

# Indian River County Florida

*Indian River County Administration Complex  
1801 27th Street, Building A  
Vero Beach, Florida, 32960-3388  
[www.ircgov.com](http://www.ircgov.com)*



## Meeting Minutes - Final

**Tuesday, May 15, 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**

Pastor Chris Kollmann, Lutheran Church of the Redeemer

**3. PLEDGE OF ALLEGIANCE**

Commissioner Bob Solari, Vice Chairman

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

Additions: 10.B.1. Aiden Rico, Request to Speak regarding a school zone at Sebastian Charter Junior High School

**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.**     [18-1830](#)     Presentation of Proclamation Recognizing May 13 Through 19, 2018 as National Police Week

**Recommended Action:** Read and Presented.

**Attachments:**   [Proclamation](#)

Chairman O'Bryan read and presented the Proclamation to Undersheriff James Harpring, who was joined by a number of local law enforcement officers.

**Read and Presented**

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

- 7.A. [18-1809](#) Employment Report for March 2018

**Recommended Action:** For information only

**Attachments:** [Employment Report March 2018](#)

**No Action Taken or Required**

- 7.B. [18-1825](#) Veterans Council of Indian River County Veterans Outreach Golf Tournament June 16, 2018

**Recommended Action:** Information Only

**Attachments:** [Veterans Golf Tournament Flyer](#)  
[Sponsorship and Registration Form](#)

**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 Items 8.I. and 8.K. 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. [18-1811](#) Checks and Electronic Payments April 27, 2018 to May 3, 2018

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 27, 2018 to May 3, 2018

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

**Approved**

- 8.B. [18-1818](#) Quarterly Investment Report for the Quarter Ending 03/31/18

**Recommended Action:** Accept the report.

**Attachments:** [Quarterly Investment Report](#)

**Accepted**

- 8.C. [18-1817](#) Quarterly OPEB Trust Report for the Quarter Ending 03/31/18

**Recommended Action:** Accept the report.

**Attachments:** [Quarterly OPEB Trust Report](#)

**Accepted**

**8.D.**     [18-1821](#)     Quarterly Tourist Development Tax Report for the Quarter Ending 03/31/18

**Recommended Action:** Accept the report.

**Attachments:** [Quarterly Tourist Development Tax Report](#)

**Accepted**

**8.E.**     [18-1829](#)     Request for Purchase Order Increase for Pete's Concrete for Sidewalk and Driveway Repairs

**Recommended Action:** The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners authorize the Purchasing Department to use Pete's Concrete as the authorized sole source provider for concrete repairs and to issue a purchase order in the amount of \$27,000.00.

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

**Approved staff's recommendation**

**8.F.**     [18-1787](#)     Award of Bid No. 2018043 43rd Avenue Bridge over IRFWCD South Relief Canal Railing Repair, IRC-1523

**Recommended Action:** Staff recommends the project to be awarded to Timothy Rose Contracting, Inc. in the amount of \$143,431.00 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 after the County Attorney has approved the agreement as to form and legal sufficiency.

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

**Approved staff's recommendation**

**8.G.**     [18-1820](#)     Final Ranking of Firms for RFP 2018040 - Management and Operations of Indian River County Transit Services

**Recommended Action:** Staff recommends the Board approve the committee's final ranking of firms and authorize the Community Development Dept. to negotiate an agreement with SRA, which will be brought before the Board for approval.

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

**Approved staff's recommendation, with the final ranking of firms being: Senior Resource Association (SRA); Transitions Commute Solutions, LLC; and National Express Transit Corporation.**

- 8.H.**     [18-1827](#)     Work Order No. 1 with Schulke, Bittle & Stoddard, LLC, for Design, Procurement and Construction Administration to Rehabilitate/Re-construct the Blower Building at the West Regional Wastewater Treatment Plant

**Recommended Action:** Staff recommends that the Board of County Commissioners approve Work Order No. 1 with Schulke, Bittle & Stoddard, LLC, in the amount of \$29,000.00 for professional services, which includes design, specifications/bid documents, and construction observation services to rehabilitate the blower building at the West Regional Wastewater Treatment Plant.

