

# 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, December 20, 2016

9:00 AM

Commission Chambers

### Board of County Commissioners

*Joseph E. Flescher, Chairman, District 2  
Peter D. O'Bryan, Vice Chairman, District 4  
Susan Adams, District 1  
Bob Solari, District 5  
Tim Zorc, District 3*

Jason E. Brown, County Administrator  
Dylan Reingold, County Attorney  
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller  
Leona Adair Allen, Deputy Clerk

**1. CALL TO ORDER**

**ROLLCALL**

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

**2. INVOCATION**

Reverend Shelly Satran, Our Savior Lutheran Church.

Introduction of Reverend Mark A. Bernthal, Our Savior Lutheran Church

**3. PLEDGE OF ALLEGIANCE**

Vice Chairman Peter D. O'Bryan

**4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

Chairman Flescher reported that Acupuncturist Jill Jaynes from Absolute Integrated Medicine had requested to speak on Consent Agenda Item 8.E., and will therefore be pulled for discussion.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Agenda, as amended. The motion carried by the following vote:**

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

**5. PROCLAMATIONS and PRESENTATIONS**

**5.A 16-1137** Presentation of Proclamation Honoring Jacquelyn Gilbert on her Retirement from the Property Appraiser's Office of Indian River County

**Recommended Action:** Read and presented.

**Attachments:** [Gilbert Retire Proclamation](#)

Chairman Flescher read and presented the Proclamation and Retirement Award to Jacquelyn Gilbert.

Property Appraiser David Nolte expressed his appreciation for her years of service and wished Ms. Gilbert success in her future endeavors.

**6. APPROVAL OF MINUTES**

None

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

- 7.A 16-1132** Proclamation and Retirement Award Honoring Gordon E. Sparks on His Retirement From Indian River County Board of County Commissioners Department of Utilities Services/Engineering Division with Sixteen Years of Service

**Attachments:** [Proclamation G Sparks](#)  
[Retirement Award G Sparks](#)

Chairman Flescher recognized Gordon E. Sparks on his retirement.

- 7.B 16-1121** Planning & Zoning Commission Appointment

**Attachments:** [Staff Report](#)  
[P&Z - Angela Waldrop Application](#)  
[Angela Waldrop Resume](#)

- 7.C 16-1142** Florida Department of State Minority Appointment Reporting for Calendar Year 2015

**Recommended Action:** Provided for Board Information - No Action Required

**Attachments:** [Staff Report](#)  
[Attachment: Reporting Forms for 2015](#)

- 7.D 16-1159** Town of Orchid Committee Assignments

**Recommended Action:** Informational

**Attachments:** [Agenda Memorandum](#)  
[2017 Town of Orchid Committee Appointments](#)

**8. CONSENT AGENDA**

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

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

- 8.A 16-1138** Approval of Checks and Electronic Payments December 2, 2016 to December 8, 2016

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 2, 2016 to December 8, 2016

**Attachments:** [Approval of Checks and Electronic Payments December 2, 2016 to December 8, 2016](#)

**Approved**

**8.B 16-1129** FY 2015-2016 Records Disposition Compliance Statement and Records Management Liaison Officer Form, Board of County Commission

**Recommended Action:** It is recommended that the Chairman be authorized to sign the Records Management Compliance Statement for Fiscal Year 2015-2016 for the Indian River County Board of County Commission

**Attachments:** [Staff Report](#)  
[Dept of State Letter](#)  
[BCC Compliance Statement](#)

**Approved staff's recommendation.**

**8.C 16-1133** Affordable Housing Advisory Committee Appointment

**Recommended Action:** The County Attorney recommends that the Board appoint Kenneth A. "Chip" Landers to fill the "actively serving on the local planning agency" representative to the Affordable Housing Advisory Committee.

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

**Approved staff's recommendation.**

**8.D 16-1153** Miscellaneous Budget Amendment 003

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

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

**Approved Resolution 2016-127, amending the Fiscal Year 2016-2017 Budget.**

**8.E 16-1140** Approval to Eliminate the Acupuncture Benefit from the Health Plan Effective January 1, 2017 and to Offer a Special Enrollment Period in the Health Care Flexible Spending Account

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**Recommended Action:** Staff recommends approval for the acupuncture benefit to be eliminated from the County's health plan effective January 1, 2017 and to offer a special enrollment period for the health care flexible spending account.

