

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, July 10, 2018

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

Rhonda D. Zirkle, Deputy Clerk

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

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**

Reverend Dan Holloway, Unity Spiritual Center of Vero Beach

3. PLEDGE OF ALLEGIANCE

Joseph E. Flescher, County Commissioner

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS**6. APPROVAL OF MINUTES**

6.A. 18-2012 Regular Meeting of May 22, 2018

Recommended Action: Approve

Attachments: [05222018BCC](#)

A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of May 22, 2018, as written. The motion carried by the following vote:

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

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**8. CONSENT AGENDA**

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.E. for discussion. The motion carried by the following vote:

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

8.A. 18-2008 Checks and Electronic Payments June 22, 2018 to June 28, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 22, 2018 to June 28, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. 18-2018 Award of Bid 2018060 - Annual Bid for Utilities Concrete Restoration

Recommended Action: Staff recommends the Board award bid 2018060 to Professional Services Group, LLC. Staff also recommends the Board authorize the Purchasing Division to issue blanket purchase orders to the awarded bidder, and authorize the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.C. 18-2011 Resolutions Delegating the Authority to the County Administrator or his Designee to Call Letters of Credit and to Act on Behalf of Indian River County during the time frames of July 18, 2018, through and including August 13, 2018; and August 15, 2018, through and including September 10, 2018

Recommended Action: Authorize the Chairman to sign the two Resolutions as presented, delegating the authority to call Letters of Credit and delegating full signing authority during the periods commencing July 18, 2018, through and including August 13, 2018; and August 15, 2018, through and including September 10, 2018, respectively.

Attachments: [Staff Report](#)

[Resolution \(July 18, 2018 to August 13, 2018\)](#)

[Resolution \(August 15, 2018 to September 10, 2018\)](#)

Approved: 1) staff's recommendation; 2) Resolution 2018-060, delegating authority to the County Administrator or his designee, to execute resolutions calling letters of credit as necessary during the period commencing July 18, 2018, through and including August 13, 2018, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing July 18, 2018, through and including

August 13, 2018; and 3) Resolution 2018-061, delegating authority to the County Administrator or his designee, to execute resolutions calling letters of credit as necessary during the period commencing August 15, 2018, through and including September 10, 2018, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing August 15, 2018, through and including September 10, 2018.

8.D. 18-2015 West Wabasso Phase II Septic to Sewer Approval of Cost Share Funding Agreement

Recommended Action: Staff recommends approval of the Cost-Share agreement and requests the Board of County Commissioners to authorize the Chairman to execute the same on their behalf. Please note that if, during the procurement process, bids are much higher than the engineer's opinion of probable cost, the County has the option to close the agreement early without addressing any construction. The early closeout of the agreement would be brought as a new item to the board at that time.

Attachments: [Staff Report](#)
[FY 2018-2019 Cost Share Agreement for West Wabasso Phase I Septic to Sewer](#)

Approved staff's recommendation

8.E. 18-2017 Request from Costello Brothers Marine Construction for payments to be sent to Great Horn Financial for Main Relief Canal Conveyor System Replacement

Recommended Action: Staff recommends that the Board approve the Irrevocable Directive of Draw Proceeds between Costello, Great Horn and the County and authorize the Chairman to execute the Directive on behalf of the Board. Staff further recommends that the Board direct the Finance Office to make payments via wire or ACH on the contract between the County and Costello for replacement of the PC Main Screening System to Great Horn Financial Services, LLC with the endorsement on the payment as indicated in the Irrevocable Directive of Draw Proceeds.

Attachments: [Staff Report](#)
[Irrevocable Directive of Draw Proceeds](#)
[Certificate of Insurance](#)

Deputy County Attorney William DeBraul detailed the unusual payment process, explaining that payments made under the contract will be wired to Great Horn Financial, who will then disburse 100% of the proceeds to Costello Brothers Marine Construction, Inc.

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith confirmed that a wire transfer was the recommended form of payment for this transaction.

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

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1. 18-2009

Request for Authorization for the Community Development Director to Make Application for a Community Development Block Grant in the Housing Rehabilitation Category and Request to Approve the Indian River County Community Development Block Grant (CDBG) Housing Assistance Plan (HAP) for Housing Rehabilitation and Replacement (Administrative)

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Open the public hearing and obtain public input on the application. 2. Approve the proposed application and resolution authorizing the Chairman, or the Community Development Director in the Chairman's absence, to execute all necessary certifications for the CDBG application. 3. Authorize the Community Development Director, or in his absence a designee of the Community Development Director, to make minor corrections to, execute, and submit the application to the Florida Department of Economic Opportunity for their consideration. 4. Authorize the Community Development Director, or in his absence a designee of the Community Development Director, to submit any additional information and sign subsequent forms as needed for the DEO, grant application, agreement, or related state or federal request. 5. Commit to spend, as local leverage for the CDBG, \$50,000 in County SHIP funding on CDBG eligible activities identified in the CDBG application in the time period required by the CDBG program. 6. Approve the proposed CDBG Housing Assistance Plan for Indian River County FFY 2018 - 2022, authorize the Community Development Director to make any needed minor modifications, and authorize the Chairman to sign the plan.

