



Indian River County Florida

Board of County Commissioners

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

Bob Solari, Chairman, District 5
Susan Adams, Vice Chairman, District 1
Joseph E. Flescher, District 2
Peter D. O'Bryan, District 4
Tim Zorc, District 3

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

Tuesday, November 5, 2019

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

2.B. INVOCATION

Pastor Jim Gallagher, Calvary Chapel of Vero Beach

3. PLEDGE OF ALLEGIANCE

Commissioner Tim Zorc

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Indian River County Veteran Service's Office Presentation

Assistant County Administrator Michael Zito introduced Joel Herman, Manager, Veteran Services Office of Indian River County, and Robert Gonzalez, Veteran

Services Office in Sebastian, who used a PowerPoint Presentation to highlight the services and the benefits available to eligible veterans and their spouses through the Veterans Council of Indian River County.

Commissioner Flescher and Chairman Solari thanked the gentlemen for their work in assisting the veterans and making them aware of the benefits they are entitled to.

Presented

5.B. Presentation of Proclamation Designating November 11th, 2019, as Veterans Day

Commissioner Flescher read and presented the Proclamation to a host of local veterans who were present before the Board.

Veterans Council of Indian River County Executive Director Jim Romanek invited the public to attend the Veterans Day celebrations on Monday, November 11, 2019 with the first event beginning at 9:00 a.m. at Veterans Memorial Island Sanctuary, Vero Beach, followed by an event at 11:00 a.m. at Riverview Park, Sebastian. He thanked the veterans working at the local Veteran Service's offices for their continuous effort to keep veterans informed of the benefits they are entitled to.

Marty Zickert, Veterans Council of Indian River County Board Member, spoke highly of the work done by Joel Herman of the County's Veteran Services office.

Read and Presented

5.C. Presentation of Proclamation Recognizing November 2019 as National Adoption Awareness Month

Commissioner Zorc read and presented the Proclamation to Vernee Mason, Program Director, Children's Home Society of Florida, who was present with family support providers from Place of Hope, Mount Bethel Human Services, 4KIDS Treasure Coast, and Camelot Community Care. Ms. Mason provided the phone number to the adoption line, 772-429-2001, for anyone interested in information regarding the adoption of a child. She also discussed a National Adoption Day celebration event, to be held on November 16, 2019 at St. Lucie Lanes, to honor all fostering and adoptive parents.

Commissioner Zorc made mention of Place of Hope's next fostering event, being held on November 14, 2019 at 6:00 p.m. at the Hampton Inn, Vero Beach, to educate individuals interested in learning more about becoming involved in foster care.

Read and Presented

5.D. Presentation of Proclamation Designating November 9, 2019, As Family Fun Fest Day

Vice Chairman Adams read and presented the Proclamation to The Buggy Bunch

Executive Director Tara Wright and other members of the organization. Ms. Wright provided details of the community outreach event, Family Fun Fest, to be held on November 9, 2019 at the Indian River County Fairgrounds.

Read and Presented

- 5.E.** Time Certain 12:00 PM--Dodgertown Model Unveiling

Chairman Solari announced the unveiling of the Dodgertown Model, to be held outside of the Commission Chambers at 12:00 p.m. The model, a replica of Historic Dodgertown as it was in the 1950's, was presented to the County by Peter O'Malley.

Presented

6. APPROVAL OF MINUTES

- 6.A.** Regular Meeting of July 16, 2019

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of July 16, 2019. The motion carried by the following vote:

