



# Indian River County Florida

## Meeting Minutes

### 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, April 7, 2020

9:00 AM

Commission Chambers

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**This meeting can be attended virtually by accessing YouTube Live. Instructions can be found on the back of this agenda and also online at [www.ircgov.com](http://www.ircgov.com).**

#### 1. CALL TO ORDER

**Present:** 4 - Chairman Susan Adams  
Vice Chairman Joseph Flescher  
Commissioner Tim Zorc  
Commissioner Peter O'Bryan

**Absent:** 1 - Commissioner Bob Solari

#### 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

#### 2.B. INVOCATION

**Reverend Hugh King, First Church of the Nazarene**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Tim Zorc**

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

**Deleted:** Items 8.I., 8.U., and 10.B.1. were deleted from the Agenda.

**A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Agenda as amended. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

#### 5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** Presentation of Proclamation Designating the Month of April, 2020 As Child Abuse Prevention Month

Commissioner Zorc read the Proclamation into the record.

**Read**

- 5.B.** Presentation of Proclamation Designating April 19 Through April 25, 2020 As Crime Victims' Rights Week

Chairman Adams read the Proclamation into the record.

**Read**

## **6. APPROVAL OF MINUTES**

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of December 17, 2019, and January 7, 2020, as written. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

- 6.A.** Regular Meeting of December 17, 2019

**Approved**

- 6.B.** Regular Meeting Minutes of January 07, 2020

**Approved**

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

- 7.A.** Proclamation Designating April 2020 as Water Conservation Month in Indian River County

**No Action Taken or Required**

- 7.B.** Resignation of Jim Kordiak, as Citizen Member Appointee to the Value Adjustment Board

**No Action Taken or Required**

- 7.C.** Florida Public Service Commission Order PSC-2020-0085-TRF-E1 approving FPL's light emitting diode (LED) streetlight tariff and LED streetlight agreement, effective 3/3/2020; if no timely protest order to become final and effective on issuance of a CO and docket to be closed; protest due 4/13/2020 is on file in the Office of the Clerk to the Board.

**No Action Taken or Required**

7.D. Update on Virgin Trains Expenses

**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.R. for discussion. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

8.A. Checks and Electronic Payments March 6, 2020 to March 12, 2020

**Approved**

8.B. Checks and Electronic Payments March 13, 2020 to March 19, 2020

**Approved**

8.C. Checks and Electronic Payments March 20, 2020 to March 26, 2020

**Approved**

8.D. Annual Financial Report

**Approved**

8.E. Request for Authorization to Submit an Application for Section 5311 Grant for Rural Transit Operating Assistance Funds for FY 2020/21

**Approved Resolution 2020-032, authorizing the submission of a Grant Application for 49 USC Ch. 53, Section 5311 Public Transit Operating Assistance.**

8.F. FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 1 for Project No. IRC-1505, FM No. 436379-1-54-01;436379-1-54-02

**Approved Resolution 2020-033, authorizing the Chairman's execution of Transportation Regional Incentive Program Supplemental Agreement No. 1 with the Florida Department of Transportation for 66th Avenue roadway widening from 49th Street to 69th Street and construction engineering inspection (CEI) services.**

8.G. Work Order No. 15, MBV Engineering, Inc. 11th Drive and 37th Street Intersection Improvements (IRC-2001)

**Approved staff's recommendation**

- 8.H.** Sector 3 Beach & Dune Nourishment Project, APTIM Amendment No. 1 to Work Order 2018006-4 (IRC 1926)  
**Approved staff's recommendation**
- 8.I.** Approval of License Agreement with Vero Beach Amateur Radio Club Inc., for Partitioned Section of the Donald McDonald Campground Office to Include Space Behind the Office For Construction of One Antenna.  
**Deleted**
- 8.J.** North County Library Addition - Donadio & Associates, Architects, P.A. - Work Order No. 3  
**Approved staff's recommendation**
- 8.K.** Jones Pier Residence Repairs Final Payment and Release of Retainage  
**Approved staff's recommendation**
- 8.L.** Work Order Number 3 -Continuing Engineering Services RFP 2018008 - Coastal Design & Engineering, LLC - Permitting and Design for a Dune Crossover Replacement at Seagrape Trail Park Beach Access  
**Approved staff's recommendation**
- 8.M.** Approval of First Extension and an Amendment to the Agreement for Contract Services for Beach Parks Maintenance - Janitorial Services  
**Approved staff's recommendation**
- 8.N.** Memorandum of Understanding with the Teamsters Local Union 769 regarding COVID-19  
**Approved staff's recommendation**
- 8.O.** Annual HUD Grant Renewals for Continuum of Care (CoC) Programs  
**Approved staff's recommendation**
- 8.P.** Request to Waive the Bid Process for North Berm Maintenance Project at the Spoonbill Marsh Facility  
**Approved staff's recommendation**
- 8.Q.** Utility Work by Highway Contractor Master Agreement with FDOT; Utility Relocations - I-95 & Oslo Road Interchange; FDOT Project #413048  
**Approved staff's recommendation**
- 8.R.** Purchasing Requirements

Commissioner O'Bryan highlighted the item in the interest of transparency.

