



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

Tuesday, April 20, 2021

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

Pastor Nicole Eastwood, Our Savior Lutheran Church

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: 15.A. Emergency Services District items to follow the 8.A. Consent Agenda items.

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

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

5.A.

Presentation of Proclamation Designating the Jackie Robinson Training Complex as the Official Training Facility of the USA Softball National Teams

Assistant County Administrator Michael Zito introduced the recipients of the

Proclamation: from the Jackie Robinson Training Complex, Managing Director Rachele Madrigal and Coordinator of Marketing and Retail Amanda Bracken; from Team USA Softball, CEO Craig Cress, President Rodney Cobb, Communications Manager Morgan Palmer, and Athlete Haylie McCleney.

Commissioner Earman read and presented the Proclamation to the U.S. Women's National softball team representatives, who stated their appreciation for the County's partnership with Major League Baseball.

Vice Chairman O'Bryan proudly announced that the U.S. Women's National softball team was ranked No.1, and that he and Commissioner Earman had recently attended one of their practices.

Read and Presented

5.B. Presentation of Proclamation Honoring Teddy Floyd on His Retirement from the Indian River County Sheriff's Office

(Clerk's Note: This item was heard following Item 5.D., and is placed here for continuity.)

Chairman Flescher read and presented the Proclamation to retiring Sheriff's Office Deputy Theodore "Teddy" Floyd, with his friends and coworkers in attendance for the recognition. Teddy expressed how thankful he was for a long-lasting career in Indian River County.

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith, Sheriff Eric Flowers, and members of the Commission voiced their appreciation for Teddy, thanking him for thirty years of service to the citizens of Indian River County.

Read and Presented

5.C. Presentation of Proclamation Designating April 18 Through April 25, 2021 as Crime Victims' Rights Week

Vice Chairman O'Bryan read and presented the Proclamation to Sheriff Eric Flowers, who was present with representatives from Victim Services of Indian River County. Sheriff Flowers announced an event to be held at Veterans Memorial Island Sanctuary on April 22, 2021, to recognize and remember individuals who lost their lives due to an act of crime.

Read and Presented

5.D. Presentation of Proclamation Designating the Week of April 18 Through 24, 2021 As National Volunteer Appreciation Week

Commissioner Adams read and presented the Proclamation to Sheriff Eric Flowers,

who stated appreciation for the large number of volunteers who were assisting in many areas of operation at the Sheriff's office. He made mention of the tax dollars that were saved annually due to the generosity of individuals who were giving of their time.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Regular Meeting Minutes of February 9, 2021, and February 16, 2021, as written. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

6.A. Regular Meeting of February 9, 2021

Approved

6.B. Regular Meeting of February 16, 2021

Approved

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

7.A. 2nd Quarter FY 2020/2021 Budget Report

Vice Chairman O'Bryan pointed out a 14% decrease in tourist tax revenue through February 2021, as compared to the prior year. Office of Management and Budget Director Kristin Daniels stated that the next quarterly report on tourist tax revenue would provide a more accurate comparison.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Consent Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

8.A. Rejection of Bids for 2021010 - JRTC Ticket Office Building Renovations (IRC-2020)

Approved staff's recommendation

8.B. Request to Approve the Community Development Block Grant (CDBG) Third Set of Housing Rehabilitation Bids (3 Bids) for the County's Housing Rehabilitation CDBG

