



Indian River County Florida

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

Meeting Minutes - Final

Board of County Commissioners

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

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

Tuesday, September 14, 2021

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Reverend Ardra Rigby, New Bethel AME Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 15.A.4. to be heard following Item 8. Consent Agenda

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. [21-0663](#) Presentation of Proclamation Designating the Month of September 2021 as "Hunger Action Month."

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Ms. Annabel Robertson, Executive Director, United Against Poverty, and Mr. Gary Keller, representing the Treasure Coast Food Bank.

Ms. Robertson announced the planned events to recognize Hunger Action Month.

Read and Presented

5.B. [21-0739](#) Presentation of Proclamation Designating September, 2021 As National Suicide Prevention Awareness Month

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Commissioner Earman read and presented the Proclamation to Deputy Chief Milo Thornton, Board Director for New Horizons of the Treasure Coast and Okeechobee (New Horizons), who provided knowledge regarding the dedicated works of New Horizons.

Chairman Flescher stated his appreciation for Chief Thornton's all-around commitment to the citizens of the County.

Read and Presented

- 5.C. [21-0852](#) Presentation of Food Waste Diversion through Indian River County Community Fridge Program

Recommended Action: No action is required for this item.

Attachments: [Staff Report](#)

Solid Waste Disposal District Managing Director Himanshu Mehta was accompanied by Recycling Education and Marketing Coordinator Susan Flak, to introduce the Community Fridge Program. Ms. Flak utilized a PowerPoint presentation to communicate her quest to assist food-insecure residents by encouraging the community to do their part to reduce food waste. She announced their motto, "Take What You Need, Leave What You Can," and proposed that the County's first community refrigerator would be located in the City of Fellsmere. She reviewed the guidelines and related legislation, the rules and regulations, and she made mention that the refrigerators would be monitored daily. Ms. Flak spoke on the success of similar programs within the State, and she provided examples of the art and creativity that had been incorporated to make the refrigerators stand out in a community.

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 June 8, 2021, June 15, 2021, and June 22, 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. [21-0861](#) Regular Meeting of June 8, 2021

Recommended Action: Approve

Attachments: [06082021BCC_Draft](#)

Approved

- 6.B. [21-0862](#) Regular Meeting of June 15, 2021

Recommended Action: Approve

Attachments: [06152021BCC_Draft](#)

Approved

6.C. [21-0863](#) Regular Meeting of June 22, 2021

Recommended Action: Approve

Attachments: [06222021BCC Draft](#)

Approved

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

7.A. [21-0795](#) Proclamation Honoring Linda Diehl on Her Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Twenty-Seven Years of Service

Attachments: [Proclamation](#)

Chairman Flescher and Commissioner Earman acknowledged Ms. Linda Diehl's medical skills and selflessness, and they congratulated her on her retirement.

No Action Taken or Required

7.B. [21-0835](#) Proclamation Honoring James E. Faulk on His Retirement From Indian River County Board of County Commissioners Department of General Services Shooting Range with Twenty Years of Service

Attachments: [Proclamation](#)

Chairman Flescher congratulated Mr. James Faulk for 20 years at the Indian River County Shooting Range and wished him well on his retirement.

No Action Taken or Required

7.C. [21-0856](#) Proclamation Honoring William Keith McCully on His Retirement From Indian River County Board of County Commissioners Department of Public Works with Twenty-One Years of Service

Attachments: [Proclamation](#)

Chairman Flescher recognized Mr. William "Keith" McCully for the vision he had for water treatment, which led to the design of various systems and facilities in the County during his 21 years of dedicated service to the Department of Public Works.

