



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
www.ircgov.com

*Chairman Susan Adams*  
*Vice Chairman Joseph E. Flescher*  
*Commissioner Tim Zorc*  
*Commissioner Peter D. O'Bryan*  
*Commissioner Bob Solari*

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

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Tuesday, January 21, 2020

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

**Present:** 4 - Chairman Susan Adams  
Vice Chairman Joseph Flescher  
Commissioner Tim Zorc  
Commissioner Bob Solari  
**Absent:** 1 - Commissioner Peter O'Bryan

#### 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

#### 2.B. INVOCATION

**Pastor Chris Sloan, Good Shepherd Church of God**

Vice Chairman Flescher delivered the Invocation in the absence of Pastor Chris Sloan.

#### 3. PLEDGE OF ALLEGIANCE

**Dylan Reingold, County Attorney**

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

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

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

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

#### 5. PROCLAMATIONS and PRESENTATIONS

**6. APPROVAL OF MINUTES**

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of October 22, 2019 as written. The motion carried by the following vote:**

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

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

**6.A.** Regular Meeting Minutes of October 22, 2019

**Approved**

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

**7.A.** 1st Quarter FY 2019/2020 Budget Report

**No Action Taken or Required**

**8. CONSENT AGENDA**

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

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

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

**8.A.** GRBK GHO Central Vero, LLC Request for Final Plat Approval for a Development to be known as Bella Vista Isles [SD-05-04-18 / 2004070335-84132]

**Approved staff's recommendation**

**8.B.** Approval of Renewal of the Public Safety Communications System FX Software Services Agreement

**Approved staff's recommendation**

**8.C.** Revision to Administrative Policy AM-704.1 Sick Leave Donation

**Approved staff's recommendation**

**8.D.** Revision to Administrative Policy AM-604.1 Solicitation and Distribution

**Approved staff's recommendation**

**8.E.** Approval of Florida Legislative Grant for Moorhen Marsh Low Energy Aquatic Plant System

**Approved staff's recommendation**

**8.F.** Work Order No. 13 - Morgan & Eklund, Inc. 2020 Beach Profile Monitoring Surveys (WINTER)

**Approved staff's recommendation**

**8.G.** Extension of Annual Maintenance of West Westlands Treatment System with Ecotech Consultants Inc. (RFP2018004)

**Approved staff's recommendation**

**8.H.** Agreement to Purchase and Sell Real Estate with Balquees, LLC

**Approved staff's recommendation**

**8.I.** Biosolids Rule

**Approved staff's recommendation**

**8.J.** Children's Services Advisory Committee's Annual Report, FY2018-19

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

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

**10.A.1.** Mandala Village, LLC's Request to Rezone Approximately 79.1 Acres from A-1, Agricultural-1 (up to 1 unit/5 acres) and RS-3, Residential Single-Family (up to 3 units/acre) to PDTND, Planned Development Traditional Neighborhood Design and to Obtain Conceptual PD Plan Approval for a Project to be known as Mandala Village [PD-19-01-01 / 2005120297-82906] (Quasi-Judicial)

Chairman Adams presented a request to rezone approximately 79.1 acres for a project known as Mandala Village, LLC.

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

The Chairman opened the Public Hearing.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Senior Planner Ryan Sweeney referred to his staff memorandum dated January 6, 2020, and presented the request to rezone approximately 79.1 acres for a project known as Mandala Village, LLC, located at the northwest corner of 58th Avenue/53rd Street intersection.

Senior Planner Sweeney, in his PowerPoint Presentation, reviewed the steps of the Planned Development (PD) process and pointed out that on December 12, 2019, the Planning and Zoning Commission voted 5-1 to recommend that the Board of County Commissioners (BCC) approve the PD re-zoning and conceptual PD plan with staff's recommended conditions.

He reviewed the staff recommended conditions for the proposed PD Traditional Neighborhood Design (TND) re-zoning and conceptual plan for Mandala Village, indicating that the applicant had agreed upon all of staff's recommended conditions.

The Board sought and received information from staff regarding the current setbacks of the existing developments along 53rd Street, the residential and the commercial areas of the project, parking, the resort style hotel and the proposed amenities.

Richard Bialosky, Manager and Architect, Mandala Village, LLC, presented a PowerPoint Presentation and video of the proposed Mandala Village Development. He referred to the Mandala Village Development as a very unique development that falls under the TND requirements. He detailed the amenities which included a commercial area with a 6,500 square foot grocery store, a resort style hotel, a swimming lagoon, a par golf course, tennis courts, pickle ball, and an amphitheater. He explained the purpose of the development was to create a Village atmosphere with different types of housing opportunities to attract a variety of people. He added that the community would have a town center, multi-family areas, apartments over offices, small cottages, and single family homes sections with parks and walkways.

