



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Meeting Minutes 4

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, July 14, 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 Jimmy Hill, Salt of the Earth Ministry

3. PLEDGE OF ALLEGIANCE

Commissioner Bob Solari

At the request of Chairman Adams, County Attorney Dylan Reingold announced that the meeting could be attended online through YouTube Live, and public comments would be read at the appropriate time. He also reminded the public of the County's social media policy.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 14.D.1. to be heard in conjunction with Item 10.A.3.

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. Presentation of Proclamation Designating the Week of July 19, 2020 Through July 25, 2020, As Treasure Coast Waterway Cleanup Week

Chairman Adams read and presented the Proclamation to Kevin Green of the Treasure Coast Sports Commission, who discussed their partnership with the Marine Industries Association of the Treasure Coast and the Florida Inland Navigation District for a virtual waterway cleanup to take place July 18-26, 2020. Mr. Green explained that due to COVID-19, changes were made to go from a one-day organized event to a virtual event where individuals would register online at www.tewaterwaycleanup.com to clean the waterways at their convenience, then return to the website to log their cleanup data.

Read and Presented

5.B. Proclamation Designating the Month of July, 2020, as Parks and Recreation Month and designating July 17, 2020 as Parks and Recreation Professionals Day

Commissioner Zorc read and presented the Proclamation to Assistant County Administrator Michael Zito and Parks and Conservation Resources Director Kevin Kirwin.

Assistant Administrator Zito provided the history of the former Parks Division of the Recreation Department, which had recently merged into the Parks and Conservation Resources Department. In addition, he introduced Director Kirwin, present with members of his staff, who was recently elected President of the Florida Recreation and Parks Association (FRPA). Director Kirwin explained the many activities that were available to residents and visitors during the pandemic. He stated that the County's conservation lands, trails, shooting range, pools and beaches had been extremely busy.

Read and Presented

6. APPROVAL OF MINUTES

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

7.A. Proclamation Honoring Robert J. Halliday on His Retirement From Indian River County Board of County Commissioners Department of Utility Services/Customer Service Division with Thirty-Five Years of Service

No Action Taken or Required

- 7.B.** Proclamation Honoring John L. Metz on His Retirement From Indian River County Board of County Commissioners Department of Utility Services/Water Production Division with Twenty-Eight Years of Service
No Action Taken or Required
- 7.C.** Proclamation Honoring Arthur L. Pfeffer on His Retirement From Indian River County Board of County Commissioners Department of Utility Services/Engineering Division with Seventeen Years of Service
No Action Taken or Required
- 7.D.** Proclamation Honoring Lori Hoffman on her Retirement from the Florida Department of Health in Indian River County

Chairman Adams thanked Ms. Lori Hoffman for her 36 years of dedicated service to the Florida Department of Health, as she spent the past 31 years in Indian River County.

Environmental Health Director Cheryl Dunn, Florida Department of Health in Indian River County, presented Ms. Hoffman with the Proclamation.
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.** Checks and Electronic Payments June 26, 2020 to July 2, 2020
Approved
- 8.B.** Auditing Services Contract
Approved
- 8.C.** 2021 Holiday Schedule
Approved staff's recommendation
- 8.D.** Jones' Pier Conservation Area Public Use Improvements - Easements
Approved staff's recommendation
- 8.E.** Award of Bid No. 2020037, Indian River Boulevard and 8th Street Signalization (IRC-1909)

Approved staff's recommendation

- 8.F.** Right-of-Way Purchase - 58th Avenue/37th Street Intersection 5800 37th Street, Vero Beach, FL 32966 Owners: Woodrow Dawsey & Belinda Dawsey

Approved staff's recommendation

- 8.G.** Work Order No. 3 - Andersen Andre Consulting Engineers, Inc., 58th Avenue (57th St. to CR 510) Full Depth Reclamation Testing Services (IRC-1325)

Approved staff's recommendation

- 8.H.** Change Order No. 1 and Release of Retainage, North County Regional Park Aquatic Facility Roof Replacement (IRC-1826)

