



Indian River County Florida

Indian River County
Administration Complex
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Vero Beach, Florida,
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Meeting Minutes 3 - 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, June 9, 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

Pastor Doug Vogt, Pathway Church

3. PLEDGE OF ALLEGIANCE

Commissioner Tim Zorc

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: 15.A. Emergency Service District to follow Item 8. Consent Agenda

A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, 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

6. APPROVAL OF MINUTES

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Regular Meeting Minutes of February 18, 2020 and March 3, 2020, as written. The motion carried by the following vote:

6.A. [20-1619](#) Regular Meeting of February 18, 2020

Attachments: [02182020_Granicus](#)

Approved

6.B. [20-1621](#) Regular Meeting of March 03, 2020

Attachments: [03032020BCC_Draft](#)

Approved

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

7.A. [20-1630](#) Letter to BCC Re: 2020 Environmental Lands Bond Referendum and Trust for Public Land Report

Attachments: [Staff Report](#)
[Letter to BCC Environmental Lands Bond Referendum](#)
[Trust for Public Land Report](#)

Chairman Adams and Commissioner O'Bryan stated that they agreed with the decision that was made to postpone promoting the Environmental Lands Bond Referendum.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, 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. [20-1604](#) Checks and Electronic Payments May 22, 2020 to May 28, 2020

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B.** [20-1606](#) Acceptance and Approval of Expenditures of Emergency Management Federally-Funded Subgrant Agreement (EMPG) Agreement Number G0071

Attachments: [Staff Report](#)
 [FY 2020 - 2021 EMPG - G0071](#)
 [EMPG Grant Form](#)

Approved staff's recommendation

- 8.C.** [20-1612](#) Acceptance and Approval of Expenditures for Emergency Management State-Funded Subgrant Agreement (EMPA) Agreement Number A0090

Attachments: [Staff Report](#)
 [FY 2020-2021 EMPA AGREEMENT A0090](#)
 [EMPA Grant Form](#)

Approved staff's recommendation

- 8.D.** [20-1613](#) Acceptance and Approval of Expenditures of Emergency Management Performance Grant Program-COVID-19 Supplemental (EMPG-S) Agreement Number: G0080

Attachments: [Staff Report](#)
 [2020-2021 EMPG-S AGREEMENT G0080](#)
 [EMPG-S Grant Form](#)

Approved staff's recommendation

- 8.E.** [20-1607](#) Award of Bid No. 20200021, 58th Avenue (From North of 57th Street to 85th Street/CR510) Full Depth Reclamation Project, FM No. 436416-1-54-01, IRC-1325

Attachments: [Staff Report](#)
 [Sample Agreement](#)

Approved staff's recommendation

- 8.F.** [20-1611](#) Change Order No. 1 and Payment for Demolition of 1200 37th Street (IRC-2012)

Attachments: [Staff Report](#)
 [South Florida Building, Inc. Invoice NO. 2057](#)
 [Change Order No. 1](#)

Approved staff's recommendation

- 8.G.** [20-1609](#) Resolution Authorizing the Community Development Department Director, On Behalf of the Indian River Board of County Commissioners, to Execute Single-Family Affordable Housing Impact Fee Waiver/Reduction Agreements and Request for Approval of a Proposed Template Affordable Housing Impact Fee Waiver/Reduction Agreement

Attachments: [Staff Report](#)

[Proposed Resolution](#)

[Proposed Agreement](#)

Approved staff's recommendation and Resolution 2020-049, authorizing the County Community Development Department Director, on behalf of the Indian River County Board of County Commissioners, to execute Single Family Affordable Housing Impact Fee Waiver/Reduction Agreements.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

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

- 10.C.1.** [20-1570](#) Public Notice of Public Hearing Scheduled for June 16, 2020 Concerning Extension of Temporary Moratorium Regarding Biosolids - Legislative

Attachments: [Staff Report](#)

