



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

*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

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
[www.ircgov.com](http://www.ircgov.com)

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Tuesday, December 15, 2020

9:00 AM

Commission Chambers

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**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](http://www.ircgov.com).**

#### 1. CALL TO ORDER

**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

**Rabbi Michael Birnholz, Temple Beth Shalom**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Susan Adams**

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

Deleted: Item 12.B.I. Approval of Renewal of the 800 MHz/P25 Communications System Infrastructure

Deleted: Item 12.B.2. Approval of Renewal of the Public Safety Communications System FX Software

Chairman Flescher mentioned Item(s) 12.B.1. and 12.B.2. were deleted from the agenda and would be placed on a future meeting agenda.

County Attorney Dylan Reingold recognized the request by Deborah Cooney to be

added to the agenda. Vice Chairman O'Bryan stated that the Board required an unanimous vote in order to add an item to the Agenda, and he would not be voting in favor of Ms. Cooney's request.

**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

**12.B.1.** Deletion--Approval of Renewal of the 800 MHz/P25 Communications System Infrastructure Maintenance Contract with Communications International, Inc.

**Tabled**

**12.B.2.** Deletion -- Approval of Renewal of the Public Safety Communications System FX Software Services Agreement

**Tabled**

**5. PROCLAMATIONS and PRESENTATIONS**

**5.A.** Presentation of Proclamation Honoring Peggy Anne Parmenter on Her Retirement From Indian River County Board of County Commissioners Department of Emergency Services with Twenty-Nine Years of Service

Commissioner Earman read and presented the Proclamation to Peggy Anne Parmenter on her retirement from the Department of Emergency Services and thanked her for 29 years of service to the County.

**Read and Presented**

**5.B.** Presentation of Proclamation Honoring Doug Carlson For 42 Years Of Service With The Indian River Mosquito Control District

Vice Chairman O'Bryan read and presented the Proclamation to Doug Carlson on his retirement from the Indian River Mosquito Control District and thanked him for 42 years of service to the County.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

**7.A.** Proclamation Honoring Michael Dalton on His Retirement From Indian River County Board of County Commissioners Department of Community Development / Building

Division with Thirty-Four Years of Service

Chairman Flescher acknowledged Michael Dalton for his 34 years of service to County.

**No Action Taken or Required**

**7.B.**

Closure and Collection Service Changes for the Christmas and New Year's Day Holidays

County Administrator Jason Brown announced the closure and collection service changes for the Main County Landfill, the five Customer Convenience Centers and Garbage and Recycling Services in the Unincorporated area.

**No Action Taken or Required**

**7.C.**

Appointment of New District 3 Representatives to Children's Services Advisory Committee (CSAC) and Planning & Zoning Commission (PZC)

Commissioner Earman thanked Ms. Hope Woodhouse for her service on the Children's Services Advisory Committee (CSAC) and Mr. Chip Landers for his service on the Planning and Zoning Commission (PZC). He announced that Heather Grall Barwick would be replacing Ms. Woodhouse on the CSAC and Curtis Carpenter would be replacing Mr. Landers on the PZC as the District 3 Appointees.

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Consent Agenda as amended, pulling items 8.B., 8.D., and 8.G. 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.**

Checks and Electronic Payments November 27, 2020 to December 3, 2020

**Approved**

**8.B.**

Quarterly Tourist Development Tax Report for the Quarter Ending 09/30/2020

Commissioner O'Bryan pointed out the tourist development tax monies collected this quarter were comparable to last year, and mentioned the months of September and October looked to be ahead of last year.

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, addressed the reasons for the increase in the tourist development tax monies for this quarter being: 1)

Hurricane Dorian occurred last year; 2) there was a slight rebound for the quarter ending September 30, 2020, despite the ongoing pandemic; and 3) the efforts of the Clerk's Internal Auditor and staff pursuing short term rental properties for non-compliance. He commended Internal Auditor Edward Halsey and Clerk Irene Haas for their efforts in collecting the back taxes from short term rentals.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to accept the Quarterly Tourist Development Tax Report for Quarter Ending September 30, 2020. The motion carried by the following vote:**

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

**8.C.** Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 09/30/2020

**Accepted**

**8.D.** Fiscal Year 2020 Annual Report of the Internal Audit Division

Commissioner O'Bryan asked if Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, would detail the internal audit work completed through September 30, 2020.

Mr. Smith highlighted the internal audit work performed by Mr. Edward Halsey, Internal Audit Director, such as making sure the reimbursements from the Health Insurance Fund were legitimate for County employees and their dependents; reviewed invoices and contracts for payments; ongoing monitoring of contracts and change orders; and mentioned other routine audit activities performed.

