



# 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

### Board of County Commissioners

*Bob Solari, Chairman, District 5*  
*Susan Adams, Vice Chairman, District 1*  
*Joseph E. Flescher, District 2*  
*Peter D. O'Bryan, District 4*  
*Tim Zorc, District 3*

Jason E. Brown, County Administrator  
Dylan Reingold, County Attorney  
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

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Tuesday, October 22, 2019

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

##### ROLLCALL

**Present:** 4 - Chairman Bob Solari  
Vice Chairman Susan Adams  
Commissioner Joseph Flescher  
Commissioner Tim Zorc

**Absent:** 1 - Commissioner Peter O'Bryan

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

#### 2.B. INVOCATION

Reverend Scott Alexander, Unitarian Universalist Fellowship of Vero Beach

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

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

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

**Aye:** 4 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and  
Commissioner Zorc

**Absent:** 1 - Commissioner O'Bryan

#### 5. PROCLAMATIONS and PRESENTATIONS

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

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

**Aye:** 4 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Aye:** 4 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Absent:** 1 - Commissioner O'Bryan

**Absent:** 1 - Commissioner O'Bryan

- 8.A. [19-0948](#) Checks and Electronic Payments August 23, 2019 to August 29, 2019

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

Approved

- 8.B. [19-0947](#) Checks and Electronic Payments September 27, 2019 to October 3, 2019

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

Approved

- 8.C. [19-0949](#) Checks and Electronic Payments October 4, 2019 to October 10, 2019

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

Approved

- 8.D. [19-0946](#) Resolution Canceling Taxes on a Property Purchased by the City of Fellsmere for Public Purposes

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

[Resolution](#)

[E-Mail Request](#)

Approved Resolution 2019-094, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

- 8.E. [19-0952](#) Waiver of Interest on Demolition Lien

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

**Approved staff's recommendation**

- 8.F. [19-0953](#) Resolution Formally Designating Two Parcels of County Owned Property as Right-Of-Way Located at 5030 26th Street and 5920 26th Street

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

[Resolution](#)

[Exhibit "A" \(5030 26th Street row\)](#)

[Exhibit "A" \(5920 26th Street row\)](#)

[Exhibit "B" \(5030 25th Street remainder\)](#)

**Approved Resolution 2019-095, designating certain County owned properties for right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel (South 115 feet of Lot A, Hampshire Subdivision, according to the Plat thereof, recorded in Plat Book 2, Page 99 of the Public Records of Indian River County, Florida) as well as earmarking additional right-of-way within Tract 16 of Section 32, Township 32 South, Range 39 East, Indian River County, Florida.**

- 8.G. [19-0955](#) Resolution Formally Designating a Portion of County Owned Property as Right-Of-Way Located at 5020 26th Street

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

[Resolution](#)

[Exhibit "A" to Resolution](#)

[Exhibit "B" to Resolution](#)

**Approved Resolution 2019-096, designating certain County owned property for right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the Parent Parcel (Metes and Bounds description within Tract 15 of Section 33, Township 32 South, Range 39 East, Indian River County, Florida).**

- 8.H. [19-0954](#) 2020 Oblique Aerial Imagery Acquisition Project

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

[Map of Aerial Imagery Coverage and Project Limits](#)

[Agreement between Pictometry International Corp. and Indian River County](#)

[Pictometry Insurance](#)

**Approved staff's recommendation**

- 8.I. [19-0956](#) FDOT Local Agency Program (LAP) Agreement and Resolution Authorizing the Chairman’s Signature for 43rd Avenue Sidewalk Improvements from Airport Drive West to 41st Street (IRC-1503), FM No. 440019-1-58-01

**Attachments:** [Staff Report](#)  
[IRC Grant Form](#)  
[Authorizing Resolution](#)  
[FDOT Local Agency Program \(LAP\) Agreement](#)

**Approved staff’s recommendation and Resolution 2019-097, authorizing the Chairman’s execution of a Local Agency Program Agreement with the Florida Department of Transportation for construction of an 8-foot wide concrete sidewalk along the east side of 43rd Avenue from Airport Drive West to 41st Street.**

- 8.J. [19-0963](#) IRC Courthouse renovation project - ACS keycard security / access systems

