



# Indian River County Florida

## Meeting Minutes - Draft

### 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

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Tuesday, October 6, 2020

9:00 AM

Commission Chambers

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**This meeting can be attended virtually via Zoom. Instructions can be found with this agenda and also online at [www.ircgov.com](http://www.ircgov.com).**

#### 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 William Mead, Indian River Estates East**

#### 3. PLEDGE OF ALLEGIANCE

**Dylan Reingold, County Attorney**

#### 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.** Presentation of Indian River County Community Needs Assessment by Jeffrey R. Pickering, President and CEO, Indian River Community Foundation

Jeff Pickering, CEO, Indian River Community Foundation (Foundation), presented a summary of the Needs Assessment Report which provided a comprehensive look at residents' needs, as well as the Foundation's collaborations with local non-profit organizations. A full report was posted to the Foundation's website at [ircommunityfoundation.org](http://ircommunityfoundation.org).

**Presented**

**5.B.** Presentation of Proclamation Recognizing the Month of October, 2020, as National Domestic Violence Awareness Month

Chairman Adams read and presented the Proclamation to Linda Hengerer and Dr. Teresa Albizu, CEO, SafeSpace, who appeared with the organization's current and former board members. Dr. Albizu provided statistics regarding domestic violence, and SafeSpace's efforts to assist victims in the community.

Major Eric Flowers, Indian River County Sheriff's Department, spoke in support of increasing awareness of domestic violence problems in the community, especially during the coronavirus quarantine.

**Read and Presented**

**5.C.** Presentation of Proclamation Designating October, 2020, As Manufacturing Month In Indian River County, Florida

Commissioner O'Bryan read and presented the Proclamation to Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, who sought to foster interest in local manufacturers. Joining Ms. Caseltine were representatives from Novurania Boats, Dragonfly Boatworks, and Piper Aircraft. Ms. Caseltine provided examples of how these local manufacturers contributed to local aid efforts during the coronavirus pandemic.

**Read and Presented**

**5.D.** Presentation of Proclamation In Recognition Of Fire Prevention Week 2020, October 4-10

Vice Chairman Flescher read and presented the Proclamation to Joseph Johnson, Indian River County Fire Department, who was joined by members of the Department. Mr. Johnson provided fire prevention tips for the home, especially in the kitchen, which accounted for 40 percent of all home fires.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

**7.A.** Proclamation Honoring Timothy Eric Martin on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services Fire Rescue Division with Thirty Years of Service

Chairman Adams congratulated Mr. Martin on his 30-year career with the Indian River County Emergency Services Department.

**No Action Taken or Required**

**7.B.** Proclamation Honoring Kenneth Henshaw on His Retirement From Indian River County Board of County Commissioners Department of General Services Sandridge Golf Club with Seventeen Years of Service

Chairman Adams thanked Mr. Henshaw for his 17 years of service at the Sandridge Golf Club.

**No Action Taken or Required**

**7.C.** Sebastian City Council Update to Committee Liaisons

**No Action Taken or Required**

**7.D.** Update on Brightline Trains Expenses

**No Action Taken or Required**

**7.E.** 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 presented. 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 September 11, 2020 to September 17, 2020

**Approved**

**8.B.** Subrecipient Award Contracts

**Approved**

**8.C.** Approval of Renewal for a Class "E1" Certificate of Public Convenience and Necessity for Stellar Transport, Inc.

**Approved staff's recommendation**

- 8.D.** Approval of Resolution Adopting the 2020 Indian River County Comprehensive Emergency Management Plan

**Approved Resolution 2020-084, adopting a Comprehensive Emergency Management Plan for Indian River County.**

- 8.E.** Authorization to Attend FGFOA and GFOA Annual Conferences and FGFOA School of Government Finance

**Approved staff's recommendation**

- 8.F.** Recommendation of Final Payment and Approval of Change Order No. 1 for Work Order 3 with GK Environmental for Exotic Control at Egret Marsh Stormwater Park and Nature Preserve

**Approved staff's recommendation**

- 8.G.** 66th Avenue Phase IB - Amendment No. 8 (IRC-1505)

**Approved staff's recommendation**

- 8.H.** Amendment No. 1 to Work Order No. 16, Kimley-Horn and Associates, Inc., Bridge Repairs for CR-512 Bridges over the St. Sebastian River (IRC-1727)

**Approved staff's recommendation**

- 8.I.** South County Reverse Osmosis (SCRO) Water Treatment Plant (WTP) Improvements with Kimley-Horn and Associates- Amendment No.1 to Work Order No. 1

**Approved staff's recommendation**

- 8.J.** Request to Approve the First Four Bids for CDBG Housing Rehabilitation

**Approved staff's recommendation**

- 8.K.** Request by Seacoast Development, Inc., for Release of an Easement Located at 3755 9th Street SW

