



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

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

*Chairman, Joseph E. Flescher, District 2*  
*Vice Chairman, Peter D. O'Bryan, District 4*  
*Commissioner Susan Adams, District 1*  
*Commissioner Joseph H. Earman, District 3*  
*Commissioner Laura Moss, District 5*

Jason E. Brown, County Administrator  
Dylan Reingold, County Attorney  
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

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Tuesday, June 22, 2021

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

#### 2. ROLL CALL

**Present:** 5 - Chairman Joseph Flescher  
Vice Chairman Peter O'Bryan  
Commissioner Susan Adams  
Commissioner Joe Earman  
Commissioner Laura Moss

#### 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

#### 2.B. INVOCATION

Reverend Hugh King, First Church of the Nazarene

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

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

Delete: Item 14.E.1. The Water of Indian River County

Commissioner Earman referred to Commissioner Moss' agenda item regarding a request by the Indian River Soil and Water Control District (IRSWCD) for the County to designate a representative to advise and consult with the IRSWCD and a discussion on funding the United States Geological Study for the next fiscal year. He believed that the agenda item was strictly administrative and opined the request should go through the County Administrator or the Chairman of the Board. Chairman Flescher shared the same concerns.

**A motion was made by Commissioner Earman, seconded by Chairman Flescher,**

to delete Item 14.E.1. from the agenda. The motion carried by the following vote:

**Aye:** 3 - Chairman Flescher, Commissioner Adams, and Commissioner Earman

**Nay:** 1 - Commissioner Moss

**Absent:** 1 - Vice Chairman O'Bryan

**A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Agenda as amended. The motion carried by the following vote:**

**Aye:** 3 - Chairman Flescher, Commissioner Adams, and Commissioner Earman

**Nay:** 1 - Commissioner Moss

**Absent:** 1 - Vice Chairman O'Bryan

## 5. PROCLAMATIONS and PRESENTATIONS

### 5.A. Presentation of Proclamation Honoring Darren Schmucker on His Retirement From Indian River County Board of County Commissioners Department of General Services / Parks and Recreation Division with Thirty-Two Years of Service

Chairman Flescher read and presented the Proclamation to Darren Schmucker on his thirty-two years of service to the County. Members of the Board, County Administrator Jason Brown, Assistant County Administrator Michael Zito, Parks and Recreation/Land Conservation Director Kevin Kirwin each spoke of Mr. Schmucker's service to the County.

**Read and Presented**

## 6. APPROVAL OF MINUTES

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

### 7.A. Holiday Schedule for the Indian River County Library System, Parks and Recreation, Aquatic Centers, Indian River County Sandridge Golf Course, Public Shooting Range, Veterans Services and Intergenerational Recreation Center (iG)

**No Action Taken or Required**

### 7.B. Landfill Closure for the 4th of July Holiday

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Consent Agenda as presented. The motion carried by the**

**following vote:**

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Absent:** 1 - Vice Chairman O'Bryan

**8.A.** Notice of Grant Award from the Indian River Lagoon Council - Small Grants Program Contract Number 2021SG-06

**Approved staff's recommendation**

**8.B.** Approval of the Bill of Sale of Utility Facilities to City of Vero Beach, Florida

**Approved staff's recommendation**

**8.C.** Legal Services - Labor and Employment Matters

**Approved staff's recommendation**

**8.D.** Approval of Flexible Spending Account (FSA), COBRA, and Retiree Billing Providers effective October 1, 2021

**Approved staff's recommendation**

**8.E.** North County Water and Sewer Project Phase 2 Bid No. 2021019, Change Order #1 - Increased Materials Cost

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.** IRC County Judge Nicole P. Menz re: Award of the 2021/2022 Alcohol and Other Drug Abuse Treatment Fund and Designation of Indian River County's Problem Solving Courts as a Chosen Program Recipient

Judge Nicole P. Menz, 19th Judicial Circuit Court of Florida, spoke on her request for the Board to designate the Indian River County's Problem Solving Courts as a program recipient to receive \$50,000 from the Alcohol and other Drug Abuse Trust fund. She added that the funds would be used for substance abuse treatment and drug testing for Drug Court, Mental Health Court, and Veterans Treatment Court participants. She anticipated a significant increase in drug testing fees since the previous testing site through the local Veterans Affairs provider was no longer available. She made the Board aware that as a result of the pandemic, there had been an increase in the demand for treatment and client referrals to treatment programs. Chairman Flescher and Commissioner Adams spoke on the County's highly successful Problem Solving Courts, the Court's partnership with other outside agencies, and the program's positive impact on the community.

