

Indian River County Florida

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



Meeting Minutes - Draft

Tuesday, December 17, 2019

9:00 AM

Commission Chambers

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
Jacqueline Rizzo, Deputy Clerk

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

Pastor Randy Fullerton, Glendale Baptist Church

3. PLEDGE OF ALLEGIANCE

Vice Chairman Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Item 10.B.1. Request to speak from Spencer Simmons re: Existing LDR pertaining to AG land uses being overlooked by Code Enforcement and Community Development.

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. 19-1126 Presentation of Proclamation Designating the Month of December, 2019 As Christmas At Tara Month

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Chairman Adams read the Proclamation declaring the month of December 2019 as Christmas at Tara. She thanked the members of the Grall family and the Grall Law Group for their hard work putting together the Christmas display for the community over the past three decades.

Vice Chairman Flescher expressed his gratitude and spoke on how families in the community have looked forward to the holiday display at Tara Plantation every year.

Read and Presented

- 5. B. 19-1127** Presentation of Proclamation Honoring Lenora Williams on her 100th Birthday
Recommended Action: Read and Present

Attachments: [Proclamation](#)

Vice Chairman Flescher read the Proclamation for Lenora Williams celebrating her 100th birthday on December 22, 2019, and thanked her for all that she has done for the community.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, to approve the Regular Meeting Minutes of September 10, 2019, and September 17, 2019, as written. The motion carried by the following vote:

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

- 6. A. 19-1155** Regular Meeting of September 10, 2019
Recommended Action: Approve

Attachments: [09102019BCC](#)

Approved

- 6. B. 19-1157** Regular Meeting of September 17, 2019
Recommended Action: Approve

Attachments: [09172019BCC](#)

Approved

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

- 7. A. 19-1120** Proclamation Honoring Daniel J. Elward on His Retirement from Indian River County Board of County Commissioners Department of General Services Recreation Division with Thirty Years of Service

Attachments: [Proclamation](#)

Chairman Adams thanked Daniel J. Elward for his 30 years of service to Indian River County.

No Action Taken or Required

- 7. B. 19-1125** Letter from Florida Department of Corrections Regarding Intent to Lease Office Space

Recommended Action: No Action Required

Attachments: [Notification Department of Corrections Intent to Lease](#)

No Action Taken or Required

- 7. C. 19-1134** 2020 Treasure Coast Regional Planning Council (TCRPC) Appointments

Recommended Action: No action required

Attachments: [Commissioner's Memorandum](#)
[Letter to Thomas J. Lanahan](#)

No Action Taken or Required

- 7. D. 19-1136** City of Sebastian Appointments 2019-2020

Recommended Action: No action required

Attachments: [Sebastian Committee Liaison Appointments](#)

No Action Taken or Required

- 7. E. 19-1148** Closure and Collection Service Changes for the Christmas and New Year's Day Holidays

Recommended Action: For informational purposes only - no action required

Attachments: [Staff Report](#)

No Action Taken or Required

- 7. F. 19-1152** 2020 Committee Assignments for Commissioners

Recommended Action: No action required

Attachments: [2020 Commissioners' Committee Assignments](#)

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. 19-1130 Checks and Electronic Payments November 29, 2019 to December 5, 2019

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 29, 2019 to December 5, 2019

Attachments: [Finance Department Staff Report](#)

Approved

8. B. 19-1124 South RO Plant Improvements with Kimley-Horn and Associates

Recommended Action: Staff recommends approval of the Agreement for Professional Services for Water Plant and Water Resources Engineering Services Request for Quote 2019070, Work Order No. 1, and requests that the Board of County Commissioners authorize the Chairman to execute the Work Order on their behalf to engage the services of Kimley-Horn and Associates, Inc., for a sum amount of \$568,249

Attachments: [Staff Report](#)
[Work Order No 1 with KHA](#)

Approved staff's recommendation

8. C. 19-1128 Award of Bid# 2020009 - Oslo Water Treatment Plant Blower Replacement

Recommended Action: Staff recommends that the Board award bid 2020009 to TLC Diversified, Inc., approve the sample agreement and authorize the Chairman to execute said agreement after the County Attorney has approved the agreement as to form and legal sufficiency, and receipt and approval of the required public construction bond and insurance.

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

Approved staff's recommendation

8. D. 19-1143 Ranking of Firms and Approval of Agreement for RFP 2020001 - Harmony Oaks Area Boardwalk Construction

Recommended Action: Staff recommends the Board approve the committee's final ranking of firms and award the project to Summerlin's Marine Construction. Staff also recommends the

Board approve the sample agreement and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency and after receipt and approval of the required Public Construction Bond and insurance.

