

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, July 17, 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

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 Jimmy Hill, Salt of the Earth Ministry

3. PLEDGE OF ALLEGIANCE

Commissioner Bob Solari, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 12.G.1. Blue Cypress Lake Informational Update to be heard in conjunction with Item 10.A.1. Biosolids Moratorium Ordinance (Legislative)

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. [18-1894](#) Presentation of Proclamation Designating the week of July 23-29, 2018 as Treasure Coast Waterway Cleanup Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the proclamation to Steve Haigis who provided details about the 11th Annual Treasure Coast Waterway Cleanup event.

Read and Presented

6. APPROVAL OF MINUTES

6.A. [18-2021](#) Regular Meeting of June 5, 2018

Recommended Action: Approve

Attachments: [06052018BCC](#)

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve the Regular Meeting Minutes of June 5, 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. [18-2048](#) Indian River County Venue Event Calendar Review

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

Attachments: [Staff Report](#)

No Action Taken or Required

7.B. [18-2066](#) Proclamation Honoring William Kramer on His Retirement From Indian River County Board of County Commissioners Department of Public Works Road & Bridge Division with Nineteen Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling items 8.H. and 8.M. 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. [18-2062](#) Checks and Electronic Payments June 29, 2018 to July 5, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 29, 2018 to July 5, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-2067](#) Indian River County Tax Collector Carole Jean Jordan: Errors and Insolvencies Report for the 2017 Tax Roll

Recommended Action: It is requested that the Board of County Commission Accept the Recapitulation of the 2017 Tax Roll and the Errors and Insolvencies Report for the 2017 Tax Roll

Attachments: [Tax Collectors Submittal Letter 07/10/18](#)
[Errors and Insolvencies Report for 2017 Tax Roll](#)

Accepted

8.C. [18-1973](#) Adoption of Revised Purchasing Manual

Recommended Action: Staff recommends the Board note their concurrence with the changes to the Purchasing Manual and approve the inclusion of the updated Purchasing Card Policy within the Purchasing Manual. These changes will be effective immediately.

Attachments: [Staff Report](#)
[Proposed Changes to Purchasing Manual](#)

Approved staff's recommendation

8.D. [18-2049](#) Amendment Number 1 to Work Order Number 5, Masteller & Moler, Inc. Hobart Park Baseball Fields - IRC - 1759

Recommended Action: Staff respectfully recommends approval of Amendment Number 1 to Work Order Number 5, Hobart Parks Baseball Fields - IRC-1759 with Masteller & Moler, Inc., authorizing the professional services as outlined in the Exhibit A; and request the Board authorize the Chairman to execute Amendment 1 to Work Order Number 5.

Attachments: [Staff Report](#)
[Masteller & Moler Inc ltr dated 07-20-2018](#)
[Amendment #1 to Work Order Number 5 with Exhibit A](#)

Approved staff's recommendation

8.E. [18-2050](#) Notice of Grant Application for Funding Assistance from State of Florida Beach Erosion Control Program - FY 2019/20

Recommended Action: Staff recommends Board approval authorizing the County Administrator or his designee to submit the FY 2019/2020 Local Government Funding Request on behalf of the County. Staff also recommends Board approval of the funding Resolution.

Attachments: [Staff Report](#)
[FDEP Resolution FY 2019-20](#)

Approved: 1) staff's recommendation; and 2) Resolution 2018-063, requesting assistance from the State of Florida Beach Erosion Control Program - FY 2019/20.

8.F. [18-2051](#) Rejection of Bids for Gifford Aquatic Center Pool Resurfacing (Bid 2018015)

Recommended Action: Staff recommends the Board reject the bids received for Bid 2018015 and authorize the

Recreation Division to revise the specifications and the Purchasing Division to release a new invitation to bid for the subject work.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.G. [18-2052](#) Award of Bid 2018064 - North Wastewater Treatment Facility Fence Replacement

Recommended Action: Staff recommends the Board award bid 2018064 to Summit Construction of Vero Beach, LLC. Staff also recommends the Board approve the sample agreement and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency and after receipt and approval of the required insurance and public construction bond.

