



Indian River County Florida

Meeting Minutes 4

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, September 15, 2020

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. 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

Pastor Jim Gallagher, Calvary Chapel of Vero Beach

In Pastor Jim Gallagher's absence, Chairman Adams offered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Vice-Chairman

Chairman Adams announced that the meeting was available for public viewing through Zoom and YouTube Live, and she provided instructions for virtual and telephone participation.

County Attorney Dylan Reingold read the County's social media policy and the procedures to be followed during the public hearings, noting that individuals would be limited to three (3) minutes to provide their comments.

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 Proclamation Designating September, 2020 As Suicide Awareness Month

Chairman Adams read and presented the Proclamation to Major Milo Thornton of the Indian River County Sheriff's Office and a Board Director for New Horizons of the Treasure Coast and Okeechobee.

Colleen Phillips, Community Relations Specialist with 211 Helpline, addressed the Commissioners via Zoom to provide statistics related to crisis support and to thank the Commissioners for their continued support.

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 June 23, 2020, and July 7, 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. Regular Meeting of June 23, 2020

Approved

6.B. Regular Meeting Minutes of July 7, 2020

Approved

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

7.A. Notice from the City of Sebastian regarding Ordinance O-19-04, Notice of Annexation of 1,118 Acres, a copy of the Ordinance with a map and legal description of the property is on file for review in the Office of the Clerk to the Board.

No Action Taken or Required

7.B. Order PSC-2020-0293-AS-EI approving settlement agreements submitted by GPC, FPL, Duke Energy and TECO and final order approving TECO's motion to approve

revised tariff; Dockets 20200067, 20200069, 20200070 and 20200071 to be closed; Docket 20200092-EI to remain open, is on file with the Clerk to the Board.

No Action Taken or Required

7.C. Update on Brightline 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.I. 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. Checks and Electronic Payments August 7, 2020 to August 13, 2020

Approved

8.B. Quarterly Investment Report for the Quarter Ending 06/30/2020

Accepted

8.C. Quarterly OPEB Trust Report for the Quarter Ending 06/30/2020

Accepted

8.D. Quarterly Tourist Development Tax Report for the Quarter Ending 06/30/2020

Accepted

8.E. Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 06/30/2020

Accepted

8.F. Checks and Electronic Payments August 14, 2020 to August 20, 2020

Approved

8.G. Checks and Electronic Payments August 21, 2020 to August 27, 2020

Approved

8.H. Checks and Electronic Payments August 28, 2020 to September 3, 2020

Approved

8.I. Award of Bid 2020049 for Data Flow System Antenna and Tower Replacement

Commissioner Solari clarified that bid #2020049 was recommended to be awarded to Boromei Construction, Inc. due to a completion date approximately 90-days sooner than that of Expert Construction Managers, Inc., thereby saving taxpayer dollars.

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

- 8.J.** 2020/2021 State/County Contract Indian River County Health Department
Approved staff's recommendation
- 8.K.** Miscellaneous Budget Amendment 009
Approved staff's recommendation and Resolution 2020-065, delegating authority to the County Administrator, the Assistant County Administrator or the Director of the Office of Management & Budget or their designee to execute all documents necessary to amend the Fiscal Year 2019-2020 budget during the period commencing November 10, 2020, through and including November 29, 2020.
- 8.L.** Ratification of Professional Services Agreement with SteepSteel, LLC
Approved staff's recommendation
- 8.M.** Approval of 2020/2021 State Funded Subgrant Agreement (T0097) To Update Indian River County's Hazards Analysis
Approved staff's recommendation and Resolution 2020-066, adopting a comprehensive emergency management plan for Indian River County.
- 8.N.** Renewal of Lease Agreement 2601 51st Avenue, Vero Beach, FL 32966 Tenants: Nick Pappas and Ember Pappas
Approved staff's recommendation
- 8.O.** Right-of-Way Purchase - 58th Avenue/37th Street Intersection 5780 36th Lane, Vero Beach, FL 32966 Owners: Jennifer L. Schoenfeld and Heath Schoenfeld
Approved staff's recommendation
- 8.P.** Right-of-Way Purchase - 58th Avenue/37th Street Intersection 3745 58th Avenue, Vero Beach, FL 32966 Owners: Wayne C. McClain and Nancy A. McClain
Approved staff's recommendation
- 8.Q.** FDOT Amendment Number Two to County Incentive Grant Program (CIGP) Agreement FM No. 431759-2-54-01 and Resolution Authorizing the Chairman's Signature for the Construction of Intersection Improvements at SR-60 and 43rd Avenue, IRC-0853

Approved staff's recommendation and Resolution 2020-067, authorizing the Chairman's execution of Amendment Number Two to County Incentive Grant Program Agreement FM Number 431759-2-54-01 with the Florida Department of Transportation for construction and construction engineering inspection services for intersection improvements at State Road 60 and 43rd Avenue.