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

Human Resources Director Suzanne Boyll provided background and statistics pertaining to the increase in the County's Health Care Plan (Florida Blue) acupuncture claims since 2013. She stated that the Plan does not offer agreements with acupuncturists, nor are they able to set up a network so acupuncturist services can be an out-of-network benefit. She voiced specific concern over one provider who was waiving the patients' copayment (copay), which has resulted in a substantial cost increase to the County's Plan. She recommended that the acupuncture benefit be eliminated from the County's Plan.

County Administrator Jason Brown further described the cost increases of claims on the County's Health Plan that have become unsustainable; spoke about the possibility of a group acupuncture treatment that costs about \$30.00 per session; and expressed the urgency of correcting the copay issue and finding a way to fund the \$1.1 million cost increase to the County's Plan. He supported staff's recommendation in an attempt to preserve the financial stability of the health insurance plan.

Discussion ensued among the Board and staff pertaining to capping the number of visits per year, cost containment solutions, acupuncture alternatives, copays, and the large number of employees who use out-of-network acupuncture benefits.

Deborah Andersen, 9820 84th Street, explained how the acupuncture services have helped her, and stated that she had been informed by the acupuncturist that after the first of the year, payments will be required. She asked the Board not to remove the acupuncture benefit.

John Coppersmith, 4636 43rd Street, explained how acupuncture has helped him with pain, and asked the Board to table their decision until more information can be obtained.

Sasan Rohani, 4690 Josephine Manor, shared the success that he and his wife have experienced after using acupuncture. He said he was informed that starting in January, a \$30.00 copay would be required. He urged the Board to continue the acupuncture insurance benefit.

Bill Michael, 489 34th Avenue, gave a testimonial of how acupuncture therapy has helped him, and explained how his acupuncture provider manages the copay process.

Further discussion ensued regarding out-of-network providers, the frequent use of one specific acupuncture provider's services, and the lack of cooperation from the

provider to supply staff with all the requested documentation.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to make the following changes to the County's Health Care Plan, effective January 1, 2017: (1) cap the maximum amount of visits for acupuncture to 26 per year; and (2) continue to pay out at 60% up to a maximum dollar cap of \$45.00 per claim..**

Director Boyll informed the Board that according to Florida Statute, if something is covered by a Health Plan, the benefit needs to be covered in the same manner for all other physician services, and restricting the maximum payout to \$45.00 per visit would not be permissible.

**The motion was amended by Vice Chairman O'Bryan, seconded by Chairman Flescher, whereby any out-of-network provider that does not provide staff with requested information, will be paid at 60%, with a cap of up to \$45.00; and to treat all physician services the same, effective February 1, 2017.**

Acupuncture Physician Angela King, 1125 Driftwood Drive, clarified the verbiage in the Florida Statute regarding billing, and spoke about the appropriate billing codes for acupuncture and the allowable insurance amounts to charge patients for out-of-network providers. She suggested that since acupuncture care is out-of-network, the Board should consider instituting not just a \$45.00 cap on a claim, but allow up to 26 visits, and/or a reimbursement of up to a maximum of \$1,000 per person. She expounded on the resources for ethical acupuncture insurance billing and the e-mails she had sent to staff, and stressed that her business has always properly billed and has not engaged in the practice of allowing employees free visits and supplements. She agreed to assist and meet with staff, at the Board's request.

Director Boyll reported that there was no cap on chiropractic services at this time, and wanted to ensure health plans stay consistent and compliant with the law.

Acupuncture Physician Alexis Edwards, Absolute Integrated Medicine, spoke on behalf of Jill Jaynes, and stated that County staff had not directly inquired about their billing policies. She described her issues with staff's letter; explained why she thought their business has grown; and acknowledged that customers were not being charged with copays because their business was out-of-network and not required to do so; however, as of January 2017, copays will be initiated.

Vice Chairman O'Bryan questioned whether the maximum reimbursement of \$1,500 could apply to chiropractic as well as acupuncturist services, and whether it would be agreeable to Florida Blue without a long legal debate.

Director Boyll and Administrator Brown felt it might be best to make the motion for

acupuncture practices only, and add chiropractic services at a later date, if necessary.

Ms. King refuted Ms. Edward's comment that copays were not legally required and asked Attorney Reingold to review its legality.

Sandra Seeley, 2531 Victory Boulevard, spoke about improper billing and asked the Board to not limit the number of annual visits.

