

Indian River County Florida

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



Meeting Minutes - Draft

Tuesday, April 9, 2019

9:00 AM

Commission Chambers

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
Randi Wardlow, Deputy Clerk**

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**

Pastor Joe Moore, Rivers of Living Water RHEMA Word Ministries

3. PLEDGE OF ALLEGIANCE

Jason E. Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Item 9.C. Judge Cox and Item 12.F.1. Indian River Lagoon Plan

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Agenda as amended. 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. 19-0037 Presentation of Proclamation Designating April 7 Through April 13, 2019 as Crime Victims' Rights Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Flescher read and presented the Proclamation to members of the Indian River Victims' Rights Coalition. The organization's Chairman, Paul Zelno, thanked all the victim advocates for their work and spoke of the services provided by the SafeSpace program.

Read and Presented

5.B. 19-0228 Presentation of Proclamation Designating April 15, 2019 as Jackie Robinson Day

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Commissioner O'Bryan read and presented the Proclamation to Michael Kint, CEO of the United Way of Indian River County. Mr. Kint discussed the fifth annual Jackie Robinson Celebration Game on April 15, 2019, the proceeds of which benefit the United Way.

Read and Presented

- 5.C. 19-0275** Presentation of Proclamation Designating the Month of April, 2019 as Child Abuse Prevention Month

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Exchange Club State President Eric Menger, whose organization is active in efforts to prevent child abuse. Mr. Menger went on to highlight the various service programs the Exchange Club sponsors along the Treasure Coast.

Read and Presented

- 5.D. 19-0298** Presentation of Proclamation Designating the Week of April 7 Through 13, 2019 as National Volunteer Appreciation Week

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Vice Chairman Adams read and presented the Proclamation to Indian River County Sheriff Deryl Loar. Senior Staff Assistant Jera Payton Torres honored the Sheriff's Department's most productive volunteers. Commissioner Flescher and Chairman Solari praised the volunteers' contributions in making Indian River County a better place to live.

Read and Presented

6. APPROVAL OF MINUTES

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

- 7.A. 19-0300** Fitch Affirms Indian River County, FL Spring Training Facility Revenue Bonds

Recommended Action: No action required.

Attachments: [Staff Report](#)
[Fitch Press Release](#)

County Administrator Jason Brown spoke to the significance of the Fitch AA+ bond rating the County received for its Spring Training Facility Revenue Bonds.

Chairman Solari extended thanks to the Finance Department and acknowledged the hard work of all Indian River County employees.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve the Consent 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

8.A. 19-0294 Checks and Electronic Payments March 22, 2019 to March 28, 2019

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 22, 2019 to March 28, 2019

Attachments: [Finance Department Staff Report](#)

Approved

8.B. 19-0304 Resolution Cancelling Taxes on Property Conveyed by GRBK GH0 Arabella Reserve, LLC for 58th Avenue Right-Of-Way Pursuant to Developer's Agreement

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the property conveyed for 58th Avenue right-of-way, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
[Resolution](#)
[Attachment to Resolution \(Warranty Deed\)](#)

Approved Resolution 2019-030, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (Arabella Reserve 58th Avenue right-of-way).

8.C. 19-0233 Third Amendment to Agreement with First Baptist Church for Shared Parking Lot for Main Library

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the renewal and authorize the Chairman to sign the "Third Amendment to Agreement between Indian River County and First Baptist Church of Vero Beach, Inc." for the shared parking.

Attachments: [Staff Report](#)[Third Amendment to Parking Lot Agreement](#)[2010 09-14 Second Amendment to Agmt w First Baptist Church](#)[1999 05-04 Amendment to Agmt w First Baptist Church](#)[1989 04-11 First Baptist Church agreement with ten year design life](#)[Aerial of subject property](#)**Approved staff's recommendation**

- 8.D. 19-0291** Award of Bid No: 2019031. IRC North Reverse Osmosis (RO) Plant Roof Replacement (IRC-1802)

Recommended Action: Staff recommends that the project be awarded to Vero Beach Roofing, Inc. in the amount of \$285,740.00 and requests that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the agreement as to form and legal sufficiency.

