



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**

**REGULAR MEETING MINUTES  
TUESDAY, JULY 12, 2016**

Commission Chambers  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
www.ircgov.com

**COUNTY COMMISSIONERS      DISTRICT**

Bob Solari, Chairman	District 5	<b>Present</b>	Jason E. Brown, County Administrator	<b>Present</b>
Joseph E. Flescher, Vice Chairman	District 2	<b>Present</b>	Dylan Reingold, County Attorney	<b>Present</b>
Wesley S. Davis	District 1	<b>Present</b>	Jeffrey R. Smith, Clerk of the Circuit	
Peter D. O'Bryan	District 4	<b>Present</b>	Court and Comptroller	
Tim Zorc	District 3	<b>Present</b>	Maureen Gelfo, Deputy Clerk	

**DVD  
TIMES**

**PACKET  
PAGES**

1.      **CALL TO ORDER**                                      **9:00 A.M.**
  
  2.      **INVOCATION**    Stan Boling, Community Development Director  
*Moment of silence*
  
  3.      **PLEDGE OF ALLEGIANCE**                              Commissioner Peter D. O'Bryan
  
  4.      **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:03 a.m.      **Move: Item 5.C. Presentation on Zika Virus to follow Item 13.C.**
- Addition: Item 5.D. Request to Speak from Susan Mehiel Regarding Emergency Preparedness**
- Addition: Item 8.W. Miscellaneous Budget Amendment 023**
- Addition: Item 13.E. Indian River County v. Turner Construction Company et al.**
- Move: Item 14.B.1. Vice Chairman Flescher: Review of County Policy on Tire Disposal at Convenience Centers to be heard in conjunction with Item 5.C.**

**Deletion: Item 14.E.1. Economic Opportunities in the State Road 60 Corridor**

**Move: Item 14.E.2. Commissioner Zorc on the Zika Virus to be heard in conjunction with Item 5.C.**

**ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the Agenda as amended.**

**5. PROCLAMATIONS and PRESENTATIONS**

- 9:04 a.m.**      **A.**      Presentation of Proclamation Designating the Week of July 17, 2016, as Treasure Coast Waterway Cleanup Week in Indian River County 1
- Commissioner O’Bryan read and presented the Proclamation to Steve Haigis, Site Coordinator and former president of Marine Industries Association of the Treasure Coast. Mr. Haigis announced the cleanup sites for the 9<sup>th</sup> Annual Treasure Coast Waterway Cleanup that will take place on Saturday, July 23, 2016.**
- 9:08 a.m.**      **B.**      Presentation of Proclamation Designating the Month of July, 2016, As Parks and Recreation Month 2
- Vice Chairman Flescher read and presented the Proclamation to Assistant County Administrator Michael Zito; Parks Foreman Lorenzo Jefferson; Conservation Lands Manager Beth Powell; and Recreation Coordinator Scott Seeley.**
- 10:50 a.m.**      **C.**      Presentation on Zika Virus by Doug Carlson, Director, Indian River Mosquito Control District, John King, Director, Indian River County Emergency Services, and Miranda Hawker, Administrator, Indian River County Health Department ----
- (Clerk’s Note: This item was heard following Item 13.C. and is placed here for continuity).***
- Indian River County Health Department Administrator Miranda Hawker gave a PowerPoint Presentation on the Zika virus (Zika). She discussed modes of transmission; symptoms; birth defects; geographical locations with active transmissions; the status of cases in the United States and locally; and the Health Department’s response to the virus.**
- Indian River Mosquito Control District Director Doug Carlson continued the Presentation to describe the Florida mosquito species (Aedes aegypti and Aedes albopictus), which transmit Zika. He urged citizens to eliminate natural and artificial container habitats where the mosquitos breed, and discussed the problem of mosquitos breeding in discarded tires.**

Emergency Services Director John King spoke about the 2016 Zika Tabletop Exercise which was held on July 6, 2016 at the County's Emergency Operations Center. He stated that this was an educational opportunity for multiple agencies and municipalities, and noted that information on Zika has been placed on the County and Health Department websites.

*(Clerk's Note: Please see Items 14.B.1. and 14.E.2. for related Board actions).*

9:16 a.m. D. Emergency Addition: Request to Speak from Susan Mehiel Regarding Emergency Preparedness

Susan Mehiel played a video of WPBF Channel 9's report on the All Aboard Florida (AAF)/Brightline Rail Project. The report disclosed that Florida East Coast Railway (FECR) [AAF's parent company], plans to transport liquefied natural gas (LNG) and other hazardous materials on the rail. Ms. Mehiel noted that St. Lucie County Fire Chief Buddy Emerson had asked the FECR for help preparing his County for the increased passenger/freight traffic, and asked the Board to have staff explore procedures and costs to prepare for a potential disaster. She suggested that the Board also investigate whether the Federal Emergency Management Agency (FEMA) and the Florida Division of Emergency Management have formulated any plans to address potential impacts of the AAF/Brightline Rail Project.

After Board commentary, Commissioner Davis stated that he would check with Ms. Mehiel regarding the key issues and forward the information to staff.

Chairman Solari hoped that at the next upcoming session, the Florida Legislative Delegation would promote discussions with the Florida Department of Transportation (FDOT) regarding rail transit precautions.

