



Indian River County Florida

Meeting Minutes

Board of County Commissioners

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

Peter O'Bryan, Chairman, District 4
Joseph Earman, Vice Chairman, District 3
Susan Adams, District 1
Joseph Flescher, District 2
Laura Moss, District 5

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

Tuesday, January 18, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Reverend Graham Bingham, Westminster Presbyterian Church

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 4.A. Multifactor Authentication; Moved to be heard under 12.E.1., Information Technology

Moved: Item 14.A.1. to follow Item 5.D.

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

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** Presentation of Proclamation Honoring Chief Raniero Luigino Angelone on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services

Vice Chairman Joe Earman read and presented the Proclamation to Chief Angelone, and praised his competence on and off duty. Chief Angelone addressed the many firefighter/paramedics who were present and imparted words of wisdom.

Commissioners and staff thanked Mr. Angelone for his service.

Read and Presented

- 5.B.** Presentation of Proclamation Designating January 23-29, 2022 as Certified Registered Nurse Anesthetists Week

Commissioner Susan Adams read and presented the Proclamation to Mr. Jacques Goulet and Ms. Nicole Matson, who accepted on behalf of Certified Nurse Anesthetists (CRNAs). Mr. Goulet addressed Commissioner Moss' comments regarding the scope of responsibility for CRNAs.

Read and Presented

- 5.C.** Presentation by Dr. Loraé Simpson from the Florida Oceanographic Society on Seagrass in the Indian River Lagoon

Dr. Loraé Simpson, Florida Oceanographic Society, gave a presentation on the deteriorating state of seagrass in the Indian River Lagoon, and covered topics including basic ecology, the importance of seagrass, threats to growth, and restoration efforts. The Commissioners discussed with Dr. Simpson the effects of seagrass loss on the manatee population and efforts from the Indian River Lagoon National Estuary Program to restore seagrass beds.

Presented

- 5.D.** Presentation by Abbey Gering, Graduate in Chemical Oceanography, Florida Tech in conjunction with Dr. Austin Fox, Ph.D., Professor at the Department of Ocean Engineering and Marine Science at Florida Tech on Muck in the Indian River Lagoon
- Ms. Abbey Gering, graduate in Chemical Oceanography, Florida Tech, used a PowerPoint presentation to discuss the toxic muck found in the Indian River Lagoon. Her presentation included information on the muck's sources, its effects on the ecosystem, and muck management strategies. The Board received information and expressed opinions throughout Ms. Gering's presentation.

Chairman O'Bryan received information from Ms. Gering on various muck removal methods. He then transitioned into possible actions the County could take to counter muck and restore seagrass beds. The Chairman requested input from Ms. Gering and Dr. Simpson to identify locations for seagrass restoration, and the resources needed to accomplish that goal. A discussion ensued with all in agreement on the need for collaboration and coordination with community volunteers, the Florida Oceanographic Society, and Florida Tech.

[Clerk's note: Discussion continued under Item 14.A.1.]

Presented

6. APPROVAL OF MINUTES

- 6.A.** Regular Meeting of November 2, 2021

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of November 2, 2021, as written. The motion carried by the following vote:

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

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

- 7.A.** Career Online High School

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Consent Agenda as amended, pulling Item 8.H. for discussion. The motion carried by the following vote:

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

- 8.A.** Award of Bid No: 2022018, Indian River County Tax Collector's Office Expansion, IRC-2030
Approved staff's recommendation
- 8.B.** Approval of Agreement Extension for Transit Advertising Services between Indian River County and Sunup Advantage, LLC
Approved staff's recommendation
- 8.C.** Interior Renovation of the Indian River County Building and Fire Prevention Divisions Release of Retainage
Approved staff's recommendation
- 8.D.** Richard E. Schuetz (Trustees) & Robin K. Schuetz (Trustees) of the Richard E. Schuetz & Robin K. Schuetz Revocable Trust Request for Release of an Easement at 1971 West Cayman Road (Summerplace Sub Unit 4)
Approved Resolution 2022-002, releasing an easement (or portion thereof) on Lot 6, Block 8, Summerplace Sub Unit 4.
- 8.E.** Stiles Corporation on behalf of TcBridge Boulevard LLC Request for Release of an Easement at 4705 County Road 510 (Weona Park Sub)
Approved Resolution 2022-003, releasing an easement (or portion thereof) on Lot 11, Block 3, Weona Park Sub.
- 8.F.** Timberlake - Vero Beach Homeowners Association, Inc. Request for Release of an Easement within Timberlake Subdivision
Approved Resolution 2022-004, releasing an easement (or portion thereof) on Tract C, Timberlake Subdivision.
- 8.G.** Children's Services Advisory Committee's Annual Report, FY 2020-2021
Accepted
- 8.H.** License Agreement for IRC SO Deputy to Reside at the County Owned Residents at the Victor Hart Sr. Community Enhancement Complex - 4735 43rd Avenue, Vero Beach, FL

Commissioner Moss questioned whether words were missing from paragraph 8.a. of the license agreement. County Attorney Dylan Reingold acknowledged that the word "maintain" should be added to the item.