Attachments: [Staff Report](#)
[Unapproved 6-8-18 CATF meeting minutes](#)
[Proposed Housing Rehabilitation CDBG application](#)
[CDBG Housing Assistance Plan](#)
[CDBG Application Authorization Resolution](#)
[Budget Office Grant Form](#)

Community Development Director Stan Boling used a PowerPoint Presentation to provide the project cycle regarding the Indian River County 2017 Community Development Block Grant for Housing Rehabilitation (CDBG-HR), noting that this was the second of the required Public Hearings.

Corbett Alday, Vice President, Guardian Community Resource Management, Inc., assisted with the Presentation, explaining the Housing Assistance Plan (HAP) along with the CDBG-HR Benefit and Scoring, Scope of Work, Proposed Budget, and the Project Timeline.

Chairman O'Bryan opened the Public Hearing.

The following speakers addressed the Board in support of the project:

Joe Idlette, 4570 57th Avenue

Freddie Woolfork, 4590 57th Avenue

Richard Baker, Pelican Island Audubon Society, who suggested adding green landscape to help enhance the application.

There being no additional speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve: 1) staff's recommendation; and 2) Resolution 2018-062, authorizing the Community Development Director, or in his absence, a designee of the Community Development Director to make application to the Florida Department of Economic Opportunity (DEO) for a Housing Rehabilitation Small Cities Community Development Block Grant (CDBG) for Federal Fiscal Year (FFY) 2017 and authorize the use of Local State Housing Initiatives Partnership (SHIP) funds as CDBG leverage, providing an effective date, and for other related purposes. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

10.C.1. 18-2010

Public Notice of Public Hearing Scheduled for July 17, 2018 to Consider an Ordinance Authorizing a Temporary Moratorium for 180 Days or Until a Comprehensive Review of the Impact on the County's Ecosystem is Completed with Regard to Land Application Activities of Class B Biosolids (Legislative)

Attachments: [Staff Report](#)

County Attorney Dylan Reingold announced the Public Hearing, scheduled for July 17, 2018.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. 18-1989 Board Consideration of St. Christopher's Harbor Homeowner's Association, Inc.'s Overdue Cost-Share Payment for the Head Island Channel Restoration Project

Recommended Action: Staff recommends that the Board reject the SCHHA's offer of \$30,000 as full payment and direct staff to initiate legal action against the SCHHA for default in not paying the full \$45,884.71 indicated in the Agreement.

Attachments: [Staff Report](#)

[Aerial Map of Head Island](#)

[Agreement for Dredging and Improvement](#)

[Staff and SCHHA Correspondence](#)

[Head Island Sounding Data January 2018](#)

Environmental Planning & Code Enforcement Chief Roland De Blois used a PowerPoint Presentation to clarify the location of Head Island, and to provide the in-depth details of the Head Island Channel Restoration Project ("the Project") and the Agreement for Dredging and Improvements of Green Salt Marsh Conservation Area, a.k.a. Head Island, ("the Agreement"). He delivered alternatives for handling the overdue cost-share payment of \$45,884.71 owed to the County by St. Christopher's Harbor Homeowner's Association, Inc. (SCHHA).

Community Development Director Stan Boling, with additional input added by Mr. De Blois, responded to Vice Chairman Solari's comments regarding the County's contribution of time and money spent on the Project, and confirmed that the County had fulfilled their part of the Agreement, and that the SCHHA cost-share payment was due in March 2017.

The following individuals addressed the Board to clarify the position of SCHHA regarding the final payment:

Anna Garramone, 2136 Harbor Lane, Vice-President of the St. Christopher's Harbor Homeowner's Association

Ralph Sheppard, 2096 Harbor Lane, President of the St. Christopher's Harbor Homeowner's Association

County Administrator Jason Brown detailed the guidelines of the permits, obtained by SCHHA from the Florida Department of Environmental Protection (FDEP) and Army Corps of Engineers (ACOE) prior to the County's involvement in the Project, with members of the Board agreeing that the County performed the work allowed for within the permitting guidelines.

However, due to the expense of legal fees when filing a lawsuit, Vice Chairman Solari, Commissioners Adams and Commissioner Zorc were in favor of Alternative No. 1, accepting SCHHA's offer of \$30,000 as full payment. Chairman O'Bryan and Commissioner Flescher favored Alternative No. 3, as it was detailed in the staff report.

