



Indian River County Florida

Meeting Minutes 3 - Final

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, May 5, 2020

9:00 AM

Commission Chambers

This meeting can be attended virtually by accessing YouTube Live. Instructions can be found included with this agenda and also online at 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

Deacon Wilfred Hart, Friendship Missionary Baptist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 11.A. Coronavirus update, and Item 14.B.1. Outdoor seating at restaurants

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, 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.** [20-1523](#) Presentation of Proclamation Designating the Month of May, 2020, as Mental Health Awareness Month

Attachments: [Proclamation](#)

Chairman Adams read and presented the Proclamation to Deborah Pizzimenti of New Horizons of the Treasure Coast and Okeechobee, and Angela Guzinski of the Mental Health Association in Indian River County who appeared via video conference. The Chairman went on to thank the mental health professionals in the community for their efforts.

Read and Presented

- 5.B.** [20-1527](#) Proclamation Designating the Week of May 3 - 9, 2020, As National Correctional Officers and Employees Week

Attachments: [Proclamation](#)

Vice Chairman Flescher read and presented the Proclamation to Indian River County Sheriff Deryl Loar and Major Eric Flowers. Sheriff Loar thanked his staff, including corrections officers who were working hard to prevent the spread of COVID-19 in the County jail.

Read and Presented

- 5.C.** [20-1533](#) Proclamation Designating May 3-9, 2020 as Public Service Recognition Week

Attachments: [Proclamation](#)

Commissioner O'Bryan read the Proclamation in honor of public service employees at all levels of government. He praised County staff for their talent and dedication as they work to keep Indian River County running smoothly even in times of crisis.

Read and Presented

6. APPROVAL OF MINUTES

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

- 7.A.** [20-1512](#) Proclamation Honoring John McCoy on His Retirement From The Indian River County Board of County Commissioners Department of Community Development with Thirty-Four Years of Service

Attachments: [Proclamation](#)

Chairman Adams highlighted this item and expressed appreciation for Mr. McCoy's 34 years of service to the County. County Administrator Jason Brown complimented Mr. McCoy's knowledge and dedication to the County.

No Action Taken or Required

- 7.B.** [20-1528](#) Proclamation Honoring Kendall W. Blanchard on his Retirement from the Indian River County Board of County Commissioners Department of Public Works/Engineering Division with 29 Years of Service

Attachments: [Proclamation](#)

Commissioners and staff members spoke on behalf of Mr. Blanchard and his strong work ethic.

No Action Taken or Required

- 7.C.** [20-1524](#) Florida Public Service Commission Consummating Order PSC-2020-0125-CO-EI makes Order PSC-2020-0085-TRF-EI effective and final; docket to be closed, and is on file in the Office of the Clerk

No Action Taken or Required

- 7.D.** [20-1510](#) Indian River County Code Chapter 309, Fair Housing - Annual Report

Attachments: [Staff Report](#)

No Action Taken or Required

- 7.E.** [20-1519](#) Update on Virgin Trains Expenses

Attachments: [Staff Report](#)

[Virgin Trains Expenses](#)

No Action Taken or Required

- 7.F. [20-1521](#) Minor Modifications to Septic Hauler Agreement for the Residuals Dewatering Facility

Attachments: [Staff Report](#)
[Redline of Changes to Haulers Agreement](#)

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.F. 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. [20-1511](#) Checks and Electronic Payments April 10, 2020 to April 16, 2020

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B. [20-1531](#) Checks and Electronic Payments April 17, 2020 to April 23, 2020

Attachments: [Finance Department Staff Report](#)

Approved

- 8.C. [20-1495](#) North Sebastian Phase 2 Water and Sewer Project - Contract Documents and Bidding Services - Work Order No. 9

Attachments: [Staff Report](#)
[Work Order No 9 and supporting documents](#)

Approved staff's recommendation

- 8.D. [20-1518](#) Suspension of Delinquency Charges associated with Utility Services through May 31, 2020, due to COVID-19