Approved staff's recommendation

- 8.C.** Amendment No. 1 to Work Order No. 1, Atkins North America, Inc.6th Avenue Milling & Resurfacing from US 1 to 21st Street IRC-1638
Approved staff's recommendation
- 8.D.** Approval of FWC Grant for Indian River County Derelict Vessel Removal Project
Approved staff's recommendation
- 8.E.** Approval of Work Order No. AACE-1 With Andersen Andre Consulting Engineers, Inc. for Construction Testing Services for Moorhen Marsh Low Energy Aquatic Plant System
Approved staff's recommendation
- 8.F.** Modification #1 to Subgrant Agreement (EMPA) between the Florida Division of Emergency Management and Indian River County Agreement Number A0090
Approved staff's recommendation
- 8.G.** Request to Waive Bid Process for Caustic Soda Chemicals
Approved staff's recommendation
- 8.H.** South County Reverse Osmosis Water Treatment Plant Part A Supervisory Control and Data Acquisition System Upgrades, Kimley-Horn and Associates Work Order 4
Approved staff's recommendation
- 8.I.** Change Order to Boromei Construction, Inc., for Data Flow System antenna and Tower Replacement
Approved staff's recommendation
- 8.J.** 16th Street Ballfields Release of Right of Entry and Reservation of Mineral Rights
Approved staff's recommendation
- 8.K.** Fiscal Year 2020 JAGC Allocations
Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION OF ADVERTISEMENT FOR PUBLIC HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE

BOARD.

10.A.1.

Public Hearing Regarding Florida Power & Light Company's Request for Major Site Plan and Special Exception Use Approval for a Private Heavy Utility (FPL Grove Solar Energy Center) [SP-SE-21-02-04 / 2020090097-88553] (QUASI-JUDICIAL)

Chairman Flescher introduced the involved parties as Indian River County and Florida Power & Light Company (FPL).

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Chairman Flescher opened the public hearing.

Senior Planner John Stoll utilized staff's memorandum dated April 9, 2021, and a PowerPoint presentation to provide the special exception process, location maps, site plans, vehicular access plan and landscape plan, related to FPL's request for a major site plan and special exception use approval for a Private Heavy Utility (FPL Grove Solar Energy Center). He stated that the Planning and Zoning Commission recommended that the Board approve the major site plan and special exception use request with the conditions recommended by staff and accepted by the applicant.

Bart Gaetjens, Area External Affairs Manager with FPL, was present with Mr. Christopher Fries, Project Director of Development with FPL, who provided statistics regarding solar energy within the County and the State, and relayed that upon approval, the simple-to-install project could begin in May 2021.

Vice Chairman O'Bryan inquired about the possibility of cattle grazing on the land. Mr. Fries stated that cost would prohibit them from increasing the elevation of the solar panels. Commissioner Earman was impressed by the simplicity of the project. Chairman Flescher received confirmation from Mr. Fries that the solar panels included an anti-glare coating. Commissioner Moss announced that this would be the County's fourth solar energy generated facility constructed by FPL.

County resident Dave Brown inquired about the solar panels' resilience during a hurricane. Mr. Fries replied that the panels were built to the building code of the area they were to be located.

Community Development Director Phil Matson stated his appreciation for the

applicant's quality proposal, and for County staff who worked extra hours to ensure the project could happen in a timely fashion. He felt that the solar facility was a good use for the land.

Chairman Flescher closed the public hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

10.A.2.

Public Hearing Regarding Sunnyside Up 1, LLC's Request to Rezone +/-40.25 Acres From PDTND to RM-8 (RZON-2008050077-88741) - QUASI-JUDICIAL

Chairman Flescher introduced the involved parties as Sunnyside Up 1, LLC, and Indian River County.

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Chairman Flescher opened the public hearing.

Long Range Planner Matt Kalap referred to staff's memorandum dated April 12, 2021, and a PowerPoint presentation to provide the specifics of a rezoning request by Sunnyside Up 1, LLC, for ± 40.25 acres, located between 58th and 66th Avenue, north of the Indian River Mall and south of 26th Street, from PDTND, Planned Development Traditional Neighborhood Design, to RM-8, Multiple Family Residential District (up to 8 units per acre). He included the zoning history, stating that the parcel was rezoned from RM-8 to PDTND in January 2009, and would revert back to RM-8 in the year 2029, if construction on the PDTND did not occur. Mr. Kalap pointed out the proposed rezoning would reduce the number of residential units from 354 to 322 and eliminate 32,000 square feet of commercial/retail development on the property. He discussed the comments and concerns that were voiced at the March 11, 2021 Planning and Zoning Commission (PZC) public hearing, and added that the recommendation for the Board to approve the rezoning request was agreed upon by County staff.

