



# 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

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Tuesday, November 10, 2020

9:00 AM

Commission Chambers

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**This meeting can be attended virtually via Zoom. Instructions can be found with this agenda and also online at [www.ircgov.com](http://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 Gregory Shreaves, Living Lord Lutheran Church**

#### 3. PLEDGE OF ALLEGIANCE

**Jason Brown, County Administrator**

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

County Administrator Jason Brown made mention that Item 8.E. had been removed from the Agenda at the request of the applicant.

**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

- 4.A. [20-2086](#) Deletion: Corrective Resolution for Release of an Easement Located at 3755 9th Street SW

(Clerk's Note: This item was originally on the Agenda as Item 8.E.; it was deleted prior to the meeting as requested by the applicant.)

**Deleted**

**5. PROCLAMATIONS and PRESENTATIONS**

- 5.A. [20-2098](#) Presentation of Proclamation Honoring Tim Zorc, Commissioner of District 3

**Attachments:** [Proclamation](#)

Chairman Adams read the Proclamation to District 3 Commissioner Tim Zorc, who was presented with a commemorative plaque for his eight (8) years of service to Indian River County.

Each member of the Board, County Administrator Jason Brown and County Attorney Dylan Reingold thanked Commissioner Zorc for his service to the community and for always conducting himself professionally. They pointed out that Commissioner Zorc was a forward thinker and a committed advocate for all that he believed in.

Commissioner Zorc spoke on his appreciation for the kind words from his fellow Commissioners and County staff, and for the great work being done by all. He also thanked his family for their support during the eight (8) years he had served the residents of Indian River County.

**Read and Presented**

**5.B.**     [20-2100](#)     Presentation of Proclamation Honoring Bob Solari, Commissioner of District 5

**Attachments:**   [Proclamation](#)

Commissioner O'Bryan read the Proclamation to District 5 Commissioner Bob Solari, who was presented with a commemorative rock to show appreciation for his 12 years of service to Indian River County.

Jackie Solari spoke proudly about her husband. She also thanked the citizens, Commissioners, and County staff for their support during Commissioner Solari's tenure.

The following individuals congratulated Commissioner Solari and pointed out his accomplishments, dedication, and the impact he has had on Indian River County: Mr. John Kissler, Mr. Joseph Paladin, Mr. Glenn Heran, Mr. Anthony Brown, Mr. Bart Gaetjens, Ms. Kate Cotner, County Administrator Jason Brown, Assistant County Administrator Mike Zito, and County Attorney Dylan Reingold. His fellow Commissioners also extended their congratulations for a job well done in making Indian River County a better place to live.

Commissioner Solari discussed some of what he had learned during his time as an elected official. In addition, he thanked the citizens of Indian River County and numerous others including his wife, Jackie, for making it a rewarding experience.

**Read and Presented**

**5.C.**     [20-2027](#)     Presentation of Proclamation Designating November 11th, 2020, as Veterans Day

**Attachments:**   [Proclamation](#)

Vice Chairman Flescher read and presented the Proclamation to Marty Zickert, Chairman of the Veterans Council of Indian River County, who spoke on the events happening to commemorate Veterans Day, the services they provide, and his appreciation for the local support they receive.

**Presented**

**5.D.**     [20-1951](#)     Presentation of Proclamation Designating November 10, 2020 as Impact 100 Day

**Attachments:**   [Proclamation](#)

Commissioner Solari read and presented the Proclamation to Gladys LaForge, President, Impact 100 of Indian River County, Inc., who was accompanied by members of their Board of Directors.

**Presented**

Chairman Adams called for a recess at 10:25 a.m., and reconvened the meeting at 10:32 a.m., with all members present.

## 6. APPROVAL OF MINUTES

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Budget Workshop Meeting Minutes of July 15, 2020, Regular Meeting Minutes of August 18, 2020, Regular Meeting Minutes of September 15, 2020, and Preliminary Budget Hearing Meeting Minutes of September 16, 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

