

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 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

1. CALL TO ORDER

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

Pastor Jeremy Rebman, First United Methodist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Tim Zorc

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

5.A. [18-1660](#) Presentation Expressing the Town of Orchid's Appreciation to Indian River County - by Noah Powers, Town Manager, Town of Orchid

Recommended Action: Read and Presented

Noah Power, Manager, Town of Orchid (the Town), read and presented a Proclamation from the Town, thanking the Board and County staff for their support of the Town's recent emergency dune preservation efforts, and ongoing coastal management efforts.

No Action Taken or Required

- 5.B. [18-1598](#) Presentation of Proclamation Honoring Our Father's Table Soup Kitchen for 30 Years of Service

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to Our Father's Table Soup Kitchen representatives Weasy Carmack, Lydia Forbes, Marion Metakes, and Wilmore Butler.

No Action Taken or Required

- 5.C. [18-1599](#) Presentation of Proclamation Designating April 8 Through April 14, 2018, as Crime Victims' Week

Recommended Action: Read and Present.

Attachments: [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Chairman of Indian River County Victim Rights Coalition Chairman Paul Zelno, Indian River County Sheriff's Office Victim Advocates Christine Macchia and Sharron Correa; Sheriff Deryl Loar; and Major Eric Flowers.

No Action Taken or Required

- 5.D. [18-1668](#) Presentation of Proclamation Recognizing National Public Safety Telecommunications Week

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Sheriff Deryl Loar, Lieutenant Mark Buffington, and Public Safety Administrator Sandy Fox, who were accompanied by several public safety dispatchers. Ms. Fox spoke about the attempts of the Association of Public Safety Communication Officials (APCO) to reclassify the public safety employees from Secretarial Administrative to Special Risk.

No Action Taken or Required

6. APPROVAL OF MINUTES

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

7.A. [18-1675](#) Thank you letter regarding Road & Bridge Department

Recommended Action: No action required

Attachments: [Thank You letter](#)

Chairman O'Bryan acknowledged a letter that was sent from the Morningside Drive Community commending the Road and Bridge Division for road repairs.

No Action Taken or Required

7.B. [18-1662](#) Indian River County Venue Event Calendar Review

Recommended Action: No Action Required - Informational Only

Attachments: [Event Calendar](#)

Chairman O'Bryan made mention of the events outlined in the calendar.

No Action Taken or Required

7.C. [18-1685](#) 2018 Election of Metropolitan Planning Organization Chairman and Vice Chairman

Recommended Action: Informational

Attachments: [Staff Report](#)

Members of the Metropolitan Planning Organization (MPO) voted to re-elect Council Member Bob McPartlan as Chairman, and Commissioner Susan Adams as Vice Chairman of the MPO for the year 2018.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to approve the Consent 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

8.A. [18-1663](#) Checks and Electronic Payments March 23, 2018 to March 29, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 23, 2018 to March 29, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1639](#) Indian River Golf, LLC's Request for Final Plat Approval for Indian River Club PD Parcel 9 "Pine Valley" [PD-05-07-11/99110164-77722]

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners grant final plat approval for Indian River Club PD Parcel 9 "Pine Valley"

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

12.B.1. [18-1664](#) Letter to Governor Rick Scott Regarding FEMA Reimbursement for Hurricane Irma

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners send a letter to Governor Rick Scott requesting he intervene and direct the Florida Division of Emergency Management attorneys to ensure that this re-interpretation of Florida Statutes does not occur, and ask that the State be prepared to file appropriate legal argument in support of the counties for any resulting legal action that may be taken against FEMA if it does occur.

Attachments: [Staff Report](#)
[Draft Letter to Governor](#)

Emergency Services Director and Fire Chief Tad Stone provided details on the recent notice of change regarding Federal Emergency Management Agency (FEMA) reimbursements to counties for emergency shelter costs. He informed the Board that the County would now be required to pay the School District's costs for sheltering before submitting those costs to FEMA for reimbursement, and requested that the Board approve a letter to Florida Governor Rick Scott requesting his intervention in this new policy.

A brief discussion ensued about the potential impacts of the new policy on the County and proposed Constitutional Amendments that may impact County revenues. County Attorney Dylan Reingold advised that members of the Florida Association of County Attorneys are interested in working with Indian River County on opposing this federal initiative.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to authorize the Chairman to send a letter to Governor Rick Scott requesting that he intervene and direct the Florida Division of Emergency Management (FEMA) attorneys to ensure that this re-interpretation of Florida Statutes does not occur, and ask that the State be prepared to file appropriate legal argument in support of the counties for any resulting legal action that may be taken against FEMA if it does occur. The motion carried by the following vote:

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

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources**E. Office of Management and Budget****F. Public Works****12.F.1. [18-1666](#)** Results of Phase 1 Water Quality Study of Nutrients in the Indian River Farms Water Control District's 8th Street Canal

Recommended Action: Because study results show the County's West Regional Wastewater Treatment Facility's wetland system/deep settling pond is not contributing significant nutrients into the 8th Street Canal, staff recommends this study be concluded and the report approved.

Attachments: [Staff Report](#)
[Exhibit 1 - Memo](#)
[Exhibit 2 - PowerPoint Presentation](#)

Stormwater Engineer Keith McCully recalled the Board's direction on August 16, 2016 for staff to undertake a study of the Indian River Farms Water Control District's (IRFWCD) 8th Street Canal between 90th Avenue and 74th Avenue, to determine whether seepage from the West Regional Wastewater Treatment Facility (WRWWTF) or nearby artesian wells was contributing excess nutrients to the canal. He used a PowerPoint Presentation to provide an overview and analysis of the results of the water quality study, responded to questions from the Board, and elaborated on staff's recommendation to conclude the study.