- 8.R.** Carter & Associates, Inc. Work Order Number 3 - South Prong Preserve Design & Engineering Services
Approved staff's recommendation
- 8.S.** DiVosta Homes, LP's Request for Final Plat Approval for a Subdivision to be known as Magnolia Court at Waterway Village PD Phase 2 [PD-13-03-03 / 2004010124-86812]
Approved staff's recommendation
- 8.T.** Acceptance of a Florida Department of Environmental Protection (FDEP) FY 2020-2021 Florida Resilient Coastlines Program (FRCP) Resilience Planning Grant (RPG)
Approved staff's recommendation
- 8.U.** Amendment No. 5 to Agreement for Professional Services with Bowman Consulting Group, Ltd., 58th Avenue Reclamation 57th Street to 85th Street (IRC-1325)
Approved staff's recommendation
- 8.V.** Award of Bid #2020051, Annual Bid to Furnish and Deliver Polymer
Approved staff's recommendation
- 8.W.** Ratification of Cash Deposit and Escrow Agreement with regard to Blue Goose Construction LLC's Guarantee to Complete 16-Inch Valve Replacement Along U.S. Highway 1 Near 65th Street under Continuing Contract Agreement
Approved staff's recommendation
- 8.X.** Ratification of Amendment to Cash Deposit and Escrow Agreement re Increase in Posted Security for Fourth Phase Restoration - Wild Turkey Sand Mine
Approved staff's recommendation
- 8.Y.** Ratification of Emergency PO (86941) to Trane U.S. Inc. for Courthouse A/C Chilled Water Air Handler Refurbishment
Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.** Indian River County Supervisor of Elections Leslie Swan re: to seek approval to roll

the revenues received from conducting the September 15, 2020 City of Sebastian Recall Elections back into the Supervisor of Elections 2019/2020 budget

Supervisor of Elections Leslie R. Swan was present for her request. She thanked County Attorney Dylan Reingold for his assistance.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve a request to roll the \$41,100 revenue received from the City of Sebastian Recall Election into the Supervisor of Elections 2019/2020 budget. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

10.A.1.

Face Covering Ordinance

County Attorney Dylan Reingold gave a recap of the July 14, 2020 Board-adopted Face Covering Ordinance. He stated that the newly-drafted ordinance mirrored the previous ordinance with some minor changes to Section 2.6. Exceptions, related to social distancing, and that the proposed expiration/sunset date was November 17, 2020.

County Administrator Jason Brown followed up, speaking in support of the Board adopting the proposed ordinance. He reiterated that it was not a full mask mandate, but an extension of the ordinance that had been adopted 60 days prior.

Chairman Adams received confirmation from Administrator Brown that there was nothing written in the proposed ordinance that would affect the School District of Indian River County.

Health Officer Miranda Hawker, Florida Department of Health in Indian River County, utilized a PowerPoint presentation to provide the current, detailed data related to COVID-19.

Commissioner Solari voiced his frustrations related to limited scientific data and facts from both sides of the mask-wearing topic and from the Centers for Disease Control and Prevention (CDC). Ms. Hawker responded that she had provided public health facts from the Morbidity and Mortality Weekly Report, and that it was her job to urge individuals to wear a mask due to a Public Health Advisory from the State Surgeon General. Commissioner Solari then spoke on the possible dangers related to wearing a mask.

Chairman Adams reminded her fellow Commissioners and the public of the proposed ordinance specifications.

Ms. Hawker then responded to Commissioner Zorc's questions related to missing COVID-19 tests, testing and repeat testing, false-positive testing data, test magnifications, and the goal or situation that would allow residents to return to normal. In her response, Ms. Hawker confirmed that the Department of Health received their test data by way of electronic lab results or direct reporting, per legal requirements.

Barbara Progulske, Epidemiologist, Florida Department of Health in Indian River County, assisted Ms. Hawker in explaining the different COVID-19 tests being used in the County.

Vice Chairman Flescher addressed the possible inaccurate information that had caused fear to be felt throughout the community.