The Board CONSENSUS was: (1) to direct the Director of Emergency Services to explore what measures/equipment would be required to prepare and recover from a rail emergency, and to provide an estimate of associated costs; and (2) to direct the County Attorney to write to FEMA inquiring about their plans to address the impacts of the AAF/Brightline Rail Project, particularly a hazardous materials spill.

6. **APPROVAL OF MINUTES**

9:34 a.m. A. Regular Meeting of June 7, 2016

**ON MOTION** by Vice Chairman Flescher, **SECONDED** by Commissioner Davis, the Board unanimously approved the Regular Meeting Minutes of June 7, 2016, as written.

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

9:36 a.m. A. Update – Sea Turtle Nesting Season – Halfway (memorandum dated July 6, 2016) 3-4

County Coastal Engineer James Gray announced that 2016 represents the 12<sup>th</sup> year of sea turtle monitoring under the County’s Habitat Conservation Plan (HCP), which was implemented in 2004.

County Coastal Environmental Specialist and HCP Coordinator Kendra Cope, through a PowerPoint Presentation, gave an update on nesting season activity for the three species of turtles (Loggerhead, Green, and Leatherback), found in Indian River County. She invited the public and Commissioners to attend the educational presentations (“Turtle Digs”) which will be held at the Sexton Plaza Beach Access. Further information may be found on Facebook @ Indian River County Coastal, or at [www.ircgov.com/coastal](http://www.ircgov.com/coastal).

9:35 a.m. B. Indian River County Venue Event Calendar Review 5

*(Clerk’s Note: This item was heard following Item 6.A., and is placed here for continuity).*

Commissioner O’Bryan announced that the Ribbon Cutting Ceremony for the County’s new Intergenerational Recreation Center will be on August 17, 2016. He also reported that the Special Olympics is looking for volunteers to assist at its Swim Meet at the North County Aquatic Center on August 20 through 21, 2016.

C. Sebastian River Improvement District – Proposed Budget for Fiscal Year 2016-2017 (October 1, 2016 to September 30, 2017), is on file in the Office of the Clerk to the Board ----

8. **CONSENT AGENDA**

9:45 a.m. **ON MOTION** by Vice Chairman Flescher, **SECONDED** by Commissioner Zorc, the Board unanimously approved the Consent Agenda, pulling Item 8.D., 8.M. (requested by Bob Johnson), 8.V., and 8.W. for discussion.

- A. Approval of Checks and Electronic Payments – June 24, 2016 to June 30, 2016  
(memorandum dated June 30, 2016) 6-13  
**Approved the list of checks and electronic payments as supplied by the Comptroller’s office.**
- B. Carole Jean Jordan, Indian River County Tax Collector, Errors and Insolvencies Report for the 2015 Tax Roll  
(letter dated July 5, 2016) 14-26  
**Accepted the Indian River County Tax Collector’s Errors and Insolvencies Report for the 2015 Tax Roll.**
- C. Authorization to Attend Treasure Coast Chapter of FGFOA Quarterly Meeting and Seminar  
(memorandum dated July 5, 2016) 27  
**Authorized the County Administrator to attend the quarterly Meeting and Seminar of the Treasure Coast Chapter of Florida Government Finance Officers Association (TCFGFOA) to be held in Port St. Lucie, Florida, on July 22, 2016.**
- 9:49 a.m. D. 2017 Holiday Schedule  
(memorandum dated July 1, 2016) 28  
**Commissioner O’Bryan noted the addition of Martin Luther King, Jr. Day to the County’s 2017 Holiday Schedule.**
- ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved the schedule of holidays for Indian River County employees for 2017, as presented.**
- E. Work Order No. 1 with Carollo Engineers, Inc., for Manhole Rehabilitation at Ixora Park Subdivision  
(memorandum dated June 21, 2016) 29-33  
**Approved and authorized the Chairman to execute on the Board’s behalf, Work Order No. 1 authorizing professional services for a lump sum amount of \$47,200.00 to Carollo Engineers, Inc.**
- F. West Wabasso Phase II Sewer and the East Gifford Drainage Project – CDBG Grant: Resolution for Signature Authorization  
(memorandum dated June 22, 2016) 34-36  
**Approved Resolution 2016-062, declaring the Community Development Block Grant (CDBG) Program to be a workable program for providing improvements for low-to-moderate income households; authorizing the Chairman or Utilities Director to sign necessary documents for the Florida Department of Economic Opportunity Indian River County CDBG Grant Agreement and providing an effective date.**

