



Indian River County Florida

Meeting Minutes

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, March 3, 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

Minister Jack White of Gifford Church of Christ

3. PLEDGE OF ALLEGIANCE

Commissioner Bob Solari

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

ADDED: Additional backup materials for Item 8.L. Miscellaneous Budget Amendment 005

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, 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. Presentation of Proclamation Designating the Month of March, 2020, As March for

Meals Month

Chairman Adams read and presented the Proclamation to Karen Deigl, CEO, Senior Resource Association, who provided information about the number of county residents assisted by the various Meals on Wheels nutrition programs.

No Action Taken or Required

5.B. Presentation of Proclamation on Partnering with the 2020 Census to Ensure an Accurate Count for Indian River County

Commissioner Solari read and presented the Proclamation to Amy Hill, Partnership Specialist with the U.S. Census Bureau in Indian River County. Ms. Hill thanked Chairman Adams for her work as Chairman of the Count Committee, and provided information on how to participate in the 2020 Census.

No Action Taken or Required

6. APPROVAL OF MINUTES

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

7.A. Planning and Zoning Commission Appointment

Mr. Harry G. Howle was appointed to the position of "BCC Appointee, District 5" on the Planning and Zoning Commission.

No Action Taken or Required

7.B. Beach Basket Pilot Campaign

No Action Taken or Required

7.C. Update on Virgin Trains Expenses

No Action Taken or Required

7.D. Indian River County Venue Event Calendar Review

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 Item 8.L. 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. Checks and Electronic Payments February 7, 2020 to February 13, 2020

Approved

8.B. Checks and Electronic Payments February 14, 2020 to February 20, 2020

Approved

8.C. GRBK GHO Arabella Reserve, LLC's Request for Final Plat Approval for a Subdivision to be known as Arabella Reserve [SD-18-01-02 / 2003060207-84550]

Approved staff's recommendation

8.D. Approval of Renewal for a Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety

Approved staff's recommendation

8.E. Approval of Resolution Adopting the Updated 2020 Indian River County Unified Local Mitigation Strategy

Approved Resolution 2020-020, approving the 2020 Revised Indian River County Unified Local Mitigation Strategy.

8.F. Release of Demolition Lien (Lots 6 and 7, Block 6, Spruce Park Subdivision)

Approved staff's recommendation

8.G. Work Order No. 5 Ecological Associates, Inc. HCP Sea Turtle Monitoring North and South County

Approved staff's recommendation

8.H. Permission to Advertise for Modification to County Code Section 201.64 and 201.65

Approved staff's recommendation

8.I. First Amendment to the Agreement between Indian River County and Lost Tree Preserve, LLC

Approved staff's recommendation

8.J. Amendment 1 to Work Order No. 7 Masteller & Moler, Inc., 8th Street 24" Force Main Relocation - FDOT Project 437717-1

Approved staff's recommendation

8.K. Indian River County Subaward and Grant Agreement for Hurricane Dorian

Approved staff's recommendation

8.L. Miscellaneous Budget Amendment 005

County Administrator Jason Brown noted a change in the funding source for Item 6, Emergency Sand for Golden Sands Park, from the Beach Restoration Fund to the MSTU (Municipal Service Taxing Unit) Fund.

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve Resolution 2020-021, 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.M. Rejection of Bids for 2020024 - NCAC Deck Lighting

Approved staff's recommendation

8.N. Award of Bid 2020026 - Demolition of 1200 37th Street

Approved staff's recommendation

8.O. Designation of Excess Equipment as Surplus

Approved staff's recommendation

8.P. Renewal of Agreement for Food Concession Services and Lease at Sandridge Golf Club

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1. Disposition of Real Property Ordinance - Legislative

County Attorney Dylan Reingold recounted the Board's direction from the February 4, 2020 BCC meeting to draft an Ordinance that included alternative procedures for the disposition of real property. Attorney Reingold thanked the various County Departments which contributed to the formation of the proposed Ordinance.

The Chairman opened the Public Hearing.

Bob Auwaerter, Vice Mayor of Indian River Shores, spoke regarding the use of real estate brokers.

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

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to adopt Ordinance 2020-004, enacting Chapter 106 (Real Property Disposition Procedures) of the Code of Indian River County, Florida in order to establish alternative procedures for the Disposition of Real Property; 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

10.A.2.