Commissioner O'Bryan discussed how droplets were being transferred via aerosols, his opinion that wearing a mask was the best way to protect one another, and he utilized a PowerPoint presentation to go over the confirmed COVID-19 cases by the week. In addition, he offered a suggestion that the Board adopt the proposed ordinance for a period of six (6) months.

The Chairman called for a recess at 10:12 a.m., and reconvened the meeting at 10:20 a.m., with all members present.

Chairman Adams reminded the public, those present and attending virtually or via telephone, of the procedures to be followed; she then opened the public hearing.

The following residents spoke against the Face Covering Ordinance:

Carolyn Kleinpeter, 885 10th Court

No name given

Tammy Bogart, 176 16th Avenue

Kerri Wilson, 226 16th Avenue

Nathan Sweigard, 8146 25th Street

Sandy Campiglia, 3005 65th Drive, Unit #104

Tracy Borcheller, 6320 Salmon Place

Nicole Campanelli, 1245 33rd Avenue SW

Jennifer Pippin, 2616 52nd Avenue

Dawn Wilkerson, 1405 33rd Avenue

Patrick Grall, 3000 82nd Avenue

Kris Allen

Charlotte Orsino
Richard Allen
James Slater, 8775 20th Street
Ruth Kuvlesky, 309 Tunison Lane, Sebastian

The following individuals spoke in support of the Face Covering Ordinance:
Tess Whelan, 5192 Formosa Circle
No name given

The Chairman invited comments from the public who were present via YouTube Live, Zoom, and the telephone; there were none.

Chairman Adams closed the public hearing.

Each member of the Board addressed the face covering requirements. Chairman Adams added that the City of Fellsmere had extended their mask ordinance until November 6, 2020.

Administrator Brown confirmed that the County had made accommodations for individuals doing business with County offices who could not or wished not to wear a mask.

A motion was made by Commissioner Solari, seconded by Chairman Adams, to adopt Ordinance 2020-010, providing for adoption of recitals; providing for face covering requirements and exceptions; providing for penalties and enforcement; providing for applicability, severability, conflict, sunset date and an effective date. 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

Chairman Adams called for a recess at 11:35 a.m., and reconvened the meeting at 11:44 a.m., with all members present.

C. PUBLIC NOTICE ITEMS

County Attorney Dylan Reingold read the Public Hearing Notices into the record.

10.C.1. Public Notice of Public Hearing Scheduled for September 22, 2020 to Consider the Adoption of an Ordinance to Amend Chapter 102 of the Code of Indian River County - LEGISLATIVE

No Action Taken or Required

10.C.2. Notice of Scheduled Public Hearing for September 22, 2020 Board Meeting -

LEGISLATIVE

PROVIDENCE POINTE VERO BEACH LLC'S REQUEST TO EXTEND THE ZONING REVERTER DEADLINE FOR PROVIDENCE POINTE PDTND [PD-13-04-01 & AA-20-05-64 / 2004110179-86579]

County Attorney Dylan Reingold and Community Development Director Phil Matson offered clarification to Commissioner Zorc, who had inquired about the zoning reverter extension.

No Action Taken or Required

10.C.3. Public Notice - Public Hearing - LEGISLATIVE

RENTAL ASSISTANCE DEPARTMENT - HOUSING CHOICE VOUCHER (SECTION 8) PROGRAM'S FIVE YEAR AND ANNUAL YEAR PLAN FY 2021-2025, Public Hearing Scheduled for September 22, 2020

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

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. Resolution of Necessity for a Temporary Construction Easement Located at 6600 65th Street, Vero Beach, FL 32967 Owned by Harish and Deepti Sadhwani

Deputy County Attorney William DeBraul discussed the necessity of a Temporary Construction Easement (TCE), stating that a review of the construction plans for improving and reconstructing 66th Avenue revealed that the TCE at 6600 65th Avenue could be reduced from a 25-foot easement to a 15-foot easement.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation and Resolution 2020-068, declaring a reasonable necessity to acquire a certain temporary construction easement interest in real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceeding in eminent domain, and providing an effective date. The motion carried by the following vote:

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

13.B. Unconditional Offer for a Temporary Construction Easement Located at 6600 65th Street, Vero Beach, FL 32967 Owned by Harish and Deepti Sadhwani

Deputy County Attorney William DeBraul explained the low unconditional offer of \$500 to Harish and Deepti Sadhwani for the Temporary Construction Easement (TCE) at 6600 65th Street. He stated that the TCE would be needed for approximately two (2) years and would expire and revert back to the property owners upon completion of the planned improvements to 66th Avenue.

