



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

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

Tuesday, February 4, 2020

9:00 AM

Commission Chambers

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

Deputy Teddy Floyd, Indian River County Sheriff's Office

3. PLEDGE OF ALLEGIANCE

Commissioner Tim Zorc

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 14.D.2. Discussion of Preemption Bills In Florida Legislature

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Agenda as amended. 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.** [20-1227](#) Presentation on Air Show Parking by Rob Lucas, VP of Board of Directors for 2020 Vero Beach Air Show

Rob Lucas, Vice President of the Board of Directors for the 2020 Vero Beach Air Show, requested use of the parking lots at the County Administration Complex on April 25-26, 2020. County Administrator Jason Brown confirmed that the County's parking lots had been used during past Air Shows. Commissioner O'Bryan requested that staff send a memo to all of the Constitutional Officers regarding parking.

Presented

- 5.B.** [20-1241](#) Presentation of Proclamation Honoring Dr. Theresa Floyd, Ph.D.

Attachments: [Proclamation](#)

Vice Chairman Flescher read and presented the Proclamation to Dr. Theresa Floyd, Ph.D. who was joined by members of her family. Dr. Floyd expressed her appreciation and shared her motto: never look down on a man, unless you're picking him up.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Regular Meeting Minutes of November 5, 2019 and November 12, 2019, as well as the Collective Bargaining Impasse Hearing Minutes of September 13, 2019. The motion carried by the following vote:

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

- 6.A.** [20-1256](#) Regular Meeting of November 5, 2019

Attachments: [11052019BCC Draft](#)

Approved

- 6.B.** [20-1271](#) Regular Meeting of November 12, 2019

Attachments: [11122019BCC](#)

Approved

- 6.C.** [20-1275](#) Collective Bargaining Impasse Hearing Minutes of September 13, 2019

Attachments: [09/13/2019 Impasse Hearing Minutes](#)

Approved

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

7.A. [20-1243](#) Florida Public Service Commission Order No. PSC-2020-0028-CO-EI makes Order, In re: Petition for approval of twelve month extension of voluntary solar partnership rider and program, by Florida Power & Light Company, is on file in the Office of the Clerk to the Board.

No Action Taken or Required

7.B. [20-1263](#) Indian River County Venue Event Calendar Review

Attachments: [Staff Report](#)

No Action Taken or Required

7.C. [20-1277](#) Update on Virgin Trains Expenses

Attachments: [Staff Report](#)

[Virgin Trains Expenses](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Consent Agenda as amended, pulling Items 8.E. and 8.K. for discussion. The motion carried by the following vote:

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

8.A. [20-1250](#) Checks and Electronic Payments January 10, 2020 to January 16, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [20-1251](#) Checks and Electronic Payments January 3, 2020 to January 9, 2020

Attachments: [Finance Department Staff Report](#)

Approved

- 8.C. [20-1231](#) Advance Acquisition of Right-of-Way Owners: Robert E. Hale and David DeBerry

Attachments: [Staff Report](#)
 [Purchase Agreement](#)
 [Boundary Survey](#)
 [Aerial Location Map](#)

Approved staff's recommendation

- 8.D. [20-1249](#) Approval of Second Extensions to Agreements for Custodial Service and Termination of American Janitorial Agreement

Attachments: [Staff Report](#)
 [Second Extension - K's Commercial Cleaning](#)
 [Second Extension - Beachland Cleaning Service](#)
 [Second Extension - W&G Maintenance Corp](#)
 [Second Extension - CER Signature Cleaning](#)

Approved staff's recommendation

- 8.E. [20-1280](#) Miscellaneous Budget Amendment 004

Attachments: [Staff Report](#)
 [2019 2020 Resolution](#)
 [Exhibit "A"](#)

Commissioner Solari highlighted the budget amendment from the Parks and Conservation Resources Department, which received five (5) grants totaling more than \$500,000. The Commissioner congratulated and thanked staff for their work.

A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to approve Resolution 2020-007, amending the Fiscal Year 2019-2020 Budget. The motion carried by the following vote:

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

- 8.F. [20-1239](#) Fourth of July Fireworks Funding

Attachments: [Staff Report](#)
 [City of Vero Beach July 4th 2020](#)
 [Lions Club July 4th 2020](#)

Approved staff's recommendation

8.G. [20-1279](#) Authorization to Increase Blanket Purchase Orders

Attachments: [Staff Report](#)

Approved staff's recommendation to authorize increases for certain blanket Purchase Orders for Sandridge Golf Club.

