

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 16, 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 Holly Adams, Community Church of Vero Beach

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 14.D.1., Discussion Regarding Ordinance to Ban the Sale of Dogs and Cats in Pet Stores, to be heard following the related Public Discussion Items 10.B.1. and 10.B.2.

Moved: Item 13.B., Economic Development Council Appointment, to follow Item 8. Consent Agenda

Moved: Item 13.C., Real Estate Exchange Agreement between Paradise Central Corporation and Indian River County for Right-of-Way Acquisition for the SR 60/43rd Avenue Project, to be heard prior to 12:00 p.m.

Addition: Red Tide Update, to be heard prior to Item 5., Proclamations and Presentations

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

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

Added: Update on Red Tide in Indian River County

Natural Resources Manager James Gray and Assistant County Administrator Michael Zito provided an update on Red Tide, noting that it affects people in different ways. They highlighted the effects with regard to the fish, and confirmed that organization for the clean-up effort has begun.

For updates on the matter, Chairman O'Bryan suggested that the public go to the County's website, www.ircgov.com. In addition, he confirmed with staff that the County is working closely with the City of Vero Beach to make decisions as to whether the beaches in the area would be closed. It was also noted that signage was being produced to inform the public of the situation.

No Action Taken or Required

5. PROCLAMATIONS and PRESENTATIONS

5.A. 18-2330 Presentation of Proclamation Honoring Rose Martorana On Her 100th Birthday

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Vice Chairman Solari read and presented the Proclamation to Rose Martorana, who turned 100 years old on October 12, 2018.

Ms. Martorana spoke of her love for Vero Beach. She commented on the beauty of the area in addition to the wonderful people she has met.

No Action Taken or Required

5.B. 18-2326 Presentation of Proclamation Designating the Month of October, 2018, as Indian River County Family History Month

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Indian River Genealogical Society President Deborah Garber.

Read and Presented

5.C. 18-2014 Presentation of Proclamation Designating October 26, 2018, as The Day of Ceremony and Celebration for the City of Vero Beach

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to the City of Vero Beach Councilmember Tony Young, City Clerk Tammy Bursick, Ms. Vero Centennial Anna Valencia Tillery, and Joan Edwards, who confirmed that she will be conducting monthly three-hour Centennial Trolley Tours, compliments of Piper Aircraft, on the first Saturday of each month, through September 2019, with the exception of the month of April. She explained that reservations will be required by calling the City Clerk's office.

Councilmember Young spoke of the late Susan Helseth Roberson, who had provided an account of history about Vero Beach when her family first arrived.

Ms. Tillery invited the public to visit www.verobeach100.org for up-to-date event information throughout the coming year.

Read and Presented

5.D. 18-2404 Presentation by Brian Bauer, President/CEO, CareerSource Research Coast

Recommended Action: Presentation only - no action required.

Attachments: [Presentation](#)

President and CEO Brian Bauer, with the assistance of a PowerPoint Presentation, provided background and in-depth details regarding the principles, successes, and services provided by CareerSource Research Coast. He explained the Sector Strategy Implementation, which involves Indian River, St. Lucie and Martin Counties, and informed the Board of upcoming events including the Gifford Annual Job Fair; the State of Jobs Conference; and the Florida Paychecks for Patriots 2018 hiring event for Veterans.

Mr. Bauer also mentioned that the Indian River County School District approved a Facilities Use Agreement for the relocation of the Eckerd Youth Program, benefiting out-of-school youth aged 16-24, to the Treasure Coast Technical College.

No Action Taken or Required

6. APPROVAL OF MINUTES

6.A. 18-2381 Regular Meeting of August 14, 2018

Recommended Action: Approve

Attachments: [08142018BCC](#)

Approved

6.B. 18-2405 Special Call Meeting of September 4, 2018

Recommended Action: Approve

Attachments: [09042018 Special Call Meeting](#)

Approved

6.C. 18-2394 Preliminary Budget Hearing of September 12, 2018

Recommended Action: Approve

Attachments: [09122018PrelimBdgtHrng](#)

Approved

6.D. 18-2400 Final Budget Hearing of September 19, 2018

Recommended Action: Approve

Attachments: [09192018FinalBudgetHearing](#)

A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of August 14, 2018, Special Call Meeting Minutes of September 4, 2018, Preliminary Budget Hearing Minutes of September 12, 2018, and Final Budget Hearing Minutes of September 19, 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**7.A. 18-2376** Sebastian River Improvement District Fiscal Year 2018-2019 Regular Board Meeting Schedule is on file for review in the Office of the Clerk to the Board.

