

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, February 6, 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

ROLLCALL

- Present:** 4 - Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Joseph Flescher
Commissioner Tim Zorc
- Absent:** 1 - Vice Chairman Bob Solari

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

2.B. INVOCATION

Reverend Dr. G. Timothy Womack, First Presbyterian Church

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Pulled: Item 7.M. Update on All Aboard FL/Vero Electric Expenses, for discussion.

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

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** [18-1407](#) Presentation of Proclamation Honoring Brian Burkeen On His Retirement From Indian River County Board of County Commissioners Department of Emergency Services with Twenty-Nine Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Brian Burkeen, with each Commissioner individually expressing their sincere gratitude for his outstanding service to the community.

6. APPROVAL OF MINUTES

- 6.A.** [18-1427](#) Regular Meeting of January 9, 2018

Recommended Action: Approve

Attachments: [01092018BCC](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of January 9, 2018, as written. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

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

7.A. [18-1408](#) Proclamation Honoring Marlis Starliper on His Retirement From Indian River County Board of County Commissioners Department of General Services with Twenty-One Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan congratulated Marlis Starliper on his retirement.

No Action Taken or Required

7.B. [18-1409](#) Florida Public Service Commission Order No. PSC-2018-0049-TRF-EI In re: Petition for approval of curtailable service tariff modifications, by Florida Power & Light is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

7.C. [18-1450](#) Florida Public Service Commission Order No. PSC-2018-0049A-TRF-EI In re: Petition for approval of curtailable service tariff modifications, by Florida Power & Light is on file for review in the office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

7.D. [18-1410](#) Florida Public Service Commission Order No. PSC-2018-0050-TRF-EI In Re: Petition for determination under Rule 25-6.115, F.A.C., and approval of associated revised tariff sheet 6.300, by Florida Power & Light Company is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

- 7.E. [18-1414](#) Florida Public Service Commission Order No. 2018-0059-CO-EI In re: Petition for one-year extension of voluntary solar partnership rider and program, by Florida Power & Light is on file for review in the office of the Clerk to the Board.

Recommended Action: Informational Only

No Action Taken or Required

- 7.F. [18-1413](#) Treasure Coast Regional Planning Council Lecture Series

Recommended Action: No action required, informational only

Attachments: [Memorandum](#)
[Lecture Series Flyer](#)

No Action Taken or Required

- 7.G. [18-1415](#) 2018 Election of Code Enforcement Board Chairman and Vice Chairman

Recommended Action: Informational

Attachments: [Staff Report](#)

Members of the Code Enforcement Board elected Frank M. "Pete" Clements as Chairman and Bruce A. Redus as Vice Chairman for 2018.

No Action Taken or Required

- 7.H. [18-1419](#) 2018 Election of Planning and Zoning Commission Chairman and Vice Chairman

Recommended Action: Informational

Attachments: [Staff Report](#)

Members of the Planning and Zoning Commission voted to re-elect Alan Polackwich, Sr. as Chairman and Todd Brognano as Vice Chairman for 2018.

No Action Taken or Required

- 7.I. [18-1439](#) 2018 Election of Public Safety Council for Criminal Justice, Mental Health,

and Substance Abuse Chairman

Recommended Action: No action required

Attachments: [Staff Report](#)

Members of the Public Safety Council voted to re-elect Selby Strickland as Chairman.

No Action Taken or Required

7.J. [18-1440](#) 2018 Election of Economic Development Council (EDC) Chairman and Vice-Chairman

Recommended Action: No action required

Attachments: [Staff Report](#)

Members of the Economic Development Council voted to elect Brian Bauer as Chairman and Joe Idlette, III as Vice Chairman for 2018.