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

Approved staff's recommendation

8. E. 19-1129 Premier Citrus, LLC Purchase and Sale Agreement Amendment

Recommended Action: The County Attorney's Office recommends that the Board of County Commissioners authorize the Chairman to sign the Amendment to the Purchase and Sale Agreement, after review and approval by the County Attorney.

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

Approved staff's recommendation

8. F. 19-1146 Resolutions Cancelling Taxes on Properties Acquired by Indian River County for Public Purposes

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolutions to cancel certain taxes upon the properties acquired by Indian River County for a public purpose, and the Clerk to send a certified copy of each Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
[Resolution \(Indian River Surgery Properties LLC\)](#)
[Resolution \(Eichelberger\)](#)
[Resolution \(Thompson\)](#)
[Resolution \(Harris Groves\)](#)
[Resolution \(Jackson\)](#)
[Resolution \(Hudson\)](#)
[Resolution \(Besancon\)](#)

Approved Resolution 2019-106 (Indian River Surgery Properties LLC), Resolution 2019-107 (Eichelberger), Resolution 2019-108 (Thompson), Resolution 2019-109 (Harris Groves), Resolution 2019-110 (Jackson), Resolution 2019-111 (Hudson), Resolution 2019-112 (Besancon), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8. G. 19-1132 Consideration of Modification One to the Impact Fee Update Consultant Services Contract with Tindale Oliver and Associates, Inc.

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Approve the proposed Modification One to the contract between Indian River County and Tindale-Oliver and Associates, Inc.; and 2. Authorize the Chairman to execute Modification One to the contract between Indian River County and Tindale-Oliver and Associates, Inc.

Attachments: [Staff Report](#)
[Contract Modification #1](#)
[Impact Fee Consultant Contract](#)

Approved staff's recommendation

8. H. 19-1131 Sector 5 Beach & Dune Restoration Project, APTIM Amendment No. 1 to Work Order 2018029-4 (IRC-1923)

Recommended Action: Staff recommends the Board authorize additional funding for Amendment No. 1 to Work Order No. 2018029-4 in the amount of \$54,479.25 producing a new total work order lump sum price of \$296,220.25. Additionally, staff recommends the Board authorize the Chairman to execute Amendment No. 1 to Work Order No. 2018029-4.

Attachments: [Staff Report](#)
[Amendment No. 1 to Work Order No. 2018029-4](#)
[Exhibit 1](#)
[Exhibit 2](#)

Approved staff's recommendation

8. I. 19-1135 Work Order No. 2018008-2 APTIM Environmental and Infrastructure, Inc., Sector 4 - Critically Eroded Area Analysis

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2018008-2 for a total of \$25,839.25 to the contract with APTIM Environmental and Infrastructure, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff report](#)
[APTIM-WO No. 2018008-2](#)
[FDEP Response Letter dated March 9, 2018](#)

Approved staff's recommendation

8. J. 19-1137 Renewal of Agreement with John Brown & Sons, Inc. for Natural Areas and Exotic Vegetation Management/Mowing - Bid Number 2019007

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve a one year renewal through January 7, 2021 for the Agreement with John Brown & Sons, Inc. and authorize the Chairman to execute the renewal agreement after review and

approval by the County Attorney as to form and legal sufficiency, and after approval of the required insurance by the Risk Manager.

Attachments: [Staff Report](#)

[John Brown & Son Renewal Agmt](#)

Approved staff's recommendation

- 8. K. 19-1142** Approval of Renewal of the 800 MHZ Communications System Infrastructure Maintenance Contract with Communications International, Inc.

Recommended Action: Staff recommends the Board approve the renewal of the 800 MHZ Communications System Master Service Agreement with Communications International, Inc.

Attachments: [Staff Report](#)

[Master Service Agreement](#)

[FY 19-20 Maintenance Cost Summary](#)

[CPI Letter](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

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. 19-1078** Consideration to Adopt an Ordinance Amending County Code Chapter 308, Indian River County Local Housing Assistance Program, and to Adopt an Updated Resolution Regarding Affordable Housing Advisory Committee Membership (Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners: (1) approve the proposed amendment to County Code Chapter 308 by adopting the proposed ordinance; (2) adopt the proposed AHAC resolution; (3) approve the final list of current AHAC member categories as outlined in the staff report and authorize the current members in those categories to continue to serve based on their current approved terms; and (4) authorize staff to issue "thank you" letters to the members that will no longer be on the AHAC due to the size restructuring.

Attachments: [Staff Report](#)
[Portion of Draft BCC Minutes 10-22-2019](#)
[Proposed Ordinance](#)
[Proposed Resolution](#)

Chief of Long Range Planning Bill Schutt, in his PowerPoint Presentation, gave an overview of the history and background of the Affordable Housing Authority Committee (AHAC) membership and attendance.