Approved staff's recommendation

- 8.I.** Old Dixie Highway and Highland Drive Intersection Improvements (IRC-1362), Release of Retainage and Change Order No. 1

Approved staff's recommendation

- 8.J.** Amendment No. 2 to Indian River County Courthouse Renovation Professional Architectural and Engineering Services Consultant Agreement

Approved staff's recommendation

- 8.K.** Request by Victor and Janis C. Ramos for Release of an Easement located at 7415 30th Court (Copeland's Landing Subdivision Phase II)

Approved Resolution 2020-057, releasing an easement (or portion thereof) on Lot 49, Copeland's Landing Subdivision Phase II.

- 8.L.** One year extension of agreement between Indian River County (IRC) and AT&T

Approved staff's recommendation**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES****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.** Consideration of Amendment to Land Development Regulations Changing the List of Uses in Agricultural Zoning Districts to Prohibit Commercial or Residential Lawn Care Services (first of two required public hearings) LEGISLATIVE

County Administrator Jason Brown provided the previous dates this item had been presented to the Board, and he requested the Board open and continue the

first of two required public hearings until August 18, 2020, due to the COVID-19 pandemic.

Chairman Adams confirmed with Community Development Director Phil Matson that the interested parties had been notified of staff's recommendation to continue the first public hearing.

Commissioner O'Bryan suggested continuing the public hearing until October 6, 2020 due to his feeling that COVID-19 would still be a factor within the community in mid-August. Administrator Brown agreed with the date change, and he noted that the pending ordinance would remain in place until a new ordinance was adopted.

Chairman Adams opened the public hearing.

Charles Kennon Hendrix, 6220 1st Street SW, was not in favor of continuing the public hearing.

Brett Paul, 7080 57th Street, spoke in support of continuing the public hearing.

Director Matson was appreciative of the residents who were present, and he reiterated that all involved parties had been notified of staff's intent to continue the first public hearing.

There being no further discussion, Chairman Adams called for a motion to continue the public hearing.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation with an amendment that the first public hearing would be continued until October 6, 2020. 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.

Economic Development Ad Valorem Tax Exemption Ordinance - LEGISLATIVE

County Attorney Dylan Reingold referred to staff's memorandum when presenting the Indian River County Economic Development Ad Valorem Tax Exemption draft ordinance. He stated that, upon approval by the Board, the referendum to extend the sunset date would be placed on the November 3, 2020 General Election ballot as a renewal of the exemption, and if passed by the voters it would remain in effect for ten years.

Chairman Adams opened the public hearing.

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, stated her appreciation for the Board's consideration of the Tax Abatement program.

Steve Boyle, 285 Riverway Drive, spoke in support of the job and economic growth the program could provide.

There being no additional speakers, the Chairman closed the public hearing.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to adopt Ordinance 2020-008, amending Section 1100.13 (Sunset Date) of Chapter 1100 (Economic Development Ad Valorem Tax Exemption) of the Code of Indian River County, Florida extending the Sunset Date; providing for referendum for Economic Development Ad Valorem Tax Exemption; and providing for codification, severability, repeal of conflicting provisions and 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.

Face Covering Ordinance

County Attorney Dylan Reingold referred to the Florida Statutes as he clarified that enacting a waiver of the 10-day notice requirement for advertising a public hearing was possible with a 4/5 membership vote by the Board if an emergency existed and the immediate enactment of the ordinance was a necessity. He made mention that the County Attorney's office was able to provide a five (5)-day notice for advertising the public hearing for the Face Covering Ordinance.

Commissioner Solari stated his opinion that the many changes related to the fast-spreading nature of COVID-19 proved that an emergency did exist.

A motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to waive the notice requirement for advertising a public hearing due to an emergency related to the fast-spreading nature of COVID-19. The motion carried by the following vote:

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

Attorney Reingold announced the procedures to be followed during the public hearing, noting that each speaker would be limited to three (3)-minutes when addressing the Board.

