



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Meeting Minutes - Final

Board of County Commissioners

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, October 13, 2020

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found 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 Nichole Eastwood, Our Savior Lutheran Church

3. PLEDGE OF ALLEGIANCE

Chairman Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Agenda as presented. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** [20-2035](#) Distinguished Service Award for Christine Kelly Begazo, Agriculture Agent & Director of UF IFAS Indian River County Extension

Community Development Director Phil Matson announced the Distinguished Service Award recipient, Ms. Christine Kelly-Begazo, Agriculture Agent and Director, University of Florida Institute of Food and Agricultural Sciences (UF IFAS), Indian River County Extension Office, who was present before the Board.

Dr. Anita Neal, District Director, UF IFAS, Southeast Extension Office, shared the many achievements and characteristics portrayed by Ms. Kelly-Begazo.

Chairman Adams proudly presented Ms. Kelly-Begazo with the numerous Distinguished Service Awards she had earned, noting her recognition on the County, State, and National level.

Commissioner O'Bryan and Vice Chairman Flescher thanked Ms. Kelly-Begazo for always assisting the Commissioners with a trustworthy and professional demeanor, and they congratulated her for all she had accomplished.

Presented

- 5.B.** [20-2018](#) Presentation of Proclamation Designating Sean Sexton As The Poet Laureate Of Indian River County, Florida

Attachments: [Proclamation](#)

Chairman Adams read and presented the Proclamation to Sean Sexton, also known as the Cowboy Poet, who was selected for a second tenure as the Poet Laureate of Indian River County.

Louise Kennedy, Executive Director, Laura (Riding) Jackson Foundation, along with several members of the Laura (Riding) Jackson Foundation Board, were present with Mr. Sexton as he received the Proclamation.

Mr. Sexton entertained the Board and the public with two (2) poems that he had written, This Land, and Yesterday Morning.

Read and Presented

- 5.C. [20-1984](#) Presentation of Proclamation Recognizing October, 2020 as Vaping Awareness Month

Attachments: [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to Phyllis Schneider and Carrie Lester of the Substance Awareness Center and the Tobacco Free Partnership of Indian River County, and to Kyleigh Savoie, Community Health Advocate of the QuitDoc Foundation and Facilitator of the Tobacco Free Partnership. Each spoke of their mission to bring awareness and to actively educate the youth on the dangers of vaping. Ms. Savoie also discussed tobacco retail licensing as a potential local solution that would involve monitoring and enforcing the laws related to underage tobacco sales.

Read and Presented

- 5.D. [20-2048](#) Presentation by Indian River County Firefighters and Paramedics Local 2201 for Breast Cancer Awareness Month

On behalf of the Indian River County Firefighters and Paramedics, John O'Connor presented the Board with breast cancer awareness t-shirts in honor of Breast Cancer Awareness Month. He stated that in 2011, the Indian River County Fire Rescue formed a group called "Fire Girls" to generate funds to assist in the fight against breast cancer. Since then, the firefighters and paramedics have worn pink t-shirts during the month of October, and they have sold t-shirts at the Firefighter's Fair as a fundraiser to sponsor awareness events such as the Margo Donadio Memorial 5K and Women's Wellness Day, a day designated for residents without health insurance to get a free mammogram among other services.

Chairman Adams thanked Mr. O'Connor for the t-shirts and for the great work being done to raise awareness for breast cancer.

Presented

6. APPROVAL OF MINUTES

- 6.A. [20-2025](#) Regular Meeting of July 14, 2020

Attachments: [07142020BCC_Granicus](#)

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of July 14, 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

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

7.A. [20-2028](#) Indian River County Poet Laureate

Attachments: [Commissioners Memo](#)

No Action Taken or Required

7.B. [20-2029](#) Sebastian River Improvement District Fiscal Year 2020/2021 Regular Board Meeting Schedule

Attachments: [SRID schedule](#)

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.E. 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. [20-2031](#) Checks and Electronic Payments September 18, 2020 to September 24, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [20-2032](#) Checks and Electronic Payments September 25, 2020 to October 1, 2020

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [20-2016](#) Renewal of Lease Agreement - 66th Avenue Project/Phase II #1505B 7125 66th Avenue, Vero Beach, FL 32967 Tenants: Paul Edward Thompson and Rennie Sue Thompson

Attachments: [Staff Report](#)
[Renewal of Lease Agreement](#)

Approved staff's recommendation

- 8.D. [20-2034](#) Request for Floodplain Cut and Fill Balance Waiver for Environmental Learning Center (ELC) Education and Event Pavilion.

