



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, December 10, 2019

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

Chaplain Lou Tropf, Indian River County Jail

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 Zorc, to approve the Agenda as presented. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [19-1066](#) Presentation of Proclamation Recognizing Ashima Wild for Her Outstanding Support to the Indian River County Solid Waste Disposal District

Attachments: [Proclamation](#)

Vice Chairman Flescher read and presented the Proclamation to Ashima Wild to recognize her dedication to the Solid Waste Disposal District and to the citizens of Indian River County. He stated that Ms. Wild, an employee of Republic Services, had served as the President of Keep Indian River Beautiful, Inc. (KIRB) for the past ten (10) years.

The following individuals offered their appreciation for Ms. Wild:

- James Kordiak, on behalf of the KIRB Board of Directors
- Daisy Packer, Executive Director, KIRB
- Joanne Stanley, Municipal Services Manager, Republic Services
- Joe Idlette, on behalf of the Gifford community
- Freddie Woolfork, on behalf of the Gifford community
- Himanshu Mehta, Managing Director, Solid Waste Disposal District

Read and Presented

- 6. APPROVAL OF MINUTES
- 7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION
- 8. CONSENT AGENDA

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 8.J. 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. [19-1068](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 09/30/19

Attachments: [Finance Department Staff Report](#)

Accepted

- 8.B. [19-1094](#) Quarterly Investment Report for the Quarter Ending 09/30/19

Attachments: [Investment Committee 09302019 Report](#)

Accepted

- 8.C.** [19-1095](#) Quarterly OPEB Trust Report for the Quarter Ending 09/30/19
Attachments: [Investment Committee 09302019 OPEB Report](#)

 Accepted
- 8.D.** [19-1096](#) Checks and Electronic Payments November 15, 2019 to November 21, 2019
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.E.** [19-1097](#) Checks and Electronic Payments November 8, 2019 to November 14, 2019
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.F.** [19-1102](#) Quarterly Tourist Development Tax Report for the Quarter Ending 09/30/19
Attachments: [Tourist Development Tax 093019](#)

 Accepted
- 8.G.** [19-1108](#) 2019 Internal Audit Report
Attachments: [Finance Department Staff Report](#)

 Accepted
- 8.H.** [19-1112](#) Checks and Electronic Payments November 22, 2019 to November 28, 2019
Attachments: [Finance Department Staff Report](#)

 Approved
- 8.I.** [19-1114](#) Permission to Advertise for Public Hearing for Amendment to Section 100.03(4) of the Indian River County Code, Codifying and Publishing the Ordinances to Readopt the Code as Published by the Municipal Code Corporation - LEGISLATIVE
Attachments: [Staff Report](#)

 Approved staff's recommendation

- 8.J. [19-1117](#) Rejection of Sealed Bids for Sale of 1935 43rd Avenue (Former Mermaid Car Wash) - Bid 2020015

Attachments: [Staff Report](#)

Commissioner Zorc received clarification from County Administrator Jason Brown regarding the Florida Department of Transportation's involvement with the former Mermaid Car Wash property.

A motion was made by Commissioner Zorc, 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

Following the motion to reject the bids for the sale of 1935 43rd Avenue (former Mermaid Car Wash) and to authorize re-advertising at a later date, Commissioner O'Bryan inquired with County Attorney Dylan Reingold regarding a new process for marketing County-owned commercial property. Commissioner O'Bryan suggested utilizing commercial real estate agents by going through a Request For Qualifications (RFQ) process to select three (3) rotating agents who would market properties to be surplus.

Attorney Reingold stated that upon direction from the Board, he would draft an Ordinance to bring back for adoption at a future meeting.

Commissioner Zorc spoke in support of updating the process for County-owned surplus property.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to direct the County Attorney to draft an Ordinance that would allow staff to utilize commercial real estate agents when disposing of County-owned surplus property. 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

- 9.A.** [19-1070](#) Presentation by Jeffrey R. Smith, Indian River County Clerk of Circuit Court and Comptroller of the Certificate of Achievement for Excellence in Financial Reporting Award for the FY 2018 Comprehensive Annual Financial Report (CAFR) and Outstanding Achievement Award for Popular Annual Financial Reporting (PAFR) for the FY 2018 PAFR

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith announced two (2) awards that he and his staff had recently received. The Certificate of Achievement for Excellence in Financial Reporting Award for the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR) was earned for the 36th straight year, and the Outstanding Achievement Award for Fiscal Year 2018 Popular Annual Financial Reporting (PAFR) was earned for the fourth time, each of the four (4) years it had been presented. He recognized members of his staff who were in attendance, and he commended their hard work.

