



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, Joseph E. Flescher, District 2
Vice Chairman, Peter D. O'Bryan, District 4
Commissioner Susan Adams, District 1
Commissioner Joseph H. Earman, District 3
Commissioner Laura Moss, District 5

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, March 16, 2021

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found at the end of this agenda and also online at www.ircgov.com.

1. CALL TO ORDER

2. ROLL CALL

Present: 5 - Chairman Joseph Flescher
Vice Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Joe Earman
Commissioner Laura Moss

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

2.B. INVOCATION

Chaplain Chad Elberson, Indian River Estates West

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Item 5.A.

Added: 12.E.1. TIGR Acquisitions II, LLC Letter of Intent for Possible Purchase of 810 Bailey Road Tower

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Agenda as amended. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** Delete 5.A. Presentation of Proclamation Honoring Willard Taylor Ramsey on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services / Fire Rescue Division with Thirty Years of Service

Deleted

- 5.B.** Presentation of Proclamation Honoring James Hyde on His Retirement From the Indian River County Sheriff's Office

Chairman Flescher read and presented the Proclamation to James Hyde, who was present with his family, coworkers and friends. The Chairman recalled memories of the time when they worked together at the Sheriff's Office and thanked him for 32 years and six (6) months of service to the residents of Indian River County.

Members of the Board, Sheriff Eric Flowers, and Clerk and Comptroller Jeffrey R. Smith each spoke of Mr. Hyde's service to the County.

Read and Presented

- 5.C.** Presentation of Proclamation Designating the Week of March 21-27, 2021, as National Surveyors Week

Commissioner Earman read and presented the Proclamation to Bob Johnson, Vice President of the Indian River Chapter - Florida Surveying and Mapping Society.

Read and Presented

- 5.D.** Presentation of Proclamation Designating March of 2021 as American Red Cross Month

Commissioner Adams read and presented the Proclamation to Edith Carpenter, Community Volunteer Leader, American Red Cross South Florida Region - Treasure Coast Chapter. Ms. Carpenter (via Zoom) spoke on the many services provided by the Red Cross and their role during the Coronavirus pandemic.

Read and Presented

6. APPROVAL OF MINUTES**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

- 7.A.** Proclamation Honoring James Cairns on His Retirement From Indian River County Board of County Commissioners Department of Public Works / Road & Bridge Division with Thirty Years of Service

Chairman Flescher acknowledged James Cairns for his 30 years of service to the County.

No Action Taken or Required

7.B. License Agreements Granting Beach Park Access for Purpose of Dune Stabilization Projects

No Action Taken or Required

7.C. Appointment of New Alternate Member to the Indian River Lagoon National Estuary Program Board of Directors

Chairman Flescher was appointed as the new alternate member to the Indian River Lagoon National Estuary Program Board of Directors.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.A. for discussion. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

8.A. Quarterly Tourist Development Tax Report for the Quarter Ending 12/31/20

Vice Chairman O'Bryan pointed out the increase in the tourist tax collected for short-term rentals and the decrease in tourist tax revenue for hotels compared to the quarter from the previous year. He was curious if the change could be a response to the pandemic, where more families opted to rent a house than to stay in a crowded hotel or the hotels had reduce their room rates, which therefore reduced the revenue collected.

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, agreed that people felt safer in a residential house than in a hotel with crowds. He also pointed out that February 1, 2021 was the one year anniversary of the agreement with VRBO and Home Away Vacation Rentals.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to accept the Quarterly Tourist Development Tax Report for the Quarter Ending December 13, 2020. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