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

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1.

Amendments to Chapter 304 (Life Support and Wheelchair Services) of the Indian River Code of Ordinances - LEGISLATIVE

County Attorney Dylan Reingold presented the proposed Ordinance which amended the County's code to no longer regulate wheelchair vehicle service businesses.

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

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to adopt Ordinance 2022-001, amending Sections 304.02 (Authority and purpose), 304.02 (Definitions), 304.07 (Same-Investigation; staff recommendation), 304.08 (Contents of certificate), 304.09 (Inspections), 304.11 (Renewal), 304.12 (Revocation, alteration or suspension) of Part I (Life Support Services) of Chapter 304 (Life Support and Wheelchair Services) and striking Part II (Wheelchair Vehicle Services) of Chapter 304 (Life Support and Wheelchair Services) in order to update terms and eliminate the regulation of Wheelchair Vehicle Services; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:

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

10.A.2.

Miscellaneous Budget Amendment 002

Kristen Daniels, Director of Management and Budget, described the wages and staffing changes which necessitated amendments to the Fiscal Year 2021-22 budget.

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

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve Resolution 2022-005, amending the Fiscal Year 2021-2022 Budget. The motion carried by the following vote:

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

10.A.3. Miscellaneous Budget Amendment 003

Kristen Daniels, Director of Management and Budget, referred to her department's memorandum dated January 4, 2022, which detailed the Capital Improvement Element expenditures and cash rollovers contained in Budget Amendment 003.

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

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve Resolution 2022-006, amending the Fiscal Year 2021-2022 Budget. The motion carried by the following vote:

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

10.A.4. TRANSMITTAL HEARING: County Initiated Request to Amend the Text of the County's Comprehensive Plan to Add a New Chapter 13 Property Rights Element (LEGISLATIVE)

Community Development Director Phil Matson introduced the County-initiated request to create the Property Rights Element, before turning the presentation over to John Stoll, Chief of Long Range Planning. Chief Stoll, through the use of a PowerPoint presentation, described the Comprehensive Plan Amendment process, the purpose and impetus of the request, sample language, consistency, and approval from the Planning and Zoning Commission to add a new Chapter 13 Property Rights Element.

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

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve Resolution 2022-007, approving the transmittal of a proposed Indian River County Comprehensive Plan Text Amendment to State and Regional review agencies. The motion carried by the following vote:

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

10.A.5.

Consideration of Land Development Regulation (LDR) Amendments to Sections 901.03 and 911.06 Allowing Solar Facilities as a Permitted Use in all Agricultural Zoning Districts [Legislative]

Ryan Sweeney, Chief of Current Development, presented Land Development Regulation Ordinance amendments which would require solar facilities to be a permitted use in all agricultural zoning districts within an unincorporated area, as required by the State Legislature. He added that the Board could also approve holding the second required public hearing at its regular 9:00 a.m. meeting, rather than at 5:01 p.m.

Chairman O'Bryan received confirmation that the statute defined the parameters of a solar facility.

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

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to 1) approve the draft Ordinance with no changes, and 2) approve setting the second, final adoption hearing for the Board's regular meeting of February 1, 2022, at 9:00 a.m. The motion carried by the following vote:

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

12.D.1. Results of Consultant Findings - Phase 1 Employer Health Clinic/Wellness Center
Human Resources Director Suzanne Boyll referred to staff's memo, dated January 11, 2022, to present the Lockton Companies' report on the Phase 1 findings of an Employer Health Clinic/Wellness Center analysis. Ms. Boyll reviewed information on health claims, demographics, risks and conditions, and a feasibility assessment. She relayed the report's finding that there were potentially enough divertible health claims to support a wellness center, and discussed the benefits to employees and projected costs.

Board discussion followed the presentation with Commissioners posing questions and hypotheticals to Director Boyll regarding reduction of costs, types of services, user profiles, wellness benefits, and the need to consider new approaches to managing the cost of health care.