**Attachments:** [Staff Report](#)  
[Securitas Court House Renovation Proposal 148795](#)

**Approved staff’s recommendation**

- 8.K. [19-0964](#) Third Amendment to Elevated Water Tank Space License Agreement with Sprint

**Attachments:** [Staff Report](#)  
[Third Amendment to Elevated Water Tank Space License Agreement](#)

**Approved staff’s recommendation**

- 8.L. [19-0970](#) Work Order No. 23 with Kimley-Horn for Bulk Caustic Tank Replacement at North (Hobart) County Reverse Osmosis Water Treatment Plant

**Attachments:** [Staff Report](#)  
[Work Order No 23 Bulk Caustic Tank Replacement](#)

**Approved staff’s recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**B. PUBLIC DISCUSSION ITEMS**

**C. PUBLIC NOTICE ITEMS**

- 10.C.1.**     [19-0951](#)     Public Notice of Public Hearing Scheduled for November 5, 2019 to Consider Hanlex Development, LLC's Request to Rezone +/- 4.40 Acres from CN, Neighborhood Commercial District, to CL, Limited Commercial District (Subject Property 1) and Sogra Properties, LLC Request to Rezone +/- 1.037 Acres from CN, Neighborhood Commercial District, to CL, Limited Commercial District (Subject Property 2) [RZON-99040166-85162]. Subject Property 1 is located north of South Dike and Ditch (Indian River County/St. Lucie County line), and east of 27th Avenue SW. Subject Property 2 is located west of 27th Avenue SW, east of 27th Drive SW, and approximately 315 feet north of 25th Street SW. **[Quasi-Judicial]**

**Attachments:**   [Staff Report](#)

County Attorney Dylan Reingold read the Public Hearing Notice into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS****A. Community Development**

**12.A.1.**     [19-0957](#)     Affordable Housing Advisory Committee Membership

**Attachments:**     [Staff Report](#)  
                              [Portion of IRC Code Chapter 308](#)  
                              [IRC Resolution 2008-038](#)  
                              [Florida Statute 420.9076](#)  
                              [State/County AHAC Membership](#)

Chief of Long Range Planning Bill Schutt, in his PowerPoint Presentation, reviewed the purpose of the Affordable Housing Advisory Committee (AHAC), noting that it was required by the Florida Statutes for jurisdictions that receive state funding for affordable housing.

Chief Schutt pointed out that AHAC met a total of four (4) times since December 2018, and there was only a quorum for two of the four meetings. He stated that County Code Chapter 308 and Resolution 2008-038, adopted on March 18, 2008, required a larger AHAC membership; however, the AHAC membership requirement was revised by the Florida Statutes in the year 2016, requiring a minimum of eight (8) members and a maximum of eleven members, and must be comprised of six (6) of the eleven member categories listed in the Statute.

Chief Schutt reviewed the eleven categories and the member attendance, and he asked the Board to authorize staff to proceed with an amendment to the AHAC membership requirements to be consistent with the amended Florida Statutes. He proposed that the AHAC membership consist of eleven voting members with five (5) representatives from the first five categories of membership, one (1) representative from each of the five (5) Municipalities, the eleventh member would be a representative from either category 6, 7, or 8, and one (1) non-voting BCC liaison. Chief Schutt felt these actions would allow the AHAC to more easily achieve a quorum and would bring the County's AHAC size into compliance with state requirements.

A discussion ensued among the members of the Board, who agreed that the AHAC should be comprised of people who are engaged in solving the issues in front of them and a quorum to make decisions.

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve Staff's Recommendation and for the Affordable Housing Advisory Committee (AHAC) to be comprised of the first five (5) category members, one (1) representative from each of the five (5) Municipalities, and giving staff the flexibility to pick one (1) representative from categories 6, 7, or 8 for a total of eleven members and one (1) non-voting Board of County Commissioner Liaison. The**

**motion carried by the following vote:**

**Aye:** 4 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher,  
and Commissioner Zorc

**Absent:** 1 - Commissioner O'Bryan

**12.A.2.**     [19-0958](#)     Establishment of a Census 2020 Complete Count Committee

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

Roland DuBlois, Community Development Director, presented a PowerPoint presentation for the establishment of the Complete Count Committee for the 2020 Census. He mentioned that it was mandated by the U.S. Constitution for the United States Census Bureau to take a census every ten (10) years. Director DuBlois went on to say how important it was that every resident was accounted for, that the census would determine the amount of federal and state funds the local government would receive over the next ten (10) years, as well as affecting the future re-districting and representation at the state and federal government levels.

