



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

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

*Chairman Susan Adams*

*Vice Chairman Joseph E. Flescher*

*Commissioner Tim Zorc*

*Commissioner Peter D. O'Bryan*

*Commissioner Bob Solari*

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

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Tuesday, May 19, 2020

9:00 AM

Commission Chambers

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This meeting can be attended virtually by accessing YouTube Live. Instructions can be found included with this agenda and also online at [www.ircgov.com](http://www.ircgov.com).

#### 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 Randy Bryant, Ryanwood Fellowship Church**

#### 3. PLEDGE OF ALLEGIANCE

**Jason Brown, County Administrator**

#### 4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Agenda as presented. The motion carried by the following vote:**

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

#### 5. PROCLAMATIONS and PRESENTATIONS

##### 5.A. Presentation of Proclamation in Recognition of Memorial Day, 2020

**Attachments:** [Proclamation](#)

Commissioner Solari read and presented the Proclamation in recognition of Memorial Day, 2020 to Jim Romanek, Executive Director of the Veterans Council of Indian River County and Marty Zickert, Chairman of the Veterans Council of Indian River County.

Marty Zickert announced that due to COVID-19, the Memorial Day services would be held virtually on the Veterans Council website or their Facebook page at 9:00 a.m. on Memorial Day. Mr. Zickert thanked the Board for their ongoing support.

**Read and Presented**

- 5.B.** Presentation of Proclamation Designating the Month of May, 2020, as Foster Care Awareness Month

**Attachments:** [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Caryn Toole, Indian River and Okeechobee County Director of Communities Connected for Kids, who expressed that it was an especially challenging time to recruit and retain foster parents. Commissioner Zorc commented that he had attended a virtual training class for foster parents online at [www.PlaceofHope.com](http://www.PlaceofHope.com).

**Read and Presented****6. APPROVAL OF MINUTES****7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****8. CONSENT AGENDA**

**A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Consent Agenda as 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.** Checks and Electronic Payments May 1, 2020 to May 7, 2020

**Attachments:** [Finance Department Staff Report](#)**Approved**

- 8.B.** Release of Retainage and Change Order No. 1, IRC North Reverse Osmosis (RO) Plant Roof Replacement (IRC-1802)

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

**Approved staff's recommendation**

8.C. Disaster Debris Monitoring Agreement - DebrisTech

**Attachments:** [Staff Report](#)  
[Disaster Debris Monitoring Agreement](#)

**Approved staff's recommendation**

8.D. Asset Management Program: Computerized Maintenance Management System  
Software Selection Planning Service

**Attachments:** [Staff Report](#)  
[Exhibit 1 - Arcadis U.S., Inc. Work order No 2](#)

**Approved staff's recommendation**

8.E. Developer's Agreement for the Installation of Off-Site Sewer Mains to Vero Beach  
Medical Office Building

**Attachments:** [Staff Report](#)  
[Developer's Agreement](#)

**Approved staff's recommendation**

8.F. North Sebastian Water and Sewer Phase 2 - Approval of FDEP Funding Agreement

**Attachments:** [Staff Report](#)  
[FDEP Standard Grant Agreement](#)

**Approved staff's recommendation**

8.G. Revision to Administrative Policy Manual - Approval of New Policy AM-701.2  
Timekeeping

**Attachments:** [Staff Report](#)  
[701.2 Timekeeping - New 2020](#)

**Approved staff's recommendation**

8.H. Change Order #1 and #2 Jones' Pier Wetland Restoration and Conservation  
Improvements - Bid 2020017

**Attachments:** [Staff Report](#)  
[Attachment 1 Carter Associates Ltr](#)  
[Attachment 2 - XGD CO#1 CO#2 proposals](#)  
[XGD Change Order 1 and 2](#)

**Approved staff's recommendation**

- 8.I. Amendment 1, Work Order Number 1, Masteller & Moler, Inc. - Continuing Engineering Services RFQ 2018008 - Hobart Park Baseball Fields