No Action Taken or Required

7.D. [21-0829](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an informational item only, no Board action is required

Attachments: [Event Calendar](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Items 8.I. and 8.K. for discussion. The motion carried by the following vote:

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

8.A. [21-0796](#) Checks and Electronic Payments August 6, 2021 to August 12, 2021

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 6, 2021 to August 12, 2021

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [21-0801](#) Checks and Electronic Payments August 13, 2021 to August 19, 2021

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 13, 2021 to August 19, 2021

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [21-0834](#) Checks and Electronic Payments August 20, 2021 to August 26, 2021

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 20, 2021 to August 26, 2021

Attachments: [Finance Department Staff Report](#)

Approved

8.D. [21-0848](#) Checks and Electronic Payments August 27, 2021 to September 2, 2021

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of August 27, 2021 to September 2, 2021

Attachments: [Finance Department Staff Report](#)

Approved

8.E. [21-0763](#) Renewal of Annual Bid 2021003 for Telecommunication Systems Equipment, Material, Supplies, Maintenance and Installation

Recommended Action: Staff requests the Board of County Commissioners approve the First Extensions and Amendments to the Agreement and authorize the Chairman to execute them after the County attorney has approved them for content and legal sufficiency, and upon receipt and approval of required insurance by Risk Management.

Attachments: [Staff Report](#)
[First Extension - Gerelcom, Inc.](#)
[First Extension- Precision Contracting Services, Inc.](#)

Approved staff's recommendation

8.F. [21-0807](#) Miscellaneous Budget Amendment 010

Recommended Action: Staff recommends that the Board of County Commissioners approve the budget resolution amending the fiscal year 2020/2021 budget

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit "A"](#)

Approved Resolution 2021-053, delegating authority to the County Administrator, the Assistant County Administrator or the Director of the Office of Management & Budget or their designee to execute all documents necessary to amend the Fiscal Year 2020-2021 budget during the period commencing November 9, 2021, through and including November 29, 2021.

8.G. [21-0825](#) 2021/2022 State/County Contract Indian River County Health Department

Recommended Action: Staff recommends the Board approve and authorize the Chairman to execute the contract.

Attachments: [Staff Report](#)
 [Health Dept Contract Cover Letter](#)
 [Health Department Contract](#)
 [Health Dept Contract Attachments](#)

Approved staff's recommendation

8.H. [21-0839](#) Agreement with Sun Patrick Architecture, DBA: sparcdesign for Sandridge Clubhouse Architectural Design (RFQ 2021020) - Master Planning Phase

Recommended Action: Staff recommends the Board approve the Agreement for Professional Services for the Master Planning Phase, and authorize the Chairman to sign after approval by the County attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Agreement for Professional Services](#)

Approved staff's recommendation

8.I. [21-0844](#) Authorization to Increase Blanket Purchase Orders

Recommended Action: Staff recommends the Board of County Commissioners authorize increases to the listed Purchase Order as approved by the Budget Office, up to the maximum amount requested for the current fiscal year.

Attachments: [Staff Report](#)

Vice Chairman O'Bryan reviewed the Purchase Order pre-authorization amounts for Fleet Management and Utilities.

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

- 8.J. [21-0800](#) Renewal of Lease Agreement 2601 51st Avenue, Vero Beach, FL 32966 Tenant:
Ember Pappas

Recommended Action: Staff recommends the Board approve the Renewal of Lease Agreement for the property located at 2601 51st Avenue, Vero Beach, FL 32966, and authorize the Chairman to execute the Renewal of Lease Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Renewal of Lease Agreement](#)

Approved staff's recommendation

- 8.K. [21-0853](#) Sale of House located at 5800 37th Street, Vero Beach, FL 32966 Owners: Indian
River County

Recommended Action: Staff recommends the Board approve the "AS IS" Residential Contract for Sale and Purchase Agreement in the amount of \$325,515.00 for the purchase of the 0.54 acre property located at 5800 37th Street, Vero Beach, FL 32966, and authorize the Chairman to execute the "AS IS" Residential Contract for Sale and Purchase Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[AS IS Residential Contract for Sale and Purchase](#)
[Boundary Survey](#)

Vice Chairman O'Bryan stated that the property at 5800 37th Street had been purchased by the County in August 2020, as the right-of-way was needed for a road project. He expressed contentment with the selling price of the remaining portion of the parcel.