Director DuBlois recommended that they establish the Complete Count Committee and name it IRC Census 2020 Community Action Committee; this committee would be active until June 2020. He defined the composition of the 15 member committee as follows: one (1) County Commissioner, one (1) representative from each Municipality (5 total), two (2) representatives from Gifford, one (1) representative from Oslo, one (1) representative from Wabasso, one (1) representative from Fellsmere, one (1) representative from the School Board, one (1) representative from local business, one (1) representative from a local-faith based organization, and one (1) representative from the local media. He concluded that a representative from the U.S. Department of Commerce was present to answer any questions.

Chairman Solari questioned the need for two (2) representative in Gifford and only one representative from Fellsmere. Director DuBlois pointed out it is population related, and explained this was the approach that was followed in 2010.

The Chairman opened the discussion to public comments.

Mr. Robert Loring, U.S. Department of Commerce, thanked the Board for their consideration of the Complete Count Committee,

Commissioner Flescher communicated that he had participated in the 2010 Census, and talked about the volunteers' efforts to promote awareness, and an understanding of the Census.

Commissioner Zorc pointed out that the estimated value for every person counted in the census was \$1,700 per year, times ten (10) years allocated

by the federal government to our area.

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve staff's recommendation with Vice Chairman Adams volunteering to fill the County Commissioner seat.**

**The motion carried the following vote:**

**Aye:** 4 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Absent:** 1 - Commissioner O'Bryan

**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.**      [19-0945](#)      11th Drive Project Developer's Agreement**Attachments:**    [Staff Report](#)[Developer's Agreement - Russell-Riverfront 10.9.19](#)[Exhibit A](#)[Exhibit B](#)[Exhibit C](#)

Dylan Reingold, County Attorney, pointed out the Capital Improvement Element (CIE), included an alternative to the widening of the 37th Street, which is the Aviation Extension Project. He continued that staff had negotiated a developer's agreement with the property owners, Virginia W. Russell Family, Ltd., and Riverfront Groves, Inc. for dedication of the right-of-way, and the design, permitting, and construction of 11th Drive from the south boundary of the Virginia Russell Property to 41st Street. He explained that in the next six months, both property owners, as part of the developer's agreement, will dedicate a 60 foot right-of-way, and the property owners will receive impact fee credits in exchange for the dedication.

Attorney Reingold concluded that an engineer's cost estimate for the design, permitting, and construction costs associated with the project would be presented to the Board for their approval prior to commencing the project.

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

**Aye:**    4 -    Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Absent:** 1 -    Commissioner O'Bryan

- 13.B.**      [19-0950](#)      Request for Closed Attorney-Client Session Relating to Ocean Concrete, Inc. and George Maib vs. Indian River County (Case No.: 312007CA011589)

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

Dylan Reingold, County Attorney, requested to schedule an Attorney Client Session consistent with the Florida Statutes, with the Board of County Commissioners (BCC) concerning the Ocean Concrete, Inc case, for a time certain at 10:30 a.m. on November 5, 2019. Discussion would be confined to settlement negotiations and strategies related to litigation expenditures. The attendees to be present at the session would be the Board, the County Administrator, the County Attorney, outside counsel Paul Berg, and a certified court reporter. Attorney Reingold expected the session to last approximately 45 minutes.

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

**Aye:**    4 -    Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Absent:**    1 -    Commissioner O'Bryan

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

- A.      Commissioner Bob Solari, Chairman**
- B.      Commissioner Susan Adams, Vice Chairman**
- C.      Commissioner Joseph E. Flescher**
- D.      Commissioner Peter D. O'Bryan**
- E.      Commissioner Tim Zorc**

**Commissioners Open Dialogue**

#### **15.      SPECIAL DISTRICTS AND BOARDS**

- A.      Emergency Services District**
- B.      Solid Waste Disposal District**

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

**15.B.1.**     [19-0971](#)    Recycling at Charter Schools

**Attachments:**    [Staff Report](#)

Susan Flak, Recycling Education and Marketing Coordinator, stated that she had been working with the five (5) charter schools in the County on the recycling expansion program to establish a robust campus-wide recycling program at each school. She mentioned that SWDD was awarded a monetary grant of \$2,500 from Waste Management's Think Green Grant Program. Ms. Flak added that the cost for the recycling program would be approximately \$4,500, and was requesting that the SWDD Board approve the provision of an additional \$2,000 needed to support the expansion of the recycling program for the charter schools.

