



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, June 2, 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

Freddie Woolfork, Progressive Civic League of Gifford

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.** [20-1571](#) Presentation of Proclamation Honoring Roland DeBlois on His Retirement From Indian River County Board of County Commissioners Department of Community Development with Thirty-Five Years of Service

Attachments: [Proclamation](#)

Chairman Adams read and presented the Proclamation to Roland DeBlois who was joined by his family. The Commissioners and staff each thanked Mr. DeBlois for his years of service to the County, and praised his calm demeanor.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of January 21, 2020, February 4, 2020, and February 11, 2020, as written. The motion carried by the following vote:

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

- 6.A.** [20-1574](#) Regular Meeting of January 21, 2020

Attachments: [01202020_Granicus](#)

Approved

- 6.B.** [20-1578](#) Regular Meeting of February 04, 2020

Attachments: [02042020BCC_Draft](#)

Approved

- 6.C.** [20-1583](#) Regular Meeting of February 11, 2020

Attachments: [02112020_Granicus](#)

Approved

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

- 7.A.** [20-1573](#) Order PSC-2020-0154-PCO-EI granting TECO, Duke Energy, FPL, and GPC's petitions for mid-course corrections; docket to remain open, is on file in the Office of Clerk to the Board.

No Action Taken or Required

7.B. [20-1585](#) Update on Virgin Trains Expenses

Attachments: [Staff Report](#)
[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 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. [20-1577](#) Checks and Electronic Payments May 8, 2020 to May 14, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [20-1582](#) Checks and Electronic Payments May 15, 2020 to May 21, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [20-1497](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Service Development Grant

Attachments: [Staff Report](#)
[Resolution](#)
[Grant Agreement](#)
[Budget Form](#)

Approved Resolution 2020-045, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.D. [20-1559](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a CARES Act Section 5311 Grant

Attachments: [Staff Report](#)
[Resolution](#)
[Grant Agreement](#)
[Budget Form](#)

Approved Resolution 2020-046, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.E. [20-1586](#) Sandridge Golf Course - Pineapple Credit Card Processing Agreement

Attachments: [Staff Report](#)
[Original ETS agreement](#)
[Merchant Processing Application](#)
[Program Terms & Conditions](#)
[Card General Terms Addendum](#)

Approved staff's recommendation

- 8.F. [20-1580](#) Moorhen Marsh - Declaration of Unity of Title

Attachments: [Staff Report](#)
[Declaration of Unity of Title](#)

Approved staff's recommendation

- 8.G. [20-1595](#) Miscellaneous Budget Amendment 007

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit "A"](#)

Approved Resolution 2020-047, amending the Fiscal Year 2019-2020 Budget.

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. [20-1587](#) Vero Beach MOB, LLC; Appeal of a County Officer Decision**Attachments:** [Staff Report](#)[Attach 1 - CDD Application Denial](#)[Attach 2 - Optimal Outcomes Appeal Request](#)[Attach 3 - County Administrator Denial of Appeal](#)[Attach 4 - IRC Code Section 1010.04](#)[Attach 5 - Vero Orthopaedics MOB second appeal](#)

Patrick Marston, representative for Vero Beach MOB, LLC (Applicant), appeared before the Board to appeal the denial of an application for a traffic impact fee credit in the amount of \$212,488.95. He explained that the project's required roadway improvements had been previously ruled as site related, which the County's code excluded from being eligible for credit. Mr. Marston then stated that the Applicant disagreed with the County's interpretation of the code, and provided the rationale for believing the improvements were capacity related, and thus entitled to an impact fee credit.

County Administrator Jason Brown used a PowerPoint presentation to substantiate the reasons behind the County's denial. He referred to Section 1010.04 of the County code which defined site-related improvements, as well as other location requirements the project did not meet. The presentation concluded with examples of similar, non-qualifying roadway improvements.

Commissioner Flescher received clarification regarding timelines, delays, and the cost of improvements. Discussion ensued between Commissioner Zorc and staff regarding Florida House Bill (HB) 7103 (2019), which created legislation regarding issuance of impact fee credits. Commissioner Zorc proposed that if the 2019 legislation had been incorporated into the County's code, the rule changes would have made the Applicant eligible for credit. Further discussion ensued regarding HB 7103 with the Board receiving confirmation from County Attorney Dylan Reingold that the County's code was in compliance with the State's legislation.