**The motion was amended to make the following changes to the County's Health Care Plan, effective February 1, 2017: (1) limit acupuncture visits to a maximum of 26 visits per year, and (2) cap the maximum reimbursement paid to \$1,500 for acupuncturist services, and if staff finds that chiropractic services can be included, capping each at \$1,500. The motion carried by the following vote:**

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

- 8.F 16-1120** Utility Work by Highway Contractor Agreement with FDOT for the Relocation Services of Water Main on 17th Street from US Highway 1 to the 17th Street Causeway Bridge

**Recommended Action:** Staff recommends the adoption of the Resolution regarding Utility Work by Highway Contractor Agreement for the Relocation Services of Water Main for the Construction of 17th Street from US Highway 1 to the 17th Street Causeway Bridge and approval of the FDOT - Utility Work by Highway Contractor Agreement.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Utility Work by Highway Contractor Agreement](#)

**Approved Resolution 2016-128, with the Florida Department of Transportation authorizing the Chairman's execution of a Utility Work by Highway Contractor Agreement for the relocation services of a watermain for the construction of 17th Street from US Hwy 1 to 17th Street Causeway Bridge.**

- 8.G 16-1128** Approval of Federally Funded Public Assistance Funding Agreement

**Recommended Action:** Approve agreement for Indian River County to be eligible for federal funds

**Attachments:** [Staff Report](#)  
[Funding Agreement PA](#)

**Approved staff's recommendation**

- 8.H 16-1007** GH Vero Beach Development, LLC's Request for Final Plat Approval for The Reserve at Grand Harbor PD Phase 1, Plat 33 [2001020101-77703 / PD-13-10-03]

**Recommended Action:** Based on the analysis, staff recommends that the Board of County Commissioners

grant final plat approval for The Reserve at Grand Harbor PD Phase 1

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

**Approved staff's recommendation**

- 8.I 16-1109** Lease Agreements - CR510 Widening and Improvements, Project Acquired Property, B&B Tires - 5210 85th St, Vero Beach, FL 32967, Kevin Harwood - 5220 85th Street, Vero Beach, FL 32967

**Recommended Action:** Staff recommends the Board approve the Lease Agreements for the property located at 5210 85th Street to B&B Tires, LLC, and for the property located at 5220 85th Street to Kevin Harwood, and authorize the Chairman to execute the leases on behalf of the Board.

**Attachments:** [Staff Report](#)  
[BB Tire Lease Agreement Letter](#)  
[B B Tires LLC Lease 5210 85th Street](#)  
[Kevin Harwood Lease Agreement Letter](#)  
[Kevin Harwood Lease 5220 85th Street](#)

**Approved staff's recommendation**

- 8.J 16-1149** Permission to Advertise for Public Hearing for Amendment to Section 100.03(4) of the Indian River County Code, Codifying and Publishing the Ordinances to Readopt the Code as Published by the Municipal Code Corporation

**Recommended Action:** Authorize staff to advertise for a public hearing on January 24, 2017 to amend Section 100.03(4) of the Indian River County Code.

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

**Approved staff's recommendation**

- 8.K 16-1156** Interest Rate Change on All County Financing (Petition Paving, Utility Assessment Projects, Utility Impact Fees, etc.)

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the fixed interest rate of 5.00%. Staff further recommends that this rate remain in effect for calendar year 2017 for all County financing with the exception of projects directly affiliated with a bond issue for which the bond covenants dictate a different interest rate.

Attachments: [Staff Report](#)  
[Interest Rate History](#)

Approved staff's recommendation

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

### **10. PUBLIC ITEMS**

#### **A. PUBLIC HEARINGS**

#### **B. PUBLIC DISCUSSION ITEMS**

**10.B.1 16-1111** Request to Speak from Lange Sykes, Vero Beach City Council, Regarding Indian River Lagoon - City/County Collaborative

Recommended Action: Informational Only - No Action Required

Attachments: [Request to Speak Form](#)

Lange Sykes, Vero Beach City Council (City), requested to start a dialog with the Board in support of a comprehensive project between the City and County that would address significant factors that are deleterious to the Indian River Lagoon.

Vice Chairman O'Bryan recalled that the Board had voted at the November 2016 Board of County Commission meeting to become a member of the Indian River Lagoon Council, which showed the Board's intent to be involved. He recommended that Councilmember Sykes update the Board publicly, since there has not yet been a Commissioner appointed to represent the Board.