A motion was made by Commissioner Adams, seconded by Vice Chairman Solari, to approve Alternative No. 1, accepting St. Christopher Harbor Homeowners Association's offer to receive \$30,000 as full payment under the Agreement for Dredging and Improvement of Green Salt Marsh Conservation Area (AKA Head Island). The motion carried by the following vote:

Aye: 3 - Vice Chairman Solari, Commissioner Adams, and Commissioner Zorc

Nay: 2 - Chairman O'Bryan, and Commissioner Flescher

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

The Chairman called for a recess at 10:35 a.m., and reconvened the meeting at 10:45 a.m., with all members present.

12.F.1. 18-1998

TrafficJet Print System and Software: Board Approval to Waive the Requirement for Bids to Purchase the TrafficJet Print System and Software

Recommended Action: Staff recommends the Board of County Commissioners waive the requirement for bids for the Avery Dennison Corporation TrafficJet Print System, Software and any parts or service needed at a later date. Staff also recommends the Board authorize the Purchasing Division to issue Purchase Orders for the TrafficJet Print System, associated equipment and software, as needed.

Attachments: [Staff Report](#)
[Avery Dennison Letter & Quote](#)

Public Works Director Rich Szpyrka explained the need for replacing the outdated current sign fabricating system and hardware, noting that the Avery Dennison TrafficJet 1638 Print System and Software were both efficient and effective, which would be a cost savings of staff time and materials.

Chairman O'Bryan and Commissioner Flescher spoke in support of the purchase.

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

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

12.F.2. 18-2019

John's Island Request for Temporary Easement for Reclaimed Water Line

Recommended Action: Staff recommends that the Board of County Commissioners approve the temporary construction easement and authorize the Chairman to execute said easement on behalf of the County upon review and approval of the easement by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Easement Agreement](#)
[Easement Sketch and Descriptions](#)

Public Works Director Rich Szpyrka provided an update regarding a request for temporary construction easements from John's Island Water Management, Inc. (JIWM) in order to obtain permits for construction of a reclaimed water transmission line to deliver reclaimed water from the County facility, located on 77th Street, to JIWM, at JIWM's expense. He explained that the Florida Department of Environmental Protection (FDEP) requires that the temporary construction easements remain in effect through the length of the permit.

Director Szpyrka responded to Vice Chairman Solari's inquiry regarding the pipeline installation under the Lagoon, indicating that today's technology has made the pipeline installation process low-risk.

The following individuals addressed the Board, offering comments, concerns and alternate options:

Anne Dunn, 210 Shores Drive

Kristine Davis, 170 Island Sanctuary

Thomas Ether, 200 Shores Drive

David Knight, Knight, McQuire and Associates, Inc., representing JIWM

Larry Wapnick, 101 Island Sanctuary

Dr. Richard Baker

Sue Ether, 200 Shores Drive

County Administrator Jason Brown responded to Ms. Ether's questions, commenting that staff had contacted an engineer to research alternate pipeline path options, and noted that this was a construction project brought forward by JIWM.

Vice Chairman Solari clarified that the motion before the Board was to approve temporary construction easements.

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

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

G. Utilities Services

12.G.1. 18-2004 Blue Cypress Lake Testing Update

Recommended Action: Staff recommends that we continue to observe the monitoring programs in place from the Florida Department of Environmental Protection and the St Johns River Water Management District and inquire about them adding anthropogenic marker tests to their routine sampling should the data point to an increased nutrient loading in the area.

Attachments: [Staff Report](#)
[Blue Cypress Lake STORET Monitoring Sites](#)
[Water-CAT Active Monitoring Location Map](#)
[Florida Algal Bloom Sample Collection View Map and Results](#)
[Various Sampling Location Results](#)

(Clerk's Note: Commissioner Adams departed the meeting at 11:33 a.m.)

Director of Utility Services Vincent Burke, with the assistance of Environmental Compliance Specialist Eric Charest, provided a PowerPoint Presentation to describe the Blue Cypress Lake Sampling and Monitoring Station data, pointing out the location of the collection/monitoring sites and the extensive water study results, dating back to 1979.

Discussion ensued with Chairman O'Bryan questioning Mr. Charest with regard to rainfall monitors in the area, indicating that there may be a correlation between heavy rainfall periods, biosolids, and sudden spikes in nutrients. The Chairman was appreciative of the work done by Mr. Charest, noting that continued monitoring would be taking place.

Dr. Richard Baker addressed the Board to suggest that staff have conversations

with the Governor to request that Indian River County be added to the recently declared state of emergency regarding Lake Okeechobee Discharge/ Blue Algae Blooms.

No Action Taken or Required

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman O'Bryan declared the meeting adjourned at 11:57 a.m.