



Indian River County Florida

Meeting Minutes 3 - Final

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, June 18, 2019

9:00 AM

Commission Chambers

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

Chairman Solari acknowledged the recent passing of David Fleetwood, a long-time County employee who had retired in December 2018.

2.B. INVOCATION

Reverend Hugh King, First Church of the Nazarene

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Additions: Public Discussion Items, Item 10.B.2. Request to Speak by Steve Myers, Teamsters Local 769

County Attorney Matters, Item 13.A. Sunbreak Farms Petition for Administrative Hearing
Commissioner Matters, Item 14.D.1. Elevation Certificates

Moved: Item 5.B. to be heard prior to Item 5.A.

Item 14.B.1. to follow Item 5.A.

Item 14.E.1. to follow Item 10.B.1.

Item 12.F.1. to follow Item 10.C.1.

Item 12.D.1. to begin at 1:00 p.m.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Agenda as amended. 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. [19-0527](#) Presentation on Age Friendly Communities by Karen Deigl, Board Chair and Beth Mitchell, Board Vice Chair of Senior Collaborative; and Richard Prudom, Secretary of the Florida Department of Elder Affairs

Attachments: [Presentation](#)

Karen Deigl, Board Chairman of the Senior Collaborative of Indian River County (Senior Collaborative), spoke on the increasing needs of the adult community, and the mission and purpose of the Senior Collaborative. She introduced Vice Chairman Beth Mitchell, who in her PowerPoint Presentation acknowledged the Senior Collaborative's staff, Board, and community funders, and provided the County's demographics.

Ms. Deigl introduced Richard Prudom, Secretary of the Florida Department of Elder Affairs, who continued with the PowerPoint Presentation to speak on the rapidly growing senior population and the Age-Friendly Initiative of providing Age-Friendly or Livable Communities with walkable streets, housing and transportation options, access to key services, and opportunities for residents to participate in community activities. Mr. Prudom discussed the advantages of being designated as an Age-Friendly or Livable Community.

Presented

- 5.B.** [19-0528](#) Presentation of Proclamation Honoring Stan Boling on His Retirement From Indian River County Board of County Commissioners Department of Community Development with Thirty-Five Years of Service

Attachments: [Proclamation](#)

(Clerk's Note: This item was heard prior to Item 5.A., and is placed here for continuity.)

Chairman Solari read and presented the Proclamation to Stan Boling, thanking him for 35 years of dedicated service to Indian River County. Joined by his family and coworkers, Mr. Boling was also presented a "vintage" chair originally purchased from his grandfather's furniture store, The Boling Chair Company, along with praise for his character, well-wishes and sincere thanks from each member of the Board, County Attorney Dylan Reingold, and County Administrator Jason Brown.

Read and Presented

6. APPROVAL OF MINUTES

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

- 7.A.** [19-0501](#) Children's Services Advisory Committee Vacancy

Attachments: [Staff Report](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Consent Agenda as amended, pulling items 8.I. and 8.J. 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.** [19-0506](#) Checks and Electronic Payments May 31, 2019 to June 6, 2019

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B. [19-0513](#) TD Bank Credit Card Merchant Services

Attachments: [Staff Report](#)
[TD Bank Merchant Agreement](#)
[TD Bank Merchant Agreement Amendment](#)
[Indian River County - MPA3](#)

Approved

- 8.C. [19-0141](#) D. R. Horton Inc.'s Request for Final Plat Approval for Pointe West East Village Phase 2B [PD-17-02-01 / 99070081-82848]

Attachments: [Staff Report](#)
[Location Map](#)
[Plat Layout](#)

Approved staff's recommendation

- 8.D. [19-0299](#) DKC Vero Beach Square, LLC's Request for Final PD Plan/Plat Approval for Vero Beach Square PD [PD-17-04-02 / 2007110117-82073]

Attachments: [Staff Report](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation

- 8.E. [19-0508](#) Primax Properties, LLC's Request for Release of Easements at 10735 County Road 512 (Vero Lake Estates Subdivision Unit H-4, Block C)

Attachments: [Staff Report](#)
[Map of Easements](#)
[Proposed Resolution Releasing Easements](#)

Approved Resolution 2019-042, conditionally releasing certain easements in Block C, Vero Lake Estates Unit H-4.