Long Range Planning Chief Bill Schutt added comments regarding the zoning of

neighboring communities.

Community Development Director Phil Matson stated that the proposed land use was consistent with the density allowed in the context of the County's Comprehensive Plan.

Under Board discussion, Vice Chairman O'Bryan and Commissioner Earman inquired about the 26th Street right-of-way needs. County Administrator Jason Brown responded that staff would address the roadway needs when a site plan was received. Commissioner Moss referred to the PZC meeting minutes when suggesting that staff should provide additional information to concerned citizens. Director Matson recalled that many of the questions asked of staff could not be answered until a site plan was submitted by the applicant. He added that the concerned citizens did not initially understand the process, however they appeared to be satisfied once they received clarification that the proposed rezoning would eliminate 32,000 square feet of commercial area. Chief Schutt provided Commissioner Moss with the process followed by staff to communicate with nearby property owners. Commissioner Moss then inquired and received clarification from Director Matson and Administrator Brown regarding the wording included in staff's memorandum that cited "minor adverse impacts on environmental quality". Lastly, Commissioner Moss requested feedback regarding the schedule for road construction in the area of 26th Street. Director Matson replied that the 26th Street roadway improvements were on the County's radar and would require a transportation plan to be completed by the County's Metropolitan Planning Organization (MPO). He reminded Commissioner Moss that there was not yet a development plan from the applicant, only an application to request rezoning.

Attorney Bruce Barkett, representing Sunnyside Up 1, LLC, spoke before the Board to offer clarification regarding the rezoning request, making mention that many of the questions asked of County staff were irrelevant and would be addressed when a site plan was submitted.

Joseph Paladin, representing the Indian River Neighborhood Association, spoke in support of the proposed rezoning.

Carla Blanchette, a Woodfield resident, stated her concern for the amount of traffic RM-8 rezoning would create compared to RM-6, Single Family Residential District (up to 6 units per acre). Vice Chairman O'Bryan explained the Bert J. Harris Private Property Rights Protection Act, which was put in place to protect property owners from government actions, including actions on an application or permit, that would have a direct impact on them. He clarified that rezoning to RM-6 would devalue the property and be considered a "taking" under State law.

Vice Chairman O'Bryan also assured Ms. Blanchette that County staff would provide updates to all interested parties who had provided email addresses, and that the majority of developments do not build out to the full capacity of their zoning because of the requirements for open space and retention ponds for drainage needs, which was confirmed by Director Matson.

Deborah Eschenbacher, a Woodfield resident, expressed dissatisfaction towards the procedure followed by staff to notify nearby communities of the Commission meeting. Commissioner Moss insisted that staff reach out to all persons who provided email addresses to alert them of future meetings.

There being no other speakers, Chairman Flescher closed the public hearing.

Vice Chairman O'Bryan reminded the public that the current zoning of the property, PDTND, would have yielded more traffic than the proposed RM-8 rezoning. He also invited the Woodfield residents to remain engaged throughout the process. Commissioner Earman concurred with the Vice Chairman.

In closing, Chairman Flescher pointed out that the unanswerable questions by concerned citizens at the PZC meeting and at the Commissioner meeting would be answered as the development process continued, and staff would be providing future notifications via email.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to adopt Ordinance 2021-009, amending the zoning ordinance and the accompanying zoning map for approximately ±40.25 acres located south of and adjacent to 26th Street approximately ±775 feet east of 66th Avenue and approximately ±700 feet west of 58th Avenue and north of the Indian River Mall, from PDTND, Planned Development Traditional Neighborhood Design, to RM-8, Multiple Family Residential District (up to 8 units per acre); and providing codification, severability, and effective date. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

Chairman Flescher called for a recess at 11:02 a.m., and he reconvened the meeting at 11:16 a.m., with all members present.