Consideration of Alternative Land Development Regulation (LDR) Amendment Proposals to Define, Regulate and Establish Criteria for Off-site Accessory Landscaping Services in Agricultural Zoning Districts

Director of Planning Roland DeBlois utilized PowerPoint slides to present the proposed Land Development Regulation (LDR) Amendments related to off-site accessory landscaping services on agriculturally zoned (A-1) land. Background was presented, beginning with the March 5, 2019 Commission meeting wherein residents expressed concerns regarding Caribbean Lawn and Landscaping's business model, which they felt violated existing zoning regulations. The Board directed staff to reassess zoning requirements to better balance the needs of agriculture and commercial business.

The issue returned at the June 18, 2019 Commission meeting, where staff presented a proposed LDR amendment (1st Alternative) defining allowable accessory services on A-1 zoned land; the Board directed the Agriculture Advisory Committee (AAC) to review the proposal and return with recommendations. The presentation continued pursuant to AAC discussions.

Director DeBlois then provided details of staff's refined LDR proposal (2nd Alternative), which would allow off-site accessory landscaping businesses subject to certain criteria and approval by the Planning and Zoning Commission under an administrative permit review. Additionally, two publicly submitted LDR amendment proposals had been filed and were being presented for the Board's consideration: the Hendrix proposal suggested criteria for special exception use; the Simmons/Campbell proposal would eliminate off-site accessory landscaping services in A-1 zones. It was noted that any LDR amendment would apply to future businesses, and existing businesses would be grandfathered-in under LDR Chapter 904 regulations.

During discussion, Commissioner O'Bryan expressed his concerns regarding staff's 2nd Alternative proposal and the attempt to quantify an accessory use business. Chairman Adams was disinclined to pass regulations that were too limiting to the mixed-use nature of A-1 zoned land. Additional discussion

continued between Commissioners and staff regarding the LDR proposals, balanced regulations, and hypothetical scenarios.

The Chairman opened the Public Hearing.

The following people spoke before the Board:

Ken Hendrix, 6220 1st Street SW, detailed his LDR proposal, though he now supported the Simmons/Campbell proposal. He provided historic information on the area to support his comments.

John Terry, 37th Street, disagreed with the ruling that allowed this type of commercial business in an agricultural area, and supported the Simmons/Campbell amendment.

The Chairman called a recess at 10:48 a.m., and reconvened the meeting at 10:55 a.m., with all Board members present.

Spencer Simmons, 7350 37th Street, clarified his initial complaint to the Board. He presented his LDR proposal's rationale for eliminating off-site lawn mowing service businesses on agricultural land, and spoke against grandfathering existing businesses.

Jodi Velde, 6300 1st Street SW, representing Tropical Property Management, informed that landscape debris was recognized as an agricultural product by the State of Florida.

Tim Campbell, 7330 37th Street, posited that commercial businesses were being established on agricultural land in order to pay less tax, and displayed supporting documents.

Marilyn C. Ingram, 6985 37th Street, voiced concern that a precedent had been set, opening the door to future commercialization of the neighborhood.

Amy Simmons, 7350 37th Street, expressed that the permitting process was flawed.

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

Discussion resumed with Commissioners and staff providing input on the three

proposals to amend existing LDRs. County Attorney Dylan Reingold provided guidance on the LDR amendment process, grandfathering existing businesses, and freezing new businesses under the Pending Ordinance Doctrine.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to deny staff's 2nd Alternative Ordinance amendments presented to the Board. Additionally, the Board requested that staff return with a new Ordinance which included language eliminating off-site commercial landscaping businesses, particularly entailing lawn maintenance, from operating on agriculturally zoned land, while grandfathering existing businesses. The motion carried by the following vote:

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

Nay: 1 - Chairman Adams

The Chairman called a recess at 11:49 a.m., and reconvened the meeting at 11:55 a.m., with all Board members present.

10.A.3.

Public Hearing for the Citrus Hideaway Subdivision Water Assessment Project, Resolution III (Legislative)

Director of Utility Services Vincent Burke utilized a PowerPoint presentation to recap the events that led to the final Public Hearing for the Citrus Hideaway Subdivision Water Assessment Project. His presentation continued with a proposed timeline, funding sources, and a request for a utility easement.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve: 1) Resolution 2020-022, confirming the Special Assessments in connection with a water main extension from CR-510 along 75th Court to owners of certain properties, within Citrus Hideaway Subdivision and property abutting 75th Court, located within unincorporated Indian River County, Florida; and providing for Special Assessment Liens to be made of record; and 2) Resolution 2020-023, formally accepting an easement for utility purposes only, over, across and under the 60-foot private road right-of-way of 75th Court, located in unincorporated Indian River County, Florida. 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

10.B.1.

