



# Indian River County Florida

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
www.ircgov.com

## Meeting Minutes 3 - Final

### Board of County Commissioners

*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

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Tuesday, June 11, 2019

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

**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

#### 2.B. INVOCATION

**Rabbi Michael Birnholz, Temple Beth Shalom**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Joseph E. Flescher**

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

*Clerk's Note: Assistant County Administrator Mike Zito was present in place of County Administrator Jason Brown for this meeting.*

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the Agenda as presented. 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.**      [19-0446](#)      Presentation of Proclamation Designating June 17th Through June 23rd, 2019 As Amateur Radio Week.

**Attachments:**    [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Philip Mollica, Jr., President of the Vero Beach Amateur Radio Club. Mr. Mollica was joined by several Ham radio operators and provided details of Field Day, held on June 23 and 24, 2019. Commissioner Flescher thanked the "hams" for their help and service during past hurricane seasons when regular communication lines were unavailable.

**Read and Presented**

**6.      APPROVAL OF MINUTES**

- 6.A.**      [19-0483](#)      Regular Meeting of April 16, 2019

**Attachments:**    [Minutes 04162019 BCC](#)

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Regular 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

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

- 7.A.**      [19-0487](#)      Appointment of Commissioner Joseph E. Flescher to District 19 Medical Examiner Search Committee

**Attachments:**    [Commissioner's Memorandum](#)

**No Action Taken or Required**

- 7.B.**      [19-0478](#)      Proclamation Celebrating Michelle Perrault on Her Forty Years of Continuous Service with the Indian River County Property Appraiser's Office

**Attachments:**    [Proclamation](#)

Commissioner O'Bryan noted Michelle Perrault's retirement and complimented her on 40 years of service with the Indian River County Property Appraiser's Office.

**No Action Taken or Required**

- 7.C. [19-0496](#) Application to the Florida Department of State, Division of Historical Resources for the Archie Smith Fish House (Special Category) and Jones' Pier Conservation Area (Small Matching)

**Attachments:** [Staff Report](#)

**No Action Taken or Required**

- 7.D. [19-0489](#) Order PSC-2019-0211-PCO-EI suspending FPL's proposed underground residential differential tariffs and associated charges; docket to remain open pending Commission vote on the proposed tariff revision, is on file in the Office of the Clerk to the Board.

**No Action Taken or Required**

- 7.E. [19-0490](#) PAA Order PSC-2019-0218-PAA-EI approving AFUDC rate for FPL, effective 1/1/19; AFUDC rate for FPL is 6.22 percent based on a 13-month average capital structure for the period ended 12/31/18; if no timely protest, order to become final and effective on issuance of a CO; docket to be closed; protest due 6/24/19. This document is on file in the Office of the Clerk to the Board.

**No Action Taken or Required**

- 7.F. [19-0491](#) TRF Order PSC-2019-0220-TRF-EI approving FPL's petition for optional three-year supplemental power services program and tariffs; tariffs shall become effective 90 days after the date of order approving the program;...if order becomes final, docket to be closed; protest due 6/24/19. This document is on file in the Office of the Clerk to the Board.

**No Action Taken or Required**

- 7.G. [19-0498](#) Order No. PSC-2019-0222-TRF-EI granting Florida Power & Light Company's petition for approval to amend street lighting, outdoor lighting and LED lighting pilot tariffs is on file in the Office of the Clerk to the Board

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Consent Agenda as amended, pulling Item 8.C. 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. [19-0497](#) Checks and Electronic Payments May 24, 2019 to May 30, 2019

**Attachments:** [Finance Department Staff Report](#)

**Approved**

- 8.B. [19-0474](#) Recommendation of Final Payment of Work Order AA-1 to Andersen Andre Consulting Engineers, Inc. for Construction Material Testing and Monitoring Services for Osprey Acres Floway and Nature Preserve

**Attachments:** [Staff Report](#)

[Application for Payment No. 4 \(Final\)](#)

**Approved staff's recommendation**

- 8.C. [19-0488](#) Award of #2019049 - Oyster Bar Marsh Boardwalks and Observation Piers

**Attachments:** [Staff Report](#)

[Sample Agreement](#)

