

Indian River County Florida

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



Meeting Minutes - Final

Tuesday, November 20, 2018

9:00 AM

Commission Chambers

Board of County Commissioners

Peter D. O'Bryan, Chairman, District 4

Bob Solari, Vice Chairman, District 5

Susan Adams, District 1

Joseph E. Flescher, District 2

Tim Zorc, District 3

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

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

1. CALL TO ORDER

2. ROLL CALL

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 Doug Vogt, Pathway Church

3. PLEDGE OF ALLEGIANCE

Jason E. Brown, County Administrator

3.A OATH OF OFFICE BOARD OF COUNTY COMMISSIONERS

The Honorable David C. Morgan, County Judge, Nineteenth Judicial Circuit Court of Florida

The Honorable David C. Morgan, County Judge, Nineteenth Circuit Court of Florida, swore Commissioner O'Bryan and Commissioner Flescher into office for their next four-year term as Indian River County Commissioners.

3.B. ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN

County Attorney Dylan Reingold opened the floor for nominations for the seat of Chairman of the Indian River County Board of Commissioners.

Commissioner Solari was nominated for Chairman of the Board by Commissioner Flescher; there were no further nominations.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to close the floor for nominations for Chairman of the Indian River County Board of Commissioners. The motion carried by the following vote:

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

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to elect Commissioner Bob Solari as Chairman of the Indian River County Board of Commissioners. The motion carried by the following vote:

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

3.C. ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN

County Attorney Dylan Reingold opened the floor for nominations for the position of Vice Chairman of the Indian River County Board of Commissioners.

Commissioner Adams was nominated for Vice Chairman of the Board by Commissioner O'Bryan; there were no further nominations.

A motion was made Commissioner O'Bryan, seconded by Commissioner Flescher, to close the nominations for Vice Chairman of the Indian River County Board of Commissioners. The motion carried by the following vote:

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

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to elect Commissioner Susan Adams as Vice Chairman of the Indian River County Board of Commissioners. The motion carried by the following vote:

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

The past Chairman, Peter O'Bryan, offered congratulations as he passed the gavel to the newly appointed Chairman, Bob Solari.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve the Agenda as written. 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**6. APPROVAL OF MINUTES**

6.A. [18-2524](#) Regular Meeting of October 2, 2018

Recommended Action: Approve

Attachments: [10022018BCC](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of October 2, 2018. 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. [18-2521](#) 2018-2019 Town of Orchid Council Committee Appointments

Recommended Action: No action required

Attachments: [Staff Memorandum](#)
 [Committee Appointments Town of Orchid 2018-2019](#)

No Action Taken or Required

7.B. [18-2480](#) Proclamation Honoring Joan M. Kelley on Her Retirement From Indian River County Board of County Commissioners Department of Utility Services Customer Service Division with Ten Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

7.C. [18-2501](#) Landfill Closure and Collection Service Changes for the Thanksgiving Holiday

Recommended Action: For information purposes only - no action required.

Attachments: [Staff Report](#)

No Action Taken or Required

7.D. [18-2522](#) Fitch Affirms Indian River County, FL 2009 Water & Sewer Revenue Refunding Bonds

Recommended Action: No Action Required

Attachments: [Staff Report](#)
 [Fitch Press Release](#)

Commissioner O'Bryan recognized Director of Utility Services Vincent Burke and County Administrator Jason Brown for their hard work and dedication, noting that it was reflected in the AAA rating for the County's Water and Sewer Revenue Refunding Bonds, Series 2009.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve the Consent Agenda as amended, pulling Item 8.B. for discussion. The motion carried by the following vote:

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

8.A. [18-2513](#) Checks and Electronic Payments November 2, 2018 to November 8, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 2, 2018 to November 8, 2018

Attachments: [Finance Department Staff Report](#)

Accepted

8.B. [18-2442](#) Vero Beach PD Homes, LLC Request for Final Plat Approval for a Subdivision to be Known as Orchid Cove [SD-05-07-34 / 2004020120-81754]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Orchid Cove