The Board, along with County Attorney Dylan Reingold, recognized Mr. Smith and his staff for their hard work and the relationship between the County and the Clerk's Office.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to accept the Fiscal Year 2020 Annual Report of the Internal Audit Division of the Clerk's Office. The motion carried by the following vote:**

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

**8.E.** Quarterly Investment Report for the Quarter Ending 09/30/2020

**Accepted**

**8.F.** Changes to Cash and Surplus Investment Policy

**Accepted**

**8.G.** Interest Rate Change on all County Financing

Commissioner Moss referred to the fixed interest rate of 3.25% that would remain in effect for the 2021 calendar year for all County financing with the exception of projects directly affiliated with a bond issue. She asked for the Board's consideration to review the interest rate sooner than a year since these were unprecedented times.

Commissioner Adams stated it was standard for the Board to review annually and it provided stability for the financing aspects of the projects.

Commissioner O'Bryan stated if the interest rates increased over the next six months, the County would stay at the 3.25% rate for the remainder of the year.

Chairman Flescher felt one year was appropriate and the interest rates continued to be monitored by the County.

Commissioner Moss did not object to the rate, and turned to County Attorney Dylan Reingold on whether the interest rates could be reviewed earlier if necessary.

Attorney Reingold replied that he would look into the matter and get back to the Board.

**A motion was made by Commissioner Moss, 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

**8.H.** Gifford Neighborhood 45th Street Beautification Project Phase II, Final Payment, Release of Retainage and Change Order No. 1 (IRC-1748)

**Approved staff's recommendation**

**8.I.** Greene Partners, LLC's Request for Affidavit of Exemption Approval with Dedications to the County. [AOE-20-06-02 / 2020010052-86831] (Greene Family AOE)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES****9.A.** Jeffrey R. Smith, Indian River County Clerk of the Circuit Court and Comptroller - Deferred Compensation Update

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, in a PowerPoint Presentation, updated the Board on the Deferred Compensation Plan. He introduced Jennifer Gainfort, Consultant with AndCo Consulting, who assisted the Plan Oversight Committee made up of representation from the Board of County Commissioners and all Constitutional Officers (excluding the Sheriff) to review plans and make fiduciary

recommendations. He detailed the Plan Oversight Committee's decision to consolidate the deferred compensation plans and the reasons for recommending Nationwide as the plan provider.

Commissioner Earman sought and received clarification from Mr. Smith on the reason for the Sheriff's Department not electing to participate in the consolidated deferred compensation plan with Nationwide.

Commissioner Earman encouraged all employees to participate in the plan.

**No Action Taken or Required**

**9.B.** Quarterly OPEB Trust Report for the Quarter Ending 09/30/2020

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, was pleased to announce the County was 96% funded on the Other Post-Employment Benefits (OPEB) Plan. He commended the Board and the Administration for having the foresight to create and cash fund the trust, stating there were only three other counties in the State of Florida funding a trust.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to accept the Quarterly OPEB Trust Report. The motion carried by the following vote:**

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

**9.C.** Announcement by Jeffrey R. Smith, Indian River County Clerk of Circuit Court and Comptroller, of the Certificate of Achievement for Excellence in Financial Reporting Award for the FY 2019 Comprehensive Annual Financial Report (CAFR)

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith announced for the 37th straight year, the Clerk's office has received the Certificate of Achievement for Excellence in Financial Reporting Award for the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR).

The Board congratulated Mr. Smith and members of his staff for a job well done.

**No Action Taken or Required**

The Chairman called a recess at 10:11 a.m., and reconvened the meeting at 10:17 a.m., with all members present.

## 10. PUBLIC ITEMS

### A. PUBLIC HEARINGS

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

**10.A.1.**

The Kern Group of Florida, Inc. Request to Rezone +/-38.85 Acres From CG to CRVP (RZON-2020010090-87415) - QUASI-JUDICIAL

Chairman Flescher introduced the parties for the proceeding as being Indian River County, and applicant The Kern Group of Florida, Inc. 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.

Bill Schutt, Chief of Long Range Planning, presented the request to rezone +/-38.85 acres from General Commercial to Commercial Recreational Vehicle (RV) Park District, located south of the Vero Beach Outlets Mall. In his PowerPoint Presentation, Chief Schutt described the subject property, the surrounding uses, and pointed out the unusual shape of the property. He explained the County in 1998 approved a Future Land Use Map designation change and rezoning south of the Vero Beach Outlets Mall to accommodate a planned Phase II expansion of the outlet mall under a Development of Regional Impact order. He confirmed the requested rezoning to Commercial Recreational Vehicle Park District met all applicable County criteria to be rezoned.