- G. Approval of Award for Bid 2016031 – South County WTP Well Number 7, Well, Wellhead and Appurtenances and Floridan Aquifer Wells Rehab Project  
(memorandum dated June 30, 2016) 37-48  
**(1) Awarded Bid 2016031 to All Webbs Enterprises, Inc.; and (2) approved and authorized the Chairman to execute the Agreement upon: review and approval by the County Attorney as to form and legal sufficiency, the approval of the required Public Construction Bond by the County Attorney, and the review and approval of the required insurance by Risk Management.**
- H. Authorization for Out-of-County Travel to Attend the 30<sup>th</sup> Annual Environmental Permitting Summer School  
(memorandum dated July 5, 2016) 49-69  
**Authorized the County Commissioners, the Assistant County Attorney, and County staff to attend the 30<sup>th</sup> Annual Environmental Permitting Summer School from July 20, 2016 through July 22, 2016, in Orlando, Florida.**
- I. Approval to Cover Costs Affiliated with Louisiana Avenue Force Main  
(memorandum dated July 1, 2016) 70  
**Approved the expenditure for the expansion of the Louisiana Avenue force main in order to service the American Legion and Veterans of Foreign Wars (VFW).**
- J. Work Order No. 3 with MBV Engineering, Inc. for the South County Waste Water Treatment Facility FDEP operating permit renewal  
(memorandum dated July 2, 2016) 71-78  
**Approved and authorized the Chairman to execute on the Board's behalf, Work Order No. 3 authorizing professional services, for a lump sum amount of \$20,750.00 to MBV Engineering, Inc.**
- K. Miscellaneous Budget Amendment 022  
(memorandum dated July 6, 2016) 79-81  
**Approved Resolution 2016-063, amending the Fiscal Year 2015-2016 Budget.**
- L. Approval of Award for Bid 2016032 – South County WTP Well No. 7 Raw Water Pipeline  
(memorandum dated June 30, 2016) 82-93  
**1) Awarded Bid 2016032 to Blue Goose Construction, LLC; and (2) approved and authorized the Chairman to execute the agreement upon: review and approval by the County Attorney as to form and legal sufficiency, the approval of the required Public Construction Bond by the County Attorney, and the review and approval of the required insurance by Risk Management.**

- 9:46 a.m.**     **M.**     Recommendation of Award for RFP No. 2016024 – Round Island Riverside Park Boardwalk Replacement  
(memorandum dated June 30, 2016) 94-105  
-----  
**Bob Johnson sought and received additional information on the project.**
- ON MOTION** by Commissioner O’Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously: (1) approved the Evaluation Committee’s final ranking and awarded the project to Summerlin’s Marine Construction, LLC; and (2) approved and authorized the Chairman to execute the Agreement upon review and approval by the County Attorney as to form and legal sufficiency, and the review and approval of the required insurance by Risk Management.
- N.**     Recommendation of Award for RFP No. 2016042 – Automated Teller Machine Services  
(memorandum dated June 30, 2016) 106-110  
-----  
**(1) Awarded the Request for Proposal (RFP) to Oculina Bank; (2) approved the Agreement with Oculina Bank, effective for a 36-month term, with two additional 12-month extensions available; and (3) authorized the Chairman to execute same after the County Attorney has reviewed it for legal sufficiency.**
- O.**     Letter to US Representative Lois Frankel regarding Sand for Federal Beach Nourishment Projects  
(memorandum dated July 1, 2016) 111-116  
-----  
**Supported the County Beach and Shore Preservation Advisory Committee’s request to send its own letter of support to U.S. Representative Lois Frankel.**
- P.**     Approval of State Sovereignty Submerged Lands Fee Waived Lease 5-Year Renewal for the Archie Smith Fish House  
(memorandum dated July 5, 2016) 117-137  
-----  
**Approved and authorized the Chairman to execute on behalf of the County, the Sovereignty Submerged Lands Fee Waived 5-Year Lease Renewal for the Archie Smith Fish House.**
- Q.**     Approval to Use Invoice Cloud for Merchant Services  
(memorandum dated July 5, 2016) 138-169  
-----  
**(1) Adopted Invoice Cloud as its E-Services provider; and (2) authorized the Chairman to endorse the Biller Agreement with Invoice Cloud after review and approval by the County Attorney’s office.**



- R. Request for Ratification, Florida Department of Law Enforcement, FY 2016/2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
(memorandum dated July 6, 2016) 170-174  
**Ratified the Chairman’s action in executing the Certificate of Participation to serve as coordinating unit of government for the Florida Department of Law Enforcement’s Edward Byrne Memorial Justice Assistance Grant (JAG) Program.**
- S. Sea Turtle Education Grant “Florida Traveling Turtles”  
(memorandum dated July 6, 2016) 175-204  
**(1) Approved the Florida’s Traveling Turtles Education Program Grant with Inwater Research Group; and (2) authorized the Chairman to execute the Agreement on behalf of the County.**
- T. Approval of 2016/2017 State Funded Subgrant Agreement to Update Indian River County’s Hazards Analysis  
(memorandum dated June 23, 2016) 205-241  
**Approved the Agreement with the State of Florida Division of Emergency Management and authorized acceptance of the funding provided in the Agreement.**
- U. Approval of Award for Bid 2016037 – Headworks Screen and Compaction Equipment Refurbishment  
(memorandum dated July 1, 2016) 242-250  
**1) Awarded Bid 2016037 to Parkson Corporation; and (2) approved and authorized the Chairman to execute the Agreement upon: review and approval by the County Attorney as to form and legal sufficiency, the approval of the required Public Construction Bond by the County Attorney, and the review and approval of the required insurance by Risk Management.**
- 9:51 a.m. V. Harmony Reserve, LLC’s Request for Final Plat Approval for Harmony Reserve PD Phase 1B  
(memorandum dated July 6, 2016) 251-259  
**Community Development Director Stan Boling provided background and an overview of the changes that were made to staff’s original recommendation for this item.**  
  