**A motion was made by Commissioner Adams, seconded by Commissioner Earman, to designate the Indian River County's Problem Solving Courts as a**

program recipient to receive up to \$50,000 from the Alcohol and Other Drug Abuse Trust Fund to be used for substance abuse treatment and drug testing for Drug Court, Mental Health Court, and Veterans Treatment Court participants.. The motion carried by the following vote:

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Absent:** 1 - Vice Chairman O'Bryan

## 10. PUBLIC ITEMS

### A. PUBLIC HEARINGS

### B. PUBLIC DISCUSSION ITEMS

#### 10.B.1. Request to Speak from Lisa Snycerski re: Free All Captive Elephants (FACE)

Lisa Snycerski, representing the Florida based non-profit, Free All Captive Elephants (FACE), stated the group's mission was to provide education, intervention, and litigation that would lead to sanctuary of all elephants inhumanely held in captivity at circuses and zoos in North America. Her goal was to propose a ban of the use of wild animals in traveling acts in Indian River County. She gave a brief history on how she got involved with FACE.

Dee Gaug, Vice President and General Counsel, FACE, in a PowerPoint Presentation, spoke on the use of wild animals in traveling acts, the dangers that wild animals pose to the public, the Federal law that regulates the treatment of animals, and the Florida Administrative Code Rules and the agencies that enforce the law, protect, and manage the State's wild animals. She believed that real change would come only from public awareness and legislation.

Ms. Snycerski reiterated the reason for bringing the matter before the Board was to prevent circuses with traveling animal acts from coming to Indian River County.

Chairman Flescher spoke of the past and the future of circuses with animal traveling acts and the public's awareness. Commissioners Adams and Earman both agreed that it was not policy for the Board to make a decision on a public matter, but indicated that a member of the Board could bring back the matter as an agenda item.

**No Action Taken or Required**

#### 10.B.2. Request to Speak from John & Susan Cannon re: Water Liens at 1295 and 1355 5th Ave SW

Mr. John Cannon, 430 10th Street SW, spoke on the liens accrued at 1295 and

1355 5th Avenue SW. He indicated that his wife inherited these properties from her father and it has been an ongoing issue for over 20 years. He estimated the total amount for the liens including the penalties was approximately \$136,000. He asked for the Board's consideration to put a freeze on their accounts until there was a solution, noting the issues with the properties were quite extensive. He sought clarification regarding the assessments on the properties.

Chairman Flescher agreed that the issues with the two properties were quite extensive and wanted to see the issue resolved.

County Attorney Dylan Reingold stated that he had met with Mr. and Mrs. Cannon on the issue, and that it was a very complicated piece of property with several different liens and issues. He concluded that if there was a consensus among the Board, he would be willing to work with Mr. and Mrs. Cannon to reach a settlement.

Commissioner Adams agreed that based on the conversations heard at the meeting and the information contained in the packet handed out by Mr. Cannon, the issues appeared to be technical and involved multiple departments. She indicated that there was too much involved for the Board to make a decision and felt more comfortable allowing staff to look at the issues and bringing the item back to the Board with more information.

Commissioners Earman and Moss were in consensus for staff work with Mr. Cannon for clarification and a solution.

It was the consensus of the Board to have County Attorney Reingold and staff work with Mr. Cannon for clarification and to find a solution to the issues at 1295 and 1355 5th Avenue SW.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology**

**F. Office of Management and Budget**

**G. Public Works**

**H. Utilities Services**

**12.H.1.** Amendment 1 to Work Order No. 3 for Bowman Consulting Group, Ltd., West Wabasso Septic to Sewer Phase 3

Director of Utility Services Vincent Burke referred to staff's memorandum dated June 10, 2021, regarding Amendment 1 to Work Order 3 for continued professional services with Bowman Consulting Group, Ltd. related to the design of the West Wabasso Septic to Sewer Phase 3 project.

**A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Absent:** 1 - Vice Chairman O'Bryan

**13. COUNTY ATTORNEY MATTERS**

**14. COMMISSIONERS MATTERS**

**A. Commissioner Joseph E. Flescher, Chairman**

**B. Commissioner Peter D. O'Bryan, Vice Chairman**

**C. Commissioner Susan Adams**

**D. Commissioner Joseph H. Earman**

**E. Commissioner Laura Moss**

**14.E.1.** The Water of Indian River County

**Deleted**

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

**B. Solid Waste Disposal District**

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**15.B.1.**

Request for Relocation and Installation Services from Inter-Block Retaining Systems, Inc.

Director of Utility Services Vincent Burke read the information contained in staff’s memorandum regarding the request for relocation and installation services from Inter-Block Retaining Systems, Inc.

There was no discussion on this item.

**A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve staff’s recommendation. The motion carried by the following vote:**

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Absent:** 1 - Vice Chairman O’Bryan

**15.B.2.**

Approval for Rehabilitation of the Above Ground Storage Tank at the IRC Landfill

There was no discussion on this item.

**A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve staff’s recommendations. The motion carried by the following vote:**

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Absent:** 1 - Vice Chairman O’Bryan

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 10:17 a.m.