**Attachments:** [Staff Report](#)  
[WO No1-Amend No 1](#)  
[WO No 1-Amend No1-Exhibit A](#)  
[WO1-Amend1 Manhours Exhibit](#)

**Approved staff's recommendation**

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

### 10. PUBLIC ITEMS

#### A. PUBLIC HEARINGS

- 10.A.1. Local Option Gas Tax Distribution Percentages (Legislative)

**Attachments:** [Staff Report](#)  
[Chapter 209](#)  
[LOGO 2020 Chart-Spreadsheet](#)  
[Public Hearing Advertisement](#)  
[Sample letter to municipalities](#)

County Administrator Jason Brown summarized the Local Option Gas Tax Distribution Percentages for the following year 2020/2021 and noted that Chapter 209 of the Indian River County Code required the County to conduct a Public Hearing for the distribution of the gas tax to the five (5) municipalities.

Commissioner O'Bryan sought and received clarification from Administrator Brown that all municipalities were in agreement with the revenue distribution percentages for year 2020/2021.

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

**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

#### B. PUBLIC DISCUSSION ITEMS

#### C. PUBLIC NOTICE ITEMS

### 11. COUNTY ADMINISTRATOR MATTERS

**12. DEPARTMENTAL MATTERS****A. Community Development****B. Emergency Services****C. General Services****1. Human Services****2. Sandridge Golf Club****3. Recreation****D. Human Resources****E. Office of Management and Budget****12.E.1.** Limited (Land Acquisition) G.O. Refunding Note, Series 2015 Consideration of Early Payoff

**Attachments:** [Staff Report](#)  
[Redemption Notice](#)  
[Authorizing Resolution](#)

Management and Budget Director Kristin Daniels gave a PowerPoint Presentation on the Limited Land Acquisition G.O. Refunding Note, Series 2015 consideration of early payoff. She stated that the current outstanding balance was \$7,268,000, and explained that the benefit of an early payoff would be a net savings of \$5,707 for the County.

Commissioner O'Bryan received confirmation that the Water and Sewer Bonds were paid for through water and sewer rates and that once the County paid off the G.O. Bonds, there would be no more debt tied to the General Fund.

Commissioner Solari thanked Director Daniels on her accomplishment of decreasing long-term debt.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve: 1) Staff's recommendation; and 2) Resolution 2020-042, authorizing the redemption of its Indian River County, Florida Limited General Obligation Refunding Note, Series 2015; authorizing the delivery of a Redemption Notice and any other necessary documentation; and providing for repeal of inconsistent provisions, severability 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

## F. Public Works

### 12.F.1. Termination of FDEP Grant Agreement No. 17IR1, Wabasso Beach Restoration Project (Sector 3) Mitigation Reef

**Attachments:** [Staff Report](#)  
[Executed FDEP Agreement 17IR1 Grant](#)  
[Indian River County Grant Form 17IR1](#)  
[FDEP e-mail for non-transfer of allocated funds](#)

Public Works Director Richard Szpyrka referred to the May 6, 2020 memorandum regarding the termination of the Florida Department of Environmental Protection (FDEP) Grant Agreement No. 17IR1 Wabasso Beach Restoration Project (Sector 3) Mitigation Reef. He indicated that the FDEP determined that a mitigation reef was not required for the Sector 3 Project, and that the County sought to apply the grant to the Sector 3 Beach and Dune Nourishment Project. He continued that the FDEP issued the County a final statement on April 24, 2020, that the grant could not be utilized for other projects. Director Szpyrka was seeking consent to terminate the agreement.

Commissioner O'Bryan sought clarification from Director Szpyrka that the County was clear from constructing a reef for the Sector 3 Project. Director Szpyrka replied in the affirmative and added that the FDEP issued a letter stating that the County would not be required to construct a reef for the Sector 3 project.