No Action Taken or Required

- 10.C.2.** [20-1618](#) Public Notice of Public Hearing Scheduled for June 16, 2020 to Consider an Application for a Class "E1" Certificate of Public Convenience and Necessity by iTransit, LLC - ADMINISTRATIVE

Attachments: [Staff Report](#)

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [20-1603](#) Consideration of Holding A Referendum to Renew the County Economic Development Ad Valorem Tax Exemption (Tax Abatement) Program

Attachments: [Staff Report](#)
 [FS 196.1995](#)
 [List of Target Industries](#)
 [INEOS Summary of Taxes](#)
 [Advantages of Tax Abatements](#)
 [Changes to Tax Abatement Statute Since 2010](#)
 [Tax Abatement Application](#)

Long-Range Planning Chief Bill Schutt referred to staff's memorandum dated May 28, 2020, in his request for consideration of a 10-year renewal referendum to grant qualifying businesses with Economic Development Ad Valorem Tax exemptions (Tax Abatements). He used a PowerPoint presentation to highlight the Tax Abatement purpose, eligible businesses, targeted industries, past use, and the potential future uses of the Tax Abatement program. Chief Schutt also provided the advantages and disadvantages of the Tax Abatement program, and he indicated that the current program would expire on November 2, 2020.

Commissioner O'Bryan stated that he was contacted by Dori Stone, representing the Indian River County Chamber of Commerce, and she spoke in full support of the referendum.

Commissioner Solari discussed the State's involvement in the program where it related to exportation, and it was his opinion that a subsidy was a gift. He and Chairman Adams spoke in favor of making the new Tax Abatement application process simple, clear and easy, in order to encourage companies to apply.

Commissioner Zorc inquired about the Tax Abatement qualifications for a business owner interested in opening a new operation in an existing structure. Chief Schutt stated that establishing at least 10 new, full-time jobs was a requirement of the Tax Abatement Statute. County Attorney Dylan Reingold offered additional clarification.

Bill Penney, President and CEO of Marine Bank and Trust, spoke in support of the renewal referendum for the Tax Abatement program.

Commissioner O'Bryan took the opportunity to thank Mr. Penney and his staff for working tirelessly to process Small Business Administration (SBA) loans.

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

B. Emergency Services

12.B.1. [20-1601](#) Approval of Change Order No. 2 for Radio System P25 Migration Project

Attachments: [Staff Report](#)
 [New Tower Site Quote](#)

There was no discussion on this item.

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

12.B.2. [20-1605](#) Signing of Work Order No. 5 for Radio System P25 Migration Project

Attachments: [Staff Report](#)
 [P25- Work Order 5](#)
 [P25 Stage 5 Quote](#)

There was no discussion on this item.

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

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

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Tim Zorc

14.C.1. [20-1617](#) Discussion on Postponing Increases to Title X, Impact Fees, due to Economic Hardships of the Coronavirus

Attachments: [Commissioner's Memorandum](#)
[Background Slide](#)

Commissioner Zorc spoke on the economic uncertainty brought about by COVID-19 when he requested postponing the Title X Impact Fee increases, with the exception of the fee reduction related to affordable housing, for a minimum of six (6) months to give staff an opportunity to see the related effects.

A motion was made by Commissioner Zorc, to postpone the Title X Impact Fee increases with the exception of the fee reductions related to affordable housing for a period of six (6) months to give staff an opportunity to see the effects of the economic uncertainty related to COVID-19. The motion died for lack of a second.

Commissioner Zorc referred to a contract impairment process that was used approximately 15 years prior, to determine the impact fees on new homes. The County Attorney's office had reviewed the contracts to determine the impact fees, based on the date the contract was signed rather than the date the permit was pulled. The Commissioner felt that staff should again implement the process.

Commissioner O'Bryan was in favor of staff implementing the verification process if it would be a savings to the homeowner, and he requested feedback from staff. County Administrator Jason Brown, Deputy County Attorney Bill DeBaal, and County Attorney Dylan Reingold added comments and clarification; Community Development Director Phil Matson confirmed that the impact fee increases would be minimal on the residential side.

