



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

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 3, 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

2.B. INVOCATION

Pastor Gregory Sempstrott, Vero Bible Fellowship

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Budget Workshop Meeting of July 17, 2019, the Preliminary Budget Hearing of September 11, 2019, the Final Budget Hearing of September 18, 2019, and the Regular 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

6.A. [19-1076](#) Budget Workshop Meeting of July 17, 2019

Attachments: [07172019Draft](#)

Approved

6.B. [19-1081](#) Preliminary Budget Hearing of September 11, 2019

Attachments: [09112019 Budget Meeting Minutes Draft](#)

Approved

6.C. [19-1083](#) Final Budget Hearing of September 18, 2019

Attachments: [09182019 Final Budget Hearing Draft](#)

Approved

6.D. [19-1087](#) Regular Meeting Minutes of August 13, 2019

Attachments: [08132019BCC Draft](#)

Approved

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

7.A. [19-1080](#) Update On All Aboard Florida Expenses

Attachments: [Staff Report](#)
 [All Aboard FL Expenses](#)

No Action Taken or Required

7.B. [19-1091](#) Indian River County Venue Event Calendar Review

Attachments: [Staff Report](#)

No Action Taken or Required

7.C. [19-1092](#) 2019-2020 City of Vero Beach Appointments

Attachments: [Staff Report](#)
 [Vero Beach 2019-2020](#)

No Action Taken or Required

7.D. [19-1093](#) 2019-2020 City of Fellsmere Appointments

Attachments: [Staff Report](#)

[Fellsmere 2019-2020](#)

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.A. and 8.H. 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. [19-1051](#) 26th Street - Advance Acquisition of Right-of-Way 2601 51st Avenue, Vero Beach, FL 32966 Owner: Theodore Bartosiewicz

Attachments: [Staff Report](#)

[PURCHASE AGREEMENT](#)

[BOUNDARY SURVEY](#)

Commissioner Zorc raised the question on how to treat the remaining portion of the property at 2601 51st Avenue after the County takes the 0.27 acres needed for right-of-way (ROW) in the 26th Street widening project. He explained that the new property line would be close to the existing home, and may violate set-back requirements. He requested that staff return with suggestions after evaluating the final impact to the home from ROW improvements.

A motion was made by Commissioner Zorc, seconded by Vice Chairman Flescher, to approve staff's recommendation with the additional direction to have staff return with suggestions on the best way to treat the remaining portion of the property at 2601 51st Avenue. The motion carried by the following vote:

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

8.B. [19-1085](#) Release of Retainage - Work Order No. 12 Morgan & Eklund, Inc., Post Hurricane Dorian Beach Profile Surveys

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.C.** [19-1069](#) Request to Waive the Bid Process for the Replacement of Blowers for the Sludge Holding Tank at West Regional Wastewater Treatment Facility
- Attachments:** [Staff Report](#)
 [Larry Schlitt Construction Inc Proposal](#)
- Approved staff's recommendation**
- 8.D.** [19-1098](#) Groundwater Modeling and Impact Evaluations with CDM Smith
- Attachments:** [Staff Report](#)
 [Work Order No 5 with CDM](#)
- Approved staff's recommendation**
- 8.E.** [19-1090](#) Fee Agreement with Hopping Green & Sams, P.A. (HGS)
- Attachments:** [Staff Report](#)
 [Fee Agreement](#)
- Approved staff's recommendation**
- 8.F.** [19-1072](#) Interlocal Agreement with School Board for Maintenance of Special Needs Shelter Generator at Treasure Coast Elementary School
- Attachments:** [Staff Report](#)
 [Exhibit A Interlocal Agreement](#)
 [Exhibit B Annual Cost Spreadsheet](#)
- Approved staff's recommendation**
- 8.G.** [19-1086](#) Resolution Canceling Taxes on a Property Purchased by the City of Fellsmere for Public Purposes
- Attachments:** [Staff Report](#)
 [Resolution](#)
- Approved Resolution 2019-105, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. [Gornell property at Lincoln Street]**

