

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, June 12, 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: 4 - Chairman Peter O'Bryan
Vice Chairman Bob Solari
Commissioner Susan Adams
Commissioner Joseph Flescher

Excused: 1 - Commissioner Tim Zorc

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS**2.B. INVOCATION**

Chaplain William Mead, Indian River Estates East

3. PLEDGE OF ALLEGIANCE

Commissioner Tim Zorc

In Commissioner Zorc's absence, Vice Chairman Solari led the Pledge of Allegiance.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Chairman O'Bryan added a brief update regarding the structure of the sale of the City of Vero Beach Electric System to Florida Power & Light (FPL), as he and Commissioner Zorc had attended a Florida Public Service Commission meeting on June 5, 2018 in Tallahassee.

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

Aye: 4 - Chairman O'Bryan, Vice Chairman Solari, Commissioner Adams, and Commissioner Flescher

Absent: 1 - Commissioner Zorc

5. PROCLAMATIONS and PRESENTATIONS

5.A. 18-1797 Presentation of Proclamation Designating June 18th through June 24, 2018 as Amateur Radio Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to Eric Larabell, President, Vero Beach Amateur Radio Club.

Read and Presented

- 5.B. 18-1948** Presentation of Proclamation Designating the Week of June 24th - 30th, 2018, as Gay Pride Week

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Stephanie Hocke, Katie Gastley, and Shelley Adelle, Co-Founders of Amendment One Activists (A1A).

Read and Presented

6. APPROVAL OF MINUTES

- 6.A. 18-1937** Regular Meeting of May 1, 2018

Recommended Action: Approve

Attachments: [05012018BCC](#)

Approved

- 6.B. 18-1914** Regular Meeting of May 8, 2018

Recommended Action: Approve

Attachments: [05082018BCC](#)

Approved

- 6.C. 18-1939** Regular Meeting of May 15, 2018

Recommended Action: Approve

Attachments: [05152018BCC](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of May 1, 2018, May 8, 2018, and May 15, 2018, as written. The motion carried by the following vote:

Aye: 4 - Chairman O'Bryan, Vice Chairman Solari, Commissioner Adams, and Commissioner Flescher

Absent: 1 - Commissioner Zorc

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

- 7.A. 18-1911** Florida Public Service Commission Order No. PSC-2018-0270-TRF-EI approving Duke Energy's revisions to specified rate schedules; revised tariffs shall be effective 5/8/18; if no protest, a CO shall be issued, and docket shall be closed; protest due 6/20/18.

Recommended Action: Informational Only

No Action Taken or Required

- 7.B. 18-1806** Proclamation Honoring Thomas Shaw on His Retirement From Indian River County Board of County Commissioners Department of Public Works Road & Bridge Division with Fifteen Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

(Clerk's Note: Commissioner Zorc joined the meeting at 9:18 a.m.)

8. CONSENT AGENDA

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

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

- 8.A. 18-1925** Checks and Electronic Payments May 25, 2018 to May 31, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of May 25, 2018 to May 31, 2018

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B. 18-1912** Right-of-Way Acquisition - 66th Avenue Widening Project Owner: Gary Rust & Linda Rust - 6680 65th Street, Vero Beach, FL 32967

Recommended Action: Staff recommends the Board approve the Purchase Agreement for the 0.03 acres of property located at 6680 65th Street, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Purchase Agreement](#)
[Temporary Construction Easement](#)

Approved staff's recommendation

8.C. 18-1923 Forerunner Technologies Inc. - Proposal for EOL Upgrade of County PBX Network Systems

Recommended Action: Staff recommends that the Board of County Commissioners approve the Forerunner Technologies Inc. proposal for upgrade of the County PBX systems to the recommended and supported NEC SV-9xxx hardware / software level.

Attachments: [Staff Report](#)
[NEC Bulletin](#)
[Forerunner Technologies Proposal](#)

Approved staff's recommendation

8.D. 18-1924 Award of Bid 2018057 - Annual Bid for Medical Supplies

Recommended Action: Staff recommends the Board award bid 2018057 to Bound Tree Medical, Concordance Healthcare Solutions, LLC and Henry Schein. Staff also recommends the Board authorize the Purchasing Division to issue blanket purchase orders to the recommended bidders, and authorize the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.E. 18-1930 Tourist Development Council 2018/2019 Budget Recommendations

Recommended Action: Staff recommends that the Board of County Commissioners approve the funding amounts recommended by the Tourist Development Council as shown in Table 2 for a total allocation of \$998,450 and authorize the County Attorney to prepare standard grant agreements for all funding recipients.