Commissioner Solari handed out a copy of an article from the Wall Street Journal, published June 6, 2020, titled "Pent-Up Demand Lifts May New Home Sales 21%, Survey Finds." He was not supportive of Commissioner Zorc's request to interfere with the increase of impact fees.

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, to direct staff to implement a contract impairment process for verifying and accepting the impact fees to be collected on new contracts that were signed prior to the effective date of the impact fee increases. Following discussion, Commissioner O'Bryan rescinded his second. The motion died for lack of a second.

- D. Commissioner Peter D. O'Bryan**
- E. Commissioner Bob Solari**
- F. Commissioners Open Dialogue**

14.F.1. [20-1616](#) Commissioners Open Dialogue

Attachments: [Memorandum](#)

Chairman Adams mentioned her involvement with the 2020 Census, and she reminded the public to complete their forms if they had not already done so.

Vice Chairman Flescher acknowledged the work done by County Administrator Jason Brown and Public Works Director Rich Szpyrka as he noted the effective use of impact fees for infrastructure.

Commissioner Solari provided his fellow Commissioners with a history lesson about federalism, and he related it to Florida's stay-at-home order.

Commissioner O'Bryan spoke about the increase in positive cases of COVID-19 in Indian River County, and he also provided the statistics for St. Lucie and Martin Counties.

Commissioner Zorc shared his concern related to the economy.

15. SPECIAL DISTRICTS AND BOARDS**15.A.1.** [20-1622](#) Approval of Minutes Meeting of February 18, 2020

Attachments: [02182020ESD_Draft](#)

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Emergency Services District Meeting Minutes of February 18, 2020. The motion carried by the following vote:

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

15.A.2. [20-1626](#) Purchase of Parcel of Property for New Location of Station 7

Attachments: [Staff Report](#)
 [Commercial Contract](#)

Commissioner Zorc discussed site improvements that would be necessary for the parcel of land at 1855 98th Avenue. He recommended directing Public Works Director Rich Szyrka to return to the Board during the due-diligence period with an estimate of the site-improvement costs. County Attorney Dylan Reingold clarified that the 15-day due-diligence period, stated in the Commercial Contract, would give the buyer the opportunity to decide if the property would be suitable for their needs.

Commissioner Zorc then mentioned that the property was sold to the current owner in March of 2020. Emergency Services Director Tad Stone stated that he had looked at the property when the parcel was on the market previously, but there was not access to 18th Street, as the access easement was not available to be purchased at the time. County Administrator Jason Brown provided background related to the prior sale of the property. He made mention that water and sewer were readily available at the location being discussed, and he spoke in favor of the purchase.

Discussion ensued among Commissioner O'Bryan, Commissioner Zorc, and Chief Stone related to the limited availability of parcels of land in the area. Commissioner O'Bryan did not feel it was necessary to direct staff to return with site-improvement costs prior to the close of the due-diligence period.

A motion was made by Commissioner O'Bryan, 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

The Board of Commissioners of the Emergency Services District adjourned and reconvened as the Board of County Commissioners, and the regular meeting resumed with Item 10.C. Public Notice Items.

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.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve the Solid Waste Disposal District Meeting Minutes of January 21, 2020, February 11, 2020, and February 18, 2020. The motion carried by the following vote:

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

15.B.1. [20-1575](#) Approval of Meeting Minutes January 21, 2020

Attachments: [01212020SWDD_Draft](#)

Approved

15.B.2. [20-1584](#) Approval of Minutes Meeting of February 11, 2020

Attachments: [02112020SWDD_Draft](#)

Approved

15.B.3. [20-1620](#) Approval of Minutes Meeting of February 18, 2020

Attachments: [02182020SWDD_Draft](#)

Approved

15.B.4. [20-1615](#) Request to Purchase Enviro-Blocks from Inter-Block Retaining Systems, Inc.

Attachments: [Staff Report](#)

[Proposal from Inter-Block Retaining Systems Inc](#)

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:12 a.m.