Commissioner Moss inquired and received confirmation from County Administrator Jason Brown that staff was satisfied with the proposed transaction.

A motion was made by Commissioner Moss, 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

- 8.L.** [21-0838](#) Amendment No. 20 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.

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment No. 20 with Arcadis US, Inc. for an amount not-to-exceed \$15,670.00 and authorize the Chairman to execute the amendment.

Attachments: [Staff Report](#)
 [Amendment No. 20 from Arcadis US, Inc.](#)

Approved staff's recommendation

- 8.M.** [21-0810](#) Approval of Agreement with Florida Blue for the County's Stop Loss Policy

Recommended Action: Staff recommends and respectfully requests that the Board approve the Renewal Option with Florida Blue Highmark for the County's stop loss policy for plan year 2021/2022 and authorize the Chairman to execute the renewal agreement.

Attachments: [Staff Report](#)
 [Lockton Status Quo Renewal Summary 2021](#)
 [Renewal 2021/22 Agreement](#)

Approved staff's recommendation

- 8.N.** [21-0836](#) ESRI Small Municipal and County Government Enterprise Agreement

Recommended Action: Staff recommends that ESRI, Inc. be designated as the sole source provider for ESRI software and maintenance agreements. Staff further recommends that the Board waive the requirement for bids and authorize the Chairman to execute the attached ESRI Small Municipal and County Government Enterprise Agreement after the County Attorney has approved them as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Attachment 2](#)

Approved staff's recommendation

8.O. [21-0831](#) Morningside North SWMW Association, Inc. License Agreement

Recommended Action: Staff recommends the Board approve the License Agreement with the Morningside North SWMW Association, Inc. and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

Attachments: [Staff Report](#)
 [Morningside Agreement](#)

Approved staff's recommendation

8.P. [21-0845](#) Indian River County Library State Aid to Libraries Grant

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve the Indian River County Library System State Aid Grant Agreement, Certification of Hours, and Annual Plan; and, authorize the Chairman to sign and return the State Aid Grant Agreement and Certification of Hours for FY 2021-22 to the Interim Library Services Director to be forwarded to the appropriate State Library staff.

Attachments: [Staff Report](#)
 [State Aid To Libraries Grant Agreement](#)
 [Certification of Hours](#)
 [Annual Plan of Service 2021-2022](#)
 [Signed Grant Form](#)

Approved staff's recommendation

8.Q. [21-0857](#) Approval of an Agreement for Use of Facilities with Indian River County and the School Board of Indian River County

Recommended Action: Staff respectfully recommends the Indian River County Board of County Commissioners accept the Agreement for Use of Facilities between the School Board of Indian River County and Indian River County and execute the same.

Attachments: [Staff Report](#)
 [Agreement for Use of Facilities with School Board](#)

Approved staff's recommendation

8.R. [21-0847](#) Indian River County Tax Collector Carole Jean Jordan Re: Request BCC to Order the Tax Roll to be Extended

Recommended Action: Approve Request

Attachments: [Memorandum from Tax Collector](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

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

A. PUBLIC HEARINGS

- 10.A.1. [21-0842](#) Hanlex Development, LLC's Request to Rezone Approximately ±2.34 Acres from CH, *Heavy Commercial District*, to CG, *General Commercial District* (RZON2003090259-89653) [**Quasi-Judicial**]

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject site from CH to CG by adopting the proposed rezoning ordinance.

Attachments: [Staff Report](#)
[Summary Page](#)
[Rezoning Application](#)
[911.10\(4\) Commercial Uses](#)
[Section 902.12\(3\), Standards of Review](#)
[Rezoning Ordinance](#)

Chairman Flescher introduced the parties as Indian River County and Hanlex Development, LLC (Hanlex Development).

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.

Chairman Flescher opened the public hearing.