No Action Taken or Required

7.K. [18-1430](#) Economic Development Council Resignations -Vacancies

Recommended Action:

Attachments: [Staff Report](#)

[Resignation \(EDC\) Email - Dan Richey](#)

[Resignation \(EDC\) Email - PChandler re HCaseIline](#)

No Action Taken or Required

7.L. [18-1426](#) Indian River County Venue Event Calendar Review

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

Attachments: [Staff Report](#)

No Action Taken or Required

7.M. [18-1431](#) Update on All Aboard FL/Vero Electric Expenses

Recommended Action: No Action Required

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

County Attorney Dylan Reingold discussed concerns regarding a conflict between the Federal Railway Administration (FRA) and the Florida Department of Transportation (FDOT) over which agency was responsible for assuring that safety concerns were addressed at railroad crossings. He expressed his fear that the confusion between FRA and FDOT would lead to a disaster on the Treasure Coast.

No Action Taken or Required

8. CONSENT AGENDA

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

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

Absent: 1 - Vice Chairman Solari

8.A. [18-1404](#) Checks and Electronic Payments January 12, 2018 to January 18, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 12, 2018 to January 18, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1418](#) Checks and Electronic Payments January 19, 2018 to January 25, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 19, 2018 to January 25, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [18-1412](#) F.D.O.T. Small County Outreach Program (SCOP) Agreement and Resolution Authorizing the Chairman's Signature for CR512 Resurfacing & Shoulder Widening (Myrtle Street to 125th Avenue) and Construction Engineering Inspection (CEI) Services -Project No. IRC-1305, FM No. 433068-1-54-01

Recommended Action: Staff recommends the Board of County Commissioners approve the Small County Outreach Program (SCOP) Agreement and Resolution and authorize the chairman to execute the same.

Attachments: [Staff Report](#)
[Grant Form](#)
[Resolution](#)
[FDOT Agreement](#)

Approved: 1) Staff's recommendation; 2) Resolution 2018-015, authorizing the Chairman's execution of a Small County Outreach Program Agreement with the Florida Department of Transportation for CR512 resurfacing and shoulder widening (Myrtle Street to 125th Avenue) and Construction Engineering Inspection (CEI) Services; and 3) authorized the Chairman to execute the same.

8.D. [18-1416](#) Continuing Contract Agreement Extension for Professional Roof Design and Evaluation Services

Recommended Action: Staff recommends that the Board of County Commissioners approve the 3-year extensions to the Continuing Contract Agreements for Professional Services with Jay Ammon Architect, Inc. and REI Engineers, Inc., and authorize the Chairman to execute the Continuing Contract Agreement Extensions.

Attachments: [Staff Report](#)
[Jay Ammon Architect Inc Extension Agreement](#)
[REI Engineers Inc. Extension Agreement](#)

Approved staff's recommendation

8.E. [18-1417](#) Work Order No. 4, Masteller & Moler, Inc., Victor Hart Sr. Complex Drainage Improvement Project

Recommended Action: Staff recommends approval of Work Order No. 4 to Masteller & Moler, Inc. authorizing the professional services as outlined in the Scope of Services of Work Order No. 4, and requests the Board authorize the Chairman to execute Work Order No. 4 on their behalf for a total lump sum amount of \$26,820.00.

Attachments: [Staff Report](#)
[Work Order No. 4](#)

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

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

Absent: 1 - Vice Chairman Solari

8.F. [18-1448](#) Fischer Lake Island Subdivision Phase 1 through 6 and Replat of 7, Petition Water Assessment Project UCP 4118 - Resolution IV

Recommended Action: Staff requests authorization from the Board of County Commissioners for the following: a. Adopt Resolution IV, with a per parcel cost of \$8,107.07; and, b. Approve application for Payment No. 3, Final Pay, in the amount of \$40,713.55, to Timothy Rose Contracting, which will release any further obligations of the Contractor by the County.

