



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

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, August 17, 2021

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found at the end of this agenda and also online at www.ircgov.com.

1. CALL TO ORDER

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

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

2.B. INVOCATION

Reverend Hunter VanWagensen, Christ Church Vero Beach

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: 8.AP. Approval of Blue Medicare Advantage Renewal
13.D. Acquisition of Right-Of-Way from Pamela Ryall Morris for Phase I of 66th Avenue Improvements - 6760 57th Avenue, Parcel 320

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

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

5. PROCLAMATIONS and PRESENTATIONS**5.A.** ReCollect Waste Wizard - CARTer's Corner Mobile Application

Recycling Education and Marketing Coordinator Sue Flak appeared before the Board accompanied by the County's recycling mascot, Carter. Ms. Flak used a PowerPoint presentation and live demonstration to introduce a new educational tool named "CARTer's Corner", which answers residents' questions regarding which items are recyclable. She informed that CARTer's Corner was also available as a mobile app that residents could download for free.

Presented

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of April 20, 2021, May 4, 2021, May 11, 2021, and May 18, 2021, as written. The motion carried by the following vote:

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

6.A. Regular Meeting of April 20, 2021

Approved

6.B. Regular Meeting of May 04, 2021

Approved

6.C. Regular Meeting of May 11, 2021

Approved

6.D. Regular Meeting of May 18, 2021

Approved

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**7.A.** Florida Public Service Commission PAA Order PSC-2021-0252-PAA-EQ approving FPL's revised standard offer contract and associated rate schedule QS-2, a copy is on file in the Clerk to the Board Office.

No Action Taken or Required

- 7.B.** Florida Public Service Commission Consummating Order
PSC-2021-0252-PAA-EQ effective and final; docket to be closed.

No Action Taken or Required

- 7.C.** 2022 Holiday Schedule

No Action Taken or Required

- 7.D.** Indian River County Venue Event Calendar Review

Vice Chairman O'Bryan announced that the September 6, 2021 District 4 Community Meeting was cancelled.

No Action Taken or Required

- 7.E.** 3rd Quarter FY 2020/2021 Budget Report

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Consent Agenda as amended, pulling items 8.O., 8.U., and 8.W. for discussion. The motion carried by the following vote:

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

- 8.A.** Checks and Electronic Payments June 25, 2021 to July 1, 2021

Approved

- 8.B.** Checks and Electronic Payments July 2, 2021 to July 8, 2021

Approved

- 8.C.** Checks and Electronic Payments July 9, 2021 to July 15, 2021

Approved

- 8.D.** Checks and Electronic Payments July 16, 2021 to July 22, 2021

Approved

- 8.E.** Checks and Electronic Payments July 23, 2021 to July 29, 2021

Approved

- 8.F.** Checks and Electronic Payments July 30, 2021 to August 5, 2021

Approved

- 8.G.** Subrecipient Award Agreement - TCHSC
Approved staff's recommendation
- 8.H.** Subrecipient Award Agreement - SRA
Approved staff's recommendation
- 8.I.** Approval of 2021/2022 State Funded Subgrant Agreement (T0149) To Update Indian River County's Hazards Analysis
Approved staff's recommendation
- 8.J.** Acceptance and Approval of Expenditures for Emergency Management State-Funded Subgrant Agreement (EMPA) Agreement Number A0209
Approved staff's recommendation
- 8.K.** Acceptance and Approval of Expenditures of Emergency Management Federally-Funded Subgrant Agreement (EMPG Agreement Number: G0301) and Expenditure Approval
Approved staff's recommendation
- 8.L.** Acceptance and Approval of Expenditures of Emergency Management Performance Grant Program-American Rescue Plan Act (EMPG-ARPA Agreement Number: G0310)
Approved staff's recommendation
- 8.M.** Addendums to Administrative Services Agreements - RxBenefits and Express Scripts effective January 1, 2021 and October 1, 2021
Approved staff's recommendation
- 8.N.** Limited COVID-19 Sick Pay Benefit
Approved staff's recommendation
- 8.O.** Award of Bid No. 2021048 for Oslo Riverfront Conservation Area Planting
Vice Chairman O'Bryan expressed his concern regarding the wide range of prices submitted during bidding. Purchasing Manager Jennifer Hyde explained that the lowest responsive and responsible bidder, Sandhill Environmental Services LLC, had costs which were lower because they grew their own plants. She assured the Vice Chairman that the vendor's references had been vetted, and the contract stipulated payment only upon staff approval of the plants which also carried a 90-day warranty.
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 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Earman

