



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

Peter O'Bryan, Chairman, District 4
Joseph H. 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, April 19, 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

Chaplain Lou Tropf, IRC Jail

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Addition 5.E. - Presentation by Joy Kokjohn from St. Johns River Water Management District

A motion was made by Commissioner Moss, seconded by Commissioner Flescher, 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.** [22-0237](#) Presentation of Proclamation Honoring Pansey Jhagroo on Her Retirement From Indian River County Board of County Commissioners Department of General Services / Library Services Division with Twenty-one Years of Service

Attachments: [Proclamation](#)

Ms. Jhagroo's son gave a touching tribute to his mother who was accompanied by her husband and children.

Assistant County Administrator Mike Zito thanked Ms. Jhagroo for her dedicated service and mentorship with library associates and stated she would be missed.

Read and presented by Chairman O'Bryan

- 5.B.** [22-0261](#) Presentation of Proclamation Designating the Week of April 17 Through 23, 2022 As National Volunteer Appreciation Week

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Indian River County Sheriff Eric Flowers stated he was honored to accept the Proclamation and acknowledged it belonged to the entire community of volunteers across Indian River County, he thanked the Board for the recognition.

Read and presented by Commissioner Flescher

- 5.C.** [22-0297](#) Presentation of Proclamation Proclaiming the Month of April 2022 As "National Alcohol Abuse Awareness Month" in Indian River County

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Elizabeth (Liz) Southers of Just Believe Recovery Center accepted the Proclamation and briefly spoke about the public health issue of drug and alcohol abuse, and the services offered at the Just Believe Recovery Center.

Read and presented by Commissioner Moss

- 5.D. [22-0304](#) Presentation of Proclamation Designating April 2022 as Water Conservation Month
Recommended Action: Read & Present

Attachments: [Proclamation - Water Conservation Month](#)

Clay Coarsey, Division Director, St. Johns River Water Management District (SJRWMD), commented Water Conservation month was a great time to collectively think about the County's water usage. He believed the County could make a difference in conservation, and appreciated the Proclamation as it brought awareness to water usage.

Sean Lieske, Director of Utility Services, commented water conservation was critical in order to extend the County's water resources and thanked the Commission for the Proclamation.

Read and presented by Commissioner Adams

- 5.E. [22-0319](#) Presentation by Joy Kokjohn from St. Johns River Water Management District re: Central Springs/East Coast Regional Water Supply Plan (2020-2040)

Joy Kokjohn, St. Johns River Water Management District (SJRWMD), Regional Water Supply Planning Coordinator utilized a PowerPoint presentation to detail information on the available water supply, projected water demands and needs, projected growth, alternate water supply, and conservation. The Central Springs/East Coast (CSEC) Regional Water Supply Plan (RWSP) area included all or part of six counties in the SJRWMD - Volusia, Lake, Marion, Brevard, Indian River, and Okeechobee counties. Identifying future water supply needs for a 20-year planning horizon and providing project options to ensure sustainable supplies were covered.

The Commissioners entered into a discussion with Ms. Kokjohn and received information regarding the water supply plan, the withdrawal effects on wetlands, reclaimed water regulations, and utilization of reclaimed water. Ms. Kokjohn continued with information on the plugging of and access to the wells, irrigation conservation efforts, saline/chloride levels, and the decline in agricultural water use.

Indian River Neighborhood Association (IRNA) Executive Director Dan Lamson read from a prepared statement which outlined water conservation as only one option, and alternate water sources should also be considered. The IRNA requested more local targeted data in order to formulate a plan. He thanked Ms. Kokjohn and SJRWMD for their effort in compiling this report.

Presented

6. APPROVAL OF MINUTES**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

Chairman O'Bryan acknowledged the following retirees and thanked them for their service.

- 7.A.** [22-0236](#) Proclamation Honoring Parvaneh Yagobi on Her Retirement From Indian River County Board of County Commissioners Department of General Services / Library Services Division with Twenty-one Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

- 7.B.** [22-0242](#) Presentation of Proclamation Honoring Mark James Caster on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services Fire Rescue Division with Twenty-Eight Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

- 7.C.** [22-0276](#) Proclamation Honoring Charlotte Bowling on Her Retirement From Indian River County Board of County Commissioners Department of Community Development / Building Division with Thirty-one Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

- 7.D.** [22-0307](#) Indian River County Venue Event Calendar Review

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

Attachments: [Event Calendar](#)

Chairman O'Bryan mentioned the Indian River County Shooting Range had several different safety and training programs, including classes for a concealed carry license. He also pointed out other events on the calendar including, the Nautical Flea Market, the Vero Beach Air Show, and the Candidate Debate for the County Commission District 4.