Recommended Action: Informational Only

Attachments: [Sebastian River Improvement District Meeting Schedule](#)

No Action Taken or Required

7.B. 18-2367 Affordable Housing Advisory Committee Vacancy

Recommended Action: Informational Item - No Action Required

Attachments: [Staff Report](#)
[Andy Bowler Resignation \(10.03.18\)](#)

No Action Taken or Required

7.C. 18-2201 Proclamation Honoring Richard D. Cahoy

Recommended Action: Informational

Attachments: [Proclamation](#)

No Action Taken or Required

7.D. 18-2409 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 Adams, seconded by Commissioner Zorc, to approve the Consent Agenda as amended, pulling Item 8.I. 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. 18-2363 Checks and Electronic Payments September 21, 2018 to September 27, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 21, 2018 to September 27, 2018

Attachments: [Finance Department Staff Report](#)

Accepted

8.B. 18-2375 Checks and Electronic Payments September 28, 2018 to October 4, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 28, 2018 to October 4, 2018

Attachments: [Finance Department Staff Report](#)

Accepted

8.C. 18-2350 Indian River County Administration Complex Buildings A & B Roof Replacement, IRC-1705, 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 Advanced Roofing, Inc. in the amount of \$86,909.81 for release of retainage.

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

Approved staff's recommendation

8.D. 18-2366 Acceptance of Florida Department of Economic Opportunity Grant FY18/19

Recommended Action: Staff recommends the Board approve the DEO grant and authorize the Chairman to sign the Agreement on behalf of the County. Following Board approval, the County will transmit the partially executed Agreement to the DEO for final signatures. Upon receipt of the fully executed original agreement from the DEO, staff will transmit to the Clerk to the Board of County Commission for recording.

Attachments: [Staff Report](#)
[IRC Grant Form](#)
[DEO Grant Agreement](#)

Approved staff's recommendation

8.E. 18-2386 Ranking of Firms and Authorization to Negotiate - RFQ 2018063 Continuing Architectural Services

Recommended Action: Staff recommends the Board approve the committee's final ranking and authorize negotiations with all five of the responding firms in accordance with FS 287.055, Consultant's Competitive Negotiation Act.

Attachments: [Staff Report](#)

Approved staff's recommendation, with the final ranking of firms being CPZ Architects, Inc.; EDB Architects & Associates, P.A.; Donadio and Associates, Architects, P.A.; Tsark Architecture, LLC; and Architectural Building Corp.

8.F. 18-2388 2018-047: US 1 Air Release Valve and 24" Force Main Replacement Change Order #2 and Final Pay Request

Recommended Action: Staff recommends that the Board of County Commissioners approve Johnson Davis Change Order No. 2 to reduce the contract amount and authorize final payment in the amount of \$134,802.68.

Attachments: [Staff Report](#)
[Change Order No. 2](#)
[Johnson Davis Inc Final Pay Request](#)

Approved staff's recommendation

8.G. 18-2392 Final Payment to Summit Construction for Bid #2018064, North Wastewater Fence Replacement

Recommended Action: Staff recommends that the Board of County Commissioners approve Final Payment to Summit Construction of Vero Beach in the amount of \$125,800.00.

Attachments: [Staff Report](#)
[Invoice #280-01 from Summit Construction](#)
[Before-After Pictures](#)

Approved staff's recommendation

8.H. 18-2368 Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Service Development Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Grant Agreement and adopt the resolution authorizing the Chairman to sign the agreement

Attachments: [Staff Report](#)
[Resolution](#)
[Grant Agreement](#)
[Budget Form](#)

Approved: 1) staff's recommendation; and 2) Resolution 2018-102, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

8.I. 18-2365 Award of Bid No: 2019005 Victor Hart Sr. Complex Drainage Improvements

Recommended Action: Staff recommends that the project be awarded to Guettler Brothers Construction, LLC in the amount of \$591,143.00 and requests that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the agreement as to form and legal sufficiency.