**County Attorney Dylan Reingold provided background on the documents associated with the plat approval, and noted that the Bill of Sale will be coming from Troy D. and Dena K. Pinner, and Harmony Reserve LLC, to Indian River County.**  
  
**MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Chairman Solari, to: (1) grant approval of the revised Harmony Reserve Planned Development (PD) Phase 1B final plat; (2) approve the**



County Deed for the northern section of 59<sup>th</sup> Avenue, subject to changes indicated by the County Surveyor (Note: on July 5, 2016, the Board approved the County Deed for the southern section of 59<sup>th</sup> Avenue); (3) accept the easement from Harmony Reserve, LLC for utilities located outside the boundary of Phase 1B, subject to a legal description reviewed and approved by the County Surveyor; and (4) accept the Bill of Sale, subject to a legal description reviewed and approved by the County Surveyor, and after review and approval by the County Attorney's office.

Bob Johnson, Coral Wind Subdivision, wanted to know why these matters had not been considered when the Harmony Reserve PD was originally approved.

Chairman Solari, Attorney Reingold, and Harmony Reserve, LLC's developer Chuck Mechling, 33<sup>rd</sup> Street, addressed Mr. Johnson's question.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

9:49  
a.m.

W. Emergency Addition: Miscellaneous Budget Amendment 023

Chairman Solari explained that this emergency addition was due to the need to replace a defective motor on a fire rescue boat.

ON MOTION by Commissioner Davis, SECONDED by Chairman Solari, the Board unanimously approved Resolution 2016-064, amending the Fiscal Year 2015-2016 budget.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

None

10. PUBLIC ITEMS

10:01  
a.m.

A. PUBLIC HEARINGS

1. 2<sup>nd</sup> Street Petition Millings Project (35<sup>th</sup> Avenue to 32<sup>nd</sup> Avenue)  
Cancellation of Project  
(memorandum dated July 1, 2016) 260-265

Legislative

Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board

Public Works Director Richard Szyrka recalled the Board's May 3, 2016 adoption of Resolutions 2016-041 and 2016-042, providing for the 2nd Street Petition Millings Project for

Emerson Park Subdivision and setting June 7, 2016 as the Public Hearing date. He stated that after discussion on June 7, 2016, the Board directed staff to re-notify the Emerson Park residents with the as-built costs of the project, and to continue the Public Hearing to the date of July 12, 2016. Director Szyrka disclosed that based on the responses that were received in response to staff's notifications, only 38% of the residents were still in favor of the project. He recommended that the Board revoke the two petition millings project resolutions, and cancel the proposed project.

The Chairman opened the Public Hearing; there were no speakers.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2016-065, revoking Resolutions 2016-041 and 2016-042; canceling proposed Project No. 1525 for asphalt milling improvements to 2<sup>nd</sup> Street from 35<sup>th</sup> Avenue to 32<sup>nd</sup> Avenue, in Emerson Park Subdivision; canceling Public Hearing concerning project; and directing the mailing of this Resolution to the owner of each property affected.

**B. PUBLIC DISCUSSION ITEMS**

1:41  
p.m.

Added  
by  
request

1. Request to Speak from Joe Idlette, Jr. Regarding Improvements in Gifford

---

*(Clerk's Note: At 10:47 a.m., following the recess, the Chairman accepted input from Joe Idlette, Jr; and is placed here for continuity).*

Joe Idlette, Jr., 4570 57<sup>th</sup> Avenue, thanked the Board and staff for improvements made in Gifford, especially the 45<sup>th</sup> Street beautification project, and the new walking trail.

**C. PUBLIC NOTICE ITEMS**

None

**11. COUNTY ADMINISTRATOR MATTERS**

None

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

None

**B. Emergency Services**  
None

**C. General Services**  
None

1. **Human Services**  
None

2. **Sandridge Golf Club**  
None

3. **Recreation**  
None

**D. Human Resources**  
None

**E. Office of Management and Budget**

10:05  
a.m.

1. Email Addresses and Contact Information Published on County Website  
(memorandum dated July 12, 2016)

266-268

Management and Budget Director Michael Smykowski recalled the Board's direction on June 14, 2016, for staff to report back with options for publishing the email addresses of staff on the County website. He reported on the current configurations of contact information for staff and the masked emails of the Commissioners; discussed the issues with computer spammers/hackers; and presented several options for the Board's consideration regarding the publication of the email addresses.

Commissioner Zorc advocated having the email addresses easily available to facilitate communications from the public.

Basil Dancy, County Computer Services Manager, responded to the Board's question about the software used by the Indian River County School Board. He explained that this product, Lightspeed Network, is exclusively for the use of school boards and organizations.

Administrator Brown spoke in support of directing the emails to the various County departments, so they may be routed to the appropriate staff.