Attachments: [Staff Report](#)
 [As Built - Final Resolution IV](#)
 [Final Pay to Timothy Rose Contracting Inc.](#)

Approved: 1) staff's recommendation; and 2) Resolution 2018-016, certifying "As-Built" costs for installation of water service from 1501 Eagles Circle to and including 1581 Eagles Circle and 1532 Erica's Way, within the subdivision of Fischer Lake Island, Phases One, Two, Three, Four, Five, Six, and replat of a portion of Seven, located within the city of Sebastian, in Indian River County, Florida, and such other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

8.G. [18-1453](#) Maintenance Work at the Northern Containment Berm for Spoonbill Marsh

Recommended Action: Staff recommends approval of Work Order No. 1 authorizing the mentioned professional services and requests the Board of County Commissioners to authorize the Chairman to execute Work Order No.1 on their behalf for a lump sum amount of \$28,500.00 to Knight, McGuire and Associates, Inc.

Attachments: [Staff Report](#)
 [Work Order No 1 and Supporting Documents](#)

Approved staff's recommendation

8.H. [18-1429](#) Award of Annual Bid for Aluminum Sign Blanks and Hardware (2018003)

Recommended Action: Staff recommends the Board: 1) Award Bid Sections 1 and 3 to Osburn Associates and Section 2 to Traffic Supplies and Distribution as the lowest responsive and responsible bidders meeting the specifications as set forth in the Invitation to Bid. 2) Authorize the Purchasing Division to issue blanket purchase orders for the period of February 6, 2018 through February 5, 2019 to the recommended bidders, and; 3) 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.I. [18-1432](#) Award of Bid for IRC Health Department Roof Replacement and Exterior Repair Project (Bid 2018013)

Recommended Action: Staff recommends the Board award Bid 2018013 to Advanced Roofing, Inc., and authorize the Chairman to execute the Sample Agreement once it has been approved by the County Attorney as to form and legal sufficiency and after receipt and approval by the County Attorney of the required public construction bond.

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

Approved staff's recommendation

- 8.J. [18-1435](#) Recommended Selection of Consultant for RFQ 2018012 - 45th Street Milling/Resurfacing (58th Avenue to 43rd Avenue)

Recommended Action: Staff recommends the Board approve the committee's final ranking and authorize negotiations with the top ranked firm (and the subsequently ranked firms, should negotiations with any higher ranked firms fail) in accordance with FS 287.055, Consultant's Competitive Negotiation Act.

Attachments: [Staff Report](#)

Approved: 1) the Committee's final ranking as follows: a) Masteller & Moler, Inc.; b) Dryer, Riddle, Mills & Precourt; c) Kimley-Horn and Associates, Inc.; d) Kisinger Campo & Associates; e) Carter Associates, Inc.; and f) Calvin, Giordano & Associates, Inc.; and 2) staff's recommendation.

- 8.K. [18-1434](#) Approval of Amendment 2 with Florida Fish and Wildlife Conservation Commission (FWC) Contract No. 00252 for Supply and Use of Ten Golf Carts

Recommended Action: Staff respectfully recommends the Board approve FWC Contract No. 00252 Amendment 2 and authorize Chairman to sign.

- Attachments:** [Staff Report](#)
[FWC Contract No 00252 A-2 Amendment No 2](#)
[FWC Contract No. 00252 A-1](#)
[Concessionaire Contract 00252 03-13-2015](#)

Approved staff's recommendation

- 8.L.** [18-1446](#) Partial Satisfaction of Demolition Lien from Excess Funds of Tax Deed Sale

Recommended Action: Authorize the Chairman to execute the Partial Satisfaction of Lien for recordation in the Public Records of Indian River County, Florida.

- Attachments:** [Staff Report](#)
[Partial Satisfaction of Lien](#)

Approved staff's recommendation

- 8.M.** [18-1451](#) Miscellaneous Budget Amendment 006

Recommended Action: Staff recommends that the Board of County Commissioners approve the budget resolution amending the fiscal year 2017/2018 budget.