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

Commissioner Zorc spoke of Regional Playoff league activity being held at the Victor Hart Sr. Sports Complex, and suggested that the contracted improvements be delayed until the games have concluded.

Public Works Director Rich Szyrka confirmed that the schedule had been adjusted.

A motion was made by Commissioner Zorc, 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

8.J. 18-2408 Miscellaneous Budget Amendment 017

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2017-18 budget

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit "A" BA 017](#)

Approved **Resolution 2018-103**, amending the Fiscal Year 2017-2018 Budget.

8.K. 18-2407 Interfund Borrowing Fiscal Year 2017/2018

Recommended Action: Staff recommends approval for interfund borrowing as necessary to cover any cash deficits of individual funds that may occur.

Attachments: [Staff Report](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. 18-2324 Second Hearing for Adoption of a Land Development Regulation (LDR) Amendment to Chapters 911 and 971 Regarding the Review and Approval Process for Places of Worship (Legislative)

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

Attachments: [Staff Report](#)

[Excerpt from Draft September 18, 2018 BCC Minutes](#)

[Excerpt from March 1, 2016 BCC Minutes](#)

[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 detail the background and process involved for the proposed Ordinance, which would apply more objective criteria and a more streamlined approval process for places of worship use, in response to a federal case-law. He noted that this was the second and final public hearing, and no changes had been recommended at the first public hearing on September 18, 2018; however, he explained that there was a typographical error on page 13 of the proposed Ordinance that would be corrected prior to execution by the Chairman, if approved.

Commissioner Zorc sought clarification regarding churches in the pre-application phase, and Director Boling confirmed that the proposed changes would provide for a less expensive and faster application process.

Chairman O'Bryan opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to adopt Ordinance 2018-023, amended to include the correction of a typographical error on page 13, concerning amendments to its Land Development Regulations (LDRS); providing for amendments to Chapter 911, Zoning; by amending Sections 911.06, Agricultural and Rural Districts; Section 911.07, Single-Family Residential Districts; Section 911.08, Multiple-Family Residential Districts; 911.13, Special Districts; and Chapter 971, Regulations for Specific Land Uses by amending Subsection 971.28(5), Places of Worship; and providing for repeal of conflicting provisions; codification; severability; and effective date. The motion carried by the following vote:

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

The Chairman called for a recess at 10:06 a.m., and reconvened the meeting at 10:15 a.m., with all members present.

B. PUBLIC DISCUSSION ITEMS

10.B.1. 18-2320 Request to Speak from Nicole Capobianco Regarding Stopping/Banning the sale of puppies/cats in pet stores in Indian River County. Eliminate local pet stores from selling puppies obtained from puppy mills.

Recommended Action: Public Discussion Item - No Action Required

Attachments: [Request to Speak Form](#)

(Clerk's Note: This item and Item 10.B.2. were discussed together, followed by Item 14.D.1.)

Nicole Capobianco, 7065 21st Street SW, used a PowerPoint Presentation to provide knowledge of the health concerns, consumer fraud and animal cruelty in puppy mills. She requested the ban of pet stores obtaining and selling animals from those sources. In her presentation, she provided documentation from the Florida Department of Health in Indian River County, dated September 19, 2018, stating that a puppy recently purchased from Pets Around the World II had tested positive for having a type of bacteria called *Campylobacter jejuni*, and that one human illness was suspected to be linked to exposure to the animal. Ms. Capobianco pointed out information listed on PKC Puppy Applications, in reference to puppies sold by Pets Around the World II, that she described as fictitious. She also provided an invoice from All Creatures Animal Hospital in Stuart, Florida, dated October 01, 2018, describing a puppy, purchased in Vero Beach on the same day as the examination, testing positive for *Giardia* and an upper respiratory infection. She cited violations to the Florida Statutes 828.29 Dogs and Cats Transported or Offered for Sale; Health Requirements; Consumer Guarantee.

Discussion ensued amongst the Board and Ms. Capobianco. Vice Chairman Solari showed interest in separating the concerns brought forward by Ms. Capobianco; Commissioner Zorc was interested in the number of puppies sold that would classify a "puppy mill" versus a "breeder", in addition to the regulations and monitoring provided by the Florida Department of Health; and Chairman O'Bryan suggested that a ban on puppies being sold at pet stores could lead to puppy mills changing their practice to find a way to sell to the public. Commissioner Adams questioned Ms. Capobianco's decision to purchase a dog from a pet store versus a breeder, which revealed the fact that Ms. Capobianco's Great Dane puppy, bought at Pets Around the World II, was fighting for her life two (2) days after the purchase.

