

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com*



Meeting Minutes - Final

Tuesday, December 6, 2016

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

Chairman Flescher requested a moment of silence in honor of James Graves, a local teenager who died in a boating accident over the weekend.

2. INVOCATION

Stan Boling, Community Development Director

3. PLEDGE OF ALLEGIANCE

Jason E. Brown, County Administrator

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A** [16-1082](#) Presentation of Proclamation and Retirement Award Honoring Dorothy Jeanne Bresett on Her Retirement from Indian River County Public Works Department/Traffic Engineering Division with Thirty Years of Service.

Attachments: [Proclamation](#)
 [Service Award](#)

Chairman Flescher read and presented the Proclamation and Retirement Award to Dorothy Jeanne Bresett.

- 5.B** [16-1071](#) Presentation of 2015-2016 Economic Development Annual Report by Helene Caseltine, CEcD, Economic Development Director, Indian River County Chamber of Commerce

Recommended Action: No Action Required

Attachments: [Additional backup presented at meeting for 5B](#)

Helene Caseltine, Economic Development Director for the Indian River County Chamber of Commerce, provided highlights of the 2015-2016 Economic Development Annual Report through a PowerPoint Presentation.

6. APPROVAL OF MINUTES

6.A [16-1091](#) Regular Meeting of November 1, 2016

Recommended Action: Approve

Attachments: [11012016BCC](#)

6.B [16-1090](#) Regular Meeting of November 8, 2016

Recommended Action: Approve

Attachments: [11082016BCC](#)

A motion was made by Commissioner Zorc, seconded by Vice Chairman O'Bryan, to approve the Regular Meeting Minutes of November 1, 2016 and November 8, 2016, as written. The motion carried by the following vote:

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

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

7.A [16-1067](#) Florida Public Service Commission Consummating Order No. PSC-16-0513-CO-EI
In re: Petition for approval of 2016 revisions to underground residential and commercial differential tariffs, by Florida Power & Light Company, has been received and is available for review in the Office of the Clerk to the Board.

7.B [16-1074](#) Florida Public Service Commission Order No. PSC-16-0521-TRF-EI In re: Petition for limited proceeding for approval to include in base rates the revenue requirement associated with the acquisition of the Osprey Plant Phase 2 of the Hines chiller uprate project, by Duke Energy, LLC, has been received and is available for review in the Office of the Clerk to the Board.

7.C [16-1092](#) Florida Public Service Commission Order No. PSC-16-0545-CO-EQ In re: Petition for approval of modifications to standard interconnection agreement contained in the approved tariff by Duke Energy Florida, LLC has been received and is on file for review in the Office of the Clerk to the Board.

7.D [16-1079](#) Public Design Workshop: Gifford Road Landfill Site Redevelopment Plan, Saturday, December 10, 2016, 9:30 a.m. to 3:00 p.m., Gifford Community Center, 4855 43rd Avenue.

Recommended Action: Informational only. No Action Required.

Attachments: [Workshop Flyer](#)

The Chairman provided details on the Gifford Road Landfill Site Redevelopment Plan Public Design Workshop being held at the Gifford Community Center on Saturday, December 10, 2016 from 9:30 a.m. to 3:00 p.m.

7.E [16-1080](#) Update on All Aboard FL/Vero Electric Expenses

Recommended Action: No Action Required

Attachments: [Staff Report](#)

[All Aboard FL Expenses](#)

[FP&L-Vero Beach-FMPA expenses](#)

7.F [16-1102](#) 2017 Board of County Commissioner Committee Appointments

Recommended Action: Informational

Attachments: [Commissioner Committee Assignments](#)

7.G [16-1093](#) 2017 Treasure Coast Regional Planning Council (TCRPC) Appointments

Recommended Action: Informational

Attachments: [2017 TCRPC Appointments](#)

7.H [16-1094](#) 2017 Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee District Appointment

Recommended Action: Informational

Attachments: [2017 TCRPC CEDS Appointments](#)

7.I [16-1095](#) 2016-2017 City of Sebastian Council Committee Information

Recommended Action: Informational

Attachments: [2017 Sebastian Appointments](#)

7.J [16-1096](#) 2016-2017 City of Vero Beach Council Committee Information

Recommended Action: Informational

Attachments: [2017 Vero Beach Appointments](#)