Attachments: [Staff Report](#)

Vice Chairman Solari thanked the Tourist Development Council (TDC) for their successful efforts in promoting tourism in Indian River County.

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

8.F. 18-1932 Amendment No. 1 to Agreement for Professional Services with Bowman Consulting Group, Ltd. for 58th Avenue Reclamation 57th Street to 85th Street (IRC-1325)

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment No.1 for a lump sum fee of \$45,608.00 and requests the Board of County Commissioners authorize the Chairmen to execute Amendment No. 1 on their behalf.

Attachments: [Staff Report](#)
[Amendment No. 1 with Bowman Consulting Group, Ltd.](#)

Approved staff's recommendation

8.G. 18-1934 Approval of a Renewal Contracts for Basic Life, Voluntary Life, Voluntary Retiree Life, Voluntary Long-Term Disability with Mutual of Omaha and Dental Insurance with Ameritas

Recommended Action: Staff respectfully requests the Board of County Commissioners approve the renewal agreement for basic life, voluntary life, voluntary retiree life, voluntary long-term disability with Mutual of Omaha and the renewal agreement for dental insurance with Ameritas and authorize the Chairman of the Board to sign acceptance of the renewal offers with two year rate guarantees through September 30, 2020.

Attachments: [Staff Report](#)
[Mutual of Omaha Renewal](#)

Approved staff's recommendation

8.H. 18-1935 First Amendment to the Treasure Coast HOME Program Consortium Inter-local Agreement to Include Additional Jurisdictions.

Recommended Action: Staff recommends that the Board of County Commissioners approve the proposed first amendment to the Treasure Coast HOME Program Consortium Inter-local Agreement and direct the Chairman and County Attorney to sign the agreement.

Attachments: [Staff Report](#)
[Revised HOME Agreement](#)

Approved staff's recommendation**8.I. 18-1943** Acceptance of Dedication of Lot 26, Block 15, Whispering Palms, Unit V

Recommended Action: Staff recommends that the Board of County Commissioners authorize the Recording Office to move forward to record the Grant Deed from Andrea Vassallo with regard to the property identified as Lot 26, Block 15, Whispering Palms, Unit V; and authorize the Chairman of the Board of County Commissioners to execute the County's acceptance on the subsequent quitclaim deed from Jeffrey R. Smith, Clerk of Circuit Court and Comptroller to Indian River County, a political subdivision of the State of Florida for recordation in the public records.

Attachments: [Staff Report](#)
[Grant Deed from Andrea Vassallo](#)
[Quitclaim Deed from Clerk of Circuit Court and Comptroller](#)

Approved staff's recommendation**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES****10. PUBLIC ITEMS****A. PUBLIC HEARINGS**

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

10.A.1. 18-1863 Harmony Reserve, LLC's Request to Rezone Approximately 2.18 Acres from RS-3, Residential Single-Family (up to 3 units/acre) and RM-6 Residential Single-Family (up to 6 unit/acre), to PD, Planned Development Residential, and to Modify the Conceptual PD Plan Approval for the Project known as Harmony Reserve PD [PD-18-04-02 / 97080101-81067] (Quasi-Judicial)

Recommended Action: Staff recommends that the Board of County Commissioners grant approval of the PD rezoning request and the PD conceptual plan, subject to the conditions that were attached to the original Harmony Reserve PD approval.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Section 902.12](#)
[Conceptual PD Plan Existing and Proposed](#)
[Preliminary PD Plan Existing and Proposed](#)
[Aerial](#)
[5-10-18 Draft PZC Minutes](#)
[Ordinance](#)

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

Chairman O'Bryan opened the Public Hearing.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling used a PowerPoint Presentation to deliver the rezoning request for Harmony Reserve, LLC, noting that the location of the proposed additional 2.15 acres is south of 37th Street and just west of 59th Avenue.