8.H. [19-1101](#) Requesting approval of applicants to IRC Census 2020 Community Action Committee

- Attachments:** [Commissioner's Memorandum](#)
 [Application 1 \(A. Brown\)](#)
 [Application 2 \(A. Miller\)](#)
 [Application 3 \(J. Price\)](#)

The Board entered into a discussion regarding the necessity of designating which area the applicants for the Indian River County Census 2020 Community Action Committee should serve. The Board agreed to assign applicants to specific areas as follows: Mr. Tony Brown and Ms. Julianne Price would serve the Gifford area, and Ms. Alma Miller would serve the Wabasso area.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Mr. Tony Brown and Ms. Julianne Price to serve the Gifford area, and Ms. Alma Miller to serve the Wabasso area.. 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

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

- 10.A.1. [19-1064](#) County Initiated Request to Amend the 5 Year Capital Improvements Program and the Supporting Data and Analysis of the Capital Improvements Element of the Comprehensive Plan for the Period FY 2019/20 - 2023/24 - Legislative

Attachments: [Staff Report](#)
[Comprehensive Plan Text Amendment Application](#)
[Comprehensive Plan Text Amendment Ordinance](#)
[Strike Through and Underline Version of CIE](#)
[Appendix A - CIE 2019](#)

Bill Schutt, Chief of Long Range Planning, appeared before the Board with proposed amendments to the Capital Improvements Element (CIE) of the County's Comprehensive Plan. Chief Schutt, with the use of a PowerPoint presentation, explained that state law required the CIE to be updated annually. He noted that this CIE amendment also provides a complete update of the Capital Improvements Program (CIP) which lists capital expenditures over the next five (5) years.

Details of Indian River Lagoon conservation and restoration projects were presented next. The Board had previously directed staff to commit to spending 20% of the one-cent local option sales tax on lagoon-related projects, and Chief Schutt detailed the projects funded under this directive.

Commissioner Solari requested further discussion on the need to initiate new projects to improve lagoon health. County Administrator Jason Brown offered to forward the full breakdown of lagoon-related spending, and agreed to a follow-up policy discussion at a future meeting.

The presentation continued with the largest CIP category, Transportation, and funding updates for those projects. Commissioner Zorc asked and received answers from staff regarding the timeline and funding for the expansion of County Roads 510 and 512.

Commissioner O'Bryan received an update from Public Works Director Rich Szyrka on the 43rd Avenue/State Road 60 expansion. Director Szyrka advised that the project had been bid, and pending Florida Department of Transportation (FDOT) approval, construction was projected to begin in late February 2020.

The presentation concluded with a review of major non-transportation related projects, with Board discussion focusing on the last line item, Sheriff Facility Improvements and Needs Design. Commissioner Solari suggested

postponing this project in light of the fact that a new Sheriff would be elected later this year, and would need time to assess the needs of the Sheriff's Department. Commissioner O'Bryan agreed with this reasoning, and suggested moving the project back two (2) years to Fiscal Year 2021/22.

Commissioner Zorc requested further information regarding lagoon-related land purchases. Community Development Director Roland DeBlois confirmed that the figures presented included grant-fulfillment commitments, but agreed to look into it further. Commissioner Solari spoke in favor of the increased funding for conservation; he suggested having Beth Powell, Assistant Manager of Parks and Conservation Resources, provide an update on all projects at a future meeting.

Chairman Adams opened the Public Hearing for comments. There being none, the Chairman closed the Public Hearing.

County Administrator Jason Brown requested a correction to the report, noting that the Moorhen Marsh Project was fully funded.