County Administrator Jason Brown provided the background that led to the Face

Covering Ordinance being presented to the Board for their approval. He discussed Emergency Order 2020-15, which went into effect on June 29, 2020, requiring persons to wear face coverings when entering County buildings, riding the public transit system, and also for employees of restaurants and certain businesses. Administrator Brown stated that the order was designed to educate and encourage the public to wear face coverings, and not to charge anyone with a second degree misdemeanor, a violation set according to the Florida Statutes for all Emergency Orders. He declared that no person had been charged for not wearing a face covering under Emergency Order 2020-15, and that approval of a Face Covering Ordinance would allow for the potential penalties and fines to be assigned by the Board.

With the aid of a PowerPoint presentation, Administrator Brown acknowledged that, although more people were voluntarily wearing masks in public, the recent trends related to the spread of COVID-19 were concerning. He provided a short video to compare the spreading of droplets when a mask was worn to when a mask was not worn.

Health Official Miranda Hawker, Florida Department of Health in Indian River County, utilized a PowerPoint presentation to provide the local statistics where it related to COVID-19 testing, positive cases, hospitalizations, and deaths. She spoke on the importance of wearing a mask.

Dr. Gregory Rosencrance, President, Cleveland Clinic Indian River Hospital, discussed the current trend and the hospital's ability to provide necessary services to the public. He spoke in full support of the Face Covering Ordinance, and he delivered data that supported his recommendation.

Dr. David Moore, School District of Indian River County (SDIRC), stated that safety was his number one concern, and that the SDIRC had been brainstorming and problem-solving to plan for school to reopen on August 10, 2020. Although there would be three (3) options available to families, Dr. Moore estimated that 80% of the students would be returning to the brick and mortar experience. He spoke in support of practices within the community that could slow the spread of COVID-19.

Commissioner O'Bryan questioned the wording in the proposed Face Covering Ordinance that included the SDIRC. Administrator Brown responded that the Ordinance as written did not exclude schools. Dr. Moore stated that the SDIRC had been planning for mandatory face coverings when social distancing was not possible. He added that he would be meeting with four (4) pediatricians on July 15, 2020 to discuss the best way to provide a safe and healthy environment for all students, teachers, and staff.

Administrator Brown continued his PowerPoint presentation by highlighting the increase in hospitalizations due to COVID-19, the characteristics of the State of Florida and Indian River County's positive cases, and the death projections for November 1, 2020. He discussed the caution used by the County when implementing regulations, yet shared his opinion that regulations were sometimes necessary. He stated that the recommended ordinance would require face coverings to be worn in the unincorporated areas of the County inside buildings if social distancing was not possible, and outside during events that included more than 50 people if social distancing was not possible. Administrator Brown then discussed the proposed exemptions and fine amounts.

Commissioner Solari and Attorney Reingold discussed clerical errors that needed to be corrected and fine amounts for contested versus uncontested citations. Commissioner Solari remarked that a termination date should be including in the proposed Face Covering Ordinance.

Commissioner O'Bryan suggested that Section 2.1. and Section 2.2 should not include the phrase "where social distancing is not possible" as it could cause confusion. He also felt that Section 2.10.A. regarding exemptions for children should be changed to persons under the age of five (5) or six (6) years.

Commissioner Zorc agreed with Commissioner Solari that an open-ended ordinance was not a good idea. In addition, he addressed the exemptions that were included in St. Lucie County's recently-signed Executive Order.

The Chairman called for a recess at 10:18 a.m., and reconvened the meeting at 10:28 a.m., with all members present.

Chairman Adams went over the procedures to be followed by both the individuals who were present and those participating via YouTube Live. She then opened the public hearing.