Environmental Compliance Specialist Eric Charest was also present to assist with the Board's questions and comments.

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

12.F.2. [18-1673](#) Millstone Landing - 17th Street SW Construction Progress Update

Recommended Action: Informational update

Attachments: [Staff Report](#)

Public Works Director Richard Szyprka gave an update on Millstone Landing's construction progress on 17th Street SW. He announced that the road is still closed, but projected to open by Tuesday, April 17, 2018. Director Szyprka thereafter responded to questions and comments from the Board.

No Action Taken or Required

G. Utilities Services**13. COUNTY ATTORNEY MATTERS****14. COMMISSIONERS MATTERS****A. Commissioner Peter D. O'Bryan, Chairman****B. Commissioner Bob Solari, Vice Chairman****14.B.1. [18-1680](#)** Sale of Vero Electric

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Vice Chairman Solari announced the upcoming sale of the City of Vero Beach Electric Utility (Vero Beach Electric) to Florida Power & Light (FPL). He requested that the Board present a Proclamation to Citizen Advocates Dr. Stephen Faherty and Glenn Heran, in conjunction with the receipt of the first FPL bills to those now on Vero Electric.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to present a Proclamation honoring Dr. Stephen Faherty and Glenn Heran for their work on the sale of the City of Vero Beach Electric Utility to Florida Power & Light; the presentation of the Proclamation will coincide with the receipt of the first FPL bill received for individuals now on Vero Electric. The motion carried by the following vote:

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

14.B.2. [18-1681](#) Constitution Revision Commission Update

Recommended Action: Discuss

Attachments: [Commissioner's Memorandum](#)

Vice Chairman Solari, Member of the Florida Constitution Revision Commission (CRC), gave an update on the progress of the CRC, reporting that twelve (12) proposals would be discussed at its April 17, 2018 meeting. He provided background and analysis on constitutional ballot amendments pertaining to: Voter Approval of the Casino Gambling Initiative; Voting Registration Rights for Felons Initiative; Homestead Exemption Increase; Permanent Cap on Non-Homestead Parcel Assessment Increases; and the Requirement for a 2/3 Vote of Each Chamber of the Legislature for Future Tax Increases.

No Action Taken or Required

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**

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. [18-1674](#)

Award of Bid for Landfill Segment 3 Cell 2 Expansion, Segment 2 Partial Closure and Landfill Gas System Expansion (Bid #2018025)

Recommended Action: Staff recommends that its Board approve the following: a) Approve award of Bid No. 2018025 to Thalle Construction Company, Inc. of Hillsborough, North Carolina as the lowest responsive responsible bidder for the Segment 3 Cell 2 Expansion, Segment 2 Partial Closure and Landfill Gas System Expansion project for a Grand Total Base Bid Items 1-6 in the amount of \$14,576,600 with a contingency of 10 percent in the amount of \$1,457,660 for a Grand Total Base Bid Items 1-7 in the amount of \$16,034,260 with inclusion in the contract for allowance to direct purchase of certain items by the Indian River County Purchasing Division, if necessary; and, b) Approve and authorize the Chairman to execute the Sample Agreement, as presented, pending receipt of bonds and insurance requirements and final approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Bid Tabulation](#)
[CDM Smith 100 Percent Opinion of Probable Construction Cost](#)
[CDM Smith Evaluation of Bids](#)
[Sample Agreement](#)

Director of Utilities Vincent Burke reviewed the information in staff's memorandum and the report prepared by CDM Smith, to provide background and analysis relative to County Bid No. 2018025, for Landfill Segment 3 Cell 2 Expansion, Segment 2 Partial Closure, and Landfill Gas System Expansion. He provided an update on the probable construction costs for the Project, and stated that funding has been set aside for this Fiscal Year, but additional dollars would be needed for the new cell. After reviewing the bids of the three responding vendors, Director Burke asked the Board to approve the Bid Award to Thalle Construction Company, Inc., of Hillsborough, North Carolina.

Management Director of the Solid Waste Disposal District Himanshu Mehta provided input about the vertical expansion of the landfill and information on the fill material.

Bob Johnson, Coral Wind Subdivision, expressed his concerns that a tax increase would be imposed to cover the costs of the landfill construction.

County Administrator Jason Brown affirmed that if approved, the current projects can be funded with the reserves that the County has available. He added that an adjustment may be needed to the Solid Waste Disposal District assessment rates in the future.

Purchasing Managing Jennifer Hyde, assisted by Director Mehta, addressed a

question from the Board regarding the 10% contingency funding that was calculated as part of the bid.

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

15.B.2. [18-1676](#)

Indian River County Landfill Amendment No. 2 to Work Order No. 1 to CDM Smith, Inc.

Recommended Action: SWDD staff recommends that its Board approve the following: a) Approve Indian River County Landfill Amendment No. 2 to Work Order No. 1 with CDM Smith Inc. in the amount of \$1,322,150 to provide Phase III engineering services related to the Class I Landfill Segment 3 Cell 2 expansion, Segment 2 Partial Closure and Landfill Gas System Expansion; and, b) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)

[IRC Landfill Amendment No. 2 to Work Order No. 1](#)

Director of Utilities Vincent Burke reviewed the information in staff's memorandum to provide background and analysis relative to Amendment No. 2 to Work Order No. 1 to CDM Smith. He relayed that the Amendment would provide for CDM Smith to undertake Phase III engineering services related to the Landfill Partial Closure, Landfill Gas System Expansion, and Cell Expansion Project. He requested that the Board approve the agreement with CDM Smith, and responded to the Board's questions.

County Administrator Jason Brown, with assistance from Managing Director Himanshu Mehta, addressed questions about handling possible contingencies.

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 10:51 a.m.