10.A.3.

Public Hearing Regarding North Sebastian Water and Sewer Project Phase 2 (Legislative)

Director of Utility Services Vincent Burke utilized a PowerPoint presentation and staff's memorandum dated April 20, 2021, to highlight the North Sebastian Water and Sewer Phase 2 Project (the Project) area that included 196 benefiting properties connecting to sewer and 161 parcels connecting to water, noting that some parcels

had previously been served by County water. He discussed funding and costs, a detailed description of the Project, and broke down the estimated monthly cost to property owners. Director Burke spoke of the Temporary Construction Easement (TCE) for the purpose of doing improvements on private property. He also estimated the costs to be associated with delayed connections in the event a property owner waited to connect beyond the allowable 365 days. He delivered feedback from the April 5, 2021 Project Meeting for Property Owners, including inquiries about elevation challenges and prior property improvements, concern for Ruffner Lane, and anticipation/support for the Project.

Support for the Project was also heard from the Board, with Vice Chairman O'Bryan confirming with Director Burke that there would be no cost passed on to the property owner for connecting to sewer as long as it was done within 365 days, which would be an approximate savings of \$4,000 to the property owner. Director Burke discussed the timeline for the proposed project, noting that upon completion, homeowners would have 90 days to either pay off the Project interest free, or opt for the 10-year amortized schedule with payments estimated to begin at the latter part of 2022. He made mention of staff's willingness to work with the Tax Collector and the Property Appraiser to possibly add the Project fees to the homeowner's property taxes as a non-ad valorem assessment, which could spread out the payments longer than the proposed 10-year schedule.

Chairman Flescher opened the public hearing.

David Scaravaglione, 13925 Ruffner Lane, addressed the Board to suggest the County be responsible for maintaining Ruffner Lane after the construction was complete. County Attorney Dylan Reingold and Commissioner Adams responded about the option and process of dedicating a road to the County.

Jean Catchpole, representing the Indian River Neighborhood Association, spoke in support of the Project.

Paul Fafeita, representing the Clean Water Coalition, added words of support for the Project on behalf of himself and Dr. Duane DeFreese of the Indian River Lagoon Council.

Tim Glover, representing the Friends of Saint Sebastian River, expressed support for the Project.

Miguel Davila Duran, Contractor, addressed the Board.

Russell Herrmann, representing the Roseland United Methodist Church, spoke in support of the Project.

Dennis Miller, who spoke on behalf of his mother, stated he was not opposed to the Project, but he requested that the County lower the cost to the property owner and remove the interest, if applicable. He added his opinion that there would be hidden costs that property owners were not prepared for or made aware of. Director Burke and Vice Chairman O'Bryan addressed Mr. Miller's concerns.

Cathy and Kip Kelso, Jr. discussed their concerns regarding the Project. Chairman Flescher, Director Burke, and Attorney Reingold offered clarification.

Stanley Alter, 8046 140th Street, voiced his support for the Project, and he received confirmation from Director Burke that photos of his landscaping would be taken in an effort to restore the beautification after the work was done.

Katherine Wegel, 8060 142nd Street, thanked staff and the Commission for moving the Project forward.

Joseph Paladin, representing the Indian River Neighborhood Association, offered support for the Project.

Virginia Shelhamer provided, via the internet, her support of moving the Project forward.

There being no other speakers, Chairman Flescher closed the public hearing.

