



# Indian River County Florida

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
[www.ircgov.com](http://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, September 22, 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

#### 2. ROLL CALL

**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

**Rev. Dr. Crystal Bujol, Artistic Director for the Gifford Youth Orchestra**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Bob Solari**

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

Move: Items 12.B.1. and 15.A.1. to be heard following Item 8. Consent Agenda.

**A motion was 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.**     [20-1879](#)     Presentation of Proclamation Designating September, 2020, as Keep Indian River Beautiful International Coastal Cleanup Month

**Attachments:**   [Proclamation](#)

Commissioner O'Bryan read and presented the Proclamation to Kristi Woodward and Daisy Packer, representing Keep Indian River Beautiful, who announced they would be hosting the annual International Coastal Cleanup on October 17, 2020.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

- 7.A.**     [20-1950](#)     Proclamation Honoring Foster "Kery" Jones on His Retirement From Indian River County Board of County Commissioners Department of Community Development, Building Division with Twenty-One Years of Service

**Attachments:**   [Proclamation](#)

Chairman Adams congratulated Mr. Jones on his twenty-one years of service to Indian River County.

**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.**     [20-1943](#)     Checks and Electronic Payments September 4, 2020 to September 10, 2020

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

**Approved**

- 8.B.**     [20-1972](#)     County Capital Asset Inventories

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

**Approved**

8.C. [20-1947](#) Award of Bid No: 2020056, Indian River County Courthouse Parking Garage Rehabilitation (IRC-1801A)

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

**Approved staff's recommendation**

8.D. [20-1949](#) Renewal and Amendment No. 1 for Continuing Professional Surveying and Mapping Services Firms, RFQ# 2016029, IRC-1605

**Attachments:** [Staff Report](#)  
[Carter Associates, Inc.](#)  
[Kimley-Horn & Assoc., Inc.](#)  
[Morgan Eklund, Inc.](#)  
[Southeastern Surveying & Mapping Corp.](#)  
[CivilSurv Design Group, Inc.](#)

**Approved staff's recommendation**

8.E. [20-1940](#) Right-of-Way Purchase - 58th Avenue/37th Street Intersection 3755 58th Avenue, Vero Beach, FL 32966 Owners: Robert L. Matthews

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

**Approved staff's recommendation**

8.F. [20-1962](#) First Amendment to Indian River County and Department of Education/ Division of Blind Services Vending Machine Agreement

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

**Approved staff's recommendation**

8.G. [20-1961](#) Indian River County Library State Aid to Libraries Grant

**Attachments:** [Staff Report](#)  
[State Aid To Libraries Grant Agreement](#)  
[Certification of Hours](#)  
[Library System Annual Plan of Service](#)  
[Grant Form for State Aid 2020 signed](#)

**Approved staff's recommendation**

- 8.H. [20-1927](#) Amendment No. 1 to Work Order No. 3 with Kimley-Horn and Associates for Floridan Well Deepening and Performance Improvement at South County RO Plant

**Attachments:** [Staff Report](#)  
[Amendment No 1 to Work Order No 3](#)

**Approved staff's recommendation**

- 8.I. [20-1941](#) Approval of Renewal for a Class "A" Certificate of Public Convenience and Necessity for Indian River County Department of Emergency Services

**Attachments:** [Staff Report](#)  
[COPCN Application IRCFR 2020](#)

**Approved staff's recommendation**

- 8.J. [20-1974](#) Miscellaneous Budget Amendment 010

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

**Approve Resolution 2020-069, amending the Fiscal Year 2019-2020 Budget.**

- 8.K. [20-1960](#) Revision to Administrative Policy Manual - Approval of New Policy AM-903.2 Cellular Device and Stipend Policy

**Attachments:** [Staff Report](#)  
[AM-903.2 Cellular Device and Stipend Policy](#)  
[Exhibit A Cell Device Stipend Authorization Form](#)  
[Exhibit B County Issued Cellular Device Form](#)

**Approved staff's recommendation**

- 8.L. [20-1970](#) Approval of Resolution Establishing Utility Rates for Housing Choice Voucher Program