- 8.F. [19-0509](#) DiVosta Homes, LP's Request for Final Plat Approval for Magnolia Court at Waterway Village PODs H, I, & J [PD-17-11-08 / 2004010124-83767]

Attachments: [Staff Report](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation

- 8.G.** [19-0494](#) Amendment No. 1 to Work Order No. 2, MBV Engineering, Inc., 43rd Avenue Sidewalk Airport Drive to 41st Street (IRC-1503)

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

Approved staff's recommendation

- 8.H.** [19-0500](#) Land Purchase - Future Expansion 45th Street Owner: Balquees, LLC 4710 45th St, Vero Beach, FL 32967

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

Approved staff's recommendation

- 8.I.** [19-0514](#) FDOT Amendment Number Two to County Incentive Grant Program (CIGP) -Locally Funded Agreement (LFA) FM No. 431759-1 for Right-of-Way (IRC-0853) and Resolution Authorizing the Chairman's Signature, SR 60 and 43rd Avenue from 18th Street to 26th Street

Attachments: [Staff Report](#)
 [Amendment Number Two to CIGP-LFA FM No. 431759-1](#)
 [Authorizing Resolution](#)

Chairman Solari spoke on the increased cost of constructing roads. He thanked County Administrator Jason Brown and the prior County Administrator Joe Baird for the financial management that allowed the County to build roads for significantly less at the time of the Great Recession.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve staff's recommendation and Resolution 2019-043, authorizing the Chairman's execution of Amendment Two to a County Incentive Grant Program Locally Funded Agreement with the Florida Department of Transportation for construction of intersection improvements at State Road 60 and 43rd Avenue. The motion carried by the following vote:

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

- 8.J. [19-0524](#) Work Order No. 10, MBV Engineering, Inc., Jackie Robinson Training Complex (FKA Historic Dodgertown) Walking Trail, IRC-1908

Attachments: [Staff Report](#)
[MBV Engineering, Inc. Work Order No. 10](#)

Chairman Solari thanked the Public Works Department for their promptness in beginning the work on the pedestrian walking trail at the Jackie Robinson Training Complex.

Commissioner Zorc suggested that staff take in consideration future improvements when designing the site plan for the pedestrian walking trail at the former Dodgertown Golf Course.

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

- 8.K. [19-0518](#) Third Party Claims Administration Services

Attachments: [Staff Report](#)
[Agreement for TPA Services](#)
[Siver recommendation](#)

Approved staff's recommendation

- 8.L. [19-0519](#) Miscellaneous Budget Amendment 12

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

Approved Resolution 2019-044, amending the Fiscal Year 2018-2019 Budget.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

PROOF OF PUBLICATION OF ADVERTISEMENTS FOR HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

10.A.1. [19-0486](#) Biosolids Moratorium Extension Ordinance - Legislative

Attachments: [Staff Report](#)
 [Draft Biosolids Moratorium Ordinance](#)

County Attorney Dylan Reingold provided the background regarding the land spreading of Class B biosolids, which led to the July 17, 2018 adoption of an ordinance establishing a 180-day temporary moratorium to prohibit land application activities in the unincorporated areas of Indian River County. On January 8, 2019, an ordinance was adopted to extend the moratorium, and Attorney Reingold requested an additional 180 day extension, into January 2020.

Attorney Reingold recognized the hard work of Senator Debbie Mayfield, State Representative Erin Grall, and the County's Utilities Department. He also commented that the owners of the Pressley Ranch and the Corrigan Ranch have been supportive of the County's efforts, and that the City of Fellsmere is considering adopting a similar ordinance.

Commissioner O'Bryan inquired from Director of Utility Services Vincent Burke about the strength of the rule making being proposed by the Florida Department of Environmental Protection (FDEP) to amend the Florida Administrative Code. Director Burke confirmed that staff would be attending meetings in West Palm Beach, Tallahassee and/or Orlando to voice the concerns of the County.

Chairman Solari opened the Public Hearing.

Dan Lamson, Executive Director of the Indian River Neighborhood Association and Board Member of the Clean Water Coalition of Indian River County, thanked the Board for keeping the moratorium in place.

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

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to adopt Ordinance 2019-012, authorizing an extension of the temporary moratorium for an additional 180 days, or until a comprehensive review of the impact on the County's ecosystem is completed, within the unincorporated areas of Indian River County prohibiting land application activities of Class B biosolids; providing for additional study and possible regulation of Class B biosolids application activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, and an effective date. 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. [19-0522](#) Public Hearing: Tethering Ordinance Amendment (LEGISLATIVE)

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

Deputy County Attorney William DeBraal provided an overview of the proposed amendment to the tethering ordinance, which would prohibit any person from tethering a dog outside during severe weather and for more than one (1) hour in temperatures exceeding 90 degrees Fahrenheit, and would limit the weight of the tether or chain.

Chairman Solari opened the Public Hearing.