The Chairman called a recess at 11:23 a.m., and reconvened the meeting at 11:39 a.m., with all members present.

**10.B.2 16-1136** Request to Speak from Wanda Scott, Gifford Economic Development Council, Regarding Gifford Economic Development Follow-up

Recommended Action: No action required

Attachments: [Request to Speak Form](#)

Wanda Scott, Gifford Economic Development Council, highlighted specific data/statistics within the Gifford Neighborhood Plan; sought information; and asked for help in clarifying and understanding the Plan's guidelines.

## C. PUBLIC NOTICE ITEMS

### 11. COUNTY ADMINISTRATOR MATTERS

### 12. DEPARTMENTAL MATTERS

#### A. Community Development

#### B. Emergency Services

##### **12.B.1 16-1134** Approval of Work Order #2 for Radio System P25 Migration Project

**Recommended Action:** Approve Work Order #2 with Communications International Inc.

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

[Work Order No. 2 P25 Radio System](#)

[Exhibit A](#)

Emergency Services Director John King requested the Board approve Work Order No. 2 for the County-wide radio system, which begins the transition of migration for all the equipment in the dispatch centers, and interconnectivity to the radio transmitters at the tower sites.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:**

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

#### C. General Services

##### 1. Human Services

##### 2. Sandridge Golf Club

##### 3. Recreation

#### D. Human Resources

#### E. Office of Management and Budget

##### **12.E.1 16-1135** Microsoft Enterprise Agreement License Additions

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

[Vendor Quote](#)

[Licensing Change Worksheet](#)

Budget Director Michael Smykowski provided background and conditions pertaining to the Microsoft Enterprise Agreement from November of 2005, and the changes that have been put in place since that time.

Computer Support Services Director Basil Dancy described the advances in technology and software structures, and responded to the Board's questions.

John O'Connor, President of the International Association of Firefighters (IAFF) Local 2201, explained why social media communication would not be an appropriate use for departmental related information.

Administrator Brown justified why the Fire Rescue Department is requesting 232 additional licenses.

**A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to authorize the expenditure of \$513,957.20, and create a Purchase Order to process the payment to SHI. The motion carried by the following vote:**

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

## **F. Public Works**

### **G. Utilities Services**

#### **12.G.1 16-1162** North Sebastian Septic to Sewer Approval of Financing Mechanism - Phase 1

**Recommended Action:** Staff Recommends the Board review and consider the options presented, and provide direction to staff.

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

[Examples of Alternative Financing Options.pdf](#)

[Phase 1 Septic to Sewer Map](#)

[Preliminary Assessment Roll](#)

[SJRWMD Cost Share Grant](#)

[Florida Statutes 381.00655](#)

[Draft of Projected Revenues](#)

Director of Utility Services Vincent Burke used PowerPoint Presentations to provide background, analysis, construction costs, and a tentative schedule to implement a Phase 1 Septic to Sewer System Project inside the City of Sebastian and the unincorporated County.

The Commissioners shared their opinions, voiced some concerns regarding subsidy funds, and sought additional information from staff.

Commissioner Solari voiced concerns over subsidy funds and the costs of the project.

Russell Herrmann, 586 Redwood Court, Sebastian, Vice President of the Friends of St. Sebastian River, read an article from the Harbor Branch Oceanographic Institute, which spoke about the urgent need to restore the Indian River Lagoon by improving sewage collection.

Glenn Heran, Treasurer of the Taxpayers Association of Indian River County, did not support the septic to sewer conversion; he felt it was not fair to those who already paid to be on a sewer system, and believed that those less likely to afford the conversion should receive financial assistance, not those in riverfront communities.

Administrator Brown informed Mr. Heran that this is a mandatory assessment, and that there are some generous subsidies and grants to assist with the financial burden of the project.