Community Development Director Phil Matson introduced Chief of Long Range Planning John Stoll, who referred to staff's memorandum dated September 1, 2021, and a PowerPoint presentation to clarify the request by Hanlex Development to rezone a parcel of property from CH, Heavy Commercial District, to CG, General Commercial District. He included site and adjacent parcel uses and zoning maps, along with information on the Commercial/Industrial Future Land Use Designation. Following a summary of the analysis conducted, Chief Stoll stated the recommendation of County staff and the Planning and Zoning Commission, to advise the Board to approve the rezoning request.

Vice Chairman O'Bryan inquired and received confirmation from Chief Stoll that during the site plan development phase, the egress and ingress would be evaluated.

Jeremy Anderson, Engineer, Common Oak Engineering, representing Hanlex Development, addressed the Board to show appreciation for County staff for their detailed staff report. He had nothing additional to add to the presentation.

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

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to adopt Ordinance 2021-011, amending the zoning ordinance and the accompanying zoning map for approximately ±2.34 acres located west of and adjacent to South US Highway 1 approximately ±250 feet south of Highland Drive and approximately ±700 feet north of 23rd Street Southeast and east of the FEC Railroad, from CH, Heavy Commercial District, to CG, General Commercial District; 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

10.A.2. [21-0849](#) Local Provider Participation Fund (LPPF) Ordinance (Legislative)

Recommended Action: County staff recommends that the Board open the public hearing, take public comment and then vote whether to approve the Local Provider Participation Fund ordinance.

Attachments: [Staff Report](#)
[Letter from Daniel Knell, President/Florida Market President](#)
[Letter from J. Gregory Rosencrance, MD, FACP](#)
[Email from Andrew Wilburn, Encompass Health](#)
[Memo on Special Assessments & Medicaid Funding](#)
[Draft LPPF Ordinance](#)

County Attorney Dylan Reingold referred to staff's memorandum dated August 26, 2021, while presenting the Board with a proposed draft ordinance, required for participation in the Medicaid Directed Payment Program (the Program). He reflected on the August 17, 2021 Commission meeting when he had introduced a request from local hospitals that the County establish the Local Provider Participation Fund (LPPF) to assist in recovering the shortfall of Medicaid reimbursement funds. He explained the County's role of collecting a non-ad valorem special tax assessment on the properties where the hospitals were located, and the revenue generated would be placed in the LPPF to be overseen by the Florida Agency for Health Care Administration (AHCA), for the purpose of drawing down additional Medicaid match dollars from the Federal government.

Attorney Reingold confirmed that he had received support of the proposed assessment from Sebastian River Medical Center and Cleveland Clinic Indian River Hospital, and that Encompass Health Rehabilitation Hospital (Encompass Health) had sent an email to express consent to an assessment, noting that they did not want to present an obstacle to the Program being implemented. Attorney Reingold made it clear to the Board that Encompass Health would not benefit at the present time. He advised that if the ordinance was adopted, the execution of indemnity agreements between the County and the two (2) main hospitals were suggested, and a public hearing would be scheduled on September 21, 2021 to consider a resolution, which would be presented to the Board annually to set the assessment roll.

Attorney Reingold pointed out that he had recently been informed by a representative from AHCA that the County could see a negative impact of up to \$100,000 to their Medicaid contribution. It was Commissioner Adams' understanding that due to the Program participation in other counties within the State, there could be an increase to the County's Medicaid contribution even if the Board did not vote to move forward with establishing the LPPF. Attorney

Reingold was in agreement with Commissioner Adams' analysis.

Chairman Flescher opened the public hearing.

The following individuals addressed the Board to offer clarification on topics such as reducing losses related to Medicaid reimbursement gaps, special exception payments to the State for Medicaid reimbursement that would lead to a return of additional Federal match funding, and the administration fee of up to \$150,000, which would be included in the non-ad valorem assessment and was designed to cover the County's cost of managing the Program and the possible increased Medicaid contribution:

Mr. Warren Fuller, Chief Financial Officer, Cleveland Clinic Indian River Hospital

Ms. Colleen Ernst, Counsel, Adelanto HealthCare Ventures

Mr. Ron Bierman, Chief Administrative Officer, Sebastian River Medical Center

Mr. Steven Snyder, Chief Financial Officer, Sebastian River Medical Center

Attorney Reingold and County Administrator Jason Brown felt the Ordinance should be modified to provide transparency regarding the County receiving an administration fee of up to \$150,000, built into the assessment paid by the three (3) hospitals, that could be used to offset an increase to the Medicaid contribution.