Ilka Daniel, Director of Animal Protective Services, Humane Society of Vero Beach/Indian River County, spoke in support of the changes proposed in the ordinance amendment.

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

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to adopt Ordinance 2019-013, amending Chapter 302, Animal Control, Indian River County Code Section 302.02 Definitions and general provisions; and Section 302.051 Cruelty to animals and defining tethering devices, providing for 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

10.A.3. [19-0523](#) Public Hearing: Ordinance Prohibiting the Retail Sale of Dogs and Cats (LEGISLATIVE)

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

Deputy County Attorney William DeBraul informed the Board that the proposed ordinance would prohibit the retail sale of puppies and kittens at pet stores, and allow for the sale/adoption of dogs and cats coming to retail locations from shelters or rescue organizations. He clarified that the proposed ordinance language mimics an ordinance previously adopted in Seminole County, and made mention that there were currently no pet stores selling puppies or kittens in Indian River County.

Chairman Solari opened the Public Hearing.

Nicole Capobianco, 7065 21st St SW, thanked staff and the Board for their help to insure that families will not have to experience what she went through after purchasing a sick puppy from a local pet store two years prior.

Ilka Daniel, Director of Animal Protective Services, Humane Society of Vero Beach/Indian River County, thanked the Board and Ms. Capobianco for bringing the item forward. She referred to the proposed ordinance as "Maggie's Rule" because Maggie, Ms. Capobianco's puppy, was one of the puppies born in a puppy mill, purchased locally, and was fortunate to have survived.

JoAnn Hall, 1869 Grey Falcon Circle SW, conveyed her appreciation to the Board regarding the proposed Ordinance.

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

In Commissioner Flescher's comments, he explained that his intent is to eliminate the distribution of unhealthy, weakened animals.

Commissioner O'Bryan spoke on the ordinance wording with regard to banning the sale of dogs and cats at establishments that are either permanent, temporary or virtual. He provided his opinion that the County had to take action, although issuing a retail-related ban is not something that the Board typically gets involved in.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to adopt Ordinance 2019-014, amending Chapter 302

of the Code of Indian River County, Florida, entitled "Retail sale of dogs and cats"; and providing for codification, severability, a general repealer and an effective date. The motion carried by the following vote:

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

The Chairman called for a recess at 10:32 a.m., and reconvened the meeting at 10:42 a.m., with all members present.

B. PUBLIC DISCUSSION ITEMS

- 10.B.1.** [19-0511](#) Request to Speak from Leslie Spurlock, Quit Doc Foundation, Regarding Reducing Youth Access to Electronic Nicotine Delivery Systems (ENDS) and Tobacco

Attachments: [Request to Speak Form](#)

Leslie Spurlock, 1940 10th Avenue, used a PowerPoint Presentation to provide the Board with information on reducing youth access to Electronic Nicotine Delivery Systems (ENDS) and tobacco. She included the statistics for middle and high school students in Florida who are using E-cigarettes, such as JUUL and vape pens. Ms. Spurlock spoke on the merchandising and access at retail locations, and suggested monitoring nicotine product/vape retailers.

No Action Taken or Required

10.B.2. Request to Speak from Steve Myers, Teamsters Local 769

(Clerks Note: This item is related to Item 12.D.1., scheduled for 1:00 p.m.; however, the speaker was not able to be present at that time.)

Steve Myers, Teamsters Local 769, expressed his concern regarding the proposed changes to the medical and pharmacy benefits, and premiums for the upcoming year. He asked the Board to set a floor and a ceiling for the reserves account, requiring that the account maintain a minimum balance of \$7,000,000 and a maximum balance of \$10,000,000. He suggested adjusting the employee and employer contributions annually based on the balance of the reserves account.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1. [19-0507](#) Public Notice of Public Hearing Scheduled for July 2, 2019: Consideration of Request by Garrett Guidroz to Amend Land Development Regulation (LDR) Section 932.07, Piers, Docks and Boat Slips, by Revising a 400 Square Foot Footprint Restriction on Unwalled Boat Shelters to be Consistent with Florida Department of Environmental Protection (FDEP) and Other Jurisdictional Agency Requirements (Legislative)

Attachments: [Public Notice Item](#)

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

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [19-0475](#) Aviation Boulevard Extension Concept (US 1 - 41st Street) Project Update

Attachments: [Staff Report](#)
 [Map of Aviation Blvd Extension Segments](#)
 [Aviation Blvd Preferred Alignment](#)

Metropolitan Planning Organization (MPO) Staff Director Phil Matson used a PowerPoint Presentation to detail the benefits and challenges of the proposed Aviation Boulevard Extension. He provided the mapping of the area, including the proposed creation of a new road to add access to the hospital complex by connecting 37th Street and 41st Street. He spoke on right-of-way acquisitions, negotiations for acquiring property along 32nd Street and 33rd Street, and acquiring the vacant former Surgery Care building at 1200 37th Street. Director Matson explained the request by Indian River Cleveland Clinic Hospital, agreed upon by County staff, to align the new road as straight and as far west as possible to improve the configuration and function of the future signalized intersection at 37th Street and 11th Avenue/Dr. Hugh McCrystal Drive.

