



Indian River County Florida

Meeting Minutes 3 - Final

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, May 12, 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

Father Dave Newhart, Rector, St. Elizabeth's Episcopal Church

3. PLEDGE OF ALLEGIANCE

Commissioner Bob Solari

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, 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.** [20-1544](#) Presentation of Proclamation Recognizing May 10 Through 16, 2020 as National Police Week

Attachments: [Proclamation](#)

Chairman Adams read and presented the Proclamation to Indian River County Sheriff Deryl Loar.

Read and Presented

6. APPROVAL OF MINUTES

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

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Consent 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

- 8.A.** [20-1538](#) Checks and Electronic Payments April 24, 2020 to April 30, 2020

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B.** [20-1522](#) Jesse R. Almand, Summer P. Almand, Richard Lefebure, and Abigail Lefebure's Request for Affidavit of Exemption Approval with Dedications to the County [AOE-19-12-05 / 99080143-85359] (Almand AOE)

Attachments: [Staff Report](#)

[Location Map](#)

[Affidavit of Exemption Layout](#)

Approved staff's recommendation

- 8.C.** [20-1536](#) Approval of FWC Grant for Indian River County Derelict Vessel Removal Project

Attachments: [Staff Report](#)

[FWC Grant Agreement](#)

[FWC Grant Form](#)

[Removal Maps](#)

Approved staff's recommendation

- 8.D. [20-1537](#) Sector 3 Beach and Dune Nourishment Project (IRC1925), APTIM, Work Order No. 2018006-7, Pre-Construction Services

Attachments: [Staff Report](#)
 [APTIM WO# 2018006-7](#)
 [APTIM Scope, WO# 2018006-7](#)

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**
 - 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. [20-1516](#) County Attorney's Annual Employment Agreement**

Attachments: [Staff Report](#)
[Contract \(2020-2021\)](#)

County Attorney Dylan Reingold presented to the Board his Annual Employment Agreement, up for renewal.

Commissioner O'Bryan commended Attorney Reingold and his staff for their productivity.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve the County Attorney's Annual Employment Agreement. The motion carried by the following vote:

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

13.B. [20-1525](#) School District Resolution Directing County to Place a Referendum on the Primary Election Ballot

Attachments: [Staff Report](#)
 [Proposed Resolution](#)
 [School Board Resolution 2020-9](#)

County Attorney Dylan Reingold introduced the details related to the School Board of Indian River County's direction to the Board of County Commissioners to call an ad valorem tax millage election in conjunction with the primary election of August 18, 2020, as stated in staff's memorandum dated April 27, 2020.

Chairman Adams opened the public comment session.

The following individuals spoke in support of the referendum:

Liz Cannon, President, Indian River County Education Association (IRCEA)

Dr. Mara Schiff, School Board of Indian River County

Douglas Herron, Executive Director, Education Foundation of Indian River County

Mike Murray, President, CWA (Communications Workers of America) Local 3180

Michael Kint, Exploratory Committee, Children's Trust of Indian River County

Margaret Ingram, 4125 61st Avenue, retired teacher

Takeisha Harris, Principal, Liberty Magnet School

Commissioner O'Bryan spoke in full support of the 0.50 millage election, and suggested that the referendum be added to the November 3, 2020 ballot, to be voted on in the General Election. All Commissioners were supportive of the referendum.

Commissioner Solari and Vice Chairman Flescher added that past elections have seen a much higher percentage of voters turnout for the General Election in November; therefore, they felt that November would be a more appropriate time to place the referendum on the ballot. Attorney Reingold confirmed the Commissioners recollection by providing the comparison numbers related to voter turnout for the 2012 and 2016 Primary and General Elections.

Dr. David Moore, Superintendent, School District of Indian River County (SDIRC), presented several reasons for needing solid answers regarding the future dollars coming to the SDIRC, and he requested that the referendum be placed on the August 18, 2020 Primary Election ballot.

Commissioner Solari suggested voting on the approval of the referendum first, followed by discussion and a vote related to placing the referendum on the November 3, 2020 General Election ballot.

A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to approve the School Board of Indian River County's request to call an election for a referendum to be placed on an upcoming ballot. The motion carried by the following vote:

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

Commissioner O'Bryan understood the urgency mentioned by Dr. Moore, however he agreed with Commissioner Solari and Vice Chairman Flescher to wait until the General Election for a higher voter turnout at the polls, which would also provide additional time to educate the public on the importance of the referendum.

