



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
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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, February 18, 2020

9:00 AM

Commission Chambers

1. CALL TO ORDER

2. ROLL CALL

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

Pastor Steve Jones, Vero Christian Church

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 14.A.1. to be heard under 10.E.2.
Item 15 A.1. to be heard after 9.A.1.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Agenda as amended. 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. [20-1264](#) Introduction of School District of Indian River County Superintendent, Dr. David Moore

Indian River County School District Superintendent Dr. David Moore introduced himself and gave an overview of the work he has done over the last two months as Superintendent and discussed future priorities.

Presented

- 5.B. [20-1247](#) Presentation of Proclamation Honoring Major Milo Thornton of the IRC Sheriff's Department

Attachments: [Proclamation](#)

Commissioner O'Bryan read and presented the Proclamation to Major Milo Thornton of the Indian River County Sheriff's Office, who was honored as an African American Pioneer.

Presented

- 5.C. [20-1265](#) Presentation of Proclamation Honoring Brother Jimmy Mackey

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Brother Jimmy Mackey, who was honored as an African American Pioneer. Ms. Gayle Clark accepted the Proclamation for her father.

Presented

The Chairman called for a brief recess at 9:18 a.m., and reconvened the meeting at 9:20 a.m., with all members present.

6. APPROVAL OF MINUTES

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

- 8.D. [20-1260](#) Resolution of Support for the Florida Department of Transportation Grant Application to Construct the I-95 Interchange at Oslo Road

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

Approved staff's recommendation and Resolution 2020-017, supporting an application by the Florida Department of Transportation for construction of the 1-95 Interchange at Oslo Road.

- 8.E. [20-1304](#) Request to Approve the Community Development Block Grant (CDBG) Applicant List for Conflict of Interest

Attachments: [Staff Report](#)
[CDBG-Rehab Applicant Ranking List](#)
[HAP Conflict of Interest Policy](#)
[Code of Federal Regulations 570.489](#)
[Conflict of Interest Form](#)

Commissioner O'Bryan pointed out that the agenda item relates to a Community Development Block Grant with a list of 20 applicants who have been ranked to be awarded funding. He stated that the Department of Economic Opportunity requires that the Board publicly acknowledge if there is a conflict of interest between any Board member or applicant on the list. He disclosed that a current and former employee was on the list of applicants.

Each Commissioner acknowledged or disclosed any financial or benefiting relationship conflict with any of the applicants on the list.

Community Development Director Phil Matson introduced Antonio Jenkins, Project Manager/Inspector with Guardian CRM, Inc., who was present to answer any questions from the Board.

A motion was made by Commissioner O'Byran, 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. [20-1301](#) Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard Inc. to Provide Interfacility Transportation Services

Attachments: [Staff Report](#)
[Renewal Application](#)

Approved staff's recommendation

- 8.G. [20-1311](#) FDOT Small County Outreach Program (SCOP) Supplemental Agreement No. 1 and Resolution Authorizing the Chairman's Signature for 49th Street/Lindsay Road From 58th Avenue to 31st Avenue and Construction Engineering Inspection (CEI) Services Project No. IRC-1414, FM No. 436850-1-54-01

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[FDOT \(SCOP\) Supplemental Agreement No. 1](#)

Approved staff's recommendation and Resolution 2020-018, authorizing the Chairman's execution of Small County Outreach Program (SCOP) Supplemental Agreement No. 1 with the Florida Department of Transportation (FDOT) for 49th Street/Lindsay Road From 58th Avenue/CR-613 to 31st Avenue Resurfacing and Construction Engineering Inspection (CEI) Services.

- 8.H. [20-1323](#) Approval of Work Order No. 5 with GK Environmental, Inc. for Osprey Acres Flowway and Nature Preserve Nine-Month Plant Maintenance, Exotic Control, and Plant Replacement

Attachments: [Staff Report](#)
[Work Order 5](#)
[Exhibit A to Work Order 5](#)

Approved staff's recommendation

- 8.I. [20-1313](#) Resolution Cancelling Taxes on Property Acquired by Indian River County for Public Purpose

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

Approved Resolution 2020-019 (Riverfront Groves, Inc.), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [20-1324](#) Supervisor of Elections Leslie R. Swan: Request for Matching Funds for a Federal Election Cybersecurity Grant Where the Funds Will Come Out of the FY 2019-2020 Supervisor of Elections' Budget