Attachments: [Staff Report](#)

[Application](#)

[Location Map](#)

[Final Plat Layout](#)

[Contract for Construction of Required Improvements and Letter of Credit](#)

County Administrator Jason Brown conveyed that staff and the County Attorney would be working together on changes to the conservation easement language of the Public Transportation Grant Agreement to clarify the fee ownership.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve staff's recommendation as amended, allowing staff and the County Attorney's office to make changes to the conservation easement language to clarify fee ownership. The motion carried by the following vote:

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

8.C. [18-2509](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Section 5311 Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Grant Agreement and adopt the resolution authorizing the Chairman to sign the agreement.

Attachments: [Staff Report](#)
[Resolution](#)
[Grant Agreement](#)
[Budget Form](#)

Approved staff's recommendation and Resolution 2018-110, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.D.** [18-2510](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Public Transportation Block Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Grant Agreement and adopt the resolution authorizing the Chairman to sign the agreement.

Attachments: [Staff Report](#)
[Resolution](#)
[Grant Agreement](#)
[Budget Form](#)

Approved staff's recommendation and Resolution 2018-111, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.E.** [18-2515](#) Miscellaneous Budget Amendment 001

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2018-2019 budget

Attachments: [Staff Report](#)
[2018 2019 Resolution](#)
[Exhibit "A"](#)

Approved staff's recommendation and Resolution 2018-112, amending the Fiscal Year 2018-2019 Budget.

- 8.F.** [18-2516](#) Florida Fish and Wildlife Conservation Commission (FWC), Grant Agreement No. 18101, Indian River County Artificial Reef Construction 2018-19

Recommended Action: Staff recommends the Board approve FWC Grant Agreement No. FWC-18101 and authorize the Chairman to sign two (2) copies of the Agreement on behalf of the County

Attachments: [Staff Report](#)
[FWC Grant Agreement FWC-18101](#)
[GrantForm FWC-18101- 11-20-18](#)

Approved staff's recommendation

8.G. [18-2511](#) Indian River County Library System State Aid to Libraries Grant

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve the Indian River County Library System State Aid Package FY 2017-2018 with estimated grant award of \$100,798, and authorize Chairman to sign and return the Indian River County Library System State Aid Package FY 2017-2018 to the Library Services Director to be forwarded to the appropriate State Library staff.

Attachments: [Staff Report](#)
[State Aid To Libraries Grant Agreement](#)
[IRC Grant Form](#)

Approved staff's recommendation

8.H. [18-2523](#) Annual Resolution re Signatories

Recommended Action: Adopt the resolution and authorize the newly selected Chairman as well as the Clerk to sign the resolution and the respective Certificate of Facsimile Signature; and to instruct the Clerk to the Board of County Commissioners to transmit to the Department of State each original Certificate of Facsimile Signature which bears the original manual signatures of those Indian River County officers authorized to use facsimile signatures in lieu of manual signatures.

Attachments: [Staff Report](#)
[Resolution](#)
[Certificate for Facsimile Signature \(2\)](#)

Approved staff's recommendation and Resolution 2018-113, directing depositories of County funds to honor certain authorized signatures on County checks, warrants, and other orders for payment; providing for Board of County Commissioners and Clerk of the Circuit Court signatories; rescinding Resolution 2017-122 effective November 20, 2018 which speaks to authorized signatures on County checks, warrants, and other orders for payment; and providing an effective date.

8.I. [18-2527](#) Resolutions Cancelling Taxes on Property Purchased by Indian River County for Public Purpose

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute Resolutions to cancel certain taxes upon publicly owned lands, 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 \(former Izquierdo property\)](#)
[Resolution \(former Coffman property\)](#)
[Resolution \(former Van Der Rest property\)](#)

Approved staff's recommendation and Resolution 2018-114; Resolution 2018-115; and Resolution 2018-116, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.J. [18-2526](#) Resolutions Formally Designating Portions of Certain County Owned Property as Right-Of-Way

Recommended Action: Adopt the resolutions, and authorize the Chairman to execute same for recordation in the Public Records of Indian River County, Florida.

