

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, January 23, 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

Pastor Chantha Chhim, First Church of God

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Additions: Consent Agenda, 8.L., Work Order Number 1 was added
Commissioner's Matters, 14.C., Commissioner Adams' announcement

Emergency Item: Public Works, 12.F.1., Senate Bill 804 and House Bill 63

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. 18-1397 Quarterly Recycling Update - January 2018

Recommended Action: No action needed - informational purposes only.

Attachments: [Staff Report](#)

Recycling Education and Marketing Coordinator Stephanie Fonvielle used a PowerPoint Presentation to give a quarterly update regarding single stream recycling. She was excited to speak on the launching of the Indian River County School Recycling Pilot Program, which took place January 8-12, 2018, and voiced her appreciation of everyone involved with the project.

Chairman O'Bryan requested that Ms. Fonvielle present household account and tonnage information with the next quarterly update, as he was interested in the pound per household numbers.

Vice Chairman Solari inquired about the current recycling numbers, and referred to "75% by 2020", the County's goal that 75% of the material thrown away should be recycled. Solid Waste Disposal District (SWDD) Managing Director Himanshu Mehta responded that the 2017 calendar year recycling data would be available at the end of April 2018.

Public Works Director Rich Szyrka, along with Director Mehta, answered Commissioner Zorc's questions regarding removal of items at demolition sites.

Commissioner Flescher requested tonnage results from the convenience centers, and Director Mehta agreed to present the numbers at the next quarterly update.

No Action Taken or Required

6. APPROVAL OF MINUTES

6.A. 18-1382 Regular Meeting of December 19, 2017

Recommended Action: Approve

Attachments: [12192017BCC](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of December 19, 2017, 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. 18-1403 2018 Election of Development Review and Permit Process Advisory Committee Chairman and Vice Chairman

Recommended Action: Informational

Attachments: [Staff Report](#)

On January 17, 2018, the Development Review & Permit Process Advisory Committee (DRPPAC) voted to re-elect Debb Robinson as Chairman, and Joe Paladin as Vice Chairman, for the year 2018.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Consent Agenda, as amended, pulling items 8.E. and 8.L. 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. 18-1385 Checks and Electronic Payments January 5, 2018 to January 11, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's Office for the time period of January 5, 2018 to January 11, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. 18-1386 Federal Lobbying Concerning All Aboard Florida

Recommended Action: The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote to approve the agreement with McDermott Will & Emery and authorize the County Attorney to execute the agreement.

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

Approved

8.C. 18-1381 First Amendment to the Indian River County Courthouse Renovation Professional Architectural and Engineering Services Consultant Agreement

Recommended Action: Staff recommends that the Board of County Commission approve the First Amendment to the Indian River County Courthouse Renovation Professional Architectural and Engineering Services Consultant Agreement, and authorize the Chairman to execute the Amendment in the lump sum amount of \$9,000.00.

Attachments: [Staff Report](#)
[Courthouse Renovation Consultant Agreement](#)
[First Amendment](#)
[PGAL Scope of Services](#)
[TLC Optional Additional Service Agreement](#)

Approved staff's recommendation

- 8.D. 18-1384** Right-of-Way Acquisition - 66th Avenue Widening Project Owner: Karen Beck - 7580 66th Ave, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the 0.13 acres of property located at 7580 66th Ave, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

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

Approved staff's recommendation

- 8.E. 18-1389** Roadway Network Safety Proposal: Installation of Cul-De-Sac on 12th Avenue and Removal of Connection to 1st Street SW

Recommended Action: Staff recommends that the Board of County Commissioners approve the closure of 1st St. SW at 13th Avenue and construct a cul-de-sac at the southern terminus of 12th Avenue

Attachments: [Staff Report](#)
[Proposed Plan](#)

Chairman O'Bryan described the location of the 1st St. SW road closure and the cul-de-sac construction at 12th Avenue that have been proposed in an effort to improve roadway safety.

Public Works Director Rich Szyrka confirmed that the proposed cul-de-sac at 12th Avenue would be a public roadway maintained by the County.

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

- 8.F. 18-1390** IRC-Fairgrounds Parking Phase II Bid Number 2017061 Site Grass Parking

Recommended Action: Staff recommends the Board of County Commissioners reject all bids for the project. Staff also recommends that the Board of County Commissioners approve the construction of the project by Public Works Road & Bridge in phases as workload allows, and authorize the purchase of materials for the project from the currently allocated funding account.