Commissioner Zorc inquired and received clarification from Public Works Director Rich Szpyrka regarding parcel ownership and purchases, street design, and stormwater retention needs. In addition, Director Szpyrka stated that the Florida Department of Transportation (FDOT) would be performing a Project Development and Environment (PD&E) Study on U.S. Highway 1 (US1) that will include exploring the possibility of an overpass to deliver direct access to the hospital and to alleviate traffic at the US1/Aviation Boulevard intersection.

A motion was made by Commissioner Zorc, 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.2. [19-0504](#) Consideration of Modifications to Regulations for Off-site Accessory Landscaping Services Uses in Agricultural Zoning Districts

Attachments: [Staff Report](#)
[Minutes from March 5, 2019 BCC Meeting](#)
[Voluntary Ag Exemption Acknowledgement Form](#)
[Comparison of County Nursery/Landscaping Serv in Ag](#)
[Agricultural Zoning Districts Comparison](#)
[Existing Landscape/Nursery Businesses in Ag](#)
[Proposed Draft Ordinance](#)

(Clerk's Note: The item was heard following the 1:00 p.m. time-certain Item 12.D.1., and is placed here for continuity.)

Through the use of a PowerPoint Presentation, Community Development Director Stan Boling provided a recap of the March 5, 2019 meeting when citizens Spencer Simmons and Tim Campbell addressed the Board with their concerns regarding Caribbean Lawn and Landscaping, a landscaping services business located at 7120 37th Street in an A-1 agricultural use zone. Director Boling explained that the consensus of the Board was for staff to research possible modifications to the Land Development Regulations (LDRs) to potentially balance agriculture and commercial business in agricultural areas.

In his presentation, Director Boling included the 2030 Indian River County Future Land Use Map and addressed land use conflicts, permitting procedures, and "accessory use" factors. Environmental Planning and Code Enforcement Chief Roland DeBlois offered an overview of the businesses in the A-1 agricultural zone. Director Boling pointed out that staff researched the existing and potential LDRs of Brevard, Martin, Osceola, St. Lucie and Palm Beach Counties, and provided the Board with a proposed draft ordinance that could be used as a pending ordinance during the formal LDR amendment process. He explained that if the Board declared the draft ordinance to be in effect during the formal code amendment process, it would apply to any newly established landscaping services business and any new expansion or changes to an existing business that is zoned in A-1, A-2 or A-3 agricultural areas.

Commissioner O'Bryan received clarification from Director Boling about mowing and trimming being listed as an accessory to a nursery business and inquired on the criteria of a legally established nursery.

Commissioner Zorc mentioned growing and harvesting in a facility, of which

Director Boling categorized as a farm rather than a nursery where the plants are grown to be sold.

Commissioner Flescher noted reasons for not being supportive of adding restrictions to the current LDRs, and expressed his opinion regarding people who move into an area zoned for agriculture, and then complain about the activities surrounding them.

Vice Chairman Adams, who mentioned that she agreed with Commissioner Flescher, stated that the nursery employees sometimes do maintenance work for their customers.

Tim Campbell, 7330 37th Street, stated that he has lived at his address for 20 years, and provided his opinion of the inconvenience caused by the new business.

Amy Simmons, 7250 37th Street, responded to Commissioner Flescher's comment, and stated that she was not in favor of the language used in the proposed ordinance.

Ken Hendrix, 6220 1st Street SW, offered his opinion that the proposed ordinance would not solve the problem that had been presented to the Board, but was supportive of approving it on a pending basis to allow for a complete review of the LDRs.

Sandy Hall, 7080 57th Street, commented that she has had a registered nursery on her property for more than 20 years. She questioned the word "Accessory" as it is used in the proposed ordinance.

George Bartosch, 6420 37th Street, explained that he is the owner of Treasure Coast Turf and Trees, which is strictly a wholesale nursery located on seven (7) acres. Director Boling confirmed that Mr. Bartosch's business would be grandfathered in.