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit A to Resolution](#)

**Approved Resolution 2020-070, approving revisions to the Housing Choice Voucher Program Utility Allowance Schedule.**

**8.M.**     [20-1971](#)     Approval of Resolution Establishing Fair Market Rental Rates for Housing Choice Voucher Program

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

**Approved Resolution 2020-071, approving payment standards for beginning Fiscal Year 2021 for the Housing Choice Voucher Program.**

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

**8.N.**     [20-1980](#)     Ratification of an Amendment to Agreement for Access and Sand Renourishment for Sector 7 Project with Lizabeth Becton-Read, as Trustee of the Lizabeth Becton Revocable Trust

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.**     [20-1975](#)     Indian River County Sheriff Deryl Loar: Request to Spend \$33,890 of Expenditures from the Criminal and Sex Offender Registrant Fee Account

**Attachments:**   [Memorandum from Sheriff Loar](#)

Indian River County Sheriff Deryl Loar requested the Board's approval for expenditures from the Criminal and Sex Offender Registrant Fee account for renewal of an annual subscription for Offender Watch software and mobile service, and registrant office supplies.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to approve the Sheriff's request. 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 HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**10.A.1. [20-1889](#)** Changes to Chapter 102 of the Indian River County Code of Ordinances - LEGISLATIVE

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

County Attorney Dylan Reingold reviewed the changes to Chapter 102 of the Code of Indian River County, as directed by the Board on August 18, 2020.

Chairman Adams opened the Public Hearing for comments.

There being no speakers, the Chairman closed the Public Hearing.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to adopt Ordinance 2020-011, amending Section 102.01 (Board of County Commissioners Meetings and Procedures) and Section 102.04 (Order of Business) of Chapter 102 (Board of County Commissioners; Meeting and Procedures) of the Code of Indian River County, to update the processes for Board of County Commissioners Meetings; and providing for codification; severability; conflict of ordinances; and effective date of the ordinance. The motion carried by the following vote:**

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

**10.A.2. [20-1930](#)**

Providence Pointe Vero Beach LLC's Request to Extend the Zoning Reverter Deadline for Providence Pointe PDTND [PD-13-04-01 & AA-20-05-64 / 2004110179-86579] (**Legislative**)

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

[Location Map](#)

[BCC Approval Letter](#)

[Ordinance 2013-011](#)

[Proposed PD Reverter Extension Ordinance](#)

Chief of Current Development Ryan Sweeney referred to staff's memorandum dated September 15, 2020 to address the request by Providence Pointe Vero Beach LLC to extend the seven (7) year zoning reverter deadline an additional five (5) years, until August 20, 2025, for the Providence Pointe Planned Development Traditional Neighborhood Design (PDTND). He explained that all other approval conditions outlined in the original PDTND would remain unchanged.

Chairman Adams opened the Public Hearing for comments.

There being no speakers, the Chairman closed the Public Hearing.

**A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to adopt Ordinance 2020-012, further extending the deadline by five (5) years for the Providence Pointe PDTND Development Project to commence construction or have the zoning designation revert to the site's original (pre-planned development approval) zoning designation(s); and providing for an effective date. The motion carried by the following vote:**

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

- 10.A.3. [20-1973](#)** Approval of Public Housing Agency 5-Year and Annual Plan, Administrative Plan, Certifications and Accompanying Resolution

**Attachments:** [Staff Report](#)  
[5 Year PHA Plan](#)  
[Streamlined Annual PHA Plan](#)  
[Resolution](#)

County Attorney Dylan Reingold provided background of the County's participation in various U.S. Department of Housing and Urban Development (HUD) programs.

He explained that every five (5) years the County was required to submit an updated Public Housing Agency (PHA) 5-Year Plan to HUD. He spoke of the annual plan updates, the Administrative Plan for the Housing Choice Voucher Program, and further detailed the information contained in the 5-Year PHA Plan.

Chairman Adams opened the Public Hearing for comments.