The following individuals were opposed to the proposed Face Covering Ordinance:

James Sullivan, 187 Mabry Street, Sebastian

Kerri Wilson, 226 16th Avenue

Harry Howle, 765 Broadway Street

Ruth Kuvlesky, 309 Tunison Lane, Sebastian

Jennifer Pippin, 2616 52nd Avenue

Kristy Corrigan, 7150 20th Street

Angela Novak, 690 22nd Avenue

Dan Corrigan, 7150 20th Street

Nathan Sweigard, 8146 25th Street
Serap Zang, 1760 14th Avenue
Nick Novak, 690 22nd Avenue
Patrick Grall, 3000 82nd Avenue
Michael Turner, 2444 2nd Court SE
Tracey Borcheller, 6320 Salmon Place
Kelly Pease, Sebastian
Tammy Bogart, 176 16th Avenue
Lamarre Notargiacomo, 5082 4th Lane
Carolyn Kleinpeter, 885 10th Court
Bernie Grall, 7575 20th Street
James Muller, 3285 3rd Place
Steve Boyle, 285 Riverway Drive
Matthew Grall, 2800 8th Street

The following individuals were supportive of the proposed Face Covering Ordinance:

Elizabeth Thomason, Executive Director, Boys and Girls Club of Indian River County

Karen Deigl, President and CEO, Senior Resource Association

Legislative Affairs & Communications Manager Brian Sullivan relayed the comments from residents watching the meeting by way of YouTube Live; 24 individuals were in support of the Board passing the Face Covering Ordinance and 23 individuals were in opposition.

There being no further comments, the Chairman closed the public hearing.

With regard to comments received prior to the meeting, Chairman Adams stated that the Commission office had received phone calls and emails regarding the proposed mask mandate; 122 individuals were in favor of the mandate and 37 were opposed. Administrator Brown added that his office had also received emails, calls and voice messages related to the topic; 214 individuals were in favor of the mask mandate, and 32 were opposed.

Vice Chairman Flescher was not in support of the proposed mask mandate. He felt that the practice was common sense and did not require a mandate. He discussed his concern that confrontations between non-compliant individuals and business employees and/or law enforcement officers would become a problem if the mask mandate was approved.

Commissioner O'Bryan spoke in favor of the proposed mask mandate and offered his belief that if all parties wore a face covering, individuals would be

protecting each other. He stated his concern that, although the data may not be completely accurate, hospitalizations for COVID-19 patients were increasing. Commissioner O'Bryan clarified to the public that the judicial system had given local government the ability to make mandates to protect citizens during times of uncertainty.

Commissioner Solari thanked Administrator Brown and his staff for the extensive and exceptional COVID-19 research that had been done. Although supportive of the practice of mask wearing, Commissioner Solari was not in favor of the mandate due to his concern for enforcement and for the protection of individuals who were exempt.

Commissioner Zorc also discussed his concern for enforcement of the Face Covering Ordinance. Although he was supportive of the wearing of masks, he was not supportive of the proposed Ordinance as it was drafted. He suggested looking at the emergency/executive orders that had been signed in nearby counties to make changes that would work for everyone including businesses with a medium-to-large number of employees.

Chairman Adams supported the proposed Face Covering Ordinance. She discussed her concerns related to fear among the citizens, the economy, and the limited hospital resources. It was her belief that approving a mask mandate was a way to err on the side of caution, and she felt it was the Board's responsibility to assist in slowing the spread of COVID-19.

Additional discussion ensued with Vice Chairman Flescher suggesting that the Commissioners record a Public Service Announcement (PSA) to reiterate the importance of social distancing and mask wearing. Commissioner Zorc discussed making changes to the proposed ordinance in order to come up with something agreeable and enforceable. Attorney Reingold agreed to make changes if it was the Board's will, and mentioned that he had also drafted a less restrictive ordinance that could replace Emergency Order 2020-15, allowing the fines to be set by the Board.

Administrator Brown stated that he was no longer comfortable issuing emergency orders on this topic, and he requested that the Board approve an ordinance to replace Emergency Order 2020-15.

Commissioner O'Bryan announced that four (4) of the six (6) states with the lowest increase in COVID-19 cases had strict mandatory mask orders. He went on to discuss the fines, and suggested that the first non-compliance offense would be a warning, the second offense would carry a \$25 fine, and the third offense would carry a \$50 fine. He received confirmation from Attorney Reingold that if

approved by the Board, the proposed Face Covering Ordinance could sunset in 30 days and only be extended by a super-majority vote.

