

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, October 2, 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 Chris Sloan, Good Shepherd Church of God

3. PLEDGE OF ALLEGIANCE

Commissioner Bob Solari, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Move Item 14.B.1. to coincide with Item 10.B.1.

Move Item 14.E.1. to coincide with Item 10.B.2.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, 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.** [18-2322](#) Presentation of Proclamation Honoring the Month of October 2018 as National Domestic Violence Awareness Month

Recommended Action: Read and Presented

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Tom Manwaring, who provided background on the SafeSpace organization and its services. After acknowledging the many community partners who assist SafeSpace, Mr. Manwaring announced upcoming events and donation opportunities. SafeSpace Board Members Major Eric Flowers, Karen Franke, and Kelly Holm were also in attendance.

No Action Taken or Required

- 5.B.** [18-2316](#) Presentation of Proclamation Designating the Day, October 13, 2018, as Breast Cancer Awareness / Wear Pink Day in Indian River County, Florida

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Vice Chairman Solari read and presented the proclamation to former Indian River County employee Jeanne Bresett, and County employees Maya Miller, Carmen Bedell, Amy Cosner, and Sharon Schalm. American Cancer Society representative Theresa Woodson announced the upcoming awareness event, Making Strides of Indian River.

No Action Taken or Required

- 5.C.** [18-2314](#) Presentation of Indian River County 2018 Annual Fire Management Report by Trevor Taylor, Forest Area Supervisor, Florida Forest Service Okeechobee District, Florida Department of Agriculture and Consumer Services.

Recommended Action: Presentation only - No Action Required

Attachments: [Forest Area Supervisor Letter 07-20-18](#)
[2018 IRC Annual Fire Management Report](#)

Forest Area Supervisor Trevor Taylor, Florida Forest Service of the Department of Agriculture and Consumer Services, presented the Annual Fire Management Report covering the period of July 1, 2017 through June 30, 2018. He spoke to the reasons for the controlled burns as necessary to protect the forest resources.

No Action Taken or Required

6. APPROVAL OF MINUTES**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

- 7.A.** [18-2332](#) Update on All Aboard Florida/Vero Electric Expenses

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[All Aboard FL Expenses](#)
[FP&L-Vero Beach-FMPA expenses](#)

No Action Taken or Required

- 7.B.** [18-2333](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an informational item only; no Board action is required.

Attachments: [Event Calendar](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.N. 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. [18-2317](#) Checks and Electronic Payments September 7, 2018 to September 13, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 7, 2018 to September 13, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-2328](#) Checks and Electronic Payments September 14, 2018 to September 20, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 14, 2018 to September 20, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [18-2174](#) Blanket Travel Authorization for Commissioners, County Officers, and Staff for Fiscal Year 2018/2019

Recommended Action: Approval is recommended for Commissioners, County Officers, and Staff to travel out of county for current and future assigned committee meetings; Florida Association of Counties, National Association of Counties, and local or regional legislative conferences or programs; approved lobbying efforts including travel to Tallahassee when necessary; and All Aboard Florida meetings or hearings during the 2018/2019 Fiscal Year.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.D. [18-2285](#) Out of County Travel to Attend 2019 Governor's Hurricane Conference - May 12-17, 2019

Recommended Action: Approval for Commissioner and staff to attend the 2019 Governor's Hurricane Conference

Attachments: [Staff Report](#)
[2019 Governor's Hurricane Conference Information Page](#)
[2019 Governor's Hurricane Conference Reason for Attendance](#)
[Registration Form](#)

Approved staff's recommendation

8.E. [18-2184](#) Authorization to Attend FGFOA and GFOA Annual Conferences and FGFOA School of Government Finance

Recommended Action: The County Administrator is hereby confirming authorization to attend the 2018 FGFOA School of Governmental Finance; the 2019 GFOA Annual Conference; the 2019 FGFOA Annual Conference; and the quarterly meetings of the Treasure Coast Chapter of the Florida Government Finance Officers Association.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.F. [18-2303](#) Approval for Renewal of E911 Recording Equipment and Software Maintenance Contract

Recommended Action: Staff recommends the Board approve the E911 Recording Equipment and Software Maintenance Agreement with HigherGround Inc.