The Board expressed their concerns to Mr. Bialosky regarding: 1) whether the residential lots and the commercial area would be developed at the same time, 2) the parking areas for the homes and cottages, 3) the brand name of the hotel, 4) the difference between hotel and resort style hotel, 5) proposed amenities, 6) short and long term rentals, and 7) the number of entrances and exits to and from the development from 58th Avenue.

Chairman Adams opened the Public Hearing.

County Attorney Dylan Reingold announced that there were individuals who arrived after the Deputy Clerk had sworn in individuals. The Chairman asked the individuals to stand up and be sworn in.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The following speakers appeared before the Board to express their concerns regarding the Mandala Village Project in regards to the re-zoning, property values, the commercial area of the project including the resort style hotel, traffic flow and the 2030 Urban Service Boundary line.

Michael Cosgrove, 5365 Dominica Street, Vero Beach, FL

Timothy Ball, 5423 Antigua Circle, Vero Beach, FL

Thomas P. Davis, 5830 Magnolia Lane, Vero Beach, FL

In response to a comment made, Commissioner Solari clarified that the former citrus groves were destroyed by insects, diseases and the market, not by developments like Mandala Village, and he further explained that the density for this project allows for four (4) to five (5) homes per acre and was in accordance with the County's code.

The public speakers continued with their comments.

Ken Bradley, 5238 Turtle Creek Circle, Vero Beach, FL

John McCallum, 5880 Glen Eagle Lane, Vero Beach, FL

Robert Chapman, 4860 55th Street, Vero Beach, FL

Joyce Davis, 5830 Magnolia Lane, Vero Beach, FL

Sarah Doran, 5705 55th Street, Vero Beach, FL

Frank Tiberii, 4966 Corsica Square, Vero Beach, FL

Richard Weghorn, 5701 Glen Eagle Lane, Vero Beach, FL

Janina Weghorn, 5701 Glen Eagle Lane, Vero Beach, FL

Joseph Paladin, President of Black Swan Consulting and Board Member of the Indian River Neighborhood Association (INRA), stated that the INRA had reviewed the plans and supported the Mandala Village project, although they expressed concerns about the profitability of the project. He wanted to address some of the speaker's concerns and pointed out that the County had rules and regulations in place to prevent the County from becoming like South Florida.

The Chairman called a recess at 10:25 a.m. and reconvened the meeting at 10:37

a.m., with Commissioner O'Bryan absent.

After the meeting reconvened the public discussion continued.

Malcolm Sanderson, 5780 Magnolia Lane, Vero Beach, FL  
John Warren, 4936 Corsica Square, Vero Beach, FL  
Jessica Franco, 6195 53rd Street, Vero Beach, FL  
Al Tetreault, 5355 Dominica Street, Vero Beach, FL  
Michelle Garcia, 5309 Antigua Circle, Vero Beach, FL  
Barbara Lewis, 6420 53rd Street, Vero Beach, FL  
John McCallum, 5880 Glen Eagle Lane, Vero Beach, FL  
Ken Bradley, 5238 Turtle Creek Circle, Vero Beach, FL

A discussion ensued between Vice Chairman Flescher and Senior Planner Sweeney regarding the number of units in Mandala Village that would be located outside the Urban Service Boundary area and whether it would be consistent with the 2030 Guidelines.

In response to concerns expressed, Senior Planner Sweeney clarified that a gas station convenience store was not outlined in the PD process as an exceptional use and was not permitted at this time. He addressed that the optional Developer's Agreement had certain required improvements and conditions that must be satisfied, but could be further defined. He clarified the final driveway connections on 53rd Street and referred to Staff's condition 1.B.

Attorney Bruce Barkett, Collins Brown Barkett, Chartered, representing Mandala Village pointed out that Waterway Village was approved with a commercial area inside the community. He addressed the concerns regarding the widening of 58th Avenue from 49th Street past 53rd Street, and compared the proposed setbacks to that of the Springhill Suites Hotel on Indian River Boulevard. He indicated that the County adopted an Ordinance that encourages mixed-use residential projects, and Mandala Village met the conditions of the PD and TND.

Mr. Bialosky confirmed that no gas station was planned for Mandala Village and he believed that the commercial area in the development would not create more traffic, but felt it would reduce the traffic on 58th Avenue. He explained that the rental housing would be a positive thing for the community and would not have an impact on the value of the homes in the area. He understood that the hotel was a point of contention, but the hotel would have a minimal impact. He addressed the price point of the homes and said that the prices would align with the current market values with the costs being slightly higher with the amenities being provided.