**Approved Resolution 2020-085, releasing an easement located at 3755 9th Street SW.**

- 8.L.** CARES Act Funding Agreement Amendment No. 1

**Approved staff's recommendation**

- 8.M.** Award of Bid# 2020057 - Interior Renovation of the Indian River County Building and Fire Departments

**Approved staff's recommendation**

**8.N.** Addendum to E911 PSAP Services Agreement between Indian River County (IRC) and AT&T

**Approved staff's recommendation**

**8.O.** Blanket Travel Authorization for Commissioners, County Officers and Staff for Fiscal Year 2020/2021

**Approved staff's recommendation**

**8.P.** Extension to Telecommunications Systems Equipment, Material, Supplies, Maintenance, and Installation Agreement between Indian River County (IRC) and Gerelcom, Inc.

**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.** Consideration to Adopt an Ordinance Amending County Code Chapter 308, Indian River County Local Housing Assistance Program, and to Adopt an Updated Resolution Regarding Affordable Housing Advisory Committee Membership (Legislative)

Bill Schutt, Chief of Long Range Planning, presented proposed changes to the Affordable Housing Advisory Committee (AHAC), per the State's directives in House Bill (HB) 1339, passed in the 2020 Legislative session. The changes included AHAC membership revisions, and requirements for more-frequent meetings and reports.

Commissioners discussed the membership changes, and low attendance at past meetings.

The Chairman opened the public hearing.

David Serdar, Fruitland Park, appeared before the Board.

There being no further speakers, the Chairman closed the public hearing.

Commissioner Solari stated he would oppose the Ordinance, explaining that he

was dissatisfied with the State's efforts to politicize the issue, and undercut local efforts with excessive bureaucratic requirements.

Commissioner O'Bryan noted that the AHAC changes were required by the State. Commissioner Zorc discussed the positive effect HB 1339 could have on AHAC's efforts.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to: 1) Approve Resolution 2020-086, amending the Indian River County Affordable Housing Advisory Committee membership and restating its tasks, powers, and duties; and 2) Adopt Ordinance 2020-013, amending Section 308.07 (creation of the Indian River County Affordable Housing Advisory Committee) of Chapter 308 (Indian River County Local Housing Assistance Program) of the Code of Indian River County, to modify the directives/responsibilities and membership requirements of the Affordable Housing Advisory Committee to be consistent with recent State Statute modifications; and providing for codification; severability; conflict of ordinances; and effective date of the ordinance. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Solari

#### 10.A.2.

Consideration of Amendment to Land Development Regulations Changing the List of Uses in Agricultural Zoning Districts to Prohibit Commercial or Residential Lawn Care Services (first of two required public hearings)

Phil Matson, Community Development Director, utilized a PowerPoint presentation to provide a recap of the four (4) Ordinance proposals and revisions which led to the current version prohibiting lawn care businesses in agricultural zoning districts, while still allowing certain landscaping services protected under the Right to Farm Act. Additionally, Director Matson reviewed the parameters for grandfathering existing businesses.

The Chairman opened the public hearing.

The following speakers appeared before the Board:

Sandy Hall, 7080 57th Street

David Serdar, Fruitland Park

David Higginson, Micco

Spencer Simmons, 7350 37th Street

Mike Miller, 6050 8th Street

There being no further speakers, the Chairman closed the public hearing.

Vice Chairman Flescher opposed the Ordinance, and expressed his concerns

regarding excessive governing of county citizens, the need to preserve the agricultural portions of the county, and discomfort with imposing narrow limitations on businesses in order to accommodate a minority of residents.

Commissioner O'Bryan spoke in support of the changes, noting the protection for existing businesses, and concern for future misuse of agricultural zoned land.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to cease pursuit of an amendment to the County's Land Development Regulations regarding lawn care service businesses, and revert to the existing code. The motion carried by the following vote:**

**Aye:** 3 - Chairman Adams, Vice Chairman Flescher, and Commissioner Zorc

**Nay:** 2 - Commissioner O'Bryan, and Commissioner Solari

The Chairman called for a recess at 10:42 a.m., and reconvened the meeting at 10:50 a.m. with all members present.

## **B. PUBLIC DISCUSSION ITEMS**

## **C. PUBLIC NOTICE ITEMS**

## **11. COUNTY ADMINISTRATOR MATTERS**

### **11.A.** Proposed Schedule Board of County Commission 2021 Meeting Dates

County Administrator Jason Brown presented the proposed 2021 Board of County Commission meeting dates.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Board of County Commission 2021 Meeting Dates as presented. 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.** Consideration of Amendment 1 to Coronavirus Relief Fund (CRF) Agreement with Florida Housing Finance Corporation (FHFC)

Community Development Director Phil Matson presented Amendment 1 to the Coronavirus Relief Fund (CRF) agreement, and informed that the County was distributing CRF funds to qualified homeowners and renters who were delinquent on their mortgage or rent payments due to effects from the coronavirus. This amendment would provide the County an additional \$300,919 in funds for

distribution.