Attachments: [Staff Report](#)
[HigherGround Maintenance Quote Summary](#)
[FY 2018-2019 HigherGround Maintenance Agreement](#)

Approved staff's recommendation

- 8.G. [18-2307](#) Approval of FY 2018/2019 and 2019/2020 Radiological Emergency Preparedness Agreement (REP Grant)

Recommended Action: Staff recommends the Board approve the FY 2018/2019 and FY 2019/2020 Radiological Emergency Preparedness Agreement as noted above and authorize the Chariman to execute the necessary documents.

Attachments: [Staff Report](#)
[IRC Budget Form](#)
[FPL & Indian River County Agreement](#)

Approved staff's recommendation

- 8.H. [18-2315](#) Consideration of the Indian River County Transit Development Plan (TDP) Major Update

Recommended Action: Staff recommends that the Board of County Commissioners approve the Transit Development Plan.

Attachments: [Staff Report](#)
[Transit Development Plan on file in BCC Office](#)
[Transit Development Plan](#)

Approved staff's recommendation

- 8.I. [18-2319](#) Blue Cypress Lake Road Culvert Replacement Release of Retainage and Change Order No. 1, IRC-1758

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Application for Payment No. 2 to Hinterland Group, Inc. in the amount of \$4,654.00 for release of retainage.

Attachments: [Staff Report](#)
[Contractor's Application for Payment No. 2](#)
[Change Order No. 1](#)

Approved staff's recommendation

- 8.J. [18-2325](#) Mediated Settlement; Rodney Morton

Recommended Action: In keeping with administrative policy, staff now requests Board approval of this settlement in the amount of \$75,000.00. Payment will be made from the Self

Insurance Fund.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.K.** [18-2331](#) David Middleton and Jennifer Saraceni's Request for Release of Easements at 1005 Clipper Road (Castaway Cove)

Recommended Action: Staff recommends that the Board, through adoption of the resolution, approve release of the rear yard planting easement portion and utility easement described in the resolution.

Attachments: [Staff Report](#)
[Maps Depicting Easements](#)
[Proposed Resolution Releasing Easement\(s\)](#)

Approved Resolution 2018-099, releasing easements (or portion thereof) on Lot 96, Castaway Cove Subdivision.

- 8.L.** [18-2336](#) West Wabasso Phase II Septic to Sewer Approval of IRNEP Funding Agreement

Recommended Action: Staff recommends approval of the Indian River National Estuary Program Grant Agreement No. IRL2018-01 and requests the Board of County Commissioners to authorize the Chairman to execute the same on their behalf. Please note that if, during the procurement process, bids are much higher than the engineer's opinion of probable cost, the County has the option to close the agreement early without addressing any construction. The early closeout of the agreement would be brought as a new item to the board at that time.

Attachments: [Staff Report](#)
[IRNEP Standard Grant Agreement](#)
[Grant Form](#)

Approved staff's recommendation

- 8.M.** [18-2338](#) Indian River County Library System Fellsmere Library Project

Recommended Action: Staff respectfully recommends that the Board of County Commissioners conceptually approve the Indian River County Library System opening of the Marian Fell Library Fellsmere Branch for a two day a week service, and direct the County Attorney's Office to prepare an agreement under the general terms outlined herein, and return it

to the Board for final approval following execution by the City of Fellsmere..

Attachments: [Staff Report](#)

Approved staff's recommendation

8.N. [18-2342](#) Habitat Conservation Plan -- Amendment No. 1

Recommended Action: Staff recommends the Board approve the amended version of the HCP and authorize the Chairman to sign on behalf of the County. Following Board approval, the County will transmit the partially executed Amendment to the US Fish and Wildlife Service. Upon receipt of the fully executed original Amendment from the USFWS, staff will transmit to the Clerk to the Board of County Commission for recording.

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

Natural Resources Manager James D. Gray provided background on the County's Habitat Conservation Plan (HCP) for the protection of sea turtles. He stated that Environmental Specialist Kendra Cope and other coastal staff have been working with the U.S. Fish and Wildlife Service to update the document, and clarified that an update to staff's recommendation had been made to include a Resolution approving Amendment #1 to the HCP.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve: (1) staff's recommendation; and (2) Resolution 2018-100, approving Amendment #1 of the Habitat Conservation Plan for the protection of sea turtles on the County's beaches. The motion carried by the following vote:

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

8.O. [18-2343](#) Indian River County Grant Contract Subrecipient Award Senior Resource Association

Recommended Action: Approve the Indian River County Grant Contract Subrecipient Award agreement with the Senior Resource Association and execute any related documents