Under further discussion, commissioners and staff considered safety concerns and the methodology used to determine a road's traffic capacity. Mr. Marston again challenged the denial ruling based on the Applicant's interpretation of the code.

A motion was made by Commissioner Solari, seconded by Chairman Adams, to approve staff's recommendation. The motion carried by the following vote:

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

Nay: 1 - Commissioner Zorc

The Chairman called a recess at 12:30 p.m., and reconvened the meeting at 12:35 p.m., with all members present.

11.B. [20-1588](#) Coronavirus Update

Attachments: [Staff Report](#)

County Administrator Jason Brown presented an update on the latest coronavirus statistics using a PowerPoint presentation. State and county infection rate trends, reporting on additional testing for underserved areas in the county, and county service changes as of June 1, 2020 were shown.

The report continued with a breakdown of CARES Act (Coronavirus Aid, Relief, and Economic Security) funding for state and local governments. Administrator Brown then recommended directing staff to draft a letter to Governor DeSantis, as recommended by the Florida Association of Counties (FAC), requesting allocation of CARES funds to smaller local governments.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to direct staff to draft a letter to Governor DeSantis, as recommended by the Florida Association of Counties, requesting allocation of Coronavirus Aid, Relief, and Economic Security Act funds to smaller local governments. The motion carried by the following vote:

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

Following the motion, Vice Chairman Flescher proposed allowing outdoor sidewalk sales for retail businesses. Commissioner Solari expressed his support for the idea. Vice Chairman Flescher and County Administrator Jason Brown agreed that it would be beneficial to have Administrator Brown reach out the Indian River Chamber of Commerce to inform the business community of the plan.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Solari, to direct the County Administrator to reach out to the Indian River County Chamber of Commerce and draft an Order allowing outdoor retail sales. 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

B. Emergency Services

C. General Services

1. **Human Services**
2. **Sandridge Golf Club**
3. **Recreation**

D. Human Resources

12.D.1. [20-1600](#) Medical and Pharmacy Benefit - Recommendations for Plan Year 2020/21

Attachments: [Staff Report](#)
[Plan Design Options 2A, 2B, 3B](#)

[Clerk's Note: This item was heard following Item 8.G, and is placed here for continuity.]

Human Resources Director Suzanne Boyll appeared before the Board to present the Indian River County Medical and Pharmacy Benefit Package for 2020-2021. Using a PowerPoint presentation, Ms. Boyll reviewed the existing Gold and Silver tier plans, analyzed trends, and provided a financial performance report on the two plans. She noted that while the Silver Plan's expenses were covered by users' premiums, the Gold Plan ran a deficit. It was projected that an additional \$3 million in funding would be needed to cover current benefit levels.

To address the need for additional funding, several options were presented which utilized different levels of County and employee contributions in conjunction with modified benefits. Ms. Boyll's presentation concluded with staff's recommendation of Option 3B.

Ms. Boyll addressed employee's concerns voiced by Vice Chairman Flescher regarding difficulty in utilizing the prescription drug benefits.

Discussion continued with Commissioner Solari weighing in on his experience using the Health Advocate to navigate the plan's benefits. The Commissioner suggested additional education for employees regarding the value of this resource.

The Chairman opened discussion to the public.

The following speakers addressed the Board with their concerns regarding higher costs and requests for additional options:

Steve Myers, Teamsters Local 769 representative
John O'Connor, President, Indian River County Firefighter's Association
Katherine Gibson, Indian River County Sheriff's Deputy
Joe Earman, 4375 9th Lane
Joseph Karman, President of the Indian River Deputies Association
Bruce Anderson, 6379 Caicos Court

County Administrator Jason Brown addressed the speakers' comments, and touched upon the economic challenges facing the County. He

concurred with staff's recommendation of Option 3B.

Discussion among the Commissioners resumed with consideration of the prospect for an employee health clinic and teledoc options; Ms. Boyll provided information on the teledoc costs. She also cautioned that approval of a plan for 2020-2021 was needed in June.

Mike Meredith, Senior Benefits Specialist with Lockton Companies, confirmed that his company could generate a feasibility study for an employee clinic.

Commissioner Solari received clarification on the financial details of the funding shortfall and its impact on employee costs. After discussion with staff, the Commissioner proposed increasing the County's contribution by \$250,000 to cover the higher-than-expected shortfall. He also suggested postponing a decision to allow time to gather input from the County's employees.

The Chairman called a recess at 10:53 a.m., and reconvened the meeting at 11:04 a.m., with all members present.