Commissioner Adams stated that the comments and concerns received by the Board and County staff while working on the Project for the past several years had been heard and addressed. She provided clarification regarding the cost, and she stated the role of the Commission was to elevate the community.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve staff's recommendation and approve: 1) Resolution 2021-030, confirming the special assessments in connection with a water main extension to serve 13700-13990 Ruffner Lane within River Trees; and 14365 78th Avenue, 14355 and 14370 80th Avenue within Ercildoune Heights Subdivision No. 1; and all properties within Ercildoune Heights Subdivision No. 2; and all properties lying northwest of Bay Street (83rd Avenue), all properties within Blocks 1,2,3 and 4; 8240 133rd Court and 8225, 8245 and 8255 133rd Place within Block 14, 8230, 8240 and 8250 133rd Place, 8235, 8245 and 8255 134th Street within Block 15, 8240 134th Street, 13400 82nd Court, and 8235 and 8255 135th Street within Block 16, of the Plat of Wauregan on Fleming Grant; and all properties within Blocks B-1 (less right-of-way), B-2, B-3 and B-4 (river front), all properties within Block B-2 (railroad front), all properties within Blocks 1,2 and 3, and 12805 and 12835 82nd Court within Block 5, and 12820 and 12846 82nd Court within Block 6, and 12920 and 12940 82nd Court within Block 8, and 12948 and 12960 82nd Court within Block 9, and 12970 and 12980 82nd Court within Block 10, of the Townsite Plat of Roseland, Florida, located within unincorporated Indian River County, Florida; and providing for special assessment liens to be made of record; and 2)

Resolution 2021-031, formally accepting an easement for utility purposes only, over, across and under the private road right-of-way and adjacent platted 10' easements abutting the private road of Ruffner Lane in the River Trees Subdivision within unincorporated Indian River County, Florida. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

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

12.E.1.

County Websites, Domains, and Internet-Based Services

Information Technology Director Dan Russell introduced Webmaster Scott Johnson, who used a PowerPoint presentation and staff's memorandum dated April 12, 2021, to provide a detailed initial review of the requirements for updating the County's website to a Content Management System (CMS) and moving to a single website and a single .gov domain name. He pointed out the County currently had 14 websites with different domain names across multiple departments. Mr. Johnson presented several domain name options to the Board for feedback. He also discussed the 3rd party web products and options that could be included on an updated website.

Board discussion led to support for changing to the shortest, most simple single domain name for the website, either indianriver.gov or indianriverfl.gov. Regarding an updated website, Commissioner Earman stated he and members of staff had researched all County websites within the State and felt that Martin County's was the most impressive. He recognized the staff time that would be involved in exploring and producing an updated website with useful tools. His fellow Commissioners were supportive of the website changes.

A motion was made by Commissioner Earman, seconded by Commissioner Adams, to direct staff to move forward with an updated website project to: 1)

register for a new domain name of either indianriver.gov or indianriverfl.gov; 2) consolidate websites and allow for departmental staff updates of web content through a Content Management System (CMS); and 3) research web services not currently being offered. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

Chairman Flescher called for a recess at 1:12 p.m., and reconvened the meeting at 1:32 p.m., with all members present.

F. Office of Management and Budget

12.F.1. Property/Casualty Insurance 2021-22

Management and Budget Director Kristin Daniels was joined by the County's new Risk Manager Cynthia Stanton and Eric Connick, Area Senior Vice President with Arthur J. Gallagher Risk Management Services, Inc. Director Daniels highlighted the details regarding the 11% rate increase to the County's Property and Casualty Insurance renewal. She spoke of the changes in coverage selections and pointed out the annual broker fee of \$175,000, included in the renewal.

Commissioner Adams sought and received clarification from Director Daniels regarding church parking liability.

The Board invited Ms. Stanton to the podium to welcome her to the County.

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

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

G. Public Works

12.G.1. Presentation of the Indian River County Beach Preservation Plan (2019 Update)

Natural Resources Manager Eric Charest utilized staff's memorandum dated April 5, 2021, and a PowerPoint presentation to highlight the 2019 Beach Preservation Plan (BPP) Update, prepared by Stantec Consulting Services, Inc., which provided future management strategy recommendations by Sector, cost estimates, future program expenses and funding considerations. He pointed out the shoreline changes from 2013 to 2019, noting that substantial storms occurred over the period.

Chairman Flescher relayed that he had recently spoken to Mr. Mark Tripson, a member of the Beach and Shore Preservation Advisory Committee, who fully supported the BPP.