Commissioner O'Bryan received confirmation from Chief Schutt regarding the municipalities' attendance at the AHAC meetings.

Chairman Adams opened the Public Hearing for comments; there were none.

The Chairman closed the Public Hearing.

A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to:
1) Approve staff's recommendation; 2) Adopt Ordinance 2019-023 Amending Chapter 308, Indian River County Local Housing Assistance Program, of the Code of Laws and Ordinances of Indian River County, and providing for codification; severability; and effective date; and 3) Approve Resolution 2019-113 Amending the Indian River County Affordable Housing Advisory Committee Membership and restating its tasks, powers and duties.

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

B. PUBLIC DISCUSSION ITEMS

- 10. B.1. 19-1115** Request to Speak from Spencer Simmons re: Existing LDR Pertaining to Ag Land Uses Being Overlooked by Code Enforcement and Community Development

Recommended Action: No action required

Attachments: [Public Discussion Request](#)

Deleted

C. PUBLIC NOTICE ITEMS

- 10. C.1. 19-1144** Public Notice of Public Hearing Scheduled for January 7, 2020 to Codify the Code of Indian River County - LEGISLATIVE

Attachments: [Staff Report](#)

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

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11. A. 19-1138 2020 Treasure Coast Tri-County Legislative Priorities

Recommended Action: Indian River County Staff recommends the Indian River Board of County Commissioners adopt a motion in support of the of the 2020 Treasure Coast Tri-County Legislative Priorities

Attachments: [Staff Report](#)
[2020 Tri-County Legislative Priorities](#)
[ADDENDUM: Revised Biosolids Policy Statement](#)

Legislative Affairs and Communications Manager Brian Sullivan referred to the meeting held on October 3, 2019 with Indian River County, St. Lucie County and Martin County to discuss staff recommendations for the 2020 Treasure Coast Tri-County Legislative Priorities. He detailed the collaborative effort between the three Counties to put together a legislative agenda issues that all three Counties could support, and to form a Treasure Coast Coalition to travel to Tallahassee to speak on the agreed upon priorities.

Mr. Sullivan reported that after the meeting, County staff compiled the adopted recommendations and prepared a document which reflected the finalized 2020 Treasure Coast Tri-County Legislative Priorities. He indicated that there was a technical revision to the biosolids topic to ensure that the language in the proposal reflected that the Counties supported reducing the land application of biosolids. He then highlighted the following legislative topics included in the priorities: water quality, protection of the Indian River Lagoon, beach re-nourishment projects, modification of the State's recycling goals, short-term rentals and customary use, and home-rule authority.

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. 19-1133** Award of Bid No. 2019073, Construction of Intersection Improvements at SR-60 and 43rd Avenue, IRC-0853, FDOT FM 431759-2-54-01

Recommended Action: Staff recommends the Board approve award to the lowest responsive and responsible bidder, Timothy Rose Contracting, Inc. for \$13,641,589.27. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

Attachments: [Staff Report](#)
[Sample Agreement](#)
[Memo from TRC](#)
[Response to TRC request to Withdraw](#)

Public Works Director Richard Szyrka reviewed the information in his staff report regarding the intersection improvements at State Road 60 (SR-60) and 43rd Avenue. He confirmed that Timothy Rose Contracting, Inc. was the lowest bidder.

Discussion ensued between Commissioner Zorc, Director Szyrka, and Purchasing Manager Jennifer Hyde regarding local businesses being provided a construction timeline, the proposed bonding agent, onsite monitoring of the project for the Florida Department of Transportation compliance, and a rain delay allowance.

The Chairman opened the floor for public comments; there were none.

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

G. Utilities Services

- 12. G.1. 19-1147** West Wabasso Sewer Phase 2, Change Order #1 and Contractor's Final Pay Request

Recommended Action: Staff recommends that the Board of County Commissioners approve Change Order #1 to reduce the contract price to \$1,632,383.86 and extend the contract time by 63 days; and to authorize final payment including retainage to CK Construction & Development, Inc. in the amount of \$81,619.19

Attachments: [Staff Report](#)
[Change Order 1 w Attachment](#)

Commissioner O'Bryan pointed out that the contractor, CK Construction and Development, Inc., came in under budget and was requesting payment of their retainage.

The Chairman opened the floor for public discussion; there was none.

A motion was made by Commissioner O'Bryan, 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

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

- A. Commissioner Susan Adams, Chairman
- B. Commissioner Joseph E. Flescher, Vice Chairman
- C. Commissioner Tim Zorc

- 14. C.1. 19-1150** Increased efforts to support affordable housing projects in IRC

Recommended Action: Discuss

Attachments: [Commissioners Memorandum](#)

Commissioner Zorc brought up a discussion from the United Against Poverty forum on the lack of affordable housing. He pointed out that one of the largest hurdles for a project was the cost of the land. He asked for the Board's consensus for staff to do a full inventory of County land to see if there was any land conducive for affordable housing.