Carter Taylor, 2235 Silver Sands Court, acting Executive Director of the Indian River Neighborhood Association (Association), read a letter from the Association in support of moving forward with the septic to sewer project.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to move forward with the following options: (1) Approve the County's Funding Mechanism - to allocate the necessary dollars to reduce the construction and connection costs as much as possible for property owners: (a) Construction Cost Funding (Utility Assessment Fund 473 at 20%, Optional Sales Tax Contribution at 20%, and Property Owner Assessment at 27%); and (b) Impact Fee Funding with the Optional Sales Tax Contribution of 100%, with a 5-year sliding benefit for existing septic and not to apply to new construction; (2) Begin implementation of a Phase 1 Septic to Sewer Assessment Project for the construction costs for all properties, both inside the City of Sebastian and unincorporated County by: (a) directing staff to follow assessment procedures for notifying benefitting property owners, preparation of assessment roll, and the necessary resolutions, and (b) holding necessary public meetings for property owners and interested parties; (3) Approve the special 2% APR interest rate for the Commercial Phase 1 S2S project area; (4) Direct staff to finalize the bid package and go out for competitive bids; (5) Formalize a connection policy for existing structures within the North County Phase 1 S2S area, with a 5-year timeline for mandatory hook-up; and (6) Direct staff to conduct an updated rate study to include looking at recouping any cost of the construction and the future removal and replacement (R&R) costs. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Solari

**12.G.2 16-1148** North Sebastian Septic to Sewer - Masteller & Moler Work Order No. 3

**Recommended Action:** Staff recommends approval of Work Order No. 3, authorizing professional services, and requests the Board authorize the Chairman to execute Work Order No. 3 on their behalf for a lump sum amount of \$125,270.00 to Masteller and Moler, Inc.

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

[Work Order No. 3 and supporting documents](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:**

- Aye:** 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Zorc
- Nay:** 1 - Commissioner Solari

The Chairman called a recess at 1:51 p.m., and reconvened the meeting at 2:04 p.m., with all members present.

**13. COUNTY ATTORNEY MATTERS****13.A 16-1152** Approval of First Amendment to Declaration of Restrictive Covenants for Windsor PD

**Recommended Action:** Staff recommends that the Board approve the First Amendment to Declaration of Restrictive Covenants and direct staff to have the proposed PD change/replat scheduled for public hearings before the Planning and Zoning Commission and the Board of County Commissioners at a mutually convenient time.

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

[Exhibit A: 2011 plat](#)

[Exhibit B: Declaration of Restrictive Covenants dated Dec. 23, 2008](#)

[Exhibit C: Proposed PD plan](#)

[First Amendment to Declaration of Restrictive Covenants](#)

[Minutes of 12/8/15 BCC meeting](#)

County Attorney Dylan Reingold provided background, and reviewed Windsor Properties' First Amendment to the Declaration of Restrictive Covenants, and the proposed Planned Development (PD) density change.

Deputy County Attorney William DeBraal recapped his Memorandum and used an overhead projector to show the area of density increase from one to three dwelling

units per acre.

**A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to approve staff's recommendation. The motion carried by the following vote:**

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

**13.B 16-1151** Request for Access Easement to Datapath Tower, LLC for Emergency Services Tower

**Recommended Action:** Emergency Services recommends that the Board approve the access easement to Datapath Towers, LLC and authorize the Chairman to execute the easement on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Easement](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:**

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

**13.C 16-1154** Approval of Agreement to Purchase and Sell Quality Fruit Packers Parcel for 45th Street/US Highway 1 Intersection Improvements

**Recommended Action:** Staff recommends the Board approve the purchase and sale for the right-of-way from Quality Fruit Packers at a price of \$137,500, inclusive of all fees and costs and authorize the Chairman to execute any documents necessary to close the purchase of the property.

**Attachments:** [Staff Report](#)  
[Sketch/Legal Description](#)  
[Aerial Photo](#)

Attorney DeBral described the proposed improvements to the intersections of US Highway 1 and 41st Street, 45th Street, and 49th Street. He relayed that Quality Fruit Packers of Indian River, Inc. owns a parcel of land on the corner of US Highway 1 and 45th Street that is needed for right-of-way to complete an improvement project. He recommended that the Board approve the settlement offer to alleviate accruing further costs to the County.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:**

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

**14. COMMISSIONERS MATTERS****A. Commissioner Joseph E. Flescher, Chairman****B. Commissioner Peter D. O'Bryan, Vice Chairman****14.B.1 16-1150** Draft Critical Incident Response Policy**Recommended Action:**

**Attachments:** [Commissioners Memorandum](#)  
[Draft Critical Incident Response Policy](#)

Vice Chairman O'Bryan introduced the new Indian River County Stress Management Program draft booklet that was developed as a peer-driven support system for Fire Rescue personnel. He thanked the numerous individuals who were involved in the process of developing the booklet. He did not request Board action today since it is in draft form.

