

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, May 1, 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**2. ROLL CALL**

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

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

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

3. PLEDGE OF ALLEGIANCE

Jason E. Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted at the Request of Applicant: Item 10.B.1. Request to Speak from April Ammons Regarding Accident with County Employee

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, 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.** [18-1721](#) Presentation of Proclamation Honoring Mark Ian Daniels on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services with Thirty Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Battalion Chief Mark Ian Daniels and expressed gratitude for his 30 years of public service.

Commissioner Flescher spoke on Chief Daniels' legacy of building relationships with law enforcement, and County Administrator Jason Brown expressed respect for his integrity. Several members of the Department of Emergency Services were in attendance to honor the Chief upon his retirement.

Read and Presented

- 5.B.** [18-1713](#) Presentation of Proclamation Designating May 6 - 12, 2018 as Public Service Recognition Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to a large group of County employees representing the County's Public Service Departments.

Read and Presented

- 5.C.** [18-1742](#) Presentation of Proclamation Designating the Month of May, 2018, as Historic Preservation Month

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Carol Bayless, President of the Indian River County Historical Society, in honor of the 50th Anniversary of the National Historic Preservation Act. Ms. Bayless was joined by volunteers from the Historical Society.

Read and Presented

- 5.D.** [18-1770](#) Presentation of Proclamation Designating the Month of May, 2018, as Mental Health Awareness Month

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to mental health professionals from the community to increase public understanding, and to promote identification and treatment of mental illness.

Read and Presented

- 5.E.** [18-1771](#) Presentation of Proclamation Designating May 1, 2018, as Law Day and April 30th Through May 5th, 2018 as Law Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Vice Chairman Solari read and presented the Proclamation to Dane Ullian, Vice President of the Young Lawyer's Division of the IRC Bar Association.

Read and Presented

- 5.F. [18-1761](#) Presentation by Your Call Football Regarding the Inaugural Season at Dodgertown
Recommended Action: No action required

Julie Meringer, President of Your Call, Inc., used a PowerPoint Presentation to detail the company's interactive application and inaugural season of Your Call Football games.

No Action Taken or Required

6. APPROVAL OF MINUTES

- 6.A. [18-1777](#) Regular Meeting of March 6, 2018
Recommended Action: Approve

Attachments: [03062018BCC](#)

Approved

- 6.B. [18-1722](#) Regular Meeting of March 13, 2018
Recommended Action: Approve

Attachments: [03132018BCC](#)

Approved

- 6.C. [18-1762](#) Regular Meeting of March 20, 2018
Recommended Action: Approve

Attachments: [03202018BCC](#)

Approved

- 6.D. [18-1765](#) Regular Meeting of April 3, 2018
Recommended Action: Approve

Attachments: [04032018BCC](#)

Approved

- 6.E. [18-1782](#) Regular Meeting of April 10, 2018

Recommended Action: Approve

Attachments: [04102018BCC](#)

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of March 6, 2018, March 13, 2018, March 20, 2018, April 3, 2018, and April 10, 2018 as written. The motion carried by the following vote:

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

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

- 7.A. [18-1735](#) 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.B. [18-1759](#) 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](#)

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.V. 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. [18-1725](#) Checks and Electronic Payments April 6, 2018 to April 12, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 6, 2018 to April 12, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1737](#) Checks and Electronic Payments April 13, 2018 to April 19, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 13, 2018 to April 19, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [18-1714](#) Out of County Travel Request

Recommended Action: Approval

Attachments: [Staff Report](#)

Approved

8.D. [18-1692](#) Final Ranking of Contractors and Recommendation of Award of RFP 2018031 - Round Island South Conservation Area Boardwalk Construction

Recommended Action: Staff recommends the Board approve the committee's final ranking of firms, award the wetland overlook work to Indian River Docks and authorize the Purchasing Division to issue a Purchase Order for the work.

Attachments: [Staff Report](#)

[Attachment 1: Proposed Public Access Improvements](#)

[Attachment 2: Wetland Boardwalk Plans](#)

Approved: 1) staff's recommendation with the final ranking of firms being: Indian River Docks, LLC; Summerlin's Marine Construction; Close Construction, LLC; Underwater Engineering Services, Inc.; and 2) authorizing the Purchasing Division to issue a Purchase Order to Indian River Docks in the amount of \$34,094.85.