Attachments: [Staff Report](#)
[Compensatory Waiver Letter](#)

Approved staff's recommendation

- 8.E. [20-2042](#) Request for Waiver of Interest on Demolition Lien - Estate of Glenn W. Legwen

Attachments: [Staff Report](#)
[Release of Lien](#)

Commissioner O'Bryan presented the background related to the Waiver of Interest, making note that the owner, Mr. Glenn W. Legwen, had passed away and that his son, Mr. Walker Legwen, was interested in getting a clear title for the property at 5900 5th Street SW. Commissioner O'Bryan made a motion to reduce the interest portion of the demolition lien from \$7,226.01 to \$2,000.

Attorney Michael J. Swan, Rossway Swan, was present with his client, Mr. Legwen, and they each addressed the Board regarding Mr. Legwen's intent to pay the amount due for the demolition portion of the lien, and to confirm that they would be addressing the Code Enforcement Board in the near future to discuss the code enforcement fines.

Discussion ensued among the Board and County Attorney Dylan Reingold. Commissioner O'Bryan amended his motion to reduce the interest amount due to \$1500. Vice Chairman Flescher and Commissioner Zorc expressed support for staff's recommendation to waive the dollar amount for interest. Chairman Adams felt that reducing the interest portion to 10% was a fair policy to put in place when a demolition lien was being satisfied. Commissioner O'Bryan agreed that a formal policy would be helpful, and he again amended his motion.

An amended motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve reducing the interest portion of the demolition lien at 5900 5th Street SW to 10% of the accrued amount. The motion carried by the following vote:

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

- 8.F. [20-2043](#) Developer's Agreement with GRBK GHO High Pointe, LLC

Attachments: [Staff Report](#)
[High Pointe Developers Agreement](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

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

- 13.A. [20-2037](#) Acquisition of Right-Of-Way for Phase II of 66th Avenue Improvements - Kinchen Groves, Inc. - 66th Avenue, Parcel 124

Attachments: [Staff Report](#)
[Exhibit "A" \(aerial\)](#)
[Exhibit "B" \(Agreement to Purchase and Sell\)](#)

Assistant County Attorney Susan Prado used a PowerPoint presentation while referring to staff's memorandum dated October 5, 2020, to update the Board on negotiations of a .52 acre parcel of land located at 7655 66th Avenue, which was needed for Phase II of the 66th Avenue Improvements.

Commissioner O'Bryan referred to the aerial image from the PowerPoint presentation while discussing a policy regarding Murphy Reservation deed-restricted land. He then suggested that the Board reject the recommendation before them, and made a motion to offer the property owner, Kinchen Groves, Inc., a settlement equal to the appraised value of the property, plus an amount equal to the attorney and engineering fees. Commissioner Solari seconded the motion, which led to discussion among the Board.

Commissioner Zorc sought and received County Attorney Dylan Reingold's opinion of the motion from a legal standpoint. Commissioner Solari withdrew his second, but was in favor of using the formula Commissioner O'Bryan had suggested for future land acquisition negotiations. Commissioner O'Bryan ultimately withdrew his motion.

A motion was made by Commissioner Zorc, seconded by Vice Chairman Flescher, 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

- 13.B.** [20-2038](#) Acquisition of Right-Of-Way for Phase II of 66th Avenue Improvements - Kinchen - 66th Avenue, Parcel 124-A

Attachments: [Staff Report](#)
 [Exhibit "A" \(aerial\)](#)
 [Exhibit "B" \(Purchase and Sale Agreement\)](#)

With the aid of a PowerPoint presentation and staff's memorandum dated October 5, 2020, Assistant County Attorney Susan Prado presented the Board with details related to an acquisition of right-of-way at 7615 66th Avenue, a homestead parcel needed for Phase II of the 66th Avenue Improvements.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, 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

Chairman Adams called for a recess at 10:09 a.m., and reconvened the meeting at 10:18 a.m., with all members present.