Vice Chairman O'Bryan sought and received information from staff on whether the County would be able to reserve right-of-way on 16th Street in order to connect to the project site in the future. Public Works Director Richard Szpyrka replied that all the property in the area was under one ownership, and the owners preferred to keep the roads private that connect to 16th Street from 94th Avenue to 98th Avenue because the road goes through an airstrip.

Vice Chairman O'Bryan and Commissioner Earman expressed their concerns that the only access to the RV Park would be through the Vero Beach Outlets Mall and agreed that a second access point would be needed in the future.

Jodah Bittle, Engineer with Schulke, Bittle & Stoddard, spoke of an existing recorded easement from State Road 60 to the subject property and mentioned that the existing developer also planned to purchase 240 acres to the west of the RV Park and would have another access point from the RV Park to 12th Street.

Commissioner Adams commented that the access setup through 94th Avenue was originally for when the subject property was going to be an extension of the mall. She felt the current access point would be a problem in the future and encouraged staff to find another access point.

Steven Hitt, Senior Environmental Planner, addressed Commissioner Moss's question on the potential impact to the environment since the area contains a portion

of the Ten-Mile Ridge surficial aquifer recharge area.

Commissioner Moss sought and received information from Chief Schutt on whether the owner(s) of surrounding properties were notified of the proposed RV Park. Commissioner Moss pointed out that it states in Future Land Use Element Policy 2.2, the County "shall encourage and direct growth", she felt the wording contained in the comprehensive plan could be more specific. She agreed that the RV Park was compatible for the site, but questioned how the County was going to define growth. She hoped in the future that the County would focus on job growth and the actual use of the property. She referred to an article in a local paper regarding a planned development in Port St. Lucie.

Commissioner Adams responded that the location for the RV Park was very appropriate and the users of the park would pay into the tourist tax dollars. Her only concern was the access point and commented that staff would continue to monitor the subject property for any potential impacts to the environment.

Chairman Flescher was in support of the RV Park and discussed the tourist tax dollars that the park would bring into the County.

County Administrator Jason Brown explained the Future Land Use Element Policy 2.2 was not encouraging growth, but encouraging and directing growth into the urban service area. Community Development Director Phil Matson agreed with Administrator Brown and identified the urban service area from 58th Avenue south of State Road (SR) 60 and 66th Avenue north of SR 60.

Commissioner Earman referred to staff regarding the access point to the subject property and pointed out that 94th Drive was a private drive. A discussion ensued among County staff and Mr. Bittle to further look at an alternate access point to the subject site and to work with the applicant through the development review process.

Chairman Flescher opened the public hearing.

Tom Sullivan, 4187 W 16th Square, questioned whether the Board could table the item for further review or to obtain answers from their concerns noted in the meeting.

There were no additional speakers; the Chairman closed the Public Hearing.



A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to adopt Ordinance 2020-020, amending the zoning ordinance and the accompanying zoning map for approximately +/-38.85 acres located south of the Vero Beach Outlets Mall approximately +/- 2,500 feet east of 98th Avenue and approximately +/- 1,550 feet north of the 12th Street right-of-way and between 1,000 to 125 feet west of I-95, from CG, General Commercial District, to CRVP, Commercial Recreational Vehicle Park District; and providing codification, severability, and 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**

**C. PUBLIC NOTICE ITEMS**

County Attorney Dylan Reingold read the notices into the record.

**10.C.1.** Public Notice of Public Hearing Scheduled for January 5, 2021 to Codify the Code of Indian River County - LEGISLATIVE

**No Action Taken or Required**

**10.C.2.** Notice of Public Hearing for Wind Speed Map Amendment (Legislative)

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.** 2021 Indian River County Legislative Priorities

County Administrator Jason Brown presented the 2021 Indian River County Legislative Priorities including the County's Legislative Priorities and Concerns list. He added that the County submitted a legislative appropriation request for the South R.O. Plant Enhanced Recovery Project and the Sector 3 Beach Restoration Project. He noted that contract lobbyists were working to ensure the County was well positioned for the Florida Department of Environmental Protection's Dune Restoration funding cycle.

Administrator Brown turned his attention to Shared Revenue Sources under Finance and Tax Polices and stated the County opposed permanent modifications to state shared revenue sources or related funding formulas such as online sales tax.

Attorney Reingold referred to the 2019 Designated Point Persons and Alternates for

the State Legislative List of Priorities for discussion, noting the changes to the legislative priorities and the members of the Board. A discussion ensued between the Board and staff as they reviewed each of the priorities adding the Biosolids - Pilot Program to the 2021 Legislative Priorities List. They determined the appropriate point person and alternate to advocate for the County legislatively based on who was already involved in the area of interest, assigned to a related committee, and being consistent with the senior members as the point person for ongoing projects.