8.E. [18-1719](#) Award of Bid 2018047 - U.S. 1 Air Release Valve and 24" Forcemain Replacement

Recommended Action: Staff recommends the Board award Bid 2018047 to Johnson-Davis, approve the sample agreement and authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency, approval of the

required public construction bond and after receipt and approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

- 8.F.** [18-1720](#) Request by Friendship Baptist Church for Donation of Removed Chambers Audio Visual Equipment

Recommended Action: Staff recommends the Board declare the equipment surplus to the County's needs and authorize donation to the Friendship Baptist Church so it may continue to be utilized in our community.

Attachments: [Staff Report](#)
[Request from Friendship Baptist Church](#)

Approved staff's recommendation

- 8.G.** [18-1729](#) Work Order No. 2018029-1 APTIM Environmental & Infrastructure, Inc. Sector 5 Beach and Dune Restoration Project - Pre-Construction Services

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2018029-1 to the contract with APTIM Environmental & Infrastructure, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[APTIM Work Order No. 2018029-1](#)

Approved staff's recommendation

- 8.H.** [18-1730](#) Release of Retainage - Work Order No. 5 Morgan & Eklund, Inc. 2018 Beach Profile Monitoring Surveys (Winter)

Recommended Action: Release of Retainage - Work Order No. 5 Morgan & Eklund, Inc. 2018 Beach Profile Monitoring Surveys (Winter)

Attachments: [Staff Report](#)
[WO No. 5, Morgan and Eklund, Inc. Retainage Invoice](#)

Approved staff's recommendation

- 8.I. [18-1731](#) Work Order No. 6 Morgan & Eklund, Inc. Sector 5 Beach and Dune Restoration Project - Erosion Control Line Survey

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 6 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[Morgan and Eklund, Inc Work Order No. 6](#)

Approved staff's recommendation

- 8.J. [18-1733](#) Award of Bid No. 2018045, Gifford Area Stormwater Project, IRC-1502

Recommended Action: Staff recommends approval of Timothy Rose Contracting Inc.'s request to withdraw its bid. Staff further recommends the project be awarded to Johnson-Davis, Inc. in the amount of \$211,365.00 and requests the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance and the County Attorney has approved agreement as to form and legal sufficiency.

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

Approved staff's recommendation

- 8.K. [18-1734](#) Award of Bid No. 2018039, CR510/85th Street Right Turn Lane Extension at 66th Avenue, IRC-1745

Recommended Action: Staff recommends the project be awarded to Mancil's Tractor Service, Inc. in the amount of \$151,016.30 and requests the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance and the County Attorney has approved agreement as to form and legal sufficiency.

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

Approved staff's recommendation

- 8.L. [18-1736](#) Board Approval of Resolution Authorizing Grant Application to the Florida Inland

Navigation District for Public Access Improvements at the Oyster Bar Marsh Conservation Area

Recommended Action: Staff recommends that the Board of County Commissioners approve the proposed resolution (FIND grant application “Attachment E-7” for FY 2018-19 cycle) for the Oyster Bar Marsh Trail Improvements and authorize the Board Chairman to sign the resolution on behalf of the County.

Attachments: [Staff Report](#)
[Maps of Ownership and Project Improvements](#)
[Table of Cost Estimates](#)
[Proposed County Resolution](#)
[County Grant Summary Form](#)

Approved: 1) staff's recommendation; and 2) Resolution 2017-042, Attachment E-7, Resolution for Assistance 2018 Under the Florida Inland Navigation District Waterways Assistance Program.

8.M. [18-1738](#) Keith Franco's Request for Release of Certain Easements at 1345 Sunset Point Lane (Lot 1, Sunset Point Subdivision a.k.a. Sunset Lagoon)

Recommended Action: Staff recommends that the Board, through adoption of the resolution, approve release of the drainage easements described in the resolution.