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

Approved staff's recommendation

8.H. [18-2065](#) Request for Temporary Construction Easement to Datapath Tower, LLC for former Emergency Services Tower

Recommended Action: Staff recommends that the Board approve the temporary construction easement to Datapath Towers, LLC and authorize the Chairman to execute the easement on behalf of the Board.

Attachments: [Staff Report](#)
[Temporary Construction Easement](#)

Deputy County Attorney William DeBraal advised the Board that Datapath Tower, LLC, had moved and their new address is 1700 66th Street N., Suite 203, St. Petersburg, Florida 33710.

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.I. [18-2054](#) Award of Bid No. 2018009 CR 512 Resurfacing & Shoulder Widening from Myrtle Street to 125th Avenue Project, IRC-1305

Recommended Action: Staff recommends the project be awarded to Community Asphalt, Corp. in the amount of \$1,916,316.97 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.J.** [18-2055](#) Elite Trust & Escrow Company LLC's Request for Release of Easements at 2070 94th Court, 2065 94th Avenue, and 2075 94th Avenue (Vero Tropical Gardens Unit 1)

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

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

Approved Resolution 2018-064, releasing easements on Lots 6, 7, 12 and 13, Block A, Vero Tropical Gardens Subdivision Unit 1.

- 8.K.** [18-2056](#) Ronald and Patricia Strunk's Request for Release of a Portion of an Easement at 2095 43rd Avenue (Golf Acres Subdivision)

Recommended Action: Staff recommends that the Board, through adoption of the resolution, approve release of the 12-foot wide portion of the 24-foot wide easement described in the resolution.

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

Approved Resolution 2018-065, releasing a portion of an easement on Lot 20, Golf Acres Subdivision.

- 8.L.** [18-2060](#) Award of Bid 2018065 - Annual Bid for Sanitary Sewer Services

Recommended Action: Staff recommends the Board award bid 2018065 to: Meeks Plumbing, Inc., Reliable Septic & Services, Hinterland Group, Inc., Envirowaste Services Group, Inc., Shenandoah General Construction Co., and Vacvision Environmental, LLC. Staff also recommends the Board approved the sample agreement and authorize the Chairman to execute it after approval by the County Attorney as to form and legal sufficiency and receipt and approval of the required insurance.

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

Approved staff's recommendation

- 8.M.** [18-1793](#) Lost Tree Preserve, LLC Request for Final Plat Approval for Lost Tree Preserve PD, Phase 1 [PD-10-08-01 / 99040238-80798]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for The Lost Tree Preserve PD, Phase 1.

Attachments: [Staff Report](#)
 [Application](#)
 [Location Map](#)
 [Final Plat Layout](#)
 [Contract for Construction of Required Improvements](#)
 [Cash Deposit and Escrow Agreement](#)
 [Lost Tree plat changes - Additional Backup](#)

Deputy County Attorney William DeBraal presented two changes to the plat of Lost Tree Preserve, PD, Phase I. The first was a revised dimension of a utility easement and the second was the addition of a conservation easement.

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.1.** [18-2070](#) Florida Department of Health in Indian River County 2018-2019 Fee Schedule

Recommended Action: It is recommended that the Board of County Commission Approve the Proposed Florida Department of Health in Indian River County 2018-2019 Fee Schedule

Attachments: [Request Letter Dated July 11, 2018](#)
 [Current Fee Schedule \(Strike Through Changes\)](#)
 [Proposed Changes to Fee Schedule](#)
 [Resolution](#)
 [Presentation](#)

Miranda Hawker, County Health Department Administrator, along with Cheryl Dunn, Environmental Health Manager, presented the Proposed Florida Department of Health in Indian River County 2018-2019 Fee Schedule. Ms. Hawker began by explaining the reasons for the fees which had increased. Ms. Dunn then continued with a PowerPoint Presentation which detailed methodology, updates to programs, and revenues generated. The presentation concluded by noting that expenditures have been exceeding revenues, and that the increased fees would help offset the deficit.

The Board requested and received information regarding which events are regulated, jurisdiction for childcare facilities, and exceptions to rabies testing fees. The Board questioned the inconsistency in fees charged to schools with Group Care and agreed that private, public, and charter schools should be charged in the same manner. In addition, it was recommended that the fee review should occur every two years rather than annually.

