



Indian River County Florida

Meeting Minutes 3 - Final

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

Tuesday, February 11, 2020

9:00 AM

Commission Chambers

1. CALL TO ORDER

2. ROLLCALL

Present: 5 - Chairman Susan Adams
Vice Chairman Joseph Flescher
Commissioner Tim Zorc
Commissioner Peter O'Bryan
Commissioner Bob Solari

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

2.B. INVOCATION

Reverend Graham Bingham, Westminster Presbyterian Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [20-1240](#) Presentation of Proclamation Designating February, 2020, as 2-1-1 Awareness Month

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Colleen Phillips, Community Relations Specialist, 2-1-1 HelpLine Palm Beach /Treasure Coast, who discussed the advocacy programs they offered, and provided statistics related to the community referral line and the suicide prevention line.

Read and Presented

- 5.B. [19-1208](#) Presentation of Proclamation Honoring Eric J. Seymour

Attachments: [Proclamation](#)

Vice Chairman Flescher read and presented the Proclamation to Eric J. Seymore, recognizing his pioneer spirit and civic contributions. Mr. Seymore, who was present with his wife and several colleagues, thanked the many individuals who assisted him along the way.

Read and Presented

- 5.C. [20-1253](#) Presentation of Proclamation Honoring Joe N. Idlette, III

Attachments: [Proclamation](#)

Commissioner Solari read and presented the Proclamation to Joe N. Idlette, III. Mr. Idlette acknowledged his family and friends, many of whom were in attendance, for their support.

Read and Presented

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

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Consent Agenda as amended, pulling Item 8.E. for discussion. The motion carried by the following vote:

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

8.A. [20-1282](#) Checks and Electronic Payments January 17, 2020 to January 23, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [20-1283](#) Checks and Electronic Payments January 24, 2020 to January 30, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [19-1218](#) Resolutions Cancelling Taxes on Properties Acquired by Indian River County for Public Purposes

Attachments: [Staff Report](#)

[Resolution \(acquired from VBMINIG, LLC\)](#)

[Resolution \(purchase from Premier Citrus, LLC\)](#)

[Resolution \(acquired from Russell Family LP\)](#)

Approved Resolution 2020-013 (VBMining, LLC), Resolution 2020-014 (Premier Citrus, LLC), and Resolution 2020-015 (Virginia W. Russell Family Limited Partnership), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.D. [20-1284](#) Jungle Trail Shoreline Stabilization Project (IRC-1823),Release of Retainage and Change Order No. 1

Attachments: [Staff Report](#)

[Change Order No. 1](#)

[Description of Itemized Changes](#)

Approved staff's recommendation

- 8.E. [20-1290](#) Work Order No. 31, Kimley-Horn and Associates, Inc., 66th Avenue and 8th Street Intersection Signalization (IRC-2002)

Attachments: [Staff Report](#)

[Work Order No. 31](#)

Public Works Director Rich Szyrka provided the Board with an update on the potential for signalization at the intersection of 8th Street and 66th Avenue. Director Szyrka explained that a traffic signal was not yet warranted, but that staff wanted to be prepared. He made mention that the design phase required approximately six (6) months, and the time frame for receiving mast arms was nine (9) to twelve months.

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

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

- 8.F. [20-1296](#) Board Approval for Adopt-A-Roadway and Adopt-A-Stormwater Park

Attachments: [Staff Report](#)

[Resolution](#)

Approved Resolution 2020-016, approving Adopt a Roadway and Adopt a Stormwater Park programs and authorizing the Public Works Director to enter into agreements for those programs.

- 8.G. [20-1285](#) Request of Name Change from Cleveland Clinic Martin Health for Present Class B Certificate of Public Convenience and Necessity

Attachments: [Staff Report](#)

[Renewal Application](#)

Approved staff's recommendation

- 8.H. [20-1287](#) Award of Bid# 2020023 - North County Aquatic Center Scoreboard Repairs and Updating

Attachments: [Staff Report](#)

[Sample Agreement](#)

Approved staff's recommendation

- 8.I. [20-1288](#) Award of Bid# 2020022 - North County Aquatic Center Activity Pool Resurfacing

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

Approved staff's recommendation

- 8.J. [20-1292](#) Designation of Excess Equipment as Surplus

Attachments: [Staff Report](#)
[Excess Equipment List for 021120 Agenda](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

- 10.A.1. [20-1281](#) CEMEX Construction Materials Florida, LLC Request to Rezone +/-6.13 Acres from A-1 to IG; +/-15.85 Acres from A-1 to CH; and +/- 4.78 Acres from IG to CG (RZON96020133-85706) [Quasi-Judicial]

Attachments: [Staff Report](#)
[Summary Page](#)
[Rezoning Application](#)
[Table of Uses AG Zoning Districts](#)
[Table of Uses Commercial Districts](#)
[Table of Uses Industrial Districts](#)
[FLU to Zoning Comparison](#)
[Section 902.12\(3\) Review Standards](#)
[12-12-19 PZC Minutes](#)
[Applicant Meeting Summary Email 1](#)
[Applicant Meeting Summary Email 2](#)
[Hawk's Nest Response Letter](#)
[Ordinance](#)

Chairman Adams described the properties related to the Request to Rezone from CEMEX Construction Materials Florida, LLC (CEMEX).

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

Chairman Adams opened the Public Hearing.

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

Long Range Planning Chief Bill Schutt used a PowerPoint Presentation to provide the location of the three (3) parcels of land subject to the rezoning request and to highlight all aspects of the proposed changes, as it was documented in the January 31, 2020 staff memorandum. He explained that the Planning and Zoning Commission had recommended approval and suggested that the property owners should have an informational meeting with representatives of the neighboring property, the Hawk's Nest Golf Course, owned by The Moorings Club. As recommended, a meeting between Attorney Kevin M. Barry of Rossway Swan, representing The Moorings Club, and Attorney Bruce Barkett of Collins Brown Barkett, Chartered, representing CEMEX, took place on January 9, 2020. Chief

Schutt stated that although County staff was not part of the meeting, staff's memorandum included two (2) follow-up emails and written correspondence between the two attorneys.