In response to an inquiry from Vice Chairman O'Bryan, Administrator Brown made it clear that Encompass Health would be assessed, but would not be receiving funds back since they do not accept Medicaid as a form of payment for services at the present time. Ms. Ernst added that Encompass Health would receive funds if or when they begin accepting Medicaid patients.

A detailed discussion ensued among members of the Board, Ms. Ernst, and the hospital representatives regarding the complexity of hospital billing/finance, the local hospitals which were in need of financial support, that Encompass Health was a rehabilitation hospital receiving their patients from the local hospitals, and the County's limited liability if the Program was implemented. Chairman Flescher remained hesitant throughout the discussion and he made it clear that the process to generate additional funds from the Federal government did not sound logical to him. Commissioner Adams stated that she was not opposed to approving the ordinance to move forward, noting that the two (2) main hospitals had requested and Encompass Health had consented to an assessment being imposed on them, and the County could see an increase to their Medicaid contribution whether or not they participated in the Program.

Administrator Brown agreed with Attorney Reingold regarding the request for

separate agreements between the County and the hospitals for the purpose of showing the hospital's full support of the County if the assessment or the administrative fee would become an issue in the future.

Mr. Josh Miller, a resident of Fellsmere, voiced his concern regarding the local hospitals and their commitment to remain a Medicaid provider, and the possibility that taxpayers, rather than hospitals only, would be responsible for payment of the assessment. Hospital representatives and Ms. Ernst addressed Mr. Miller's concerns by clarifying that the hospitals were committed to all patients, and they were the only entity that would be paying the assessment.

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

Additional questions were answered with regard to the regions within Florida that were participating or considering participation in the Program, the results of participation versus non-participation, and the Board's ability to approve changes to the assessment dollar amount with an annual resolution.

Following an inquiry from Administrator Brown, Ms. Ernst agreed to assist staff with determining the proper assessment to charge.

A motion was made by Commissioner Moss, seconded by Commissioner Adams, to: 1) adopt Ordinance 2021-012, creating Chapter 215 of the Code of Indian River County, Florida entitled "Indian River County Local Provider Participation Fund Ordinance" establishing a local provider participation fund under the authority of Article VIII, Section 1(F) of the Constitution of the State of Florida and specifying the method of setting and computing annual non-ad valorem special assessments to be deposited into the fund and specifying authorized uses for the fund proceeds; and providing for codification, severability, conflict and an effective date; 2) direct the County Attorney to make as-needed modifications to the Ordinance, as discussed in the meeting; and 3) direct the County Attorney to draw up indemnity agreements with each of the hospitals for the purpose of protecting the County. The motion carried by the following vote:

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

Nay: 1 - Chairman Flescher

Chairman Flescher called for a recess at 11:13 a.m., and he reconvened the meeting at 11:24 a.m., with all members present.

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

County Attorney Dylan Reingold read the public hearing notices into the record.

- 10.C.1.** [21-0826](#) Public Notice of Public Hearing for September 21, 2021, to Consider an Amendment to Section 103.03 (Regulatory commissions and boards) of the Code of Indian River County [Legislative]

Recommended Action:

Attachments: [Staff Report](#)

No Action Taken or Required

- 10.C.2.** [21-0828](#) Notice of Scheduled Public Hearing for September 21, 2021 Board Meeting for a Conceptual Planned Development (PD) Special Exception and concurrent PD Application. (Quasi Judicial)

Recommended Action: The referenced public notice item is provided for the Board's information. No action is needed at this time.