Attachments: [Staff Report](#)
[Maps of Easements Proposed for Release](#)
[Proposed Resolution Releasing Easements](#)

Approved: 1) staff's recommendation; and 2) Resolution 2018-043, releasing certain drainage easements or portions thereof on Lot 1, Sunset Point Subdivision (A.K.A. Sunset Lagoon).

8.N. [18-1758](#) HUD Grant Renewals for Homeless Management Information System (HMIS) and Continuum of Care (CoC) Programs

Recommended Action: Staff recommends the Board: 1) Acknowledge the renewal of awards by HUD in the aggregate amount of \$865,140. 2) Authorize the Budget Office to process reimbursement requests from the TCHSC pursuant to the terms of the original grants. 3) Approve the renewal agreement with HUD.

Attachments: [Staff Report](#)
[HUD Letter of 03-15-2018 with enclosure](#)
[HUD Grants Awarded to IRC](#)

Approved staff's recommendation

- 8.O.** [18-1769](#) Amendment No. 1 to Work Order No. 13 with Kimley-Horn and Associates - Roseland Elevated Tank Conversion - UCP 4136

Recommended Action: Staff recommends that the Board of County Commissioners approve Amendment No. 1 to Work Order No. 13 with Kimley-Horn and Associates, for the lump sum amount of \$62,971.00, and authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
 [Amendment No. 1 to Work Order No. 13](#)

Approved staff's recommendation

- 8.P.** [18-1745](#) Resolutions Cancelling Taxes on Properties Acquired by Indian River County for Public Purposes (Right-Of-Way)

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the three Resolutions to cancel certain taxes upon publicly owned lands, and the Clerk to send a certified copy of each Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
 [Resolution \(70th Avenue row\)](#)
 [Resolution \(53rd Street row\)](#)
 [Resolution \(nw corner of 17th St SW & 27th Ave row\)](#)

Approved: 1) Resolution 2018-044, Resolution 2018-045, and Resolution 2018-046, cancelling certain taxes upon publicly owned lands, pursuant to section 196.28, Florida Statutes; and 2) directed the Clerk to send a certified copy of each Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

- 8.Q.** [18-1749](#) Work Order No. 5, REI Engineers, Inc. - Design and Replacement of Indian River County Hobart Water Treatment Facility Roof

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order #5 for REI Engineers, Inc. to design, assist in bidding, and perform construction administration services for the replacement of the existing roof at the Hobart Water Treatment Facility, and authorize the Chairman to execute Work Order #5 in the lump sum amount of \$23,050.00.

Attachments: [Staff Report](#)
 [Work Order #5](#)

Approved staff's recommendation

- 8.R. [18-1750](#) Work Order No. 6, REI Engineers, Inc. - Design and Replacement of Indian River County West Wastewater Treatment Facility Roof

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order #6 for REI Engineers, Inc. to design, assist in bidding, and perform construction administration services for the replacement of the existing roof at County's West Wastewater Treatment Facility, and authorize the Chairman to execute Work Order #6 in the lump sum amount of \$10,950.00.

Attachments: [Staff Report](#)
 [Work Order #6](#)

Approved staff's recommendation

- 8.S. [18-1753](#) First Amendment to Custodial Services between Indian River County and W&G Maintenance Corp.

Recommended Action: Staff recommends the Board approve the First Amendment to Custodial Services Between Indian River County and W&G Maintenance Corp. Staff further recommends the Board approve the agreement and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency

Attachments: [Staff Report](#)
 [First Amendment to Custodial Services, W&G Maintenance Corp.](#)

Approved staff's recommendation

- 8.T. [18-1755](#) Award of Bid 2018044 - Contract Services for Beach Parks Maintenance

Recommended Action: Staff recommends the Board award Bid 2018044 to CER Signature Cleaning, LLC (Group 1) and Viking Landscaping, LLC (Group 2). Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency and after the required certificates of insurance have been received and approved by the Risk Manager.

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

Approved staff's recommendation

- 8.U. [18-1756](#) Designation of Excess Equipment as Surplus and Authorization to Sell Honda ATV via Online Auction

Recommended Action: Staff recommends the Board declare the items on the Excess Equipment List for 050118 Agenda as surplus, and authorize their sale and/or disposal, as indicated, to include the sale of Asset 28939 by online auction.

