



# Indian River County Florida

## Meeting Minutes - Draft

### Board of County Commissioners

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
[www.ircgov.com](http://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, November 3, 2020

9:00 AM

Commission Chambers

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**This meeting can be attended virtually via Zoom. Instructions can be found with this agenda and also online at [www.ircgov.com](http://www.ircgov.com).**

#### 1. CALL TO ORDER

**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 Roger Ball, Freedom Church**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Bob Solari**

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

**A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, 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 Recognizing the Month of November, 2020, as National Adoption Awareness Month

Commissioner Zorc read and presented the Proclamation to Caryn Toole, Indian River and Okeechobee County Director, Communities Connected for Kids, in honor of National Adoption Awareness Month.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

**7.A.** City of Vero Beach Ordinance 2020-17, Notice of Voluntary Annexation of 23.65 Acres More or Less

**No Action Taken or Required**

**8. CONSENT AGENDA**

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

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

**8.A.** Checks and Electronic Payments October 9, 2020 to October 15, 2020

**Approved**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

**10.A.1.** MJS Vero Land, LLC Request to Rezone +/- 19.32 Acres from RM-6 to RM-8 (RZON2005090430-87617) [Quasi-Judicial]

Chairman Adams introduced the parties for the proceeding as being Indian River County, and applicant MJS Vero Land, LLC. Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

County Planner Matt Kalep presented the request to rezone ±19.32 acres from RM-6 to RM-8 Multiple-Family Residential, located north of 16th Street and

west of 66th Avenue.

Commissioner O'Bryan received additional information, and Commissioner Zorc updated his disclosures.

The Chairman opened the public hearing.

The following persons appeared before the Board:

Jim Vitter, Land Development Manager, BGE

There being no further speakers, the Chairman closed the public hearing.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation and adopt Ordinance 2020-015, amending the zoning Ordinance and the accompanying zoning map for approximately ± 19.32 acres located approximately +/-870 feet west of 66th Avenue and north of 16th Street, from RM-6, Multiple-family Residential District (up to 6 units/acre), to RM-8, Multiple-family Residential District (up to 8 units/acre); and providing codification, severability, and effective date. 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**

**10.C.1.** Public Notice of Public Hearing Scheduled for November 10, 2020 to Consider an Ordinance Authorizing an Extension of the Temporary Moratorium for an Additional 180 Days with regard to Class B Biosolids - LEGISLATIVE

The Public Notice was read into the record by County Attorney Dylan Reingold.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology****F. Office of Management and Budget****G. Public Works****H. Utilities Services****12.H.1.** North Sebastian Water and Sewer Phase 2 - Approval of SJRWMD Cost-Share Agreement and Next Steps

Director of Utility Services Vincent Burke presented the Board with a request to authorize the execution of two (2) additional funding sources for the project: the St. Johns River Water Management District Cost-Share Agreement, and Amendment 1 to the Florida Department of Environmental Protection Water Quality Restoration Grant, which would bring the total grant aid up to \$4.8 million.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation: approval of the St. Johns River Water Management District Cost-Share Agreement No. 35822; approval of Amendment No. 1 to the Florida Department of Environmental Protection Water Quality Restoration Grant LPQ0019 Agreement; advertise the North Sebastian Water and Sewer Phase 2 Project for competitive bids; direct staff to prepare Resolution 1 and 2 for the water portion of the project to be brought back to the BCC at a later date; and direct staff to obtain a proposal from Masteller and Moler, Inc., for construction phase assistance to be approved by the BCC at a later date. The motion carried by the following vote:**

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

**13. COUNTY ATTORNEY MATTERS****14. COMMISSIONERS MATTERS****A. Commissioner Susan Adams, Chairman****B. Commissioner Joseph E. Flescher, Vice Chairman****C. Commissioner Tim Zorc****14.C.1.** Discussion on Changing IRC Policy for Consultants' Competitive Negotiation Act Projects to Include New Scoring Categories for Owner Surprises and Past Litigation

Commissioner Zorc brought forth a suggestion to modify the County's policy for Consultants' Competitive Negotiation Act (CCNA) projects. Commissioner Zorc requested the addition of two (2) scoring categories when evaluating CCNA

bids: the disclosure of past or pending litigation within the last 10 years, and disclosure of any "owner surprises".

The Commissioners and staff each in turn expressed their opinion on Commissioner Zorc's suggestion. Concerns were raised regarding excessively punitive measures, with agreement on the value of disclosure as long as it was not tied to a rating system. County Attorney Dylan Reingold confirmed that the requests for information were not in violation of CCNA statutes.

Discussion concluded with a recommendation from Director Szpyrka to include only the request for disclosure of litigation, and to omit requests for disclosure of owner surprises.

**A motion was made by Commissioner Zorc, seconded by Chairman Adams, to approve directing staff to update of the CCNA (Consultants' Competitive Negotiations Act) application packet with a requirement for prospective consultants to disclose any litigation within the last ten years. The motion carried by the following vote:**

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

**D. Commissioner Peter D. O'Bryan**

**E. Commissioner Bob Solari**

## **15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

**B. Solid Waste Disposal District**

**C. Environmental Control Board**

## **16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 9:49 a.m.