8.H. [20-1254](#) Roseland Road Force Main Extension and Wastewater Facilities for Dale Wimbrow and Donald McDonald Parks

Attachments: [Staff Report](#)

[Work Order No 8 and supporting documents](#)

Approved staff's recommendation

8.I. [20-1267](#) Amendment Number 2 to the Agreement for Professional Services, 45th Street Improvements (IRC-1722) - RFQ 2018012

Attachments: [Staff Report](#)

[Amendment 2 to Agreement](#)

Approved staff's recommendation

8.J. [20-1266](#) SEVEN REAL ESTATE HOLDINGS, LLC's Request for Release of a Drainage Easement at 5265 US HIGHWAY 1 (53rd St/US 1 Commercial Subdivision Replat of Lots 2&3)

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit A](#)

Approved Resolution 2020-008, releasing a drainage easement on a portion of Lot 1 and all of Lot 2, 53rd Street/US 1 Commercial Subdivision Replat of Lots 2 and 3.

- 8.K. [20-1276](#) Approval of Amended Resolutions Establishing Fair Market Rental Rates for Housing Choice Voucher Program

Attachments: [Staff Report](#)
[Amended Resolution \(FY 2019\)](#)
[Amended Resolution \(FY 2020\)](#)

Commissioner O'Bryan discussed the corrections made to the Fiscal Year 2019 and 2020 Housing Choice Voucher Program rental rates, which were \$0.80 lower than the Fair Market Rent payment standards set by the Department of Housing and Urban Development (HUD). Deputy County Attorney Bill DeBral noted that the County received HUD's highest rating, and thanked Robin Miller, Rental Assistance Voucher Supervisor, for her work.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve: 1) Resolution 2020-009, amending Resolution 2018-085 and approving payment standards for beginning Fiscal Year 2019 for the Housing Choice Voucher Program; and 2) Resolution 2020-010, amending Resolution 2019-071 and approving payment standards for beginning Fiscal Year 2020 for the Housing Choice Voucher Program. The motion carried by the following vote:

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

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

10. **PUBLIC ITEMS**

- A. **PUBLIC HEARINGS**
- B. **PUBLIC DISCUSSION ITEMS**
- C. **PUBLIC NOTICE ITEMS**

- 10.C.1. [20-1262](#) Notice of Public Hearing Scheduled for February 11, 2020: Consideration of an Ordinance to Amend the Zoning and accompanying Zoning Map for approximately +/-6.13 acres located North of 53rd Street and West of the Florida East Coast Railroad and the existing CEMEX facility (3150 53rd Street, Vero Beach, FL 32967) from A-1, Agricultural District (up to 1 unit/5 acres), to IG, General Industrial District (subject property 1); ±15.85 acres located North of 53rd Street and West and adjacent to subject property 1 from A-1, Agricultural District (up to 1 unit/5 acres), to CH, Heavy Commercial District (subject property 2); and ±4.78 acres located North of 53rd Street and West and adjacent to subject property 2 from IG, General Industrial District, to CG, General Commercial District (subject property 3) (Quasi-Judicial)

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

- A. **Community Development**
- B. **Emergency Services**
- C. **General Services**
 - 1. **Human Services**
 - 2. **Sandridge Golf Club**
 - 3. **Recreation**
- D. **Human Resources**
- E. **Office of Management and Budget**
- F. **Public Works**

- 12.F.1. [20-1269](#) 11th Drive Project Developer's Agreement - Design, Permitting, Construction Cost Approval

Attachments: [Staff Report](#)
[11th Drive Conceptual Plans](#)
[Russell-Moler Design Agreement & Letter](#)

Director of Public Works Rich Szyrka provided a recap of the planning that led to the Board's approval of the 11th Drive Developer's Agreement with Virginia W. Russell Family, Ltd. (Russell) on October 22, 2019. Director Szyrka then detailed the Russell agreement including design, permitting, and roadway configuration. He continued with a breakdown of the agreed costs for both parties, and concluded with a request for funding approval.

Commissioner O'Bryan sought information on responsibility for cost overruns. Director Szyrka provided that he hoped there would be none, however, details for that possibility were still pending.