7.K [16-1097](#) 2016-2017 City of Fellsmere Council Committee Information

Recommended Action: Informational

Attachments: [2017 Fellsmere Appointments](#)

7.L [16-1098](#) 2016-2017 Town of Indian River Shores Council Committee Information

Recommended Action: Informational

Attachments: [2017 Indian River Shores Appointments](#)

8. CONSENT AGENDA

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

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

8.A [16-1072](#) Approval of Checks and Electronic Payments November 11, 2016 to November 17, 2016

Recommended Action: Approve the attached list of checks and electronic payments issued by the Comptroller's office for the time period of November 11, 2016 to November 17, 2016

Attachments: [Approval of Checks and Electronic Payments November 11, 2016 to November 17, 2016](#)

Approved staff's recommendation.

8.B [16-1081](#) Approval of Checks and Electronic Payments November 18, 2016 to November 24, 2016

Recommended Action: Approve the attached list of checks and electronic payments issued by the Comptroller's office for the time period November 18, 2016 to November 24, 2016

Attachments: [Finance Staff Report](#)

Approved staff's recommendation.

8.C [16-1086](#) Osprey Marsh One-Year Compliance Maintenance Contract with G.K. Environmental, Inc.

Recommended Action: Staff recommends approval of the proposal authorizing the contract for professional services for Osprey Marsh One-Year Compliance Maintenance for a lump sum amount of \$18,425.00 to G.K. Environmental, Inc.

Attachments: [Staff Report](#)
[GKE Maintenance-Compliance Proposal](#)

Approved staff's recommendation.

- 8.D** [16-1085](#) Approval of an Amendment to the Administrative Services Agreement with Blue Cross effective January 1, 2017 and Ratification of all Prior Amendments to the Original October 1, 1996 Agreement.

Recommended Action: Staff recommends the Board approve the amendment to the Administrative Services Agreement with Blue Cross effective January 1, 2017 and ratify all prior amendments to the original October 1, 1996 Agreement.

Attachments: [Staff Report - Amendment to Administrative Service Agreement w. Blue Cross Blue Shield Florida Blue Amendment 1.1.2017](#)
[Florida Blue ASO Agreement 1996 and all prior amendments](#)

Approved staff's recommendation.

- 8.E** [16-1083](#) Approval to Defer the Increase in Salary for Certain Exempt Positions Approved by the Board of County Commissioners on November 22, 2016 until the Final Rule is Implemented, Due to an Emergency Injunction Which has Halted Implementation

Recommended Action: Staff recommends the Board approve to defer the increase in salary for certain exempt positions approved by the Board of County Commissioners on November 22, 2016 until the Final Rule is implemented, due to an emergency injunction which has halted implementation.

Attachments: [Staff Report](#)

Approved staff's recommendation.

- 8.F** [16-1088](#) Miscellaneous Budget Amendment 002

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

Attachments: [Staff Report](#)
[2016 2017 Resolution](#)
[Exhibit "A"](#)
[Sheriff letter dated Oct 31, 2016](#)

Approved [Resolution No. 2016-125](#), amending the Fiscal Year 2016-2017 Budget.

- 8.G** [16-1075](#) Sandy Lane Partners LLC's Request for Release of a Portion of an Easement at 1445 Sandy Lane (Sandy Lane PD Lot 9)

Recommended Action: Staff recommends that the Board, through adoption of the resolution, approve release of the portion of the front yard utility easement on Lot 9 as described in the resolution.

Attachments: [Staff report](#)
 [Attach 1 - maps](#)
 [Attach 2 - resolution](#)

Approved Resolution No. 2016-126, releasing a portion of an easement on Lot 9, Sandy Lane PD.