Emergency Services Director John King and Assistant Fire Chief Brian Burkeen provided highlights of the booklet; discussed how the information was obtained; and thanked Vice Chairman O'Bryan for the countless hours he contributed to the project.

Commissioner Solari offered suggestions and comments for the booklet.

John O'Connor, President of the International Association of Firefighters (IAFF) Local 2201, thanked Vice Chairman O'Bryan for his efforts, and stressed that all of law enforcement, police, fire and emergency services need to be included in the process. He suggested focusing on the membership's morale and retention, as well as developing a death protocol for officers in the line of duty.

Administrator Brown expressed gratitude to numerous individuals, and said he was committed to this project because he feels his biggest responsibility is the welfare and well-being of the County employees.

**C. Commissioner Susan Adams****D. Commissioner Bob Solari****14.D.1 16-1158** Minor South County Annexation

**Recommended Action:** Board Discussion

**Attachments:** [Commissioner Solari Memorandum.pdf](#)

Commissioner Solari informed the Board that property owner Oszkar Szentirmai, in southern Indian River County, has a parcel of land whereby 70% is located in Indian River County and the other 30% in St. Lucie County. He said the owner gets taxed by both taxing districts and wants to have the smaller area annexed into Indian River County, but he would need to get approval from St. Lucie County before moving forward with the process.

### **E. Commissioner Tim Zorc**

#### **14.E.1 16-1160 16th Street Ball Field Property**

**Recommended Action:** Discussion

**Attachments:** [16th Street Ball Field Property](#)

Commissioner Zorc wanted to know the current property value, along with the highest and best use value of the 16th Street Ball Field. Then, depending on the spread between the two values, the Board could decide whether to step-up the zoning to match the properties to the north and east.

Community Development Director Stan Boling felt that the multi-family zoning on the property would make sense, and informed the Board that the property has a land use designation of Government Institution Public, so there would be a land use amendment as well as a rezoning that could go to Private Sector Development.

Deputy County Attorney DeBraal reminded the Board that he had been directed to put the property up for sale by a sealed bid, and clarified that his office should now wait until the appraisal is received.

**A motion was made by Commissioner Zorc, seconded by Commissioner Solari, to direct the County Administrator to order an appraisal that would address separate values: (1) the "as is" and (2) the highest and best use, for the 16th Street Ball Field property, and bring the findings back to the Board. The motion carried by the following vote:**

**Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner 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 under the next Emergency Services District meeting.

**15.A.1 16-987** Approval of Minutes Meeting of September 13, 2016

**Recommended Action:** Approve

**Attachments:** [ESD09132016](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Minutes of September 13, 2016. The motion carried by the following vote:**

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

**15.A.2 16-1122** Approval of Minutes Meeting of September 20, 2016

**Recommended Action:** Approve

**Attachments:** [09202016ESD](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Minutes of September 20, 2016. The motion carried by the following vote:**

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

**15.A.3 16-1043** Approval of Minutes Meeting of October 4, 2016

**Recommended Action:** Approve

**Attachments:** [10042016ESD](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Minutes of October 4, 2016. The motion carried by the following vote:**

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

**15.A.4 16-1130** FY 2015-2016 Records Disposition Compliance Statement and Records Management Liaison Officer Form, Emergency Services District

**Recommended Action:** It is recommended that the Chairman be authorized to sign the Records Management Compliance Statement for Fiscal Year 2015 - 2016 for the Indian River County Emergency Services District

**Attachments:** [Staff Report](#)  
[Department of State Letter](#)  
[Compliance Statement](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner**

**Adams, to approve staff's recommendation. The motion carried by the following vote:**

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

**15.A.5 16-1127** Work Order #2 for Fire Rescue Station #14 (26th Street and 66th Avenue)

**Recommended Action:** Staff recommends approval of Work Order #2

**Attachments:** [Staff Report](#)  
[Work Order 2 Barth](#)  
[GMP Proposal](#)

Emergency Services Director John King provided background, and reviewed Work Order No. 2 for the design/build services in connection with the preparation and improvements to proposed Fire Station 14, located at 26th Street and 66th Avenue (a/k/a as the JC property). He recommended that the Board move forward with Work Order No. 2.