Attachments: [Letter from Supervisor of Elections Leslie R. Swan Certification](#)

Supervisor of Elections Leslie Swan announced that Tuesday, March 17th at 5 p.m. was the last day to register to vote or change your party affiliation for the upcoming Presidential Primary Election.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Solari, to approve the request for Matching Funds for a Federal Election Cybersecurity Grant. 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

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [20-1325](#) Request to speak from Gholam Reza Torkaman regarding utility lien at 8476 63rd Ave

Attachments: [Public Discussion Request Torkaman](#)

Mr. Gholam Reza Torkaman opined that as the landlord, he should not be responsible for the utility lien at 8476 63rd Avenue caused by his previous tenant's unpaid water bills.

Commissioner O'Bryan relayed to Mr. Torkaman that the water bill should be put in the tenant's name, so that he would not be responsible for any of the water consumption charges; however, he would be responsible for the ready to use fees.

No Action Taken or Required

- 10.B.2. [20-1326](#) Request to Speak from George Glenn Jr., Ken Grudens, Dan Lampson, and David Cox re: 2020 Conservation Bond Referendum

Attachments: [Public Discussion Request](#)
[BCC Memo TPL 3 vkg](#)
[TPL ConFin proposal 2-20 D2 ATTACHMENT 1](#)
[Draft TA letter 1-20 ATTACHMENT 2](#)

Clerk's Note: This item was heard in conjunction with Agenda Item 14.A.1.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1. [20-1303](#) Notice of Scheduled Public Hearing to Consider Citrus Hideaway Subdivision Water Assessment Project in Indian River County, Florida (Legislative)

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

- 10.C.2. [20-1306](#) Public Notice of Public Hearing Scheduled for March 3, 2020 to Consider Adopting an Ordinance to Enact Chapter 106 (Real Property Disposition Procedures) of the Code of Indian River County - Legislative

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

The Chairman called a recess at 10:23 a.m., and reconvened the meeting at 10:35 a.m., with all members present.

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

- 12.A.1.** [20-1308](#) Condemnation, Demolition and Removal of Unsafe Structure Located at 530 13th Place (tabled from the December 10, 2019 County Commission meeting)

Attachments: [Staff report](#)
[Staff report presented to BCC 12/10/2019](#)
[BCC 12/10/2019 draft minutes](#)
[Exterior photos 12/15/2019](#)
[CEB 1/27/2020 draft minutes](#)
[Renovation time frame estimate](#)

Planning Director Roland DeBlois appeared before the Board with a PowerPoint presentation on the status of the condemnation, demolition and removal of unsafe structure located at 530 13th Place that was tabled from the December 10, 2019 County Commission Meeting. He detailed an estimated time frame that County Building staff had developed for design, permitting and restoration of the existing building to a useable residential condition. He added that the owner of the property was committed to meeting the time frame and had already begun making payments toward the \$4,300 fine amount.

Commissioner Solari sought and received information from Director DeBlois on whether there was a time frame that the owner would be required to pay the \$4,300 fine.

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

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

12.A.2. [20-1310](#) Consideration of Affordable Housing Advisory Committee Recommendations

Attachments: [Staff Report](#)
 [AHAC Recommendations](#)
 [AHAC Detailed Discussion](#)

Community Development Director Phil Matson, along with Chief of Long Range Planning Bill Schutt, reviewed the information contained in their staff memorandum and PowerPoint presentation detailing the Affordable Housing Advisory Committee (AHAC) recommendations.

Commissioner Solari sought and received information from Chief Schutt on the AHAC recommendations that needed further review from staff.

Some Board comments followed on the recommendations, tiny homes, lot sizes and depths, deed restrictions, and affordable housing projects near surrounding neighborhoods.

Stephen Sczurek, 945 37th Avenue, agreed that affordable housing was something that desperately needed to be looked at and felt the report should consider looking at the service industries where the companies were only hiring part-time.

Julianne Price, Chairman of the AHAC, recognized the hard work by the AHAC members, John's Island Affordable Housing Task Force, Louise Hubbard with the Treasure Coast Homeless Services Council, Chief Schutt and staff for their hard work to support the Affordable Housing process.