Attachments: [Finance Department Staff Report](#)
[Subrecipient Grant Agreement SRA](#)

Approved staff's recommendation

8.P. [18-2346](#) Award of Bid 2019006 - Annual Bid for Sulfuric Acid

Recommended Action: Staff recommends the Board award bid 2019006 to Shrieve Chemical Company and

authorize the Purchasing Division to issue blanket purchase orders to the recommended bidder. Staff also recommends the Board 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.Q. [18-2347](#) Indian River County - Indian River Land Trust Oyster Bar Marsh Trail Easements

Recommended Action: The County Attorney's Office recommends that the Board vote to approve the easement and authorize the chair to execute any and all documents necessary to effectuate the easements.

Attachments: [Staff Report](#)
[Easement from IRLT to County](#)
[Easement from County to IRLT](#)

Approved staff's recommendation

8.R. [18-2354](#) Osprey Marsh One-Year Compliance Maintenance Contract with G.K. Environmental, Inc.

Recommended Action: Staff recommends approval of Work Order No. 1 authorizing the mentioned professional services for a lump sum amount of \$18,425.00 to G.K. Environmental, Inc.

Attachments: [Staff Report](#)
[Work Order No 1 for GK Environmental](#)

Approved staff's recommendation

8.S. [18-2348](#) Eight Month Renewal of Lease for North County Offices

Recommended Action: Staff recommends the Board approve the lease renewal rate as proposed for the North County Offices and authorize the Chairman to execute the Lease Renewal Agreement.

Attachments: [Staff Report](#)
[Renewal of Lease Agreement](#)

Approved staff's recommendation

- 8.T.** [18-2355](#) Request for Ratification FDLE FY17 Edward Byrne Memorial Justice (JAG) Grant
Recommended Action: Staff recommends that the Board of County Commissioners ratify the Chairman's action in executing the Certificate of Participation

Attachments: [Staff Report](#)
[JAG FY 2017 Certificate of Participation](#)

Approved staff's recommendation

- 8.U.** [18-2356](#) Miscellaneous Budget Amendment 016
Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2017-18 budget

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit "A" BA 016](#)

Approved Resolution 2018-101, amending the Fiscal Year 2017-2018 Budget.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.1.** [18-2329](#) Presentation by Jeffrey R. Smith, Indian River County Clerk of the Circuit Court and Comptroller, of the Certificate of Achievement for Excellence in Financial Reporting Award for the FY 2017 Comprehensive Annual Finance Report (CAFR) and Outstanding Achievement Award for Popular Annual Financial Reporting (PAFR) for the FY 2017 PAFR, to the Finance Department of the Indian River County Clerk of Court and Comptroller's Office from the Government Finance Officers Association of the United States and Canada (GFOA)

Recommended Action: Presentation Only - No Action Required

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith announced the awards from the Government Finance Officers Association of the United States and Canada (GFOA) for: (1) the Certificate of Achievement for Excellence in Financial Reporting Award for the Fiscal Year 2017 Comprehensive Annual Finance Report (CAFR); and (2) the Outstanding Achievement Award for Popular Annual Financial Reporting

(PAFR) for the Fiscal Year 2017 PAFR. Mr. Smith mentioned that this is the 35th consecutive year that the County has earned the Excellence in Reporting Award on the CAFR, and the third successive year that the County has earned the Outstanding Financial Achievement Award for the PAFR (a new report). He thanked the Finance Director Elissa Nagy, Senior Accountant Raeanne Cone, Staff Accountant Michelle King, and Finance and County Budget staff for their work on the reports, and recognized the positive working relationship between the County Administrator and Clerk's offices.

County Attorney Dylan Reingold thanked Mr. Smith for helping to foster the great working relationship between County and Clerk of Court staff.

Chairman O'Bryan commented favorably on the PAFR.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [18-2358](#)

Notice of Intent to Affirm the Existence of a Recreational Customary Use on Private Property (Legislative)

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners open the public hearing, take evidence as to the customary use of the beach, close the public hearing and adopt a formal notice of intent to affirm the existence of a recreational customary use in the area at issue. Staff also recommends that the Indian River County Board of County Commissioners direct the County Attorney's Office to file a Complaint for Declaration of Recreational Customary Use in circuit court, and direct the County Attorney's Office to notify all interested parties of the Complaint for Declaration of Recreational Customary Use.