Jodi Velde, 330 53rd Circle, owner of Tropical Property Management, 6300 1st Street SW, provided her opinion that the proposed changes to the draft ordinance offered no protection for established business owners.

Peter Robinson, 315 Greytwig Road, stated his concern that all landscape company owners were not notified of the proposed ordinance, and that he felt more time was needed to research the future uses of agricultural land.

Vice Chairman Adams suggested that the Agriculture Advisory Committee

(AAC) should look at the topic and provide feedback and recommendations. She clarified that the AAC's recommendations would go before the Planning and Zoning Board, allowing for public input, prior to returning to a future County Commission meeting, which will also allow for public input.

Discussion ensued amongst the Board and the County Attorney regarding the draft ordinance being approved as a pending ordinance while proceeding with the formal LDR amendment adoption process.

Brian Stolze, owner of Caribbean Lawn and Landscaping, 7120 37th Street, addressed the Board and responded to some of the comments that had been made. He explained his life-long residency of Vero Beach, his concern for the roads, the consideration towards the neighbors that he demands from his employees, and the time it will take to get his business where he wants it to be.

Todd Thompson, 7065 37th Street, spoke regarding the County approving Brian Stolze's building permit application, stamped in May 2018, and his opinion that Mr. Stolze did not comply with what he stated on his application. Mr. Thompson was in favor of the AAC providing feedback on the draft ordinance.

Chairman Solari suggested that anyone who had interest in the matter and wanted to stay involved/informed should provide Director Boling in Community Development with their name and email address.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to direct the Agriculture Advisory Committee to look at the proposed draft ordinance, including all agricultural land conflicts and uses, to offer their recommendation, then to present the recommendation to the Planning and Zoning Board for a Public Hearing and their recommendation before returning to the Commission for a Public Hearing and Board approval. 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 Chairman Solari, to direct staff to initiate the formal Land Development Regulation (LDR) amendment process and invoke the pending ordinance doctrine for the proposed draft ordinance during the formal adoption process. The motion carried by the following vote:

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

Nay: 1 - Commissioner Flescher

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

The Chairman called for a recess at 11:57 a.m., and reconvened the meeting at 1:00 p.m, with all members present.

- 12.D.1. [19-0510](#) Medical and Pharmacy Benefit - Recommendations for Plan Year 2019/20
- Continued from June 4, 2019 Meeting

Attachments: [Staff Report](#)

Human Resources Director Suzanne Boyll utilized a PowerPoint Presentation to detail the rising healthcare costs, to explain how the County and Constitutional Officers' employee and retiree healthcare and pharmacy benefits plan was funded, and to provide the proposed changes to the benefits and premiums, effective October 1, 2019. She highlighted the newly introduced Premier Silver Plan and the changes to the current Premier Gold Plan, noting that both proposed options would include the same Florida Blue Options network and the same pharmacy network as in the past. In addition, Director Boyll confirmed that employee informational meetings were held the previous week, as directed by the Board on June 4, 2019.

Director Boyll then spoke on consumerism, which puts the responsibility of searching for the lowest cost for treatment on the member. She provided some statistics with regard to claim history and reviewed a chart that compared the proposed monthly premiums for Indian River County employees to the monthly premiums being paid by other area City, County, and School Board employees. Director Boyll went on to provide information on the Pharmacy Clinical Advantage Program, making note that RxBenefits is the County's prescription benefit administrator.

Commissioner O'Bryan received clarification from Shrina Amin of RxBenefits regarding Formulary Optimization, a money-saving tool that excludes low clinical value drugs from being covered, and inquired about the list of alternative drugs that Ms. Amin stated would work as well, if not better, than the excluded drugs.

Commissioner O'Bryan and Director Boyll shared their personal experiences related to consumerism, and agreed that the members need to be educated on the best way to save money. Chairman Solari mentioned the possibility of changes that could result from the hospital being sold to Cleveland Clinic. He also inquired about a pricing tool or "member's app" that would provide pricing information to the consumer. Ms. Amin confirmed that Express Scripts does have an "app" for members to download.

County Administrator Jason Brown stated his opinion regarding the difficulty in trying to be a good consumer, making note that he felt the health

insurance companies designed the system to be complex for their own financial benefit.

Commissioner Flescher spoke regarding his concern for Formulary Optimization, how offering in-network benefits to out-of-State users increase the cost of the plan, and the high dollar claim review program process for pharmacy claims over \$1000. Ms. Amin provided clarification of the high dollar claim review process, stating that 90% of prescriptions are processed digitally, appearing seamless to members.