To address Commissioner Zorc's concern for enforcing the ordinance, Attorney Reingold stated that he had worked with Undersheriff Jim Harpring of the Indian River County Sheriff's Office to put together a code citation form. Administrator Brown also mentioned his conversations with Undersheriff Harpring to clarify that the Sheriff's Office was not interested in arresting individuals for not wearing a face covering, but would educate and encourage the public when called upon. Commissioner Zorc again mentioned St. Lucie County's Executive Order exemptions and discussed his concern regarding harassment.

A motion was made by Commissioner O'Bryan, seconded by Chairman Adams, to adopt the proposed Face Covering Ordinance, providing for adoption of recitals; providing for face covering requirements and exceptions; providing for penalties and enforcement; providing for applicability, conflict, severability and effective date, with the following modifications: 1) Sections 2.1. and 2.2., strike "where social distancing is not possible"; 2) Section 2.7., change the word "good" to "goods"; 3) Section 2.10.A., change to read "persons under the age of six years"; 4) Section 3.2., for uncontested violations, change the penalty for the first offense to a warning, the second offense to a fine of \$25.00, and the third offense to a fine of \$50.00; 5) add an expiration/sunset date to be 30 days following the date the Ordinance is filed with the Secretary of State; and 6) add that the Ordinance can be extended by a super-majority vote. The motion failed by the following vote:

Aye: 2 - Chairman Adams, and Commissioner O'Bryan

Nay: 3 - Vice Chairman Flescher, Commissioner Zorc, and Commissioner Solari

Commissioner O'Bryan then recommended the less restrictive version of the Face Covering Ordinance, mentioned previously by Attorney Reingold, to replace Emergency Order 2020-15. He explained that the less restrictive ordinance would require face coverings to be worn by employees of businesses that are open to the public and located in the unincorporated areas of the County, and by all persons entering County facilities or utilizing public transit and transportation. Commissioner O'Bryan restated the modifications that were relevant from the previous motion, and he requested input from his fellow Commissioners regarding an expiration/sunset date.

Commissioner Solari felt that September 15, 2020 was appropriate for a sunset date.

Discussion ensued among the Board and Attorney Reingold. Commissioner O'Bryan received confirmation that the schools were not part of the proposed less restrictive Face Covering Ordinance. Attorney Reingold then went over minor wording changes and clarifications.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to adopt Ordinance 2020-009, providing for adoption of recitals; providing for face covering requirements and exceptions; providing for penalties and enforcement; providing for applicability, conflict, severability and an effective date, with the following modifications: 1) Sections 2.1. and 2.2., strike "where social distancing is not possible"; 2) Section 2.6.A., change to read "persons under the age of six years"; 3) Section 3.2., for uncontested violations, change the penalty for the first offense to a warning, the second offense to a fine of \$25.00, and the third offense to a fine of \$50.00; 4) Section 7., add an expiration/sunset date of September 15, 2020; and 5) direct the County Attorney to make any other necessary corrections. 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

C. PUBLIC NOTICE ITEMS

Chairman Adams called for a recess at 12:49 p.m., and reconvened the meeting at 1:20 p.m., with Commissioner O'Bryan absent.

11. COUNTY ADMINISTRATOR MATTERS

11.A.

CARES Act Proposed Spending Plan and Funding Agreement

County Administrator Jason Brown referred to staff's memorandum dated July 9, 2020, to detail the \$6,976,333 initial allocation of Coronavirus Aid, Relief, and Economic Securities Act (CARES Act) funding. He stated that each of the municipalities would be required to enter into a subrecipient funding agreement and would have approximately two weeks to submit their spending plan to the County. Administrator Brown made note that the Health Department provided more up-to-date information and he suggested an allocation of \$400,000, which would free up \$100,000 to be added to the Other Healthcare Providers category.

(Clerk's Note: Commissioner O'Bryan rejoined the meeting at 1:33 p.m.)

Administrator Brown advised that Treasure Coast Community Health (TCCH) may need funding assistance to continue administering broad-based community COVID-19 testing. He clarified the responsibilities to be handled by the Small Business Development Center at Indian River State College and by Career Source Research Coast, and he indicated the possible need for flexibility with reallocating funding in order to adjust to the various program demands.