- Attachments:** [Staff Report](#)
[Resolution](#)
[Exhibit "A" BA 006](#)

Approved Resolution 2018-017, amending the Fiscal Year 2017-2018 Budget.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

- 10.A.1.** [18-1443](#) Water Main Extension along 103rd Court from 88th Street to S. 89th Street within a portion of Blocks E and H, Vero Lake Estates Subdivision, Unit H-3, located in Indian River County, Public Hearing and the Adoption of Resolution No. III (Legislative)

Recommended Action: Open the public hearing and after receiving input, consider adopting Resolution No. III with any revisions based on that public input. Staff recommends that the

BCC consider the following options: 1) Adopt Resolution No. III with the following items: a. Cost per parcel of \$5,200.00; b. Nine (9) benefitting parcels as part of the special assessment lien; c. For benefitting parcels in point b, allow property owners to finance the capital cost of \$5,200.00 for up to 10 years, payable in ten equal yearly installments at an annual interest rate of 5.00% (set by the BCC each January); and, 2) Allow property owners to connect once the new water main has been placed into service prior to Resolution IV.

Attachments: [Staff Report](#)

[Map of Assessment Area](#)

[Estimated Monthly Expenses for Water Assessment](#)

[Confirming Resolution \(Resolution No. III\)](#)

[Assessment Roll \(Exhibit A to Resolution No. III\)](#)

Director of Utility Services Vincent Burke provided background information and analysis of the proposed water main extension along 103rd Court in Vero Lake Estates Subdivision. Through the use of a PowerPoint Presentation, he explained that an equal per parcel cost of \$5,200.00 would be levied against all nine (9) benefitting parcels, and that the property owners would be allowed to finance the costs for up to ten (10) years at an annual rate of 5.00%. Director Burke explained that he had recently learned that several property owners were no longer in favor of the project because of the cost, and he wished to afford them the opportunity to voice their concerns.

The Board sought and received information regarding the water connection of two properties that were not included in the assessment and whether there would be a fire hydrant installed on the south end of the project.

The Chairman opened the Public Hearing for comments.

Dierdre Parker, 8856 103rd Court, opposed the project because of the cost involved and provided a list of signatures from several other residents who were also against the project, but could not be present to speak.

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

The Chairman felt that even though the benefits of the project were significant, he could not be in favor of moving the project forward because there was not enough support from the property owners.

Commissioner Zorc recalled the lower per unit costs associated with the Pinson Subdivision Project, and asked Director Burke about the factors that were contributing to the high costs for the water main extension along 103rd Court.

Director Burke explained that because there were more benefiting parcels in the Pinson Subdivision Project, the costs were more spread out; and that the costs for labor and material had increased significantly since the water main extension for 103rd Court had initially begun in 2016.

Commissioner Adams shared Chairman O'Bryan's concerns, and did not want to move forward with the project if it was not wanted. She suggested allowing additional time for staff and the Utilities Department to communicate again with each of the property owners to allow them to voice their concerns, and then determine whether to move the project forward.

The Chairman reopened the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to continue the Public Hearing to the Meeting of February 20, 2018 to allow staff the opportunity to contact each of the benefiting property owners to determine whether to move the project forward. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

12.E.1. [18-1444](#) Quarterly Budget Report

Recommended Action: No action required

Attachments: [Staff Report](#)

[Qtrly Budget Report Q1 201718 revenue](#)

[Qtrly Budget Report Q1 201718 expense](#)

[Budget Amendment History 1718](#)

[Reports at a glance 2017-2018](#)

Through the use of a PowerPoint Presentation, Management and Budget Director Michael Smykowski detailed the revenues and expenses for the 1st Quarter Budget Fiscal Year 2017-2018.

Sunny Davenport, 510 26th Avenue, asked about the impact to the Advance Life Support (ALS) service based on the recent increase of Uber drivers transporting citizens to the Emergency Room for minor emergencies.

F. Public Works**G. Utilities Services****12.G.1. [18-1445](#)** Sole Source Purchase of Twenty-one (21) 870MHz, XG-25P,764, Scan Hand-Held Radios from Communications International

Recommended Action: Staff recommends that the Board of County Commissioners (BCC) waive the requirement for bids and authorize the Purchasing Department to issue a Purchase Order to Communications International for the purchase of 21 P25 radios at a cost of \$31,937.22. Staff also recommends the BCC authorize the trade-in of the 21 radios that will be replaced in this purchase, as well as all other 800 mHz radios owned by IRCDUS or other county departments as their replacements are requested. Finally, staff recommends that the BCC authorize the Purchasing Manager to issue Purchase Orders as approved by the Budget Department for the remainder of the replacement radios.