Request to Speak from Railside LLC: Illegal dumping of Indian River County

Recyclables and Garbage

Darren Ofsink, representing Railside LLC, appeared before the Board to discuss a large quantity of recyclables on Railside's property at 1450 Bell Avenue, Fort Pierce. The property had been leased by Tropical Recycling (Tropical), the former recyclables contractor for Indian River County. When Tropical ceased operations in October 2019, the company left behind unprocessed recyclable materials on the lot owned by Railside. Mr. Ofsink contended that it was the County's responsibility to remove the abandoned materials.

County Attorney Dylan Reingold replied by reading from a prepared statement, which had been sent to Railside, indicating that the County was not responsible for the materials. He explained that Tropical had been paid by the County to pick up and process the recyclables at the Fort Pierce location with Railside's consent. The County maintained that the matter was between Railside LLC and Tropical Recycling to resolve.

Mr. Ofsink suggested that Railside LLC may pursue litigation against the County.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1.** Public Notice of Public Hearing Scheduled for March 10, 2020 to Consider an Ordinance Amending Title X, Impact Fees, of the Code of Indian River County by Adopting Proposed New Impact Fee Schedules for the Unincorporated Indian River County and Municipalities, and by Adopting Related Amendments Including Revisions to Level of Service Standards Used in Impact Fee Calculations and Revisions to Impact Fee Benefit Districts [**Legislative**]

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

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club**3. Recreation****D. Human Resources****E. Office of Management and Budget****12.E.1.** Children's Services Funding Allocation for Fiscal Year 2020/21

Budget Director Kristin Daniels requested approval of the Fiscal Year 2020/21 allocation for Children's Services, clarifying that this allocation was separate from the proposed Children's Trust Referendum.

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

F. Public Works**G. Utilities Services****12.G.1.** Amendment and Extension of Cattle Lease Agreement

There was no discussion regarding this item.

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

12.G.2. Request to Waive Bid Process for Purchase of Chlorine Pumps for North County Water Plant

There was no discussion regarding 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

12.G.3. CK Contractors - Replace 16" Water Distribution Valve, 58th Avenue South of 5th Street SW

Vincent Burke, Director of Utility Services, explained the circumstances related to his department's request for approval of an emergency purchase order for the

replacement of a water distribution valve along 58th Avenue, south of 5th Street SW.

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

13. COUNTY ATTORNEY MATTERS

13.A. Agriculture Advisory Committee Appointment

Commissioner O'Bryan made a motion to appoint Walter Thomas Jerkins, Jr. to fill the position of "Citrus Industry" representative on the Agriculture Advisory Committee. There being no further discussion, the motion died for lack of a second.

Motion died for lack of a second

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

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

The Board reconvened as the Board of Commissioners of the Emergency Services District. Those minutes will be approved under the next Emergency Services District meeting.

15.A.1. Memorandum of Understanding between Indian River County Fair Association, Vero Beach Firefighters Association and Indian Rivver County Emergency Services District for Manpower Coverage during the Firefighters Fair.

[Clerk's Note: This item was heard upon reconvening after recess at 10:56 a.m., and is placed here for continuity.]

There was no discussion regarding this item.

A motion was made by Commissioner O'Bryan, 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

B. Solid Waste Disposal District

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those minutes will be approved under the next Solid Waste Disposal District meeting.

15.B.1.

Spring Residential Paper Shredding Event on April 11, 2020

Susan Flak, Recycling Education and Marketing Coordinator, SWDD, announced the details of the Spring Residential Paper Shredding Event on April 11, 2020.

Commissioner O'Bryan thanked Waste Management for funding the event, and requested a flyer for electronic distribution.

A motion was made by Commissioner O'Bryan, 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

15.B.2.

Thirteenth Amendment to Republic Services

Director of Utility Services Vincent Burke sought approval of a Thirteenth Amendment to the Solid Waste Disposal District's (SWDD) agreement with Republic Services to provide for routine and non-routine Operation and Maintenance (O&M) of the County's expanded landfill gas system.

Discussion ensued between Director Burke and the Board regarding O&M of the landfill gas system and SWDD's contract with Republic Services.

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

15.B.3.

Amendment No. 1 to Sitecrafters of Florida

Vincent Burke, Director of Utility Services, explained to the Board that an extension of Sitecrafters of Florida's existing agreement would be needed to complete yard waste site improvements. Director Burke recounted the details of the additional work, and his department's phased plan to implement the improvements.

Commissioner Zorc received additional information from Director Burke regarding the waiver of bid requirements for this contractor.

A motion was made by Vice Chairman Flescher, 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:20 p.m.