As Commissioner Solari was making a motion, Commissioner O'Bryan suggested that he add a deadline of July 28, 2020 for the municipalities to submit their spending plan. Commissioner Solari agreed to amend the motion.

An amended motion was made by Commissioner Solari, seconded by Commissioner O'Bryan, to: 1) approve staff's recommendation; 2) grant staff the ability to make adjustments based on changes made by the State; 3) grant staff the flexibility to make necessary changes with only the Chairman's approval; and 4) implement a deadline of July 28, 2020 for the municipalities to submit their spending plan. 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

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

12.F.1. Temporary Beach Access Use Agreement for the Sector 7 Beach and Dune Restoration Project (IRC-1926)

Public Works Director Rich Szpyrka used a PowerPoint presentation and referred to staff's memorandum dated July 7, 2020, while presenting the Board with an agreement pertaining to the Sector 7 Beach and Dune Restoration Project (the Project). He stated that due to Sector 7 not having a public beach access point for sand delivery, staff had reached a seven (7)-month lease agreement with the property owner of 930 and 940 Reef Road, located .18 miles to the south of Sector 7, to be used as an access point for the Project. He made mention that the County would have until September 10, 2020 to cancel the contract, and the property owner agreed that the contract could be cancelled for any reason without a penalty.

Under discussion, Commissioner O'Bryan and Commissioner Solari received clarification from County Attorney Dylan Reingold and Director Szpyrka regarding the wording of the contract, to confirm that the County was protected in

the event that the Project did not move forward. Commissioner Zorc received feedback from Director Szpyrka that the sand would be delivered by way of Periwinkle Drive.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation with the wording change to allow the County to cancel the contract for any reason without a penalty prior to September 10, 2020. The motion carried by the following vote:

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

12.F.2.

Update on the current 2020 Sea Turtle Nesting Season

Environmental Specialist Quintin Bergman used a PowerPoint presentation to update the Board on the 2020 Sea Turtle Nesting Season, which began on March 1, 2020, and will continue through October 31, 2020. He discussed the sea turtle life cycle and the management plan for protecting them, which included coordination between County staff, consultants, and the Disney Conservation Team. Mr. Bergman provided turtle nesting data dating back to 2005, and he stated that the July 9, 2020 numbers recorded 4,829 loggerhead nests, 528 green nests, and 72 leatherback nests. He concluded his update with informative tips for protecting the sea turtles and their nests, in addition to offering information on hatchling release viewing opportunities through the Florida Fish and Wildlife Conservation Commission's website, www.myfwc.com.

Commissioner O'Bryan inquired about leatherback nesting data prior to 2005; Mr. Bergman stated that the County did not have sea turtle nesting data prior to 2005.

Commissioner Zorc received clarification from Mr. Bergman about the County's increased nesting trend and how it compared to the coastal areas to the north and south.

No Action Taken or Required

12.F.3.

July 14, 2020 Update regarding the Sector 3 (IRC-1925) and Sector 7 (IRC-1926) Beach and Dune Restoration Project Easement Status

Natural Resources Manager Eric Charest referred to staff's memorandum dated July 6, 2020, along with utilizing a PowerPoint presentation to update the Board on the status of easement agreements for the Sectors 3 and 7 Beach and Dune Restoration Project. He provided an overview of the June 30, 2020 Special Call meeting of the Beach and Shores Preservation Advisory Committee, and he discussed both the linear feet of property and the number of easement agreements that had been obtained as of July 10, 2020. He clarified the desire for consecutive easement agreements to be signed for a contiguous beach and dune system that would offer storm protection.

Commissioner O'Bryan inquired and received confirmation from Public Works Director Rich Szpyrka that for Sector 5, staff received 88% of the easement agreements which accounted for 89% of the linear feet of property.