Vice Chairman Solari pointed out that the agenda read 2.18 acres, and Director Boling explained that the final legal description for the proposed parcel had just been received, and it stated 2.15 acres.

Chuck Mechling, Developer, addressed the Board in support of the rezoning request.

There being no other speaker, the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to: 1) approve staff's recommendation; and 2) adopt Ordinance 2018-013, amending the zoning ordinance and the accompanying zoning map from RS-3, Residential Single-Family (up to 3 units/acre) and RM-6, Residential Multi-Family (up to 6 units/acre), to PD, Planned Development, for approximately 2.15 acres of land generally located west of 59th Avenue on the south side of 37th Street and described herein and providing for 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

10.A.2. 18-1892

Vero 53 Landings, LLC's Request for Conceptual Site Plan and Special Exception Use Approval for the CERTUS of Vero Beach Adult Congregate Living Facility (ACLF) [SP-SE-17-08-15 / 2016070073 -79431]
(Quasi-Judicial)

Recommended Action: Based on the analysis provided in staff's report, staff recommends that the BCC grant special exception use approval for an adult congregate living facility (ACLF) to be known as CERTUS of Vero Beach with the following conditions: 1. No hard improvements (e.g. buildings, parking areas, etc.) shall be constructed within the "no build" area as identified by the applicant and as shown on the conceptual site plan. 2. During project construction, a qualified professional archeologist shall be present to monitor all ground-disturbing activities as recommended by the State Division of Historical Resources and consistent with IRC Chapter 933 regulations.

Attachments: [Staff Report](#)

[Application](#)

[Excerpt from April 26, 2018 PZC Minutes](#)

[Location Map](#)

[IRC Chapter 933 Regulations](#)

[Due Diligence Review from the State DHR](#)

[Aerial](#)

[Site Plan](#)

[Landscape Plan](#)

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

Chairman O'Bryan opened the Public Hearing.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling, with the aid of a PowerPoint Presentation, detailed the special exception process and the proposed location along with the landscape plan of CERTUS of Vero Beach, a 64-bed adult congregate living facility (ACLF). Director Boling highlighted the "no-build" area on the the site plan, as it is near the "Gifford Bones" archaeological site.

David Beyer, an employee of the developer, Vero 53 Landings, LLC, addressed the Board in the absence of the company's owner.

Joseph Paladin, President, Black Swan Consulting, addressed the Board in support of the project.

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

A motion was made by Commissioner Flescher, 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

10.A.3. 18-1942

CONTINUED FINAL PUBLIC HEARING: County Initiated Request to Amend (Update) the Text of the Sanitary Sewer Sub-Element for Septic to Sewer Conversion and the Associated Text of the Future Land Use Element of the County's Comprehensive Plan (Legislative)

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners re-open the public hearing, take and consider public comments, and consistent with staff's and the Planning and Zoning Commission's recommendation approve the proposed Comprehensive Plan text amendment by approving the ordinance and authorize the Community Development Director to transmit the ordinance and any related materials to the state land planning agency and interested parties.

Attachments: [Staff Report](#)
[June 5, 2018 BCC Agenda Item](#)
[Comprehensive Plan Text Amendment Application](#)
[July 5, 2017 BCC Item-Septic to Sewer Conversion](#)
[Minutes from the February 8, 2018 PZC Meeting](#)
[Minutes from the March 20, 2018 BCC Meeting](#)
[Letters from DEO & Review Agencies](#)
[Adoption Ordinance](#)

Community Development Director Stan Boling explained that the Final Public Hearing was continued from June 5, 2018 so that all five (5) Commissioners could be present for the discussion. He used a PowerPoint Presentation to review the proposed updates, which, upon approval, would amend the text of the Sanitary Sewer Sub-Element for Septic to Sewer Conversion and the Associated Text of the Future Land Use Element of the County's Comprehensive Plan. In addition, Director Boling's presentation highlighted the five (5) concerns gathered from the initial Final Public Hearing on June 5, 2018.

1.) Requiring the replacement of older septic systems built at old standards with new systems built to current standards. The proposed policy encourages, but does not require.

