



# 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

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Tuesday, March 17, 2020

9:00 AM

Commission Chambers

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#### 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

Reverend Holly Adams, Community Church of Vero Beach

#### 3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

County Attorney Dylan Reingold read the social media policy that applies to comments that are being provided at the meeting via YouTube Live.

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

**Added:** Item 11. A. County Administrator Matters - Coronavirus Update

**Added:** Item 13.D. County Attorney Matters - Resolutions Delegating the Authority to the County Administrator.

**Added:** Item 14.B.1. Proposal for a revised Memorandum of Understanding between the local Humane Society and Indian River County

**Delete:** Item 5.B. Presentation of Proclamation Designating April 15, 2020 as Jackie Robinson Day

**Delete:** Item 5.E. Mount Vero 5K Run/Walk

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, 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.**        [20-1394](#)    Environmental Certificate of Recognition

**Attachments:**    [Staff Report](#)

Chairman Adams read the Proclamation into the record. Director of Utility Services Vincent Burke, on behalf of the Solid Waste Disposal District, recognized the Rotary Club of Vero Beach and Club Member Dan Compas for their outstanding environmental stewardship and dedication.

**Read and Presented**

**5.B.**        [20-1395](#)    Presentation of Proclamation Designating April 15, 2020 As Jackie Robinson Day

**Attachments:**    [Proclamation](#)

**Deleted**

**5.C.**        [20-1396](#)    Presentation of Proclamation Designating the Week of March 16-20, 2020 As Government Finance Professionals Week

**Attachments:**    [Proclamation](#)

Commissioner Solari read and presented the Proclamation to Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, who accepted on behalf of the County and Constitutional Finance Professionals.

**Read and Presented**

- 5.D.**      [20-1397](#)      Presentation of Proclamation Designating the Week of March 15 Through March 21, 2020, As National Surveyors Week

**Attachments:**    [Proclamation](#)

Commissioner Zorc read and presented the Proclamation to a representative from the Indian River Chapter - Florida Surveying and Mapping Society.

- 5.E.**      [20-1403](#)      Mount Vero 5K Run/Walk

**Attachments:**    [Staff Report](#)

**Deleted**

## **6.      APPROVAL OF MINUTES**

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Regular Meeting Minutes of November 19, 2019, December 3, 2019 and December 10, 2019. The motion carried by the following vote:**

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

- 6.A.**      [20-1405](#)      Regular Meeting Minutes of November 19, 2019

**Attachments:**    [11192019BCC Granicus](#)

**Approved**

- 6.B.**      [20-1413](#)      Regular Meeting of December 03, 2019

**Attachments:**    [12032019BCC](#)

**Approved**

- 6.C.**      [20-1414](#)      Regular Meeting of December 10, 2019

**Attachments:**    [12102019BCC](#)

**Approved**

## **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 amended, pulling item 8.I. 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.**      [20-1401](#)      Checks and Electronic Payments February 28, 2020 to March 5, 2020

**Attachments:**      [Finance Department Staff Report](#)

**Approved**

**8.B.**      [20-1399](#)      Agreement to Warranty and Guaranty Utility Improvements Under Florida East Coast Railway Property

**Attachments:**      [Staff Report](#)  
                                 [Contract for Utility Improvements](#)

**Approved staff's recommendation**

**8.C.**      [20-1402](#)      Lease Agreement 2601 51st Avenue, Vero Beach, FL 32966 Tenants: Nick Pappas and Ember Pappas

**Attachments:**      [Staff Report](#)  
                                 [Lease Agreement](#)

**Approved staff's recommendation**

**8.D.**      [20-1412](#)      66th Avenue Phase IB and Phase II - Amendment No. 7 (IRC-1505 & 1505B)

**Attachments:**      [Staff Report](#)  
                                 [Amendment No. 7](#)

**Approved staff's recommendation**

**8.E.**      [20-1408](#)      Release and Satisfaction of Demolition Lien; 4606 32nd Avenue, Vero Beach, FL 32967; Tax Parcel No. 32-39-22-00000-7000-00077.0

**Attachments:**      [Staff Report](#)  
                                 [Release and Satisfaction](#)

**Approved staff's recommendation**

- 8.F.**      [20-1409](#)      Resolutions Cancelling Taxes on Properties Acquired by Indian River County for Public Purpose

**Attachments:**    [Staff Report](#)  
                          [Resolution \(Stolze\)](#)  
                          [Resolution \(Bartosiewicz\)](#)  
                          [Resolution \(Balquees\)](#)  
                          [Resolution \(Green\)](#)

**Approved Resolution 2020-026 (Stolze), Resolution 2020-027 (Bartosiewicz), Resolution 2020-028 (Balquees, L.L.C.), and Resolution 2020-029 (Green), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.**

- 8.G.**      [20-1411](#)      Children's Services Advisory Committee's Recommendation of Request for Proposal, Grant Application and Agency Grant Contract for FY2020/21

**Attachments:**    [Staff Report](#)  
                          [Request For Proposal FY21](#)  
                          [RFP\\_Press Release\\_FY21](#)  
                          [Completed Core Application\\_FY21](#)  
                          [Agency\\_Grant\\_Contract\\_FY21\\_Sample](#)