**Attachments:** [Staff Report](#)  
[Work Order No. 1](#)

**Approved staff's recommendation**

- 8.I.**     [18-1728](#)     D. R. Horton, Inc.'s Request for Final Plat Approval for Pointe West East Village Phase 2A [PD-17-02-01 / 99070081-80228]

**Recommended Action:** Based on the analysis, staff recommends that the Board of County Commissioners grant final plat approval for Pointe West East Village Phase 2A.

**Attachments:** [Staff Report](#)  
[Application](#)  
[Location Map](#)  
[Final Plat Layout](#)  
[Contract for Construction of Required Improvements](#)  
[Contract for Construction for Final Lift of Asphalt](#)

Deputy County Attorney William DeBaal provided the Clerk with a revised plat sheet to confirm that the Certificate of Title for Pointe West East Village Phase 2A Planned Development has been certified by a State of Florida licensed attorney.

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

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

- 8.J.**     [18-1812](#)     DiVosta Homes, LP's Request for Final Plat Approval for The Lakes at Waterway

Village PODs S & T [PD-16-12-07 / 2004010124-80445]

**Recommended Action:** Based on the analysis, staff recommends that the Board of County Commissioners grant final plat approval for The Lakes at Waterway Village PODs S and T.

**Attachments:** [Staff Report](#)  
[Application](#)  
[Location Map](#)  
[Final Plat Layout](#)  
[Contract for Construction of Required Improvements](#)

**Approved staff's recommendation**

**8.K.     [18-1823](#)**     Submittal of Florida Department of Economic Opportunity Grant FY18/19

**Recommended Action:** Staff recommends the Board support the submittal of the FY 18/19 Florida Department of Economic Opportunity Grant for the living shoreline/oyster reef demonstration project at Round Island Park. Staff also recommends that the Board authorize a budget amendment in order to begin project design and permitting.

**Attachments:** [Staff Report](#)  
[Submitted Technical Assistance Grant Application](#)

Vice Chairman Solari commented that the Board and County Staff are supporting a number of projects to help return the Lagoon back to health.

**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

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**10.A.1   [18-1810](#)**     Local Option Gas Tax Distribution Percentages

**Recommended Action:** Staff recommends approval of the 2018/2019 revenue distribution percentages.

**Attachments:** [Staff Report](#)  
[LOGT Chart/Spreadsheet](#)  
[Chapter 209](#)  
[Public Hearing Advertisement](#)  
[April 2018 Sample Letter to Municipalities](#)

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

Public Works Director Rich Szpyrka informed the Board of the process involved in gathering the data required for computation of the Local Option Gas Tax Distribution Percentages. He explained that the percentages will be sent to the Florida Department of Revenue for implementation.

In response to a question from Commissioner Zorc, Director Szpyrka explained that all streets were included in the data provided for the computation.

Chairman O'Bryan opened the Public Hearing.

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

**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

## **B. PUBLIC DISCUSSION ITEMS**

### **10.B.1. Added: Aiden Rico, Request to Speak**

Representing Sebastian Charter Junior High School, Aiden Rico, 925 Canal Circle, addressed the Board, explaining that due to safety concerns, he felt that the 20 mph speed limit should include Fleming and George Streets. Mr. Rico presented the Clerk with 271 signatures from people who also saw importance in the issue.

Commissioner Flescher explained the process involved in implementing a school zone, and suggested that Mr. Rico meet with Public Works Director Rich Szpyrka, who confirmed that, following a request from the school, a traffic study would take approximately six (6) weeks to complete.