8.P. Award of Bid 2021046 for South Oslo Road WTP SCADA System Improvements

Approved staff's recommendation

8.Q. Award of RFP 2021052 for ATM Services

Approved staff's recommendation

8.R. Miscellaneous Budget Amendment 009

Approved Resolution 2021-048, amending the Fiscal Year 2020-2021 Budget.

8.S. Second Renewal of RFP 2019060 FEMA Public Assistance Consulting Services

Approved staff's recommendation

8.T. Award of Bid 2021049 - Egret Marsh Algal Turf Scrubber Influent Feed System Replacement

Approved staff's recommendation

8.U. Change Order 1 to the Agreement with All Webbs, Enterprises Inc. for Well Field Feasibility Expansion Study

Commissioner Moss stated that she would deny approval of Change Order 1 with All Webbs Enterprises, Inc., noting that she had voted against the original item on June 8, 2021, because the bid requirement had been waived for the Well Field Feasibility Expansion Study.

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

Nay: 1 - Commissioner Moss

8.V. Work Order No. 7 with Kimley-Horn and Associates - South County Reverse Osmosis Water Treatment Plant 2022 Permit Renewal

Approved staff's recommendation

- 8.W.** Request for Purchase of Sodium Hypochlorite Tanks for South County Reverse Osmosis Water Treatment Plant
- Interim Director of Utility Services Matt Jordan provided clarification in response to a query from Commissioner Moss regarding his department's request to waive the bid requirement for the purchase of new sodium hypochlorite tanks. Mr. Jordan explained that there was an urgent need to replace the tanks earlier than planned, and that staff had received three (3) bids for the new equipment.
- A motion was made by Commissioner Moss, seconded by Vice Chairman O'Bryan, to approve staff's recommendation. The motion carried by the following vote:**
- Aye:** 5 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Earman
- 8.X.** Consideration of the Indian River County SHIP Program 2021 Annual Report
- Approved staff's recommendation**
- 8.Y.** Work Order with MBV Engineering, Inc. for Design of the Next Phase of the Trans-Florida Central Railroad Trail
- Approved staff's recommendation**
- 8.Z.** Sector 3 Beach and Dune Nourishment Project - Phase 1 (IRC-1925) APTIM, Work Order No. 2018006-10, Pre-Construction Services
- Approved staff's recommendation**
- 8.AA.** Sector 3 Beach and Dune Nourishment Project - Phase 2 (IRC2109) APTIM, Work Order No. 2018006-11, Pre-Construction Services
- Approved staff's recommendation**
- 8.AB.** Amendment Number 3 to the Agreement for Professional Services 45th Street Improvements (IRC-1722) - RFQ 2018012
- Approved staff's recommendation**
- 8.AC.** Final Payment, Release of Retainage and Change Order No. 1 Indian River Boulevard and 8th Street Signalization IRC-1909
- Approved staff's recommendation**
- 8.AD.** Amendment No. 19 to Indian River County Civil Engineering and Land Surveying Agreement for Bridge Replacements and Widening of 66th Avenue from South of SR60 to North of 57th Street
- Approved staff's recommendation**