Commissioner O'Bryan inquired and received feedback from Administrator Brown regarding the establishment of a floor and a ceiling on the reserve funds account, as mentioned earlier by Steve Myers, Teamsters Local 769. Discussion followed among the Board and Director Boyll regarding returning premiums, rising healthcare costs and the impact of large claims.

Sheriff Deryl Loar acknowledged the rising healthcare cost, but objected to staff comparing member premiums with area entities who pay their employees a higher salary.

The following individuals addressed the Board, Administrator Brown and Director Boyll to discuss their concerns related to the rising healthcare costs and employee/retiree contributions, and to ask questions or offer suggestions that could assist in reducing the cost of healthcare expenses.

Toby Turner, 300 8th Terrace, retiree
Joe Earrman, retiree
Rick Lane, retiree
Rick Ridge, Ft. Pierce, retiree
Steve Carbone, Utility Services employee
Major Milo Thornton, Sheriff's Department employee
Amber Greer, Sheriff's Department employee
Deputy Kathy Gibson, Sheriff's Department employee, and
Secretary/Treasurer for Indian River County Deputies Association
Bruce Anderson, 6379 Caicos Court, retiree

In response to comments directed to staff, Administrator Brown detailed a suggested two (2) year phase-in of the employee contribution amount, which was followed by discussion among the Board. He continued with the reasoning behind the reserve account policy, the difficulty with increasing the employer contribution, and provided clarification to retirees on the plan.

The Chairman called for a recess at 3:18 p.m., and reconvened the

meeting at 3:33 p.m., with all members present.

Following the recess, individuals provided comments and concerns regarding alternative medications for medical necessities, employee premium increases, salaries, and retention.

Julie Buck, Utility Services employee

Emilie Enzmann, Sheriff's Department, Corrections employee

John O'Connor, President, International Association of Firefighters Local 2201

Detective Bob Sunkel, Sheriff's Department employee

Deputy Jessica Ogonoski, Sheriff's Department employee

Detective Chris Lester, Sheriff's Department employee

Detective Joseph Karman, Sheriff's Department employee

Ms. Amin responded to concerns regarding alternative medications and the appeals/approval process. Director Boyll confirmed that prior to the October 1, 2019 effective date, Rx Benefits would be sending letters to impacted members so that they could formulate alternatives with their doctors. She also stated that a "grace fill" emergency benefit would be in place. In response to an inquiry from Commissioner O'Bryan, Ms. Amin explained that the prescription approval/preauthorization process typically would need to be updated annually with select medications requiring quarterly approvals, and that subsequent approvals would be a simpler, more streamlined process.

Administrator Brown offered support for Formulary Optimization, and explained that programs such as this were added to keep future costs and premiums under control. He also provided clarification to questions regarding stop-loss coverage, exploring the option of a different provider, and self-funding. He made it clear that 100% of the employee/employer contributions and all rebates received go back into the plan.

Constitutional Officer Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, commended staff and the Board on their management of the healthcare crisis. He stated his opinion that the two (2) year phase-in of premium increases would be most helpful to his employees.

Sheriff Loar again addressed the Board to recommend that the Premier Gold Plan remain the only benefit plan offered to all employees. He received options relating to the two (2) year phase-in from Administrator Brown.

Administrator Brown agreed to a request from Bruce Anderson that Director Boyll could provide him with the Other Post-Employment Benefits (OPEB) contribution numbers from 2010 through 2018.

Commissioner O'Bryan spoke in favor of the two (2) year phase-in of employee premium increases with a warning that the second year could result in additional increases. Commissioner Zorc suggested that staff make available the quarterly account balance of the reserves fund to all employees.

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, to: 1) approve staff's recommendation with a two (2) year phase-in of the employee premiums; and 2) direct staff to make the quarterly account balance of the reserves fund available to all Indian River County employees and Constitutional Officers. The motion carried by the following vote:

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

Nay: 1 - Commissioner Flescher

Following the motion, Chairman Solari spoke on directing Administrator Brown to assist Director Boyll in educating participants on technology and consumerism to help alleviate the rising cost of health care. He introduced the idea that the County would possibly need to add another staff member to assist Director Boyll.

Vice Chairman Adams requested and received clarification from the Chairman and Administrator Brown regarding adding additional staff, if needed.

Director Boyll explained that there were leverage resources and partnerships to explore that could offer assistance. She also spoke of a concierge service that could assist members in need of direction related to medical decisions. She went on to say that staff would move forward in the most cost effective manner to provide the best service to the employees and members, and would do their best to keep premium increases at a minimum.

E. Office of Management and Budget

Chairman Solari called for a recess at 4:54 p.m., and reconvened the meeting at 5:00 p.m., with all members present.