Attachments: [Staff Report](#)
[Draft Formal Notice of Intent](#)

PROOF OF PUBLICATION IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

County Attorney Dylan Reingold provided background on the Customary Use Doctrine, wherein the Florida courts recognize the public's right, through custom, to access dry sand areas of privately owned portions of a beach. Florida Statutes Section 163.035 establishes a process for a governmental entity to adopt a formal Notice of Intent to Affirm the Existence of a Recreational Customary Use (the Notice) on private property. If the Board decides to adopt the Notice, the County must also file a Complaint for Declaration of Recreational Customary Use in Circuit Court.

Natural Resources Manager James Gray, with the aid of a PowerPoint Presentation, displayed a map showing an area north of Wabasso Beach Park, in the Summerplace Subdivision, where “No Trespassing” signs have been installed by the property owner. He displayed slides from the 1930’s to the present, showing the historical use of the Wabasso beach area for recreational activities, and relayed that restricted beach access limits public use of beaches, impedes sea turtle monitoring, and impacts the beach nourishment for Sector 3. Mr. Gray affirmed that he customarily observes people using the beach, and that he has never before seen a private property owner restrict public beach access.

Coastal Division Environmental Specialist Kendra Cope, who manages the County’s Habitat Conservation Plan for sea turtles, affirmed that she, too, sees people frequenting the beach site. Ms. Cope confirmed that in her experience, she has never before observed a private property owner restrict public beach access.

Mr. Gray read testimony that had been submitted from Summerplace residents Crary Lauer, Walter Garrard, and Gary Fox, asking to keep the beach accessible to all. He advised that staff’s recommendation was for the County to proceed (following the public hearing), with the Notice of Intent to Affirm the Existence of a Recreational Customary Use (the Notice of Intent), and to file the Complaint for Declaration of Recreational Customary Use.

Discussion ensued, wherein Mr. Gray confirmed that when beach renourishment was done in 2009 at the subject area, all of the property owners at that time signed off on temporary construction easements, which remain in effect.

The Chairman opened the public hearing.

The following speakers from Summerplace provided testimony supporting public beach access:

Dr. Philip R. Glade, who was accompanied by Carol Glade, 1851 Pebble Path
Patty Girard, 1960 West Shell Lane
Walter Girard, 1960 West Shell Lane
John Lehnhardt, 1991 West Barefoot Place
Dr. Michael Flax

There were no additional speakers, and the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve staff’s recommendation, with funding provided to the County Attorney’s office in an amount up to \$50,000 for any court-related costs.

Attorney Reingold suggested including in the Notice of Intent, the additional recreational uses of beach access for surfing and skinboarding, sea turtle monitoring, fishing, enjoying the shade from the erected seawall, and exercising. Additionally, he wanted to include the testimony proffered at today's meeting from Dr. Glade, Walter and Patty Girard, Molly Segal, and John Lehnhardt, with regards to customary use of the beach.

Commissioner Flescher confirmed he would amend his Motion accordingly.

An amended motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve staff's recommendation, modifying the Notice of Intent to Affirm the Existence of a Recreational Customary Use to include the additional recreational uses of surfing and skin boarding, sea turtle monitoring, fishing, enjoying the shade of the erected seawall, and exercising; and adding the testimonies of Dr. Philip Glade, Walter and Patty Girard, Molly Segal, and John Lehnhardt to the evidence supporting the Notice of Intent, with funding provided to the County Attorney's office in an amount up to \$50,000 for any court-related costs. 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

- 10.B.1. [18-2337](#)** Request to Speak from Ron Edwards, President Evans Properties, Inc, Regarding a Request for a Letter of Support Addressed to the Governing Board of the South Florida Water Management District for Evans Properties' Scott & Bluefield Dispersed Water Projects

Recommended Action: Public Discussion Item - No Action Required

Attachments: [Request to Speak Form](#)
[Dispersed Water Project slideshow](#)

Ron Edwards, President of Evans Properties, Inc. (Evans) provided background and analysis on two dispersed water projects known as the Bluefield Northern Everglades Public Private Partnership (NE PPP), and the Scott Northern Everglades Public Private Partnership (NE PPP). He stated that the proposed water projects would be a quick way to revitalize the Indian River Lagoon, and the projects would reduce the run-off going into the Lagoon from the C-23, C-24, and C-25 canals by approximately 25%.