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

**Absent:** 1 - Commissioner Solari

**8.S.** Osprey Acres Floway and Nature Preserve - Utilities

**Approved staff's recommendation**

**8.T.** Resolution Cancelling Taxes on Property Purchased by Indian River County for Public Purpose

**Approved Resolution 2020-034, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Hale and DeBerry)**

**8.U.** Award of Bid# 2020032 - Medical Services for Persons with Special Needs (PSN) Shelter

**Deleted**

**8.V.** Amendment to Ground Space Lease Agreement with Cellco Partnership d/b/a Verizon Wireless

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.** Indian River County Sheriff Deryl Loar re: Law Enforcement Trust Fund, County Fund 112 - Special Law Enforcement

Indian River County Sheriff Deryl Loar appeared via video conference and thanked the Board for their support.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approved staff's recommendation. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**9.B.** Indian River County Clerk of the Circuit Court and Comptroller, Jeffrey R. Smith: Notice of Comprehensive Annual Financial Report (CAFR) and Popular Annual Financial Report (PAFR) Completion for fiscal year 2018-2019

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith appeared before the Board and noted an addition to the 2018-2019 Popular Annual Financial Report

(PAFR) indicating trends in revenue and expenditures over the last five years.

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

**Absent:** 1 - Commissioner Solari

## 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.

Magnolia Manor Holdings, LLC's Request for Special Exception and Conceptual Planned Development (PD) Plan Approval for a Project to be known as Magnolia PD [PD-18-11-14 / 2005030306-82553]

Chairman Adams introduced the parties for the proceeding as being Indian River County and Magnolia Manor Holdings, LLC (Applicant).

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing. County Attorney Dylan Reingold received acknowledgement from the Applicant's representative, Chuck Mechling, that online participants could not be sworn-in as was typically done under the Commission's rules.

The Chairman opened the Public Hearing.

Ryan Sweeney, Chief of Current Development, utilized a PowerPoint presentation to review the Planned Development process, details of the waivers sought and conditions for approval of the project known as Magnolia PD. He concluded with staff recommendations.

Commissioners Zorc and O'Bryan entered into discussion with Chief Sweeney regarding retention ponds, traffic, buffering, and the lack of affordable housing.

Mr. Mechling thanked staff, introduced the development partners, and addressed comments regarding stormwater retention, neighborhood improvements, and detailed Magnolia's design.

Chairman Adams opened the hearing to comments.

Commissioner Zorc sought and received answers to questions submitted via telephone from a constituent.

Brian Sullivan, Communications Manager, read aloud questions received online from James Jontz, 379 53rd Circle, which led to additional discussion between Chief Sweeney and the Board regarding traffic studies and buffering.

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

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

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

**Absent:** 1 - Commissioner Solari

#### **10.A.2.**

Michael & Jill Bentley's Request for Abandonment of a 30' Wide Portion of an 80' Right-of-Way for 4th Avenue SE, Adjacent to Lot 1, Unit 3 of the River Shores Estates Subdivision [ROWA-19-02-01 / 2001100164-83290] (Legislative)

Chief of Current Development Ryan Sweeney displayed PowerPoint slides illustrating the location of the subject right-of-way, and referred to staff's recommendation.

Michael Bentley was present via video conference.

Chairman Adams opened the Public Hearing. There being no comments or discussion, the Chairman closed the Public Hearing.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve Resolution 2020-035, providing for the closing, abandonment, vacation and discontinuance of a 30' wide portion of a 80' right-of-way for 4th Avenue SE lying south of 12th Place SE River Shores Estates per Indian River County Plat Book 7, Page 32, and adjacent to the west property line of Lot 1, Unit 3 of the River Shores Estates subdivision, per Indian River County Plat Book 7, Page 55, of the Public Records of Indian River County, Florida, with retainage of a public drainage and utility easement over the entire area. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**10.A.3.**

Public Hearing: Modification to County Code Sections 201.64 and 201.65 (Legislative)

Vincent Burke, Director of Utility Services, provided the rationale for the request to prohibit discharge of hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.