The following citizens spoke in support of placing the referendum on the August 18, 2020 Primary Election ballot:

Dr. Fran Adams, Former Superintendent, SDIRC

Ray Oglethorpe, Founder, The Learning Alliance

Barbara Hammond, CEO, The Learning Alliance

Jennifer Freeland, Vice President, Indian River County Education Association (IRCEA)

Tiffany Justice, School Board of Indian River County

Suzanne D'Agresta, Attorney, School Board of Indian River County

Laura Zorc, Chair, School Board of Indian River County

Liz Cannon, President, IRCEA

Discussion ensued among the Commissioners, Attorney Reingold, County Administrator Jason Brown, and Dr. Moore, which included the expiration of the current 0.5 millage for the SDIRC, timing restrictions for placing a referendum on an election ballot, the percentage of yes-votes necessary to pass a referendum, teacher negotiations, recurring costs, budgeting challenges, and the preferred date to place the referendum on the election ballot.

Chairman Adams felt that the SDIRC may have a better chance of passing the referendum in November, but because the Commissioners do not oversee the School District's finances, she was supportive of their August 18, 2020 request.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to approve revised Resolution 2020-041, to call an election for a referendum to be placed on the ballot of the November 3, 2020 General Election. The motion carried by the following vote:

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

Nay: 1 - Chairman Adams

Commissioner O'Bryan received clarification from Attorney Reingold as to the legality of the Commission approving a Resolution of Support related to the School Board of Indian River County's referendum.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to direct the County Attorney to draft a Resolution of Support related to the School Board of Indian River County's referendum. The motion carried by the following vote:

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

The Chairman called for a recess at 10:24 a.m., and reconvened the meeting at 10:32 a.m., with all members present.

13.C. [20-1535](#) Termination of Tower Structure Lease Agreements for 1340 Old Dixie Highway and 810 Bailey Drive

Attachments: [Staff Report](#)

County Attorney Dylan Reingold referred to staff's memorandum dated May 1, 2020, regarding the contract agreements for the communications subleases on the South Tower and the North Tower, expiring in December 2020. He announced a plan to move forward in obtaining leases that would yield the best rental rate.

Attorney Reingold satisfied Commissioner Zorc's concern regarding a possible gap in cellular service for the areas served by the towers.

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

- 13.D. [20-1547](#) Purchase of a parcel of right-of-way located at 4740 58th Avenue, Vero Beach, Florida, owned by Paulette Brown

Attachments: [Staff Report](#)
[sketch/description for right-of-way](#)

Deputy County Attorney Bill DeBraal referred to staff's memorandum dated May 6, 2020, regarding the purchase of a parcel of right-of-way owned by Paulette Brown to be acquired for the 58th Avenue Project.

Commissioner O'Bryan was dissatisfied with the comparison properties used in the appraisal, noting that one of the comparison properties was located on the St. Sebastian River, and the other was zoned for light industrial use. Following a comment by Attorney DeBraal regarding the appraiser possibly being hired for other land acquisition cases, Commissioner O'Bryan requested that a formal complaint be filed against the appraiser by the County Attorney's office. Commissioner Zorc stated that the Real Estate Appraisal Board would hear the complaint.

Commissioner Solari shared the concern that the appraiser may be hired for future land acquisition cases.

After receiving confirmation from Attorney DeBraal that an eminent domain trial would not take place for approximately 18 months, and that the new home being built on the property, to replace the home destroyed by fire, was currently under construction, Chairman Adams felt it was better to approve the settlement terms rather than going before a jury.

Public Works Director Rich Szpyrka advised Chairman Adams that the cost of constructing a driveway on the property would be approximately \$2,000-\$3,000, a cost that had been included in the 58th Avenue Project.

A motion was made by Commissioner O'Bryan, seconded by Chairman Adams, to: 1) approve staff's recommendation, and 2) direct the County Attorney's office to file a formal complaint against the appraiser. The motion carried by the following vote:

Aye: 3 - Chairman Adams, Commissioner Zorc, and Commissioner O'Bryan

Nay: 2 - Vice Chairman Flescher, 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

Commissioners Open Dialogue

- 14.F. [20-1548](#) Commissioners Open Dialogue

Attachments: [Memorandum](#)

Due to COVID-19, there were no meetings attended by the Commissioners; however, the pandemic was a topic of discussion.

Chairman Adams spoke on the lack of internet access in some of the rural areas of the County, noting that it may be something to keep in mind when cultivating agri-business.

Commissioner Zorc was happy to attend some drive-thru celebrations, and he asked his fellow Commissioners to keep the people experiencing tough times in their thoughts and prayers.

Vice Chairman Flescher thanked the citizens of the County for following the rules that were set, County Administrator Jason Brown for his guidance, and the entire County staff for being creative. Administrator Brown responded by thanking the Commissioners for their support as he stated his appreciation for everyone involved in working under Governor DeSantis' guidance.

No Action Taken or Required

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 10:54 a.m.