**ON MOTION** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved:

**Option 1: Change the main County contact page from a phone directory list to a page which lists each department's main phone number and a link to "Email this Department" which would open a secure contact form the user would fill out and press submit. That message would be delivered securely to the director's staff assistant or other department representative, as appropriate for routing to the proper staff to handle the topic of the email. The email form would use "Captcha" technology which requires the user to enter a series of numbers to validate a real person is filling out the form. Each department main webpage would also have an "Email this Department" link. The user would still have the option to view the phone directory from a link on the new contact page.**

**F. Public Works**

**10:15  
a.m.**

1. Award of Bid No. 2016019 IRC GoLine Transfer Hub, 16th Street, Vero Beach  
(memorandum dated June 30, 2016)

269-282

Public Works Director Richard Szpyrka recalled the Board's approval on April 14, 2015 for design services for a new GoLine Bus Transfer Hub Facility (Transfer Station) at 1235 16<sup>th</sup> Street. He stated that the engineer's original cost estimate to build the project has increased, leaving a shortfall of \$597,073.56 in the project budget. He provided details and analysis on the following options with regards to construction of the Transfer Station: (1) to fully fund the project as bid and award it to the low bidder, Barth Construction, Inc, with the additional funding provided from Secondary Road Cash Forward; (2) to eliminate the exterior structures (covered walkways and bus shelters); and (3) to reject both of the bids that were received and redesign the project to reduce costs.

Staff Director Phil Matson, Metropolitan Planning Organization (MPO) stated that some Federal grant money has been received, and that staff was also seeking a grant from the Florida Department of Transportation (FDOT).

Commissioner O'Bryan wanted to avoid delays to the project. He advocated for Option 1, with the deletion of the provision stating, "...a Notice to Proceed is not to be issued until grant funding from the Florida Department of Transportation has been procured..."

**MOTION WAS MADE** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, to: (1) award the

project to the low bidder Barth Construction, Inc., and fully fund the project as bid in the amount of \$1,780,074.06; (2) approve the Agreement; and (3) authorize the Chairman to execute same after review and approval of the Agreement and the Public Construction Bond by the County Attorney as to form and legal sufficiency and after receipt and approval of the required insurance by the Risk Manager.

A brief discussion ensued on the projected response time for the FDOT to notify the County on the status of its grant applications.

Administrator Brown proposed that the Board wait until the August 16, 2016 County Commission Meeting to see if the FDOT disburses the grant, or if the County must utilize the Secondary Road Cash Forward funds.

Director Matson advised the Board that the contract can be awarded at this time, but construction must be delayed until receipt of the FDOT grant (if the County obtains the funding).

Commissioner O'Bryan asked Director Matson to respectfully request the FDOT to provide a speedy response to the County's grant request.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, to include direction for staff to report back to the Board at the August 16, 2016 County Commission meeting on the status of the Florida Department of Transportation Grant, at which time the Board will give staff direction on the issuance of the Notice to Proceed to the Contractor, using either the grant funds or the Secondary Road Cash Forward account to pay for the \$597,073.56 funding shortfall, with the caveat that if the County receives a grant award earlier, the Notice to Proceed may be issued to the contractor before August 16, 2016.

Bob Johnson, Coral Wind Subdivision, commented on the possibility of the municipalities contributing funds to the project. He also suggested the Board table this item until all details have been finalized.

The Chairman CALLED THE QUESTION and the Amended Motion carried unanimously.

10:28  
a.m.

2. Fellsmere Unmaintained Unpaved Roadways  
(memorandum dated July 5, 2016)

283-286

Public Works Director Richard Szyrka recalled the Board's

---

direction at the June 27, 2016 Fellsmere Roads Workshop for staff to return to the Board with recommendations on adding certain unmaintained, unpaved roadways in the unincorporated area of Fellsmere to the County's existing grader route. He discussed the terms and conditions under which the County would add 9.2 miles of roadway to the grader route, and noted that this would be a three to five-year adjustment to give the Fellsmere Water Control District (FWCD) time to become an Improvement District. He reviewed the list of suggested roadways and projected costs for materials to improve the recommended roads and the 30 miles of unpaved roadway that is currently maintained by the County. Director Szpyrka noted that the FWCD was supposed to provide the County with improvement materials, but they have not done so in many years.

Attorney Reingold discussed his meeting with Attorney Michael O'Hare, who represents the FWCD, relative to the District seeking to become a limited Improvement District. He stated that he and Attorney O'Hare would be reporting back to their respective Boards on this matter.

Commissioner Zorc sought and received an explanation on why the FWCD stopped providing the County with materials for roadway improvements.

Administrator Brown added that the FWCD would be providing the County with spoil material, if they can acquire some from the C-54 Canal.