Commissioner Zorc used an overhead projector to display and discuss maps of the proposed site, existing stations, service areas, overlapping service areas, and response areas for the different Fire Stations. He wanted the station to be placed in the proper location, optimizing the ISO's service response district requirements.

Administrator Brown said Station 14 is in the Capital Plan to build next year, and the Long Term Plan shows that it will be staffed next year, which will have a 7.5% to 8% impact on the millage rate.

**A motion was made by Commissioner Zorc to direct staff to contract with a real estate service to establish available parcels at the 82nd Avenue and 20th Street node, and to show what sites are available on the open market for purchase, and to bring the information back to the Board at the January 10, 2017, Board of County Commission meeting. The motion died for lack of a second.**

Discussion ensued regarding the proposed site for Fire Station 14; the size and cost differences between Station 13 and 14; rates and bids from subcontractors; and controlling costs throughout the process.

John O'Connor, President of the International Association of Firefighters (IAFF) Local 220, supported staff's recommendation and stressed the need for additional fire stations that include a minimum of three bays, for future expansion.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Work Order No. 2 with Barth Construction, Inc., for Fire Rescue Station 14 Design/Build Agreement Phase 1. The motion carried by**

the following vote:

**Aye:** 3 - Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Adams

**Nay:** 2 - Commissioner Solari, and Commissioner Zorc

### **B. Solid Waste Disposal District**

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved under the next Solid Waste Disposal District meeting.

#### **15.B.1 16-1131** FY 2015-2016 Records Disposition Compliance Statement and Records Management Liaison Officer Form, Solid Waste Disposal District

**Recommended Action:** It is recommended that the Chairman be authorized to sign the Records Management Compliance Statement for Fiscal Year 2015 - 2016 for the Indian River County Solid Waste Disposal District

**Attachments:** [Staff Report](#)  
[Department of State Letter](#)  
[2015-2016 Compliance Statement](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:**

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

#### **15.B.2 16-1147** Request for General Funds - PACE Project and Other Community Projects FY2016-17

**Recommended Action:** Staff recommends the Board of County Commissioners authorize up to \$6,000.00 to be donated to various PACE/illegal dumping projects from the General Fund Reserve for Contingencies for the sole purpose of paying associated landfill fees.

**Attachments:** [Staff Report](#)  
[December 6, 2016 Letter from Health Department](#)

**A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to authorize up to \$6,000.00 to be donated to various PACE/illegal dumping projects from the General Fund Reserve for Contingencies for the sole purpose of paying associated landfill fees. The motion carried by the following vote:**

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

**15.B.3 16-1139** CCNA-2014 Work Order No. 7 to CDM Smith, Inc. for Engineering Services with the 2017 Annual Permit Compliance Monitoring and Reporting

**Recommended Action:** SWDD staff recommends that its Board approve the following:

Approve CCNA-2014 Work Order No. 7 with CDM Smith, Inc. in the amount of \$99,193 to provide engineering services related to the 2017 Annual Permit Compliance Monitoring and Reporting.

Authorize the Chairman to execute the same, as presented.

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

[CCNA-2014 Work Order No. 7 - CDM Smith, Inc.](#)

**A motion was made by Commissioner Solari, seconded by Commissioner Adams, to approve CCNA-2014 Work Order No. 7 with CDM Smith, Inc., in the amount of \$99,193.00, to provide engineering services related to the 2017 Annual Permit Compliance Monitoring and Reporting, and authorized the Chairman to execute same. The motion carried by the following vote:**

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

**15.B.4 16-1157** Eighth Amendment to Republic Services

**Recommended Action:** SWDD staff recommends that its Board approve the Eighth Amendment to Republic Services as a notification of SWDD's intent to renew the Solid Waste Operations and Maintenance contract for an additional period of seven (7) years beginning January 1, 2018 through December 31, 2024, at the negotiated rate of \$13.25 per ton for the Class 1 landfill to begin on March 1, 2017, and authorize the Chairman to execute the same, as presented.

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

[Eighth Amendment to Republic Services](#)

Director Burke recapped his Memorandum dated December 12, 2016, pertaining to the Eighth Amendment to Republic Services of Florida, LP's (Republic Services) Contract Agreement. He recalled that the contract was effective January 1, 2011, for a 7-year period, expiring on December 31, 2017; however, the Solid Waste Disposal District (SWDD) is responsible to notify them by December 31, 2016, of the intent to renew or not renew the contract. He said this Amendment would extend the time period for staff and Republic Services to reach a mutual agreement that will apply in the renewal period on or before February 28, 2017.