The following persons addressed the Board with concerns and suggestions:

Howard Humphreys, 7345 35th Court

Joseph Paladin, Black Swan Consulting

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, to approve Resolution 2018-066, to adopt a 2018/2019 Fee Schedule for the Florida Department of Health in Indian River, as amended to include all schools in the Group Care fee schedule and to have the fee schedule revised every two years. The motion carried by the following vote:

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

9.B.1. [18-2058](#)

Indian River County Supervisor of Elections Leslie Rossway Swan: Request for Signed Certification for Security Grant Application

Recommended Action: Authorize the Chairman of the Board of County Commission to sign the Certificate of Equipment for Casting and Counting Ballots

Attachments: [Memorandum](#)
[Certificate of Equipment Form](#)

Supervisor of Elections Leslie R. Swan informed the Board of funds available to the Elections Office under the Federal Elections Security Grant. Supervisor Swan detailed the technology enhancements and security improvements that the grant would provide.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, authorizing the Chairman of the Board of County Commissioners to sign the Certificate of Equipment for Casting and Counting Ballots. The motion carried by the following vote:

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

The Chairman called for a recess at 9:55 a.m., and reconvened the meeting at 10:05

a.m. with all members present.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1 [18-2020](#) Biosolids Moratorium Ordinance (Legislative)

Recommended Action: The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

Attachments: [Staff Report](#)
[Draft Biosolids Moratorium Ordinance](#)

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

County Attorney Dylan Reingold provided a recap of the discussion from the June 19, 2018 Public Hearing during which the Board had instructed staff to draft the proposed Ordinance being presented.

Chairman O'Bryan opened the Public Hearing.

Abby Johnson, Intergovernmental Coordinator with St. Johns River Water Management District, thanked the Board for coordinating their efforts with her agency and with the Florida Department of Environmental Protection (DEP).

The Board questioned whether there was a testing indicator for biosolids; Ms. Johnson offered to get back to the Board with more information.

The following members of the community addressed the Board in favor of the biosolids moratorium:

Juanita Baker, 522 North Blue Island Street

Gary Ritter, Florida Farm Bureau Federation

Dr. Richard Baker, President of the Pelican Island Audubon Society

John Norris, 566 Cross Creek Circle

Mike Johannsen, 4506 Bethel Creek Drive

Jacqueline Cannon, 1901 Bay Road

Chairman O'Bryan mentioned receiving several emails which supported the moratorium as well as one in opposition from Blake Hacht of H&H Liquid Sludge Disposal, Inc.

The Chairman also followed up on the recommendation from the June 19, 2018 meeting regarding nominations to the DEP's Technical Advisory Committee by

reading the names of the Board-supported candidates.

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

Discussion among Board and staff followed and covered a range of topics including the renewal procedure for the proposed Ordinance, coordination with Fellsmere's effort for a similar moratorium, the need to direct staff in their research, and cross-referencing rainfall data with pollution data.

The Board also agreed that it would be beneficial to amend the proposed Ordinance in Section 3, to allow land application of biosolids for testing purposes only, as approved by the DEP.

A motion was made by Vice Chairman Solari, and seconded by Chairman O'Bryan, to adopt Ordinance 2018-016, authorizing a temporary moratorium for 180 days, or until a comprehensive review of the impact on the County's ecosystem is completed, within the unincorporated areas of Indian River County prohibiting land application activities of Class B biosolids; providing for study and possible regulation of Class B biosolids application activities; providing for exhaustion of administrative remedies; and providing for codification, severability, repeal of conflicting provisions, and an effective date, as amended to include an exception to the ban for instances of testing as approved by the Florida Department of Environmental Protection. 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

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. [18-2059](#) Support for City of Vero Beach Application for Florida Department of Economic Opportunities Grant

Recommended Action: Staff recommends the Board of County Commission approve the proposed resolution in support of the City of Vero Beach application for a Florida Department of Economic Opportunity Grant for Public Infrastructure to fund improvements to Aviation Boulevard.

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

County Administrator Jason Brown recapped the outstanding inquiries from the July 3, 2018 Board meeting regarding improvements to Aviation Boulevard.