- 8.AE.** FEMA Mandated Code Updates Related to National Floodplain Insurance Program (NFIP) and technical stormwater design engineering standards
Approved staff's recommendation
- 8.AF.** Resolution Cancelling Taxes on a Property Purchased by the City of Fellsmere for Public Purpose
Approved Resolution 2021-049, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (O'Haire)
- 8.AG.** First Amendment to License with Vertical Bridge
Approved staff's recommendation
- 8.AH.** Approval of Temporary Policy Supplement for Emergency Housing Vouchers and Supporting Resolution
Approved Resolution 2021-050, approving a Temporary Policy Supplement for the Emergency Housing Voucher Program.
- 8.AI.** Ahtna Marine Bid Bond Settlement
Approved staff's recommendation
- 8.AJ.** Approval of Resolution Establishing Fair Market Rental Rates for Housing Choice Voucher Program for Fiscal Year 2022
Approved Resolution 2021-051, approving payment standards for beginning Fiscal Year 2022 for the Housing Choice Voucher Program.
- 8.AK.** Approval of Resolution Establishing Utility Rates for Housing Choice Voucher Program for Federal Fiscal Year 2022
Approved Resolution 2021-052, approving revisions to the Housing Choice Voucher Program Utility Allowance Schedule for Fiscal Year 2022.
- 8.AL.** Ocean Concrete and George Maib v. Indian River County
Approved staff's recommendation
- 8.AM.** Approval of Change Order # 3 for Radio System P25 Migration Project
Approved staff's recommendation
- 8.AN.** Go Life Holding LLC's Request to Amend the Declarations of Restrictive Covenants on Certain Properties Previously Owned by SK Vero, LLC and Petrus Veros, LLC [AA-20-08-87 / 2004110281-87093]
Approved staff's recommendation

8.AO. Approval of the Special Olympics Florida Aquatic Championships Agreement for the Swimming Event to be held at the North County Aquatic Center and for the Opening Ceremony to be held at the iG Center

Approved staff's recommendation

8.AP. Approval of Blue Medicare Advantage Renewal

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1.

Home Occupation Preemption - Legislative

County Attorney Dylan Reingold relayed that Governor DeSantis had approved House Bill 403 (HB 403) which preempts local governments from regulating certain types of homebased businesses, effective July 1, 2021. Attorney Reingold noted that the proposed ordinance before the Board removed language which regulated businesses that were now preempted, and left regulations for non-preempted businesses untouched.

Under discussion, the Commissioners received confirmation from Attorney Reingold and Community Development Director Phil Matson that the County would retain the ability to enforce nuisance regulations such as noise, parking, and traffic. It was also noted that signage must conform to Homeowner's Association rules or to the County's existing regulations, depending on the neighborhood.

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

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to adopt Ordinance 2021-010, amending Section 911.13 (Special Districts) of Chapter 911 (Zoning) and Section 912.05 (Allowable uses: locations for single-family development and uses allowed in single-family areas) and Section 912.10 (Construction; building permit review, approval, inspection) of Chapter 912 (Single-Family Development) and Section 956.16 (Regulations for permanent identification signs requiring permits) of Chapter 956 (Sign Regulations) of the Code of Indian River County in order to exempt those home occupations exempt per State Statute; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:

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

10.A.2.

Request from National Health Transport, Inc. for a Class "B" Certificate of Public Convenience and Necessity to Provide Non-Emergency Ambulance Inter-Facility Transports Originating from Indian River County -- Administrative

County Attorney Dylan Reingold referred to staff's memo dated August 6, 2021, as he apprised the Board of the relevant County code and procedure related to National Health Transport's (NHT) request for Class "B" certification. He stated that an investigation had been completed by staff, and the County's EMS director recommended approval of NHT's request.

The Chairman opened the public hearing.

The following spoke against approval:

Charles Maymon, Vice President, All County Ambulance

The following spoke in favor of approval:

Raul Rodriguez, President, National Health Transport

Michael DeSouza, Operations Manager, National Health Transport

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

Under discussion, the Commissioners expressed appreciation for the comments made. There was agreement that it was not the Board's place to interfere with market conditions, and to accept staff's investigation and recommendation.

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

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

10.A.3.

County Commissioner Districts - Proposed 2021 Redistricting Plan

County Attorney Dylan Reingold sought the Board's approval of the proposed 2021 Redistricting Plan which included objectives, criteria, and a timeline. He noted that the purpose of this hearing was only to set forth a plan, and would not include discussion or maps of proposed districts.

