



Indian River County Florida

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

Meeting Minutes 3 - Final

Board of County Commissioners

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, January 7, 2020

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

Dr. Christina Moore, Sr. Pastor, Rhema Apostolic International Deliverance Center

3. PLEDGE OF ALLEGIANCE

Chairman Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, 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

6. APPROVAL OF MINUTES

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of October 1, 2019, October 8, 2019, and October 15, 2019, as presented. The motion carried by the following vote:

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

6.A. [19-1161](#) Regular Meeting of October 1, 2019

Attachments: [10/01/19 BBC Draft Minutes](#)

Approved

6.B. [19-1162](#) Regular Meeting of October 8, 2019

Attachments: [10/08/19 BCC Draft Minutes](#)

Approved

6.C. [19-1164](#) Regular Meeting Minutes of October 15, 2019

Attachments: [10/15/19 BCC Draft Minutes](#)

Approved

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

7.A. [19-1191](#) 2020 Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee (TCRPC CEDS) District Appointment Member Listing

Attachments: [Commissioner's Memorandum](#)
 [2020 TCRPC CEDS Appointment Letter](#)

No Action Taken or Required

7.B. [19-1193](#) Appointment of District 1 Appointee to the Planning & Zoning Commission (P&Z)

Attachments: [Commissioners Memorandum](#)
 [Beth Mitchell P&Z Application](#)

No Action Taken or Required

7.C. [19-1170](#) Order PSC-2019-0544-TRF-EI approving one-year extension of FPL's VSP pilot program; revised tariff effective 1/1-12/31/20, is on file in the Office of the Clerk to the Board.

No Action Taken or Required

7.D. [19-1182](#) Update on Virgin Trains Expenses

Attachments: [Staff Report](#)
[Virgin Trains Expenses](#)

No Action Taken or Required

7.E. [19-1188](#) Indian River County Venue Event Calendar Review

Attachments: [Staff Report](#)

No Action Taken or Required

7.F. [19-1178](#) Letter from the West Wabasso Progressive Civic League in appreciation for support and approval of the Septic Sewage System Phase 2

Attachments: [West Wabasso Progressive Civic League thank you letter](#)

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

8.A. [19-1159](#) Checks and Electronic Payments December 6, 2019 to December 12, 2019

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [19-1167](#) Checks and Electronic Payments December 13, 2019 to December 19, 2019

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [19-1180](#) Checks and Electronic Payments December 20, 2019 to December 26, 2019

Attachments: [Finance Department Staff Report](#)

Approved

- 8.D. [19-1175](#) Requesting approval of applicants to IRC Census 2020 Community Action Committee

Attachments: [Commissioner's Memorandum](#)
[D Stone Application & Resume](#)
[J Restrepo Application & Resume](#)
[B Rhyant statement of interest](#)

The following applicants were approved to serve on the IRC Census 2020 Community Action Committee: Ms. Dori Stone, Local Business; Ms. Jessica Restrepo, Oslo area; and Reverend Benny Rhyant, Faith-based Organization.

- 8.E. [19-1177](#) Lobbyist for 2020 Legislative Session

Attachments: [Staff Report](#)
[2020 Anfield Consulting Agreement](#)

Approved staff's recommendation

- 8.F. [19-1166](#) Florida Department of Transportation (FDOT) Memorandum of Agreement (MOA) for Oslo Road and I-95 Interchange Right-of-Way Acquisition, Financial Project No. 413048-2-52-01

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[Memorandum of Agreement](#)

Approved Resolution 2020-001, authorizing the Chairman's execution of a Right of Way Acquisition Memorandum of Agreement with the Florida Department of Transportation for acquisition of right-of-way for the relocation of 82nd Avenue, cul-de-sac construction on 86th Avenue SW, improvements on 13th Street SW, drainage improvements, reconstructions/relocation of existing roadways, sidewalks, curb rams, pedestrian crossings, and other related improvements for the Oslo Road and I-95 Interchange project.

- 8.G. [19-1173](#) County Endorsement of Closing 8th Street at 74th Avenue for Bridge Replacement, FDOT - Financial Management No. 437717-1, IRC-1822

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[Draft Temporary Traffic Control Plan](#)

Approved Resolution 2020-002, endorsing the closures during construction of the 8th Street and 74th Avenue (CR612) Bridge Replacement Project by the Florida Department of Transportation.

- 8.H.** [19-1176](#) Approval of Work Order No. 30 with Kimley-Horn for Moorhen Marsh Low Energy Aquatic Plant System Structural Design

Attachments: [Staff Report](#)

[Work Order No. 30](#)

Approved staff's recommendation

- 8.I.** [19-1179](#) Interest Rate Change on all County Financing

Attachments: [Staff Report](#)

[County Financing Interest Rate History](#)

Approved staff's recommendation

- 8.J.** [19-1183](#) Ranking of Firms and Authorization to Negotiate - RFQ 2020008 for Lost Tree Island Conservation Area Ecological Enhancement Planning and Design Services

Attachments: [Staff Report](#)

Approved staff's recommendation, with final ranking as follows: 1) Carter Associates, Inc.; 2) Kimley-Horn and Associates, Inc.; and 3) Miller Legg.