Florida Department of Health employees Cheryl Dunn and Barb Progulske were summoned by Commissioner Zorc to speak on the investigation involving the human who tested positive for *Campylobacter jejuni*, noting that approximately 40-50 cases of the bacteria-causing illness are confirmed each year in Indian River County. Commissioner Flescher mentioned the outbreak of bacteria-causing illnesses that involved the pet store, PetLand.

Chairman O'Bryan received clarification from County Attorney Dylan Reingold regarding the possibility of adopting an Ordinance requiring the proper licensing of pet stores, to be monitored by Code Enforcement.

The following speakers suggested changes to the Ordinance to ban the sale of dogs and cats at pet stores, or to offer more protection for the pets and consumers:

Nicholas Vedder, 934 19th Street
Ina Wilson, 1757 Belmont Circle
Mary Ann Krueger, 121 Miller Drive, Sebastian
Julie DeBoer, 2395 55th Square
Jacque Petrone, HALO Rescue, Director and Founder
Ted Pankiewicz, Love of Paws, Director
Cindy Wold, 635 14th Avenue
Joann Hall, 1869 Grey Falcon SW
Ilka Daniel, Humane Society of Vero Beach and Indian River County, Director of Animal Protection Services
Lois Wolfe, 4415 9th Manor SW
Michele Lazarow, Animal Defense Coalition
John Kistler, 2340 Water Oak Court SW

The Chairman called for a recess at 12:45 p.m., and the meeting resumed at 12:57 p.m., with all members of the Board present.

No Action Taken or Required

10.B.2. 18-2364 Request to Speak from Doherty, Inc. Regarding Not Changing Pet Store Compliances by Banning Sale of Animals

Recommended Action: Public Discussion Item - No Action Required

Attachments: [Request to Speak Form](#)

(Clerk's Note: This item and Item 10.B.1. were discussed together, followed by Item 14.D.1.)

Attorney Allan Whitehead of Frese, Whitehead & Anderson, P.A., 2200 Front Street, Melbourne, was present with Pets Around The World owner Greg Doherty, and Dr. Debby Butler, DVM, Veterinarian for Pets Around The World in Vero Beach and Melbourne. Attorney Whitehead spoke on the integrity of Mr. Doherty and his staff, and detailed the process involved when purchasing puppies and preparing them to be sold at Pets Around the World. He provided reasoning for not supporting the ban on the sale of animals in pet stores in Indian River County, including stating the wording from a petition signed by individuals who were not in support of any legislation that would ban the selling of puppies and kittens from responsible breeders at reputable pet stores. He supported fair regulations of entities such as rescues, shelters and pet stores to ensure that all animals are treated humanely.

In response to questions from Chairman O'Bryan and Vice Chairman Solari, Dr. Butler provided a detailed explanation of the difference between family breeders and puppy mills, making mention of the horrific conditions of puppy mills. She suggested that a reputable breeder would have a maximum of 4 or 6 dogs in their home and that they would be bred in the home one (1) time per year. She shared that she was not aware of an independent company that monitors and certifies reputable breeders and pet stores.

Chairman O'Bryan mentioned a video clip of puppies that were left alone with feces in the cages, and he requested an explanation from Mr. Doherty regarding the procedure followed when a customer requests to spend time with a puppy prior to purchasing. In addition, he inquired about the location of the family breeders where he purchases puppies for his stores. Mr. Doherty advised that the puppies were never unattended, and that there were always two (2) employees tending to the animals. Mr. Doherty estimated that he purchased pets from 15 family breeders within Florida and roughly 40 family breeders outside the State. He clarified that he does not purchase puppies from any family breeders within the County.

In response to an inquiry from Vice Chairman Solari, Emergency Services Director and Fire Chief Tad Stone was present to confirm that he was not aware of any puppy mills in Indian River County, nor was he aware of any puppy monitoring and certifying agencies within the area.