Commissioner O'Bryan thanked Beth Powell, Assistant Director, Park and Conservation Resources, for her work toward realizing the Board's commitment to improving amenities on public conservation lands. Chairman Solari also extended thanks to the Indian River Land Trust which was a partner in planning this 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

- 8.D. [19-0492](#) Recommendation of Release of Retainage for the Replacement of Conveyor Systems at the PC Main Screening System

**Attachments:** [Staff Report](#)

[Application for Payment No. 4 \(Final\).pdf2](#)

**Approved staff's recommendation**

- 8.E. [19-0495](#) Work Order No. 14 with Kimley-Horn for Bulk Acid Tank Replacement at North (Hobart) County Water Plant

**Attachments:** [Staff Report](#)

[Work Order No 14 Bulk Acid Tank Replacement](#)

**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.**     [19-0456](#)     Transmittal Hearing: County Initiated Request to Amend (Update) the Text of the Capital Improvements Element of the County's Comprehensive Plan to Modify Certain Concurrency Management Requirements and to Update the Transportation Element to Modify Certain Transportation Level of Service Standards, and to Remove and Replace Outdated Text, Data, and Maps (Legislative)

**Attachments:**     [Staff Report](#)  
                              [Comprehensive Plan Text Amend. Application](#)  
                              [Portion of December 4, 2018 BCC Minutes](#)  
                              [Portion of PZC April 25, 2019 Minutes](#)  
                              [Transmittal Text Resolution](#)

Bill Schutt, Chief of Long-Range Planning, used a PowerPoint presentation to provide an overview of the proposed text amendments to the County's Comprehensive Plan (Plan). The presentation listed the steps in the approval process, as well as the proposed text amendments to the Capital Improvement and Transportation Elements of the Plan. Mr. Schutt noted that upon approval by the Board, the text of these changes would be submitted to state and regional agencies for approval before formal adoption at a subsequent public hearing.

Commissioner Zorc suggested adding language to the Transportation Element to account for any concurrency issues that the Virgin Trains (Brighline/All Aboard Florida) route may have on local roadways.

The Chairman opening the Public Hearing.

Bruce Barkett, Vero Beach, sought and received confirmation that the modifications would not restrict parking requirements in the County.

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

Commissioner Zorc revisited the possible impact of the Virgin Trains route on roadway service standards. Director of Community Development Stan Boling advised that there was minimal expected effect to roadway capacity from the trains. He also noted that there would be future opportunity to modify the Comprehensive Plan should a need arise.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve: 1) staff's recommendation, and 2) Resolution 2019-041, approving the transmittal of proposed Indian River County Comprehensive Plan Text Amendment to State and Regional review agencies. 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.**     [19-0476](#)     Consideration of a County-Initiated Land Development Regulation (LDR) Amendment to Chapter 926 Regarding Changes to Palm Credits for Canopy Trees (Legislative)

**Attachments:**   [Staff Report](#)  
                          [Excerpt from January 16, 2019 DRPPAC Minutes](#)  
                          [Excerpt from April 25, 2019 PZC Minutes](#)  
                          [Draft Ordinance](#)

Community Development Director Stan Boling presented the Planning and Zoning Commission's (PZC) recommendation regarding changes to palm tree credits, approved at their April 25, 2019 meeting. Currently, there is a fixed list of acceptable palm species allowed to receive landscape credit as canopy trees. The proposed Ordinance would add flexibility by allowing applicants to propose palm tree options for staff's consideration and approval.

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

Vice Chairman Adams praised the proposed Ordinance for its flexibility and common-sense approach.