Attachments: [Staff Report](#)
[Excess Equipment List for 050118 Agenda](#)

Approved staff's recommendation

- 8.V. [18-1775](#) Miscellaneous Budget Amendment 010

Recommended Action: Staff Recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2017-2018 budget.

Attachments: [Staff Report](#)
[2017 2018 Resolution](#)
[Exhibit "A"](#)

Commissioner Zorc sought confirmation that there would be income to cover the expenditures requested by the Building Department. County Administrator Jason Brown confirmed that there were additional revenues over the budget to fund the Department's request.

A motion was made by Commissioner Zorc, seconded by Commissioner Flescher to approve: 1) staff's recommendation; and 2) Resolution 2018-047, amending the Fiscal Year 2017-2018 Budget. The motion carried by the following vote:

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**10. PUBLIC ITEMS****A. PUBLIC HEARINGS**

- 10.A.1. [18-1726](#) HF Properties, LLC Request to Rezone ±11.96 Acres from CL to CG (RZON-2004050052-81019) (Quasi-Judicial)

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject site from CL to CG by adopting the ordinance.

Attachments: [Staff Report](#)
[Summary Page](#)
[Rezoning Application](#)
[Table of Uses for Commercial Zoning Districts](#)
[Unapproved Minutes March 22, 2018 Planning and Zoning Commission](#)
[Section 902.12\(3\) Standards of Review](#)
[Rezoning Ordinance](#)

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

Chairman O'Bryan introduced the parties for the proceeding as being Indian River County and HF Properties, LLC (the Current Owner).

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

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing. The Chairman opened the Public Hearing.

Stan Boling, Community Development Director, spoke with aid of a PowerPoint Presentation on the location and existing land uses for the subject property situated between 71st and 73rd Street, and bordered by US Highway 1 and Old Dixie Highway. He covered the issues of concurrency, consistency with the County's Comprehensive Plan and Land Development Regulations, environmental impact, and compatibility with the surrounding areas. The site is currently vacant and there is not yet a proposed development project.

The Applicant's Agent, Wesley Mills of Mills, Short & Associates, noted that the site would have some additional buffering requirements due to road frontage on all sides.

Evan Esposito of E.E. Solar raised concerns about waterway pollution and requested an Environmental Impact Statement prior to a rezoning approval. Chairman O'Bryan addressed the stormwater management procedures and Director Boling confirmed that the environmental impact differences would be minimal since the classifications were very similar.

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

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc to: 1) approve staff's recommendation; and 2) adopt Ordinance 2018-010,

amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±11.96 acres located west of US Highway 1, south of 73rd Street, east of Old Dixie Highway and north of 71st Street from CL, Limited Commercial District to CG, General Commercial District; and providing codification, severability, and effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [18-1727](#)** Request to Speak from April Ammons Regarding Accident with County Employee

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Item deleted by request of applicant.

No Action Taken or Required

- 10.B.2. [18-1739](#)** Request to Speak from Wayne St. Pierre, St. Pierre Const., Inc., Regarding Extra Expense for Sewer Tap from Indian River County Utility

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Wayne St. Pierre, owner of St. Pierre Construction, Inc., recapped the fees and costs related to obtaining a sewer tap from Indian River County Utilities for a project at 1125 27th Avenue SW. He asked for support in finding a solution that would incur lower costs.

The Board sought and received information on the logistics of the alternatives, rationale for the differing costs, the importance of future planning, and relevant ordinances.

Vice Chairman Solari suggested that Mr. St. Pierre continue discussion with Utilities Services Director Vincent Burke outside of this forum.

No Action Taken or Required

The Chairman called for a recess at 10:45 a.m., and reconvened the meeting at 10:55 a.m. with all members present.

- 10.B.3. [18-1740](#)** Request to Speak from E. E. Solar Regarding Request that the County mandate Solar

Energy on All New Structures over 2,000 square feet within the county of Indian River

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Evan Esposito, 415 27th Drive, representing E.E. Solar, requested a mandate for a County Ordinance that would require solar energy on all new structures over 2,000 square feet. Mr. Esposito laid out his rationale for adopting a solar Ordinance similar to one in effect in Miami-Dade County.