**A motion was made by Vice Chairman Flescher, 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. 45th Street Improvements - 43rd Avenue to 58th Avenue, FDOT Small County Outreach Program (SCOP) Agreement and Authorizing Resolution for FM No. 436848-1-54-01, IRC-1722

**Attachments:** [Staff Report](#)  
[Indian River County Grant Form](#)  
[Authorizing Resolution](#)  
[FDOT SCOP Agreement](#)  
[2017 Stan Boling Letter to FDOT](#)  
[2017 FDOT Letter to Stan Boling](#)

Public Works Director Richard Szpyrka reviewed the information contained in his memorandum dated May 10, 2020 regarding the roadway improvements to 45th Street from 43rd Avenue, to 58th Avenue. He gave an overview of the history

and funding of the project, and discussed the numerous design constraints such as the potential need to obtain right-of-way and the pipe needed to enclose the canal. He added that staff was evaluating the current design to reduce the costs of the project by eliminating the need for right-of-way and significantly reducing the pipe size needed.

Commissioner Zorc sought information from Director Szyrka on whether the \$9 million project cost included the reduced diameter size of the pipe. Director Szyrka replied that the \$9 million included the cost of a full size pipe and obtaining right-of-way. He concluded that the project was on hold while staff tried to reduce costs.

Freddie Woolfork thanked the County for focusing not only on the cosmetic portion of the project, but the safety portion as well.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve: 1) Staff's recommendation; and 2) Resolution 2020-044, authorizing the Chairman's execution of Small County Outreach Program Agreement with the Florida Department of Transportation for roadway improvements to 45th Street from 43rd Avenue to 58th Avenue, as well as for construction engineering inspection (CEI) services. 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.

Work Order No. 2 with Kimley-Horn for North RO (Hobart) Supervisory Control and Data Acquisition (SCADA) System Upgrades

**Attachments:** [Staff Report](#)  
[Work Order No 2 with KHA](#)

There was no discussion regarding this item.

**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.

School District Request for Reconsideration of Resolution Calling for Referendum on November 3, 2020 General Election Ballot

**Attachments:** [Staff Report](#)  
[Signed Ltr for BCC-5.13.2020](#)  
[Order issued 08-15-19 - Clay County](#)  
[1011.73, Florida Statutes](#)  
[1011.71, Florida Statutes](#)  
[Florida Attorney General 98-29](#)

Dr. David Moore, Superintendent, School District of Indian River County, referenced a letter to the Indian River County Board of County Commissioners dated May 13, 2020, requesting that the Board consider placement of an ad valorem tax millage referendum on the August 18, 2020 Primary Election Ballot. He expressed the importance of placing the referendum on the August ballot so that the school district could establish a clear idea of future funding.

Commissioner Zorc clarified his vote from the May 12, 2020 meeting and indicated that in past Primary and Presidential elections, voters had a tendency to skip approximately 25% of the local issues on the November ballot, and with that being said he was in favor of placing the referendum on the August ballot.

Chairman Adams opened the public comment session.

Peggy Jones, 1565 56th Court, supported the School Board's request for a referendum to be placed on the August ballot.

Chairman Adams closed the public comment session.

County Attorney Dylan Reingold read from the relevant Florida Statutes and legal guidance on the issue. He opined that it was the authority of the Board to decide on which ballot to place the referendum.

A discussion ensued among the Board with each Commissioner stating their preference for ballot to place the referendum.

In closing, Commissioner Solari believed that the Board of County Commissioners had the right and the duty to choose the date of the referendum. He believed the referendum should be placed on the ballot when the greatest turnout was expected and that date would be November 3, 2020.

**A motion was made by Commissioner Zorc, seconded by Chairman Adams, to approve the School District's request for a referendum to be placed on the August 18, 2020 ballot. The motion was denied by the following vote:**

**Aye:** 2 - Chairman Adams, and Commissioner Zorc

**Nay:** 3 - Vice Chairman Flescher, Commissioner O'Bryan, and Commissioner Solari

**13.B.** Resolution Supporting School Board Referendum for 0.5 Mill for School Operational



Purposes

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

Tiffany Justice, School Board Member, thanked the Board for their support on the Resolution.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2020-043, supporting the School Board of Indian River County referendum to levy 0.5 mill for school operational purposes. The motion carried by the following vote:**

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

Chairman Adams called a recess at 10:29 a.m., and reconvened at 10:38 a.m., with all members present.