The following speakers were opposed to banning the sale of dogs and cats at pet stores:

Alexandria Julian, 2124 W. Brandon Boulevard, Brandon, who presented an informational folder to the Board

Natalia Sanabria, 7706 N. Taliaferro Avenue, Tampa, who presented an informational folder to the Board

Christa Gosheras, 13705 N. Dale Mabry Highway, Tampa, who presented an informational folder to the Board

Daniela Coffey, 13527 Little Park Drive, Tampa

(Clerk's Note: Informational folders are on file in the office of the Clerk to the Board.)

Mr. Doherty invited the members of the Board to visit his store and, following a request from Chairman O'Bryan, agreed to provide the Board with a list of all the breeders that he had purchased from in the past year.

Chairman O'Bryan thanked the Public for their input.

No Action Taken or Required

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****12.G.1. 18-2390** Citrus Hideaway Subdivision Petition Water Assessment Project, Surveying and Engineering Design Services

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners accept Mr. Richard Votapka's offer to perform design services pro bono, authorize the Purchasing Manager to issue purchase orders for the necessary surveying work, authorize staff to make payment for the permits necessary for the work, and authorize staff to move the project to the design phase.

Attachments: [Staff Report](#)
[Preliminary Petition Requesting a Neighborhood Water Assessment Program](#)
[Location Map](#)

Director of Utility Services Vincent Burke provided the details regarding the Citrus Hideaway Subdivision Petition Water Assessment Project, noting a 91% approval rate amongst the 11 benefiting properties. He confirmed that one of

the properties was excluded from the benefiting property area due to a prior connection to the water main, and he explained that Mr. Richard Votapka had offered to perform design services at no charge to assist in reducing the cost of the project.

In response to Chairman O'Bryan's inquiry regarding locked-in costs, Director Burke clarified that only the Impact Fee for the meter would be a fixed cost, and that the final number would be refined once the initial design survey is received.

Commissioner Zorc suggested that Bowman Engineering may offer some cost-saving tactics, and Director Burke agreed to reach out to them.

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

12.G.2. 18-2391 Request Data Flow System Upgrade - 55 Lift Station Remote Telemetry Units (RTUs)

Recommended Action: On July 18, 2018, the Board of County Commissioners (BCC) authorized the Purchasing Department to use Data Flow System (DFS) as the sole source provider for equipment, repairs and replacements for Data Flow System products. At this time, staff recommends the BCC approve the upgrade of 55 Remote Telemetry Units (RTUs) at the cost of \$412,500.00 and authorize the Purchasing Department to issue DFS a purchase order for this project.

Attachments: [Staff Report](#)

[Data Flow Quote #180827-01-RW](#)

Director of Utility Services Vincent Burke provided the details of the proposed Supervisory Control and Data Acquisition (SCADA) system upgrade.

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, 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.G.3. 18-2406 Blue Cypress Lake Informational Update

Recommended Action: Staff recommends that the Board of County Commissioners (BCC) direct staff to continue coordination with the regulatory agencies, not duplicate sampling efforts, and bring any and all available Blue Cypress Lake data and Water Quality Study findings back to the BCC in December 2018.

Attachments: [Staff Report](#)
[Total Pounds of Phosphorus](#)
[Class B Biosolids Land Application Sites](#)

Director of Utility Services Vincent Burke provided an update on the progress of the investigation of the causes of increased nutrient levels in or around Blue Cypress Lake. He added that staff intends to return to the Board in December 2018 with data that is currently being tracked and collected for testing. Director Burke confirmed that work is being done by the Florida Department of Environmental Protection (FDEP) and the St. Johns River Water Management District (SJRWMD) to provide a combined plan using data results from the ground water analysis and the surface water analysis, and by the University of Florida's Institute of Food and Agricultural Services (IFAS), to provide a soils and Bahia grass analysis.

Vice Chairman Solari thanked Christine Kelly-Begazo, IFAS, and the SJRWMD for their efficiency, noting that the FDEP's report may not be complete by January 19, 2019, the expiration of the six-month temporary moratorium on the application of Class B biosolids in the unincorporated area of the County, and that the Board may need to extend the moratorium.

No Action Taken or Required

13. COUNTY ATTORNEY MATTERS

13.A. 18-2369 Request for Closed Attorney-Client Session Relating to Martin County et al. vs. U.S. Department of Transportation et al. (Case No.: 1:18-cv-00333-CRC)

Recommended Action: The County Attorney recommends that the Board schedule a closed attorney-client session to occur at 10:30 AM on October 23, 2018.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the request into the record, making note that the estimated time allotted for the closed attorney-client session would be 90 minutes.