Attachments: [Staff Report](#)
[Engineer's Cost Estimate - Bid Comparison](#)

Approved staff's recommendation

8.G. 18-1394 Notice of Application for Indian River Lagoon National Estuary Program Grants for Various Projects

Recommended Action: Staff is requesting authorization to submit grant application packages to the IRLNEP for the referenced projects and to authorize staff to sign the grant applications after review by the County Attorney for legal sufficiency, if required.

Attachments: [Staff Report](#)
[IRLNEP Pre-Proposal Letter of Intent](#)

Approved staff's recommendation

8.H. 18-1401 Approval of Blue Goose Construction Work Authorization No. 2018-001 "128th Court Water Main Extension"

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Authorization No. 2018-001 to retain Blue Goose Construction to construct the water main extension, and to authorize staff to direct purchase materials, permits, and services.

Attachments: [Staff Report](#)
[Cost Estimate - Labor & Material](#)
[Work Authorization No. 2018-001](#)

Approved staff's recommendation

8.I. 18-1396 Approval of First Amendment to the Fair Associations Agreement for Use of the Indian River County Fairgrounds

Recommended Action: Staff respectfully recommends that the Board approve the First Amendment to the Agreement for Use of the Indian River County Fairgrounds allowing the Fair Association to apply for a Fairgrounds Alcohol Permit, and authorize Chairman to sign the agreement.

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

Approved staff's recommendation

- 8.J. 18-1399** Notice of Application for Indian River Lagoon National Estuary Program Grant for West Wabasso Phase II Septic to Sewer Project
- Recommended Action:** Staff of the Indian River County Department of Utilities Services is requesting authorization to submit the grant application package to the Indian River Lagoon National Estuary Program for the project and to authorize staff to sign the grant application after review by the County Attorney for legal sufficiency, if required.

Attachments: [Staff Report](#)
[Letter of Intent](#)

Approved staff's recommendation

- 8.K. 18-1400** Notice of Application for Indian River Lagoon National Estuary Program Grants for Jones' Pier Conservation Area & Approval of MBV Work Order No. 10.
- Recommended Action:** Staff recommends approval of Work Order No. 10 to MBV Engineering, Inc. for preliminary wetland restoration design services and requests the Board to authorize the Chairman to execute Work Order No. 10 in the amount of \$6,500.

Attachments: [Staff Report](#)
[Pre-Proposal Letters of Intent](#)
[MBV Work Order Proposal](#)

Approved staff's recommendation

- 8.L. 18-1402** Hurricane Matthew HMGP Grant Funding #4283-60 - Countywide Wildfire Management Application Status & Environmental Science Associates, Inc., Scope of Services Dated January 17, 2018.
- Recommended Action:** Staff recommends appointing Conservation Lands Manager, Beth Powell as the County's Point of Contact and Authorized Applicant Agent to continue working with the HMGP staff, to complete the Pre-Award Cost Request Form, and to approve the Scope of Services for Environmental Science Associates, Inc. (under Continuing Contract RFQ #2017053; Project No. IRC-1720 - approved October 10, 2017) in the amount of \$38,150.

Attachments: [Staff Report](#)[Attachment A - LMS PPL HMGP Eligibility Status April 5 2017](#)[Attachment B - HMGP Pre-Award Cost Request Form 1-17-18](#)[Attachment C - HMGP Letter Con Lands Rx Burn 5-12-17](#)[Attachment D - 2018 ESA Scope of Services](#)[Additional Attachment Workorder #1](#)

County Administrator Jason Brown explained that Work Order Number 1 was added as additional backup. He requested approval of staff's recommendation, along with requesting authorization for the Chairman to execute Work Order Number 1.

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to: 1) approve staff's recommendation; and 2) authorize the Chairman to execute Work Order Number 1. 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****10.A.1. 18-1379**

Public Hearing for Amendment to Section 100.03 "Amendment or Repeal of Ordinances" of Chapter 100 "General Provisions" of the Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 124 - LEGISLATIVE

Recommended Action: Open the public hearing, take public comment, close the public hearing, and adopt the ordinance to codify and publish the ordinances published in The Code of Indian River County up to and including Supplement 124.