The Commissioners expressed support for the 2021 Plan, noting that the Board was elected by and served residents countywide, regardless of District. Chairman Flescher and Vice Chairman O'Bryan shared their experience from the last redistricting effort in 2011.

The Chairman opened the public hearing.

Elizabeth Siebert, candidate for County Commissioner, spoke on the needs of the Gifford neighborhood.

Leslie R. Swan, Supervisor of Elections, provided clarification regarding campaign materials used during a redistricting year.

Valerie Brant-Wilson, County resident, was advised that the data from the full census report would be used in conjunction with the criteria approved. She later received input from Attorney Reingold regarding the latest version of the 2021 Plan.

Paul E. Carlisle, Sebastian City Manager, expressed support for the proposed criteria, and requested a copy of the detailed census report when available.

Manny Anon, Sebastian City Attorney, thanked Attorney Reingold for sharing the criteria with the municipalities, and expressed his support.

Mario Wilcox, County resident, discussed the issue of representation for jailed citizens and suggested that Attorney Reingold add the issue of the jailhouse population to the redistricting criteria.

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

Commissioner Adams reviewed the timeline with Attorney Reingold, and encouraged community participation.

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the proposed 2021 Redistricting Plan. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from JohnDre Jennings re: Single Member Voting Districts

Ms. JohnDre Jennings, on behalf of the Southern Christian Leadership Conference, had her colleagues distribute packets to the Board with information related to the PowerPoint presentation she gave via Zoom. Ms. Jennings discussed gentrification's effect on the history and culture of neighborhoods, and urged inclusive representation for the County's future generations.

No Action Taken or Required

10.B.2. Request to Speak from Anthony Stewart, President of SCLC, IRC Chapter re: Single Member Voting Districts

Mr. Anthony Stewart, President, Southern Christian Leadership Conference, advocated for a single member voting district to redress the lack of representation of black residents in County government. He noted the disparity of infrastructure and lack of commonality among the neighborhoods encompassed by District 2.

No Action Taken or Required

10.B.3. Request to Speak from Johnny Blayne Jennings re: Single Member Voting Districts

Mr. Johnny Blayne Jennings discussed the lack of representation for Gifford, and increasing gentrification of the neighborhood. He advocated for a single member voting district which encompassed all the County's black communities from Oslo through Gifford to Wabasso.

No Action Taken or Required

10.B.4. Request to Speak from Brother Gary Johnson re: Single Member Voting Districts

Brother Gary Johnson, president, King Clergy, supported granting the residents of Gifford an equal voice in the County's government to foster growth and opportunity. He urged action for tangible results to support the African American community.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

10.C.1.

Public Notice of Public Hearing Scheduled for September 14, 2021 to Consider Hanlex Development, LLC's Request to Rezone Approximately ±2.34 Acres from CH, *Heavy Commercial District*, to CG, *General Commercial District*, located west of and adjacent to South US Highway 1, approximately 250 feet south of Highland Drive SE and approximately 700 feet north of 23rd Street SE and east of the FEC Railroad [RZON-2003090259-89653] **(Quasi-Judicial)**

County Attorney Dylan Reingold read the Notice into the record.

No Action Taken or Required

The Chairman called a recess at 10:47 a.m., and reconvened the meeting at 11:14 a.m. with all members present.

11. COUNTY ADMINISTRATOR MATTERS**11.A.**

St. Lucie County Letter of Support

Kathleen Keenan, Legislative Affairs and Communications Manager, requested approval of a letter of support for St. Lucie County's efforts to identify and control sources of pollution from Class AA biosolids.

Vice Chairman O'Bryan supported the letter, and also advocated for legislative support for education on responsible methods to safely treat and dispose of Class AA biosolids.

Commissioner Moss suggested an alteration to the letter's greeting.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve and send the draft letter to St. Lucie County with the modification to change the greeting to "Dear Chairman." The motion carried by the following vote:

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

11.B. American Rescue Plan Act of 2021 - Spending Plan Revisions

Kristin Daniels, Director, Office of Budget and Management, reported a decrease in the amount of money the County would receive from the American Rescue Plan (ARP), as well as revised spending parameters from the Treasury Department which necessitated changes to the spending plan.

