



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, June 23, 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

Rev. Ardra Rigby, New Bethel A.M.E. Church

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Emergency Addition: Item 13.A. 16th Street Ball Fields and the Jimmy Graves Foundation

Moved: Item 8.S. to be heard following Item 5.B.

Moved: Item 11.A. to be heard before Item: 10.B.1.

A motion was made by Commissioner Solari, 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.** Presentation of Proclamation Honoring Julie Ann Reiselbara on Her Retirement From Indian River County Board of County Commissioners Department of Emergency Services with Seventeen Years of Service

Chairman Adams read and presented the Proclamation to Julie Ann Reiselbara on her retirement from the Department of Emergency Services and thanked her for seventeen years of service to the County.

Read and Presented

- 5.B.** Presentation of Proclamation Designating June 22nd through June 28th, 2020, as Amateur Radio Week

Vice Chairman Flescher read and presented the Proclamation to Phil Mollica, President of the Vero Beach Amateur Radio Club, Inc.

Presented

- 5.C.** Presentation by Treasure Coast Regional Planning Council Economic Development Executive Director Thomas Lanahan and Indian River County Economic Development Director Helene Caseltine re: CARES Act Revolving Loan Fund

Executive Director of the Treasure Coast Regional Planning Council (TCRPC) Thomas Lanahan, gave an overview of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Revolving Loan Funds (RLF) for businesses struggling through the Coronavirus pandemic. He stated that the TCRPC would be submitting an application for RLF from the Economic Development Administration for Martin, St. Lucie and Indian River Counties for the Coronavirus recovery. Mr. Lanahan, along with Ms. Helene Caseltine, Economic Development Director with the Indian River County Chamber of Commerce, addressed Commissioner O'Bryan's concerns on the RLF program for small business applicants in Indian River County.

Presented**6. APPROVAL OF MINUTES**

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to approve the Regular Meeting Minutes of March 10, 2020, March 17, 2020, April 7, 2020, and April 14, 2020 as presented. 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 March 10, 2020

Approved

6.B. Regular Meeting of March 17, 2020

Approved

6.C. Regular Meeting of April 07, 2020

Approved

6.D. Regular Meeting of April 14, 2020

Approved

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

7.A. Sebastian River Improvement District’s Proposed Budget for Fiscal Year 2020-2021 October 1, 2020 - September 30, 2021 is on file for review in the Office of the Clerk to the Board.

No Action Taken or Required

7.B. Landfill Closure for the July 4th Holiday

Chairman Adams announced the landfill closure for Saturday, July 4th holiday.

No Action Taken or Required

7.C. Economic Development Council - Sebastian River Area Chamber of Commerce Representative

Bob Morgan has been appointed as the Sebastian River Area Chamber of Commerce (SRACC) representative, with Britney Melchiori as the alternate.

No Action Taken or Required

7.D. Public Safety Coordinating Council

No Action Taken or Required

7.E. Public Safety Council for Criminal Justice, Mental Health, and Substance Abuse

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 Items 8.B., 8.E., 8.J., 8.Q., and 8.R. 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 June 5, 2020 to June 11, 2020

Approved

8.B. Auditor Selection Committee Recommendation of Audit Firm

Commissioner Solari referred to the auditor selection committee's recommendation of Rehmann as the top ranked audit firm for the County. As Rehmann is the County's current auditor, he felt it would be a good practice to change audit firms periodically and recommended the second ranked firm, MSL, PA.

Clerk of the Court and Comptroller Jeffrey R. Smith explained that the auditor selection committee overwhelmingly ranked Rehmann as the top firm and had noted their governmental audit experience. He pointed out that Rehmann was a national firm and they had an office located in Vero Beach. He indicated that Rehmann does rotate their auditors and new auditors would be selected for this year's audit.

Commissioner O'Bryan was in agreement with Commissioner Solari and suggested that the County have a policy in place regarding the rotation of audit firms. Mr. Smith was in favor of developing a new policy, and stated that he would bring it back to the Board.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the committee's final rankings and authorize negotiations with the top ranked firm, with the contract to be presented to the Board for approval at a later date. The motion carried by the following vote:

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

Nay: 1 - Commissioner Solari

8.C. Indian River County Grant Contract Subrecipient Awards

Approved staff's recommendation

8.D. Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 03/31/20

Accepted

8.E. Quarterly Tourist Development Tax Report for Quarter Ending 03/31/20

Commissioner O'Bryan brought up the economic impact on the County caused by COVID-19 and indicated that the tourist tax revenue was down by 19.5%.

Chairman Adams commented that the County was anticipating another decline in the next quarterly report.