Attachments: [Staff Report](#)[Sample Agreement](#)**Approved staff's recommendation**

- 8.E. 19-0292** Utility Work by Highway Contractor Agreement, for Water and Sewer Construction on County Project SR-60 and 43rd Avenue (IRC-0853)

Recommended Action: Staff recommends the Board of County Commissioners approve the 'Utility Work by Highway Contractor Agreement' for estimated lump sum amount of \$1,869,851.61 and requests the Board of County Commissioners authorize the Chairman to execute the 'Utility Work by Highway Contractor Agreement' on their behalf.

Attachments: [Staff Report](#)[Utility Work by Highway Contractor Agreement](#)**Approved staff's recommendation**

- 8.F. 19-0293** Award of Bid No. 2019025, Old Dixie Highway and Highland Drive Intersection Improvements (IRC-1362)

Recommended Action: Staff recommends the project be awarded to Timothy Rose Contracting, Inc. in the amount of \$415,984.32. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the

County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

Attachments: [Staff Report](#)
[Sample Agreement](#)

Approved staff's recommendation

- 8.G. 19-0295** Work Order No. 8, Kimley-Horn & Associates, Inc. 69th Street Milling and Resurfacing from 66th Avenue to U.S. Highway 1 (IRC-1639)

Recommended Action: Staff recommends approval of Work Order No. 8 to Kimley-Horn & Associates, Inc., authorizing the professional services as outlined in the Scope of Services and requests the Board authorize the Chairman to execute Work Order No. 8 on their behalf for a lump sum amount of \$186,335.00.

Attachments: [Staff Report](#)
[Work Order No. 8](#)

Approved staff's recommendation

- 8.H. 19-0296** Award of Bid No: 2019035, Wabasso Causeway Fishing Pier Demolition Project, IRC-1712

Recommended Action: Staff recommends that the project be awarded to Underwater Engineering Services, Inc. in the amount of \$944,824.00. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

Attachments: [Staff Report](#)
[Sample Agreement](#)

Approved staff's recommendation

- 8.I. 19-0312** Final Pay and Release of Retainage to All Webb Enterprises, Inc., for Van Antwerp Well Mitigation Plan, Bid No. 2018038

Recommended Action: Staff recommends that the Board of County Commissioners approve the Final Pay Application No. 2 in the amount of \$17,120.00, which will release retainage and complete the County's obligation to All Webb Enterprises, Inc.

Attachments: [Staff Report](#)
[Final Pay Application](#)
[Signed Construction Completion Certificate](#)
[Email from SJRWMD](#)

Approved staff's recommendation

- 8.J. 19-0310** Work Order No. 12 with Kimley Horn for Design, Procurement and Construction Administration to Replace the Degasifier/Scrubber Blower (Odor Control System) at the South County Water Treatment Plant

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order No. 12 with Kimley-Horn, in the amount of \$29,937.00, for professional services that include design, specifications/bid documents, and construction observation services to replace the Degasifier/Scrubber Blower (Odor Control System) at the South County Water Treatment Plant, and authorize the Chairman to execute said work order on their behalf

Attachments: [Staff Report](#)
[Work Order No 12 Degasifier Scrubber Blower Replacement](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. 19-0264** Indian River County Supervisor of Elections Leslie Rossway Swan: Request to have the Revenue from the February 26, 2019 City of Vero Beach Special Election be Rolled into the Supervisor of Elections 2018/2019 Budget; and Request for Permission to Relocate Two Polling Places

Recommended Action: The Supervisor of Elections Recommends the Board of County Commission Approve Rolling the Revenue from the February 26, 2019 City of Vero Beach Special Election into the Supervisor of Elections 2018/2019 Budget; and Additionally Recommends the Board of County Commission Approve the Relocation Two Polling Places

Attachments: [Supervisor of Elections Correspondence Dated March 19, 2019](#)

Supervisor of Elections Leslie Rossway Swan appeared before the Board regarding her department's Budget and Relocation requests. Ms. Swan informed the Board that the Fellsmere City Council Chambers, and Liberty Magnet School will no longer be used as polling sites, and provided their new respective locations.