**ON MOTION** by Commissioner Davis, **SECONDED** by Commissioner Zorc, the Board unanimously approved to:

(1) Direct the County Administrator to add the unmaintained unpaved roadways on 81<sup>st</sup> Street, 85<sup>th</sup> Street, and 87<sup>th</sup> Street, west of 130<sup>th</sup> Avenue; 93<sup>rd</sup> Street and 95<sup>th</sup> Street, west of 141 Avenue; 109 Street, 146<sup>th</sup> Avenue south of 109<sup>th</sup> Street, and 107<sup>th</sup> Street west of 146<sup>th</sup> Street, west of County Road 507; to the current grader route in the unincorporated area of Fellsmere;

(2) Prepare a budget amendment in the amount of \$210,925.00 to fund additional stabilized material for the unpaved roadways within the unincorporated area of Fellsmere, and prepare a reviewed Agreement between the County and the FWCD as follows:

(a) Update the current Agreement with FWCD to indemnify and hold harmless Indian River County for all claims related to the drainage right-of-way for access;

(b) Update the current Agreement with FWCD to define roadway maintenance as maintenance of the FWCD access road for drainage canals/ditches;

(c) Include in the Agreement, a requirement authorizing the direct discharge of untreated stormwater runoff from the unpaved roadways into the FWCD ditch system;

(d) Update the current Agreement to clarify the maintenance responsibilities for culverts and bridges within the FWCD right-of-way;

(e) Update the current Agreement to require the FWCD to pursue State approval for the Water Control District to become an Improvement District, so that roadway maintenance will be the responsibility of the District to maintain;

(f) Update the current Agreement to add the roadways selected for maintenance for a three to five-year period; and

(3) Authorized staff to begin maintenance of the roadways selected, once the reviewed Agreement between the County and the FWCD is complete.

The Chairman called a recess at 10:42 a.m. and reconvened the meeting at 10:47 a.m., with all members present.

G. Utilities Services  
None

13. COUNTY ATTORNEY MATTERS

11:23  
a.m.

A. Demolition Lien – Lot 1, Albrecht Grove Subdivision  
(memorandum dated June 27, 2016)

287-290

Deputy County Attorney William DeBaal provided background on the demolition of a fire-damaged structure owned by Hecto Bello, located at 2025 45<sup>th</sup> Avenue. He presented staff's recommendation for the Board to approve the filing of a lien in the amount of \$15,495.10.

The Chairman invited public comment on the proposed lien amount; there were no speakers.



**ON MOTION** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved the lien amount of \$15,495.10 for the demolition of the structure located on Lot 1, Albrecht Grove Subdivision, 2025 45<sup>th</sup> Avenue, Vero Beach, Florida; and authorized the Chairman to execute the lien for recordation in the public records.

11:24 B.  
a.m.

Disposition of Real Property  
(memorandum dated July 5, 2016)

291-294

Attorney Reingold recalled the Board's direction on June 7, 2016, for staff to report back to the Board regarding alternative procedures for disposing of the County's surplus real property. He provided background and analysis on alternatives to the competitive bidding process currently employed by the County, and advised that a change would require a public hearing and the adoption of an Ordinance.

Commissioner Davis voiced satisfaction with the County's current bid process.

The Board **CONSENSUS** was to make no changes to the County's current competitive bidding process.

10:48 C.  
a.m.

Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program  
(memorandum dated July 5, 2016)

295-339

*(Clerk's Note: This item was heard following Item 12.F.2. and is placed here for continuity).*

Attorney Reingold presented his request for the Board to authorize the County Attorney's Office to monitor the membership of the Public Safety Coordinating Council. He also asked whether the Board wished to file, or would prefer to authorize another entity to file on its behalf, a Notice of Intent to submit a Substance Abuse Reinvestment Grant Program (Grant Program) application.

**MOTION WAS MADE** by Vice Chairman Flescher, **SECONDED** by Chairman Solari, to authorize the County Attorney to: (1) monitor the membership of the Public Safety Coordinating Council consistent with the requirements of Section 394.657 Florida Statutes; and (2) work with Circuit Court Judge Cynthia L. Cox to file on the Board's behalf, as expeditiously as possible, a Notice of Intent to submit to the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee, an application for the Florida Department of Children and Families' Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant, by the July 19, 2016 deadline.

---

Circuit Court Judge Cox recommended that the Board designate the Southeast Florida Behavioral Health Network as the planning committee to handle the Notice of Intent to submit the application.

**MOTION WAS AMENDED** by Vice Chairman Flescher, **SECONDED** by Chairman Solari, to: (1) authorize the County Attorney to monitor the membership of the Public Safety Coordinating Council consistent with the requirements of Section 394.657 Florida Statutes; and (2) authorize the Southeast Florida Behavioral Health Network to file on the Board's behalf, a Notice of Intent to submit to the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee, an application for the Florida Department of Children and Families' Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant, by the July 19, 2016 deadline.

There was no additional discussion.

The Chairman **CALLED THE QUESTION** and the Amended Motion carried unanimously.

11:29 D. County Business Between July 13, 2016 and August 15, 2016  
a.m. (memorandum dated July 6, 2016)

340

---

Attorney Reingold informed the Board that certain items requiring action cannot be delegated to the County Administrator between July 13, 2016 and August 15, 2016, when there will be no regular Board meetings. He advised that the Board Chairman has the authority to convene a Special Call Meeting for any item which requires Board action during that time.

**No Board Action Required or Taken**

11:30 E. Emergency Addition: Indian River County v. Turner Construction  
a.m. Company et al.

---

Attorney Reingold announced that on July 7, 2016, a Mediation Settlement Agreement was reached between Indian River County and Turner Construction Company et al. The defendants agreed to pay the County a combined total of \$1.2 million; in exchange, the County would release the defendants from all claims and all parties agreed to take reasonable efforts not to disparage one another.