Attachments: [Staff Report](#)

No Action Taken or Required

- 10.C.3.** [21-0832](#) Public Notice of Public Hearing for September 21, 2021, to Consider an Amendment of Section 201.64 (Definitions; construction and interpretation) and Creation of Section 201.681 (Dental Facilities) of Part III (The Indian River County Industrial Pretreatment Regulations Ordinance) of Chapter 201 (County Water and Sewer Services).

Recommended Action:

Attachments: [Staff Report](#)

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. [21-0840](#) Collective Bargaining Agreement between Indian River County and Teamsters, Local Union No. 769 - FY21/22 General Wage Increase

Recommended Action: Staff respectfully recommends approval of general wage increase of \$.75 per hour or 4%, whichever is greater, for employees represented by the Teamsters, Local Union No. 769 effective the first full pay period in October 2021 and requests the Board authorize its Chairman to sign the second amendment to Article 33 - Wages of the collective bargaining agreement providing for the general wage increase.

Attachments: [Staff Report](#)
[Second Amendment to Article 33 - Wages](#)
[Exhibit A](#)

County Administrator Jason Brown presented the relative details of the Collective Bargaining Agreement between the County and the Teamsters Local Union No. 769, including a proposed 4% general wage increase or .75 cents per hour, whichever was greater. He recommended that non-union County employees would also receive a wage increase, effective with the first full pay period in October 2021.

Vice Chairman O'Bryan and Chairman Flescher expressed appreciation for the swift work done by all parties in negotiating an agreement.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendation, and to extend the wage increase to the non-union County employees, effective the first full pay period in October 2021. The motion carried by the following vote:

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

11.B. [21-0866](#) Incentive for Employee COVID-19 Vaccination

Recommended Action: Staff recommends that the Board authorize, effective with the January 2022 accrual process, the addition of vacation hours in the amount of either 12 hours, 8 hours, or 7.5 hours, based on the work week, for all eligible County employees who demonstrate that they have been fully vaccinated by December 1, 2021.

Attachments: [Staff Report - Vaccination](#)

County Administrator Jason Brown addressed the Board to discuss his desire to encourage County employees to get COVID-19 vaccinations. He proposed that the County would grant the equivalence of one (1) additional vacation day in calendar year 2022 to employees who were fully vaccinated by December 1, 2021.

Under discussion, Chairman Flescher inquired about the number of employees who were fully vaccinated, and Administrator Brown responded that he was unsure because the County does not track the numbers. With HIPPA protection in place, Administrator Brown announced the process an employee would follow in order to receive their additional vacation day. Vice Chairman O'Bryan was hopeful that the percentage of vaccinated employees would not be published/broadcast to employees or to the public. County Attorney Dylan Reingold advised that if a record existed that contained vaccination statistics, the County would be required to provide that document if a public record request was received.

Mr. Bill Zura, a Vero Beach resident, suggested that vacation hours should be advanced in a way that would ensure privacy among coworkers.

A motion was made by Commissioner Earman, seconded by Vice Chairman O'Bryan, to approve staff's recommendation in a way that would not create a public record of who has been or who has not been vaccinated. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology**F. Office of Management and Budget****G. Public Works****12.G.1. [21-0859](#)** Acquisition of Right-Of-Way from Leonardo and Maria Mandina for Phase II of 66th Avenue Improvements - 69th Street west of 66th Avenue, Parcel 316

Recommended Action: Staff recommends the Board approve the Agreement for the Mandina property and authorize the Chairman to execute the document on behalf of the Board.

Attachments: [Staff Report](#)
[Mediated Settlement Agreement](#)
[Sketch and Description](#)

In Deputy County Attorney William DeBaal's absence, Public Works Director Rich Szyrka referred to staff's memorandum dated September 1, 2021, to provide the proposed Mediation Settlement Agreement for the right-of-way acquisition of Parcel 316 from Leonard and Maria Mandina.

Vice Chairman O'Bryan acknowledged the unique aspects of the property, and he supported staff's recommendation.