Director Daniels continued on to provide details of the needed changes which included reallocating funds from reducing revenue-loss into roadway maintenance, more funding for responding to the public health emergency and workers performing essential work, as well as additional funds for the Supervisor of Elections Office. She noted that the biggest change in the plan involved the proposed purchase of the Fellsmere Inn for use by Indian River State College (IRSC) as a satellite campus focused on hospitality industry training. More information was given regarding how this purchase fit into the Treasury's parameters for ARP fund spending and IRSC's plan for its use.

Commissioner Adams received additional information from Director Daniels regarding the reasons that paving unpaved roads was not permissible with ARP funds. The Commissioner then expanded on the benefits the Fellsmere Inn project would provide to the community, and requested to be included in future discussions.

Assistant County Administrator Mike Zito provided clarification regarding the plan for the Inn, noting that a formal presentation would be made before the Board, and that the purchase was planned to be in the form of a grant. Chairman Flescher expressed support for the collaboration between the County and IRSC.

Commissioner Moss received clarification from Director Daniels regarding the reduction in ARP funds, the increased allocation for EMT staff who had contracted Covid, and alternative projects to the Fellsmere Inn partnership.

Casey Lunceford, IRSC Mueller Campus President, appeared before the Board to explain the due diligence process for the Fellsmere Inn project, training opportunities to serve the local hospitality industry, and the commitment to honor the historic location. He estimated that there would be more information regarding the path forward by the end of the year.

Vice Chairman O'Bryan and Commissioner Earman expressed the reasons they thought the Fellsmere Inn partnership was a good investment in the County's future.

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

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

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

12.E.1. TIGR Acquisitions III, LLC Purchase and Sale Agreement for 810 Bailey Road Tower

County Attorney Dylan Reingold recounted the past usage of the County-owned Bailey Road Tower. He went on to inform that at the March 16, 2021 Commission meeting, the Board had approved entering into a Letter of Intent Agreement with TIGR Acquisitions III, and staff proceeded to negotiate a price of \$4.1 million. He sought the Board's approval of the sales and purchase agreement, noting that details regarding easement and licensing provisions were still being worked out.

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

F. Office of Management and Budget

G. Public Works

H. Utilities Services

12.H.1.

Request to Publish Notice of Public Hearing to Consider Modifications to County Code Sections 201.64 and 201.65, Prohibited Discharge Standards

Matt Jordan, Interim Director of Utility Services, presented his department's request to schedule a public hearing to modify the County's code regarding proper discharge of dental amalgam from dental facilities. The Florida Department of Environmental Protection (FDEP) provided language to incorporate into the revised code which would establish legal authority to enforce the rules regarding amalgam disposal.

Chairman Flescher received confirmation from County Attorney Dylan Reingold that public hearings were advertised in the newspaper as well as on the County's website.

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

13. COUNTY ATTORNEY MATTERS**13.A.**

Planning and Zoning Commission Alternate

County Attorney Dylan Reingold informed that the Planning and Zoning Commission (P&Z) often struggled to reach a quorum, and requested the Board's consideration and input regarding adding an alternate position.

Commissioner Adams suggested adding an at-large alternate who would attend each meeting so they were up to speed, and that position would only vote in the absence of a quorum. She also suggested combining meetings with sparse agendas so that each meeting was more robust.

Under discussion, the Board agreed on the need for an alternate member, and voiced support for having the at-large member vote only in the event of a regular member's absence. Attorney Reingold provided confirmation that there were rules regarding excessive P&Z Board member absences.

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, authorizing staff to set a public hearing to consider an ordinance amending the County Code to permit alternates for the Planning and Zoning Commission, with additional direction to add one (1) member from the public-at-large who would have voting rights and would be permitted to vote in the place of any absent member. The motion carried by the following vote:

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

13.B. Local Provider Participation Fund (LPPF) Ordinance

County Attorney Dylan Reingold informed the Board that staff had been approached about enacting a Local Provider Participation Fund (LPPF) to assist county hospitals in recouping unreimbursed Medicaid costs. He gave an overview of the program and outlined the next steps which included scheduling public hearings for Ordinance adoption on September 14, 2021, an assessment Resolution on September 21, and drafting a Letter of Agreement by October 1, 2021. Attorney Reingold outlined some of staff's concerns regarding the impact to the County, and exposure to legal issues.