Attachments: [Staff Report](#)[Proposed Ordinance](#)[Affidavit of Publication](#)

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

County Attorney Dylan Reingold delivered the purpose of the Ordinance, as Section 125.68(1)(a), Florida Statutes, requires counties to maintain a current codification of all ordinances.

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

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to adopt Ordinance 2018-001, amending Section 100.03 "Amendment or Repeal of Ordinances" of Chapter 100 "General Provisions" of The Code of Indian River County ("The Code"), codifying and publishing the ordinances up to and including Supplement 124 thereto, readopting the Code, designating the Code as the best evidence of the current law of Indian River County, Florida, and providing for severability, codification, and an effective date. 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. 18-1387** Public Notice of Public Hearing Scheduled for February 6, 2018 to Consider Approving a Special Assessment Project in Connection with a Water Main Extension Along 103rd Court from 88th Street to S. 89th Street Within a Portion of Blocks E and H, Vero Lake Estates Subdivision, Unit H-3, Located in Indian River County, Florida - LEGISLATIVE

Attachments: [Staff Report](#)

County Attorney Dylan Reingold announced the Public Hearing, which is scheduled for February 6, 2018.

No Action Taken or Required

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

12.D.1. 18-1392 Approval to Carve Out Pharmacy Benefit and Select New Pharmacy Benefit Manager effective May 1, 2018

Recommended Action: Staff respectfully requests the Board of County Commissioners approve the recommendation to change the pharmacy benefit manager to Express Scripts effective May 1, 2018 for an initial twelve month period and authorize the Board Chairman to sign the administrative services agreement with RXBenefits after review and approval by the County Attorney.

Attachments: [Staff Report](#)

In an effort to reduce pharmacy expenses, Human Resources Director Suzanne Boyll addressed the Board with a mid-year proposal, effective May 1, 2018, to select a new Pharmacy Benefit Manager (PBM). She explained that Lockton Companies, the County's new benefits consultant, compared six (6) months of data using the prescriptions filled by Members. It was determined that Express Scripts, administered by RXBenefits, could save the County a significant amount of money due to the difference in pharmacy formulary tiers compared to that of Prime Therapeutics, the current PBM, administered by Florida Blue.

At Chairman O'Bryan's request, Ms. Boyll agreed to communicate with the employees who would see a negative impact from this change, as 2.42% of the prescriptions filled would negatively be affected by either an increase of the Member's co-pay or by requiring the Member to transition to an alternate medication.

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

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

E. Office of Management and Budget

12.E.1. 18-1391 Chambers Audio/Video Upgrade

Recommended Action: Staff recommends the Board waive the requirement for bids and authorize the Purchasing Division to issue a Purchase Order to Encore Broadcast Solutions (EBS) for the upgrade to the Chambers A/V system in the amount of \$212,423.45. Staff also recommends the Board authorize the County Administrator to approve a Purchase Order to EBS for the supplemental projector, screen and associated installation, once a quote for the work has been obtained.

Attachments: [Staff Report](#)
[AVI Vendor Quote A \(GSA\)](#)
[AVI Vendor Quote B \(GSA\)](#)
[AVI Vendor Quote \(Open Market\)](#)
[EBS Vendor Quote \(Open Market\)](#)
[Cost Comparison Worksheet](#)

Management and Budget Director Michael Smykowski delivered a brief history on the audio/video (A/V) and broadcasting system that is presently being used in the Commission Chambers, and explained why he felt it was time to consider an upgrade to digital equipment and wiring. He informed the Board of the bids that were requested and the quotes that were received; and confirmed that Encore Broadcast Solutions (EBS) submitted the lowest quote for the equipment and installation at a cost of \$212,423.45, which would include a three (3) year maintenance contract at no additional cost.

Director Smykowski added that, at the time the quotes were being reviewed, the Building Department requested the installation of a projector and drop-down projector screen to be included in the upgrade. For continuity of operations and maintenance, staff felt that the same contractor should be responsible; therefore, requested the Board to authorize the County Administrator to approve an additional Purchase Order to EBS, once a quote has been obtained. Director Smykowski estimated the quote for the projector, drop-down screen and associated installation to be in the range of \$20,000.00 to \$25,000.00, dependent upon the Structural Engineer's requirements to install the drop-down screen.

Members of the Board voiced their questions and concerns regarding the proposed equipment purchase, noting that they were committed to broadcasting the County Commission meetings to the public. Network Technician Adam Williams and County Administrator Jason Brown explained the physical and technological changes that would take place.