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.E. [20-1513](#) Modification #1 to Emergency Management Federally-Funded Subgrant Agreement (EMPG) Agreement Number G0002

Attachments: [Staff Report](#)
[EMPG Modification to Extend](#)

Approved staff's recommendation

- 8.F. [20-1520](#) Community Aesthetic Feature Agreements Indian River County Welcome Signs, Project No. IRC-1816

Attachments: [Staff Report](#)
[CAFA Agreement for SR 5 \(US Highway 1\)](#)
[CAFA Agreement for SR 60](#)
[Authorizing Resolution](#)

Commissioner O'Bryan was pleased that the Welcome Sign Project was moving forward toward completion.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve staff's recommendation and Resolution 2020-039, authorizing the Chairman's execution of Community Aesthetic Feature Agreements with the Florida Department of Transportation for construction of three (3) welcome signs at the entrances to Indian River County on south U.S. Highway 1, north U.S. Highway 1, and west on State Road 60. The motion carried by the following vote:

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

- 8.G. [20-1517](#) Florida Department of Transportation (FDOT) Highway Maintenance Memorandum of Agreement for County Road 612 (8th Street) from west of 74th Avenue to east of Lateral Canal C (IRC-1822), Financial Project No. 437717-1-52--01

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[Memorandum of Agreement](#)

Approved Resolution 2020-040, authorizing the Chairman's execution of a Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for construction of a bridge over Lateral "C" Canal on County Road 612 west of 74th Avenue.

- 8.H. [20-1526](#) Approval of Change Order No. 1 to Work Order No. GKE 1 with GK Environmental, Inc. for Environmental Permitting, Gopher Tortoise Surveys, Gopher Tortoise Relocation Services, and Landscaping Design Assistance Services for the North Relief Canal Moorhen Marsh Leaps Project

Attachments: [Staff Report](#)
[Change Order No.1](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

- A. PUBLIC HEARINGS**
- B. PUBLIC DISCUSSION ITEMS**
- C. PUBLIC NOTICE ITEMS**

11. COUNTY ADMINISTRATOR MATTERS**11.A. [20-1539](#) Coronavirus Update**

Attachments: [Staff Report](#)

County Administrator Jason Brown utilized a PowerPoint presentation to provide an update on Coronavirus / COVID-19. State and local data was presented and analyzed for trends, followed by the transition plan for reopening the County, and references for additional information. Thanks were given to County staff and residents for making the quarantine and transition back to normal as smooth as possible.

Commissioner O'Bryan commented on the availability of additional testing and its effect on the data.

No Action Taken or Required

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

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [20-1515](#) Children's Services Dedicated Millage

Attachments: [Staff Report](#)

[Children's Trust Exploratory Committee Ltr \(04.17.20\)](#)

County Attorney Dylan Reingold recalled the past events that led to the Board's support of a dedicated millage for children's services. In light of the COVID-19 pandemic, the County Attorney's Office and representatives of the initiative recommended that the Board defer consideration of the referendum. Attorney Reingold expressed thanks to the Children's Trust Exploratory Committee members and staff who worked on this item.

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, spoke on behalf of the group supporting the proposed referendum. Mr. Smith was thankful for the action and guidance of all who worked on the proposal, and agreed with the recommendation to defer placement of the item until the November 2022 ballot.

Commissioner O'Bryan and Chairman Adams expressed appreciation for the collective effort on behalf of children in the County.

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

- 13.B. [20-1508](#) Approval of Agreement to Purchase and Sell with Gene Perry and the Estate of Helen Johnson for 45th Street/US Highway 1 Intersection Improvements

Attachments: [Staff Report](#)

[Exhibit A - Agreement to Purchase and Sell](#)

Deputy County Attorney Bill DeBraal displayed a photograph of the property at 45th Street and US Highway 1, as he described the portion needed for right-of-way (ROW), and provided a breakdown of the purchase price. Chairman Adams received confirmation that certain costs were standard, regardless of the parcel size.