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

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

8.F. Quarterly OPEB Trust Report for Quarter Ending 03/31/2020

Accepted

8.G. Quarterly Investment Report for Quarter Ending 03/31/2020

Accepted

8.H. Resolution Cancelling Taxes on Property Purchased by Indian River County for Public Purpose (Lot 16, Block 3, Anita Park - 5776 37th Street)

Approve Resolution 2020-052, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.I. Resolution Cancelling Taxes on Property Purchased by Indian River County for Public Purpose (66th Avenue Right-Of-Way)

Approve Resolution 2020-053, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.J. Release of Right of Entry

Commissioner Solari brought up the request from Fairlane Harbor Mobile Home Park for the release of Right of Entry and mineral rights on the property. He agreed to the Right of Entry in exchange for the inability to mine any mineral rights in perpetuity on the property.

Attorney Bruce Barkett, Collins Brown Barkett, Chartered, addressed Commissioner Solari's concerns and explained that the amendment to the agreement would create a cloud on the title and prevent the financing of the property.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to approve the Release of Right of Entry for the applicant in exchange for the inability to mine any mineral in perpetuity. The motion carried by the following vote:

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

8.K. Change Order for the Replacement of Blowers for the Sludge Holding Tank at West Regional Wastewater Treatment Facility

Approved staff's recommendation

- 8.L.** Work Order No. 6 with Tetra Tech - West Regional Wastewater Treatment Facility - 2020/2021 Permit Renewal

Approved staff's recommendation

- 8.M.** Award of Bid 2020038 - Annual Bid for Utility Operations Warehouse Stock

Approved staff's recommendation

- 8.N.** Award of Bid No: 2020029, Indian River County Main Library Roof Replacement (IRC-1838)

Approved staff's recommendation

- 8.O.** Final Payment, Release of Retainage and Change Order No. 2, CR 512 Resurfacing & Shoulder Widening from Myrtle Street to 125th Avenue Project (IRC-1305)

Approved staff's recommendation

- 8.P.** Award of Bid 2020042 - Annual Bid for Asphalt Paving and Resurfacing

Approved staff's recommendation

- 8.Q.** Tourist Development Council 2020/2021 Budget Recommendations

Gary Mastrogiovanni, Board Member of the Vero Beach Wine and Film Festival (VBWFF), asked for the County's reconsideration of their request for funding from the Tourist Development Council (TDC).

Chairman Adams provided background from the TDC's decision not to fund the Vero Beach Wine and Film Festival's request. She indicated that the request was focused on this current year's event and the TDC funding would apply to the next budget year. She also stated that the VBWFF was given an opportunity to come back at a later meeting to seek additional funding as a special event with the full information about next year's festival with dates and locations.

County Administrator Jason Brown added that the feedback regarding the VBWFF was very well received. He spoke on the impact COVID-19 has had on the County's local tourism industry and projected a 16% decrease from the current year.

Mr. Mastrogiovanni commented on the TDC rating system, with Commissioner O'Bryan stating that he concurred with Chairman Adams and recommended Mr. Mastrogiovanni bring back a more defined plan to the TDC.

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

8.R. Children's Services Advisory Committee Recommended Program Funding Allocations for FY 2020/21

Commissioner O'Bryan stated that he had pulled the item in case there was anyone from the public who wished to comment. He was in support of the recommended Children Services Advisory Committee program funding and the funding allocation for Fiscal Year 2020/21.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, 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.S. Approval of License Agreement with Vero Beach Amateur Radio Club Inc., for Partitioned Section of the Donald MacDonald Campground Office to Include Space Behind the Office for Construction of One Antenna

(Clerk's Note: This item was heard following Item 5.B., and placed here for continuity.)

There was no discussion regarding this item.

A motion was made by Commissioner O'Bryan, and 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

8.T. Approval of Renewal Contracts for Basic Life, Voluntary Life, Voluntary Retiree Life, Voluntary Long-Term Disability with Mutual of Omaha and Dental Insurance with Ameritas

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Ruth Brogdon-Kuvlesky regarding the Emergency Order Extension and Other Issues Related to COVID-19

Ruth Kuvlesky, 309 Tunison Lane, Sebastian, spoke on behalf of the individuals who had medical disabilities and were unable to wear face masks. She felt if the

County mandated face masks to be worn in public, it could cause a panic and separate the community.

Chairman Adams thanked Ms. Kuvlesky for her comments.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. Coronavirus Update

Miranda Hawker, Health Officer, Florida Department of Health in Indian River County, in her PowerPoint Presentation reviewed the latest Coronavirus infection rate trends for the County and State.