Chairman O'Bryan requested, with agreement from Administrator Brown, that staff would return to the Board if the quote for the additional projector equipment and installation went beyond \$30,000.00.

J. Burklew, 2455 Pine Avenue, questioned the level of technology being proposed.

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

F. Public Works

12.F.1. 18-1411 Request for Emergency Addition to Agenda - Agenda Item 12.F.1: Senate Bill 804 and House Bill 631

Recommended Action: Staff recommends that the Board approve and authorize the Chairman to sign the letter on behalf of the County.

Attachments: [Staff Report](#)
[Letter Opposing Proposed Legislation](#)

(Clerk's Note: This Emergency Item was added to the Agenda.)

Natural Resources Manager James Gray informed the Board of Senate Bill 804 and House Bill 631, which were proposed during the 2018 Legislative Session regarding customary use of the beaches. He requested authorization for the Chairman to sign a Letter of Opposition (the Letter) on behalf of the County.

In response to questions from Chairman O'Bryan, Mr. Gray added that the Letter would be updated with additional recipients and additional comments from both the Board and the Beach and Shore Preservation Advisory Committee (BSPAC) Chairman Mike Ochsner, who would be co-signing the Letter. County Attorney Dylan Reingold offered assistance in determining who should receive the Letter.

Commissioner Flescher brought comments from the BSPAC meeting, held on Monday, January 22, 2018, as they requested bold, strengthened language to be included in the Letter of Opposition. He confirmed that BSPAC Chairman Ochsner was in agreement of co-signing the Letter with Chairman O'Bryan.

Mark Tripson, a member of the BSPAC, addressed the Board.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to approve staff's recommendation with the understanding that: 1) there may be changes to the Letter; and 2) additional recipients may be receiving the Letter. 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. 18-1398 Sole Source for Landia Inc.

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners approve Landia Inc. as the sole source for Landia mixers and waive the requirement for bids and authorize the Purchasing Division to issue a purchase order to Landia for \$29,264.00.

Attachments: [Staff Report](#)
[Quote](#)
[Sole Source Letter](#)

Director of Utility Services Vincent Burke informed the Board that the Landia Mixers at the Central and South Wastewater Plants need to be replaced.

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

13. COUNTY ATTORNEY MATTERS**14. COMMISSIONERS MATTERS****A. Commissioner Peter D. O'Bryan, Chairman****B. Commissioner Bob Solari, Vice Chairman****C. Commissioner Susan Adams**

(Clerk's Note: This item was added to the Agenda.)

Commissioner Adams was excited to announce that Coastal Living has nominated Vero Beach, along with nine (9) other seaside towns, as one of America's Happiest Seaside Towns for 2018. She explained that the voting would take place on Coastal Living's website through February 6, 2018, and that you could vote once every 60 seconds.

County Administrator Jason Brown agreed, per Chairman O'Bryan's request, to add the link to the County's website.

D. Commissioner Joseph E. Flescher**E. Commissioner Tim Zorc**

14.E.1. 18-1393 Welcome Entry Signs at Key Locations in Indian River County

Recommended Action: Discussion and Action Request

Attachments: [Commissioners Memorandum](#)
[BCC Minutes from January 19 2016](#)

County Administrator Jason Brown updated the Board with the progress that has been made regarding the addition of welcome signs and landscaping along US 1. He confirmed the hiring of Kimley-Horn and Associates, Inc. to design the landscaping plans, noting that the County would be applying for a grant in the spring to assist with funding. He also mentioned the possibility of adding signage and landscaping to both I-95 exits and to the west entrance along State Road 60.

Public Works Director Rich Szyrka used a PowerPoint Presentation to offer two (2) welcome sign design options and three (3) finish options for the Board's consideration. He explained that solar lighting would be used. At the request of Chairman O'Bryan, Director Szyrka agreed to provide photos of both design options in the three (3) different finishes to the Board.

J. Burklew, 2455 Pine Avenue, provided design and funding ideas to the Board, and offered to assist with the project. He suggested coordination with municipalities within the County in order to make a more grand entrance at a reduced cost to both. Commissioner Zorc suggested that he contact Director Szyrka.

Discussion ensued amongst the Board with the consensus being to continue moving forward with welcome signs and landscaping along US 1.

No Action Taken or Required

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 adjourned the meeting at 10:25 a.m.