Attachments: [Staff Report](#)
[Resolution re 5816 26th Street](#)
[Resolution re 5836 26th Street](#)

Approved: 1) staff's recommendation; 2) Resolution 2018-117, formally designating certain County owned property for right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel (metes and bounds description within Tract 16 of Section 32, Township 32 South, Range 39 East, Indian River County, Florida); and 3) Resolution 2018-118, formally designating certain County owned property for right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel (Lot 22 of Pine-Metto Park, recorded in Plat Book 3, Page 87, of the Public Records of Indian River County, Florida).

8.K. [18-2528](#) Indian River County Subaward and Grant Agreement for Hurricane Irma

Recommended Action: Staff recommends the Board approve and authorize the Chairman to execute the agreement and all other documents necessary to effectuate the agreement and authorize the County Administrator to sign any additional amendments.

Attachments: [Staff Report](#)
[Federally-Funded Subaward and Grant Agreement](#)
[Addendum to Federally-Funded Subaward and Grant Agreement](#)

Approved staff's recommendation

8.L. [18-2531](#) Miscellaneous Budget Amendment 020

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2017-2018 budget

Attachments: [Staff Report](#)
[2017 2018 Resolution](#)
[Exhibit "A"](#)

Approved Resolution 2018-119, amending the Fiscal Year 2017-2018 Budget.

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. [18-2482](#)** Indian River Land Trust, Inc. Request to Amend the Comprehensive Plan to Re-designate ± 11.59 Acres From C/I, Commercial/ Industrial to M-1, Medium Density Residential-1 (up to 8 units/acre); and Simultaneous Request by Schwerin Asset Advisors, LLC's to Amend the Comprehensive Plan to Re-designate ± 11.44 Acres From M-1, Medium Density Residential-1 (up to 8 units/acre), to C/I, Commercial/ Industrial; (LUDA 2006090171-81055) (Legislative)

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners adopt the proposed resolution for transmittal of the proposed future land use map amendment to the State and Regional Review Agencies and announce its intention to hold and advertise a final public hearing at the adoption stage of the plan amendment process to consider the plan amendment and associated rezoning request.

Attachments: [Staff Report](#)
[Summary Pages](#)
[LUDA and Rezoning Applications](#)
[Comprehensive Plan Amendment Procedures](#)
[10-11-18 PZC DRAFT Meeting Minutes](#)
[Transmittal Resolution](#)

Community Development Director Stan Boling used a PowerPoint Presentation to provide details related to the requested amendment of the Comprehensive Plan, noting that the rezoning request was filed within the parameters of the Comprehensive Plan Amendment Review Procedures and that it met the location criteria. He explained that the related Resolution would allow for transmission of

the County's future land use map amendment to the State and Regional Review Agencies, and confirmed that a final public hearing would be set at a later date.

Commissioner O'Bryan requested clarification regarding concerns or satisfaction from neighboring communities, with Director Boling confirming that his staff had not been notified of any complaints.

Chairman Solari opened the Public Hearing.

Attorney Bruce Barkett, representing Schwerin Asset Advisors, LLC., was available to answer questions from the Board.

Freddie Woolfork, 4590 57th Avenue, supported the work done by staff and the rezoning request.

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

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve: 1) staff's recommendation; and 2) Resolution 2018-120, approving the transmittal of a proposed Indian River County Comprehensive Plan future land use map amendment to State and Regional review agencies. The motion carried by the following vote:

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

10.A.2. [18-2474](#)

DiVosta Homes L.P., Request to Amend Land Development Regulation Chapter 934 (Excavation and Mining) to Modify the Time Frame for Exporting Excess Fill From Large Scale Development Projects and Extend the Time Frames for Large Volume Mining Operations (LDRA-18-09-01 / 2018060191-82197)
(Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed ordinance.