8.B. Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 12/31/20

Accepted

- 8.C.** Quarterly OPEB Trust Report for the Quarter Ending 12/31/2020
Accepted
- 8.D.** Quarterly Investment Report for the Quarter Ending 12/31/2020
Accepted
- 8.E.** Designation of Excess Equipment as Surplus
Approved staff's recommendation
- 8.F.** Ranking of Firms and Award of RFPs 2021028 (Network Infrastructure Equipment and Installation) and 2021029 (Cabling, Hardware and Installation)
Approved staff's recommendation with the final ranking of firms as follows: PC Solution (Infrastructure) and Bazon-Cox & Associates (Cabling).
- 8.G.** Renewal of Sole Source Authorization for Fleetboss GPS
Approved staff's recommendation
- 8.H.** Miscellaneous Budget Amendment 007
Approved Resolution 2021-022, amending the fiscal year 2020-2021 budget.
- 8.I.** Amendment No 1 to Work Order No. 002 to Donadio and Associates
Approved staff's recommendation
- 8.J.** Florida Department of Transportation (FDOT) Right of Way Acquisition Memorandum of Agreement for Oslo Rd from East of 82nd Avenue SW to 58th Avenue SW, FDOT Financial Project No. 431521-1-52-01 (IRC-1411)
Approved staff's recommendation and Resolution 2021-023, authorizing the Chairman's execution of a right-of-way acquisition memorandum of agreement with the Florida Department of Transportation acquisition of right-of-way for the widening of Oslo Road/CR606 from 82nd Avenue SW to 58th Ave SW.
- 8.K.** Stormwater Property Purchase - 7205 8th Street, Vero Beach, FL 32968 Owner: Catherine C. Detko
Approved staff's recommendation
- 8.L.** Senior Resource Association Fixed Route Computer Aided Dispatch/Automatic Passenger Counting & Demand Response Scheduling System
Approved staff's recommendation
- 8.M.** Children's Services Advisory Committee's Recommendation of Request for Proposal, Grant Application and Agency Grant Contract for FY 2021-2022
Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. Indian River County Sheriff Eric Flowers re: Update on the Security Project of the Indian River County Sheriff's Office

Indian River County Sheriff Eric Flowers referred to the February 9, 2021 Commission Meeting regarding a proposal to move funding in the amount of \$750,000 for security enhancements to the Sheriff's Office. He provided quotes for four (4) phases of the project: fencing, security access, visitation building, and front lobby totaling \$674,713.02.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Sheriff's request to move forward with the security upgrades at the Sheriff's Office Complex. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1. Crest Residential, LLC's Request to Rezone Approximately 27.69 Acres from RS-6, Residential Single-Family (up to 6 units/acre) to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as The Griffon North PD [PD-20-11-06 / 2001040041-87773] (Quasi-Judicial)

Chairman Flescher introduced the parties for the proceeding as being Indian River County, and the applicant Crest Residential, LLC. 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.

Senior Planner Scott Rodriguez in his PowerPoint Presentation, detailed the request by Crest Residential, LLC to rezone approximately 27.69 acres from RS-6, Residential Single-Family (up to 6 units/acre) to PD, Planned Development, and to obtain conceptual PD plan approval for a project to be known as The Griffon North PD, located south of 26th Street and east of 82nd Avenue. He added that the

conceptual plan proposed 166 multi-family units (maximum) consisting of townhomes and apartments, and a driveway interconnection between Griffon North and South Projects. He noted that the Griffon South project application was currently under review by staff as a major site plan and was not part of the conceptual PD plan being presented. He reviewed the traffic circulation plan which included a full access driveway connection to 26th Street and Griffon North/South interconnection, increased perimeter landscape buffering between existing residential areas, and increased building setbacks.

Chief of Current Development Ryan Sweeney addressed Commissioner Adams' concern regarding the entrance and exit of the Griffon North Project, if the Griffon South Project does not move forward.

Vice Chairman O'Bryan and Commissioner Earman sought and received information from staff regarding the increased landscape buffers between the existing residential areas, the tentative plans for the Griffon South Project, and followed up with the difference between the traffic flow of a single-family residence versus multi-family residence. In response to the questions raised by the Vice Chairman and Commissioner Earman, Community Development Director Phil Matson highlighted the project's landscape buffer from existing residential areas, and distinguished the difference in the traffic flow of a single-family versus multi-family residence, stating a multi-family unit could be served easier through public transportation, generated less traffic, maintained connectivity, and provided an opportunity to make less trips via another mode.

Steve Moler, Vice President of Masteller, Moler & Taylor, Inc., spoke on the proposed Griffon North Project, stating the 300 foot setback for the multi-family units were built into the plan. Additionally, an acquired easement from the Pine Creek Community would allow a road to cross between the Griffon North and South Projects.

Vice Chairman O'Bryan commented for full transparency that he had run into Mr. Moler over the weekend, but there was no discussion of the project.

Chairman Flescher opened the public hearings. There being no speakers, the Chairman closed the hearing.

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve staff's recommendations and adopt Ordinance 2021-006, amending the zoning ordinance and the accompanying zoning map from RS-6, Residential Single-Family (up to 6 units/acre), to PD, Planned Development, for approximately 27.69 acres of land generally located on south of 26th Street, approximately 1,650 feet east of 82nd Avenue and described herein and providing for an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

10.B.1.

Request to Speak from Ken Hendrix and Spencer Simmons re: Commercial Businesses in Agricultural Districts

Mr. Spencer Simmons, 7350 37th Street, provided a timeline for the Board on the ongoing issue of commercial businesses in agricultural zoned districts. He believed that lawn care businesses did not belong in agricultural districts unless they changed their business exemption. He asked the Board to reconsider having lawn businesses in agricultural districts.