- 2.) Requiring the reporting of septic inspection and maintenance activities by the private sector. The proposed policy encourages, but does not require.
- 3.) Requiring the connection to public sewer when available. The County currently follows the State requirement.
- 4.) Requiring the conversion of a much larger number of subdivisions from septic to sewer than the proposed minimum of five (5) by 2028.
- 5.) Requiring sewer expansion/connection whenever water expansions/connections are done, rather than allowing the current water-only projects.

Chairman O'Bryan opened the Public Hearing.

The following speakers addressed the Board offering ideas, comments and concerns regarding the best and most cost-effective way to ensure quality water in the Lagoon, along with identifying the contributing factors that are causing the water pollution.

Dr. Peter Fallon, 12930 N Highway A1A
Charlie Pope, 2305 46th Avenue
Carter Taylor, 2235 Silver Sands Court
Judy Orcutt, 4665 Pebble Bay South
Richard Baker, President, Pelican Island Audubon Society
Tim Glover, 9446 Fleming Grant Road, Micco

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

The Chairman called for a recess at 10:46 a.m., and reconvened the meeting at 11:00 a.m., with all members present.

Discussion ensued amongst the Board, Director of Utility Services Vincent Burke, County Administrator Jason Brown, and Director Boling. The Board agreed to adopt the amendments to the text of the Sanitary Sewer Sub-Element for Septic to Sewer Conversion and to the Associated Text of the Future Land Use Element of the County's Comprehensive Plan, and to direct staff to continue research, for future discussion, on the following topics: 1.) Requiring the reporting of septic inspection and maintenance activities by the private sector; 2.) Requiring the connection to public sewer when available; and 3.) Requiring sewer expansion/connection whenever water expansions/connections are done.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to: 1) adopt Ordinance 2018-014, amending the text of the Sanitary Sewer Sub-Element and the Future Land Use Element of the County's Comprehensive Plan; and providing codification, severability, and effective date; and 2) direct staff to research and report back to a future meeting regarding the following topics: (1) Requiring the reporting of septic inspection and maintenance activities by the private sector; (2) Requiring the connection to public sewer when available; and (3) Requiring sewer expansion/connection whenever water expansions/connections are done. 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. 18-1928** Notice of Scheduled Public Hearing for June 19, 2018: First public hearing to consider applying for a FFY 2017 Small Cities Community Development Block Grant (CDBG) in one or more eligible CDBG categories. (Administrative)

Recommended Action: The referenced Notice of Scheduled Public Hearing is provided for the Board's information. No action is needed at this time.

No Action Taken or Required

- 10.C.2. 18-1933** Notice of Scheduled Public Hearing for June 19, 2018: Henry Collier and William Anderson's Request for Abandonment of a Portion of 4th Street SW within the Waldo's Way Subdivision [ROWA-18-01-01 / 93090035-80435] (Legislative)

Recommended Action: This notice of public hearing is provided for the Board's information. No action is needed at this time.

No Action Taken or Required

- 10.C.3. 18-1944** Notice of Scheduled Public Hearing for June 19, 2018: Amendment to Indian River Code Creating Chapter 318 Stormwater Discharge (Legislative)

Attachments: [Staff Report](#)

County Attorney Dylan Reingold announced the Public Hearings, scheduled for June 19, 2018.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A. 18-1945** City of Sebastian Fire Marshal

Recommended Action: Staff recommends the Board vote to utilize the dispute resolution process under the Florida Governmental Conflict Resolution Act and direct the County Attorney's Office to draft a resolution to initiate the process.

Attachments: [Staff Report](#)
[Sebastian Ordinance Fire Services Agenda Item](#)
[Adopted Ordinance O-18-02 Fire Services 03-14-18](#)
[Chairman's Letter to City of Sebastian](#)
[City of Sebastian Response to Chairman's Letter](#)

County Administrator Jason Brown detailed the previous steps that have been taken in reference to the City of Sebastian's attempt to establish an independent City Fire Marshal Office, and offered options that would need the Board's approval to proceed. He recommended that the Board vote to initiate the Governmental Conflict Resolution Act, a conflict resolution process, which would allow him the opportunity to meet with Sebastian's City Manager in an effort to mediate a resolution with the City of Sebastian.