**Read and Presented**

**C. PUBLIC NOTICE ITEMS**

- 10.C.1.** [18-1815](#) Public Notice of Public Hearing Scheduled for May 22, 2018 to Consider Amending Chapter 103 (Commissions and Boards) of the Code of Indian River County to Establish Higher Fine Limits for Certain Code Violations - LEGISLATIVE

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

County Attorney Dylan Reingold announced the Public Hearing, which is scheduled for May 22, 2018.

**No Action Taken or Required**

**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****F. Public Works****G. Utilities Services****13. COUNTY ATTORNEY MATTERS**

- 13.A.** [18-1814](#) Fifth Amendment to Interlocal Agreement with Palm Beach County Health Facilities Authority for Financing and Refinancing for Improvements and Additions of Facilities

**Recommended Action:** The County Attorney recommends that the Board approve the proposed Fifth Amendment and resolution and authorize the Chairman of the Board to execute any



and all documents necessary to effectuate the Fifth Amendment.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Fifth Amendment](#)

County Attorney Dylan Reingold delivered the purpose of the Fifth (5th) Amendment to the Interlocal Agreement with Palm Beach County, and explained that proceeds from the Retirement Community Revenue Bonds would partially benefit the Indian River Estates East and West Campuses, two of the six health care facilities owned by ACTS Retirement-Life Communities, Inc.

Chairman O'Bryan clarified that no additional debt would be accrued by approving the amendment.

**A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve: 1) staff's recommendation; and 2) Resolution 2018-050, approving the issuance by the Palm Beach County Health Facilities Authority of one or more series of its Retirement Communities Revenue Bonds, Series 2018 (ACTS Retirement-Life Communities, Inc. Obligated Group) in an amount not to exceed \$55,000,000 for the purpose of financing the 2018 Project as described herein. The motion carried by the following vote:**

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

**13.B. [18-1831](#)** Permission to File an Injunction Against Dallas Yates, Jane Yates, and The Yates Group, LLC.

**Recommended Action:** The County Attorney's Office recommends that the Board of County Commissioners authorize County Attorney's Office to file suit in circuit court for injunctive relief asking the court to (1) direct The Yates Group, LLC, the Estate of Dallas Yates and/or the Estate of Jane Yates to abandon the existing septic tanks on the Subject Property; (2) enjoin the Subject Property from being occupied while there are exposed sanitary and safety nuisances related to open septic tanks; (3) enjoin the Subject Property from being occupied until new septic tanks and drainfields are installed by a certified septic contractor to service the existing structures; and (4) direct The Yates Group, LLC, the Estate of Dallas Yates and/or the Estate of Jane Yates to permanently remove the waste piles and vegetation from the Subject Property.

**Attachments:** [Staff Report](#)  
[Copy Complaint for Injunctive Relief - Yates](#)

Assistant County Attorney Kate Cotner provided details involving the sanitary and public safety nuisances on the properties at 8835, 8845, 8883, 8885, 8887 and 8889 64th Avenue. She confirmed that Dallas Yates and Jane Yates are deceased, and

requested permission to file an injunction against The Yates Group, LLC, the Estate of Dallas Yates and/or the Estate of Jane Yates.

Photos were displayed of the site. Cheryl Dunn, Environmental Manager, Florida Department of Health, was present to assist Attorney Cotner in describing the severity of the situation.

In response to a request by Ardra Rigby, President, West Wabasso Progressive Civic Club, staff agreed to notify Mr. Rigby of the timeline for the corrective action, following a ruling by the Judge.

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

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

#### **14. COMMISSIONERS MATTERS**

##### **A. Commissioner Peter D. O'Bryan, Chairman**

**14.A.1. [18-1816](#)** Appointment to Advisory Group for St. Sebastian Preserve State Park

**Recommended Action:** Appoint a representative

**Attachments:** [Commissioner's Memorandum](#)  
[Request from FDEP](#)

Commissioner Adams agreed to Chairman O'Bryan's suggestion to appoint her to the Management Plan Advisory Group for the St. Sebastian River Preserve State Park.

**No Action Taken or Required**

##### **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**

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 9:38 a.m.