Attachments: [Staff Report](#)
[Proposed Ordinance](#)
[Application](#)
[Excerpt from Unapproved 10-11-18 PZC Minutes](#)
[Additional Backup - Affidavit of Publication](#)

Community Development Director Stan Boling, with the aid of a PowerPoint Presentation, provided the history, criteria and time frame details regarding the proposed mining operations amendment to the Land Development Regulations, pertaining to large scale projects.

Commissioner O'Bryan told of complaints that he had received regarding the

blowing of dust coming from large piles of excavated fill. Director Boling clarified that smaller piles of dirt sitting for shorter periods of time should alleviate the problem.

Chairman Solari opened the Public Hearing.

Attorney Bruce Barkett, 756 Beachland Blvd., was present on behalf of DiVosta Homes. L.P.

Joseph Paladin, President, Black Swan Consulting, spoke in support of the proposed amendment.

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

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to adopt Ordinance 2018-024, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 934, Excavation and Mining; by amending Section 934.04, Subsection (7), Excavation incidental to development projects; by amending Section 934.07(3), Conditions of the mining permit; and by providing for severability; repeal of conflicting provisions; inclusion in the code of laws and ordinances; 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

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [18-2508](#) Adoption of Updated Development Review Fee Schedules for Planning and Public Works

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed development review fee schedules and associated resolution, establishing a March 1, 2019 effective date for the updated fee schedules.

Attachments: [Staff Report](#)
[Fee Comparisons](#)
[Committee Minutes 06-26-18 meeting](#)
[Committee Minutes 09-19-18 meeting](#)
[Unapproved Committee Minutes 10-18-18 meeting](#)
[Charts Comparing Current Fees to Proposed Fees](#)
[Charts Providing Project Cost Comparisons](#)
[Resolution with Proposed Fee Schedules](#)
[Estimated Annual Revenue Impacts](#)

Community Development Director Stan Boling used a PowerPoint Presentation to detail the proposed update to the Development Review Fee Schedules, including a comparison showing the neighboring counties schedule of fees, noting that the last update was approved in 2004, and the previous update to 2004 was approved in 1990. Director Boling clarified that the update was supported by the Development Review and Permit Process Advisory Committee (the Committee), and that the effective date for this fee schedule update would be March 1, 2019.

Discussion ensued amongst members of the Board and Director Boling regarding reinspection fees and the determination of a time frame for future fee schedule reviews, with Commissioner O'Bryan suggesting that staff should return to the Board in three (3) years to discuss whether a full study of the fee schedule would be warranted.

Debb Robinson, Chairman of the Development Review and Permit Process Committee, addressed the Board to point out that the fee increases, once approved by the Board, will be additional costs that are paid by the new homeowner.

Joseph Paladin, Vice Chairman of the Development Review and Permit Process Committee, spoke in support of staff's recommendation.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to: 1) approve Resolution 2018-121, establishing revised Development Review Fee Schedules for Planning and Public Works; and 2) direct staff to return to the Board in three (3) years to discuss whether a fee schedule review is warranted. The motion carried by the following vote:

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

12.A.2. [18-2475](#) Consideration of the Gifford Neighborhood Plan Annual Report Card for 2018

Recommended Action: Staff recommends that the Board of County Commissioners review and accept the Gifford Neighborhood Plan 2018 implementation report card.

Attachments: [Staff Report](#)
[Implementation Matrix -Report Card](#)
[GNP Action Plan](#)
[GNP CIP](#)

Community Development Director Stan Boling, with the aid of a PowerPoint Presentation, detailed the fifth report card for the Gifford Neighborhood Plan (the Plan), noting the adoption date of the Plan was July 15, 2014. He spoke on the objectives and action topics, and confirmed that all areas of the Plan were either complete or in progress at this time. Director Boling mentioned Action 7.3, noting that the section of sidewalk from 43rd Avenue to U.S. Highway 1 was on hold due to the timing of the All Aboard Florida/Brightline proposed improvements, and the section from 43rd Avenue to 58th Avenue was expected to be completed ahead of the 2021 date. He also confirmed that Action 11.8 and Action 9.3 were expected to be complete in 2019.