Chairman Adams observed that the current process for approving health plan benefits was not sustainable given the certainty of yearly rising costs. She suggested that going forward, staff would need to broaden the scope of options presented. To that point, she requested a third tier, high-deductible plan which would allow employees to have a Health Reimbursement Arrangement or a Health Savings Plan.

The Chairman concluded discussion by summarizing the additional requests that emerged from the comments. Staff was directed to gather pricing and feasibility reports for an increase in the County's funding contribution, an employee health clinic, teledoc services, and a new tier plan with a high deductible. The Board agreed to table the item until Tuesday, June 16, 2020, while information was gathered and employee's feedback was sought.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to: 1) Table the item until the June 16, 2020 Commission meeting, and 2) Direct staff to return with additional information regarding a \$250,000 increase in the County's funding contribution, an employee health clinic, teledoc services, and a high-deductible plan option. The motion carried by the following vote:

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

E. Office of Management and Budget

F. Public Works

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [20-1593](#) Settlement of Attorney's Fees for Gene Perry for 45th Street/US Highway 1 Intersection Improvements

Attachments: [Staff Report](#)
 [Neill Letter](#)

Deputy County Attorney Bill DeBraul recapped the discussions that led to the Board's decision on May 5, 2020, to purchase a small portion of property for right-of-way (ROW) from Gene Perry and the Estate of Helen Johnson. Attorney DeBraul recounted that the Board had voted to make an alternate offer to Mr. Perry's attorney, Richard Neill, for his fees. Attorney Neill was seeking \$13,650 in fees for 40.3 hours of work; the Board countered with an offer of \$1,122, which was calculated using the statutory rate formula. Attorney Neill responded via letter that the statutory rate was unreasonably low, and instead suggested binding mediation with a mutually agreed-upon local attorney to determine a reasonable fee.

Commissioner O'Bryan suggested rejecting the purchase agreement of May 5, 2020, and tabling the ROW project until the property hopefully came up for sale at a later date. Under discussion, Commissioner Zorc received confirmation from Director of Public Works Richard Szpyrka that the needed parcel was the only solution for creating ROW, and that the road work was not imminent.

Chairman Adams and Attorney DeBraul further discussed the ramifications of rejecting the purchase entirely. Attorney DeBraul cautioned against cancelling the purchase agreement for several reasons, including the conventional wisdom that negotiated settlements were often more favorable than an expensive eminent domain lawsuit. Chairman Adams agreed, and noted that this would not be a good case to mount the long-requested challenge against outsized eminent domain settlements.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to cancel the purchase agreement previously approved at the May 5, 2020 Commission meeting. The motion failed by the following vote:

Aye: 1 - Commissioner O'Bryan

Nay: 4 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, and Commissioner Solari

Further discussion ensued among the Board and staff regarding the details of mediation. Commissioner O'Bryan expressed his concern that a litigation attorney would have too much self-interest to be fair. Attorney DeBraul and County Attorney Dylan Reingold agreed to work together to find a suitable, local attorney to mediate.

The Chairman opened the floor for public comment.

Joseph Paladin, Black Swan Consulting, suggested making a counteroffer to attorney Neill in lieu of mediation.

Commissioner O'Bryan noted that mediation would allow the property to close in a shorter time frame, and agreed to support it with careful consideration of the mediating attorney.

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

14. COMMISSIONERS MATTERS

- A. Commissioner Susan Adams, Chairman**
- B. Commissioner Joseph E. Flescher, Vice Chairman**
- C. Commissioner Tim Zorc**

- 14.C.1.** [20-1596](#) Discussion on Parameters for the Board's Fiscal Year 2021 Budgetary Debate

Attachments: [Commissioner's Memorandum](#)

Commissioner Zorc requested discussion of the budget trends and challenges for upcoming Fiscal Year 2020-2021, in light of the negative revenue impact from COVID-19. Chairman Adams suggested the discussion was premature and should wait until all departments had submitted their budget estimates, and the amount of Coronavirus Aid, Relief, and Economic Security (CARES) reimbursement was known.

Further discussion ensued with Commissioner Zorc expanding on his reasons for bringing forth the discussion, and the Chairman stating her preference to wait until the Budget Workshop meeting on July 15, 2020.

The discussion closed with Commissioner Zorc noting that the Property Appraiser's budget was projected to be less than the previous year's.

No Action Taken or Required

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob 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 1:32 p.m.