The following speakers addressed the Board in favor of the program, and provided additional information:

Daniel Knell, Florida Market President, Steward Health
Warren Fuller, Chief Financial Officer, Cleveland Clinic Indian River Hospital
Colleen Ernst, Adelanto Healthcare Ventures

Under discussion, the Commissioners asked and received answers from the speakers regarding Medicaid reimbursement rates from the State and Federal governments, the role of the Florida Agency for Health Care Administration (AHCA), regional partnerships, estimated reimbursement amounts, and oversight for the redistribution of collected funds. The Commissioners received confirmation that the program would not be funded by taxpayers, and expressed their concerns regarding the complicated nature of the program.

Attorney Reingold advised that the County was awaiting information from AHCA regarding whether this program would affect the amount of money the County contributed to the State for Medicaid.

Vice Chairman O'Bryan noted during his motion that he was interested in more information but could not guarantee his final approval. Attorney Reingold added that entities would be notified that proceeding to the next step was not a guarantee of County participation in the program.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to direct staff to set a public hearing to consider a Local Provider Participation Fund Ordinance on September 14, 2021, and draft a corresponding Resolution for consideration on September 21, 2021. The motion carried by the following vote:

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

The Chairman called a recess at 12:35 p.m., and reconvened the meeting at 1:05 p.m. with all members present.

13.C.

Permission to File an Injunction Against Angela Piscitelli

Assistant County Attorney Susan Prado presented background information on the sanitary nuisance caused by a malfunctioning septic system at the Piscitelli's residence located at 1916 79th Avenue. She recounted that after the Piscitellis failed to apply for financial assistance or take action to repair the septic system, the Department of Health (DOH) brought the case before the Environmental Control Hearing Board which directed the DOH to file an injunction. As the sanitary nuisance still had not been corrected, the County Attorney's Office was seeking the Board's approval to file suit in circuit court for injunctive relief.

Under discussion, Vice Chairman O'Bryan questioned whether there was an alternate solution to achieve results since the property owners stated they could not afford the repairs. Attorney Prado advised of the efforts taken to assist the Piscitellis with obtaining grants and finding a septic repair company who would finance the work.

Cheryl Dunn, Indian River County Health Department, noted that the family took temporary measures only after being forced to by subpoena. After further attempts to provide assistance to the family failed to result in action, the DOH sought relief through additional legal measures.

County Attorney Dylan Reingold received confirmation from the Board that the County should not take action to fix the septic nuisance themselves.

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

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

13.D. Acquisition of Right-Of-Way from Pamela Ryall Morris for Phase I of 66th Avenue Improvements - 6760 57th Avenue, Parcel 320

County Attorney Dylan Reingold presented the details of the purchase and sale agreement for right-of-way acquisition at 6760 57th Avenue for Phase I of 66th Avenue improvements. He noted that the negotiated price did not involve any fees or costs, per the Board's previous direction to maximize the return to the landowner.

Vice Chairman O'Bryan expressed approval of the settlement terms.

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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

14.A.1. BCC Presentation of St. John's River Water Management District Central Springs/East Coast Regional Water Supply Plan

Chairman Joseph Flescher offered comments following the July 28, 2021 St. John's River Water Management District's (SJRWMD) public workshop regarding the region's water supply plan. He requested the Board's support to invite the SJRWMD to appear for a formal presentation when the water supply plan had been finalized.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to request that the St. John's River Water Management District appear before the Board to present the final version of their Central Springs/East Coast Regional Water Supply Plan. The motion carried by the following vote:

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

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

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

14.D.1.