Under Board discussion, Vice Chairman O'Bryan, who was supportive of the BPP, commented on the accretion of sand in Sectors 6 and 8, while Sector 7 was critically eroded. He noted the breakwater effect of the offshore reefs was providing relief, and was interested in seeing an aerial view of the hard bottom and also vertical mapping to show the offshore ledges. He emphasized the importance of vegetation for beach preservation and suggested an educational brochure be placed in hotels to relay that Sargassum seaweed washes ashore and was critical to beach protection and erosion protection. Commissioner Earman stated appreciation for everyone involved in protecting the County's beaches. Chairman Flescher spoke in support of exploring additional educational opportunities regarding protection of the sand dunes. Commissioner Moss added that local non-profit agencies may be able to assist in the funding of educational materials, if needed.

County Administrator Jason Brown stated that staff was recently notified that the State would be funding the \$7 million Sector 3 Beach Restoration Project. In addition, he confirmed that the County does not do Sargassum seaweed raking.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the 2019 Beach Preservation Plan (BPP) Update. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

H. Utilities Services

12.H.1.

North Sebastian Water and Sewer Project Phase 2, Award of Bid No. 2021019

Utility Services Director Vincent Burke referred to staff's memorandum dated April 13, 2021, to provide background on the bidding of the North Sebastian Water and Sewer Project Phase 2. He addressed conflicting comments received from references provided by Southern Underground Industries, Inc. (Southern Underground) when they were contacted by the Engineer of Record, Masteller & Moler, Inc (Masteller & Moler). He stated that Southern Underground was not recommended for the award of bid; however, they filed a timely protest for review by the Purchasing Manager, who then notified Southern Underground that their protest had been denied. Director Burke recommended awarding the bid to Centerline, Inc. (Centerline), and added he had witnessed their work while being employed by Harbor Branch Oceanographic Institute, and Masteller & Moler had been pleased with past project performance by Centerline as well.

Upon question by Vice Chairman O'Bryan, Purchasing Manager Jennifer Hyde clarified the process that took place regarding Southern Underground, making note that although responsive, they were deemed to not be responsible, which allowed the County to award the bid to Centerline, the next lowest responsive, responsible bidder. Vice Chairman O'Bryan, County Attorney Dylan Reingold and Ms. Hyde discussed the fact that the County was not required to award the bid to the lowest bidder if they were not deemed to be responsible/qualified to perform the work. Commissioner Adams was comfortable with staff's recommendation to award the bid to Centerline.

Frank D'Alessandro, Vice President of Southern Underground, was present via zoom to voice his dissatisfaction that the County had considered hearsay opinions of their qualifications that came from reference checking, and also the opinion of Masteller & Moler when awarding the bid. He discussed the number of years in business and years of experience for both Southern Underground and Centerline. Via zoom, Mr. D'Alessandro displayed a letter from the City of Lake Worth contradicting a prior negative reference, and a letter from Nielson, Hoover & Company, Inc. to confirm their office provided surety credit in the amount of \$25 million per single project for Southern Underground. He added his opinion that the location proximity should not disqualify Southern Underground.

Chairman Flescher responded that Centerline was not located within the County, and the decision was based on the lowest responsive and responsible bidder. Attorney Reingold made it clear that Southern Underground was disqualified due to being deemed not responsible.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to uphold that the Purchasing Manager acted according to County policy when denying the protest/appeal by Southern Underground, Inc.

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation to award the North County Water and Sewer Project Phase 2 to Centerline, Inc. for \$3,881,269.00. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

13. COUNTY ATTORNEY MATTERS

13.A.

Interlocal Agreement with City of Fellsmere for Contractor Licensing

County Attorney Dylan Reingold utilized staff's memorandum dated April 8, 2021, in

presenting the draft interlocal agreement with the City of Fellsmere for contractor licensing. He added that Fellsmere City Council would be considering the item on May 6, 2021.