Chairman Solari thanked County staff, the leaders and members of the Gifford community, and County Administrator Jason Brown for their involvement in the projects.

Freddie Woolfork, 4590 57th Avenue, spoke on the positive communication and interaction between the Gifford community, County staff and the Board. He made mention, as a reminder, that the sidewalks need to be connected and the existing portions inspected upon completion of new subdivisions.

Commissioner Zorc inquired with Public Works Director Rich Szyrka regarding the Indian River Farms Water Control District and canal-related safety issues.

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

12.A.3. [18-2461](#)

Request to Review Proposed Impact Fee Update Scope of Services, Authorize Staff to Initiate the Consultant Selection Process for the Impact Fee Update, and Formally Initiate an Impact Fee Ordinance Revision

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Review the proposed scope of services for the impact fee update, make any necessary changes, and authorize staff to initiate the consultant selection process for the update. 2. Provide staff any initial comments on the draft Impact Fee Ordinance amendment and authorize staff to initiate a formal ordinance amendment.

Attachments: [Staff Report](#)
[Portion of 6-13-17 BCC Meeting Minutes](#)
[Scope of Services for IRC Impact Fee Update](#)
[Draft Impact Fee Ordinance Amendment](#)

Community Development Director Stan Boling, with the assistance of a PowerPoint Presentation, detailed the history of impact fee updates, provided an overview of the 2019 proposed areas to be updated, and introduced the potential timeline for the study. He listed the areas to be scaled back/suspended, making note that the suspended areas would remain listed in the ordinance so it could be reactivated if it becomes necessary. Director Boling delivered a draft amendment to the Impact Fee Ordinance to specify a five (5) year time frame for updates to occur.

Discussion amongst the Board revealed their intent to have conservative impact fees and to amend the Ordinance to specify the five (5) year time frame for updates. Commissioner O'Bryan discussed the increased growth rate with Director Boling, who clarified that Indian River County was considered a moderate growth county, with the current annual growth rate being just over 2%.

The following speakers addressed the Board with concerns and suggestions: Joseph Paladin, President, Black Swan Consulting, spoke regarding Land Development Regulations
Debb Robinson, Laurel Builders, stated that impact fee increases could make homeownership less likely

A discussion ensued on the need for Affordable Housing with Chairman Solari indicating that the subject would be coming back to his attention in the future.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to: 1) initiate the consultant selection process for the impact fee update; and 2) directed staff to move forward with the Impact Fee Ordinance Amendment to specify the update time frame as "every five (5) years". The motion carried by the following vote:

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

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**

The Chairman called for a recess at 10:30 a.m., and reconvened the meeting at 10:42 a.m., with all members present.

G. Utilities Services**12.G.1. [18-2514](#)**

Request to Sole Source Brand Purchase Two (2) Pumps for Spoonbill Marsh

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners declare the National Pump Company Model H14MC pump as the sole brand for the Spoonbill Marsh facility, waive the requirement for bids and authorize the Purchasing Manager to issue a purchase order to Barney's Pump Inc. for a total lump sum amount of \$109,590.00.

Attachments: [Staff Report](#)

[Barneys Pump Inc Quote Number SQ011194-3](#)

Director of Utility Services Vincent Burke provided details regarding the request, noting that replacing the two (2) remaining pumps at Spoonbill Marsh would result in all three (3) of the vertical turbine pumps being the same model, National Pump Company Model H14MC. He confirmed that staff was satisfied with the service received by Barney's Pump of Lakeland, FL.

Commissioner Zorc inquired about MWI Pumps since they are a local pump manufacturer. Director Burke was unsure if they had responded to the bid request, but he confirmed that the County works with MWI Pumps on other projects.