Administrator Brown reported that the right-of-way questions had been resolved by the City of Vero Beach (the City). In addition, The City declared it would maintain responsibility for the railroad crossing on Aviation Boulevard, west of US Highway 1.

Commissioner Zorc suggested ways the County could help make the City's grant application more robust, and agreed to assist only if requested by the City.

A motion was made by Commissioner Zorc, seconded by Commissioner Adams, to approve Resolution 2018-067, expressing support for the city of Vero Beach's application to the Florida Department of Economic Opportunity Florida Job Growth Grant Fund for Public Infrastructure for widening of Aviation Boulevard. The motion carried by the following vote:

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

The Chairman called for a recess at 11:18 a.m., and reconvened the meeting at 11:27 a.m., with all members present.

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

12.C.1. [18-2061](#) Conservation Lands Capital Projects and Grants Update to the Board of County Commission

Recommended Action: Staff requests the Board to review and discuss the projects presented herein. Additionally staff respectfully requests the Board to evaluate the National Fish & Wildlife Federation - National Resilience Fund Grant RFP and direct staff as to whether to proceed with the grant application for the Lost Tree Islands Conservation Area.

Attachments: [Staff Report](#)
[2018 Request for Proposals](#)

Conservation Lands Manager Beth Powell used a PowerPoint Presentation to provide an update of ongoing Capital Improvement projects on County-owned and managed conservation sites.

The Board requested and received additional information regarding the wetland features and public improvements planned for the Jones Pier Conservation Area, which is in the design and permitting phase.

The presentation continued with a request for the Board's direction on an available grant for the Lost Tree Islands Conservation Area. The Coastal Resilience Fund Grant provides money to help coastal communities strengthen natural infrastructure and enhance wildlife habitats. Ms. Powell referred to the Lost Tree Islands' existing Master Restoration Plan and highlighted the elements that could be implemented under this grant.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to direct staff to proceed with the grant application for the National Resilience Fund Grant RFP for the Lost Tree Islands Conservation Area. The motion carried by the following vote:

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

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. [18-2064](#) Blue Cypress Lake Informational Update

Recommended Action: Staff recommends that the Board of County Commissioners allow staff to present this information during the public hearing for a temporary moratorium of land applied Class B biosolids

Attachments: [Staff Report](#)

[Clerk's Note: This item was heard in conjunction with Item 10.A.1. Biosolids Moratorium Ordinance (Legislative) and is placed here for continuity.]

Vincent Burke, Director of Utility Services, was aided by a PowerPoint Presentation as he provided a follow-up report of staff's progress on the Board's

directives from the June 19, 2018 Public Hearing. The Presentation included an overview of permitted biosolids land application sites and regulations required by the Florida Department of Environmental Protection (DEP). Photographs and findings of a staff visit to the Pressley Ranch, which borders Blue Cypress Lake and is permitted to apply Class B biosolids, were also reviewed.

The Board requested and received clarification on a presented DEP letter of July 12, 2018, halting land application of biosolids in the vicinity of Blue Cypress Lake while assessments were ongoing. Discussion followed regarding the importance of having staff coordinate with the St. Johns River Water Management District (SJRWMD) and the DEP, as well as continuing efforts to educate and work with land owners in the area.

No Action Taken or Required

13. COUNTY ATTORNEY MATTERS

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 for the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. [18-2013](#) Approval of Minutes Meeting of May 22, 2018

Recommended Action: Approve

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to approve the Solid Waste Disposal District Meeting Minutes of May 22, 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

15.B.2. [18-2016](#) Solid Waste Disposal District Quarterly Recycling Update Fiscal Year 2017/2018 - Third Quarter

Recommended Action: For informational purposes only - no action required.

Attachments: [Staff Report](#)

Recycling Education and Marketing Coordinator Stephanie Fonvielle used a PowerPoint Presentation to detail the Quarterly Recycling Update for Fiscal Year 2017-2018, 3rd Quarter, noting that Indian River County has exceeded the interim goal for recycling set by the State of Florida. She informed the Board of the events and education being provided to the public, including results of the Solid Waste online survey.

No Action Taken or Required

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:21 p.m.