**6.A.** [20-2084](#) Budget Workshop Meeting of July 15, 2020

**Attachments:** [07152020BudgetWorkshop\\_Granicus](#)

**Approved**

**6.B.** [20-2075](#) Regular Meeting of August 18, 2020

**Attachments:** [08182020BCC\\_Draft](#)

**Approved**

**6.C.** [20-2087](#) Regular Meeting of September 15, 2020

**Attachments:** [09152020BCC\\_Granicus](#)

**Approved**

**6.D.** [20-2110](#) Preliminary Budget Hearing Meeting Minutes of September 16, 2020

**Attachments:** [09162020PrelimBdgt\\_Granicus](#)

**Approved**

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

**7.A.** [20-2046](#) Proclamation Honoring Deborah Rafuls on Her Retirement From Indian River County Board of County Commissioners Department of General Services North Indian River County Library with Thirty Years of Service

**Attachments:** [Proclamation](#)

Chairman Adams congratulated Ms. Deborah Rafuls on her retirement, thanking her for thirty years of service to the citizens of Indian River County.

**No Action Taken or Required**

- 7.B. [20-2083](#) Order PSC-2020-0398-PCO-EI suspending FPL's tariff; docket to remain open pending Commission's final action.

**Attachments:** [11503-2020](#)

**No Action Taken or Required**

- 7.C. [20-2107](#) Update on Brightline Trains Expenses

**Attachments:** [Staff Report](#)  
[Brightline Trains Expenses](#)

**No Action Taken or Required**

- 7.D. [20-2116](#) Indian River County Venue Event Calendar Review

**Attachments:** [Venue Event Calendar Review](#)

**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 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. [20-2096](#) First Amendment to Agreement for Visitor and Tourism Study

**Attachments:** [Staff Report](#)  
[First Amendment to Agreement](#)

**Approved staff's recommendation**

- 8.B. [20-2097](#) Award of Annual Bid 2021004 for Mowing at Fire Rescue Stations

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

**Approved staff's recommendation**

- 8.C. [20-2089](#) Florida State University - Sea Turtle Lighting Study

**Attachments:** [Staff Report](#)  
[STLP Grant Letter of Support](#)

**Approved staff's recommendation**

- 8.D. [20-2106](#) Grant Application for Funding Assistance from the State of Florida Beach Erosion Control Program - FY 2021/2022

**Attachments:** [Staff Report](#)  
[Sector 3 Funding Resolution](#)

**Approved Resolution 2020-093, requesting assistance from the State of Florida Beach Erosion Control Program - FY 2021/22**

- 8.F. [20-2108](#) First Amendment to Agreement between Indian River County, Florida, and Vero Beach MOB, LLC, for Vero Beach Medical Office Building

**Attachments:** [Staff Report](#)  
[First Amendment to Agreement Vero Beach MOB LLC](#)

**Approved staff's recommendation**

- 8.G. [20-2091](#) Resolutions Cancelling Taxes on Properties Purchased for Public Purpose (58th Avenue Right-Of-Way from Paulette Brown, an unmarried woman; and 45th Street/Old Dixie Highway Right-Of-Way Cornerclip from Gene Perry, Joined by his Spouse, Iva J. Powell; and Kenneth L. Johnson)

**Attachments:** [Staff Report](#)  
[Resolution \(Paulette Brown\)](#)  
[Resolution \(Perry, Powell, Johnson\)](#)

**1) Approved Resolution 2020-094, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Brown)**

**2) Approved Resolution 2020-095, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Perry, Powell, & Johnson)**

- 8.H. [20-2092](#) Resolution Cancelling Taxes on Property Purchased for Public Purpose (Right-Of-Way at Southeast Corner of 58th Avenue and 37th Street from Jennifer L. Schoenfeld and Heath Schoenfeld, wife and husband)

**Attachments:** [Staff Report](#)  
[Resolution \(Schoenfeld\)](#)

**Approved Resolution 2020-096, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Schoenfeld)**

- 8.I. [20-2112](#) Approval of Developer's Agreement with Florida Power & Light for the FPL Indian River Service Center

**Attachments:** [Staff Report](#)  
[Developer's Agreement](#)  
[Exhibit "B" to Developer's Agreement](#)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

In addition to thanking Commissioner Zorc and Commissioner Solari for serving the citizens of Indian River County, the Constitutional Officers updated the Board on changes made in their respective offices to accommodate staff and the public during the pandemic.