**ON MOTION** by Commissioner Davis, **SECONDED** by Commissioner Zorc, the Board unanimously approved the July 7, 2016 Mediation Settlement Agreement by and between Indian River County ("Plaintiff") and Turner Construction Company; Donadio and Associates, Architects, P.A. and Anthony J. Donadio, individually (collectively referred to as "Donadio"); Sun Sky Roofing, LLC; Soprema, Inc.; Turner Construction Company; Travelers Casualty

and Surety Company of America; Federal Insurance Company; and Zurich American Insurance Company and their respective insurers (“Defendants”); and authorized the Chairman to execute any and all documents necessary to effectuate the Agreement.

14. **COMMISSIONERS MATTERS**

11:40  
a.m.

A. **Commissioner Bob Solari, Chairman**

1. Pinson Subdivision and County Water  
(memorandum dated July 6, 2016)

341-343

*(Clerk’s Note: This item was heard following Item 14.D.1. and is placed here for continuity).*

*(Clerk’s Note: Commissioner Davis exited the meeting at 11:39 a.m.)*

Chairman Solari reported that the residents of the Pinson Subdivision obtain their water from a shallow well. He disclosed that not only is the water bad, it contains elements of pollution from surrounding commercial/industrial sites.

Director of Utilities Vincent Burke reported that fourteen properties would benefit from a connection to County water, and that it would be a simple project to install a small water main, one fire hydrant, and associated services. He announced the cost would be approximately \$3,100 per parcel.

Charles Vogt, Environmental Specialist, Health Department, summarized his findings regarding the well water, and advocated getting the residents connected to County water as soon as possible.

Tony Brown, 4159 57<sup>th</sup> Court, discussed the hardships that have been endured by individual Pinson Subdivision residents, due to the poor water quality.

Jeanne B. Barnwell, Pinson Subdivision resident, indicated her support for the County water project.

Freddie Woolfork thanked the Board for supporting this project.

**ON MOTION** by Vice Chairman Flescher, **SECONDED** by Chairman Solari, by a 4-0 vote (Commissioner Davis absent), the Board directed staff to return to the August 16, 2016 Board meeting with a recommendation for providing potable County water to the Pinson Subdivision residents as soon as

possible.

Commissioner Zorc mentioned the possibility of utilizing State Housing Initiative Partnership (SHIP) funds to help cover utility connection charges.

Chairman Solari expressed concerns regarding the residents' monthly utility charges once they are connected to County utilities. He elaborated on his proposal for staff to explore the donation of water Equivalent Residential Units (ERU's) to help income-qualified residents with costs.

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Solari, by a 4-0 vote (Commissioner Davis absent), the Board directed staff to contrive a donation-based program, where water Equivalent Residential Units (ERU's) can be donated back to the County and applied to certain income-qualified Pinson Subdivision residents.

The Chairman called a recess at 11:49 a.m., and reconvened the meeting at 1:40 p.m., with Commissioner Davis absent.

B.

Commissioner Joseph E. Flescher, Vice Chairman

11:14  
a.m.

1. Review of County Policy on Tire Disposal at Convenience Centers (memorandum dated July 6, 2016)  
*(Clerk's Note: This item was heard in conjunction with Item 5.C. and is placed here for continuity).*

344

Vice Chairman Flescher discussed the problem of discarded tires becoming breeding grounds for mosquitoes. He explained that citizens are currently allowed to dispose of two (2) tires at the Customer Convenience Centers (CCCs) at no charge, and wanted to amend the policy to allow free disposal of up to six (6) tires. He also mentioned that the surplus tires are being shipped off and burned, and wanted staff to explore more eco-friendly options for disposing of the reclaimed tires.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Davis, to: (1) increase the number from two (2) to six (6) tires that residential customers may dispose of free of charge at the Customer Convenience Centers; and (2) direct staff to explore new disposal options for the reclaimed tires.

County Administrator Jason Brown stated that he would contact the manager/operator of the CCC's, Republic Services, about the change.

Chairman Solari wanted staff to report back in a year with a comparison on the number of tires surplussed at the CCC's henceforth, compared to prior years.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

C. Commissioner Wesley S. Davis

1:47  
p.m.

1. Sebastian Grove Estates / Maerz Property Hiatus (memorandum dated July 6, 2016)

345-353

*(Clerk's Note: This item was heard following Item 12.E.3, and is placed here for continuity).*

Commissioner Davis gave background on the hiatus between the Plat of Sebastian Grove Estates and lands owned by Richard Maerz at 100 Sebastian Industrial Place. He explained that the hiatus property is not being maintained by anyone, and it had caught on fire and damaged some adjacent properties. He proposed that the County either assume the maintenance or get rid of the property.

Attorney Reingold confirmed that the hiatus lies in unincorporated Indian River County. He stated that before proceeding, the Board would need to determine the ownership of the lot.

Discussion ensued regarding the possibility of performing a title search on the property.

County Surveyor David Schryver provided a detailed description and analysis of the plat, and declared that there is only one owner of the strip in question, the original sub-divider of the Sebastian Grove Estates subdivision.