Attachments: [Staff Report](#)

[Price Quote from Communications International](#)

[List of Radios to be Replaced](#)

Director of Utility Services Vincent Burke provided details on the multi-year replacement program and the purchase of twenty-one (21) hand-held, 870 megahertz (MHz) P25 radios to begin the departmental transition from an analog radio system to a digital radio system.

Commissioner Zorc sought and received information about the new P25 radio, and asked if the GPS feature could be integrated with the vehicle tracking program that the County uses to assist in emergency situations.

Public Works Director Richard Szpyrka explained that he had been working with Director Burke and the radio supplier to determine the availability of the GPS feature, and was currently analyzing the cost to the current system. He stated that there was a GPS feature built into the radio, and that they were working to determine whether software would be needed to activate the program.

Commissioner Flescher confirmed with Director Burke that there would be no loss of serviceability or communication issues during the transition.

Bob Johnson, Coral Wind Subdivision, expressed opposition to the use of sole source providers, and asked for clarification on the importance of the use of a sole source provider for this item.

County Administrator Jason Brown and Commissioner Flescher provided brief explanations and discussed the importance of the use of sole source providers.

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

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

Absent: 1 - Vice Chairman Solari

12.G.2. [18-1449](#)

Resolution to Allow for the Installation of a Temporary Hose Bib Assembly for New Construction

Recommended Action: Staff recommends that the Board of County Commissioners review and adopt the proposed Resolution assigning the cost of the new construction stand pipe assembly to the contractor.

Attachments: [Staff Report](#)
[Diagram of Temporary Hose Bib Apparatus](#)
[Proposed Resolution](#)

Director of Utility Services Vincent Burke acknowledged that there had been various contractors tampering with utility connections in residential communities with homes under construction. Through the use of a PowerPoint Presentation, he explained that the contractors have been breaking curb stops and removing locks to connect directly to the County's water system, bypassing both the meter and the check valve. He expressed his concerns about one particular builder, and the

fact that even though fines have been assessed and numerous meetings have been held with the builder's representatives, the occurrences have continued. He explained the potential harm to public safety and the entire potable water system, and detailed a proposed solution to prevent risks to the system.

Chairman O'Bryan sought and received information from Director Burke about the installation of the meter and expressed his concern about the fines not being sufficient enough to deter the offending contractors. He felt that tampering with the water supply was a bad practice used by the contractors, and wondered if consideration should be given to revising the County Code to increase the penalties for violations.

County Attorney Dylan Reingold explained that under Florida Statutes, there were certain amounts that could be assessed for violations, and that the Board had the authority to approve an ordinance to increase those amounts. He mentioned that staff could draft an ordinance to bring back to the Board for consideration at a later date.

Commissioner Zorc sought and received information regarding the current fee structure for the assessment of penalties and expressed his support in finding a solution to the problem.

Commissioner Flescher felt that the addition of a meter and a temporary standpipe would resolve the issue.

Joseph Paladin, President of Black Swan Consulting, Sunny Davenport, 510 26th Avenue, and Chuck Meckling, 5070 N. A1A made comments regarding the imposition of increased penalties for repeat offenders.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to: 1) approve Resolution 2018-018, establishing a fee schedule for installation of a new meter with a temporary stand pipe apparatus and hose bib during construction; and 2) direct staff to provide a draft Ordinance modification to increase the penalties for tampering with the water connections and bring back to the Board for review. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

The Chairman called for a recess at 10:52 a.m., and reconvened the meeting at 11:00 a.m. with Vice Chairman Solari absent.

13. COUNTY ATTORNEY MATTERS

13.A. [18-1395](#) Economic Development Council Appointment

Recommended Action: The County Attorney recommends that the Board review the applicant's application and résumé information which is on file in the Commissioners' front office area, and determine whether to appoint him to fill the unexpired term for the "Real Estate Industry" representative to the Economic Development Council.