- 8.K.** [19-1192](#) Miscellaneous Budget Amendment 002

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit "A"](#)

Approved Resolution 2020-003, amending the Fiscal Year 2019-2020 Budget.

- 8.L.** [19-1184](#) Award of Bid Number 2020017 - Jones Pier Wetland Restoration and Conservation Improvements

Attachments: [Staff Report](#)

[Jones Pier Sample Agreement](#)

Approved staff's recommendation

- 8.M.** [19-1186](#) Upper Floridan Aquifer Groundwater Monitoring

Attachments: [Staff Report](#)

[Work Order No 29 with KHA](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [19-1158](#) Indian River County Supervisor of Elections Leslie Swan re: to seek approval to roll the revenues received from conducting the November 5, 2019 Municipal Elections back into the Supervisor of Elections 2019/2020 budget

Attachments: [Municipal Elections Documents](#)
[Letter from Supervisor of Elections](#)

There was no discussion on this item.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the budget request from Supervisor of Elections Leslie Swan. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

- 10.A.1 [19-1145](#) Public Hearing for Amendment to Section 100.03 "Amendment or Repeal of Ordinances" of Chapter 100 "General Provisions" of the Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 133 - LEGISLATIVE

Attachments: [Staff Report](#)
[Proposed Ordinance](#)

County Attorney Dylan Reingold referred to his memo dated December 10, 2019 to provide details of the proposed Ordinance.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to adopt Ordinance 2020-001, amending Section 100.03 "Amendment or Repeal of Ordinances" of Chapter 100 "General Provisions" of the Code of Indian River County ("The Code"), codifying and publishing the Ordinances up to and including Supplement 133 thereto, readopting the Code, designating the Code as the best evidence of the current law of Indian River County, Florida, and providing for severability, codification, and an 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****11.A. [19-1185](#) 2020 Indian River County Legislative Priorities**

Attachments: [Staff Report](#)
[2020 State Legislative Priorities](#)

Brian Sullivan, Legislative Affairs and Communications Manager, appeared before the Board to present the 2020 Indian River County Legislative Priorities. He reviewed the top nine (9) legislative issues, as well as guiding principles, and concerns for the coming year.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, 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

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**

12.F.1. [19-1168](#) Sole Source Approval for Traffic Management Center Upgrade

Attachments: [Staff Report](#)
 [Econolite Systems Proposal](#)
 [Econolite Sole Source letter](#)

Rich Szyrka, Director of Public Works, appeared before the Board requesting approval of upgrades to the County's Traffic Management Center (TMC). Director Szyrka explained that the software used to control the video cameras at traffic intersections was obsolete. He added that staff recommended a new closed-circuit TV (CCTV) module that would upgrade the video camera's software as well as provide hardware needed for operations at the TMC. The vendor, Econolite Systems, was previously approved to be the sole-source provider for the current traffic signal operating system with which the new CCTV module would integrate.

Commissioner Zorc questioned whether the cameras could record video footage. Director Szyrka replied in the affirmative, but noted it would require the purchase of an additional server.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, 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

12.F.2. [19-1169](#) 58th Avenue (47th to 57th Street) Corridor Study / S.C.A.L.E. Report

Attachments: [Staff Report](#)
 [Corridor Study - S.C.A.L.E. Report](#)
 [58th Ave SCALE Exhibits](#)

Director of Public Works Rich Szpyrka presented the 58th Avenue Corridor Study/S.C.A.L.E. report prepared by Kimley-Horn and Associates. He explained that the report was commissioned to analyze and recommend the best way to expand 58th Avenue from 47th Street to just north of 49th Street. Director Szpyrka described the five (5) factors of the S.C.A.L.E. report, and reviewed the alternatives for expanding this part of roadway. He concluded with the recommendation from Kimley-Horn to widen this portion of 58th Avenue from the east side.

Director Szpyrka also noted that staff's recommendation should be amended to reflect that the portion of 58th Avenue analyzed extended from 47th Street to 1/4 mile north of 49th Street only.

Discussion ensued among the Commissioners regarding bike lanes, and right-of-way acquisition along 58th Avenue.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve staff's recommendation as amended to reflect that the segment of 58th Avenue studied extended from 47th Street to 1/4 mile of north of 49th Street only. The motion carried by the following vote:

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

- 12.F.3. [19-1174](#) Unconditional Offer for a parcel of right-of-way located at 4740 58th Avenue, Vero Beach, Florida, owned by Paulette Brown

Attachments: [Staff Report](#)
[58th AVE - ROW Required Exhibit](#)
[58th Avenue - Paulette Brown Property](#)
[Full Appraisal](#)
[Partial Appraisal](#)

Rich Szyrka, Director of Public Works, provided background on the property at 4740 58th Avenue which the County sought to purchase a portion of for right-of-way. He detailed the negotiations which led to the tentative offer amount of \$54,193.40 for .22 acres. County Administrator Jason Brown described subsequent conversations with Director Szyrka and staff that resulted in agreement that it would be in the County's best interest to increase the offer to \$70,000.