Mr. Ken Hendrix, 6220 1st Street SW, spoke on the landscape business next to his property, the ratio rule, and wanted the Board to revisit commercial businesses located in agricultural districts.

Tim Campbell referred to the County's Land Development Regulation (LDR) Amendment and the lower taxes paid by the landscaping businesses because they were located in an agricultural districts.

Commissioner Earman confirmed the amount of taxes paid by landscaping business was lower and felt everyone should follow the rules of the agricultural exemption. Commissioner Earman told that he had met with the Property Appraiser regarding the issue and had received clarification. He wanted to make sure that the businesses followed the rules and everybody paid their fair share in taxes, noting that it was something he wanted to personally look at further.

Commissioner Adams provided history of the ongoing issue of commercial businesses in agricultural zoned districts. She cautioned it was a slippery slope as to what and who determines what qualifies as agriculture activities, what qualifies as an ancillary activity to agriculture, and which came first. She mentioned there were bills moving through the legislature dealing with the Right to Farm Act and recommended the Board wait to see how it played out. She reminded the Board that the County was going through a development review process regarding different zonings to address the issues in the agriculture enclaves.

Commissioner Moss thanked those who spoke and found the timeline interesting. She wanted to go back and watch videos on the discussions that had taken place. A discussion followed regarding the changes to the LDR's and the process to move the item forward.

Vice Chairman O'Bryan agreed with Commissioner Adams and acknowledged

that he had voted in favor of the LDR changes in March 2020 and October 2020. He added that the Board included a grandfathering clause for the existing commercial lawn service businesses so they would not be impacted by the LDR changes. He supported the Commissioners bringing the item back to the Board.

Commissioner Moss stated that she planned to bring the item back to the Board at a future meeting.

No Action Taken or Required

The Chairman called a recess at 11:10 a.m., and reconvened the meeting at 11:21 a.m., with all members present.

C. PUBLIC NOTICE ITEMS

- 10.C.1.** Public Notice of Public Hearing Scheduled for April 6, 2021 to Consider an Amendment to Chapter 313 (Merchandising of Tobacco Products) of the Code of Indian River County - LEGISLATIVE

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** Resolution in Support of the Adoption of House Bill 1143 and Senate Bill 1466 as Filed in the 2021 Florida Legislative Session

Kathleen Keenan, Legislative Affairs and Communications Manager, referred to her memorandum dated March 10, 2021 as she spoke on the Resolution supporting the adoption of House Bill 1143 (by Representative Grall) and Senate Bill 1466 (by State Senator Hutson) filed in the 2021 Legislative Session. She continued that the proposed legislation amends Florida Statutes to restore prior funding levels for smaller, commercial airports such as Vero Beach Regional Airport.

Ms. Keenan announced that an update was made to Senate Bill 1466 during the Legislative session amending the bill back into its original law form. She recommended that based on the recent amendment to Senate Bill 1466, the Resolution should be updated to reflect the change in Senate Bill 1466.

Commissioner Moss went into detail regarding how the FDOT funds and classifies

airports and how this law would affect the Vero Beach Regional Airport.

Ms. Keenan for clarification, stated that staff supported House Bill 1143 as originally filed and that staff did not support the recent amendment to Senate Bill 1466, as it would not protect the Vero Beach Regional Airport.

The Board sought and received information from Ms. Keenan regarding Senate Bill 1466 and amending the Resolution to reflect that the Board supported the existing House Bill 1143 and the Senate Bill 1466 as originally filed.

A motion was made by Commissioner Moss, seconded by Chairman Flescher, to approve Resolution 2021-024, as amended, in support of the adoption of House Bill 1143 and Senate Bill 1466 as originally filed in the 2021 Session of the Florida State Legislature amending Section 332.007, Fla.Stat. revising the types of airports to which funds are available for eligible aviation development projects; and providing for an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1.

A Resolution of The Board of County Commissioners of Indian River County Supporting the Dr. Martin Luther King, Jr. Park, Historic Museum and Cultural Center

Community Development Director Phil Matson spoke on the proposed Dr. Martin Luther King Jr. Park, Historic Museum and Cultural Center and read the County's pledge of commitment through a Resolution.

Vice Chairman O'Bryan was in full support of the project and the Resolution except for the word "disobedience" in the last sentence of the second Whereas clause in the Resolution. He suggested removing the word disobedience to read, *"through insistent use of civil and nonviolent resistance..."*

Commissioner Moss felt the word disobedience should remain and opined that the Board should not rewrite history. She acknowledged her support of the project.