Vice Chairman Solari asked about Evans Properties, Inc.'s experience with water projects. Mr. Edwards advised that Evans has been involved with water projects since the concept of water farming was introduced, and that they have been working on the current proposed projects for three years.

A brief discussion ensued about project costs, nutrient loads, and rainfall retention capacity.

Commissioner Zorc commended Mr. Edwards on his perseverance and financial commitment to the projects.

(Clerk's Note: Please see Vice Chairman Bob Solari's Item 14.B.1. Evans Properties Dispersed Water Projects, for the Board's action on this matter).

No Action Taken or Required

- 10.B.2. [18-2349](#)** Request to Speak from Franklin (Trip) Snelson, United Against Poverty, Regarding New UP Center Project Update

Recommended Action: Public Discussion Item - No Action Required

Attachments: [Request to Speak Form](#)

Franklin Snelson, United Against Poverty (UP), used a PowerPoint Presentation to describe how UP helps people achieve economic self-sufficiency. He stated that due to a successful fund-raising campaign, UP has been able to purchase a new larger facility to expand services and provide space for collaborating partners. Mr. Snelson advised that UP has submitted a grant application for a Florida Department of Economic Opportunity's (DEO) Job Growth Grant which would allow UP to finish repurposing its new building, and asked if the Board would support the grant application.

(Clerk's Note: Please see Commissioner Zorc's Item 14.E.1. United Against Poverty (UP) Request for Grant Funding from the Florida Department of Economic Opportunity [DEO]).

Accepted

C. PUBLIC NOTICE ITEMS

- 10.C.1. [18-2323](#)** Notice of Scheduled Public Hearing for October 16, 2018: Second Hearing for Adoption of a Land Development Regulation (LDR) Amendment to Chapters 911 and 971 Regarding the Review and Approval Process for Places of Worship (Legislative)

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

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. [18-2344](#) Update Historic Dodgertown

Recommended Action: Review and Discuss Staff Update.

Attachments: [Staff Report](#)

County Administrator Jason Brown reported that the City of Vero Beach (the City) has received the County's proposed contract for purchase of the 35-acre parcel of land known as Dodgertown Golf Course, as well as documents containing prospective plans for the property, and information on existing economic development. He informed the Board that per the Florida Statutes, two appraisals have been obtained on the property; both were valued in excess of the County's proposed purchase price of \$2.4 million.

Chairman O'Bryan calculated that based on data from the Treasure Coast Sports Commission, about \$15 million is spent annually in relation to Historic Dodgertown.

It was noted that Chairman O'Bryan and Administrator Brown would be attending the City of Vero Beach Council Meeting occurring later that afternoon, to see what the City will decide regarding the prospective sale of the Historic Dodgertown parcel.

No Action Taken or Required

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

12.F.1. [18-2334](#) Waterway Village Second Amendment to the Amended Developer's Agreement

Recommended Action: Staff recommends the Board approve the Waterway Village Second Amendment to the Amended Developers Agreement, approve funding in the amount of \$231,311 for the reimbursement of design costs for the County segment of 58th Avenue, and authorize the Chairman to execute the Developers Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Waterway Village Second Amendment](#)
[Kimley-Horn Proposal Design-58th Ave Widening](#)
[Kimley-Horn 30% Probable Construction Cost](#)
[58th Ave Widening Conceptual Plan Graphic](#)

Director of Public Works Rich Szpyrka provided background on the Waterway Village Development of Regional Impact (DRI) development order that was approved by the County in 2004, and the Amended Developer's Agreement with Divosta Homes, L.P. that was approved by the County in 2010, pertaining to the widening of 58th Avenue. He gave a detailed synopsis of the proposed Second Amendment to the Developer's Agreement, which will provide for an expansion of the 58th Avenue widening project with associated intersection improvements, and noted that the Developer would also be undertaking the design, permitting, and construction of the County's portion of the project, which will occur just south of the Indian River Farms North Relief Canal to 57th Street. Director Szpyrka recommended that the Board approve the Second Amendment to the Developer's Agreement, and responded to the Board's questions regarding the roadway improvements.

(Clerk's Note: It was noted in staff's report that Pulte Homes, Inc., is now the project developer).