A discussion ensued between David Ederer, Developer of Mandala Village, Public Works Director Richard Szpyrka and County Administrator Jason Brown in regards to the entrance and the concern for a future traffic signalized intersection that would be too close to 58th Avenue. A discussion followed, and Mr. Ederer agreed that Mandala Village would be willing to accept the future risk of a traffic signal being required, or for changes to the ingress or egress of the site, and the issue would be addressed at that time. Administrator Brown was in favor of moving forward with the project, knowing that the intersection may need an adjustment in the future.

Commissioner Zorc brought up a traffic study that was done for Waterway Village, and the traffic that would be generated from the commercial site within. Director Szpyrka said he was not familiar with the study, but would look into it and get back to Commissioner Zorc.

Attorney Barkett pointed out that the Florida Department of Transportation (FDOT) could grant a waiver or a variance for the traffic light requirements, and would not want to eliminate it as a possible solution. Administrator Brown made it clear that it could be a potential problem going forward.

Attorney Reingold asked Senior Planner Sweeney to read into the record the modification made to Staff's condition to 1.B. All parties were in agreement.

Director Szpyrka interjected that County staff would grant the waiver for the traffic light requirements, not the FDOT.

Attorney Reingold and Administrator Brown spoke on the re-zoning request, meeting the requirements of the County's Comprehensive Plan, and the criteria within the Code that encourages developments with mixed-use components.

The Chairman closed the Public Hearing.

Vice Chairman Flescher was not supportive of the proposed project, believing that the hotel would not be sustainable nor complementary to the community, and he was concerned with the additional traffic the project would generate. He also opined that sharing amenities between the residents of the community, hotel guests and non-residents could cause conflicts.

Chairman Adams sought and received confirmation from Attorney Reingold and Senior Planner Sweeney that the proposed Mandala Village Project met the elements of the Comprehensive Plan.

**A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to: 1) Adopt Ordinance 2020-002, amending the zoning Ordinance and the accompanying zoning map from RS-3, Residential and Single-Family (up**

to 3 units/acre) and A-1, Agricultural-1 (up to 1 unit/5 acres), to PDTND, Planned Development Traditional Neighborhood Design, for approximately 79.1 acres of land generally located on the west side of 58th Avenue, north of 53rd Street, and south of the North Relief Canal and described herein and providing for an effective date; and 2) Approve Staff's recommendation with a modification to Condition 1.B. to add the understanding that future driveway intersection changes may be required to accommodate future traffic, including but not limited to re-configuring the median opening and main driveway. The motion carried by the following vote:

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

**Nay:** 1 - Vice Chairman Flescher

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

## **B. PUBLIC DISCUSSION ITEMS**

## **C. PUBLIC NOTICE ITEMS**

### **11. COUNTY ADMINISTRATOR MATTERS**

### **12. DEPARTMENTAL MATTERS**

#### **A. Community Development**

##### **12.A.1.**

##### Consideration of Draft Impact Fee Update Study Report

Chief of Long Range Planning Bill Schutt provided the background related to the Draft Impact Fee Study Report, and introduced Nilqun Kamp of Tindale-Oliver and Associates, Inc. Ms. Kamp utilized PowerPoint slides to present the Impact Fee Study. She went on to explain that the County had experienced a lot of growth, and the primary goal of Impact Fees was to maintain the current level of service.

Ms. Kamp pointed out that the last Impact Fee Study was done in 2014, and six (6) of the following Impact Fees were updated: Public Buildings, Emergency Services, Law Enforcement, Parks and Recreation Facilities, Transportation, and Educational Facilities. She introduced the new Affordable/Workforce Housing Mitigation tool in detail: 1) No Impact Fees for single family homes that were less than 1,000 square feet; and 2) 50% discount for single family homes with 1,000 square feet to 1,500 square feet that qualified under the affordable housing criteria.

In Ms. Kamp's PowerPoint Presentation, she explained Impact Fees were a one-time capital charge to new developments, and provided a summary of the calculated Impact Fees in the Unincorporated County.



Chief Schutt, in his presentation, included historical trends, key policy issues such as changes to Commercial/Industrial Growth/Permitting since 2013/2014, insufficient funding for transportation projects, Affordable Housing and reduced or exempted Impact Fees.

The Board sought and received information from Chief Schutt and Ms. Kamp on the discounted percentages for commercial, multi-family projects with a mix of bedrooms, and Affordable Housing Impact Fees.