A lengthy discussion ensued among the Board and County Administrator Jason

Brown regarding County-owned properties and the process to review the inventory.

Chairman Adams suggested Commissioner Zorc provide directives to the Affordable Housing Advisory Committee (AHAC) to identify properties within the County that had the appropriate parameters for affordable housing projects, and bring back the list of parcels to a future Board meeting for discussion. She cautioned that some of the properties may not be needed today, but may be needed in the future as the community grows. A discussion followed on affordable housing and the purpose of the AHAC.

Joseph Paladin, President, Black Swan Consulting, stated the Board had worked aggressively throughout the years to address affordable housing without causing harm to developments.

Anthony Zorbaugh, Executive Director at The Source, spoke of The Source's new project called Dignity Village. He detailed that the objective of Dignity Village was to create affordable housing within the community. He added that the Source, along with help from the County and individuals within the community, was able to identify properties zoned for the small home community.

A discussion followed and it was suggested that Mr. Zorbaugh attend the next AHAC meeting.

Discussion followed on an Oslo property that may not be suitable to build on because of a possible Scrub-Jay habitat. Commissioner O'Bryan stated that he knew of someone who does Scrub-Jay surveys, and he would see if they could look at the property.

Susan Johnson, a volunteer at The Source, discussed the programs offered at The Source.

Brian Tracey, Veteran of the United States Navy, spoke of the County's need for affordable housing.

John Cyzewski, a volunteer at The Source, shared a story of a couple in need of housing.

Chairman Adams thanked everyone for their comments and received confirmation from Commissioner Zorc that the discussion was productive.

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob Solari

- 14. E.1.19-1151** Florida Department of Transportation (FDOT) and Liquefied Natural Gas (LNG)
Recommended Action: Discuss

Attachments: [Commissioners Memo](#)

Commissioner Solari began by noting a correction to the Item title which should have read the US Department of Transportation, and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Commissioner Solari explained that PHMSA, in coordination with the Federal Railroad Administration (FRA), proposed changes to the Hazardous Materials Regulation for the transportation of liquefied natural gas (LNG) by railway without going through the existing process. He presented his comments on the safety risks, hazards, and potential dangers of transporting LNG onboard a high speed train.

Commissioner Solari requested the Board's approval to direct staff to draft a letter to PHMSA with the County's comments and concerns of the rulemaking process.

Commissioner O'Bryan sought and received confirmation on which train would be transporting the LNG.

County Administrator Jason Brown indicated the last day of the comment period was December 23, 2019, and that he would draft the letter.

Chairman Adams opened the floor for public comments; there were none.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to draft a letter to the Pipeline and Hazardous Material Safety Administration with the County's comments and concerns for the transportation of liquefied natural gas by railway prior to December 23, 2019. The motion carried by the following vote:

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

15. A.1.19-1149 Approval of Public Emergency Medical Transportation Letter of Agreement between Indian River County Emergency Services District and the Agency for Health Care Administration

Recommended Action: Staff recommends, with the concerns listed in the staff report, the approval and execution of the Letter of Agreement between the Indian River County Emergency Services District and the Agency for Health Care Administration.

Attachments: [Staff Report](#)
[PEMT Letter of Agreement](#)
[Email Dated Dec 3, 2019](#)
[Florida Statute 409.908](#)

Emergency Services Director and Fire Chief Tad Stone expressed his concern with the Letter of Agreement with the Agency for Health Care Administration (AHCA). He explained that AHCA had significantly changed the process for how the County received the Public Emergency Medical Transportation (PEMT) payment. He further explained that AHCA requested an upfront deposit of funds from the County, and from providers throughout the County. He added that AHCA would use the pool of deposits as a match to obtain a Federal Grant. Chief Stone anticipated that the County would receive a return of their deposit from AHCA, as well as the PEMT funding that the County receives annually to help support Medicaid transport. He suggested limiting the agreement to a period of one (1) year.

Vice Chairman Flescher agreed with Chief Stone's concerns and supported limiting the agreement to a one (1) year period.

Commissioner O'Bryan suggested that the County notify State Representative Erin Grall and State Senator Debbie Mayfield to make them aware of the issue.

The Chairman opened the floor for public discussion; there was none.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve staff's recommendation, and to limit the Letter of Agreement with the Agency for Health Care Administration to a one (1) year period. The motion carried by the following vote:

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

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:30 a.m.