Commissioner O'Bryan took exception with the charges submitted by attorney Richard Neill, representative for Mr. Gene Perry. The Commissioner explained why he thought the attorney's fee of \$13,650 was unjustified, and that he would not support payment.

Commissioner O'Bryan then made a motion to support the other costs in the purchase, while substituting attorney Neill's hourly rate for the statutory rate. He summarized that under his motion, the recommended costs of \$5,500 for ROW, \$8,555 for appraisal and engineering fees, and \$3,750 for attorney Charles Holloman (Mr. Johnson's attorney) would remain unchanged; attorney Neill would be offered \$1,122 as calculated by the statutory rate formula.

Chairman Adams questioned whether the County would be exposed to legal action if attorney Neill and attorney Holloman were paid using different standards. Attorney DeBraal suggested that attorney Neill may advise his client to reject the County's offer altogether.

Additional discussion ensued between Commissioner Zorc and Public Works Director Richard Szpyrka regarding the expansion of 45th Street and US Highway 1.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation with the modification to direct staff to make an alternate offer to attorney Richard Neill for fees calculated using the statutory rate formula. 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 10:01 a.m., and reconvened the meeting at 10:07 a.m., with all members present.

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

B. Commissioner Joseph E. Flescher, Vice Chairman

14.B.1. [20-1542](#) Outdoor Seating at Restaurants

Attachments: [Commissioners Memorandum](#)

Vice Chairman Flescher made an appeal to provide relief to restaurants by permitting outdoor seating. He explained that under the Phase I reopening plan, restaurants were limited to 25 percent capacity. Since outdoor seating would not apply to capacity limits, restaurants would be able to recoup additional business. He advocated for coronavirus-approved safety guidelines with minimal government red-tape.

The Commissioners and staff each expressed their support for the measure, and offered additional input and suggestions to help the restaurant industry.

Joseph Paladin, Black Swan Consulting, expressed support.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Solari, to direct staff to draft guidelines which would allow restaurants to provide outdoor dining during Phase 1 of the State's reopening plan. The motion carried by the following vote:

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

C. Commissioner Tim Zorc

- 14.C.1.** [20-1479](#) Discussion on Postponing Increases to Title X, Impact Fees, due to Economic Hardships of the Coronavirus

Attachments: [Commissioner's Memorandum](#)
 [Background Slide](#)

Commissioner Zorc referred to the March 10, 2020 Board decision to amend Impact Fees (Title X), and proposed postponing those increases for one year, until June of 2021. He explained his rationale for freezing the impact fee rates in light of slowing development and the uncertain economic impact of coronavirus. The Commissioner also noted that he would leave in-place the amendments providing reductions for affordable housing.

Commissioner O'Bryan was unconvinced that freezing impact fees would positively influence development, and discussed other factors that may be curtailing new projects. He remained in favor of implementing the impact fee amendments as approved.

Joseph Paladin, Black Swan Consulting, spoke against freezing the impact fee amendments.

A motion was made by Commissioner Zorc to suspend the impact fee increases that were adopted on March 10, 2020 for one year while still allowing the amendments related to reducing fees for affordable housing to stand. The motion died for lack of a second.

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob Solari

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. [20-1529](#) Amendment No. 2 to SiteCrafters of Florida

Attachments: [Staff Report](#)
 [Amendment No 2](#)

Director of Utility Services Vincent Burke used a PowerPoint presentation in his update of the work done to clean up and improve the Solid Waste Disposal District's yard waste site. Referring to staff's memo of April 24, 2020, he discussed the next phase of improvements, and noted that the additional work was within budget.

Chairman Adams commended the site improvements.

A motion was made by Commissioner Solari, 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

C. Environmental Control Board**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 10:43 A.M.