Commissioner Adams received confirmation from staff that issuing a request for proposal (RFP) did not obligate the County to proceed with the proposal. Vice Chairman Earman expressed interest in exploring which existing services a clinic could assume. Commissioner Flescher requested additional information from other clinics' users, and Chairman O'Bryan questioned preferences between telemedicine and in-person clinic visits. The Board supported proceeding with the RFP process, with the exception of Commissioner Moss who stated the project was too high risk.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve authorizing Lockton Companies to proceed with the marketing and RFP process for an employer health clinic/wellness center. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

E. Information Technology

12.E.1. Addition - Multi-Factor Authentication Software Procurement Recommendation
[Clerk's Note: This item was heard following item 10.A.5.]

Dan Russell, Information and Technology Director, presented the Board with staff's recommendation for a one-year renewal of the multi-factor authentication software package with NetSync, Inc.

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

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

F. Office of Management and Budget

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Florida Development Finance Corporation Consent Resolution

County Attorney Dylan Reingold read from his memo dated January 3, 2022, as he explained the need to issue revenue finance bonds for the County's planned renewable natural gas production facility. He added that the bonds would not incur any debt for the County.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve Resolution 2022-008, providing consent to the Florida Development Finance Corporation to the issuance of revenue bonds on behalf of Nopetro Eco District, LLC; and providing an effective date. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1.

Additional Discussion on Muck and Seagrass in the Indian River Lagoon

[Clerk's Note: This discussion was a continuation of Item 5.D.]

Chairman O'Bryan requested a proposal from Dr. Loraé Simpson, Florida Oceanographic Society, and Ms. Abbey Gering, Florida Tech, to assist the County in identifying areas receptive to seagrass restoration, as well as a cost estimate to implement the plan. Additionally, he sought to create a map of the muck in the Indian River Lagoon for a future removal initiative.

County Attorney Dylan Reingold identified avenues to achieve procurement and purchasing goals for the restoration proposal. Commissioner Flescher invited speakers in the audience to weigh-in on the matter. Commissioner Adams informed the Board of a muck-mapping presentation from the Citizens' Advisory Committee of the Indian River Lagoon National Estuary Program.

The following people addressed the Board:

Paul Fafeita, President, Clean Water Coalition

Judy Orcutt, Clean Water Coalition

Jean Catchpole, Indian River Neighborhood Association

The Chairman called for a recess at 10:55 a.m., and reconvened the meeting at 11:08 a.m. with all members present.

The item concluded with the following speaker:

James Cannon, Intergovernmental Coordinator, St. Johns River Water Management District

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to direct staff to work in conjunction with the Florida Oceanographic Society and Florida Tech on a project to identify the best locations in the Indian River Lagoon to plant seagrass, and secondarily to map out areas of deep muck for a future removal project. The motion carried by the following vote:

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

B. Commissioner Joseph H. Earman, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher**E. Commissioner Laura Moss****14.E.1.** Request for Approval to use County Commission Chambers for one-hour on January 28, 2022 from 3:00 - 4:00 PM

Commissioner Moss presented her request to use the County Commission Chambers for a one-hour educational presentation to school children from the Boys and Girls Club.

Chairman O'Bryan inquired whether the Boys and Girls Club had paid the required, prorated non-profit fee to utilize any of the County's public buildings. Commissioner Moss questioned why it was necessary to collect a fee when the presentation was for children. The Chairman explained why a nominal fee to use County facilities was necessary, and admonished Commissioner Moss for not following procedures.

Commissioner Adams clarified that the presentation was for the Boys and Girls Club, a youth-based non-profit, and that all non-profit organizations were subject to protocols when requesting use of government buildings. Commissioner Moss ended discussion, and stated she was disappointed to learn of the County's policy.

No Action Taken

15. SPECIAL DISTRICTS AND BOARDS

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.

A. Emergency Services District**B. Solid Waste Disposal District****15.B.1.** Approval of Minutes Meeting October 19, 2021

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Solid Waste Disposal District Meeting Minutes of October 19, 2021 as written. The motion carried by the following vote:

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

15.B.2. Work Order No. 14 to Geosyntec for Annual Permit, Compliance Monitoring, and Reporting for 2022

There was no discussion regarding this item.

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

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

15.B.3. Amendment No. 1 to Work Order No. 44 to Kimley-Horn for Landfill Gas Flare Skid Improvements and Pipeline Extension

There was no discussion regarding this item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:43 p.m.