County Attorney Dylan Reingold updated the Board on the status of right-of-way acquisitions for the 66th Avenue Improvements Project. He stated that the remaining seven (7) parcels were being negotiated for Phase I, with five (5) being handled by outside counsel and two (2) moving forward in-house. In Phase II, the remaining nine (9) parcels were being negotiated, with six (6) being handled by outside counsel and three (3) being handled in-house.

Deputy County Attorney William DeBaal discussed the process of proving to the courts that a certain parcel included Murphy Reservation deed-restricted land. He explained that the County would hire an appraiser to determine that Murphy Reservation land was included in the parcel, which would entitle the County to use the land for utilities, roadway and drainage. He cautioned that if permits had been issued for improvements to the land by any government entity, it could result in a situation that would not be financially beneficial.

Commissioner O'Bryan felt the property owner should be notified at the beginning of acquisition negotiations if the County was considering the Murphy Reservation rules, with the property owner to be compensated for the value of the land plus an amount that had not yet been decided upon by the Board.

Discussion ensued among staff and Commissioners O'Bryan and Zorc regarding the best approach to take when addressing future land acquisition projects.

13.C. [20-2040](#) 16th Street Ballfields and the Jimmy Graves Foundation

Attachments: [Staff Report](#)

County Attorney Dylan Reingold provided an update to the Board regarding a case involving the property known as the 16th Street Ballfields. He felt it was best not to discuss specific details of the case, but he confirmed that the County was planning to file a lawsuit in November 2020.

Following an inquiry from Commissioner Zorc, Attorney Reingold confirmed he was prepared to file any necessary paperwork to preserve the County's interest in the property and to ensure that the deed restriction would be enforced.

No Action Taken or Required

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**
- F. Commissioners Open Dialogue**

14.F.1. [20-2041](#) Commissioners Open Dialogue

Attachments: [Memorandum](#)

Vice Chairman Flescher spoke on the recent passing of former Sheriff Roy Raymond. He also announced the passing of Fred Mensing, a County resident who had a history of addressing the Board.

Commissioner Zorc discussed the progress of the Treasure Coast Foreign Trade Zone.

Chairman Adams added that Census 2020 would be wrapped up in two (2) weeks.

Commissioner O'Bryan talked about the Tax Abatement Program, making mention that the Economic Development Council would be meeting later that day to discuss an application from a local manufacturing business that was planning to expand.

(Clerk's Note: The Commissioners opted to skip ahead to the Solid Waste Disposal District meeting, Items 15.1. and 15.2., prior to giving Commissioner Solari the opportunity to speak.)

Commissioner Solari reflected on a memory from 1972 when he and classmates from various countries studied German in Munich. He recalled discussions regarding the pride they each felt for their country, noting that he has always believed he lived in an exceptional America. He emphasized the importance of the Declaration of Independence, and closed by stating that all men should have an equal chance.

15. SPECIAL DISTRICTS AND BOARDS

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. [20-2026](#) Approval of Minutes Meeting of July 14, 2020

Attachments: [07142020SWDD Draft](#)

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Meeting Minutes of July 14, 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

15.B.2. [20-2039](#) CCNA-2018 Work Order No. 8 to Geosyntec for Engineering Services with 2020 Groundwater Technical Support Services

Attachments: [Staff Report](#)
[CCNA-2018 Work Order No 8 - Geosyntec](#)

There was no discussion on this item.

A motion was made by Commissioner Solari, 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

The Board of Commissioners of the Solid Waste Disposal District reconvened as the Board of County Commissioners, and resumed the meeting to complete Item 14.F.1. Commissioners Open Dialogue.

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Adams adjourned the meeting at 10:50 a.m.