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

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

G. Utilities Services

- 12.G.1. [20-1255](#) Citrus Hideaway Subdivision Water Assessment Project, Resolutions I (Preliminary Assessment Roll) and II (Public Hearing Date)

Attachments: [Staff Report](#)
[Providing Resolution](#)
[Setting Resolution](#)
[Assessment Roll](#)
[Assessment Area Map](#)

Director of Utility Services Vincent Burke displayed a map of the Citrus Hideaway Subdivision as he provided details of the planned water main extension from County Road 510 to the subdivision. He noted that there was a supermajority of residents in favor of the project, and sought the Board's approval for the Providing and Setting Resolutions associated with this project.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve: 1) Resolution 2020-011, providing for a water main extension from CR-510 to 75th Court, within Citrus Hideaway Subdivision and property abutting 75th Court, located within unincorporated Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served; and 2) Resolution 2020-012, setting a time and place at which owners of certain properties, within Citrus Hideaway Subdivision and property abutting 75th Court, located within unincorporated, Indian River County, Florida; and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby. The motion carried by the following vote:

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

12.G.2. [20-1268](#) Developer's Agreement with Pleasantville Assisted Living LLC

Attachments: [Staff Report](#)

[Developer's Agreement with Pleasantville Assisted Living LLC](#)

Director of Utility Services Vincent Burke recounted the utility construction improvements conducted by Pleasantville Assisted Living LLC (Developer) for their property, Reflections Assisted Living Facility (ALF), located at 6250 US Highway 1. He discussed the work done by the Developer to refurbish and improve the ALF's lift station, while displaying before and after photos of the site. Director Burke then requested approval of a Developer's Agreement that specified a 50/50 cost share between the Developer and the County.

Commissioner O'Bryan made mention of St. Lucie County's use of graphic wraps to enhance the look of their utility control boxes, and requested more information. County Administrator Jason Brown agreed to gather costs and details of the graphic wraps.

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

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

13. COUNTY ATTORNEY MATTERS

- 13.A.** [20-1252](#) **TIME CERTAIN 10:30 A.M.** Attorney-Client Session Regarding Settlement Negotiations and/or Strategy Sessions related to Litigation of INDIAN RIVER COUNTY v. TWENTY-TWO BEACHFRONT PROPERTIES LOCATED BETWEEN, AND INCLUDING, 9586 DOUBLOON DR., AND, BUT NOT INCLUDING, 1820 WABASSO BEACH RD., VERO BEACH, FLORIDA, 32963, pending in the Circuit Court of the Nineteenth Judicial Circuit, in and for Indian River County, Florida; Case No. 31 2018 CA 000881

Attachments: [Staff Report](#)

[Clerk's Note: This Item was heard following Item 14.D.2. and is placed here for continuity.]

The Chairman read the opening remarks of the Attorney-Client Session scheduled for 10:30 a.m. regarding Litigation of Indian River County v. Twenty-two Beachfront Properties located between, and including, 9586 Doubloon Drive, and, but not including, 1820 Wabasso Beach Road, Vero Beach, Florida, 32963. The estimated time of the closed Attorney-Client session was 90 minutes. Those in attendance were Commissioners Susan Adams (Chairman), Joseph E. Flescher (Vice Chairman), Bob Solari, Peter D. O'Bryan, and Tim Zorc. Also present were County Attorney Dylan Reingold, County Administrator Jason Brown, and Certified Court Reporter Greg Campbell.

The Board reconvened in Chambers at 10:58 a.m. The Chairman closed the Attorney-Client Session and reopened the regular Board meeting. There being no further items to be discussed, the Chairman adjourned the meeting.

No Action Taken or Required

- 13.B. [20-1261](#) Update on 4730 40th Avenue, Vero Beach, Florida (Former Gifford Gardens Apartments)

Attachments: [Staff Report](#)
 [Order Cond. Setting Fine](#)
 [Property Maintenance Lien](#)
 [Order Imposing Fine](#)
 [2019 TRIM Notice](#)
 [Quit Claim Deed](#)
 [Tax Deed](#)
 [Release of Mortgage](#)
 [Utilities Dept. Research for Property](#)

Bill Schutt, Chief of Long Range Planning, used a PowerPoint presentation to provide an update of the now-demolished Gifford Gardens Apartments, located at 4730 30th Avenue, which the County considered purchasing for an affordable housing project. His report provided a history of the property, code liens, taxes, outstanding utility charges, and impact fee credits. The presentation concluded with options for purchase or foreclosure of the property.

Deputy County Attorney Bill DeBraul provided the legal and financial details needed to proceed with staff's recommendation to attempt an arm's length negotiation for purchase before proceeding with foreclosure.