Commissioner Earman understood Commissioner Moss' point in leaving the word disobedience in the Resolution, but supported the Vice Chairman and felt the sentence read better by removing the word.

Jonnie Mae Perry, CEO, the Gifford Community Cultural and Resource Center

Non-Profit, thanked the Board and staff on behalf of the Steering Committee, the Gifford Community Cultural and Resource Center Board of Directors, the Gifford Historical Museum Members, and the Gifford High School Alumni and Friends Association, for working with the Gifford Community Cultural and Resource Center and its supporters to establish a commitment of Resolution to lease a portion of the Martin Luther King Jr. Park and develop a Cultural Center for the community.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to approve Resolution 2021-025, as amended, supporting the Dr. Martin Luther King Jr. Park, Historic Museum, and Cultural Center. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

12.E.1. Emergency Addition 12.E.1. TIGR Acquisitions II, LLC Letter of Intent for Possible Purchase of 810 Bailey Road Tower

County Administrator Jason Brown announced that the County had received a Letter of Intent to purchase the Tower at 810 Bailey Road, Sebastian.

Informational Technology Director Dan Russell in his memorandum dated March 15, 2021, detailed the Letter of Intent by TIGR Acquisitions II, LLC for the perpetual easement underlying and surrounding the Tower, along with any and all access and utility easements serving the site at 810 Bailey Road.

County Attorney Dylan Reingold clarified the County was supportive of the Letter of Intent, but made it clear that if there were significant issues that the purchaser would not agree to, then the County would terminate the agreement. He explained that the County had a concern on a provision listed in the proposal regarding the initial five (5) year term for the County's equipment on the Tower, which could be cancelled at the end of the five (5) years by the purchaser.

County Administrator Jason Brown stated the main directive was to make sure the County retained the ability to keep the equipment on the Tower. He concluded once the County had negotiated the agreement and the terms were mutual to both parties, staff would bring back the purchase agreement to the Board.

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

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

F. Office of Management and Budget

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Agriculture Advisory Committee Restructuring

Cassidy Brown, Legal Intern with the County Attorney's office, recapped the Board's direction at their January 12, 2021 meeting for the County Attorney's Office to work on restructuring the Agriculture Advisory Committee (AAC) positions. After researching similar committees in other Florida counties, she detailed the proposed changes to the membership and recommended eliminating agricultural industry positions to replace them with broader positions titled, "Actively Involved in Agricultural Industry Representatives". The membership would consist of four (4) Actively Involved in Agricultural Industry Representatives, one (1) Farm Bureau Representative, two (2) Agriculture Industry Associated Representatives, and two (2) Actively Engaged in Agritourism Representatives. She pointed out that the AAC would retain all of its current members.

Commissioner Adams thanked Ms. Brown for her work on the restructuring of the membership of the AAC.

Robert Adair, Chairman of the AAC, cautioned (via Zoom) that Resolution 2003-125 contained language such as the definition of Agriculture and the AAC membership. He wanted Ms. Brown to work with the current members of the AAC, so they could provide input on the membership of the AAC.

Commissioner Adams responded to Mr. Adair's comments and stated that if the Board directed the County's Attorney Office to draft a Resolution for the restructuring of the AAC, it would then go to the AAC for their input.

Mr. Adair made suggestions on the number of members for the AAC and its representation. He asked that the Board not direct the County Attorney's Office to draft a resolution until the AAC had a chance to review and consider the proposed restructuring.

A motion was made by Commissioner Adams, seconded by Commissioner Moss,

to direct the County Attorney's Office to draft a resolution for the restructuring of the Agriculture Advisory Committee. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph E. Flescher, Chairman**
- B. Commissioner Peter D. O'Bryan, Vice Chairman**
- C. Commissioner Susan Adams**
- D. Commissioner Joseph H. Earman**
- E. Commissioner Laura Moss**

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. Approval of Minutes Meeting of December 15, 2020
Approved

15.B.2. Approval of Minutes Meeting January 12, 2021
A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Solid Waste Disposal District Meeting Minutes of December 15, 2020 and January 12, 2021. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

15.B.3. Spring Residential Paper Shredding Event on April 17, 2021
Sue Flak, Recycling Education and Marketing Coordinator for the Solid Waste Disposal District announced the Spring Residential Paper Shredding Event would be held on April 17, 2021.

Vice Chairman O'Bryan pointed out that Waste Management was picking up the cost of the event.

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

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:13 p.m.