The Board congratulated Mr. Smith and members of his staff for a job well done.

County Attorney Dylan Reingold acknowledged the work done by Mr. Smith, and he spoke highly of the relationship he has with the Clerk and his entire staff.

No Action Taken or Required

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

1. [19-1111](#) Biosolids Moratorium Extension Ordinance - LEGISLATIVE

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

County Attorney Dylan Reingold provided the background related to the Class B Biosolids Moratorium. He recommended the Board's adoption of an Ordinance to extend the moratorium until July 2020.

Commissioner O'Bryan requested an update regarding the rule making status with the Florida Department of Environmental Protection (FDEP). Attorney Reingold stated that staff had provided comments regarding the FDEP's drafted and distributed rule, and that a Public Hearing has been scheduled for late January 2020. County Administrator Jason Brown added that the FDEP's new rule would require ratification by the Legislature, and that it would need to be enacted in time for the 2020 Legislative Session.

Chairman Adams opened the Public Hearing.

The following residents spoke in favor of extending the Class B biosolids moratorium:

Joseph Paladin, President, Black Swan Consulting, 6450 Tropical Way
Russell Herrmann, 586 Redwood Court, Sebastian, representing the
Friends of St. Sebastian River

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

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to adopt Ordinance 2019-021, 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 Adams, Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

2. [19-1113](#) GYAC Limited Alcohol Consumption Ordinance - LEGISLATIVE

Attachments: [Staff Report](#)
[Draft Ordinance](#)
[Draft Lease Amendment](#)

County Attorney Dylan Reingold announced the details of the proposed Ordinance to amend the Code of Indian River County, and to amend the lease agreement with the Gifford Youth Achievement Center (GYAC) to allow alcoholic beverages to be consumed at certain events.

Chairman Adams opened the Public Hearing.

Freddie Woolfork, 4590 57th Avenue, spoke on behalf of the GYAC to thank the Board and the County staff who worked quickly to make the changes come to fruition.

There being no additional 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 2019-022, amending Section 205.09 (Sale and consumption of alcoholic beverages at designated recreational facilities) of Chapter 205 (Parks and Recreation) of the Code of Indian River County, Florida in order to allow for consumption of alcoholic beverages at the Gifford Youth Achievement Center subject to the terms of the lease; and providing for codification, severability, repeal of conflicting provisions, and an effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

1. [19-1105](#) Request to Speak from Jason Yergler regarding the intersection of 66th Ave and 8th Street

Attachments: [Public Discussion Request](#)

Jason Yergler, 6425 5th Street, spoke regarding the number of accidents that have occurred at the intersection of 8th Street and 66th Avenue, and his quest to have a traffic light installed. Mr. Yergler stated that he was recently notified that his request was being put into motion, and he asked the Board for a completion date.

Commissioner Zorc advised that the warrant study was scheduled to be completed by late January 2020, to be followed by the design and engineering phase and the construction phase. Commissioner Zorc was unable to provide a definite completion date.

County Administrator Jason Brown offered clarification of the process, noting a timeline of 12 months to 18 months following the results of the warrant study, if the study deemed it necessary to have a traffic light installed. Mr. Yergler discussed his concerns related to the warrant study guidelines.

Commissioner O'Bryan warned Mr. Yergler that installing a traffic light would not solve all of the issues, and Administrator Brown added that he should involve the Sheriff's Office to enforce the speed limit on 66th Avenue.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

1. [19-1110](#) Condemnation, Demolition and Removal of Unsafe Structure Located at 530 13th Place

Attachments: [Staff Report](#)
[Resolution](#)
[Condemnation List](#)
[Pictures of Condemned Structure](#)

Building Official Scott McAdam referred to staff's memorandum and a PowerPoint Presentation to provide the background on the vacant four (4) unit multi-family residential dwelling at 530 13th Place. He told of a December 4, 2019 meeting that staff had with the property owners, Juan and Maria De Los Santos of Indian River Beach Properties. Mr. McAdam stated that staff's recommendation was to order the building demolished; however, he noted that staff would be open to the structure being renovated rather than demolished, if a reasonable timeline could be agreed upon by the Board and the property owners.