Commissioner Moss inquired and received clarification from County Attorney Dylan Reingold regarding the negotiations that followed the May 4, 2021 unconditional offer submission.

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

H. Utilities Services**13. COUNTY ATTORNEY MATTERS**

- 13.A.** [21-0793](#) Acquisition of Right-Of-Way from the Frederick W. Van Antwerp and Florence B. Van Antwerp Revocable Trust for Phase II of 66th Avenue Improvements - 6555 81st Street, Parcel 132

Recommended Action: Staff recommends the Board approve the Agreement for the Van Antwerp property and authorize the Chairman to execute the document on behalf of the Board.

Attachments: [Staff Report](#)
 [Agreement](#)

County Attorney Dylan Reingold referred to staff's memorandum dated August 11, 2021, to provide the Board with a proposed Agreement to Purchase and Sell Real Estate for a .99 acre parcel of land at 6555 81st Street. He made mention that there was a possibility that a business claim could arise, but he hoped it would be minimal.

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

- 13.B.** [21-0858](#) Approval of Settlement Agreement at Mediation for Parcel of Right-Of-Way Located along 69th Street west of 66th Avenue, Vero Beach, FL 32967 Parcel 313, Johnny and Jackie Dent

Recommended Action: Staff recommends the Board approve the Settlement Agreement at Mediation for the Dent property and authorize the Chairman to execute the document on behalf of the Board.

Attachments: [Staff Report](#)
 [Settlement Agreement at Mediation](#)

Assistant County Attorney Susan Prado referred to staff's memorandum dated September 7, 2021, to present a proposed Settlement Agreement at Mediation with regard to Parcel 313, owned by Johnny and Jackie Dent.

Vice Chairman O'Bryan inquired and Attorney Prado provided an explanation for attorney fees in the amount of \$10,000 that resulted from a \$5,000 increase to the original offer.

Attorney Bill Doney, outside counsel for the County, explained the process of attempting to settle prior to mediation.

Attorney Reingold updated the Board on the remaining acquisitions needed for Phases I and II of the 66th Avenue Improvements.

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

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**

15. SPECIAL DISTRICTS AND BOARDS

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.

A. Emergency Services District

(Clerk's Note: The Emergency Service District items were heard following Item 8. Consent Agenda, and are placed here for continuity.)

15.A.1. [21-0721](#) Approval of Minutes Meeting of April 20, 2021

Recommended Action: Approve

Attachments: [04202021ESD_Draft](#)

Approved

15.A.2. [21-0864](#) Approval of Minutes Meeting of June 8, 2021

Recommended Action: Approve

Attachments: [06082021ESD_Draft](#)

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Emergency Services District Meeting Minutes of April 20, 2021 and June 8, 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. [21-0846](#) Approval of Interlocal Agreement between the Town of Indian River Shores and Indian River County Emergency Services District for Automatic and Mutual Aid

Recommended Action: Staff recommends approval of the Interlocal Agreement between the Town of Indian River Shores and Indian River County Emergency Services District for automatic and mutual aid.

Attachments: [Staff Report](#)
[Interlocal Agreement](#)

Department of Emergency Services Director Tad Stone highlighted the mutual aid that was agreed upon in the proposed Interlocal Agreement.

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. [21-0806](#) Approval of Public Medical Transportation Letter of Agreement between Indian River County Emergency Services District and the Agency for Health Care Administration (Year Three)

Recommended Action: Staff recommends the approval and execution of the Letter of Agreement between Indian River Emergency Services District and the Agency for Health Care Administration.

Attachments: [Staff Report](#)
[Public Emergency Medical Transportation LOA](#)
[FY 2021-2022 PEMT Allotments \(Year 3\)](#)

Emergency Services Director Tad Stone discussed the Public Medical Transportation Letter of Agreement with the Agency for Health Care Administration (AHCA), as provided in the September 2, 2021 staff report.

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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners, resuming the Regular Meeting with Item 10.A.1.

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Flescher adjourned the meeting at 12:09 p.m.