- 8.H** [16-1076](#) Recommendation of Award - Bid No. 2017018 Post Hurricane Matthew Emergency Dune Restoration Projects - County Beach Parks

Recommended Action: Staff recommends that the project be awarded to Guettler Brothers Construction, LLC in the amount of \$217,450 and requests that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval by the County Attorney of the required Public Construction Bond and certificate of insurance by Risk Management, and after the County Attorney has approved the agreement as to form and legal sufficiency

Attachments: [Staff Report](#)
 [Recommendation of Bid award Emergency Dune Projects - Guettler draft agreement 12-06-16](#)
 [Recommendation of award Emergency Dune Projects Bid Tab 12-06-16](#)

Approved Staff's recommendation.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A** [16-1078](#) Indian River County Sheriff, Deryl Loar: Request for Replacement of Emergency Generator System and Jail Administration Windows

Recommended Action: The Sheriff Recommends the Board of County Commission Authorize the Replacement of the Emergency Generator System and Jail Administration Windows

Attachments: [Board Agenda Request Letter](#)

Sheriff Deryl Loar advised the Board that based on the quotes received for the replacement and installation of a new generator, he felt that the purchase of a diesel generator would be more cost effective and that the diesel powered generator would have a longer life expectancy than that of the propane generator.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve the replacement of the Emergency Generator System and Jail Administration Windows. The motion carried by the following vote:

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

9.B [16-1089](#) Indian River County Sheriff Deryl Loar: Vacating Current Hangar and Termination of Lease with the City of Vero Beach

Recommended Action: The Sheriff recommends the Board of County Commission approve the Termination of the Lease with the City of Vero Beach for the Hangar, and Authorize the Chairman of the Board to Execute the Lease Termination Agreement.

Attachments: [Letter dated November 29, 2016](#)
[2016.11.23 Lease Termination IRC Sheriff.pdf](#)

Sheriff Deryl Loar requested termination of the Agreement with the City of Vero Beach for the leased hangar at Vero Beach Municipal Airport, as a new hangar is under construction on the Sheriff's Department campus.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve termination of the Lease Agreement with the City of Vero Beach. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1 [16-1077](#) County Initiated Request to Amend the 5 Year Capital Improvements Program and the Supporting Data and Analysis of the Capital Improvements Element of the Comprehensive Plan for the Period FY 2016/17 - 2020/21

Plan Amendment Number: CPTA 2016080102-77570 (Legislative)

Recommended Action: Based on the analysis conducted, staff recommends that the Board of County Commissioners approve the update to the 5 Year Capital Improvements Program for the period FY 2016/17 - 2020/21 and supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan by adopting the ordinance.

Attachments: [Staff Report](#)
[1 - Comprehensive Plan Text Amendment Application](#)
[2 - Comprehensive Plan Text Amendment Adoption Ordinance \(Clean version of CIE on File in BCC Office\)](#)
[3 - Strike Through and Underline Version of CIE](#)
[4 - 5 Year Schedule of Capital Improvements](#)
[Additional backup presented at meeting for 10A1](#)

Through a PowerPoint Presentation, Community Development Director Stan Boling highlighted the updates to the Capital Improvements Element (CIE) of the Comprehensive Plan for the Fiscal Year 2016-2017 to Fiscal Year 2020-2021. Discussions ensued throughout the presentation as Commissioners posed questions and expressed concerns about tax increases, projected revenues, and the operational impacts of capital projects on the millage rates.

Commissioner Solari noted that he would be resistant in supporting any item that would result in an increase in the millage rate.

Vice Chairman O'Bryan made inquiries about the Old Dixie and Highlands Drive Project that was pushed back from Fiscal Year 2017-2018, and requested to have those funds moved for use in the current Fiscal Year.

The Chairman opened the hearing for public comments.

Bob Johnson, Coral Wind Subdivision, requested to have the sources of increased revenue identified. Director Boling, with assistance from staff, addressed Mr. Johnson's inquiries.

There being no further public comments, the Chairman closed the Public Hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to adopt Ordinance 2016-016, amending the text of the Comprehensive Plan's Capital Improvements Element by updating the County's 5 year Capital Improvements Plan (CIP) schedule and related data and analysis sections; and providing severability and effective date; with the amendment to move the funding for the Old Dixie Highway and Highlands Drive Project to the current Fiscal Year 2016-2017. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club**3. Recreation****D. Human Resources****E. Office of Management and Budget****F. Public Works****G. Utilities Services****13. COUNTY ATTORNEY MATTERS****13.A [16-1099](#)** 2017-2018 Legislative Priorities

Recommended Action: The County Attorney's Office recommends that the Board discuss and adopt the State Legislative Brochure for the 2017-2018 State Legislative Session.