Chairman Adams opened the Public Hearing. There being no comments or discussion, the Chairman closed the Public Hearing.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to: 1) Approve staff's recommendation, and 2) Adopt Ordinance 2020-006, amending Sections 201.64 (Definitions; construction and interpretation) and 201.65 (Prohibited discharge standards) of Part III (the Indian River County Industrial Pretreatment Regulations Ordinance) of Chapter 201 (County Water and Sewer Services) of the Code of Indian River County, Florida establishing the prohibition of the discharge of hazardous waste pharmaceuticals from healthcare facilities and reverse distributors; and providing for codification, severability, repeal of conflicting provisions, and an effective date. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**10.A.4.**

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)

County Attorney Dylan Reingold recommended postponing the Public Hearing for at least two weeks due to social distancing constraints.

Chairman Adams opened the Public Hearing.

Commissioner O'Bryan suggested a later date of July 14, 2020 to allow for any unforeseen extension of the restrictions. County Administrator Jason Brown agreed, noting that there were many people interesting in appearing to speak on this matter.

There being no further comments, the Chairman noted that the Public Hearing would remain open until the July 14th continuation.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to continue the Public Hearing on July 14, 2020. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari



**B. PUBLIC DISCUSSION ITEMS**

- 10.B.1.** Request to Speak from Dr. Miles Conway, South Beach Property Owners Association, Inc re: COVID-19 -- Public and Permanent Resident Safety and Financial Protocols Related to Public Lodging Establishments

**Deleted**

**C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS****11.A.** Coronavirus Update

County Administrator Jason Brown presented an update on the COVID-19 pandemic. Using a PowerPoint presentation, Administrator Brown discussed the importance of social distancing and safer at home orders, as well as Indian River County action updates.

Commissioner O'Bryan implored residents to respect the County-wide burn ban in place. Vice Chairman Flescher expressed appreciation for staff's hard work and flexibility.

Miranda Hawker, Indian River County Health Officer, encouraged residents to participate in a Florida Department of Health survey at [FloridaHealthCovid19.gov](https://www.floridahealth.gov/covid-19). She continued on to provided statistics on local infection rates and analyzed the data for trends.

The Commissioners, each in turn, asked and received answers from Ms. Hawker regarding the information presented.

**No Action Taken or Required**

**11.B.** Ratification of County Administrator's Actions Under Resolution No. 2020-031

County Administrator Jason Brown recounted the details of the Cash Deposit and Escrow Agreement he had approved under authority of Resolution No. 2020-31.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve staff's recommendation that the Board ratify the Cash Deposit and Escrow Agreement. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**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****12.G.1.** Suspension of Delinquency Charges associated with Utility Services through April 30, 2020, due to COVID-19

Director of Utility Services Vincent Burke referred to staff's memo dated March 27, 2020 to describe the County Administrator's action to temporarily suspend delinquency charges associated with Utility Services due to COVID-19.

Commissioner O'Bryan applauded the action.

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

**Absent:** 1 - Commissioner Solari

**12.G.2.** Sole Source Purchase of Tyler Software and Services

There was no discussion regarding this item.

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

**Absent:** 1 - Commissioner Solari

**12.G.3.** Sole Source for Trillium Pumps USA SLC LLC

There was no discussion regarding this item.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve staff's recommendation. The motion carried by the following vote:**

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

**Absent:** 1 - 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****14.C.1.** Discussion on the Coronavirus Aid, Relief, and Economic Security Act

Commissioner Zorc provided a resource sheet of the benefits available to local businesses and employees under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**No Action Taken or Required**

**D. Commissioner Peter D. O'Bryan****E. Commissioner Bob Solari****15. SPECIAL DISTRICTS AND BOARDS**

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.

**A. Emergency Services District****B. Solid Waste Disposal District**

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Solid Waste Disposal District's Meeting Minutes of November 19, 2019, and December 10, 2019. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Solari

**15.B.1.** Approval of Meeting Minutes November 19, 2019

**Approved**

**15.B.2.** Approval of Minutes Meeting December 10, 2019

**Approved**

**15.B.3.** Final Pay to Geosyntec for Work Order No. 5 - One Year of Groundwater Monitoring Reporting and Related Consulting Services at the Former South Gifford Road Landfill

There was no discussion regarding this item.

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

**Absent:** 1 - Commissioner Solari

**15.B.4.** CCNA-2018 Work Order No. 32 to Kimley-Horn for the Solid Waste Disposal District Household Hazardous Waste and Recycling Facility Conceptual Design

There was no discussion regarding this item.

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

**Absent:** 1 - Commissioner Solari

**15.B.5.** Approval of Amendment No. 1 to Recycling Services at Government Buildings and Facilities Agreement

There was no discussion regarding this item.

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

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

**Absent:** 1 - Commissioner Solari

**15.B.6.** Final Pay to CDM Smith for CCNA 2018 Work Order No. 3 - Annual Permit Compliance and Monitoring

There was no discussion regarding this item.

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

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

**Absent:** 1 - Commissioner Solari

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 10:46 a.m.