Chairman O'Bryan explained that the Commission generally does not take any action under public discussion items, noting that any Commissioner could bring the item back under their matters.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1.** [18-1717](#) Notice of Public Hearing for May 8, 2018: Mark Almeter and Iain Plank's Request for Special Exception Use Approval for a Private Airstrip [SP-SE-17-04-05 / 2004040060-78578] [Quasi-Judicial]

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 announced the Public Hearing.

Commissioner Zorc questioned the possible need for Federal Aviation Administration (FAA) approval on this project. Attorney Reingold confirmed there were additional approvals needed, but that locally the County has a requirement for a special zoning exception.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** [18-1786](#) Goodyear Tire & Rubber Company Appeal from a Decision of a County Officer

Recommended Action: The Board of County Commission is tasked with hearing and responding to the appeal

Attachments: [Staff Report](#)[February 26, 2018 Letter of Emergency Services Director](#)[March 7, 2018 Letter of Emergency Services Director](#)[March 16, 2018 Letter from The Goodyear Tire & Rubber Company](#)[April 4, 2018 Letter of County Administrator](#)[April 16, 2018 Letter from The Goodyear Tire & Rubber Company](#)[Indian River County Code Section 100.06](#)

County Administrator Jason Brown recapped the facts and timeline of events regarding the contended Goodyear Tire and Rubber Company's (Goodyear) invoices. He explained that Goodyear had filed an appeal to the decision made by John King, Fire Chief, to deny payment which Administrator Brown subsequently denied.

Jim Pettit, representing Goodyear, came before the Board to appeal the decision to deny payment made by the County. He detailed the steps taken to comply with the County's approval process in their attempts to receive payment.

A discussion ensued and it was determined that it would be irresponsible for the County to release payment while there was an open criminal investigation.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Solari, to deny the appeal made by the Goodyear Tire and Rubber Company for payment. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS**A. Community Development****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**

G. Utilities Services

12.G.1. [18-1774](#) West Wabasso Phase II Septic to Sewer - April 2018 Status and Update

Recommended Action: Staff presents two options for the Board of County Commissioners (BCC) to consider: Option 1: Do not move forward. Direct staff to table to the project. Note: The BCC directed staff to cancel the St. Johns River Water Management District (SJRWMD) Fiscal Year (FY) 15/16 cost share grant and the Community Development Block Grant. If Option 1 is chosen, it may send a negative message to the grant agencies if a second cancellation occurs. This direction could have a negative impact on the County's future grant solicitation efforts; or, Option 2: Move forward with the project by allocating the necessary resources to cover the potential deficit. If Option 2 is chosen, then the BCC should: A. Authorize staff to continue contract negotiations with the SJRWMD staff on the FY 18-19 Cost-Share Grant Agreement; B. Authorize staff to continue contract negotiations with the Indian River National Estuary Program (IRNEP) staff on the FY 18-19 Category 1-Restoration Grant Program Agreement; and, C. In order to expedite the project, authorize staff to advertise project by August, 2018, prior to funds been released by SJRWMD and IRNEP on October 1, 2018. Note: Staff will still need to come back to the BCC for approval of grant agreement and award of bid at a future BCC meeting once final prices and funding sources are confirmed.

Attachments: [Staff Report](#)
[Letter from SJRWMD](#)
[Notice of Decision from IRNEP](#)

Director of Utilities Services Vincent Burke, with the aid of a PowerPoint Presentation, reviewed two options for the Board to consider and an overview that included the scope of the West Wabasso Phase II Septic to Sewer project, updates on the grants obtained, and project timelines. Director Burke's presentation concluded with staff's recommendation for Option 1, to table the project due to a lack of funds.

The Commissioners each spoke in favor of going ahead with the project citing the benefits to the community, the importance of honoring previous commitments, and the synergistic effects of a cleaner lagoon for all residents. The Board unanimously agreed to move ahead with Option 2.