Attachments: [Staff Report](#)
[Tim Borden Application](#)
[RAIRC Letter of Recommendation - BordenT](#)

County Attorney Dylan Reingold asked the Board to consider the appointment of Tim Borden as the "Real Estate Industry" representative on the Economic Development Council.

Chairman O'Bryan made mention of two (2) vacancies for "Local Citrus Industry" and "At-Large-Appointee" representatives for the Economic Development Council.

A motion was made by Commissioner Adams, seconded by Commissioner Zorc, to approve the appointment of Tim Borden to fill the vacant position of "Real Estate Industry" representative on the Economic Development Council. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

13.B. [18-1452](#) Permission to Advertise for Amendment to Land Development Regulations, Indian River County Code Section 913.07(6), Removing Title Insurance Companies from Certifying Title on Final Plats

Recommended Action: Staff recommends the Board: (1) authorize staff to advertise the amendment to IRC Code Section 913.07(6) and eliminate title companies from certifying title on plats in unincorporated Indian River County, allowing only Florida licensed attorneys to certify title on a plat, and (2) enact the Pending Ordinance Doctrine so the requirement of only attorneys certifying title on a plat will apply to those developments that will submit or have submitted an application for final plat approval while the ordinance amendment is being considered.

Attachments: [Staff Report](#)
[Proposed Amendment to IRC Code Section 913.07](#)

Deputy County Attorney William DeBraul explained the requirements of final plat approval, and mentioned that one requirement was that the title of the lands to be platted must be certified by either an attorney licensed to practice in Florida or a title insurance company. He explained that as a result of a statutory amendment by the

Legislature, innocent purchasers could be harmed by an erroneous Property Information Report and would have no recourse for the mistakes made by the title company. He stated that the Development Review and Permit Process Advisory Committee recommended to amend the Code to eliminate title companies from certifying title on plats in unincorporated Indian River County, allowing only Florida licensed attorneys to certify title on a plat, and to enact the Pending Ordinance Doctrine, so that all pending and future applications for final plat would be required to have the title certified by an attorney licensed to practice in Florida.

Commissioner Zorc asked Attorney DeBaal how many title defects had come up within the last 10 years and what was required for an attorney to obtain malpractice insurance.

Joseph Paladin, President of Black Swan Consulting and Vice Chairman for the Development Review and Permit Process Advisory Committee, expressed his support of staff recommendations.

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

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

Absent: 1 - Vice Chairman Solari

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

B. Solid Waste Disposal District

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

15.B.1. [18-1383](#)

Approval of Minutes Meeting of December 19, 2017

Recommended Action: Approve

Attachments: [12192017SWDD](#)

Approved

15.B.2. [18-1428](#) Approval of Minutes Meeting of January 9, 2018

Recommended Action: Approve

Attachments: [01092018SWDD](#)

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve the Solid Waste Disposal District Meeting Minutes of December 19, 2017 and January 9, 2018, as written. The motion carried by the following vote:

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

Absent: 1 - Vice Chairman Solari

15.B.3. [18-1425](#) Approval of Amendment No. 1 to Yard Waste Processing and Disposal Services

Recommended Action: Staff recommends that its Board: a. Approve the Amendment No. 1 to Yard Waste Processing and Disposal Services agreement to Mr. Mulch to extend the due date for the annual rate adjustment from April 30th to June 1st; and, b. Authorize the Chairman to execute the agreement after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Amendment No. 1 to SWDD Agreement with Mr Mulch](#)

Director of Utility Services Vincent Burke explained that the request to amend the agreement with Mr. Mulch, Inc. was mainly due to a timing issue. He recommended modifying the rate adjustment procedure to extend the due date from April 30, 2018 to June 1, 2018 for Mr. Mulch to submit an annual rate adjustment.

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

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

Absent: 1 - Vice Chairman Solari

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:14 a.m