A motion was made by Commissioner Adams, 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

13.B. 18-2360 Economic Development Council Appointment

Recommended Action: The County Attorney recommends that the Board review the applicant's résumé, and determine whether to appoint him to fill the unexpired term ending in January 2019, and for the next term which expires in January 2023 for the "Local Agriculture Industry" representative to the Economic Development Council.

Attachments: [Staff Report](#)
[IRC Committee Application - Gerald Renick](#)
[Gerald Renick Ecotone Services Resume](#)

(Clerks Note: This item was heard following the Consent Agenda, and is placed here for continuity.)

County Attorney Dylan Reingold introduced potential applicant Gerald W. Renick for the vacancy of the "Local Agriculture Industry" representative to the Economic Development Council, who, if appointed, would fill the unexpired term ending in January 2019, and the next term which expires in January 2023.

Gerald "Jerry" Renick, Owner and Operator, Ecotone Farm, addressed the Board to elaborate on his background information and to confirm his desire to become involved in Economic Development within the County.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to appoint Gerald W. Renick as the "Local Agriculture Industry" representative to the Economic Development Council, filling the unexpired term ending in January 2019, and for the next term which expires in January 2023. The motion carried by the following vote:

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

13.C. 18-2410 Real Estate Exchange Agreement between Paradise Central Corporation and Indian River County for Right-of-Way Acquisition for the SR 60/43rd Avenue Project

Recommended Action: Staff recommends the Board of County Commissioners approve the Real Estate Exchange Agreement between Paradise Central Corporation and Indian River County for the needed Right-Of-Way for the SR 60/43rd Avenue Project and approve the accompanying Resolution declaring the former Lennie's Lounge remainder property surplus and authorizing the Chairman to execute the Exchange Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Exchange Agreement with attachments](#)
[Resolution](#)

(Clerk's Note: This item was heard prior to Items 10.B.1. and 10.B.2., Public Discussion Items, and is placed here for continuity.)

Deputy County Attorney William DeBraul provided the details of the Real Estate Exchange Agreement between Indian River County and Paradise Central Corporation regarding the SR 60/43rd Avenue Project. He clarified that Paradise

Central Corporation would acquire the remainder of the parcel formerly known as Lennie's Lounge, located at 1959 43rd Avenue, to relocate underground gas tanks, in exchange for the land needed to expand the right-of-way on both SR 60 and 43rd Avenue. He mentioned that the cost of the acquisition would be split between the County and the Florida Department of Transportation (FDOT) and that the County Attorney's Office has not yet received confirmation as to whether the County would be reimbursed by the FDOT for the value of the former Lennie's Lounge property.

In response to an inquiry from Chairman O'Bryan, Attorney DeBraul confirmed that the County would not be liable for any contamination or environmental issues that could result from the relocation of the underground gas tanks.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve: 1) staff's recommendation; and 2) Resolution 2018-104, approving an exchange of land between Indian River County and Paradise Central Corporation. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1. 18-2340 Presentation on Commercial Property Assessed Clean Energy (PACE)

Recommended Action: N/A

Attachments: [Commissioner's Memorandum](#)
[The STATE OF PACE PowerPoint Presentation](#)

Frank Bernardino, Anfield Consulting, introduced Natalie Schneider, Renew Financial, Florida Regional Director of Government Affairs, who used a PowerPoint Presentation to explain the details of the Property Assessed Clean Energy (PACE) program, a program designed to create energy, save energy, or improve and harden the property. She introduced Toby Wagner, Southeastern Investment Securities, President, 1385 W. Island Club Square, who provided background and answered questions regarding the terms of the loan and the administration costs associated with the PACE program.

In response to questions from members of the Board, Ms. Schneider explained that an energy audit was not required, and that a contractor may suggest the PACE program to their customer as a way to finance energy-saving repairs, in addition to the property owner saving money on utility bills and insurance. She clarified that a lien would be recorded and could be transferred with the ownership of the property.

Chairman O'Bryan suggested that the item be tabled until staff could gather additional information regarding the commercial benefits of the PACE Program.