Commissioner Solari and Commissioner O'Bryan expressed their opinions that the contiguous factor would need to be considered to proceed with the Sector 3 and Sector 7 projects.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation with the stipulation that staff will consider the importance of contiguous parcels for storm protection to ensure the success of the Sector 3 and Sector 7 Beach and Dune Restoration Projects. 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

13. COUNTY ATTORNEY MATTERS

13.A. Interlocal Agreement with Fellsmere for Annexation of the Enclave on 89th Street

County Attorney Dylan Reingold referred to staff's memorandum while providing the background of the proposed annexation of the enclave on 89th Street, and stated that upon approval by the Board, the City of Fellsmere would be considering the Interlocal Agreement at the City of Fellsmere's Council meeting on July 16, 2020.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Solari, to approve the Interlocal Agreement between Indian River County, Florida and the City of Fellsmere, Florida relating to the annexation of enclaves. The motion carried by the following vote:

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

13.B. Property Sale - Strip of Land off of Roseland Road

County Attorney Dylan Reingold referred to staff's memorandum dated June 30, 2020, to provide the description of a strip of land located off of Roseland Road, obtained by the County in 2004 through an escheatment tax deed. He stated that the County had no use for the property, and that the owner of a neighboring property, Mr. Anthony Bruce, had offered \$100 to purchase the strip of land.

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. Unconditional Offer for a Parcel of Right-Of-Way Located at 6600 65th Street, Vero

Beach, FL 32967 Owned by Harish and Deepti Sadhwani

Deputy County Attorney William DeBaal utilized staff's memorandum dated July 8, 2020, while providing a detailed description of the property at 6600 65th Street, owned by Harish and Deepti Sadhwani, needed for improvements to 66th Avenue. He discussed the proposed unconditional offer to purchase the necessary right-of-way, and he used a PowerPoint presentation to provide an aerial view of the parcel. Attorney DeBaal stated that the next step after extending the unconditional offer would be to proceed to filing a lawsuit.

Commissioner O'Bryan felt that the price per acre used for the unconditional offer was fair, based on recent land purchases in the area. He explained to Attorney DeBaal that he was in support of offering a price of \$236,000 for the necessary right-of-way and \$518,156 for the entire parcel.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve an unconditional offer to purchase the necessary right-of-way from Harish and Deepti Sadhwani at a price of \$236,000 and the entire parcel at a price of \$518,156. The motion carried by the following vote:

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

13.D.

Resolution of Necessity for a Parcel of Right-Of-Way Located at 6600 65th Street, Vero Beach, FL 32967 Owned by Harish and Deepti Sadhwani

As documented in staff's memorandum dated July 8, 2020, Deputy County Attorney William DeBaal informed the Board that approval of the proposed Resolution of Necessity was the last step prior to acquiring the property at 6600 65th Street, owned by Harish and Deepti Sadhwani, using eminent domain.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Flescher, to approve staff's recommendation and Resolution 2020-058, declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing 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

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**14.D.1.** Vote to Ratify County Administrator's Executive Order 2020-15

(Clerk's Note: This item was moved to be heard with Item 10.C.; however, with Ordinance 2020-009 being adopted, Commissioner O'Bryan pulled the item from the Agenda.)

Deleted

E. Commissioner Bob Solari**Commissioners Open Dialogue****14.F.1.** Commissioners Open Dialogue

Commissioner Zorc stated that he had attended an event with Congressman Bill Posey at Knights Armament in Titusville. He also mentioned his interest in doing as much outreach as possible to encourage mask wearing. County Administrator Jason Brown agreed to arrange for Public Service Announcements by the Commissioners.

No Action Taken or Required

15. SPECIAL DISTRICTS AND BOARDS**A. Emergency Services District**

The Board of County Commissioner 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.

B. Solid Waste Disposal District**15.B.1.** Amendment No. 1 to Landfill Gas Agreement with Indian River EcoDistrict

There was no discussion regarding this item.

A motion was made by Commissioner O'Bryan, 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

15.B.2.

Fourteenth Amendment to Republic Services

There was no discussion regarding this item.

A motion was made by Vice Chairman Flescher, 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Adams adjourned the meeting at 2:34 p.m.