No Action Taken or Required

8. CONSENT AGENDA

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

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

- 8.A.** [22-0284](#) Approval of a Public Transportation Grant Agreement (PTGA) Amendment with the Florida Department of Transportation (FDOT) for a Section 5311 Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Grant Agreement Amendment and adopt the resolution authorizing the Chairman to sign the Amendment.

Attachments: [Staff Report](#)
 [Resolution](#)
 [Agreement](#)
 [Budget Form](#)

Approved staff's recommendation and Resolution 2022-018, authorizing the execution of a public transportation grant agreement amendment with the Florida Department of Transportation (FDOT).

- 8.B.** [22-0293](#) Amendment to Agreement for Annual Custodial Services with CER Signature Cleaning

Recommended Action: Staff recommends the Board approve the Amendment and authorize the Chairman to execute it, after approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [First Amendment](#)

Approved staff's recommendation

- 8.C.** [22-0294](#) Award of Annual Bid 2022035 for Sod

Recommended Action: Staff recommends the Board award Bid 2022035 to Gomez Brothers Contract Services, Inc. and authorize the Purchasing Division to issue blanket purchase orders for the period of April 19, 2022 through April 18, 2023 to the recommended bidder, after receipt and approval of required insurance by Risk Management. Staff also recommends the Board authorize the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.D. [22-0295](#) Award of Annual Bid for Street Sweeping Services (Bid 2022037)

Recommended Action: Staff recommends the Board award Bid 2022037 to USA Services of Florida, LLC, and authorize the Purchasing Division to issue blanket purchase orders for the period of April 12, 2022 through April 11, 2023 to the recommended bidder, after receipt and approval of required insurance by Risk Management. Staff also recommends the Board authorize the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.E. [22-0296](#) Easement and Agreement for FPL Underground Distribution Facilities for Moorhen Marsh Low Energy Aquatic Plant Systems (LEAPS) Headworks Structure

Recommended Action: Staff recommends that the Board of County Commissioners approve the Underground Distribution Facilities Installment Agreement, the Underground Easement, and the Notice of FPL Facilities (Form 360) and authorize the Chairman to execute all.

Attachments: [Staff Report](#)
 [FPL Installment Agreement](#)
 [FPL Underground Easement \(Business\)](#)
 [Notice of FPL Facilities \(Form 360\)](#)
 [FPL Design for Commercial Lateral](#)

Approved staff's recommendation

8.F. [22-0301](#) Final Pay to Kimley-Horn and Associates, Inc. for Work Order No. 22, Water Distribution Model, Calibration, Evaluation and Flushing Plan

Recommended Action: Staff recommends that the Board of County Commissioners approve the payment in the amount of \$4,509.35, which represents final payment of Work Order No. 22 to Kimley-Horn & Associates, Inc.

Attachments: [Staff Report](#)
 [Invoice No 20959420](#)

Approved staff's recommendation

- 8.G.** [22-0309](#) Approval of a License Agreement with Indian River Sports Complex, Inc. (a Not for Profit Florida Corporation) to provide Youth Baseball Programming and Enrichment Programs at the Helen Hanson Park located at 8020 129th Court, Sebastian, FL

Recommended Action: Staff respectfully recommends the Indian River County Board of County Commissioners accept the attached License Agreement with Indian River Sports Complex, Inc and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

Attachments: [Staff Report](#)
 [IRSC License Agmt](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [22-0305](#) Indian River County Sheriff Eric Flowers: FY 2022 LE Mental Health and Wellness Act Program Grant

Attachments: [Memorandum from Sheriff Flowers](#)

Indian River County Sheriff Eric Flowers asked for the Board's support in his application for the FY2022 Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant. Sheriff Flowers announced the Sheriff's office had developed a new program called Sheriff's Traumatic Advocate Response (STAR) Team. He stated the purpose of the team was to support the overall health and wellness of agency personnel and connect them to support services including professional counseling when warranted. The STAR Team would respond when deputies were involved in critical incidents that may impact their emotional well-being. He added, the grant would be used to support the STAR program and would provide \$175,000 over a two (2) year time frame, and would not require additional funds from the County.

Vice Chairman Earman inquired whether or not the grant program was available to Fire Rescue. Sheriff Flowers remarked it was currently specific to the Sheriff's Department, and stated he would be happy to meet with Fire Rescue to discuss the process.

Sheriff Flowers responded to Chairman O'Bryan's question about his intent after two years. He stated the intent was to apply to renew the grant after the two (2) year time frame, and to continue to get funding as long as he could. Chairman O'Bryan commented on his understanding that some treatment program practices were unconventional. Sheriff Flowers replied his legal department and the service providers continued to have discussions to ensure their policies were consistent with his department's policies, practices, and procedures, and would not allow controversial practices for his personnel from any service provider.