Commissioner O'Bryan inquired about the cost of renovating the structure, and Mr. McAdam estimated the cost to be \$200,000. The Commissioner then referred to Code Enforcement Chief Roland DeBlois for clarification related to the possibility of reducing the outstanding fines. Chief DeBlois explained that the fines were related to the exterior maintenance and securing the structure, and he stated that once those items were taken care of, the owners could go to the Code Enforcement Board for the consideration of reducing the accrued flat fine.

Commissioner Solari pointed out that County staff and the residents/property owners in the neighborhood have been dealing with the negative impact of the property at 530 13th Place for ten (10) years. He also mentioned the fact that the property was owned by a dissolved Limited Liability Company, and that the recent improvements to the property were not permitted. He offered his opinion that the property owners should go before the Code Enforcement Board in the near future to have the guidelines made clear. The Commissioner suggested that the reduced fine amount should be paid in advance of any further improvements to the property, and that a condition be written in the guidelines agreement to state that the code enforcement fines would revert back to the original dollar amount if the property was not secured within the timeline that was set.

Vice Chairman Flescher questioned staff about permitting the work that had been previously completed, and Mr. McAdam felt it would be an easy task.

Chairman Adams opened the floor for public comments.

Margaret Slay, who represented four (4) properties that include 20 apartments on 13th Place, offered her concern regarding vandals and vagrants. She requested a plan for moving forward.

Maria De Los Santos, a resident of Miami and a property owner at 530 13th Place, offered her dissatisfaction that none of the neighbors had called law enforcement to report that vagrants were on the property. She stated that the problems on the property began after the 2004 hurricanes, and she elaborated on the related issues and the multiple attempts to secure the property. Ms. De Los Santos explained that in the past 60 days they have installed new windows and doors, with the exception of the sliding doors in the back of the units, which would remain covered by boards for visibility purposes related to vandals until the back of the property was cleared.

Commissioner O'Bryan received confirmation from Ms. De Los Santos that she and her husband had the financial means to bring the property into compliance.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to: 1) direct Code Enforcement Chief Roland DeBlois to arrange for the property owners, Juan and Maria De Los Santos, to appear before the Code Enforcement Board; 2) request that the Code Enforcement Board determine a conditional fine amount to be paid by the property owners within a reasonable amount of time; and 3) direct Building Official Scott McAdam to prepare a timeline for improvements that would include permitting and inspection requirements to be followed by the property owners.

Discussion ensued, and County Attorney Dylan Reingold reminded the Board that the item before them involved demolition. Additional discussion was heard, and it was noted by Chief DeBlois that the next Code Enforcement Board meeting was scheduled for January 27, 2020. Commissioner O'Bryan agreed to amend his motion to table the agenda item until February 18, 2020.

An amended motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to table the item until February 18, 2020. The motion carried by the following vote:

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

Nay: 1 - Commissioner Solari

- 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**

1. [19-1109](#) Sector 5 Beach & Dune Restoration Project- Hurricane Dorian Repairs Change Order No. 1 (IRC-1923)

Attachments: [Staff Report](#)
[Change Order No. 1](#)

Public Works Director Rich Szpyrka referred to staff's memorandum as he provided the Board with two (2) alternatives for moving forward with the Sector 5 Beach and Dune Restoration Project. He explained that staff recommended Alternative 1, to approve Change Order No. 1 to allow for an increased amount of sand and related expenses due to the impacts of Hurricane Dorian. Director Szpyrka added that the completion date stated in the original contract with Rio-Bak Corporation could not be adjusted due to turtle nesting season.

Director Szpyrka informed the Board that new information from the Florida Emergency Management Agency (FEMA) became available late Friday afternoon after the Agenda was prepared. FEMA informed Budget Director Kristin Daniels that neglecting to restore the beach to the permitted template could incur a violation that would result in the loss of funding related to Hurricane Matthew and Hurricane Irma, and it would jeopardize the County's eligibility for funding in the future.