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

12.G.2. [18-2519](#)

Asset Management Program Services - Phase 1A

Recommended Action: Staff recommends approval of the revised scope of services outlined in Exhibit 1A authorizing the mentioned professional services and requests the Board of County Commissioners accept the amended scope of services for a lump sum amount of \$121,500.00 to Arcadis U.S., Inc.

Attachments: [Staff Report](#)

[Exhibit 1A - Asset Management Program Services](#)

[Exhibit 1B - Fee Estimate](#)

Utility Services Director Vincent Burke detailed the process for completing Task 7, Pilot Asset Condition and Risk Assessment, of the Asset Management Plan. He indicated that funding was available, as it had been budgeted and approved for Fiscal Year 2018/19.

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. [18-2470](#) Approval of License Agreement between Lutgert Vero, LLC and Indian River County for Construction of a Dune Crossover at Tracking Station Park

Recommended Action: Staff recommends the Board of County Commissioners approve the License Agreement between Lutgert Vero, LLC and Indian River County and authorize the Chairman to execute the Agreement on behalf of the Board.

Attachments: [Staff Report](#)

[Aerial photo of properties](#)

[Minutes from April 4, 2017 BCC Meeting](#)

[License Agreement with attachments](#)

County Attorney Dylan Reingold highlighted the details of the License Agreement between Lutgert Vero, LLC and the County.

Chairman Solari questioned County Administrator Jason Brown about issues regarding the proposed License Agreement. Administrator Brown clarified that he was not aware of any issues; however, he pointed out that the County would be directly supervising the project to ensure that removal and trimming of vegetation occurs only where it is necessary for the construction of the dune crossover and the path that leads to it.

Attorney Bruce Barkett, Collins Brown Barkett, representing Lutgert Vero, LLC, relayed to the Board that his client understands the County's wishes, as they are spelled out in the License Agreement.

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

13.B. [18-2518](#) Affordable Housing Advisory Committee Appointment

Recommended Action: The County Attorney recommends that the Board review the applicant's résumé and application, and determine whether to appoint her to fill the unexpired term and renew her term to January 2021, for the "Not-for-profit provider of affordable housing" representative to Affordable Housing Advisory Committee.

Attachments: [Staff Memo](#)
[Application for AHAC - SVittitoe](#)
[Resume - SVittitoe](#)

County Attorney Dylan Reingold explained that Sheryl S. Vittitoe submitted a resume and an application for the "Not-for-profit provider of affordable housing" representative to the Affordable Housing Advisory Committee to fill the unexpired and renewal term to January 2021.

A motion was made by Vice Chairman Adams, seconded by Commissioner Zorc, to appoint Sheryl S. Vittitoe as the "Not-for-profit provider of affordable housing" representative to the Affordable Housing Advisory Committee to fill the unexpired and renewal term to January 2021. The motion carried by the following vote:

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

13.C. [18-2517](#) Indian River County Committees - Member Reappointments

Recommended Action: The County Attorney recommends that the Board consider the list of committee members requesting reappointment, and reappoint such members as the Board deems appropriate.

Attachments: [Staff Report](#)
[18.11.05 Commitee Members Term Renewal](#)
[Vacancies List \(Term Exp 2019\) - Info Only](#)

County Attorney Dylan Reingold detailed the reappointment process for the various committee members with an expiring term of January 2019, and provided a compiled list of the members who wish to have their term renewed.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to reappoint the committee members seeking a renewed term, as presented in staff's report. 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 Peter D. O'Bryan, Chairman

- 14.A.1. [18-2512](#)** Request from Vero Beach Councilwoman Laura Moss to change the County Tourist Development Ordinance to allow funds to be used to “finance beach park facilities.”

Recommended Action: The Board should have discussion on the subject of changing the Tourist Development Ordinance, allow comments from the Public, and then the Board should consider whether to change Ordinance 87-11 to allow for expenditures to finance beach park facilities.