**Approved staff's recommendation**

- 8.H.**      [20-1417](#)      Florida Department of Law Enforcement (FDLE) FY19 Certificate of Participation Edward Byrne Memorial Justice Assistance Grant (JAG) Program

**Attachments:**    [Staff Report](#)  
                          [FY19-COP-Certificate-Of-Participation](#)  
                          [FY2019 JAG C Allocations](#)

**Approved staff's recommendation**

8.I. [20-1420](#) Miscellaneous Budget Amendment 006

**Attachments:** [Staff Report](#)  
[2019 2020 Resolution](#)  
[Exhibit "A"](#)

Commissioner O'Bryan referred to Line 6 of the Budget Amendment and questioned whether the item should be tabled since it depends on the outcome of Agenda Items 13.C. and 14.B.1.

County Administrator Jason Brown suggested moving forward with the Budget Resolution Agenda Item, noting that it could be amended, if necessary.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2020-030, amending the Fiscal Year 2019-2020 Budget. The motion carried by the following vote:**

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

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

B. **PUBLIC DISCUSSION ITEMS**

- 10.B.1. [20-1381](#) Request to Speak from Brodley Williams regarding Utility Lien at 1815 38th Pl

**Attachments:** [Public Discussion Request Williams](#)

[1815 38th PL summary](#)

[1815 38th PL Utilities Balance](#)

[1815 38th pl Williams](#)

[BCC032216A Holland 10.B.2.](#)

[BCC032216M minutes 10.B.2.](#)

[Lien for 1815 38th PL](#)

[Email Ref \(1\): Wilbert Williams, 1815 38th Place \(1\)](#)

[Email Ref \(2\): Wilbert Williams, 1815 38th Place](#)

[Tax Deed for 1815 38th PL](#)

Mr. Brodley Williams, 1755 38th Place, came before the Board regarding the utility lien on a property located at 1815 38th Place that was purchased through a Tax Deed Sale.

Vincent Burke, Director of Utility Services, provided history of the utility lien on the subject property. He confirmed the utility lien in the amount of \$30,995.89, noting that the service availability charge had accrued over a period of time. He expressed his concerns that reducing the utility lien each time someone came before the Board could set a precedent going forward.

A discussion followed regarding a breakdown of the utility lien between the service availability charges, fines, fees and penalties, setting a precedent by reducing the fees, the concern for the other bidders on the tax deed sale, providing some type of relief of the fees so that the property would not remain a vacant lot, and developing a policy on how to treat the utility liens on tax deed sales going forward.

It was the consensus of the Board to bring the item back at a future meeting with a policy that would apply to the liens on tax deed sales.

**No Action Taken or Required**

- 10.B.2.**     [20-1404](#)     Request to Speak from Robert Booth regarding installation of a traffic signal at 16th St and 58th Ave

**Attachments:**     [Public Discussion Request](#)

Mr. Robert Booth, 1569 Segovia Circle, requested a traffic study at the intersection of 16th Street and 58th Avenue with the optimum result of a four-way traffic light at the intersection.

Chairman Adams thanked Mr. Booth for taking the time to address the Board.

**No Action Taken or Required**

- 10.B.3.**     [20-1423](#)     Request to Speak from Brennen Kliffmueller regarding Provision of a Coronavirus Emergency Relief Fund

**Attachments:**     [Public Discussion Request](#)

Mr. Brennen Kliffmueller, 536 Calamondin Way, presented an idea for a Coronavirus Emergency Relief fund set aside for reimbursement of lost wages for those affected by the virus.

Chairman Adams agreed with Mr. Kliffmueller and stated that there were several non-profit organizations in the community that would be better situated to help him with his idea.

**No Action Taken or Required**

**C.     PUBLIC NOTICE ITEMS**

County Attorney Dylan Reingold read the Public Notices into the record.

- 10.C.1.**     [20-1389](#)     Notice of Scheduled Public Hearing for April 7, 2020: Magnolia PD (Quasi-Judicial)

**Attachments:**     [Staff Report](#)

**No Action Taken or Required**

- 10.C.2.**     [20-1391](#)     Notice of Scheduled Public Hearing for April 7, 2020: Bentley Right-of-way Abandonment (Legislative)

**Attachments:**     [Staff Report](#)

**No Action Taken or Required**



- 10.C.3. [20-1400](#) Notice of Scheduled Public Hearing to Consider Modifications to County Code Sections 201.64 and 201.65 (Legislative)

Attachments: [Staff Report](#)

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**A. Addition: Coronavirus Update**

County Administrator Jason Brown provided an update on the County's actions and preparations in regards to the COVID-19 pandemic.

Commissioner Solari referred to Administrator Brown for suggestions on how the County could get the COVID-19 updates out quickly and in a way that was easily accessible to the public.