Attorney Reingold suggested that the Board explore whether the property owners north of the hiatus have an interest in obtaining the rights to a portion of the lot, and then proceed accordingly with a title search or other action.

Administrator Brown cautioned the Board that County ownership of the hiatus may create liability issues.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously directed staff to: (1) ascertain whether the property owners to the north of the

hiatus have an interest in obtaining a portion of the lot; and (2) report back at the August 16, 2016 Board of County Commission meeting.

2:02  
p.m.

2. Letter of Support for Treasure Coast Community Health (memorandum dated July 6, 2016) 354-355
- 
- ON MOTION** by Commissioner Davis, **SECONDED** by Commissioner O’Bryan, the Board unanimously approved and authorized the Chairman to execute the Letter of Support for Treasure Coast Community Health.

11:33  
a.m.

**D. Commissioner Peter D. O’Bryan**

1. Poet Laureate Designation (memorandum dated July 5, 2016) 356-358
- 
- (Clerk’s Note: This item was heard following Item 13.D. and is placed here for continuity).*

Commissioner O’Bryan recalled the Board’s discussion at the July 5, 2016 Board meeting regarding the possibility of designating of a Poet Laureate for the County. He invited Nancy Offutt, from the Laura Riding Jackson Foundation (the Foundation), to provide an update.

Nancy Offutt, accompanied by the Foundation’s Chairman Marie Stiefel, disclosed that the Foundation has a candidate in mind that would set the bar for the Poet Laureate status. She proposed that the Foundation would seek nominations for a Poet Laureate successor before the four-year term ends, and that they would welcome suggestions from the Cultural Council, public, and media. She also suggested that nominations be proffered through the County’s website.

A brief discussion ensued about Ms. Offutt’s conversation with the Cultural Council regarding which agency should oversee the candidate review process.

Commissioner O’Bryan advocated for the Foundation to be designated as the official agency to review the candidates and make a recommendation.

**ON MOTION** by Commissioner O’Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously appointed the Laura Riding Jackson Foundation as the official agency to review candidates and make a recommendation for the Poet Laureate to the County; the term will be for four years.

Attorney Reingold confirmed that the Board wished him to return with a Resolution regarding the Poet Laureate position.

Commissioner O'Bryan requested that the Resolution be similar to the one adopted by Nassau County, in which the current County Chairman becomes the Chair of that nomination committee.

**E. Commissioner Tim Zorc**

1. Economic Opportunities in the SR 60 Corridor  
(memorandum dated July 1, 2016) 359-360  
-----  
**Deleted**

11:21  
a.m.

2. Zika Virus Precautions for Indian River County  
(memorandum dated July 5, 2016) 361  
-----  
*(Clerk's Note: This item was heard in conjunction with Item 5.C. and following Item 14.B.1, and is placed here for continuity).*

Commissioner Zorc disclosed that the Presentation on the Zika Virus that was provided earlier today by Miranda Hawker, Doug Carlson, and John King, accomplished his objective of sharing information on the Zika Virus with the public.

Chairman Solari requested that the Health Department put their PowerPoint Presentation online and post updates as current information emerges.

1:44  
p.m.

3. Road Maintenance for 36<sup>th</sup> Street  
(memorandum dated July 5, 2016) 362-363  
-----  
*(Clerk's Note: This item was heard following Item 10.B.1, and is placed here for continuity).*

Commissioner Zorc stated that roadway repairs are needed on 36<sup>th</sup> Street; however, the Indian River County Hospital District ("the District") owns the right-of-way. He suggested approaching the District about the possibility of the County assuming the maintenance of that road.

Administrator Brown stated that before any roadway can be accepted into the County's maintenance program, it needs to be brought up to County standards.

**MOTION WAS MADE** by Commissioner Zorc, **SECONDED** by Commissioner O'Bryan, to direct staff to draft a letter to the Indian River County Hospital District, regarding the possible transfer to the County of the 36<sup>th</sup> Street right-of-way, and authorize the Chairman to execute the document.



A brief discussion followed about the County assessing what improvements would need to be made and what the cost would be to bring 36<sup>th</sup> Street up to County standards. It was noted that if the District was interested in transferring the ownership of the right-of-way, it would either need to bring the road up to standard, or provide the funds for the County to do so.

The Chairman CALLED THE QUESTION and by a 4-0 vote (Commissioner Davis absent), the Motion carried.

County Attorney Reingold affirmed that either he, or Administrator Brown, would draft the letter for the Chairman's signature.

*(Clerk's Note: Commissioner Davis rejoined the meeting at 1:47 p.m.)*

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District  
None

B. Solid Waste Disposal District  
The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

2:03  
p.m.

1. Approval of Minutes Meeting of May 17, 2016  
(memorandum dated June 30, 2016)
2. Final Pay to SCS Engineers for Work Order No. 3 for the New Household Hazardous Waste and Citizen Drop-Off Center  
(memorandum dated June 30, 2016)

..... 364-374

C. Environmental Control Board  
None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 2:05 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey R. Smith, CPA, CGFO, CGMA  
Clerk of Circuit Court and Comptroller

\_\_\_\_\_  
Bob Solari, Chairman

By: \_\_\_\_\_

Approved: September 13, 2016

**BCC/MG/2016**