Attachments: [Commissioner's Memorandum](#)
[Attachment 1-Letter from Councilwoman Moss](#)
[Attachment 2-Ordinance 87-11](#)
[Attachment 3-Tourist Tax Report](#)
[Attachment 4-TDC minutes](#)

Commissioner O'Bryan provided background, noting that City of Vero Beach Councilwoman Laura Moss had requested an Ordinance change to allow for tourist-collected tax dollars to be used to finance beach park facilities, specifically to build a new lifeguard tower headquarters at Humiston Beach. He explained that the Florida Statutes would allow for this, but the County Ordinance 87-11 does not. Commissioner O'Bryan made mention that the Tourist Development Council (TDC)'s model does not allow municipalities to make specific requests, and he felt that following this model had worked well in the past. He was not in support of changing Ordinance 87-11.

Following discussion from several members of the Board, City of Vero Beach Councilwoman Laura Moss requested respect for the City's ability to exercise judgment to make decisions on how to spend money that is generated within the City and voiced some examples to warrant her request for a change to Ordinance 87-11.

County Administrator Jason Brown provided a detailed clarification in response to comments made by Councilwoman Moss, pointing out that the funds she mentioned are collected as a County revenue source, per Florida Statutes, and that the County is required to have a TDC, in which the appointed members make recommendations to the Board. He confirmed that staff was not in support of Councilwoman Moss's request to make changes to the Ordinance.

Discussion continued amongst the Board, none of whom were in support of the Ordinance change. Councilwoman Moss offered statistics to help to solidify

previous comments she had made; clarification of the statistics was provided by members of the Board and staff.

A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to deny the request brought forth by the City of Vero Beach Councilwoman Moss to make changes to the County Tourist Development Ordinance 87-11. The motion carried by the following vote:

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

B. Commissioner Bob Solari, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

14.E.1. [18-2530](#) United Against Poverty Request for Support to Apply for Funding from JP Morgan/Chase

Recommended Action: Approve Letter of Support for United Against Poverty Application for JP Morgan/Chase Funding.

Attachments: [Commissioners Memorandum](#)
[Draft Letter of Support for UP](#)

Commissioner Zorc requested Board approval of a draft letter of support to accompany the United Against Poverty's Advanced Cities Challenge grant application.

Chairman Solari mentioned that he would prefer a more personal greeting for the letter, and he confirmed with Commissioner Zorc that the grant would not require any additional funding from the County.

Tripp Snelson, Project Director with United Against Poverty, 2746 US Hwy 1, addressed the Board to relay that the letter of support had been revised since the BCC meeting on November 6, 2018, discarding the wording "proposed advisory board".

A motion was made by Commissioner Zorc, seconded by Commissioner Flescher, to authorize the Chairman to sign a letter of support on behalf of the Board of County Commissioners for United Against Poverty's Advancing Cities Challenge grant application from J.P. Morgan/Chase. 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**

The Board 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.

B. Solid Waste Disposal District

- 15.B.1. [18-2520](#)** Change Order to Thalle for Milestone 1 of the Landfill Segment 3 Cell 2 Expansion, Segment 2 Partial Closure and Landfill Gas System Expansion Project (Bid #2018025)

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve and authorize the Chairman to execute the change order in contract time for Milestone 1 by 105 days to Thalle Construction Company, Inc. for the Segment 3 Cell 2 Expansion, Segment 2 Partial Closure and Landfill Gas System Expansion project.

Attachments: [Staff Report](#)
[Thalle Letter of Extension](#)
[CDM Smith Letter of Recommendation and Change Order Form](#)

Director of Utility Services Vincent Burke was present to explain that the change order for Thalle Construction Company required no additional funding, just a Milestone 1 date change from November 5, 2018 to February 18, 2019.

Commissioner O'Bryan was in agreement with Consultant CDM Smith that the weather conditions experienced in the summer months should have been taken into consideration prior to submission of the bid.

A motion was made by Commissioner Flescher, seconded by Chairman Solari, 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

C. Environmental Control Board**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 11:41 a.m.