Commissioner Adams, Vice Chairman O'Bryan offered words of support for the relationship between the County and the City of Fellsmere.

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

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

13.B. Approval of Developer's Agreement with Ryall Development Group, LLC for Liberty Park Subdivision

County Attorney Dylan Reingold referred to staff's memorandum dated April 13, 2021, when highlighting the Developer's Agreement with Ryall Development Group, LLC for the Liberty Park Subdivision. He thanked Public Works Director Rich Szpyrka for his assistance.

Director Szpyrka offered confirmation that the Developer's Agreement was thorough and would accommodate the needs of the County.

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

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

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. Geohydrology - Updated Survey

Commissioner Moss provided background on the Indian River Soil and Water Conservation District (IRSWCD) and discussed the April 12, 2021 meeting with regard to updating the County's geohydrology study from 1988. She continued that the United States Geological Survey (USGS) agency would conduct the

survey at no cost to the County. She referred to the County's 2030 Comprehensive Plan (Comp Plan) Chapter 3D, Natural Groundwater Aquifer Recharge Sub-Element Policy 2.6: *"By 2011, the County shall contact the USGS and request an updated county-wide geohydrologic survey"*.

Robert Adair, Vice Chairman of the IRSWCD, recalled the previous discussions on the importance of updating the County's geohydrologic survey by the USGS. He stated that the USGS monitors wells to keep track of the flow rates of the Florida aquifer. He emphasized the USGS survey would give the County the ability to compare the changes that have occurred since 1988, noting the changes to the landscape with the decline in the Citrus industry and the expanding urban service area with private residences using the wells for domestic water supply. He pointed out there were 1,520 permitted wells in the St. Johns River Water Management District (the District), and approximately 33,000 private wells used for domestic water supply. He stated that it specified in the County's Comp Plan to protect the water quality, preserve the water quantity, and conserve the water supply. He added that County funds may be required and could be cost shared with the District. He asked the Board to consider the request for a geohydrologic survey.

The Board sought and received information from Mr. Adair on the monitoring of wells and the survey. Commissioner Earman understood the need for an updated county-wide geohydrologic survey, but he questioned the urgency and the process in which the request was presented to the Board. Commissioner Moss confirmed that her request followed the recent IRSWCD meeting and she again read from the Comp Plan regarding the schedule for contacting the USGS for geohydrologic surveys.

County Administrator Jason Brown was agreeable to the request for an updated geohydrologic survey, and stated that it was necessary to know the costs involved.

Utility Services Director Vincent Burke stated for the record that he had a scheduling conflict with the City of Sebastian and was unable to attend the recent IRSWCD meeting. He indicated the District was working on the Regional Water Supply Plan (the Plan) to update the surficial groundwater level as well as the water use throughout the east central water area. He mentioned that the County had been in contact with the USGS for the survey, but for the water use and types of users, the District had continued to provide updates. He recommended waiting for the District's Plan to look at the water use, and then suggested scheduling a Town Hall meeting to go over the results of the analysis and summary of findings.

Staff could then decide whether or not the County would need to look at other surface water, desalination, or deeper wells for the water uses for now and for the next 20 years.

Commissioner Adams reiterated Commissioner Earman's comments and provided a synopsis of what happened at the IRSWCD meeting. She responded that there needed to be additional information on the costs, timing, etc., before she felt comfortable moving forward with a geohydrologic survey. She also agreed with Director Burke's suggestion to look from a regional level and at the District's summary of findings.

Commissioner Moss invited members from the IRSWCD and the District to address the Board.

Mr. Lex Kromhout recalled the IRSWCD meeting, noting the intent of the presentation was to recommend a hydrology study to see what was under the County in terms of water availability. He spoke of a summary provided by Mr. Mike Zeigler on the consequences of adding more wells and further impacting the land owners and current well users in the area. He felt the future of the County's water needs were highly dependent on the Board's outlook of the County's water sources.