A New Proposal for Landscaping Companies in Agricultural Zones

Commissioner Joe Earman initiated a discussion to reexamine whether to continue allowing off-site landscaping businesses to be permitted as an accessory use on agricultural-zoned land. Commissioner Earman referred to his memo dated August 9, 2021 for background, analysis and suggested recommendations. He noted that in light of increasing development, he was requesting consideration of whether to preserve the integrity of agricultural land or redefine the allowable usage in a concise and enforceable manner.

The Commissioners each in turn expressed their thoughts and opinions on the matter. Chairman Flescher reiterated his opposition to changing the regulations, stating that this was a code enforcement issue. Vice Chairman O'Bryan stated his support for eliminating commercial lawn care businesses on agricultural land to prevent abuse of accessory business permits; existing businesses would be grandfathered-in. Commissioner Adams expressed frustration that this topic was being revisited after seemingly being settled at the October 6, 2020 meeting, and repeated her position that the suggested code changes had been too narrow in scope and would stymie agricultural businesses. Commissioner Moss stated her support for maintaining the integrity of agricultural land.

In answer to Vice Chairman O'Bryan's query, Code Enforcement Chief Andy Sobczak advised that grandfathered businesses could be repaired but not expanded. Community Development Director Phil Matson added that in the event a grandfathered business was destroyed, it could not be rebuilt.

Lengthy discussion ensued regarding the best way to plan the future of agricultural-zoned land and protect legitimate supporting uses, while also allowing prospective residents to anticipate the types of allowable businesses. Commissioner Earman suggested that just eliminating new lawn care businesses, while grandfathering existing ones, would address the original complaint brought before the Board. Director Matson provided information on the county's matrix of allowable agricultural accessory businesses, as well as clarifying the impact of grandfathering existing businesses.

A motion was made by Commissioner Earman, seconded by Vice Chairman O'Bryan, to amend the county code to eliminate lawn mowing services from the allowable accessory uses on agricultural-zoned land.

With a motion on the floor, Director Matson requested input from the Board regarding their preferred version of the several draft amendments to the code presented at the March 3, 2020 Board meeting. Commissioner Adams and Vice Chairman O'Bryan continued discussing the legacy of eliminating currently

allowable businesses, and the limitations imposed on grandfathered businesses.

The following people addressed the Board:

- Kelley Stolze - Caribbean Lawn and Landscaping
- Spencer Simmons, 7350 37th Street
- Ken Hendrix, 6220 1st Street SW
- Jodi Velde, 6300 1st Street SW
- Joseph Paladin, Black Swan Consulting
- Brett Hall - Creative Landscaping
- Brian Quant- 7020 37th Street
- Brian Stolze - Caribbean Lawn and Landscaping

An agreement was reached to postpone a vote until Commissioners and staff had the opportunity to communicate clearly on specific details, as well as long-term objectives. Commissioner Earman withdrew his motion, stating he would like the chance to work with Director Matson and the residents who were in attendance to speak before the Board. He agreed that the visioning process may be a more appropriate time to discuss the future of agricultural-zoned land, and noted that the item would return if discussions proved it had merit.

Tabled

E. Commissioner Laura Moss

The Chairman called a recess at 3:36 p.m., and reconvened the meeting at 3:46 p.m. with all members present.

14.E.1.

IRC Administration Complex - Native Plant Garden Project

Commissioner Laura Moss introduced the Native Plant Garden presentation, and thanked the additional non-profit organizations which added their support. Pelican Island Audubon Society president Dr. Richard Baker displayed slides to provide an overview of the project and the landscape designer's credentials.

Stephanie Dunn, Landscape Architect, Cadence, appeared via Zoom to walk the Board through the rationale and details of her firm's plan for the garden installation on the east side of County Administration Building A.

Under discussion, the Commissioners expressed displeasure that the project had increased in scope and size after the Board had provided specific parameters at the May 18, 2021 meeting. The Board also questioned why staff was not presenting the design, as agreement had been reached that Commissioners should refrain from being involved in the development process. The Board clarified with Dr. Baker their expectations regarding the scope, management, and maintenance of the project.