**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**

**G. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**

**13.A.**      [20-1418](#)      Code Enforcement Board Appointment

**Attachments:**    [Staff Report](#)  
                          [Application for CEB - Roy Clark](#)  
                          [Application for CEB - Kelly Darmetko](#)  
                          [Application for CEB - James Kordiak](#)  
                          [Application for CEB - Daniel Wehking](#)

County Attorney Reingold indicated there were four applications submitted for the Member-at-Large vacancy on the Code Enforcement Board (CEB)

Applicants James A. Kordiak and Daniel Wehking spoke on their qualifications for the Member-at-Large appointment to the CEB.

**A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to appoint James A. Kordiak as Member-At-Large Representative to the Code Enforcement Board. The motion carried by the following vote:**

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

**13.B.**      [20-1419](#)      Indian River County et al., v. United States Department of Transportation, et al

**Attachments:**    [Staff Report](#)  
                          [Engagement Letter](#)

County Attorney Dylan Reingold reviewed the information contained in his March 10, 2020 memorandum stating that the Board previously voted to hire Kannon K. Shanmugam with the Law Firm of Paul Weiss to handle an appeal of the Indian River County et al, v. United States Department of Transportation, et al. case to the United States Supreme Court.

Attorney Reingold continued that the Paul Weiss firm had a conflict and was unable to represent Indian River County, but recommended three attorneys that would be able to handle the case for Indian River County. He presented a retainer agreement for Mr. Jeffrey Lamken of the MoloLamken Firm to handle the litigation before the United States Supreme Court and requested authorization to hire another firm on similar terms, if a conflict arises.

**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

- 13.C. [20-1421](#) Letter of Intent to Purchase Property for Animal Control Facility at 210 Old Dixie Highway

**Attachments:** [Staff Report](#)  
[Letter of Intent to Purchase](#)

*[Clerk's Note - This item was heard in conjunction with 14.B.1.]*

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to deny staff's recommendation. The motion carried by the following vote:**

**Aye:** 3 - Chairman Adams, Vice Chairman Flescher, and Commissioner Zorc

**Nay:** 2 - Commissioner O'Bryan, and Commissioner Solari

- 13.D. [20-1434](#) Resolutions Delegating the Authority to the County Administrator or his Designee to Call Letters of Credit and to Act on Behalf of Indian River County during the time frames of March 18, 2020, through and including April 6, 2020

**Attachments:** [Staff Report Delegation Resolution](#)  
[RESO delegating authority to administrator](#)

There was no discussion on this item.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2020-031, delegating authority to the County Administrator or his designee, to execute resolutions calling Letters of Credit as necessary during the period commencing March 18, 2020 through and including April 6, 2020, or in the event of a locally declared state of emergency due to COVID-19, until the Board of County Commissioners of Indian River County is able to meet, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing March 18, 2020, through and including April 6, 2020 or in the event of a locally declared state of emergency due to COVID-19, until the Board of County Commissioners of Indian River County is able to meet. 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**

- 14.B.1. [20-1433](#) Proposal for a revised memorandum of understanding between the local Humane Society and Indian River County

**Attachments:** [Commissioner's Memorandum -- emergency add](#)  
[Draft MOU HSVB and IRC 2020](#)

*[Clerk's Note: This item was heard in conjunction with Item 13.C. and is placed here for continuity.]*

Vice Chairman Flescher recalled the Memorandum of Understanding (MOU) between the Humane Society of Vero Beach (HSV B) and Indian River County and announced a revised MOU for the Board's consideration.

Vice Chairman Flescher turned the meeting over to County Attorney Dylan Reingold who outlined the changes contained in the revised MOU from the HSV B.

Michelle Quigley, Director of Government Relations, Humane Society Vero Beach, maintained that the HSV B was in support of working collaboratively with the County.

There was a motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve entering into a revised Memorandum of Understanding between the Humane Society of Vero Beach and Indian River County.

County Administrator Jason Brown stating that staff supported the revised MOU and it would allow additional time to work through a potentially long term solution with the HSV B.

A discussion followed on amending the motion to include moving forward with securing a building for an Animal Control Facility if needed. The Board expressed their concerns on the location and the size of the proposed facility at 210 Dixie Highway.

Miranda Hawker, Health Officer, Florida Department of Health in Indian River County, conveyed her concerns regarding the revised MOU and proposed a change, *"not coordinate any internal or external efforts toward the Trap-Neuter-Vaccinate-Return (TNVR) program in the County"*.

Joseph Paladin, Black Swan Consulting, commended Vice Chairman Flescher for reaching out and trying to negotiate a deal with the HSV B.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve entering into a revised Memorandum of Understanding between the Humane Society of Vero Beach and Indian River County. The motion carried by the following vote:

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

**Nay:** 1 - Commissioner Solari

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to direct staff to obtain a three to six month option on the property located at 210 Old Dixie Highway and continue to pursue other options for an animal facility. The motion failed by the following vote:

**Aye:** 2 - Commissioner O'Bryan, and Commissioner Solari

**Nay:** 3 - Chairman Adams, Vice Chairman Flescher, and Commissioner Zorc

- C. Commissioner Tim Zorc
- D. Commissioner Peter D. O'Bryan
- E. Commissioner Bob Solari

**Commissioners Open Dialogue**

**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 10:20 a.m.