Commissioner O'Bryan received additional information on the demand for relief, and the amount of time staff spent assisting residents with the application process.

**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

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology**

**F. Office of Management and Budget**

**G. Public Works**

**H. Utilities Services**

**12.H.1.**

Reclaimed Water Agreement between Indian River County and Sea Oaks Property Owners Association

Director of Utility Services Vincent Burke referred to the September 28, 2020 staff report as he highlighted the rates, phase-in schedule and incentives for the Reclaimed Water Agreement with the Sea Oaks Property Owners Association. He also made note of associated expenses which would be offset by revenue.

**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.H.2.**

Resolution to Adopt Water, Sewer, and Reclaimed Rates, Fees, and Other Charges

Director of Utility Services Vincent Burke requested approval of the Resolution to adopt a revised Utility Services rate schedule. He noted that the schedule included a 1.54% increase to all utility rates, which was included in the approved Utility Department budget for Fiscal Year 2020/21. Director Burke estimated that the rate increase would generate an additional \$450,000 in revenue which would be used for utility-related infrastructure reinvestments.



Commissioner Solari applauded the Utility Department's plan to use the added revenue for infrastructure improvements.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2020-087, establishing revised Indian River County Department of Utility Services rate schedule. 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. City of Vero Beach Water, Wastewater and Reclaimed Water Franchise Agreement

County Attorney Dylan Reingold presented the proposed Water, Wastewater and Reclaimed Water Franchise Agreement from the City of Vero Beach (the City) for areas of unincorporated Indian River County. He informed the Board that the proposed agreement would change the current rate structure from County rates to City rates for the affected residents. The City cited planned improvements and anticipated rate increases as justification for the change.

Additionally, the Board was informed that County staff was concerned with the apparent inequity of the City's agreement to charge County rates to residents of the Town of Indian River Shores, while customers in other parts of unincorporated Indian River County would be charged the possibly higher City rates.

Attorney Reingold sought feedback from the Board before responding to the City's proposed agreement.

Commissioner O'Bryan entered into discussion with Attorney Reingold on the options for moving forward including legal and legislative avenues, further negotiation, or acceptance of the agreement. Utility Services Director Vincent Burke, in response to a question from the Commissioner, advised that it would not be feasible for the County to provide service to City residents given the existing infrastructure.

County Administrator Jason Brown suggested negotiating for rate protection against increases for a set amount of time, perhaps coinciding with the expiration of Indian River Shores' agreement.

The Board concluded with direction to staff to attempt negotiation with the City of Vero Beach to their proposed agreement in order to provide rate protection for affected County residents.

**Referred to staff**

#### 13.B. Indian River County Hospital District and Indian River County Right-of-Way Dedication Agreement

County Attorney Dylan Reingold presented the Indian River County Right-of-Way Dedication Agreement (Agreement) with the Indian River Hospital District (District). Background was provided on the County's plan to expand Aviation Boulevard and 11th Drive to provide additional access to the Cleveland Clinic Indian River County Hospital and the 37th Street corridor. Attorney Reingold then detailed the Agreement in which the District would convey title for the property needed for 11th Drive to the County in exchange for the County's acceptance of ownership and maintenance responsibility of 36th Street as a public right-of-way.

Commissioner Zorc received information from Public Works Director Rich Szpyrka regarding the extent of the 11th Drive right-of-way, as well as planned improvements to 36th Street.

**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

#### **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.**

A Conservation Lands Referendum to Fund the Capital and Land Purchases Necessary to Conserve and Restore the IR Lagoon and County Conservation Lands

Commissioner Solari addressed the Board and laid out his vision for the future of conservation lands spending in Indian River County. He sought to redirect the County to consider multi-purpose uses of the land the County already owns, such as the Osprey Acres Preserve. Additionally, he advocated for a reason-based usage of referendum funds which would provide measurable results to rehabilitate the Indian River Lagoon.

Commissioner Zorc and Chairman Adams supported the multiuse of conservation lands, and received confirmation from Commissioner Solari that his vision included public-private partnerships where appropriate.

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

**to direct staff to consider how bond referendum funds might be utilized in the most appropriate and cost-effective manner to improve the health of the Indian River Lagoon and County-owned conservation lands. 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**

**B. Solid Waste Disposal District**

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 11:30 a.m.