A discussion ensued on reducing the Affordable Housing Impact Fees for homes less than 1,000 square feet and how it would affect the Impact Fees if there was a re-sale of the home, the income guidelines, and whether there should be deed restrictions. It was agreed upon by the Board that the Affordable Housing Impact Fee could be re-visited at a later date.

Chief Schutt stated that he would advertise for a Public Hearing on the Impact Fee Study.

Chairman Adams opened the floor for public comments.

The following speakers expressed their concerns:

Joseph Paladin, President of Black Swan Consulting, felt the County should not eliminate Impact Fees for homes under 1,000 square feet.

Sheryl Vittitoe, President and CEO of Indian River Habitat for Humanity, thanked the Board for their consideration in reducing Impact Fees for affordable housing and explained the Shared Appreciation Agreement which she offered to share with the County.

Chris Murphy, 788 Black Pine Drive, Vero Beach, Fl., questioned whether the \$4.3 million cost per lane mile excluded utility relocation costs.

**A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve staff's recommendation with the condition to hold an additional meeting to review the Draft Impact Fee Update Study Report. The motion carried by the following vote:**

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

**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**

**12.G.1.** St. Johns River Water Management District's Issuance of the Windsor Properties Inc. Consumptive Use Permit 270-5

Director of Utility Services Vincent Burke reviewed the information contained in his memorandum regarding an application for a consumption use permit submitted by Windsor Properties to the St. John's Water Management District (SJWMD). He stated that Windsor Properties requested a joint conference with the SJWMD and County Utilities staff to discuss nutrient loadings that would be deposited into a pond used for storm water purposes that would eventually discharge into the Indian River Lagoon.

Commissioner Zorc sought and received clarification from Director Burke on a letter received from the SJWMD and their definition of nutrient loading.

County Administrator Jason Brown hoped that the SJWMD understood how difficult it was for the County to provide re-use water to various customers.

**No Action Taken or Required**

**13. COUNTY ATTORNEY MATTERS**

**13.A.** Demolition Lien - 4076 Old Dixie Highway (former Club Bali)

There was no discussion on this Item.

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

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

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

- 13.B.** Request for Closed Attorney-Client Session Relating to INDIAN RIVER COUNTY v. TWENTY-TWO BEACHFRONT PROPERTIES LOCATED BETWEEN, AND INCLUDING, 9586 DOUBLOON DR., AND, BUT NOT INCLUDING, 1820 WABASSO BEACH RD., VERO BEACH, FLORIDA, 32963 (Case No.: 31 2018 CA 000881)

County Attorney Reingold read the request for a closed attorney-client session to occur at 10:30 a.m. on February 4, 2020.

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

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

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

- 13.C.** Disposition of Real Property Ordinance

County Attorney Reingold communicated that on December 10, 2019, the Board directed the County Attorney's office to draft an ordinance that would allow the use of commercial realtors for the disposal of real property. He reviewed several different options for the Board's consideration to be included in the Ordinance: 1) Use of a real estate agent to market the property; 2) Modified traditional bid process which would include a minimum bid; 3) In the event that the Florida Department of Transportation (FDOT) was selling real property in the same project as a County owned property, it would be bundled together and coordinated with FDOT; and 4) Request for Proposal process.

The Board sought and received information from Attorney Reingold regarding the Board's option for the potential sale of Szechuan Palace, and discussed tabling the item until the February 4, 2020 meeting.

**A motion was made by Commissioner Solari, seconded by Chairman Adams, to table Agenda Item 13.C. under Attorney's Matters until the February 4, 2020 Board of County Commissioners Meeting. The motion carried by the following vote:**

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

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

## 14. COMMISSIONERS MATTERS

**A. Commissioner Susan Adams, Chairman**

**B. Commissioner Joseph E. Flescher, Vice Chairman**

C. Commissioner Tim Zorc

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob Solari

**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.** Approval of Minutes Meeting of October 22, 2019

**A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve the Solid Waste Disposal District Meeting Minutes of October 22, 2019 as written. The motion carried by the following vote:**

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

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

**15.B.2.** Request to Approve Amendment No. 1 to CCNA-2018 Work Order No. 3 to Geosyntec to Provide Consulting Services Associated with Phase I of the Former South Gifford Road Landfill Redevelopment Plan

There was no discussion on this item.

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

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

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

**15.B.3.** Standardized Recycling Label License Agreement with Recycle Across America

There was no discussion on this item.

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

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

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

**15.B.4.** Change Order No. 7 to Thalle (Bid #2018025)

There was no discussion on this item.

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

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

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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 1:01p.m.