There being no speakers, the Chairman closed the Public Hearing.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve Resolution 2020-072, approving the Indian River County Housing Choice Voucher Program Five Year, Annual and Administrative Policy with the necessary attachments. The motion carried by the following vote:**

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

## **B. PUBLIC DISCUSSION ITEMS**

- 10.B.1. [20-1969](#)** Request to speak from Lt Col Bill Woody, Civil Air Patrol--Civil Air Patrol in Indian River County Presentation

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

Lieutenant Colonel Bill Woody, 4825 48th Avenue, utilized a PowerPoint presentation to deliver information about the Civil Air Patrol, a volunteer organization providing support to communities throughout the United States.

**No Action Taken or Required**

## **C. PUBLIC NOTICE ITEMS**



- 10.C.1. [20-1944](#) Public Notice of Public Hearing Scheduled for October 6, 2020 to Consider an Ordinance to Amend County Code Chapter 308, Indian River County Housing Assistance Program [**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. [20-1983](#) CARES Act Update

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

[CARES Act Funding](#)

[Sebastian Revised Scope of Work](#)

[Sebastian First Amendment](#)

[IRC CARES Small Biz Grant Application Round 2](#)

[Additional NAICS Codes Round 2](#)

County Administrator Jason Brown referred to staff's memorandum dated September 9, 2020, to detail the Phase 1 disbursements of the CARES Act Spending Plan through September 30, 2020. Administrator Brown added that the Town of Orchid requested authorization of their \$47,600 allocation; he noted that this request was received after staff's memo and recommendations were compiled.

His report continued with the initial plan for Phase 2 of the CARES Act Funding, the County Small Business COVID-19 Recovery Grant, and the Coronavirus Relief Fund, which provided mortgage and rental assistance for County residents.

Commissioner Solari expressed concern that there were 400 applications for mortgage and rental assistance waiting to be processed. Commissioner O'Bryan suggested that the County subcontract with an accounting firm to assist in processing applications.

**A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to: 1) Approve staff's recommendation; 2) Allocate \$47,600 in additional funding to the Town of Orchid; and 3) Direct staff to subcontract with an accounting firm to expedite the mortgage and rental assistance application process. 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. [20-1948](#)**

Jacob Allenbaugh's Appeal of a Decision by the Planning and Zoning Commission that Construction of a Residence on Property at 6390 77th Street with a Legal Nonconforming 500' Tall Communications Tower is not allowed under County Regulations

**Attachments:** [Staff Report](#)[Location Map](#)[Excerpt from July 23, 2020 PZC Minutes](#)[County Code Sections 904.05 and 971.44\(1\)](#)[Appeal Request with Attachments](#)[County Code Section 902.07 \(Appeal Procedures\)](#)[March 12, 2020 Staff Letter with Attachments](#)[County Comprehensive Plan Future Land Use Objective 10](#)

Chief of Current Development Ryan Sweeney utilized a PowerPoint presentation to discuss Jacob Allenbaugh's request for information on the development potential of the property at 6390 77th Street, which had been denied because of the presence of a 500' communications tower. Chief Sweeney gave an overview of the timeline of the request and confirmed that the Planning and Zoning Commission (PZC) did not fail any of the three (3) criteria outlined in the Land Development Regulations Section 902.07(4). Mr. Allenbaugh was agreeable with staff and the PZC's determination.

Vice Chairman Flescher sought and received clarification from Chief Sweeney that Mr. Allenbaugh was interested in purchasing the property.

Commissioner O'Bryan agreed that the PZC did make the correct decision; however, he felt that the County could find a way to allow Mr. Allenbaugh to build a home on the property as long as there was a deed restriction to hold the County harmless of any future liability.

A discussion ensued between Mr. Allenbaugh, the Board and staff to establish that two residences could be built on the parcel--one on the parcel at the front of the property, and one on the parcel at the back of the property. The middle parcel would include the tower with consensus for a 250-foot fall-zone radius that would remain undeveloped. Mr. Allenbaugh was agreeable to the deed restriction.

Chairman Adams opened the floor to public comment.