Ellen Kindle, Chairman of the John's Island Affordable Housing Task Force, stated that the Gifford Gardens Project was a start, but felt the County had a long way to go in addressing the affordable housing issue.

Sunny Davenport, Vero Beach, supported the idea to build houses up rather than out.

Commissioner Zorc commented on land designation uses and the AHAC recommendation allowing for small homes on 36 foot wide lots. Both Chief Schutt and John McCoy, Chief of Current Development, addressed the land designation uses and explained that the sight plans were designed specific and allowed in the multi-family zoning districts. A discussion followed with Director Matson addressing the Board's concerns on smaller lots.

A motion was made by Commissioner Solari, seconded by Chairman Adams, to approve staff's recommendations with the exception of The Affordable Housing Advisory Committee recommendations 11,12, & 14, which were referred for further review by staff. The motion carried by the following vote:

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

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

12.E.1. [20-1316](#) Update on Online Vehicle Auction and Additional Surplus Approvals

Attachments: [Staff Report](#)
[List for 021820 Agenda](#)

Jennifer Hyde, Purchasing Manager, referred to her staff memorandum dated February 7, 2020, regarding an update on the sale of 35 titled assets by an online vehicle auction. She outlined the benefits of using the online auction versus live auctions.

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

12.E.2. [20-1317](#) 2020/2021 Budget Workshop/Hearing Schedule

Attachments: [Staff Report](#)

Management and Budget Director Kristin Daniels presented the following proposed budget meeting dates for Board input:

Release of the Budget Packet: Friday, July 10, 2020

Scheduled Budget Workshop: Wednesday, July 15, 2020 (July 16, 2020 as needed)

Public Hearing on Tentative Budget and Proposed Millage Rates:

Wednesday, September 16, 2020 at 5:01 p.m.

Final Budget Hearing to Adopt Budget and Millage Rates: Wednesday, September 23, 2020 at 5:01 p.m.

A motion was made by Commissioner Solari, 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

The Chairman called a recess at 11:31 a.m., and reconvened the meeting at 11:39 a.m., with all members present.

F. Public Works**G. Utilities Services****12.G.1.** [20-1320](#) CR-510 Utility Design Agreement a.k.a. Utility Design by FDOT Consultant Agreement

Attachments: [Staff Report](#)

[Utility Design Agreement 405606-3-36-1](#)

[Utility Design Agreement 405606-4-36-1](#)

Director of Utility Services Vincent Burke referred to the information contained in his staff memorandum dated February 7, 2020, regarding the County Road (C.R.) 510 Utility Design for drainage and roadway improvements.

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

13. COUNTY ATTORNEY MATTERS

13.A. [20-1322](#) *Indian River County et al., v. United States Department of Transportation, et al.*

Attachments: [Staff Report](#)

Attorney Dylan Reingold recapped the County's federal litigation with the U.S. Department of Transportation (USDOT), challenging their approval of the issuance of bonds for the All Aboard Florida/Brightline/Virgin Train's project, and the Board's decision not to seek any further review in the case. He announced that there were some private citizens who have raised funds to hire Kannon K. Shanmugam, with the Law Firm of Paul Weiss, to file a petition for review by the United States Supreme Court and to handle the litigation. He pointed out that if the Supreme Court decided to hear the case, Mr. Shanmugam would fully brief and argue the case for approximately \$400,000.

Each Commissioner spoke in support of proceeding with the filing of a petition for certiorari and thanked the private citizens who offered to fund the cost of seeking jurisdiction.

The Chairman opened the floor for public comments.

Jack Preschlack, 101 Oyster Cut, announced that he and other private citizens had raised almost \$200,000 for the County to file a petition for certiorari.

Joseph Paladin, Black Swan Consulting, fully supported the Board moving forward with the case.

Bob Auwaerter, Vice Mayor for the Town of Indian River Shores, addressed the Board concerning the bond holders.

Susan Mehiel, 1370 St. Catherines Circle, spoke on a letter written to Secretary Elaine Chao with the U.S. Department of Transportation that outlined the activity bonds that were not appropriately approved for the All Aboard Florida/Brightline/Virgin Trains project.

Leonard Sucsy, representing The Guardians of Martin County and Citizens Against Rail Expansion, spoke in support of the Board's decision.

Commissioner O'Bryan stated that he had received emails from Mr. Keith Kite and Mr. Philip Wheeler opposed to the Board moving forward with filing a petition for certiorari.