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

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

- 7.A.** Indian River County Venue Event Calendar Review

No Action Taken or Required

- 7.B.** Children Services Advisory Committee Appointment

No Action Taken or Required

- 7.C.** 4th Quarter 2019 Preliminary Budget Report

No Action Taken or Required

- 7.D.** Update On All Aboard Florida Expenses

No Action Taken or Required

8. CONSENT AGENDA

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

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

- 8.A.** Checks and Electronic Payments October 11, 2019 to October 17, 2019
Approved
- 8.B.** Rental Assistance Checks
Approved
- 8.C.** Checks and Electronic Payments October 18, 2019 to October 24, 2019
Approved
- 8.D.** DiVosta Homes, LP's Request for Final Plat Approval for The Lakes at Waterway Village POD U [PD-16-12-07 / 2004010124-83766]
Approved staff's recommendation
- 8.E.** Work Order Number 26, - Continuing Engineering Services RFP 2018008 - Hosie Shuman Park Restroom Connections and Utility Service Plans
Approved staff's recommendation
- 8.F.** Work Order Number 25, - Continuing Engineering Services RFP 2018008 - Hobart Park Restroom Connections and Utility Service Plans
Approved staff's recommendation
- 8.G.** Award of RFP 2019037, Summerlin's Marine Construction - Oslo Riverfront Conservation Area Overlook
Approved staff's recommendation
- 8.H.** Indian River County Library System Annual Plan of Service FY 2019/2020
Approved staff's recommendation
- 8.I.** Work Order Number 27, - Continuing Engineering Services RFP 2018008 - Dick Bird Park Pickleball Courts
Approved staff's recommendation
- 8.J.** Approval of a Memorandum of Agreement between Indian River County and the Florida Division of Emergency Management for use of a WeatherSTEM Station.
Approved staff's recommendation
- 8.K.** Approval of Renewal for a Class "B" & "E" Certificate of Public Convenience and Necessity for We Care of the Treasure Coast Inc. to Provide Wheelchair/Stretcher

Services.

Approved staff's recommendation

8.L. Modification #1 to Emergency Management State-Funded Subgrant Agreement (EMPA) Agreement Number A0004

Approved staff's recommendation

8.M. Acceptance of Florida Department of Economic Opportunity Grant FY19/20

Approved staff's recommendation

8.N. North County Offices at Sebastian Corners (IRC-1744), Final Payment and Release of Retainage and Change Order No. 1

Approved staff's recommendation

8.O. Work Order No. 9, REI Engineers, Inc. - IRC Main Library Roof Replacement (IRC 1838)

Approved staff's recommendation

8.P. Final Ranking of Firms and Authorization to Negotiate - RFP 2020006 Sandridge Golf Cart Fleet Replacement

Approved staff's recommendation, with the final ranking of firms being Yamaha Golf-Car Company; E-Z-GO Division of Textron, Inc.; and Club Car, LLC.

8.Q. Approval of Sealed Bid Sale of Parcel as Proceeds to SHIP - Bid 2020010

Approved staff's recommendation

8.R. Work Order No. 7 for Masteller & Moler, Inc., 8th Street 24" Force Main Relocation FDOT Project 437717-1

Approved staff's recommendation

8.S. Water Plant and Water Resources Engineering Services Agreement with Kimley-Horn and Associates

Approved staff's recommendation

8.T. Utility Work by Highway Contractor Agreement with FDOT for the Adjustment of Valve Boxes and Manhole Rims on Highway A1A

Approved staff's recommendation and Resolution 2019-098, authorizing the Chairman's execution of a Utility Work by Highway Contractor Agreement for FDOT Project #438042-1 "SR A1A/Tides Road from North of SR 60 to North of CR 510."

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.

Hanlex Development, LLC Request to Rezone +/- 4.40 Acres from CN to CL and Sogra Properties, LLC Request to Rezone +/- 1.037 Acres from CN to CL (RZON-99040166-85162) [Quasi-Judicial]

Chairman Solari announced the Quasi-Judicial Hearing, and that the parties involved were Indian River County, Hanlex Development, LLC, and Sogra Properties, LLC.

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.

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

Chairman Solari opened the Public Hearing.

Bill Schutt, Chief, Long Range Planning, used a PowerPoint Presentation to provide the location of two (2) properties along 27th Avenue SW involved in the request to rezone from CN, Neighborhood Commercial District, to CL, Limited Commercial District. His detailed presentation included the purpose of rezoning the properties and the land uses that would be allowed if the request was approved by the Board. In addition, he highlighted the Other Corridors Special Development Regulations, the Existing and Adjacent Zoning, and the Criteria Analyzed, making mention that a detailed concurrency review would be done at the time of the project development plan review. Chief Schutt stated that there would be no adverse environmental impacts as a result of rezoning the two (2) properties, and that the Planning and Zoning Commission and County staff had recommended approval of the rezoning request.

Commissioner O'Bryan received confirmation from Chief Schutt regarding the possibility of a Dollar General retail store being built on one of the properties. The Commissioner then inquired and received clarification from Public Works Director Rich Szpyrka about the increase of traffic to the area.

Jeremy Anderson, Common Oak Engineering, 1201 Louisiana Ave, Winter Park,

the engineer of record for Hanlex Development, LLC, spoke on the Urban Service Area and the Concurrency Review. He mentioned that the proposed rezoning request was consistent with the Indian River County 2030 Comprehensive Plan and would bring the property into zoning compliance with the County's Land Development Regulations.