Vice Chairman Solari felt that the process was complex. He was not in support of moving forward with the PACE program.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to direct staff to gather additional information regarding the commercial benefits of the Property Assessed Clean Energy (PACE) Program, and return to a future BCC meeting. The motion carried by the following vote:

Aye: 3 - Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc

Nay: 2 - Vice Chairman Solari, and Commissioner Flescher

14.A.2. 18-2378 Additional items for consideration prior to acting on Utility water and wastewater rate study

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[Water Challenges](#)

Chairman O'Bryan agreed to table this item, to be brought back on October 23, 2018.

Tabled

B. Commissioner Bob Solari, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

14.D.1. 18-2387 Discussion Regarding Ordinance to Ban the Sale of Dogs and Cats in Pet Stores

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[Seminole County FL Ordinance Ban of Pet Sales](#)

(Clerk's Note: This item was heard following Items 10.B.1. and 10.B.2., and is placed here for continuity.)

Commissioner Flescher confirmed the receipt of many emails, both in favor of and opposing the ban of the sale of dogs and cats in pet stores. He recalled growing up in a family where they bred dogs and sold them, speaking in favor of animal rights, and he clarified that he has visited many family breeders in Indian River

County, noting that most every breed of puppy could be purchased/adopted. He stated that he had read the wording of many of the Ordinances from other municipalities, in addition to having conversations with the Deputy County Attorney regarding the matter.

Commissioner Flescher made a motion to direct staff to draft an Ordinance that would mimic the Seminole County Ordinance, which brought discussion from members of the Board as to how to make and enforce the best regulations to: 1) eliminate the sale of puppies from puppy mills and kittens from kitten factories; and 2) eliminate the mistreatment of dogs and cats. It was decided that the research done by staff would include looking at the Ordinances adopted throughout the State, to be brought back to the Board prior to the end of 2018.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to direct staff to research and develop a plan to eliminate the mistreatment of dogs and cats, and to return to the Board by the end of 2018. The motion carried by the following vote:

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

E. Commissioner Tim Zorc

The Chairman called for a recess at 2:05 p.m., and reconvened the meeting at 2:14 p.m., with all members present.

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. 18-2398 Approval of Minutes Meeting of August 14, 2018

Recommended Action: Approve

Attachments: [08142018SWDD](#)

Approved

15.B.2. 18-2399 Approval of Minutes Preliminary Budget Hearing of September 12, 2018

Recommended Action: Approve

Attachments: [09122018PrelimBdgtSWDD](#)

Approved

15.B.3. 18-2401 Approval of Minutes Final Budget Hearing of September 19, 2018

Recommended Action: Approve

Attachments: [09192018FinalBudgetHearing](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to approve the Solid Waste Disposal District Meeting Minutes of August 14, 2018; Preliminary Budget Hearing Minutes of September 12, 2018; and Final Budget Hearing Minutes of September 19, 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

15.B.4. 18-2389 Request Approval for Two Paper Shredding Events in Fiscal Year 2018/19

Recommended Action: Staff recommends the Solid Waste Disposal District Board authorize the sponsorship of two Residential Paper Shredding Events in fiscal year 2018/19 utilizing Southeast Secure Shredding, for a total cost of \$1,600, and authorize staff to issue a purchase order to Southeast Secure Shredding.

Attachments: [Staff Report](#)

Recycling Education and Marketing Coordinator Stephanie Fonvielle highlighted the upcoming paper shredding event, to be held at Southeast Secure Shredding on November 17, 2018.

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

15.B.5. 18-2402 Request for General Funds - PACE Project and Other Community Projects FY2018-19

Recommended Action: Staff recommends the Board of County Commissioners authorize up to \$6,500.00 to be donated to various Protocol for Assessing Community Excellence (PACE)/illegal dumping projects for the sole purpose of paying associated landfill fees.

Attachments: [Staff Report](#)
[Letter from Health Department](#)

A motion was made by Vice Chairman Solari, 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

15.B.6. 18-2403 CCNA-2018 Work Order No. 2 to Geosyntec Consultants for Engineering Services with the Title V Permitting for Emergency Generators

Recommended Action: SWDD staff recommends that its Board approve the following: a) Approve CCNA-2018 Work Order No. 2 with Geosyntec in the amount of \$24,998 to provide engineering services related to the Title V Permitting for Emergency Generators; and, b) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
[CCNA-2018 Work Order No. 2 - Geosyntec](#)

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.