Commissioner Zorc returned to discussion of the Sheriff's Facility Improvement Project, suggesting an early start to the RFP process in advance of the 2-year delay. Commissioners Solari and Flescher opined that it would be best to wait.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to adopt Ordinance 2019-020, amending the text of the Comprehensive Plan's Capital Improvements Element by updating the County's 5 year Capital Improvements Program (CIP) schedule and related data and analysis sections; and providing severability and effective date, with two modifications. The CIP would be modified to 1) reflect a delay to the Sheriff's Facility Improvements and Needs Design Project by 2 years, to Fiscal Year 2021/22, and 2) reflect that the Moorhen Marsh Project was fully funded. 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

C. PUBLIC NOTICE ITEMS

- 10.C.1. [19-1065](#) Public Notice of Public Hearing Scheduled for December 10, 2019 Concerning Extension of Temporary Moratorium Regarding Biosolids - Legislative

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the Public Notice into the record.

No Action Taken or Required

- 10.C.2. [19-1079](#) Public Notice of Public Hearing Scheduled for December 10, 2019 to Consider Adopting an Ordinance to Amend Section 205.09 of the Code of Indian River County - LEGISLATIVE

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the Public Notice into the record.

No Action Taken or Required

- 10.C.3. [19-1075](#) Notice of Public Hearing Scheduled for December 17, 2019: Consideration of an Ordinance to Amend County Code Chapter 308, Indian River County Housing Assistance Program (Legislative)

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the Public Notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A. [19-1099](#) Letter from the Indian River County Board of County Commissioners thanking Governor Ron DeSantis for his attention to high speed passenger rail safety

Attachments: [Staff Report](#)
[Letter re Rail Safety](#)

Legislative Affairs and Communications Manager Brian Sullivan recapped the efforts of Florida Governor Ron DeSantis and state legislators to address the issue of high speed rail safety. Mr. Sullivan recommended that the Board approve sending a letter to Governor DeSantis thanking him for his attention to this important issue.

Commissioner Solari requested that staff follow-up with the Florida Transportation Commission (FTC) to obtain the response that the Florida Department of Transportation (FDOT) had written regarding the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) study's findings regarding safety.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation with the additional request to have staff obtain a report from the Florida Transportation Commission regarding the Florida Department of Transportation's response to the Office of Program Policy Analysis and Government Accountability study. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

A. Community Development

- 12.A.1.** [19-1063](#) Consideration of the Gifford Neighborhood Plan Annual Report Card for 2019

Attachments: [Staff Report](#)
 [2019 Report Card](#)
 [2014 GNP Actions](#)
 [Draft 2019 CIE GNP Projects](#)

Chief of Long Range Planning Bill Schutt presented an update to the Gifford Neighborhood Plan (GNP), approved in July 2014. With the aid of a PowerPoint presentation, Chief Schutt provided an overview of the 15 Objectives and 82 Actions specified in the GNP. Of the 33 Actions that were slated for completion by 2019, 30 have been completed, and 3 are in progress; details were then provided on the outstanding actions.

Chief Schutt noted that this update had been shared with the Progressive Civic League of Gifford (PCLG), and concluded by requesting the Board's approval of the 2019 GNP report card.

The following individuals addressed the Board:

Joe Idlette, PCLG President, thanked Commissioners and staff for helping to make Gifford a better place.

Freddie Woolfork, 4590 57th Avenue, credited a strong relationship between the Board and community leaders for improvements.

A motion was made by Commissioner O'Bryan, 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

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
- G. Utilities Services

12.G.1. [19-1100](#) Synagro Dewatering and Sewage Sludge Removal Contract Renewal and Price Increase

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

There was no discussion on 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

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

14.E.1. [19-1106](#) Citizens Against the Train (CATT) Video

Attachments: [Commissioners Memo](#)

Commissioner Solari presented a video from the Citizens Against the Train (CATT) advocacy group which focused on Virgin Trains' (Brightline/All Aboard Florida) poor safety record. He requested the Board's approval to play the video on the County's TV station and web site.

Following the video, Commissioner Solari provided statistics on the number of deaths caused by the high-speed train. He thanked Governor Ron DeSantis for his efforts to spotlight and investigate the safety issues surrounding Virgin Trains.