Commissioner O'Bryan inquired about the property owned by Sogra Properties, LLC, and Mr. Anderson stated that he was unaware of any planned development.

Michael Weaver, 2746 25th Street SW, provided several reasons for not supporting the rezoning request.

Vance Houdyshell, 897 Indian Lane, a property owner involved in the request to rezone, commented that the request was a zoning correction, not a site plan review/approval.

Community Development Director Roland DeBlois remarked that the properties involved in the request had been zoned for commercial use for many years, but had not been developed. He emphasized that the hearing was for rezoning, not for site plan approval.

Lisa Doidge, 1716 Highland Drive SW, was not against the rezoning request, but she did not support an additional dollar store being built in the area.

Joseph Paladin, President of Black Swan Consulting, spoke in support of the rezoning request.

Peter Robinson, 315 Greytwig Road, supported the request to rezone the property.

Mr. Weaver again addressed the Board regarding his concerns related to increased traffic and the impact of adding an additional dollar store to the neighborhood.

Mr. Anderson took an additional opportunity to address the Board and explain his expertise related to dollar stores and the communities they serve. He stated that Dollar General fits the Limited Commercial District zoning category.

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

Commissioner O'Bryan discussed his concern regarding the traffic impact in the area, noting that the convenience of dollar stores could lead to additional traffic if

people were visiting the store on a daily basis. He requested that the Public Works Department keep a close eye on the increased traffic and related accidents, and to add turn lanes if it becomes necessary.

A motion was made by Vice Chairman Adams, seconded by Commissioner Zorc, to adopt Ordinance 2019-019, amending the zoning ordinance and the accompanying zoning map for approximately ±4.40 acres located north of south dike and ditch and east of 27th Avenue SW from CN, Neighborhood Commercial District, to CL, Limited Commercial District; and ±1.037 acres located west of 27th Avenue SW, east of 27th Drive SW, and approximately 315 feet north of 25th Street SW from CN, Neighborhood Commercial District, to CL, Limited Commercial District; and providing codification, severability, and effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Johnny R. Chambliss Regarding Utility Bill at 4265 26th Ave

Mr. Chambliss was not present.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. Proposed 2020 Meeting Dates for the Indian River County Board of County Commissioners

There was no Board discussion on this item.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve the 2020 Meeting Dates for the Indian River County Board of County Commissioners. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

12.C.1. Waiver of Fees for a Bahamian Helping Hand Event - November 23, 2019

There was no Board discussion on this item.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve waiving the fees associated with a Bahamian Helping Hand Event, to be held on November 23, 2019 at the David W. Fleetwood Exposition Center at the Indian River County Fairgrounds. The motion carried by the following vote:

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

D. Human Resources

E. Office of Management and Budget

F. Public Works

12.F.1.

Roseland Community Center - MBV Work Order #12

(Clerk's Note: This item was heard following Item 13.B., and is placed here for continuity.)

Public Works Director Rich Szpyrka provided the Board with an update of the work to be completed at the Roseland Community Center to return the building to a habitable and ADA compliant condition. Although the building has been closed since 2017, he confirmed that the power and water have remained on.

Commissioner O'Bryan requested an approximate dollar amount to repair the building to a habitable condition, and Director Szpyrka informed him of the \$100,000 estimate.

Commissioner Zorc sought and received information from Director Szpyrka regarding the level of building restoration to expect.

Vice Chairman Adams stated that the building was not structurally sound and noted the importance in stabilizing the building for use by the Roseland Women's Club and other local organizations. She commended the work done by the Public Works Department to explore every logical avenue as they searched for the best solution.

Laura Moss, Roseland Women's Club member, thanked the Public Works Department and Vice Chairman Adams for their support towards rehabilitating the structure and preserving the traditions that have taken place at the Roseland Community Center over the years.

Verna Moreira, 112 Drake Way, Sebastian, President of the Roseland Women's Club, stated her appreciation for the work that had been done to move the project forward.

A motion was made by Vice Chairman Adams, seconded by Commissioner

Flescher, to approve staff's recommendation. The motion carried by the following vote:

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

Nay: 1 - Chairman Solari

G. Utilities Services

12.G.1. Sole Source for MKI Services Inc

(Clerk's Note: This item was heard following Item 13.B., and is placed here for continuity.)

Director of Utility Services Vincent Burke provided the details of the request, as provided in staff's memorandum.

There were no questions or comments from the Board.

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

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

13. COUNTY ATTORNEY MATTERS

13.A. Opioid Litigation Update

(Clerk's Note: This item was heard following Item 13.B., and is placed here for continuity.)