Commissioner Susan Adams encouraged Sheriff Flowers, as part of his information gathering, to ask the potential service provider to make available their successful outcome statistics. She continued, the County's local association partners were able to demonstrate their successful outcomes.

County Administrator Jason Brown remarked the County took the mental health of law enforcement officers and Fire Rescue very seriously. The County has worked with the Employee Assistance Program (EAP), staff, and service providers on the

Fire Rescue side to ensure service providers were specialists in providing service to first responders.

Commissioner Moss thanked Sheriff Flowers for being proactive in the health and wellness within his agency.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to provide a letter signed by Chairman Peter O'Bryan in support of the application for the Law Enforcement Mental Health and Wellness Act Program Grant. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. [22-0314](#)

Request to Speak from Walter C. Hurst and/or Shirley Nelson re: 2015 Demolition Lien on Property Address at 4470 31st Ave.

Attachments: [Request to Speak - Hurst](#)

Chairman O'Bryan explained to Shirley Nelson, realtor for Surfside Properties, and representative for Walter C. Hurst, that it was the Board's policy not to take any action with items under Public Discussion. Ms. Nelson looked to get an understanding of how Mr. Hurst could pay the fines to sell his property which had thousands of dollars in fines and liens. Chairman O'Bryan suggested her best course was to go before the Code Board and if Mr. Hurst was not satisfied, he could then ask the Community Development Department to put it on their agenda. Ms. Nelson went on to say, there was also a utility lien on the property and stated Mr. Hurst was not aware he had a water or sewer bill for the property which had now been accumulating for ten (10) years. Chairman O'Bryan suggested Ms. Nelson speak with the Utilities Department in regard to the lien.

County Attorney Dylan Reingold added to the discussion as to how often clients come forward to the County Attorney's office and Community Development Department to receive a reduction of fine or lien and frequently claim they had never received notice. He stated on this property, there was a demolition lien, a Code Enforcement Board lien, a utility lien, and delinquent property taxes. He pointed out 'we never received notice' excuse puts his office and the Community Development Department in a difficult situation when negotiating on multiple outstanding issues.

Chairman O'Bryan restated Ms. Nelson's best course of action would be to meet with the Utilities Department, the Code Enforcement Board, and the Tax Collector to resolve the issues at hand.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1.** [22-0310](#) Public Notice of Public Hearing for May 3, 2022, for Ordinance Creating Chapter 319 (Water Conservation Ordinance for Landscape Irrigation) of the Indian River County Code of Ordinances

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

The Chairman called a recess at 10:35 a.m., and reconvened the meeting at 10:45 a.m., with all members present

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** [22-0306](#) Executive Session to Discuss IAFF Negotiations

Recommended Action:

Attachments: [Staff Report Executive Session](#)

County Administrator Jason Brown announced the Executive Session would follow the regular Board meeting.

No Action Taken or Required

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

12.C.1. [22-0308](#)

Update on the Archie Smith Fish House - Ice House Demolition

Recommended Action: Staff respectfully requests that the Board of County Commissioners provide direction regarding how to proceed with the site as the public dock is not accessible due to a lack of a railing system in the area where the Ice House was previously located. Staff further requests direction as to the Main House structure and its worsening state.

Attachments: [Staff Report](#)

Interim Director Parks and Recreation Beth Powell referred to staff's memorandum dated April 12, 2022, which outlined the background on the Archie Smith Fish House (site) since the County purchased the property in 2007. The site included the Main House, a rebuilt overlook, and, until recently, the Ice House. Ms. Powell utilized a PowerPoint presentation to provide a pictorial overview of the condition of the site at the time of purchase and the current condition of the structures. In December 2021 she had reported the concrete floor of the Ice House collapsed, and the ensuing deterioration posed hazards to the newly reconstructed dock and to spectators. Ms. Powell recounted an emergency purchase order was issued on March 4, 2022, to demolish the Archie Smith Ice House. However, the Main House continued to require stabilization and further evaluation.

Interim Director Powell, in consultation with County Historian Ruth Stanbridge, contemplated several options which included: 1) re-design and installation of a reconstructed Ice House based on the Atelier plans; 2) install similar fall rails/handrails along the length of the dock where the Ice House was located, and install commemorative educational signage on the dock; 3) design and install an alternate structure for public use, which may include a deck area with a covered pavilion in the location of the Ice House, with commemorative educational signage.