Indian River Lagoon - Commissioner Adams and alternate Vice Chairman O'Bryan  
High Speed Passenger Rail - Chairman Flescher and alternate Vice Chairman O'Bryan

Biosolids - Pilot Program - Vice Chairman O'Bryan and alternate Commissioner Earman

Recycling - Commissioner Adams and alternate Chairman Flescher

Beach Restoration and Nourishment - Commissioner Earman and alternate Commissioner Moss

Short-Term Vacation Rentals - Vice Chairman O'Bryan and alternate Commissioner Adams

State Housing Initiatives Partnership/Affordable Housing - Commissioner Moss and alternate Vice Chairman O'Bryan

Broadband Internet Service - Commissioner Adams and alternate Chairman Flescher

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the proposed 2021 Indian River County Legislative Priorities and the designated point persons and alternates for the 2021 State Legislative List of Priorities as amended. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

## **11.B. Update on COVID-19 Vaccinations**

County Administrator Jason Brown gave a brief update on the County's coordination with the Health Department on administrating the vaccinations and pointed out the State had set aside a certain number of vaccinations for health care workers, long term care and assisted living facilities, and Health Departments throughout the state. He indicated the County has been in communication with the Health Department for their local plan and was in coordination for the administering of the vaccinations. He emphasized there would be no cost to the recipient of the vaccine.

**No Action Taken or Required**

## **12. DEPARTMENTAL MATTERS**

### **A. Community Development**

**12.A.1.**

## CRF CARES Housing Grant Program Update

Community Development Director Phil Matson referred to the December 2, 2020 meeting, where the Board requested follow-up information on the average number of months an individual was behind on their rent or mortgage payments that had applied for the County's State-funded COVID Relief Fund (CRF) Housing program assistance (HAP).

In response, Director Matson gave a statistical update indicating 408 applications were received for the County's state funded CRF HAP as of December 7, 2020, and a total of \$272,000 in funding assistance had been distributed. He reported that rental applicants were an average of 2.4 months behind on their rent and mortgage applicants were 3.5 months behind on mortgage payments. Although, he pointed out some of the applications were received as far back as September, so there could be applicants even farther behind on their rent or mortgage payments.

Vice Chairman O'Bryan asked if staff would prioritize those applicants behind on their rent or mortgage payments so that no one would be evicted prior to January 1, 2021.

A discussion ensued among the Board with Commissioner Moss requesting some of the CARES funds for small businesses be made available for not-for-profit businesses.

County Administrator Jason Brown recapped the discussion that it was the Board's consensus to direct staff to: 1) prioritize those applicants behind on their rent or mortgage payments so that no one would be evicted prior to January 1, 2021; and 2) allow for COVID Relief Fund Housing Program assistance to be no longer tied to three months, but limited to a total of \$4,500.

**Board Consensus Reached****12.A.2.**

## Request to Approve the Community Development Block Grant (CDBG) Applicant List for Conflict of Interest and the Second Set of Housing Rehabilitation Bids (4 Bids) for the County's Housing Rehabilitation CDBG

Chief of Long Range Planning Bill Schutt, in a PowerPoint Presentation, reviewed the Housing Rehabilitation Community Development Block Grant (CDBG) rules and felt it would be appropriate to have the newly elected officials review the applicant list and publicly acknowledge if a real or perceived conflict of interest exists. He introduced CDBG Grant Administration Consultant Antonio Jenkins with Guardian Community Resource Management, who assisted the County to undertake the required steps to proceed with the CDBG implementation.

Mr. Jenkins briefly spoke on what constituted a conflict of interest for the CDBG program and indicated that to be in compliance with the Housing Assistance Plan and the state rules, the applicant ranking list must be publicly displayed for review and found in the digital records of this meeting. He restated the necessity of having the newly elected officials review the applicant list and publicly acknowledge any conflicts of interest.

For uniformity, each Commissioner publicly acknowledged that they had no family or business relationship with any of the CDBG applicants on the list.

Chief Schutt reviewed the bids for the second set of rehabilitation projects and the consultant's recommendations for bid approval and the amounts to be utilized from CDBG funds

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

**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**

**F. Office of Management and Budget**

**G. Public Works**

**H. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**

**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.**

CCNA-2018 Work Order No. 10 to Geosyntec for Annual Permit Compliance Monitoring and Reporting for 2021

There was no discussion regarding this item.

**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 meeting adjourned at 12:08 p.m.