Following the comments voiced by the Board, all of whom were in favor of resolving the matter, County Attorney Dylan Reingold detailed the process moving forward, noting that the first step would be to draft a resolution to be brought back to the Board for approval at a future meeting.

A motion was made by Commissioner Flescher, 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

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. 18-1895 Consideration to Approve an Agreement with RedevGroup, Inc. to Release a Conservation Easement on Indian River Mall Lot 5 in Exchange for Conveyance of Title to the County of Conservation Land at an Alternate Site and Establishing Certain Special Development Restrictions

Recommended Action: Staff recommends that the Board of County Commissioners approve the proposed Agreement with RedevGroup, Inc. to release the conservation easement of Indian River Mall Lot 5 in exchange for RedevGroup's conveyance of title to the County of alternate conservation land, subject to establishing certain special Lot 5 development restrictions and other conditions more particularly described in the proposed Agreement.

Attachments: [Staff Report](#)
[Aerial Map of Mall Lot 5](#)
[Resolution 94-93 \(Development Order\)](#)
[Mall Lot 5 Conservation Easement](#)
[Aerial Maps of Alternate Sites](#)
[Environmental Comparison of Sites](#)
[Lot 5 Conceptual Development Plan](#)
[Proposed Agreement](#)

(Clerk's Note: This item was heard prior to Item 11.A. City of Sebastian Fire Marshal, and is placed here for continuity.)

Community Development Director Stan Boling, along with Environmental Planning & Code Enforcement Chief Roland DeBlois, used a PowerPoint Presentation to provide in-depth details of the proposed Exchange Agreement with RedevGroup, Inc., including the location of Indian River Mall Lot 5, the conservation easement to be released in exchange for the conveyance of title of either The Alice Siew Property or the The Kinner Property, noting that The Kinner Property would include a payment of \$291,819.00 to the County to be used for conservation land access improvements.

Chief DeBlois, in response to Commissioner Zorc's question, explained that the County would prefer obtaining The Siew Property due to the public access of the property.

Chairman O'Bryan explained that he had spoken with Ken Grudens, Executive Director, Indian River Land Trust, who informed him that if The Kinner Property was acquired, it could be deeded to the Land Trust for them to manage, leaving the additional \$291,819.00 available for use on other projects.

The following speakers addressed the Board:
Bruce Barkett, Attorney, representing RedevGroup, Inc.
Joseph Cataldo, President, RedevGroup, Inc.
Bob Johnson, Coral Wind Subdivision

A motion was made by Commissioner Flescher, 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

B. Emergency Services

C. General Services

1. Human Services**2. Sandridge Golf Club****3. Recreation****D. Human Resources****E. Office of Management and Budget**

12.E.1. 18-1936 Government Finance Officers Association awarding Indian River County GFOA's Distinguished Budget Presentation Award for the 2017-18 Budget

Recommended Action: No Action is Required

Attachments: [Staff Report](#)

[Letter from GFOA dated May 3, 2018](#)

[GFOA Certificate of Recognition for 20172018](#)

Management and Budget Director Michael Smykowski announced that Indian River County, Florida, was awarded the Distinguished Budget Presentation Award for the Fiscal Year 2017-2018 from the Government Finance Officers Association (GFOA). He also confirmed receiving the Certificate of Recognition for Budget Preparation, being the 27th consecutive year that the Office of Management and Budget had received this award. He recognized his staff of Ruth Bommarito, Kristin Daniels, and Carol Bergeron, and thanked them for their efforts.

The Board expressed appreciation for the great work demonstrated by the Office of Management and Budget.

No Action Taken or Required

F. Public Works

12.F.1. 18-1887 Unmaintained County Roadway Analysis

Recommended Action: Staff recommends Option #3: Continue existing roadway maintenance as currently funded by the Transportation Fund: add new maintainable unpaved roadway segments by extending the petition paving/milling process to unpaved roadways with construction costs funded by assessment of 75% of the cost to the benefited property owners and 25% contributed from the Transportation fund. After construction is completed, the maintenance is to be funded by the Transportation Fund.