The Commissioners voiced praise for the video and its message.

Commissioner O'Bryan suggested that it would be beneficial to note that the safety concerns extended to any high-speed trains, not just Virgin Trains. Commissioner Solari suggested having staff add a message at the end of the video referencing Senator Debbie Mayfield's Rail Safety legislation, and that it applied to all high-speed trains.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve adding the Citizens Against the Train video to the County's television channel and website, with the addition of a statement at the end of the video clarifying that Florida Senator Debbie Mayfield's Rail Safety legislation would apply to any high-speed rail project. The motion carried by the following vote:

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

14.E.2. [19-1107](#) Gifford Gardens and the Affordable Housing Committee

Attachments: [Commissioners Memo](#)

Commissioner Solari requested the Board's consideration of a request from the Affordable Housing Advisory Committee (AHAC) regarding the former Gifford Gardens property, 4730 40th Avenue. The original 55-unit apartment complex had been condemned and torn down in 2012. The now-vacant property was obtained via quitclaim deed in 2017, and has a demolition lien totaling almost \$86,000, in addition to other liens against it.

The Commissioner reported that at the November 13, 2019 meeting of the AHAC he attended, there was a discussion regarding building an affordable housing project on the Gifford Gardens property which could then be used as a template for replication in the County. The AHAC recommended that Commissioner Solari return to the other Commissioners with the following requests: 1) gauge interest from the Board to have the AHAC use the Gifford Gardens property as a template for an affordable housing project, and 2) direct the County Attorney to begin the foreclosure process on the property.

Commissioner Solari noted that both the Progressive Civic League of Gifford and the NAACP of Indian River County supported the affordable housing project.

Commissioner Zorc asked and received answers from County Attorney Dylan Reingold regarding the liens and foreclosure process.

Commissioner O'Bryan requested further investigation into the new owners who had not yet been contacted regarding their intentions for the property. He also received an update from Attorney Reingold on the utility lien against the property.

Chairman Adams opened the floor for public comments.

Julianne Price, Chair of the AHAC, felt that this model of an affordable housing project would be a valuable contribution to the community.

Freddie Woolfork, 4590 57th Avenue, was pleased to have the affordable housing issue being addressed.

Sharon Kolor, 545 Honeysuckle Lane, questioned how the County would quantify what was affordable.

In response to Ms. Kolor's question, Commissioner Solari stated that Chief of Long Range Planning Bill Schutt had done extensive research to quantify what would be considered affordable housing for a variety of income levels. He also noted that the new Gifford Gardens project was planned as an owner-occupied development in response to the needs of the neighborhood.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to: 1) Task the Affordable Housing Advisory Committee with using the former Gifford Gardens property as a template project for affordable housing, and 2) Direct the County Attorney to begin the foreclosure process on the property. The motion carried by the following vote:

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

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. [19-1088](#) Approval of Meeting Minutes August 13, 2019

Attachments: [08132019ESD_Draft](#)

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve the Emergency Services District Meeting Minutes of August 13, 2019 as presented. The motion carried by the following vote:

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

- 15.A.2.** [19-1073](#) Approval of FY 2019/2020 EMS County Awards Grant: Purchase of Capital/Operating Equipment Using Non-Matching EMS Grant Funds and Grant Resolution

Attachments: [Staff Report](#)
 [County Grant Form](#)
 [EMS County Awards Grant Application](#)
 [EMS County Awards Grant Resolution](#)

Commissioner O'Bryan requested and received additional information from Assistant Fire Chief Kevin Yelvington regarding the Stryker Lucas 3.1 Mechanical CPR Device which would be purchased with the EMS grant.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve: 1) staff's recommendation; and 2) Resolution 2019-001ESD, authorizing the application for funding County Emergency Medical Services (EMS) grant awards to be submitted to the State of Florida Department of Health, Bureau of Emergency Medical Services. 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:15 a.m.