Discussion ensued among Commissioner O'Bryan, Community Development Director Phil Matson, County Administrator Jason Brown, and Vice Chairman Flescher, including the topics of stormwater retention, the depth of the lake, the County's cut and fill policy, and cement debris around the lake.

Attorney Bruce Barkett was present to discuss the productive meeting he had with Attorney Kevin Barry. He explained that CEMEX was not planning to develop the properties being rezoned.

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

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to adopt Ordinance 2020-003, amending the zoning ordinance and the accompanying zoning map for approximately ±6.13 acres located north of 53rd Street and west of the Florida East Coast Railroad and the existing CEMEX facility (3150 53rd Street, Vero Beach, FL 32967) from A-1, Agricultural District (up to 1 unit/5 acres), to IG, General Industrial District (Parcel A2); and ±15.85 acres located north of 53rd Street and west and adjacent to subject Property 1 from A-1, Agricultural District (up to 1 unit/5 acres), to CH, Heavy Commercial District (Parcel B1); and ±4.78 acres located north of 53rd Street and west and adjacent to subject Property 2 from IG, General Industrial District, to CG, General Commercial District (Parcel B2); and providing codification, severability, and effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

- B. Emergency Services
- C. General Services
 - 1. Human Services
 - 2. Sandridge Golf Club
 - 3. Recreation
- D. Human Resources
- E. Office of Management and Budget
- F. Public Works
- G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [20-1298](#) Beach and Shore Preservation Advisory Committee Appointment

Attachments: [Staff Report](#)
 [Application for BASPC - Philip Glade](#)
 [Application for BASPC - David W Morgan](#)
 [Application for BASPC - David Cox](#)
 [Application for BASPC - Sven Frisell](#)
 [Application for BASPC - Curtis Carpenter](#)
 [Application for BASPC - Kelly Darmetko](#)

County Attorney Dylan Reingold provided the names of the individuals who applied to fill the "BCC Appointee" vacancy on the Beach and Shore Preservation Advisory Committee.

A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to appoint David W. Morgan to fill the "BCC Appointee" vacancy on the Beach and Shore Preservation Advisory Committee, with the term to expire in January 2022. The motion carried by the following vote:

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

- 13.B.** [20-1299](#) Acquisition of Right-Of-Way for Phase II of 66th Avenue Improvements - Banack Family Limited Partnership - 66th Avenue and 61st Street, Parcels 301 and 302

Attachments: [Staff Report](#)
 [Exhibit "A" Aerial Photo](#)
 [Exhibit "B" Pre-suit Mediation Settlement Agreement](#)
 [Sketch/Descriptions of row Parcels](#)

Deputy County Attorney Bill DeBraul referred to a PowerPoint presentation and to staff's memorandum dated February 6, 2020 to review the specifics of the two (2) parcels of land owned by the Banack Family Limited Partnership. He discussed the County's desire to acquire 50' of right-of-way from each of the parcels along 61st Street, also known as Pecan Grove Road, for Phase II of the 66th Avenue Improvements.

Commissioner O'Bryan inquired as to whether the pecan trees were a cash crop, and Attorney DeBraul replied that he did not believe the pecans were being harvested. The Commissioner expressed his dissatisfaction with the increase in land acquisition costs.

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

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

Nay: 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**
- F. Commissioners Open Dialogue**

14.F.1. [19-1123](#) Commissioners Open Dialogue

Attachments: [Memorandum](#)

Commissioner Solari expressed his dissatisfaction that changes have been made in referencing the years Before Christ (BC) and Anno Domini (AD), now referred to as Before Common Era (BCE) and Common Era (CE). In addition, with President's Day being celebrated on February 17, 2020, he focused on the great leadership of Presidents George Washington and Abraham Lincoln.

Vice Chairman Flescher stated that the Medical Examiner Review Committee had selected someone to fill the position of Chief Medical Examiner for the 19th Judicial Circuit, noting that an announcement would be made in the near future.

Commissioner Zorc mentioned that he had recently attended the Indian River State College Chef Challenge and the St. Francis Manor Full Moon Jazz Concert. He also announced the Florida Institute of Technology (FIT) informational meeting regarding Bethel Creek would be held on March 4, 2020 in the Commission Chambers. In addition, Commissioner Zorc requested that the Public Works Director set a meeting with the owners of businesses in the area of 43rd Avenue and State Road 60 to provide a timeline for the road improvements.

Chairman Adams made mention that the Census 2020 Community Action Committee was working hard. She announced that the County recently received a grant from the Indian River Lagoon National Estuary Program for a septic to sewer project, and that the Indian River County Shooting Range had their first Thursday night shoot on February 6, 2020.

No Action Taken or Required

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.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve the Meeting Minutes of November 5, 2019 and November 12, 2019. The motion carried by the following vote:

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

15.B.1. [20-1257](#) Approval of Minutes Meeting of November 5, 2019

Attachments: [11052019SWDD_Draft](#)

Approved

15.B.2. [20-1272](#) Approval of Minutes Meeting November 12, 2019

Attachments: [11122019SWDD_Draft](#)

Approved

15.B.3. [20-1289](#) Final Pay to Geosyntec for Work Authorization CCNA-2018 WO No. 2 - Title V Air Operations Permit Modification Application

Attachments: [Staff Report](#)
[Geosyntec Project Completion Report, Final Invoice](#)

There was no discussion on this item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

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