Commissioner Solari inquired on a funding source for the proposed Change Order in the event that the project was not reimbursed by FEMA. Director Szpyrka stated that the entire cost would then be funded from Local Option Tourist Tax dollars. Discussion ensued among the Board and County Administrator Jason Brown, with the conclusion being that beach restoration was a good use of tourist-generated tax dollars.

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

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Tim Zorc

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob Solari

Chairman Adams called for a recess at 10:25 a.m., and reconvened the meeting at 10:32 a.m., with all members present.

F. Commissioners Open Dialogue

[19-1121](#) Commissioners Open Dialogue

Attachments: [Commissioners Open Dialogue](#)

Updates were provided by individual Commissioners on the following topics:

Commissioner Zorc indicated that Bethel Creek was being considered by the Florida Institute of Technology (FIT) for water study funding, and that he had been speaking with staff from FIT to set up a meeting for a community information update program. He would be making an announcement when a meeting date was set. Commissioner Zorc also stated that he enjoyed the 35th Annual Vero Beach Christmas Parade on Saturday, December 7, 2019.

Vice Chairman Flescher commented that he had attended parades and also an impactful Pearl Harbor commemorative event in Sebastian. In addition, he commented on the beautification he had noticed at residences and businesses throughout the County.

Commissioner O'Bryan provided comments related to the 2020 Legislative Session. He stated that the Florida Association of Counties (FAC) had completed their policy conference last month, and all of the Commissioners should have received the final adopted policy statements. He noted that the legislative days scheduled for the Research Coast and the FAC would be in January 2020.

Commissioner Solari detailed the Bulk Wastewater Agreement that was presented to the City of Vero Beach (City) by the County. He highlighted some of the comments that were made at the City Council meeting on December 3, 2019. In closing, he wished the residents of the County a Merry Christmas.

Chairman Adams announced that Santa would be arriving in Fellsmere that evening, via airboat. She spoke regarding her satisfaction for the completion of the paving project in Fellsmere and for the Sebastian Light-Up Night. In addition, she thanked County staff for providing information to the Vero Lake Estates (VLE) MSTU Advisory Committee, who spoke to VLE property owners to discuss the MSTU process. Chairman Adams echoed Commissioner Solari's heartfelt Merry Christmas and Holiday Wishes to the residents of the County.

No Action Taken or Required

15. SPECIAL DISTRICTS AND BOARDS

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

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

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve the Budget Workshop Meeting Minutes of July 17, 2019; the Preliminary Budget Hearing Meeting Minutes of September 11, 2019; the Final Budget Hearing Meeting Minutes of September 18, 2019; and the Meeting Minutes of August 13, 2019. The motion carried by the following vote:

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

1. [19-1077](#) Approval of the Budget Workshop Meeting Minutes of July 17, 2019

Attachments: [07/17/19 SWDD Budget Workshop](#)

Approved

2. [19-1082](#) Preliminary Budget Hearing of September 11, 2019

Attachments: [0912019 Preliminary Budget SWDD Draft](#)

Approved

3. [19-1084](#) Approval of Final Budget Hearing September 18, 2019

Attachments: [09/18/19 SWDD Final Budget Draft Minutes](#)

Approved

4. [19-1089](#) Approval of Minutes Meeting August 13, 2019

Attachments: [08/13/19/ SWDD Draft Minutes](#)

Approved

- 5. [19-1116](#) CCNA-2018 Work Order No. 28 to Kimley-Horn for the Solid Waste Disposal District Annual Financial Reports

Attachments: [Staff Report](#)
[CCNA 2018 Work Order No 28 - Kimley Horn](#)

There was no discussion on this item.

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

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

- 6. [19-1119](#) CCNA-2018 Work Order No. 6 to Geosyntec for Engineering Services with the Solid Waste Disposal District Annual Permit Compliance Monitoring and Reporting for 2020

Attachments: [Staff Report](#)
[CCNA-2018 Work Order No 6 - Geosyntec](#)

There was no discussion on this item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Adams adjourned the meeting at 10:45 a.m.