**A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to adopt Ordinance 2019-010, concerning an amendment to its Land Development Regulations (LDRs); providing for an amendment to Chapter 926, Landscape and Buffer Regulations; by amending Section 926.06, Landscape Materials Standards; and by providing for repeal of conflicting provisions; 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. [19-0477](#) Consideration of a Request by Gary Middleton to Amend Land Development Regulation (LDR) Chapter 971 (Regulations for Specific Land Uses) by Changing the Maximum Building Height for Self-Service Storage Facilities in the CG, General Commercial Zoning District [LDRA-19-07-02 / 2019020125-83919] (Legislative)

**Attachments:** [Staff Report](#)  
[Excerpt from April 25, 2019 PZC Minutes](#)  
[Draft Ordinance](#)

Community Development Director Stan Boling presented a request from Gary Middleton, who was represented by Attorney Bruce Barkett, Collins Brown Barkett Garavaglia and Lawn, to amend the Land Development Regulations (LDRs) regarding the maximum allowable building height for self-storage facilities in the General Commercial (GC) zoning district. A PowerPoint presentation was used to provide background information, a summary of the proposed Ordinance, and recommendations.

Director Boling explained that current GC zoning district regulations limit self-storage facilities to a maximum height of 15 feet, as opposed to a 35-foot height limit in other zoning districts. Attorney Barkett had requested revisiting the GC limits for self-storage facilities, and staff supported a graduated increase in self-storage building heights to 35 feet with certain stipulations. The Planning and Zoning Commission voted to approve the proposed LDR amendment at their April 25, 2019 meeting.

Commissioner O'Bryan sought and received confirmation on the setback rules in this amendment.

Chairman Solari opened the Public Hearing.

Joseph Paladin, Black Swan Consulting, spoke in support of the amendment.

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

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to adopt Ordinance 2019-011, concerning an amendment to its Land Development Regulations (LDRs); providing for an amendment to Chapter 971, Regulations for Specific Land Uses; by amending Section 971.12(3), Self-service storage facilities; and by providing for repeal of conflicting provisions; 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



**B. PUBLIC DISCUSSION ITEMS**

**C. PUBLIC NOTICE ITEMS**

**10.C.1.**     [19-0480](#)   Public Notice of Public Hearing Scheduled for June 18, 2019 Concerning Extension of Temporary Moratorium Regarding Biosolids (Legislative)

**Attachments:**   [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

**No Action Taken or Required**

**10.C.2.**     [19-0481](#)   Public Notice of Public Hearing Scheduled for June 18, 2019 to Consider Amending Chapter 302 of the Indian River County Code Concerning Tethering (Legislative)

**Attachments:**   [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

**No Action Taken or Required**

**10.C.3.**     [19-0482](#)   Public Notice of Public Hearing Scheduled for June 18, 2019 to Consider Creating Chapter 319 of the Indian River County Code Concerning Retail Sale of Dogs and Cats (Legislative)

**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.**     [19-0485](#)     Award of RFQ No. 2019040 (IRC-0853), CEI Services for 43rd Avenue from 18th Street to 26th Street

**Attachments:**   [Staff Report](#)  
                          [Agreement](#)  
                          [Exhibit A](#)  
                          [Exhibit B](#)  
                          [Exhibit C](#)

Public Works Director Richard Szyrka appeared before the Board requesting approval of an agreement for Construction Engineering and Inspection (CEI) Services for the intersection improvement project at 43rd Avenue and State Road 60 (SR-60). He recalled that at the April 16, 2019 Board Meeting, Commissioners approved entering negotiations with top-ranked consulting firm Consor Engineers, LLC for CEI services, per the requirements of the County's Incentive Grant Program with the Florida Department of Transportation (FDOT).

Commissioner O'Bryan received confirmation that the cost for CEI Services was in addition to the construction cost increase previously approved at the June 4, 2019 Commission meeting.

**A motion was made by Commissioner Flescher, 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

**G. Utilities Services****13. COUNTY ATTORNEY MATTERS**

- 13.A. [19-0499](#) Acquisition of Right-Of-Way for Phase III of 66th Avenue Improvements from Glen C. Besancon - 6725 66th Avenue

**Attachments:** [Staff Report](#)  
[Exhibit "A" Aerial Photo](#)  
[Exhibit "B" Sketch & Legal of R-O-W](#)  
[Exhibit "C" Aerial Photo of Gardiner Property](#)

Deputy County Attorney Bill DeBraul appeared before the Board to recount the negotiation between the County and the Besancon family for a .87 acre portion of their property needed for right-of-way in Phase III of the 66th Avenue expansion. Attorney DeBraul detailed the April 25, 2019 settlement conference, the parties' concerns and the proposed solutions. After negotiations, the County and the Besancon's reached an agreement which was approved by Community Development and Public Works. He advised that the alternative to a negotiated purchase would be legal action under eminent domain which was projected to cost in excess of \$100,000.