Sherry Matthew, a Science Teacher at Imagine South Vero Charter School, spoke that she had been educating her students on recycling. She thanked the Board and Waste Management for supporting the charter schools.

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

**Aye:**    4 -    Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Absent:**  1 -    Commissioner O'Bryan

**15.B.2.**     [19-0972](#)     Ranking of Firms for RFP 2019045 - Yard Waste Processing and Recycling

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

[Letter of Protest from Atlas Organics](#)

[Response to Protest from Atlas Organics](#)

[Letter of Protest from PJs Land Clearing](#)

[Response to Protest from PJs Land Clearing](#)

[Mr Mulch 90-Day Notice of Termination](#)

Director of Utility Services Vincent Burke presented the Ranking of Firms for Request for Proposal (RFP) 2019045 for Yard Waste Processing and Recycling Service. He stated that the Solid Waste Disposal District (SWDD), in conjunction with the Purchasing Department, issued a Request for Proposal RFP2019045, of which there were seven (7) proposals received.

Director Burke announced the top three ranking firms were: 1) Bankers Maintenance and Inspection (BMI), Vero Beach, FL; 2) Justin Industries, Loxahatchee, FL; and 3) Atlas Organics, Spartanburg, SC. He pointed out that the selection committee interviewed the top three ranking firms and developed an overall final ranking of the firms and summarized in detail the proposals submitted, the interview process used to determine the selection of the final ranking firm and recommended that Atlas Organics be awarded the project.

Chairman Solari opened the floor for public comments.

Commissioner Zorc asked whether any of the other firms had included specific dollars for infrastructure in their costs, as did Atlas Organics. Director Burke replied that Justin Industries proposed to put up office structures and a 30' x 40' cement slab for their equipment.

Mike Hooker, representing BMI, along with Jason Disbrow, representing PJ's Land Clearing and Excavating, Inc. (PJ's), bidders of the proposed RFP, stated that they were both local companies and were willing to joint venture the proposed RFP. Mr. Hooker was unaware of the need to include infrastructure, but entertained it. They highlighted the number of years of experience between both companies, emphasized that they were local business owners and would be able to respond immediately if any issues arose, would employ local people, and had the necessary equipment to perform the contract. They asked the Board to re-consider their proposal.

Commissioner Flescher sought clarification from Director Burke on whether part of the Selection Committee's decision to change the ranking was based on

the bidder providing additional infrastructure. Director Burke made the Board aware that Atlas Organics was willing to invest \$250,000 in infrastructure on the SWDD property at no cost to the County, but affirmed it was not the only deciding factor. He added that Atlas' price proposal, qualifications, and experience were among the deciding factors.

SWDD Managing Director Himanshu Mehta responded to Commissioner Flescher's concern with Atlas Organics two (2) month start-up delay, stating that they needed time to move their equipment and hire local staff.

A discussion ensued regarding the re-ranking, with Director Mehta explaining that during the interview process with BMI, the Selection Committee was not comfortable with the feedback or the reference review provided by BMI. He added that BMI would need to purchase additional equipment, and there was not a joint venture with PJ's at the time of the bid. He continued that during the interview process with Atlas Organics, there was nothing but positive feedback from other government entities in North Carolina and South Carolina.

Jim Davis, Vice President of Business Development at Atlas Organics, pointed out that they have a positive track record with Municipal governments in North Carolina and South Carolina, and their philosophy was to be involved within the communities, and were very involved in educating students about recycling. Mr. Davis thanked the Board for considering Atlas Organics.

Commissioner Zorc inquired about the end use of the material that was collected by Atlas Organics, with Mr. Davis replying that the product would be turned into compost.

Chairman Solari closed the floor for open discussion.

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

**Aye:** 3 - Chairman Solari, Vice Chairman Adams, and Commissioner Zorc

**Nay:** 1 - Commissioner Flescher

**Absent:** 1 - Commissioner O'Bryan

## C. Environmental Control Board

### 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:13 a.m.