Jim Parks, 6550 77th Street, thanked the Board for their decision.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to: 1) Confirm that the Planning and Zoning Commission made the**

proper finding under the three criteria; 2) Approve the Appellant's request to utilize the property, directing staff to establish a 250 foot radius setback, which would allow the property to be divided into two parcels for residential construction; and 3) Directed the Appellant to work with the County Attorney on a deed restriction that indemnifies the County from any future liability related to the tower on the property. The motion carried by the following vote:

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

**Nay:** 1 - Commissioner Solari

The Chairman called for a recess at 10:25 a.m., and reconvened the meeting at 10:35 a.m., with all members present.

## B. Emergency Services

### 12.B.1. [20-1942](#) Request for Sole Source to Communications International for E911 Multiprotocol Label Switching (MPLS) Project

**Attachments:** [Staff Report](#)  
[911 MPLS Project Quote](#)

*(Clerk's Note: This item was heard following the Consent Agenda, and is placed here for continuity.)*

Director of Emergency Services and Fire Chief Tad Stone discussed the E911 Multiprotocol Label Switching (MPLS) Project, an upgrade that would supply a redundant data path to support the 911 phones and data in the event of a County fiber-optic network failure.

**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

## C. General Services

### 1. Human Services

### 2. Sandridge Golf Club

### 3. Recreation

## D. Human Resources

## E. Office of Management and Budget

## F. Public Works

### 12.F.1. [20-1978](#) Sector 3 (IRC-1925) and Sector 7 (IRC-1926) Beach and Dune Restoration Project Easement Status and Project Recommendations

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

[APTIM Bid Recommendation Letter 9-15-20](#)

[Coastal Tech Recommendation Letter 9-15-20](#)

Public Works Director Richard Szpyrka referred to staff's memorandum dated September 16, 2020, and a PowerPoint presentation to provide an overview of the Sector 3 and Sector 7 Beach and Dune Restoration Projects. He noted that both projects faced challenges obtaining the number of approved easements needed to ensure an effective result.

Director Szpyrka then went on to discuss each project in depth, beginning with the bid disparity in the Sector 3 Project. He recounted that the lowest bidder, Ahtna Marine & Construction Company, LLC (Ahtna), had withdrawn their bid after the applicable deadline due to computational errors. The next lowest, qualified bid exceeded the budgeted local contribution and therefore could not be considered. Director Szpyrka reviewed staff's recommendations, and sought the Board's direction.

Discussion ensued as the Commissioners received clarification from Director Szpyrka regarding easements, funding and staff's recommendations. Under discussion, Commissioner O'Bryan made a motion to proceed with Sector 3 and award the project to Ahtna; if Ahtna did not honor their bid, staff was authorized to pull the bid bond and proceed with Option 3.B. as detailed in staff's memo.

The following people addressed the Board:

Tuck Ferrell, Vice Chairman, Indian River County Beach & Shore Preservation Advisory Committee

Mark Tripson, 5020 12th Street

Tommy King, Rio-Bak Corporation

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation to: 1) Award the contract to Ahtna Marine and Construction, LLC (Ahtna) for the Sector 3 Beach and Dune Project; 2) If Ahtna refused to honor the bid, staff was authorized to pull the bid bond and proceed with Recommendation 3.B.--re-bid a smaller portion of Sector 3 for completion in 2020/2021, and postpone a re-bid of the remaining portion of Sector 3 until 2021/2022. The motion carried by the following vote:**

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

Discussion returned to the Sector 7 project with Commissioner O'Bryan's suggestion to delay the project for one year while staff obtained more easements and worked to get extensions on the grant funds; all existing bids would be rejected.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher to: 1) Delay the Sector 7 Beach and Dune Project for one year; 2) Continue to work on obtaining more easements; 3) Authorize staff to work with the Federal Emergency Management Agency and the Florida Department of Environmental Protection to obtain extensions on the grant funds; and 4) Reject all bids. The motion carried by the following vote:**

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

## **G. Utilities Services**

**12.G.1. [20-1985](#)** 4730 40th Avenue, Gifford Gardens Property Utility Account

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

Director of Utility Services Vincent Burke sought direction from the Board regarding the former Gifford Gardens property, slated for affordable housing development. He recounted that the County purchased the property in 2020 with an existing utility lien, as well as (55) multi-family Equivalent Residential Units (ERUs) which continued to accrue service availability charges. Director Burke referred to staff's memorandum of September 8, 2020 as he summarized different recommendations for resolving the property's utility issues.