#### 14. COMMISSIONERS MATTERS

- A. Commissioner Susan Adams, Chairman
- B. Commissioner Joseph E. Flescher, Vice Chairman
- C. Commissioner Tim Zorc
- D. Commissioner Peter D. O'Bryan
- E. Commissioner Bob Solari

#### 15. SPECIAL DISTRICTS AND BOARDS

- A. Emergency Services District
- B. Solid Waste Disposal District

*The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.*

- 15.B.1.** Leachate Pilot Study Results and Final Payment to the Indian River Eco-District and Geosyntec

**Attachments:** [Staff Report](#)  
[Geosyntec Summary Letter](#)  
[Final Invoice from Geosyntec](#)  
[Final Invoice from Indian River Eco-District LLC](#)

Director of Utility Services Vincent Burke reviewed the information contained in his memorandum dated May 10, 2020. In his PowerPoint Presentation, Director Burke went over the results from the Leachate Pilot Study, and discussed leachate management options and recommendations. He detailed the pros and cons of a short-term versus long-term solution for the treatment of leachate on either the landfill property or the Indian River Eco District (IRED) property.

The Board sought and received information from staff regarding the Pilot Study in regards to the thermal evaporation of leachate, other thermal destruction technology's success rates, cost per gallon for leachate treatment, monitoring emissions from the water vapor, utilizing landfill optimal heat source, and whether the vendor would be able to ramp up from 1,000 gallons per day to 20,000 gallons per day.

Chairman Adams opened the floor for public comment.

Alain Castro, Project Director of the IRED, participated via teleconference, and distinguished between the short-term and long-term solutions. He proposed that the Board go with the short-term solution of leasing the equipment for 12 to 15 months, while integrating into a long-term solution for the treatment of leachate.

A discussion followed between the Board and Staff regarding the short-term solution, the time frame to transition into the long-term solution, continuing with the pilot study in the interim while exploring options for a long-term solution, and financing the project. The Board continued discussions, requesting additional information and a recommendation from staff.

**A motion was made by Commissioner Solari, seconded by Chairman Adams, to approve: 1) final payments to Geosyntec and Indian River Eco-District, LLC., and 2) waive the bid requirements, negotiate with Indian River Eco-District and Heartland for a short or long term solution for leachate treatment or a solution which combines both, and bring back both the material on the choices and a clear recommendation for a path forward. 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.** Landfill Gas to Energy Project - Approval for Indian River Eco-District's Request to Change Commencement Date

**Attachments:** [Staff Report](#)  
[Letter from Indian River Eco-District LLC](#)

Director of Utility Services Vincent Burke reviewed the information contained in his memorandum dated May 11, 2020 regarding the Eco-District's request to change the commencement date for the Landfill Gas to Energy Project Agreement from July 15, 2020 to September 30, 2021.

Commissioner Solari sought and received clarification from Director Burke regarding the commencement date.

Chairman Adams opened the discussion to the public for comments; there was none.

**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

**15.B.3.** Indian River County Landfill Gas Expansion - Work Order No. 2 to CDM Smith, Inc.

**Attachments:** [Staff Report](#)  
[IRC Landfill Work Order No 2](#)

Director of Utility Services Vincent Burke reviewed the information contained in his memorandum dated May 11, 2020 regarding the Indian River County Landfill Gas Expansion.

Chairman Adams open the discussion for public comments; there was none.

**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

**15.B.4.** Landfill Gas to Energy Project - Amendment No. 1 to Work Order No. 4 to Tetra Tech, Inc.

**Attachments:** [Staff Report](#)  
[CCNA-2018 Amendment No 1](#)

Director of Utility Services Vincent Burke reviewed the information in his memorandum dated May 8, 2020, regarding continued technical assistance from Tetra Tech, Inc. for the Landfill Gas Energy Project.

Chairman Adams open the discussion for public comments; there was none.

**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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 11:04 a.m.