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

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

14.A.1. [20-1327](#) Indian River Land Trust Conservation Lands Feasibility Study

Attachments: [Commissioners Memo](#)

Clerk's Note: This item was heard in conjunction with Item 10.B.2.

Mr. Ken Grudens, Executive Director of the Indian River Land Trust, referred to his letter to the Indian River County Board of County Commissioners (Board) dated February 10, 2020, requesting authorization for the Chairman to write a letter to the Trust for Public Land (TPL) requesting technical assistance and advice pertaining to the potential issuance of a new bond authorized by referendum for protection of environmentally significant lands in Indian River County. Mr. Grudens continued that the letter would trigger the availability of a National Fountain grant to the TPL to provide partial funding towards a feasibility study and public opinion survey. He stated that the balance would be paid by donations from environmental organizations listed in his letter.

Chairman Adams stated that this agenda item has been combined under her matters for discussion and asked the Board if they had any questions or comments.

Commissioner O'Bryan stated that there needed to be additional detail such as a refined list of lands for conservation, an estimate of what the total bond issuance would be and the required millage rate to cover the bond before the professional polling began. He noted that the Board had just approved a Five-Year Capital Improvement Plan with \$11 million allocated for conservation lands improvements. He supported the Chairman writing a letter to the TPL in order to obtain additional information, but was unsure if he could support putting the bond referendum on the 2020 ballot.

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to authorize the Chairman to send a letter to Trust for Public Land requesting technical advice and assistance in the form of feasibility research, public opinion polling, and program recommendations.

Commissioner Solari voiced his concerns over a Conservation Lands Bond Referendum and discussed the Capital Improvement Plan in the amount \$11 million for conservation lands improvements. He was opposed to the Bond Referendum and believed it would be a burden to the taxpayer.

Mr. Grudens responded to Commissioner Solari's concerns and a

discussion followed with Commissioner Solari maintaining that he would not support the motion on the floor.

Commissioner Zorc remarked on the public opinion survey, setting aside certain amount of funds for initial improvements, the developer rights when purchasing conservation land easements and a public workshop. He proposed that the County pay for the feasibility study and the public opinion survey in order to control the language in the referendum.

In response to the discussions regarding the bond referendum, County Administrator Jason Brown wanted the Board to consider whether there would be support for different acquisition options and setting aside funds for initial improvements and maintenance before moving forward with the feasibility study and public opinion survey.

A discussion ensued between Mr. Grudens and the Board regarding the polling, development rights and an incentive formula to buy the land at a discount, not market value.

Joseph Paladin, Black Swan Consulting, felt the County could regain some of their investment on conservation lands through the use of development rights.

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to authorize the Chairman to send a letter to Trust for Public Land requesting technical advice and assistance in the form of feasibility research, public opinion polling, and program recommendations. The motion carried by the following vote:

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

Nay: 1 - Commissioner Solari

14.A.2. [20-1331](#) Discussion of a \$400 Authorization for Seven Vinyl Banners Encouraging Participation in the 2020 Census

Attachments: [Commissioner's Memorandum](#)
 [Cost Quote](#)

There was no discussion.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve the authorization of \$400 for the purpose of printing seven vinyl banners encouraging Indian River County residents to participate in the 2020 Census. The motion carried by the following vote:

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

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

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

15.A.1. [20-1246](#) Approval of Affiliation Agreement Renewal between Health Career Institute, LLC and Indian River County Emergency Services District

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

Clerk's Note: This item was heard following Item 9.A., but is placed here for continuity.

There was no discussion.

A motion was made by Commissioner Solari, 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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners of the regular meeting.

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.** [20-1318](#) Award of Bid 2020028 - Transportation of Recyclables from Indian River County to St. Lucie County

Attachments: [Staff Report](#)
 [Bid Tab](#)

There was no discussion.

A motion was made by Commissioner Solari, 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

- 15.B.2.** [20-1319](#) Final Payment to Mr. Mulch for the Yard Waste Processing Services

Attachments: [Staff Report](#)
 [Final Invoice from Mr Mulch & Insurance Back-Up](#)

There was no discussion.

A motion was made by Commissioner Zorc, seconded by Commissioner Solari, 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, the meeting adjourned at 12:05 p.m.