Commissioner Zorc asked and received answers from Deputy County Attorney Bill DeBaal regarding fees incurred during right-of-way acquisitions.

Commissioner Flescher spoke in favor of making the offer as an alternative to litigation.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve staff's recommendation as amended to increase the offer to \$70,000. The motion carried by the following vote:

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

G. Utilities Services

- 12.G.1. [19-1187](#) Request to Waive Bid Process for Caustic Soda Chemicals

Attachments: [Staff Report](#)

There was no discussion regarding 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: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS**A. Commissioner Susan Adams, Chairman****14.A.1. [19-1165](#)** Resolution in Support of Florida Forever

Attachments: [Commissioner's Memorandum](#)
[Resolution](#)

Chairman Adams brought forth the proposed Resolution on behalf of the Pelican Island Audubon Society to support State re-funding of the Florida Forever program.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Resolution expressing support for restoring funding to Florida Forever.

Discussion ensued as Commissioner Zorc sought clarification on historic funding levels, and pointed out the amount of land in Florida that is publicly owned.

Dr. Graham Cox, Pelican Island Audubon Society, appeared before the Board with information on past funding levels. He clarified that the request was to restore funding in the amount of \$300 million annually.

Commissioner O'Bryan amended his motion to include wording that would state the Board supported restoring the funding level to \$300 million.

Commissioner Solari expressed his reasons for voting in opposition of the Resolution.

An amended motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve Resolution 2020-004, expressing support for restoring funding for Florida Forever to its historical levels, with the modification to specify a funding allocation of \$300 million annually. The motion carried by the following vote:

Aye: 4 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, and Commissioner O'Bryan

Nay: 1 - Commissioner Solari

B. Commissioner Joseph E. Flescher, Vice Chairman**C. Commissioner Tim Zorc**

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob Solari

14.E.1. [19-1194](#) Use of Glyphosate

Attachments: [Commissioners Memo](#)

Commissioner Solari requested discussion on the County's use of Glyphosate, the active ingredient in Roundup, for weed eradication. He encouraged staff to continue their progress in eliminating its use of this chemical, as well as educating the public on the County's efforts.

Discussion among Board members and staff covered topics including effective natural alternatives, appreciation for staff's efforts to reduce use of Glyphosate, the proper way to dispose of poisons, alternate pesticides, and details of a pilot program that uses goats to manage invasive plants.

The following staff members addressed the Board with reports on their department's methods to reduce the use of Glyphosate:

Rich Szyrka, Director of Public Works

Michael Zito, Assistant County Administrator

Kevin Kerwin, Director of Parks and Conservation Resources

Beth Powell, Assistant Director of Parks and Conservation Resources

The following members of the public appeared before the Board supporting the reduced use of herbicides:

Dr. Graham Cox, Pelican Island Audubon Society

Russell Herrmann, Friends of St. Sebastian River

Jean Catchpole, 526 Fiddlewood Road

Bob Stephen, 150 Concha Drive

Commissioner Solari expressed appreciation for staff's efforts in reducing harmful herbicide use, and supported plans to share information with the City of Sebastian's staff.

No Action Taken or Required

14.E.2. [19-1195](#) Administrative Policy 604.1: Solicitation and Distribution

Attachments: [Commissioner Memorandum](#)

Commissioner Solari requested the Board's consideration of an amendment to the County's Administrative Policy 604.1: Solicitation and Distribution. He explained that County employees are currently prohibited from using inter-office mail to distribute information concerning non-work related activities; the amendment would include a prohibition against the use of the County's email system for distribution of such information.

Discussion ensued among Board members seeking to clarify details of the amendment, and alternatives to using County email.

Commissioner Zorc expressed opposition to the limitation, noting that he enjoyed hearing of staff's interests.

County Administrator Dylan Reingold pointed out that this request was only an extension of existing policy to include digital communication. He suggested that employees should use their personal email to send information regarding non-work activities. Chairman Adams voiced her rationale for agreeing with Commissioner Solari's request.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to update the County's Administrative Policy 604.1: Solicitation and Distribution, to include a prohibition on allowing employees to use the County's email system for solicitation and distribution of non-work related activities. The motion carried by the following vote:

Aye: 4 - Chairman Adams, Vice Chairman Flescher, Commissioner O'Bryan, and Commissioner Solari

Nay: 1 - Commissioner Zorc

15. SPECIAL DISTRICTS AND BOARDS

- A. Emergency Services District**
- B. Solid Waste Disposal District**
- C. Environmental Control Board**

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:29 a.m.