Director of Public Works Rich Szyrka confirmed receiving a request for irrigation plans, but denied having seen the expanded design that was presented.

[Clerk's note: Commissioner Adams was excused from the meeting at 4:15 p.m.]

Under further discussion with Ms. Dunn, agreement was reached to scale back the size of the garden and to eliminate some features such as the seating area. Ms. Dunn also agreed to include a 5 foot area between the existing hedges and the new plantings for maintenance, as requested by Director Szyrka. The Board then reiterated that Director Szyrka should coordinate the plan's development going forward.

Vice Chairman O'Bryan requested that Ms. Dunn consider including some lesser known native plants in the design for educational purposes. Chairman Flescher received confirmation that the garden would receive irrigation to get it established. County Attorney Dylan Reingold made mention that he would include the relevant legal documents including the 6-month plant warranty.

The Board directed staff to implement their direction to: 1) reduce the garden's size; 2) include a 5 foot buffer between the garden and the existing hedges; 3) consider lesser-known native plants as appropriate; and 4) have Public Works staff coordinate the changes and present the revised design for Board approval. The County Attorney would also provide documents for the plant warranty and any necessary waivers.

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

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Solid Waste Disposal District Meeting Minutes of April 20, 2021, May 4, 2021, May 11, 2021, and May 18, 2021, as written. The motion carried by the following vote:

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

Excused: 1 - Commissioner Adams

15.B.1. Approval of Minutes Meeting of April 20, 2021

Approved

15.B.2. Approval of Minutes Meeting May 04, 2021

Approved

15.B.3. Approval of Minutes Meeting of May 11, 2021

Approved

15.B.4. Approval of Minutes Meeting May 18, 2021

Approved

15.B.5. Amendment No. 1 to Work Order No. 8 to Geosyntec for Groundwater Technical Support Services

There was no discussion regarding 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: 4 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Earman

Excused: 1 - Commissioner Adams

15.B.6. Approval of CY 2022 CPI Adjustment Request by Republic Services

There was no discussion regarding 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: 4 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Earman

Excused: 1 - Commissioner Adams

15.B.7. Approval of FY 2022 CPI Adjustment Request by Atlas Organics

There was no discussion regarding 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: 4 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Earman

Excused: 1 - Commissioner Adams

15.B.8. Approval of FY 2022 CPI Adjustment Request by Waste Management for Franchise Agreement

Debbie Perez, Government Affairs Manager, Waste Management, appeared before the Board to address residents' complaints regarding delayed pick-ups. Ms. Perez described the staffing challenges the company has faced, and listed the incentives Waste Management implemented to attract additional drivers.

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

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

Excused: 1 - Commissioner Adams

15.B.9. Approval of FY 2022 CPI Adjustment Request by Waste Management for Government Buildings

There was no discussion regarding 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: 4 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Earman

Excused: 1 - Commissioner Adams

15.B.1 Final Pay to Kimley-Horn Work Order No. 39 - Annual Financial Reports
0.

There was no discussion regarding 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: 4 - Commissioner Moss, Chairman Flescher, Vice Chairman O'Bryan, and Commissioner Earman

Excused: 1 - Commissioner Adams

15.B.1 Update on Generation Study and Non-Ad Valorem Rate Analysis by Kessler
1. Consulting, Inc.

Himanshu Mehta, Solid Waste Disposal District Managing Director, described the study which planned to analyze waste generation patterns for commercial sectors. He noted that the study had been delayed due to the disruption in regular patterns caused by Covid, but was now set to resume by adding scales to the trucks to gather information regarding how much waste was being generated from different commercial sectors. He estimated returning before the Board in April of 2022 with results of the study.

Vice Chairman O'Bryan inquired whether it would be possible to spot-check the commercial garbage to analyze how much material was recyclable, and use that information to incentivize higher recycling rates. Director Mehta noted that such analysis was beyond the scope of the study. He suggested partnering with Waste Management to do a field audit of businesses to ensure they were maximizing the amount of materials that could be recycled.

[Clerk's note: Commissioner Adams returned to the meeting at 4:36 p.m.]

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 4:37 p.m.