County Attorney Dylan Reingold provided an update regarding the Opioid Negotiation Class Action lawsuit, a lawsuit that includes Indian River County and the cities and towns within the County. He informed the Board of his receipt of a Class Action Notice and Frequently Asked Questions from the United States Court for the Northern District of Ohio. Attorney Reingold's recommendation was to stay in the Negotiation Class of the National Prescription Opiate Litigation, which required no action. He stated that the County would be bound if a Class settlement was approved in the future.

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

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

13.B. Time-Certain 10:30. Attorney-Client Session

The Chairman read into record the opening remarks of the Attorney-Client Session, scheduled for 10:30 a.m., regarding settlement negotiations and/or strategy sessions related to the litigation of expenditures in the litigation of Ocean Concrete, Inc. and George Maib v. Indian River County. The estimated time of the closed Attorney-Client Session was 45 minutes. Present at the meeting were Commissioners Bob Solari (Chairman), Susan Adams (Vice Chairman), Joseph E. Flescher, Peter D. O'Bryan, and Tim Zorc. Also present were Paul Berg (outside counsel), County Attorney Dylan Reingold, County Administrator Jason E. Brown; and Certified Court Reporter Greg Campbell.

The Board returned to the Chambers at 11:10 a.m. Chairman Solari announced the termination of the Attorney-Client Session, and Attorney Reingold went over the proposed settlement numbers, reminding the Board of the \$2,000,000 jury verdict. He stated that the proposal he received from Smith & Associates included an additional \$1,300,000 for prejudgment interest, \$1,000,000 for attorney fees, and \$500,000 for costs. The total was \$4,800,000, and Attorney Reingold was not confident that the proposed settlement would settle all other matters or controversies between Mr. Maib and the County. He was not in favor of accepting the settlement offer.

(Clerk's Note: Following a vote on this item, the meeting resumed with Item 12.F.1.)

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to reject the settlement offer and to direct the County Attorney to work with outside counsel to move forward with an appeal. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Bob Solari, Chairman

B. Commissioner Susan Adams, Vice Chairman

C. Commissioner Joseph E. Flescher

D. Commissioner Peter D. O'Bryan

E. Commissioner Tim Zorc

14.E.1. Requesting the Governor Appoint IRC's Representative to the Florida Inland

Navigation District

Commissioner Zorc requested that the Chairman send a letter to Governor Ron DeSantis to request that he appoint a representative from Indian River County to the Florida Inland Navigation District.

Commissioner O'Bryan inquired as to whether there were applicants following the resignation of Paul Dritenbas in November 2016, and it was agreed upon by members of the Board that anyone who had applied previously should reapply in the near future.

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, to direct the Chairman of the Board of County Commissioners to send a letter to the Governor to request that he appoint a representative from Indian River County to the Florida Inland Navigation District. The motion carried by the following vote:

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

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 for 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 July 16, 2019

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the Meeting Minutes of July 16, 2019. The motion carried by the following vote:

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

15.B.2. Final Pay to CDM Smith for CCNA 2018 Work Order No. 4 - Full Cost Accounting and Financial Assurance Reporting

There was no Board discussion on this item.

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

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

15.B.3. Change Order No. 6 to Thalle (Bid #2018025)

Director of Utility Services Vincent Burke explained the contract extension

request from CDM Smith, Inc. (CDM Smith), stating that rain was the cause of delays for Thalle Construction Company, Inc. (Thalle). He noted a typographical error on Page 2 of staff's memorandum, stating that in Paragraph 2 of the Analysis, the Milestone Completion Date of Milestone 1 should have read September 5, 2019, rather than September 25, 2019.

Discussion ensued among members of the Board. Commissioner O'Bryan and Chairman Solari inquired about the contract wording and the amount of rain it took to justify a rain delay. Director Burke clarified the process staff and CDM Smith had followed for accepting the project delay, and he reminded the Board of the inconsistent rain amounts throughout the County, and of the steep side slopes at the landfill.

Managing Director Himanshu Mehta provided clarification that rain delays could be a result of the actual impact on site following rain in the area. He confirmed that CDM Smith was responsible for inspecting the work that needed to be redone by Thalle.

Although unrelated to Change Order No. 6, Vice Chairman Adams made mention that she had recently toured the landfill, and she commended staff for the improved conditions.

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

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

Nay: 1 - Chairman Solari

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Solari adjourned the meeting at 11:37 a.m.