12.E.1. [19-0422](#) Permission to Advertise for Modification to County Code Section 105

Attachments: [Staff Report](#)

[Proposed Ordinance new](#)

[Proposed Changes to Purchasing Manual](#)

There was no discussion on this item.

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

F. Public Works

12.F.1. [19-0520](#) Virgin Trains - All Aboard Florida Construction Plan and Permitting Update

Attachments: [Staff Report](#)
[Letter to FDOT Regarding Crossing Site Visits](#)

(Clerk's Note: This item was heard following 10.C.1., and is placed here for continuity.)

Public Works Director Rich Szpyrka opened his presentation by introducing recently installed Traffic Engineer Janie Hollingsworth. Ms. Hollingsworth has extensive knowledge of the workings of high-speed rail, freight trains, and the Manual on Uniform Traffic Control Devices (MUTCD), as she is a Member of the National Committee on Uniform Traffic Control Devices (NCUTCD). Additionally, she has a vast amount of experience in performing inspections on rail crossings and preparing preemption calculations.

Director Szpyrka provided the update to the Board, making mention that prior to the May 1-2, 2019 site visit by Florida Department of Transportation (FDOT) staff to see all 32 railroad crossings in the County, staff requested the most recent construction plans for the proposed railway improvements from FDOT. Staff learned that there were "Approved for Construction Plans" from Virgin Trains/All Aboard Florida (AAF) dated February 13, 2019 that had never been provided to Indian River County. Director Szpyrka made it clear that County staff also had not received responses from AAF regarding the construction plan review comments that were submitted to them on August 15, 2016 and October 10, 2018.

Director Szpyrka spoke on the FDOT site visit, a letter that County staff sent to Gerard O'Rourke, Freight, Logistics and Passenger Operations Administrator for FDOT, and a roundtable meeting that was held in St. Lucie County. With regard to the FDOT site visit, Director Szpyrka was confident that the FDOT was working on their list of comments and concerns, and that staff was expecting to receive feedback in the near future. He mentioned that the next meeting with AAF has been scheduled for July 2019, and County staff was hoping to be included in "engineer to engineer" discussions with the railway design engineers for AAF.

Director Szpyrka stated that he was recently informed that the City of Vero Beach has been in contact with AAF in an effort to work together to replace the signal at 26th Street. He then used a PowerPoint Presentation to highlight the County's safety and traffic congestion concerns.

Chairman Solari offered his comments regarding safety, and received input from Director Szpyrka as to whether FDOT was fully engaged with the County's concerns.

Commissioner Zorc discussed the death rate involving Florida trains, the cost of crosswalks, and the topic of sealed corridors with fencing. Director Szpyrka provided his opinion that sealed corridors were the most effective way to protect people.

County Administrator Jason Brown provided feedback from the site visit he had attended with the FDOT staff. He recalled that FDOT agreed with the County's safety concerns, that they would encourage improvements, and that the FDOT felt they did not have the authority to regulate safety requirements.

No Action Taken or Required

12.F.2. [19-0521](#) Update on Sea Turtle Nesting

Attachments: [Staff Report](#)
 [Sea Turtle Nesting Season Update](#)

Due to the fact that it was 5:00 p.m. and there were other items to discuss, Commissioner O'Bryan suggested tabling this item until the next meeting on July 2, 2019.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to table the update on sea turtle nesting until July 2, 2019. The motion carried by the following vote:

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

G. Utilities Services

12.G.1. [19-0515](#) Request Renewal of Bid 2018065 - Annual Bid for Sanitary Sewer Service

Attachments: [Staff Report](#)
 [First Extension to Sanitary Sewer Services Agreements](#)

There was no discussion on this item.

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

- 12.G.2.** [19-0516](#) West Wabasso Phase II Sewer Project - Additional Sewer Service to the West Wabasso Community Center

Attachments: [Staff Report](#)

A representative was present in Ardra Rigby's absence to thank the Board and staff for the work being done on the West Wabasso Phase II Sewer Project.

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

- 12.G.3.** [19-0517](#) Update Regarding Amnesty, and Refund and Relinquishment of Reserve ERUs

Attachments: [Staff Report](#)
 [Summary of Reserve Account Activity](#)

Due to the fact that it was 5:00 p.m. and there were other items to discuss, Commissioner O'Bryan suggested tabling this item until the next meeting on July 2, 2019.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to table the update regarding amnesty, and refund and relinquishment of reserve ERUs until July 2, 2019. The motion carried by the following vote:

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

- 12.G.4.** [19-0526](#) Due Diligence and Project Review - West Regional Wastewater Treatment Facility Reclaimed Water Storage, Tetra Tech Amendment No 1 to Work Order No 2

Attachments: [Staff Report](#)
 [Tetra Tech Summary Letter Report](#)
 [Assignment of the Cattle Lease Agreement](#)

Utility Services Director Vincent Burke was present, but there was no discussion on this item.