Discussion ensued between the Commissioners and staff regarding the title report, auction procedures, handling of County-imposed fees, and how to settle the property's ERUs. Concern was raised for the amount of time it would take to reach the current property owner and negotiate a deal. Commissioner Solari suggested imposing a time limit for negotiations, with Commissioner O'Bryan setting the time limit to three months.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation with the addition of a 3-month time limit placed on attempted negotiations with the property owner. The motion carried by the following vote:

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

- 13.C.** [20-1278](#) Tabled from January 21, 2020 meeting--Disposition of Real Property Ordinance

Attachments: [Staff Report](#)
 [Disposal of Real Property](#)

County Attorney Dylan Reingold referred to staff's memo of January 10, 2020 in presenting options for the disposition of real property, tabled from the January 21, 2020 meeting. Attorney Reingold listed four (4) options for the Board's consideration: 1) Minimum base bid; 2) Negotiated sale through the use of a Realtor or public auction house; 3) Florida Department of Transportation (FDOT) coordinated sale; and 4) Request for Proposals (RFP). He concluded by requesting the Board's direction regarding which options to include in the draft Ordinance.

During discussion, the Board agreed it would be beneficial to include all four options, with further direction for staff to determine the optimal number of Realtors in Option 2.

Commissioner Zorc raised questions regarding the purchase of property in advance of development, and was advised to consult with Purchasing Manager Jennifer Hyde before bringing the issue back as a separate item.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to direct the County Attorney's office to draft an Ordinance including all four recommended methods for disposition of real property. Additionally, staff was directed to determine the optimal number of real estate agents to place in rotation. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

- A. Commissioner Susan Adams, Chairman**
- B. Commissioner Joseph E. Flescher, Vice Chairman**
- C. Commissioner Tim Zorc**

- 14.C.1. [20-1248](#) Discussion on Natural Gas Pipeline Extension from Vero Beach Region Airport to IRC Jail Complex

Attachments: [Commissioner's Memo](#)

Commissioner Zorc introduced an item regarding the extension of an existing natural gas pipeline from the Vero Beach Airport to the County Jail Complex. He requested having the County Administrator explore the potential cost savings of converting the jail from propane to natural gas.

Tim Knutson, Account Executive with Florida City Gas, provided information on construction of the extension, as well as his company's finance model and timeline to recoup initial costs.

Discussion ensued among the Board regarding financing and the need to get a specific proposal for evaluation. Commissioner Solari voiced his objection to government subsidy of the initial costs.

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, directing staff to meet with representatives from Florida City Gas to compile the costs and benefits of converting the Indian River County Jail Complex to natural gas. The motion carried by the following vote:

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

Nay: 1 - Commissioner Solari

- D. Commissioner Peter D. O'Bryan

14.D.1. [20-1273](#) Consideration to Naming the First Floor Meeting Room of the Main Library

Attachments: [Commissioner's Memorandum](#)
 [Resolution 2011-042 re Commemorative Works](#)
 [Proclamation honoring Mary Snyder](#)

Commissioner O'Bryan requested the Board's consideration of a proposal from the Friends of the Library to name the Main Library's first floor meeting room in honor of Mary Snyder, in recognition of her 30 years of service as Director of Library Services. Additionally, he suggested a 50/50 cost share with the Friends of the Library for a plaque and its installation.

Assistant County Administrator Mike Zito thanked the Board for their consideration of this request.

A motion was made by Commissioner O'Bryan, seconded by Chairman Adams, to approve naming the first floor meeting room of the Main Library in honor of Mary Snyder, former Director of Library Services. The motion carried by the following vote:

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

14.D.2. [20-1300](#) Discussion of Preemption Bills In Florida Legislature

Commissioner O'Bryan brought forth for discussion State Senate Bill 1698 and House Bill 1237, dealing with regulation of pet stores. The concern was the inclusion of a preemption, which would override the County's pet store Ordinance, and would conflict with the County's support of Home Rule.

Legislative Affairs and Communications Manager Brian Sullivan provided an update of the proposed legislation, which was unlikely to come up for a vote this session.

Commissioner O'Bryan directed Mr. Sullivan to monitor the two bills and report back to the Board with any updates.

Referred to Staff

The Chairman called a recess at 10:17 a.m., and reconvened the meeting at 10:27 a.m. with all members present.

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 10:58 a.m., following the close of Item 13.A. Time Certain 10:30 a.m. Attorney-Client Session.