- 9.A.**     [20-2102](#)     Indian River County Property Appraiser Wesley Davis re: Annual Fiscal Report for the Year Ended September 30, 2020

**Attachments:**   [Annual Report](#)

Property Appraiser Wesley Davis, along with numerous members of his staff, presented the Board with a check in the amount of nearly \$180,000 to represent funds being returned to the taxpayers of Indian River County.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner O'Bryan, to accept the Annual Fiscal Report and the return of \$179,723.00 from the Indian River County Property Appraiser. The motion carried by the following vote:**

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

- 9.B.**     [20-2090](#)     Indian River County Sheriff Deryl Loar re: Annual Fiscal Report for the Year Ended September 30, 2020

**Attachments:**   [Excess Fees Report](#)  
                          [Annual Fiscal Report](#)

Sheriff Deryl Loar presented the Board with excess funds in the amount of \$531,057.55, acknowledging that the majority of the returned dollars was due to a reduction in travel during the COVID-19 pandemic.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to accept the Annual Fiscal Report and the return of \$531,057.55 from the Indian River County Sheriff's Department. The motion carried by the following vote:**

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

- 9.C. [20-2101](#) Indian River County Supervisor of Elections Leslie Rossway Swan re: Annual Fiscal Report for the Year Ended September 30, 2020

**Attachments:** [Excess Fees Report](#)

Supervisor of Elections Leslie Rossway Swan presented the Board with excess funds in the amount \$46,224.09, representing tax dollars being returned to the County.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to accept the Annual Fiscal Report and the return of \$46,224.09 from the Indian River County Supervisor of Elections. The motion carried by the following vote:**

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

- 9.D. [20-2099](#) IRC Tax Collector Carole Jean Jordan re: Annual Fiscal Report for the Year Ended September 30, 2020

**Attachments:** [Annual Fiscal Report](#)

[Excess Fee Report](#)

Tax Collector Carole Jean Jordan, along with several members of her staff, presented the Board with a check in the amount of \$2,867,653.28, representing funds being returned to the County.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to accept the Annual Fiscal Report and the return of \$2,867,653.28 from the Tax Collector of Indian River County. The motion carried by the following vote:**

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

- 9.E. [20-2103](#) Indian River County Clerk of Circuit Court & Comptroller Jeffrey R. Smith re: Annual Report and Excess Fees for the Year Ended September 30, 2020

**Attachments:** [Annual Report and Excess Fees](#)

Clerk of Circuit Court & Comptroller Jeffrey R. Smith, accompanied by members of his staff, presented the Board with a check in the amount of \$262,922.30, which represented funds being returned to the County.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to accept the Annual Fiscal Report and a return of \$262,922.30 from the Indian River County Clerk of the Circuit Court and Comptroller. The motion carried by the following vote:**

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

## 10. PUBLIC ITEMS



## A. PUBLIC HEARINGS

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

### 10.A.1. [20-2074](#) Biosolids Moratorium Extension Ordinance - LEGISLATIVE

Attachments: [Staff Report](#)  
[Draft Biosolids Moratorium Ordinance](#)

County Attorney Dylan Reingold announced the details related to the public hearing, and he stated his recommendation to adopt the proposed Ordinance to extend the temporary Class B biosolids moratorium for 180 days.

Commissioner O'Bryan recommended that the biosolids moratorium be extended for a period of one (1) year, expiring January 1, 2022. Attorney Reingold was supportive of the Commissioner's recommendation.

Commissioner Zorc and Commissioner Solari pointed out that the parties responsible for spreading the pollutants should also be responsible for the remediation.

Chairman Adams opened the public hearing. There being no comments, the Chairman closed the public hearing.

**A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to adopt amended Ordinance 2020-016, authorizing an extension of the temporary moratorium for an additional 1 year, or until a comprehensive review of the impact on the County's ecosystem is completed, within the unincorporated areas of Indian River County prohibiting land application activities of Class B biosolids; providing for additional study and possible regulation of Class B biosolids application activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, and an effective date. The motion carried by the following date:**

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

## B. PUBLIC DISCUSSION ITEMS

## C. PUBLIC NOTICE ITEMS

- 10.C.1. [20-2094](#) Public Notice of Public Hearing Scheduled for November 17, 2020 re Face Covering Ordinance - LEGISLATIVE

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

County Attorney Dylan Reingold read the Public Notice of Public Hearing into the record.