The Commissioners sought and received clarification from Director Burke on the various recommendations, and discussed the community's need for affordable housing.

Commissioner Solari stated his support of a one-time creative solution, as detailed in Option 6 in staff's memo, with the utility lien removed after the recommended actions were performed.

Commissioner O'Bryan objected to the portion of Option 6 which called for recalculation of ERU fees, as it would not make-whole the Utility's debt.

**A motion was made by Commissioner Solari, seconded by Commissioner Zorc, to approve staff's recommendations to: 1) Allow a one-time creative solution for the County-owned property in order to develop affordable housing; 2) Retain (22) single-family ERU's and recalculate the past due service availability fees based on only those ERUs retained; 3) Write off the Utility's bad debt; 4) Pre-pay (24) months of service availability fees on the (22) single-family ERUs to avoid the accrual of charges; and 5) Release the utility lien against the property after the recommended actions are performed. 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. COUNTY ATTORNEY MATTERS**

**13.A.** [20-1945](#) Code Enforcement Board - Alternate Member**Attachments:** [Staff Report](#)[Application for CEB - Roy Clark](#)[Application for CEB - Kelly Darmetko](#)[Application for CEB - Terrance Schlitt](#)[Application for CEB - Dana DiFrancesco](#)

County Attorney Dylan Reingold sought the Board's consideration to appoint an alternate member to the County's Code Enforcement Board (CEB) in order to avoid falling short of recently mandated quorum requirements. Attorney Reingold provided several candidates for the Board's consideration.

Commissioner O'Bryan requested splitting the item into two separate votes: one to establish support of an alternate member, and upon approval, a second to confirm the nominee.

**A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to appoint one alternate member to the Code Enforcement Board. The motion was carried by the following vote:**

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

Following her nomination, Ms. DiFrancesco appeared before the Board and offered that her experience as a Code Enforcement Officer in St. Lucie County would be an asset.

**A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to appoint Dana DiFrancesco as the alternate member 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

**14. COMMISSIONERS MATTERS****A. Commissioner Susan Adams, Chairman**



**14.A.1. [20-1977](#)** Countywide Development, Visioning and Service Delivery

**Attachments:** [Commissioners Memo](#)

Chairman Adams requested that the Board engage in envisioning a holistic plan to deal with the County's imminent growth and need for public works and utilities services. The Commissioner cited examples of growing pains in unincorporated areas of the County, as well as recent annexations by neighboring municipalities.

Discussion ensued with Chairman Adams' suggestion that county staff return to the Board with an outline of existing rules and regulations in order to identify obstacles and opportunities in establishing a path for growth.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Zorc, to direct staff to prepare a report for future discussion on the burdens and benefits of the development options today in the unincorporated areas 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

*The Chairman called for a recess at 11:42 a.m., and reconvened the meeting at 11:50 a.m., with all members present.*

**B. Commissioner Joseph E. Flescher, Vice Chairman**

**C. Commissioner Tim Zorc**

**14.C.1. [20-1913](#)** Discussion on Compensation Procedures for Business Owners when County Contractors Disrupt Commercial Activities

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

Commissioner Zorc raised concern for the businesses along 43rd Avenue and State Road 60 which had experienced business disruptions and loss of revenue due to that intersection's widening project. He cited the example of Mermaid Vet Hospital which had experienced financial losses due to service disruptions and inaccessibility to their office.

Dr. Peter Mosites, Owner, Mermaid Vet Hospital, spoke via zoom on the impact of business disruptions from construction.