County Administrator Jason Brown discussed the County trends, prepared by the State. Administrator Brown did not foresee another stay at home order, but commented that there could be a mandate to wear face masks if there was no improvement in the case numbers.

Commissioner Solari thanked Administrator Brown and Ms. Hawker for the handling of the Coronavirus reporting, and expressed the importance of wearing face masks. He supported Administrator Brown mandating face masks if he saw it necessary.

Chairman Adams expressed her concerns on the Coronavirus and its impact on small businesses.

Commissioner O'Bryan sought clarification from Ms. Hawker on the County's overall infection rate.

Dr. James Rosencrance, Cleveland Clinic Indian River Hospital, explained how asymptomatic individuals could spread the virus, and stated that it was critical to wear masks. He believed it was more effective and a cost efficient way to contain COVID-19, and stop the rise. He supported a more vigorous approach to mask wearing.

The Board sought information from Dr. Rosencrance and Ms. Hawker on COVID-19 testing, and medical conditions that would prevent someone from wearing a face mask.

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith informed the Board that the Florida Supreme Court mandated wearing a face mask for anyone entering the Courthouse. He complimented Administrator Brown on his handling of the Coronavirus.

A discussion ensued among the Commissioners on mandating face masks and getting the message out to the public on the importance of mask wearing.

Bob Auwaerter, Vice Mayor of Indian River Shores, suggested that the County display on the County's Emergency Notification System, the video of how a face mask reduces the dispersal of particles.

Karen Deigl, President and CEO, Senior Resource Association, thanked Administrator Brown for his handling of the Coronavirus and was in support of mandating the wearing of face masks.

Anthony J. Brown, President of the National Association for the Advancement of Colored People (NAACP), requested that the County encourage face mask wearing and supported Administrator Brown.

The Board offered support to Administrator Brown to issue a mandate for face masks to be worn in public.

Chairman Adams called for a recess at 10:53 a.m., and reconvened at 11:02 a.m., with all members present.

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

12.F.1. Sector 3 (IRC-1925) and Sector 7 (IRC-1926) Beach and Dune Restoration Project easement status update

Director of Public Works Richard Szpyrka, through a PowerPoint Presentation, gave an update of the Beach and Dune Restoration Project for Sectors 3 and 7. He stated that a majority of the property owners along the affected beaches had not granted the County permission to access the easements that were needed for the project, despite the secondary mailing through certified mail.

A discussion ensued between the Board and staff regarding an outreach to the residents through the Beach and Shore Preservation Committee (BSPC) and the Indian River County Beach Associations on how to proceed with obtaining easements from the property owners to meet the ninety percent, and move forward with obtaining bids for the projects.

Chris Hendricks, Chairman of the BSPC, was in support of holding a BSPC meeting and suggested mailing registered letters to the property owners.

William B. (Tuck) Ferrell, President of the North Beach Civic Association, discussed the importance of the project and offered to send an email blast through the North Beach Civic Association regarding the easement forms.

Kendra Cope, 130 10th Court, Vero Beach, felt the County was setting the bar too high by requiring 90 percent of signed agreements in order to start the project.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to: 1) table the Sectors 3 and 7 Beach and Dune Restoration Project easement status update until July 14, 2020, 2) direct County Administrator Jason Brown to coordinate an emergency meeting with the Beach and Shore Preservation Committee, and 3) direct staff to look at ways to increase the percentage of responses needed to obtain easements for the Beach and Dune Restoration for Sectors 3 and 7. The motion carried by the following vote:

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

G. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. 16th Street Ballfields and the Jimmy Graves Foundation

County Attorney Dylan Reingold presented that on March 14, 2017, the Board

agreed to sell the 16th Street Ballfields to the Jimmy Graves Foundation, Inc. (the Foundation) for \$250,000, with both parties in agreement of a deed restriction that would limit the use of the property for recreational activities, youth related activities, and other charitable purposes. He added that the deed restrictions were omitted from the closing documents. He learned that the Foundation and the Jimmy Graves Sports Complex, LLC sought to sell the property for something other than the agreed upon uses. He further explained the measures the County took to resolve the issue.

Attorney Reingold recommended the County move forward with filing a lawsuit to protect the County's interest in this matter and the utilization of the law firm of Murphy and Walker for such litigation.

A discussion ensued among the Board regarding the 16th Street Ballfields agreement with the Foundation.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to authorize staff to move forward with filing a lawsuit and approved the utilization of the law firm of Murphy and Walker for such litigation. 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**
- 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 12:19 p.m.