant companies, and Director Boling stated that staff would be trying to simplify the reporting process.

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, noted that the Company has been in town for four years, and that the CEO anticipates having up to 100 employees over the next five to seven years.

**A motion was made by Commissioner Solari, 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

## **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 [17-0388](#) Property/Casualty Insurance 2017-18**

**Recommended Action:** Staff recommends that the Board approve the renewal and authorize staff to bind coverage for May 1, 2017 through April 30, 2018 with a current annual premium of \$1,418,132 based upon the current schedule of values and coverage selections, and approve the broker annual fee of \$175,000.

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

Management and Budget Director Michael Smykowski announced that the County's Property and Casualty Insurance coverage renewal will begin on May 1,

2017. He provided a summary and analysis of the lines of coverage and costs, and asked the Board to authorize staff to bind coverage with Arthur J. Gallagher Risk Management Services, Inc. (AJG), for a total renewal premium of \$1,418,132. Also present was County Risk Manager Beth Martin.

Erica Connick, AJG representative, addressed questions from Commissioner Zorc about flood coverage.

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

## F. Public Works

## G. Utilities Services

### 12.G.1 [17-0391](#)

Phase 2-Collier Creek Estates Subdivision and Phase 3 Harbor Point Petition Water Assessment Project Status

**Recommended Action:** Staff proposes the BCC consider the following options: 1. Do nothing since the new assessment area lacks the super majority support. 2. Authorize the Purchasing Manager to issue a Purchase Order for surveying work to Carter Associates, Inc., direct staff to move forward with the design of Phases 2 and 3, and submit the entire Collier Creek Estates and Harbor Point area for FDEP permitting. 3. Approve Scenario 3. Direct staff to bring forth Resolution I and II to the BCC at the April 18 or May 2, 2017 meeting. 4. Direct staff to work with the point of contact to obtain the one additional vote for Scenario 4. In order to adhere to the \$6,250 per parcel cost, bring forth Resolution I and II for adoption no later than the last BCC meeting in May, 2017. Staff recommends approval of Option 2 and 3 to be funded under Scenario 3.

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

[Collier Creek Estates Subdivision and Harbor Point](#)

[Subdivision-Scenario 5](#)

[Phase 2-Collier Creek Estates Subdivision and Phase 3-Harbor Point](#)

[Subdivision-Scenario 3](#)

[Phase 2A-Collier Creek Subdivision and Phase 3-Harbor Point](#)

[Subdivision-Scenario 4](#)

[Carter and Associates, Inc. Surveying Proposal](#)

Director of Utilities Services Vincent Burke recalled the Board's approval on March 14, 2017 of Resolution 2017-028 (Confirming Resolution III) for Utility Phases 1, 1A, and 1B of the Collier Creek Estates Subdivision Petition Water Assessment Project. He stated that under public comment at that meeting,

several residents requested that their properties be included in the water assessment project. Director Burke gave a PowerPoint Presentation to outline five options for proceeding with the water assessment project, discussed the percentages of property owners for each scenario, and recommended that the Board approve to include in the water assessment project, the remaining parcels in Collier Creek, and the Harbor Point Subdivision. Capital Projects Manager Arjuna Weragoda was also present to address any of the Board's questions.

Vice Chairman O'Bryan stated that normally he would support sticking with the 66.7% minimum of property owners in favor, but in this particular case, it made sense to complete the remainder of Collier Creek and add the Harbor Point Subdivision.

Chairman Flescher supported going forward with the entire project.

Commissioner Zorc's question on project costs sparked a brief discussion, with input from County Administrator Jason Brown and Commissioner Solari, regarding whether or not in-house engineering costs were factored into the overall project cost.

Russ Lemoi, Arega Street, expressed his appreciation to the Board for considering adding the rest of Collier Creek to the water assessment project.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to: (1) authorize the Purchasing Manager to issue a Purchase Order for surveying work to Carter Associates, Inc.; (2) direct staff to move forward with the design of Phases 2 and 3, and submit the entire Collier Creek Estates Subdivision and Harbor Point Subdivision for the Florida Department of Environmental Protection (FDEP) permitting; and (3) direct staff to bring forth Resolution I (Preliminary Assessment Roll) and Resolution II (Public Hearing) to the Board of County Commissioners at the April 18 or May 2, 2017 meeting. The motion carried by the following vote:**

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

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

### **14. COMMISSIONERS MATTERS**

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

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

**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**

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 11:25 a.m.