Managing Director Himanshu Mehta, Solid Waste Disposal District, revealed that staff had worked with Republic Services and negotiated a 10.8% decrease to the Class 1 Landfill disposal rate (from \$14.86 per ton to \$13.25), a savings of approximately \$276,000.00 per year. He urged the Board to support the intent to renew the contract.

Discussion ensued as staff addressed the Board's questions and concerns regarding the Request for Information (RFI); Customer Convenience Centers; single-stream recycling; increased recycling percentages; and the negotiations with Republic Services.

Dina Reider-Hicks, Public Affairs Manager for Waste Management, Inc., encouraged the Board to place the operation of the County Landfill and Customer Convenience Centers out for Request for Proposal (RFP); and requested the Board to not simply renew the contract, but to consider an overall integrated disposal strategy at the best possible price.

George Geletko, Florida Government Affairs Director, Waste Management, Inc., explained why his company and staff had not come to an agreement; he felt there were unknowns that need to be considered; and thought it would be best for the County to use the RFP process.

Joanne Stanley, Municipal Services Manager at Republic Services, Inc., spoke about the RFI results; encouraged the Board to retain the contract with Republic Services; to not franchise with only one hauler; and requested that the Board give her company 60 days to work with staff to decide what can be done to reach the 75% goal.

A lengthy discussion ensued regarding the tracking of recycling tonnages; efficiencies data, and how it can be related to reductions and costs; the RFI and RFP process; and continuing negotiations.

Administrator Brown explained that if staff does not send a letter to Republic Services stating that the County would not be extending their contract for seven years, then the contract will automatically extend for seven years. He said staff was able to come to terms with the \$13.25, but not able to finalize what to do with the Customer Convenience Centers; therefore, staff is requesting to push the deadline to send the notification to February 28, 2016.

**A motion was made by Commissioner Zorc to not extend the contract with Republic Services, and direct staff to create a Request for Proposal (RFP). The motion died for lack of a second.**

Vice Chairman O'Bryan commented on Republic Services' willingness to give the

County a lower Landfill price as a good faith promise that they are willing to work/negotiate with staff. He emphasized that the County would not be locked into a contract by today's vote, and it would give staff a chance to continue negotiations. He also pointed out that if the Board does not like the package when it comes back to the Board in two months, that it could be rejected, and staff could go for an RFP.

Commissioner Solari requested for staff to provide the Board, two to three weeks before receiving the new contract from Republic Services, details on the amount of trash that moved from the Customer Convenience Centers to the landfill over the past three or four years. He also asked staff to focus on any change in volumes since going to single-stream recycling, and the increase in pick-ups throughout the County.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Eighth Amendment to Republic Services of Florida, LP, as a notification of Solid Waste Disposal District's intent to renew the Solid Waste Operations and Maintenance contract for an additional period of seven (7) years beginning January 1, 2018 through December 31, 2024, at the negotiated rate of \$13.25 per ton for the Class 1 Landfill to begin on January 1, 2018. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Zorc

#### **15.B.5 16-1155** Ninth Amendment to Feedstock Supply Agreement

**Recommended Action:** SWDD staff recommends that the Board Approve the Ninth Amendment to the Feedstock Supply Agreement with INEOS New Planet BioEnergy, LLC., and Authorize the Chairman to execute the same, as presented.

**Attachments:** [Staff Report](#)  
[Feedstock Agrmt - 9th Amendment](#)

Director Burke provided background and analysis regarding the Ninth Amendment to the Feedstock Supply Agreement with INEOS New Planet BioEnergy, LLC (INPB), which will provide for a transition of vegetative waste from the Indian River BioEnergy Center to SWDD's vegetative processing area, beginning January 2017. The provisions are to be based on the existing \$9.30 per ton, and the supplemental processing fee of \$5.30 per ton will be waived through March 31, 2017. He stated that INPB will receive, process, and mulch all the material through said time frame, while staff puts together a Request for Proposal (RFP) to remove the vegetative waste.

Commissioner Solari confirmed there would be no additional funding for the

services.

**Motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Ninth Amendment to the Feed stock Supply Agreement with INEOS New Planet BioEnergy, LLC. The motion carried by the following vote:**

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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 4:20 p.m.