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

- 9.B. 19-0265** Indian River County Supervisor of Elections Leslie Rossway Swan: Request Authorization for the County's 15% Match, Budgeted in the Supervisor of Elections FY 2018-2019 Approved Budget, to Receive Federal Election Activities Funds

Recommended Action: The Supervisor of Elections Recommend the Board of County Commission Approve the County's 15% Match to Receive Federal Election Activities Funds

Attachments: [Supervisor of Elections Correspondence Dated March 19, 2019](#)

Commissioner O'Bryan commended Supervisor of Elections Leslie Rossway Swan and her staff on their handling of the 2018 elections.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, 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

- 9.C. 19-0316** The Honorable Cynthia L Cox, Circuit Judge, 19th Judicial Circuit of Florida, on behalf of the Indian River County Drug Court/Court Administration: Request for Approval to Apply for a Grant of up to \$500,000 from BJA Adult Drug Court Discretionary Grant Program FY 2019

Recommended Action: Judge Cox Recommends that Board of County Commission Approve the Application for a Grant of up to \$500,000, Authorize the County to act as the Fiscal Agent, and Grant Authorization for the County Administrator to Execute Documents as necessary for Filing the Grant Application.

Attachments: [Circuit Judge Memorandum](#)
[Program Abstract & Proposed Estimated Budget](#)
[IRC Grant Detail Form](#)

Clerk's note: This item was deleted from the Agenda.

Deleted

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

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. 19-0301** Outline of Indian River Lagoon Management Plan Recommendation for Moving Forward

Recommended Action: Staff recommends that the Board approve the IRL Plan outline, with any additional recommendations regarding the IRL Plan, and directs staff to move forward with developing a comprehensive Indian River Lagoon Management Plan.

Attachments: [Staff Report](#)
[IRL Plan Outline](#)

Clerk's note: This item was deleted from the Agenda.

Deleted

G. Utilities Services**12.G.1. 19-0311** Chemtrade Price Change

Recommended Action: Staff recommends that the Board of County Commissioners approve the Chemtrade request of a price increase for the remainder of the current contract year for the purchase of Aluminum Sulfate, and direct the Purchasing Manager to issue a change order to Chemtrade on Purchase Order 81917 to memorialize the price per gallon change. The total dollars encumbered do not need to change

Attachments: [Staff Report](#)
[December 18 2018 E-Mail Request for Price Increase](#)

Director of Utilities Services Vincent Burke explained the reasons for Chemtrade Chemicals' request to increase their pricing for Aluminum Sulfate

from the approved contracted rate. Commissioner Flescher received confirmation that the cost increase would not affect the County's residents this Fiscal Year.

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

13. COUNTY ATTORNEY MATTERS

13.A. 19-0031 Request for Permission to Advertise: Tethering Ordinance Amendment

Recommended Action: Discuss the proposed ordinance amendment and direct staff to either proceed with advertising with the code amendment or decide that no amendment is needed at this time.

Attachments: [Staff Report](#)
[Proposed Ordinance Amendment](#)

Deputy County Attorney Bill DeBraul provided background information and the methodology used to craft the proposed changes regarding tethering animals.

Chairman Solari suggested the creation of a flyer informing pet owners of the best practices for the care of dogs left outdoors. Commissioner O'Bryan requested modification to the way certain exclusions were presented in the Ordinance in order to avoid confusion.

Betsy Begens, 2341 Vero Beach Avenue, initially brought the tethering issue before the Board on September 18, 2018, and thanked the Commissioners and staff for their work in making these amendments.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve directing staff to move forward with advertising the code amendment after making the suggested modification. The motion carried by the following vote:

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

13.B. 19-0307 Grant of Easements to the City of Vero Beach for the former Dodgertown Golf Course Property

Recommended Action: Staff recommends the Board approve the Utility Easement, the Easement for Drainage and Stormwater and the Avigation Easement to the City of Vero Beach for the former Dodgertown Golf Course property and authorize the Chairman to execute the Easements on behalf of the Board.