A motion was made by Commissioner Adams, 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

G. Utilities Services

12.G.1. [18-2353](#) Comprehensive Water, Wastewater, and Reclaimed (Reuse) Water Rate Study, and Water and Sewer Impact Fee Study Recommendations

Recommended Action: Below is a summary of the key components of the proposed rate recommendations: Part I- Rates - Modify the billing tiers from four tiers to three tiers; Present the billing charge and service availability fee as one line item on the bill; Maintain the current bulk sewer rates; Modify the reclaimed water rate to reflect the disposal rate of \$0.21 per 1,000 gallons; Maintain the current Sludge rate of \$15.00 per wet ton; Modify the billing to reflect usage to the nearest 100 gallons rather than 1,000 gallons; Modify the water service connection fees as proposed; Modify the meter installation fees as proposed; and, Implement changes to go into effect on March 1, 2019. Part II- Impact Fees - Maintain the current impact fees of \$1,300 per ERU for water and \$2,796 per ERU for sewer. Schedule - Staff recommends conducting a rate study within the next five years or by 2024 to evaluate the financial stability of the utility after the remaining bond obligations are satisfied, to ensure rate equity for all customer classifications and to capture the changing dynamics of the utility system.

Attachments: [Staff Report](#)
[Comprehensive Water, Wastewater and Reclaimed Water Rate Study](#)
[Water and Wastewater Impact Fee Study](#)
[Proposed Rate Schedule](#)

Director of Utility Services Vincent Burke recalled the Board's approval on December 20, 2016 of several items related to the North County Septic to Sewer (S2S) Phase 1 Project. He continued that on July 18, 2017, the Board approved for Raftelis Financial Consultants, Inc. (Raftelis) to undertake an updated Utility Rate study and a Water and Wastewater Impact Fee study. Director Burke announced that Utility Finance Manager Cindy Corrente would be distributing updated information on Engineering Service and Inspection Fees and a Consumer Price Index Increase, and introduced Raftelis consultants Mike Rocca and Robin Chacko.

Principal Consultant Mike Rocca made use of a PowerPoint Presentation to provide an in-depth overview of: (1) the Water and Wastewater Impact Fee Study; and (2) the Comprehensive Water, Wastewater, and Reclaimed Water Rate Study.

Questions were raised and comments made by the Board about Level of Service (LOS) standards for potable water/wastewater; flow data; unsound irrigation practices; high water consumption; conservation-based water/wastewater pricing; reclaimed water; funding for Repair and Replacement (R&R); and moving towards an Advanced Metering Infrastructure (AMI).

The Chairman called a recess at 12:52 p.m., and reconvened the meeting at 1:06 p.m., with all members present.

Mr. Rocca discussed the objectives of developing a Uniform Septic to Sewer Policy. After a lengthy discussion, a consensus was reached among all parties to have the benefitting property owners contribute a minimum of 20% of the cost of a septic to sewer conversion. To incentivize owners to connect to sewer, the County could provide a credit of 100% of the wastewater impact fee when a single family property owner commits to connect prior to service availability at the site, or a credit of 50% if a property owner commits to connecting within one year of wastewater service availability.

Recommendations made by Mr. Rocca included:

- Current impact fee schedule: Retain at this time
- Existing impact fee allocations for water/wastewater treatment and transmission: Adjust
- Water Billing Charge: Eliminate/Incorporate into Service Availability Charge
- Inflow & Infiltration New Surcharge (I&I): Impose on faulty wastewater systems
- Board adoption of rate structure modifications and rate adjustments: Target Date March 1, 2019
- Utility rates and policies: Re-evaluate every 3 to 5 years (***Board consensus was to have Utilities Services decide when a rate study is warranted***)
- Miscellaneous Service Charges: \$62.00 per page (***staff recommends retaining the current rate of \$150.00 for the Utility Construction Permits***)
- Meter Replacement Charge: Eliminate
- Water Service Reconnection Charge Eliminate
- Turn-Off/Turn-On New Service Charge of \$182.00 (***staff proposes a charge of \$75.00***)

Bob Adair requested that the Board explore the expansion of reclaimed water for both irrigation and agricultural purposes.