Commissioner O'Bryan suggested increasing the offer to \$1500; however, his fellow commissioners were not supportive of the increase.

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.C. Acquisition of Right-Of-Way Parcel 109 for Phase III of 66th Avenue Improvements from Christine and Billy Jackson, 6805 66th Avenue

Deputy County Attorney William DeBraul referred to staff's memorandum dated September 9, 2020, as he presented the property details and terms of purchase for 6805 66th Avenue, owned by Christine and Billy Jackson.

Commissioner O'Bryan pointed out the inflated costs associated with the parcel of land, stating that he was not supportive of the purchase.

Commissioner Zorc inquired on the status of Phase II of the 66th Avenue road

improvement project. Public Works Director Rich Szpyrka responded that Phase II was scheduled to begin 18 months after the Phase I construction began, and he confirmed that there were nine (9) remaining parcels to obtain.

Discussion ensued between Commissioner O'Bryan and Commissioner Zorc regarding the high dollar amounts being paid by the County to acquire land for road improvements.

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

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

Nay: 1 - Commissioner O'Bryan

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Tim Zorc

14.C.1.

Discussion on Pine Tree Park Storm Water Drainage

Commissioner Zorc discussed the ongoing drainage issues in Pine Tree Park and his desire to find a solution that would improve the drainage flow.

Victor Regan, 6125 6th Place, addressed the Board regarding the drainage problem in Pine Tree Park.

Commissioner Zorc mentioned the extensive work done 10-12 years ago in Vero Lake Estates, with Chairman Adams pointing out that Vero Lake Estates had a water management district.

Public Works Director Rich Szpyrka addressed Commissioner Zorc's comment related to Vero Lake Estates, stating that the pipes between the stormwater storage ponds were either cleaned or replaced with larger pipes to increase the water flow, and that Pine Tree Park did not have the available parcels to convert to stormwater storage. He also addressed Mr. Regan's concern about pipes/culverts being replaced without the nearby homeowners being notified, clarifying that the pipes/culverts were located near the canal, and staff felt that they needed replaced immediately to move the water into the canal more rapidly. Director Szpyrka confirmed that staff had been exploring ways to improve the drainage in Sections 1-4 of Pine Tree Park without spending money on an in depth drainage study.

Commissioner Zorc and Commissioner O'Bryan felt that the best option for the Pine Tree Park community was to form a stormwater drainage district to generate recurring funding for improvements as resources became available.

County Attorney Dylan Reingold agreed to assist County Administrator Jason Brown and Director Szyrka in compiling the necessary paperwork to form a stormwater drainage district for the property owners in Pine Tree Park.

Referred to Staff

D. Commissioner Peter D. O'Bryan

E. Commissioner Bob Solari

F. Commissioners Open Dialogue

14.F.1. Commissioners Open Dialogue

Chairman Adams discussed that she and Commissioner O'Bryan had participated in virtual legislative committee meetings with the Florida Association of Counties (FAC).

Commissioner Solari spoke in support of law enforcement officers and their families as he addressed problems with society.

Commissioner O'Bryan stated that he would have an update in the near future to discuss proposed policies and recommendations from the FAC legislative committee meetings.

Commissioner Zorc pointed out that October was designated as Childhood Cancer Month and that the public could go to www.acco.org if they would like to get involved.

No Action Taken or Required

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services 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.

B. Solid Waste Disposal District**15.B.1.** Approval of Minutes Meeting July 7, 2020

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to approve the Meeting Minutes of July 7, 2020. The motion carried by the following vote:

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

15.B.2. Agreement with Republic Services for City of Palm Bay Recyclables

Commissioner O'Bryan was concerned about the possibility of contaminated recycling materials being brought into the County. He requested clarification on the process involved to terminate the contract with Republic Services if issues were to arise.

County Attorney Dylan Reingold stated that either party could terminate the contract for any reason with a 180-day written notice.

Discussion ensued with Director of Utility Services Vincent Burke and Commissioner Zorc regarding contracts, costs, and contamination.

County Administrator Jason Brown felt the County was protected in the proposed Recyclables Transfer and/or Disposal Procurement Agreement. He added that Republic Services has been a valuable partner with the County.

A motion was made by Vice Chairman Flescher, 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

15.B.3. First Amendment to the Interlocal Agreement with St. Lucie County

Utility Services Director Vincent Burke stated that he had just been informed that the proposed First Amendment to the Interlocal Agreement with St. Lucie County had been approved by the St. Lucie County Board of County Commissioners.

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, Chairman Adams adjourned the meeting at 12:31 p.m.