Attachments: [Staff Report](#)
[Utility Easement](#)
[Drainage and Stormwater Easement](#)
[Avigation Easement](#)

Deputy County Attorney Bill DeBaal presented details of three (3) easements requested by the City of Vero Beach (the City) on the former Dodgertown Golf Course property.

The three easements include: 1) an Utility easement for water and sewer running parallel to the property; 2) a drainage and stormwater easement for runoff from the expansion of Aviation Boulevard; and 3) an Avigation easement over a portion of the property which would preserve normal operations at the airport by limiting building heights and glare-producing lighting.

Commissioner O'Bryan asked and received answers from Director of Public Works Richard Szpyrka regarding the capacity of the stormwater retention pond.

Commissioner Zorc received confirmation that the Avigation easement would still allow parking on the property.

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

13.C. 19-0313 Lease Agreement with the City of Vero Beach for the Dodgertown Golf Course Pro Shop/Golf Cart Building

Recommended Action: Staff recommends the Board approve the terms of the Lease Agreement for the Dodgertown Golf Course Pro Shop/Golf Cart Building and authorize the Chairman to execute the Lease on behalf of the Board.

Attachments: [Staff Report](#)
[Lease Agreement](#)

Bill DeBaal, Deputy County Attorney, informed the Board of the City of Vero Beach's (the City) request to continue using the former Dodgertown Golf Course Pro Shop/Golf Cart Building (Building) as a storage facility. The City proposed a short-term lease on the Building until they could relocate the stored Recreation Department's equipment. Attorney DeBaal went on to outline the conditions of the Building's lease agreement with the City.

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, 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

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

14.E.1. 19-0246 Revision of Indian River County Resolution #2004-071

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Commissioner Zorc referred to Resolution 2004-071 which established a schedule of fees for fire prevention plan reviews and inspections, as well as fines for violations. The Commissioner suggested that the rates may need review and revision since they had not been updated since the Resolution's 2004 passage.

Chairman Solari suggested consulting with Director of Emergency Services and Fire Chief Tad Stone on whether this review could be done in-house, or would necessitate an outside consultant. Vice Chairman Adams received confirmation that the Development Review and Permit Process Advisory Committee (DRPPAC) had not reviewed these fees in their audit of the County's development revenues, and questioned whether staff needed to perform the review.

Joseph Paladin, former Vice Chairman of the DRPPAC, confirmed that the fee amounts had not been discussed by the Committee.

The Board's consensus was to direct County Administrator Jason Brown to work with Chief Stone in evaluating the necessity of performing a fee review.

Referred to Staff

Commissioners Open Dialogue

19-0303 Commissioners Open Dialogue

Recommended Action: Discussion Only - No Action Required

Attachments: [Informational Memorandum](#)

The Chairman announced that under Commissioners Open Dialogue, individual Commissioners would provide updates; no action would be taken.

Commissioner O'Bryan recounted the celebration surrounding the renaming of Dodgertown to the Jackie Robinson Training Complex. The Commissioner also shared a Sheriff's Department update regarding a County-wide rash of auto break-ins, and what residents could do to protect their property.

Vice Chairman Adams reported on findings from the Florida Association of Counties (FAC) Legislative Days Water Policy Committee. Following the FAC meeting, the Vice Chairman joined staff at the Department of Environmental Protection where the County received praise for its plastic wrap recycling program.

Commissioner Zorc traveled to Orlando for the Florida Development Finance Corporation's hearing on high-speed rail bonds. Additionally, Commissioner Zorc attended the Sun 'n Fun exhibition where Piper announced its largest-ever order for training aircraft.

Commissioner Flescher added praise for staff who coordinated with Republic Services on improved signage at the Gifford Customer Convenience Center.

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 10:16 a.m.