The Board consensus was for staff to return to the Board on November 6, 2018 with more information.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to table Item 12.G.1. Comprehensive Water, Wastewater, and Reclaimed (Reuse) Water Rate Study, and Water and Sewer Impact Fee Study Recommendation, to the Board of County Commission meeting of November 6, 2018. The motion carried by the following vote:

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

12.G.2. [18-2352](#) Reserve Accounts

Recommended Action: A summary of the recommendations contained herein is listed below: 1. Modify County Code to allow for the refund of impact fees paid, if such request is made within twenty-four months of the purchase of the Equivalent Residential Units (ERUs). It is recommended that this modification become effective January 1, 2019; 2. Modify County Code to allow for the relinquishment of ERUs purchased during one of the voluntary assessment programs provided that the property remains undeveloped and/or service is not available within two hundred feet of the parcel. Such relinquishment shall include a refund of any impact fees paid only if service is unavailable within 200 feet of the property. Accounts shall be brought current before allowing any such relinquishment; 3. Modify County Code to allow for the relinquishment of ERUs purchased at any time if the buildout of the property under the current comprehensive plan does not allow for utilization of all ERUs affiliated with the property. Unless the ERUs were purchased within the past twenty-four months, relinquishment shall not include a refund of impact fees. Accounts shall be brought current before allowing any such relinquishment; 4. Modify County Code to accommodate the County reclaiming any ERUs wherein twenty-four months of service availability fees are past due; 5. Modify County Code to provide a 90-day amnesty period that also provides the property owner an opportunity to relinquish ERUs upon the account becoming current; and, 6. Direct staff to research the logistics of foreclosing on properties that have excessive accounts receivable balances.

Attachments: [Staff Report](#)
[Resolution No. 87-142](#)

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, to table Item 12.G.2. Reserve Accounts, to the November 13, 2018 Board of County Commission meeting. The motion carried by the following vote:

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

12.G.3. [18-2351](#) Uniform Septic to Sewer Policy

Recommended Action: Staff recommends the Board of County Commissioners create a septic to sewer policy and direct staff to: Require benefiting property owners to pay a minimum of 33% of project costs; Solicit alternative funding options, which include various grants, to cover the remaining project costs; Use optional sales tax dollars as needed, not to exceed 25% of project costs; Establish a S2S financing interest rate to be the greater the maximum of either 2% or half of the current BCC approved rate. Current rate is 5% so the S2S rate would be 2.5%; Extend the amortization period from ten years up to 20-year term and direct staff to work with the Indian River County Tax Collector to add the annual assessment fee to the property tax bill in order to assure a more consistent reimbursement cash flow

for the project; and, Offer a S2S impact fee credit of 100% for those property owners who commit to connect to the sewer system before sewer is available to the property. For those property owners that connect within one year from service availability, provide a credit of 50% of the impact fee.

Attachments: [Staff Report](#)

(Clerk's Note: This item was discussed in conjunction with Item 12.G.1. Comprehensive Water, Wastewater, and Reclaimed (Reuse) Water Rate Study, and Water and Sewer Impact Fee Study Recommendation, and is placed here for continuity).

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to table Item 12.G.3. Uniform Septic to Sewer Policy to the Board of County Commission meeting of November 6, 2018. 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

13.A. [18-2345](#) All Aboard Florida Fees

Recommended Action: The County Attorney's Office recommends that the Board approve a budget amendment of \$92,500 to cover the September Bryan Cave invoice, the lobbying through January 31, 2019 and the costs of a potential oral argument in the federal litigation.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold provided background on the County's All Aboard Florida account, which was created to protect the County against the All Aboard Florida (AAF) High Speed Rail Project. He stated that Attorney Bryan Cave was hired as outside counsel, that the County's final papers for the federal litigation have been filed, and that AAF will be filing its papers on October 5, 2018.

Vice Chairman Solari made mention that full community support has been evidenced in his (Vice Chairman Solari's) talks on AAF.

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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1. [18-2321](#)

Request the Board consider renaming North County Park to "Fran Adams Park" in honor of the dedication and hard work by then Commissioner Fran Adams for making the park a reality.

Recommended Action: Rename North County Park to Fran Adams Park

Attachments: [Commissioner's Memorandum](#)

(Clerk's Note: This item was heard following Item 12.F.1. Waterway Village Second Amendment to the Amended Developer's Agreement, and is placed here for continuity).

Chairman O'Bryan presented his request to change the name of the North County Regional Park to Fran Adams Park in recognition of all the contributions that the former Board of County Commissioner has made to the community. He noted that Commissioner Adams worked hard to make the park a reality, and elaborated on his desire to honor her.

Peter Robinson, 315 Grey Twig Road, disclosed that it took a lot of perseverance and effort for Fran Adams to get the land transformed into a park.

Ruth Stanbridge contributed that former Commissioner Adams could often be found at the State Capitol Building advocating for various local causes. She noted that in addition to securing the North County Park, Ms. Adams was involved in the St. Sebastian River Preserve State Park and the Rails to Trails Conservancy.