Discussion ensued among the Commissioners regarding who was responsible for compensating the business owners affected by the project.

Joseph Paladin, Black Swan Consulting, offered his opinion that it was not the County's responsibility.

Chairman Adams sought and received clarification from County Administrator Jason Brown on the role of the County. She pointed out the Board's reluctance for the County to be involved in conversations between the contractors for the project and the affected businesses, but supported adding Best Management Practice policies for projects going forward.

**No Action Taken or Required**

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

**14.D.1. [20-1967](#)**

Summary of the Florida Association of Counties proposed legislative policies for the Water and Environmental Sustainability and Community and Urban Affairs Committees

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

[FAC CUA Policy summary](#)

[FAC WES policy summary](#)

Commissioner O'Bryan provided a summary of the proposed legislative policies from the Florida Association of Counties (FAC) Committees on Water and Environmental Sustainability, and Community and Urban Affairs.

Chairman Adams also gave an update on the proposed legislative policies from the FAC Agriculture and Rural Affairs, and COVID-19 Ad Hoc Committees.

Brian Sullivan, Legislative Affairs and Communications Manager, detailed some of the proposed policies facing the Florida Legislature in its upcoming session which begins on March 2, 2021.

**No Action Taken or Required**

**E. Commissioner Bob Solari**

**14.E.1. [20-1976](#)** BMAP Allocations for Indian River County

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

Commissioner Solari opened discussion on recent developments related to the Basin Management Action Plan (BMAP) for the Central Indian River Lagoon (Lagoon) handed down by the Florida Department of Environmental Protection (FDEP). The Commissioner reviewed the BMAP's change in methodology which allocated Indian River County a larger and more expensive share of the Lagoon's nitrogen removal requirements. He noted that his frustration lay with a broken BMAP development process which lacked communication from FDEP and disregarded input from the County.

Public Works Director Rich Szpyrka detailed the significant financial impact that the changed BMAP parameters would have to the County; the matter was considered urgent in light of the FDEP's December 2020 deadline to complete the BMAP.

Discussion ensued between the Board and staff, with County Attorney Dylan Reingold providing guidance on filing a formal, legal protest. Chairman Adams voiced a need to proceed with caution on this politicized issue, and advocated working up the chain of command at FDEP.

Commissioner Solari specified that his goal was to enable better communication between staff and FDEP, and suggested authorizing staff to hire a consultant or attorney to work with the FDEP to set reasonable goals for Indian River County.

The Chairman then opened the discussion to the public. The following people spoke:

Joseph Paladin read into the record a letter from Jean Catchpole, Chairman, Indian River Neighborhood Association (IRNA) Water and Lagoon Committee

Ryan Sweeney read into the record a letter from Paul Fafeita, President, Clean Water Coalition

There being no further comments, public discussion was closed.

The Board wrapped up discussion with final comments on addressing the FDEP.

**A motion was made by Commissioner Solari, seconded by Chairman Adams, to authorize the County Administrator to hire an outside consultant or attorney to assist staff in working with the Federal Department of Environmental Protection to arrive at scientifically based total nitrogen and**

total phosphorus loads for the Indian River County portion of the Indian River Lagoon, and to help set equitable and science based, or at least reason based, removal allocations for all the partners of the BMAP process. The motion carried by the following vote:

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

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved an upcoming Emergency Services District meeting.

*(Clerk's Note: The Emergency Services District Items were heard following Item 8. Consent Agenda, and are placed here for continuity.)*

**15.A.1. [20-1963](#)**

Approval of Year Two Public Emergency Medical Transportation (PEMT) Letter of Agreement between Indian River County Emergency Services District and Agency for Health Care Administration (AHCA).

**Attachments:** [Staff Report](#)  
[Letter of Agreement](#)  
[Copy of IGT questionnaire](#)

Commissioner O'Bryan explained that a new process required an upfront payment from the County to the Agency for Health Care Administration (AHCA) which would be returned with the Public Emergency Medical Transportation (PEMT) payments.

**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

**B. Solid Waste Disposal District**

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 1:23 p.m.