Commissioner O'Bryan opened the discussion by stating that escalating costs for land acquisition had gotten too high, and he could not support staff's recommendation. He suggested exploring other solutions such as a land swap, culverting the east-side canal, or applying the funds toward expanding 82nd Avenue instead.

Chairman Solari expressed appreciation for Commissioner O'Bryan's point of view, but was not willing to oppose this proposed agreement. He suggested continuing with acquisitions on this block of 66th Avenue which was almost complete, then reevaluating before moving forward with the rest of 66th Avenue.

The Chairman then solicited comments from the other Commissioners. Commissioner Zorc sought and received confirmation from Public Works Director Rich Szpyrka that the cost for culverting the canal would be prohibitive. Commissioner Zorc supported approval of the negotiated agreement. Vice Chairman Adams expressed dismay at the cost of acquisitions, and instead favored adding new roads; however, she supported moving forward with this purchase.

Discussion continued with concerns over the precedent that this deal would set, when a property should be considered a loss, and when it makes more sense to pursue eminent domain versus cost-avoidance negotiation.

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

**Aye:** 4 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, and Commissioner Zorc

**Nay:** 1 - Commissioner O'Bryan

13.A.

Following the vote, consensus was reached to have staff to return with a report on the remaining right-of-way acquisitions along 66th Avenue, including a block-by-block accounting of parcels, their ownership, and development status.

The Chairman also suggested that it may be in the County's best interest to postpone roadway expansion until a recessionary period to stem the escalating cost of land acquisition and construction.

**Approved Additional Action**

**14. COMMISSIONERS MATTERS**

- A. Commissioner Bob Solari, Chairman**
- B. Commissioner Susan Adams, Vice Chairman**
- C. Commissioner Joseph E. Flescher**
- D. Commissioner Peter D. O'Bryan**
- E. Commissioner Tim Zorc**

**Commissioners Open Dialogue**

[19-0493](#) Commissioners Open Dialogue

**Attachments:** [Informational Memorandum](#)

Updates were provided by individual Commissioners on the following topics:

Commissioner Zorc recounted a dinner he attended with Attorney Paul Westcott and representatives of Virgin Trains (All Aboard Florida/Brightline). The Commissioner passed out stones he received at the dinner, alluding to the David versus Goliath relationship between the County and Virgin Trains.

Vice Chairman Adams shared the following items: thanks was given to the Recreation Department for including Fellsmere in the baseball program; compliments from residents for the North County Library's summer programs; the search for the new City of Fellsmere's City Manager has begun; the Fellsmere shrimp farm is under new ownership and will revive operations as the Florida Shrimp Company; lastly, the Vice Chairman attended the Chamber's Tourism luncheon where airport marketing was discussed.

Chairman Solari attended a tri-county meeting with the new Florida Department of Transportation's (FDOT) Secretary Kevin Thibault to discuss safety concerns surrounding Virgin Trains. Also discussed was a forthcoming report from Director of Public Works Richard Szpyrka containing a safety review of all the train crossings in the County.

Commissioner O'Bryan presented slides to document his tour of the McCarty Ranch and Preserve. He detailed its Water Quality and Storage Project which will capture, treat, and store freshwater for future use in Port St. Lucie.

Assistant County Administrator Mike Zito congratulated County Administrator Jason Brown on being appointed President of the Florida Association of County Managers.

Commissioner Flescher also attended the airport marketing luncheon. He went on to express appreciation for the improved appearance of the County's facilities. He reported receiving compliments from residents, and thanked staff for their work.

**No Action Taken or Required**

**15. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District**

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

- 15.A.1.**     [19-0364](#)   Approval of Property Lease Extension for Temporary Location of Fire Rescue Station #7 (1893 90th Avenue)

**Attachments:**   [Staff Report](#)  
                          [Lease Extension Agreement Station 7](#)

There was no discussion regarding 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

**B. Solid Waste Disposal District****C. Environmental Control Board****16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 10:27 a.m.