Vice Chairman O'Bryan spoke of the concerns and suggestions he had after attending the IRSWCD meeting. He suspected, based on comments he had heard, over-permitting of wells by the District was happening in certain areas which could result in a large expense to the residents of Indian River County. He was in agreement with Commissioner Earman that the geohydrologic survey could be done if it was not a large expense to the County.

Chairman Flescher was equally concerned that the District was writing permits and not doing the well monitoring they were responsible for. He did not support spending taxpayer dollars on the geohydrologic survey.

Dr. David Cox, Board Member of the IRSWCD, requested an open and embracing approach to the water issue in order to be productive. He was hopeful that the cost associated with a study by the USGS would be minimal so that together with the Plan by the District, there would be detailed and valuable information for moving forward.

County Attorney Dylan Reingold was appreciative of Dr. Cox's request that all parties take an open approach in finding a solution; however, he expressed confusion due to a person approaching him prior to the discussion to question the

integrity of the work being done by Director Burke with regard to the item. Dr. Cox did not have a response related to Attorney Reingold's concern.

Director Burke clarified the Comp Plan requirements regarding water updates per the Florida Statutes, and he stated that the District was working on the Plan which was required of the District and expected to be completed in approximately 30-60 days.

Jim Andersen, Principle Hydrogeologist, JLA Geosciences, discussed the aquifer in the area which is unique and "a precious gem". He was in full support of a study by the USGS for the highest and best use of fresh water resources.

Vice Chairman O'Bryan inquired and received confirmation from Mr. Andersen that the District would make the determination as to the highest and best use of fresh water resources.

Commissioner Earman received input from Mr. Andersen on the detailed process of getting results from the USGS. The Commissioner objected to paying a large sum of money and possibly waiting a long time for those results. He was anxious to hear the information included in the Plan from the District.

Director Burke stated it was staff's recommendation to work concurrently in getting the costs and the scope of the study from the USGS, while learning the results of the Plan from the District when received in 30-60 days. He stated that staff would inform the Board when the Plan was received.

The consensus of the Board was to direct staff to: 1) wait for St. John's River Water Management District to release their study, then return to the Board to discuss; and 2) reach out to the U.S. Geological Survey to obtain the proposed cost and timing of a geohydrology study.

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

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

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

15.A.1. Approval of Meeting Minutes February 02, 2021

Approved

15.A.2. Approval of Minutes Meeting of February 9, 2021

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Meeting Minutes of February 2, 2021, and February 9, 2021, as written. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

15.A.3. Sole Source Purchase of Eleven (11) Stryker CR2 AED Defibrillators

There was no discussion on this item.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

15.A.4. Sole Source Purchase of Eight (8) Stryker Lifepak 15 v4 Cardiac Monitors

There was no discussion on this item.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

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. Approval of Minutes Meeting of February 9, 2021

Approved

15.B.2. Approval of Minutes Meeting of February 16, 2021

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Meeting Minutes of February 9, 2021, and February 16, 2021, as written. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

15.B.3. Final Pay to Geosyntec for Work Order No. 6 - Permit Compliance Monitoring and Reporting - Indian River County Landfill

There was no discussion on this item.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

15.B.4.

Request to Expand SWDD Recycling Education Services

Solid Waste Disposal District (SWDD) Managing Director Himanshu Mehta requested approval to expand SWDD's in-house recycling educational efforts. He noted that recycling rates had dropped, and his department needed an additional staff member and resources to meet their goal of expanding recycling in the County. He referred to staff's memorandum of April 9, 2021, for more information on SWDD's current efforts and a breakdown of the resources that could be added with increased funding.

Commissioner Adams received confirmation that an expansion of the plastic recycling program was planned as part of the new Household Hazardous Waste and Recycling Transfer facility being constructed. Chairman Flescher voiced his support of SWDD's recycling plan. Upon question by Vice Chairman O'Bryan, County Administrator Jason Brown advised that SWDD sought the Board's approval of their plans, and did not need to approve specific dollar amounts at this time.

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Flescher adjourned the meeting at 4:23 p.m.