The Commissioners each engaged in discussion with Ms. Powell and expressed their opinions, and concerns. The Board was in support of creating a public amenity by extending the deck and rails, with picnic tables, educational kiosks, and a kayak launch. They were also in favor of the open pavilion approach and not building replicas of the previous structure.

Chairman O'Bryan sought information from Conservation Lands Program Coordinator Wendy Swindell as to the reasonability to be able to permit an extended dock including a shaded structure. Ms. Swindell stated the County would not need to look at a site plan if the existing footprint where the ice house

existed was utilized.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan to move forward with the request for proposals for the dock and picnic area at the Archie Smith Fish House and to return to the Board with proposals. The motion carried by the following vote:

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

D. Human Resources

E. Information Technology

F. Office of Management and Budget

12.F.1. [22-0153](#) Adoption of Updated Purchasing Manual

Recommended Action: Staff recommends the Board note its concurrence with the changes approved by the County Administrator.

Attachments: [Staff Report](#)
[Proposed Changes to Purchasing Manual](#)

Purchasing Manager Jennifer Hyde presented recent changes made to the County's purchasing manual. She noted the proposed changes presented to the Board and the public as a courtesy before she went on to highlight some of the changes. She indicated the new manual would be posted on the County's website for easy access.

Chairman O'Bryan had concern of the wording in the memorandum, with regard to the lowest quote was expected to be selected. However, he was accepting of the wording in section 2.3 of the purchasing manual itself.

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

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

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [22-0311](#) Administrative Policy AM 604.1 Amendment

Recommended Action: The County Attorney's Office recommends the Indian River County Board of County Commissioners authorize the County Attorney's Office to update the Administrative Policy Manual to remove Sandridge Golf Club from Administrative Policy 604.1.

Attachments: [Staff Report 604.1](#)

County Attorney Dylan Reingold read Administrative Policy AM 604.1 which addressed solicitation and distribution at the County Administrative Complex property. The Attorney's office recommended the policy be updated to include Sandridge Golf Club, The County Shooting Range, and both the North County and Gifford Aquatic Centers.

Chairman O'Bryan sought clarification on adding the Aquatic Centers to the policy amendment as that information was not included in the backup. County Attorney Reingold confirmed the Aquatic Centers would be included in the proposed wording change.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve staff's recommendation to include the Gifford Aquatic and North County Aquatic Centers. The motion with the modification carried by the following vote:

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

13.B. [22-0312](#) Town of Indian River Shores - City of Vero Beach Federal Litigation

Recommended Action: The County Attorney's Office recommends the Indian River County Board of County Commissioners authorize the County Attorney's Office to file papers with the federal court reiterating that Indian River County does not have an interest in the matter.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold discussed the Town of Indian River Shores (the Town) and the City of Vero Beach lawsuit and stated the County had consistently taken the position this matter was a dispute between the Town and the City. Although the County Attorney's Office was hesitant to interject at all in this proceeding, it was also the desire of the County Attorney's Office to avoid having the County included in any lawsuit. He reiterated the County had no interest in this matter and would not be taking any position with respect to any other arguments raised by either party in the case. He further noted he was not aware of any contract negotiations for the County to provide water services to the Town beginning in 2027, as The Town of Indian River Shores had alleged.

Chairman O'Bryan reaffirmed the County did not want to be involved in this litigation, but would abide by the judge's decision.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher to approve staff's recommendation. The motion carried by this 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. [22-0313](#) Appointment of Jeff Stassi as Alternate for TCRPC-CEDS Committee

Recommended Action: Discussion

Attachments: [Memorandum](#)
[Backup - Jeff Stassi Bio](#)

Chairman Peter O'Bryan stated City of Vero Beach Council Member Honey Minuse had strongly recommended Mr. Jeff Stassi to be appointed as a member of the Comprehensive Economic Development Strategy (CEDS) committee, as he would be a valuable member. He continued, all five Indian River County appointments were filled, so the only way to add Mr. Stassi would be as an alternate member for any of the five (5) appointees. The Treasure Coast Regional Planning Council (TCRPC) staff had approved the addition of an alternate member. He asked to have Mr. Stassi be appointed to the CEDS committee as an alternate member.

Commissioner Moss sought information as to the reason an alternative was needed. Chairman O'Bryan responded an alternate member was being selected to ensure full representation while the Committee upgraded their 5 year plan.

Commissioner Adams was in favor of appointing an alternate as backup to the CEDS Committee. Commissioner Moss received additional information from Attorney Reingold regarding the regular process to approve a member to this committee.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to appoint Jeff Stassi as the Alternate for the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

B. Commissioner Joseph H. Earman, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:13 P.M.