**No Action Taken or Required**

## 11. COUNTY ADMINISTRATOR MATTERS

- 11.A. [20-2080](#) CARES Act Phase 2 - Proposed Spending Plan Revisions

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

[IRC CARES Act \\$28M Spending Plan](#)

[COVB CARES Act Amendment](#)

[Town of Orchid CARES Act Amendment](#)

[Town of Orchid--Budget Modification- Second Allocation](#)

County Administrator Jason Brown referred to staff's memorandum dated November 2, 2020, as he explained revisions to the CARES Act Spending Plan following guidelines he had received from the State.

**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

## 12. DEPARTMENTAL MATTERS

### A. Community Development

**12.A.1. [20-2093](#)** Discussion of Development, Visioning, and Service Delivery Issues

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

Community Development Director Phil Matson opened his presentation by thanking the departing Commissioners for their unwavering support of the Metropolitan Planning Organization (MPO) and its programs, such as growing the GoLine public transportation system and advocating for walking trails and bike lanes on major roadways. He then provided an overview of staff's memorandum dated November 2, 2020, and a PowerPoint presentation to discuss in detail the facts and strategies for planning for growth within the County.

Discussion ensued among the Commissioners, who addressed their concerns and ideas for making Indian River County the best place to live for individuals of all economic ranges. Commissioner Solari and Commissioner O'Bryan spoke in support of reaching out to major landowners for feedback on what the County could do to better serve them. Chairman Adams stated that the municipalities have individual needs, which are also the needs of the County. The Commissioners expressed their appreciation for the work put into the informative presentation.

**No Action Taken or Required**

Chairman Adams called for a recess at 12:30 p.m., and reconvened the meeting at 12:34 p.m., with all members present.

**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.** [20-2109](#) Third Addendum to Agreement between Indian River County and REDEVGROU, Inc. for Lot 5, Plat of Indian River Mall

**Attachments:** [Staff Report](#)  
[Third Addendum to Agreement](#)  
[Second Amendment and Restatement of Declaration](#)

Deputy County Attorney Bill DeBraal requested approval of an addendum that would increase the allowable square footage from 7,200 to 7,800 for a building proposed to be constructed on the parcel of land (Lot 5, Indian River Mall) owned by REDEVGROU, Inc. Commissioner O'Bryan inquired and received clarification that the average size of all buildings on the parcel would remain at 7,200 square feet or less, and he suggested approving the maximum square footage at slightly more than the requested amount of 7,800 to avoid having to reconvene for a minor increase. Commissioner Solari felt that 8,000 square feet was a sufficient number, with his fellow Commissioners in agreement.

Joeseeph Cataldo, representing REDEVGROU, Inc., was appreciative of the Board's cooperation.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation with a change to the Third Addendum to state that no single building footprint shall exceed 8,000 square feet. 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**
- C. Commissioner Tim Zorc**

- 14.C.1. [20-2113](#)** Discussion on Locating an Inter-County Emergency Services Facility in the Vicinity of Yeehaw Junction

**Attachments:** [Commissioner's memo](#)

(Clerk's Note: This item was moved to be heard following Item 10.C.1. Public Notice Items.)

Commissioner Zorc talked of an Inter-County Emergency Services Facility in the vicinity of Yeehaw Junction to reduce the lengthy response time in a medical emergency. He requested approval by the Board to allow Emergency Services Director and Fire Chief Tad Stone the freedom to discuss an inter-county facility with officials from the adjoining three (3) counties: Okeechobee, St. Lucie, and Osceola.

Discussion among the Board included Commissioner Solari stating that in order to support the request, he would need statistics on the average number of emergency calls per year to the Yeehaw Junction area. Vice Chairman Flescher mentioned the positive relationship for mutual aid from both Osceola County and the Florida Highway Patrol. He also pointed out that two (2) new fire stations needed to be built within the County.

Chief Stone expressed interest in having conversations with neighboring County Fire and Rescue Chiefs for a possible mutual aid plan to be implemented several years down the road. The Board had no objection to conversations between Chief Stone and the emergency officials from neighboring counties.

**No Action Taken or Required**

- 14.C.2. [20-2114](#)** Closing Comments

**Attachments:** [Commissioner's memo](#)

Commissioner Zorc spoke of the many successes during his tenure, making mention of the projects/programs that were close to completion. He closed by reiterating his dislike of the Impact Fee increase that went into effect earlier in 2020.

**No Action Taken or Required**

**D. Commissioner Peter D. O'Bryan**

**E. Commissioner Bob Solari**

## **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, Chairman Adams adjourned the meeting at 12:46 p.m.