Commissioner Flescher noted that Fran Adams is a dedicated businessperson in the community, and that during her tenure as Commissioner, she worked hard to effect changes in the community. He also observed that having a more descriptive name for the park would make it more attractive to tourists.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the renaming of the North County Regional Park to Fran Adams Park. The motion carried by the following vote:

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

B. Commissioner Bob Solari, Vice Chairman

14.B.1. [18-2339](#) Evans Properties Dispersed Water Projects

Recommended Action: Discussion Regarding Board Support

Attachments: [Commissioner's Memorandum](#)

(Clerk's Note: This item was discussed in conjunction with Item 10.B.1. Request to Speak from Ron Edwards, President Evans Properties, Inc., Regarding a Request for a Letter of Support Addressed to the Governing Board of the South Florida Water Management District for Evans Properties' Scott & Bluefield Dispersed Water Projects, and is placed here for continuity).

Vice Chairman Solari asked if the Commissioners would send a letter of support for Evans Properties Inc.'s proposed dispersed water projects, to the South Florida Water Management District. He observed that these projects will begin reducing the nutrient load into the Lagoon.

Bob Johnson, Coral Wind Subdivision, wanted to know if the dispersed water projects would affect the County's potable water supply; Vice Chairman Solari advised that it would not have any measurable impact on the drinking water supply.

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, to send to the governing board of the South Florida Water Management District, a letter of support for Evans Properties, Inc.'s: (1) Bluefield Northern Everglades Public-Private Partnership (NE PPP); and (2) Scott Northern Everglades Public-Private Partnership (NE PPP). The motion carried by the following vote:

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

C. Commissioner Susan Adams**D. Commissioner Joseph E. Flescher****E. Commissioner Tim Zorc****14.E.1. [18-2359](#)** United Against Poverty (UP) Request for Grant Funding from the Florida Department of Economic Opportunity (DEO)

Recommended Action: Discussion and Support

Attachments: [Commissioner's Memorandum](#)
[UP Job Growth Grant Application](#)

(Clerk's Note: This item was discussed following Item 10.B.2. Request to

Speak from Franklin (Trip) Snelson, United Against Poverty, Regarding New UP Center Project Update, and is placed here for continuity).

Commissioner Zorc commended United Against Poverty (UP) on its work and success in helping people gain employment. He noted that the Department of Economic Opportunity grant application submitted by UP seems to fall under the Workforce Development category, and advocated that the Board indicate its support for the grant.

A motion was made by Commissioner Zorc, seconded by Chairman O'Bryan, to send a letter to Governor Rick Scott, in support of United Against Poverty's Florida Job Growth Grant Fund application that was submitted to the Florida Department of Economic Opportunity. The motion carried by the following vote:

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

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

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

15.A.1. [18-2341](#)

Approval of FY 2018/2019 EMS County Awards Grant: Purchase of Capital/Operating Equipment Using Non-Matching EMS Grant Funds and Grant Resolution

Recommended Action: Staff recommends approval of the FY 2018/2019 EMS Grant and resolution to purchase the equipment and services as noted in the attachments. Staff further recommends that the Board of County Commissioners authorize the chairman to execute the necessary documents to obtain funds from the Department of Health in the amount of \$19,731.00 and authorize budget amendments, as required, to receive and expend the grant funds. In order to comply with the requirements of this Grant, staff is seeking authorization for the establishment of a unique accounting code designator for all County Awards Grant deposits, disbursements, interests accrual and rollover of funds, as they are required to be maintained in a separate fund or account for inspection by the State EMS Monitoring and Compliance Unit.

Attachments: [Staff Report](#)
[IRC Budget Grant Form-EMS Grant](#)
[EMS County Grant Application](#)
[EMS CTY Awards Grant Resolution](#)

Director of Emergency Services Tad Stone was present in support of staff's request.

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to approve Resolution 2018-001ESD, authorizing the application for funding County Emergency Medical Services (EMS) Grant Awards to be submitted to the State of Florida Department of Health, Bureau of Emergency Medical Services. The motion carried by the following vote:

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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners of the regular meeting, with Item 12.G.1. Comprehensive Water, Wastewater, and Reclaimed (Reuse) Water Rate Study, and Water and Sewer Impact Fee Study Recommendations.

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 2:13 p.m.