A motion was made by Commissioner O'Bryan, 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

13. COUNTY ATTORNEY MATTERS

- 13.A.** [19-0531](#) Request for Emergency Addition--Sunbreak Farms Petition for Administrative Hearing

Attachments: [Staff Report](#)
 [Notice of Proposed Agency Action to Deny](#)

County Attorney Dylan Reingold provided a brief summary of the background regarding Sunbreak Farms, LLC and their application to the South Florida Water Management District (SFWMD) for a modification of an Environmental Resource Permit for the Type 1 Biosolids Management Facility. He relayed that on May 24, 2019, the SFWMD denied the application, and Sunbreak Farms has since filed for an administrative hearing. Attorney Reingold confirmed that St. Lucie County has filed a Motion to Intervene, and he requested direction from the Board as to whether they would like to have a say in the determinations.

County Administrator Jason Brown added that there was also an application filed in Brevard County, and the consensus of the Board was for staff to follow the issue closely.

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, to direct the County Attorney to file a Motion to Intervene, in support of the South Florida Water Management District's denial of an application for a modification of an Environmental Resource Permit for the Type 1 Biosolids Management Facility, applied for by Sunbreak Farms, LLC. 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**

14.B.1. [19-0503](#) Designation as an Age-Friendly Community

Attachments: [Commissioner's Memorandum](#)

(Clerk's Note: This item was moved to follow Item 5.A., and is placed here for continuity.)

Vice Chairman Adams spoke on the importance of incorporating age-friendly amenities into our community.

Metropolitan Planning Organization (MPO) Staff Director Phil Matson informed the Board of his support for the designation, making mention that it showed cooperation and partnership when applying for grants.

Commissioner O'Bryan was in support of the designation and preferred the "Livable Community" wording, as brought forth by Secretary Prudom in Item 5.A., to attract a younger population to Indian River County. Secretary Prudom clarified that he would be working with the State to change the wording, as other counties agreed that "Livable Community" was a preferred term to "Age-Friendly."

Chairman Solari was not in support of the designation, making mention that he lacked confidence that the terms of the designation could be dictated at the local level.

A motion was made by Vice Chairman Adams, seconded by Commissioner Zorc, to direct staff to work with the Senior Collaborative of Indian River County to attain the designation of an Age-Friendly/Livable Community. 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. Commissioner Joseph E. Flescher**D. Commissioner Peter D. O'Bryan**

Commissioner O'Bryan had requested to add Item 14.D.1. Elevation Certificates to the agenda, but he agreed to table it until July 2, 2019.

E. Commissioner Tim Zorc

- 14.E.1. [19-0505](#) Reducing young adult access to tobacco products and other nicotine-delivery devices

Attachments: [Commissioner's Memorandum](#)

(Clerk's Note: This item was heard following Item 10.B.1., and is placed here for continuity.)

Commissioner Zorc requested that the County Attorney research what other counties within the State have done to limit the access of nicotine-delivery devices to young adults. Ms. Leslie Spurlock, who addressed the Board in Item 10.B.1., suggested that a local tobacco licensing/permitting fee should cover the costs of policing the underage sales. Chairman Solari disagreed.

Discussion ensued amongst the Board with the consensus being that it would be a very costly endeavor for the County to police the underage sale of nicotine related products when it is the responsibility of the State.

Commissioner O'Bryan provided his perspective, making note that he felt the County should get involved if the State would not, and he agreed with the majority of his fellow Commissioners that additional research by the County Attorney would be helpful.

A motion was made by Commissioner Zorc, seconded by Vice Chairman Adams, to direct the County Attorney to research the options for enforcing the underage sale of nicotine-delivery devices and products. The motion carried by the following vote:

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

Nay: 1 - Chairman Solari

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. [19-0484](#) Approval of Minutes Meeting of April 16, 2019

Attachments: [SWDD Minutes 04162019](#)

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the Meeting Minutes of April 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. [19-0525](#) Change Order No. 4 to Thalle (Bid #2018025)

Attachments: [Staff Report](#)
 [CDM Smith Letter of Recommendation and Change Order Form](#)
 [Change in Contract Summary Log](#)

There was no discussion on this item.

A motion was made by Vice Chairman Adams, seconded by Commissioner Zorc, 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 declared the meeting adjourned at 6:19 p.m.