Attachments: [staff report](#)

[2017-2018 State Legislative Program Brochure](#)

[Additional backup presented at meeting](#)

[Congratulatory Letters to Rep Grall and Senator Mayfield 12142016](#)

Assistant County Attorney Kate Cotner provided an update on the list of the County's Priorities, Appropriations and Concerns for the 2017-2018 Regular Legislative Session.

Commissioner Solari advised that he wished to add the language "Including an annual determination of the market value of the Florida Municipal Power Agency's (FMPA) generation assets as well as the generation assets of each of its members" to the Transparency, Accountability, and Oversight of the Florida Municipal Power Agency (FMPA) section of the Priorities List.

A short discussion ensued about the ranking of the Legislative Concerns, and the possibility of the Sebastian Septic to Sewer Conversion being a separate appropriation.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve: 1) the State Legislative Program Brochure for the 2017- 2018 State Legislative Session, with the amendments to rearrange the list of Legislative Appropriations to rank Osprey Acres as priority number one, the Sebastian Septic to Sewer Project as priority number two, and Asbestos Pipes as priority number three, provided that the Beach Renourishment Project and the Hurricane Matthew Beach Funding are categorized separately; and 2) to add the language "Including an annual determination of the market value of the Florida Municipal Power Agency's (FMPA) generation assets as well as the generation assets of

each of its members" to the Transparency, Accountability, and Oversight of the Florida Municipal Power Agency (FMPA) section. The motion carried by the following vote:

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

After further discussion, Attorney Cotner requested to add several additional concerns to the List of Legislative Priorities, and provided information on each.

Vice Chairman O'Bryan felt that even though the issue of opioid addiction and abuse is not currently a concern for Indian River County, it will be a state wide concern, and suggested that it be added to the List of Priorities.

Bob Johnson, Coral Wind Subdivision, expressed the need for the Board to send congratulatory letters to Senator Debbie Mayfield and Representative Erin Grall with appreciation for their dedication to serving the needs and interests of the citizens of Indian River County.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the list of additional concerns related to cell towers in rights-of-way, derelict vessel removal, the Zika virus, public notice of pollution, recycling incentives, emergency management, medical marijuana standards, and opioid abuse to the State Legislative Program Brochure for the 2017-2018 Legislative Session. The motion carried by the following vote:

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

13.B [16-1073](#) Demolition Liens

Recommended Action: The County Attorney's Office recommends the Chairman allow each party in interest for the property to address the Commission and be heard on the amount of the proposed lien concerning the property. Following any comments, staff recommends approval of the lien amounts and authorization for the Chairman to sign each lien for recordation in the public records.

Attachments: [Staff Report](#)
 [Liens \(3\)](#)
 [Itemization of costs for demolition \(3\)](#)

Deputy County Attorney William DeBraal provided an update on three properties that the County has demolished. He requested that the Board approve the lien amounts for those properties after any interested parties have been allowed to speak. There were no interested parties present who wished to speak regarding the liens for demolition.

A motion was made by Commissioner Solari, seconded by Vice Chairman

O'Bryan, to approve: 1) the lien amounts for demolitions on: a) the property of The Estate of Terry Reese Williams (\$3,535.70); b) the property of Charlie and Lillie Mae Weems (\$3,465.38); and c) the property of John H. and Karen L. Kuehne (\$9,566.75); and 2) authorize the Chairman to execute each lien for recordation in the Public Records. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

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

14.B.1 [16-1101](#) PTSD Support Updates (For discussion--no back-up)

Recommended Action: Discuss

Attachments: [Additional back up provided at meeting for 14B1](#)

Vice Chairman O'Bryan discussed the need to implement a plan to provide support to first responders that will address the causes of stress, its effects, Post Traumatic Stress Disorder (PTSD), critical incidents and suicide. He provided details on a local support group that is currently being led by Jim Ranahan, LCSW, a retired Boston Fire Fighter and Therapist at the Mental Health Association (MHA) in Indian River County, along with the opportunity to attend a free Stress Management Training Event held by the St. Lucie County Fire District.

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 called the meeting adjourned at 10:47 a.m.

Rollcall

Present: 5 - Commissioner Susan Adams
Chairman Joseph Flescher
Commissioner Tim Zorc
Commissioner Bob Solari
Vice Chairman Peter O'Bryan

Note