Attachments: [Staff Report](#)
[Study Area Maps](#)
[Cross-section Exhibits 2004 Study](#)

Public Works Director Rich Szpyrka used a PowerPoint Presentation to deliver the detailed research results, as directed by the Board on October 3, 2017, to possibly establish a policy for maintaining the currently unmaintained roadways within the County. He also explained the need for an additional grader, which would be used to service the Vero Lake Estates/Fellsmere area, to decrease the current grading cycle time.

Detailed discussion ensued amongst the Board, with Chairman O'Bryan and Commissioner Adams speaking for the residents in their districts who are in need of stabilizing material and occasional grading. Director Szpyrka reminded the Board of the guidelines he is required to follow, along with explaining that he would need to speak with representatives from the St. Johns River Water Management District and the U.S. Army Corps of Engineers before moving forward with any changes.

The following speakers addressed the Board:
Mike Grimm, 85th Street, Fellsmere
Joel Tyson, 22 Mulberry Street, Fellsmere

In addition to agreeing that the item should be tabled until Director Szpyrka could speak with representatives from the St. Johns River Water Management District and the U.S. Army Corps of Engineers, it was the Board's consensus that an additional grader and staff along with an increase for additional stabilizing material, be discussed for consideration by Director Szpyrka and County Administrator Jason Brown and possibly included in the upcoming Budget cycle.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to table the item to allow staff to speak with the St Johns River Water Management District and the U.S. Army Corps of Engineers. 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

13. COUNTY ATTORNEY MATTERS

13.A. 18-1926 Amendment 1 to Oyster Reef Project Grant

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Approve Amendment No. 1 to FDEP Grant Agreement No. S0839 and authorize the Chairman to sign on behalf of the County. Following Board approval, the County

will transmit the partially executed Amendment No. 1 to the State for final signatures. Upon receipt of the fully executed original from the State, staff will transmit to the Clerk to the Board of County Commission for recording. 2. Approve a budget amendment in the amount of \$50,000 to cover the project construction costs prior to State reimbursement.

Attachments: [Staff Report](#)

[S0839 Amendment 1 and attachments](#)

[Grant Form FDEP Grant No. S0839 Change Order No 1 6-12-18](#)

(Clerk's Note: This item was heard prior to Item 12.F.1. Unmaintained County Roadway Analysis, and is placed here for continuity.)

Assistant County Attorney Kate Cotner provided background regarding the Oyster Reef Project Grant, where funding was appropriated in 2015 for construction of an oyster bed project in the vicinity of the 45th Street drainage ditch. She explained the reasoning for Amendment No.1, a project location change to Foot Island, and confirmed that it meets the intent of the Florida Department of Environmental Protection (FDEP) grant S0839.

The Board was appreciative of Attorney Cotner and Coastal Engineer James Gray in their efforts of finding an alternative location for oyster recruitment.

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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Bob Solari, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

The Board reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

15.A.1. 18-1763 Approval of Minutes Meeting of March 20, 2018

Recommended Action: Approve

Attachments: [03202018ESD](#)

Approved

15.A.2. 18-1766 Approval of Minutes Meeting of April 3, 2018

Recommended Action: Approve

Attachments: [04032018ESD](#)

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve the Meeting Minutes of March 20, 2018 and April 3, 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.A.3. 18-1645 Authorization for Final Payment to Barth Construction, Inc. for the Construction of Fire-Rescue Station #14 (6780 26th Street)

Recommended Action: Staff recommends the Board approve final payment in the amount of \$30,362.77

Attachments: [Staff Report](#)

[Letter from C.M. Crawford Dated May 16, 2018](#)

[AIA Document G701](#)

[AIA Document G702](#)

[AIA Document G703](#)

[AIA Document G706](#)

[AIA Document G706A](#)

[AIA Document G707](#)

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, answered Commissioner Zorc's questions regarding the submission of individual invoices for billing purposes, and agreed to request any invoices and corresponding backup data from Barth Construction, Inc. for the Board's review.

County Attorney Dylan Reingold relayed the verbiage of the construction agreement with Barth Construction, Inc. for Fire-Rescue Station #14, 6780 26th Street, noting that their books can be requested for review, for a period of up to three (3) years after termination of the agreement.

County Administrator Jason Brown verified that an independent architect, unrelated to the one used for the design build, had reviewed all of the billing invoices from Barth Construction, Inc., including the one for final payment.

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

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 1:22 p.m.