The following individuals addressed the Commissioners with praise and thanks for the Board's support: Julianne Price, Indian River County Department of Health; Teddy Floyd, Indian River County Sheriff's Department; Ardra Rigby, West Wabasso Progressive Civic Club President; Freddie Woolfolk, 4590 57th

Avenue; Mary Rue (no address provided); Graham Cox, 1213 George Street.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve Option 2: with conditions outlined in staff's report, moving forward with the project by allocating the necessary resources to cover the potential deficit. 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.** [18-1773](#) Thank You Letters to Members of Congress for the Hearing Titled "Examining Tax-Exempt Private Activity Bonds for All Aboard Florida's Brightline Passenger Rail System."

Recommended Action: The County Attorney's Office recommends the Chairman of the Indian River County Board of County Commissioners send individual thank you letters to Representative Mark Meadows, Representative Gerry Connolly, Representative William (Bill) Posey and Representative Brian Mast to show our appreciation of the referenced hearing.

Attachments: [Staff Report](#)
 [Letter to Representative Mark Meadows](#)
 [Letter to Representative Gerry Connolly](#)
 [Letter to Representative William \(Bill\) Posey](#)
 [Letter to Representative Brian Mast](#)

County Attorney Dylan Reingold spoke of the successful effort at the "Examining Tax-Exempt Private Activity Bonds for All Aboard Florida's Brightline Passenger Rail System" hearing and expressed the desire to show appreciation to the members of Congress who were involved.

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

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

- 13.B.** [18-1723](#) Draft Code Enforcement Fine Ordinance

Recommended Action: The County Attorney's Office recommends that the Board review and make comments on the proposed ordinance language and authorize the County Attorney's Office to set a public hearing on such ordinance.

Attachments: [Staff Report](#)
 [Draft Code Enforcement Fine Ordinance](#)

County Attorney Dylan Reingold recapped the request by the Utilities Department to increase fines to deter incidents of contractors tampering with County utility

connections.

It was confirmed that the dangerous tampering was ongoing in spite of the efforts made by the Utilities Department, and that existing fines and penalties were not a deterrent. In accordance with the procedures set out by the Florida Statutes, a draft Ordinance was presented for review so that a public hearing could be scheduled.

A motion was made by Commissioner Flescher, and 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. [18-1744](#) Request Board to Approve Amending Resolution 2003-127 of the Economic Development Council

Recommended Action: Approve Amendment of Resolution 2003-127

Attachments: [Commissioner's Memorandum](#)
[Resolution 2003-127](#)

With the decline in representation from the Citrus Industry at the Economic Development Council (EDC) meetings, the members requested that the Board approve amending Resolution 2013-127 by changing the membership category from Citrus Representative to Agricultural Representative. A draft of the amended Resolution will be brought back before the Board at a future meeting for a final vote.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve the Economic Development Council's request to amend Resolution 2003-127 by changing the membership category from Citrus Representative to Agricultural Representative. 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. [18-1724](#) Constitution Revision Commission Update

Recommended Action: Update and Discussion of Proposals

Attachments: [Commissioner's Memorandum](#)

Vice Chairman Solari presented an update on the Constitution Revision Commission (CRC) meeting held in March 2018. With the aid of a PowerPoint presentation, he detailed proposed amendments that would be on the ballot in November 2018. The amendments included addressing the rights of crime victims, separation of powers through the principle of the Chevron Deference, and age limits for Supreme Court Justices. Vice Chairman Solari invited citizens to look ahead at these proposed amendments prior to Election Day.

No Action Taken or Required

14.B.2. [18-1743](#) Blue Cypress Lake and the Possibility of Pollutants

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[Orlando Sentinel Article](#)
[PDF Orlando Sentinel Article](#)

Vice Chairman Solari brought to light an article reporting an increase in biosolids in Blue Cypress Lake and noted its relevance to the Indian River Lagoon. Following additional discussion, a consensus was made to give staff direction to gather additional information on the subject and report back to the Board in July following the 2018 Science Summit on Biosolids of which Chairman Solari planned to attend.

No Action Taken or Required

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:28 p.m.