



# 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

*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

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Tuesday, February 9, 2021

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

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

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

#### 2.B. INVOCATION

Reverend C. Michael York, First Presbyterian

#### 3. PLEDGE OF ALLEGIANCE

Chairman Joseph E. Flescher

#### 4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 11.B. to be heard prior to 11.A.

Items 15.A.1. and 15.A.2. to be heard following Item 11.A.

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

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

#### 5. PROCLAMATIONS and PRESENTATIONS

**5.A.** [21-0212](#) Presentation of Proclamation Honoring William "Billy" Wilson, III

**Attachments:** [Proclamation](#)

Chairman Flescher read and presented the Proclamation to family and friends of the late William "Billy" Wilson, III, who each spoke of their respect for Mr. Wilson and the legacy he left behind.

County Administrator Jason Brown expressed gratitude for Mr. Wilson's contributions to the community, and he spoke of the impact the Wilson Family has had on his life.

**Read and Presented****6. APPROVAL OF MINUTES**

Commissioner Moss stated that she had conversed with Clerk of the Circuit Court and Comptroller Jeffrey R. Smith about making changes to the content/writing style of the Meeting Minutes (minutes) in the future. Chairman Flescher pointed out that such changes would need to be a decision that was agreed upon by the entire Board; therefore, no changes would be made to the style of the minutes at the present time.

County Attorney Dylan Reingold clarified the process for making changes to the writing style of the minutes, confirming that the Clerk would need Board-approved direction to alter the style of the minutes.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Meeting Minutes of December 1, 2020 and December 8, 2020, as written. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

**6.A.** [21-0225](#) Regular Meeting of December 1, 2020

**Approved**

**6.B.** [21-0229](#) Regular Meeting of December 8, 2020

**Attachments:** [12082020BCC\\_Draft](#)

**Approved**

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

- 7.A. [21-0197](#) Proclamation Honoring William Russell Graves on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services Fire Rescue Division with Thirty-One Years of Service

**Attachments:** [Proclamation](#)

Commissioner Earman congratulated Mr. William Russell "Russ" Graves on his retirement from the Indian River County Department of Emergency Services Fire Rescue Division, making note of his devotion to the County for thirty-one years.

**No Action Taken or Required**

- 7.B. [21-0198](#) Health Department Annual Contract Amendments to include CARES Act Second Amendment

**Attachments:** [Staff Report](#)  
[Health Department Annual Contract Amendments](#)

**No Action Taken or Required**

- 7.C. [21-0219](#) Appointment of Alternate Member to the Indian River Lagoon National Estuary Program Board of Directors

**Attachments:** [Commissioner Memorandum](#)

Chairman Flescher announced that he had appointed Commissioner Joe Earman to serve as the Alternate Member to the Indian River Lagoon National Estuary Program Board of Directors.

**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 presented. The motion carried by the following vote:**

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

- 8.A. [20-2162](#) Request of Ownership Change from Falck Southeast II, Corp d/b/a All County Ambulance for Present Class "E" and Class "B" Certificate of Public Convenience and Necessity

**Attachments:** [Staff Report](#)  
[COPCN Application](#)

**Approved staff's recommendation**

8.B. [20-2167](#) Request of Ownership Change from Falck Southeast II, Corp d/b/a American Ambulance Service for Present Class "E" and Class "B" Certificate of Public Convenience and Necessity

**Attachments:** [Staff Report](#)  
[COPCN Application](#)

**Approved staff's recommendation**

8.C. [21-0200](#) Final Ranking of Firms and Authorization to Negotiate - Wabasso Scrub Area Conservation Area Boardwalk (RFP 2021001)

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

**Approved staff's recommendation with the final ranking of firms as follows: Summerlin's Marine Construction, LLC; Hi-Tech Engineering; Kern's Construction and Property Management Corp., Close Construction, LLC; and Underwater Engineering Services, Inc.**

8.D. [21-0215](#) Award of Bid Number 2021007 - Kroegel Homestead Improvements

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

**Approved staff's recommendation**

8.E. [21-0216](#) Notice of Grant Award from the Florida Blue Foundation - Park-Based Activities to Decrease Loneliness in Vulnerable Seniors

**Attachments:** [Staff Report](#)  
[Florida Blue Grant Agreement](#)  
[Grant Form](#)

**Approved staff's recommendation**

8.F. [21-0205](#) Approval of Resolution Adopting the 2021 Indian River County Emergency Plan for Hazardous Materials

**Attachments:** [Staff Report](#)  
[Resolution 2021](#)

**Approved Resolution 2021-015, approving the Indian River County Emergency Plan for Hazardous Materials.**

- 8.G.**     [21-0232](#)     Assignment and Extension of Lease between Lulich Attorneys & Consultants, P.A. for the Building located at 1612 20th Street, Vero Beach, FL

**Attachments:**   [Staff Report](#)  
                          [Assignment and Extension of Lease](#)  
                          [Memo to BCC on Assignment to Lulich 2021](#)

**Approved staff's recommendation**

- 8.H.**     [21-0217](#)     Revision to Administrative Policy AM-704.1 Sick Leave Donation

**Attachments:**   [Staff Report](#)  
                          [704.1 Sick Leave Donation 2-1-21 markup](#)  
                          [704.1 Sick Leave Donation 2-1-21 final](#)

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9.A.**     [21-0224](#)     Indian River County Sheriff Eric Flowers re: DEA Equitable Sharing Fund, County Fund 121 -- Reserve DEA Equitable Share

**Attachments:**   [Sheriff's Memorandum](#)

Indian River County Sheriff Eric Flowers thanked the Board for presenting the family of Billy Wilson with a Proclamation, making mention that Mr. Wilson had been a mentor to him for many years. He then referred to the Sheriff's Memorandum dated February 3, 2021, to request \$55,990 from the DEA Equitable Sharing Fund for the purchase of two (2) vehicles from local dealerships. He explained that the Sheriff's Office was expanding their drug unit operations, and additional vehicles were needed.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve a request from the Sheriff to spend \$55,990 from the DEA Equitable Sharing Fund for the purchase of two (2) vehicles. The motion carried by the following vote:**

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

## **10. PUBLIC ITEMS**

### **A. PUBLIC HEARINGS**

### **B. PUBLIC DISCUSSION ITEMS**

**10.B.1. [21-0218](#)** Request to Speak by Barry Shapiro re: 3rd Annual Vero Beach Sock Drive

**Attachments:** [Request to Speak](#)

Mr. Barry Shapiro announced the 3rd Annual Vero Beach Sock Drive to the Board as a way to get the word out about the continuous need for socks in the homeless and poor communities of the County. He told of the local businesses accepting sock donations, the sponsors who have pitched in to help, and the organizations benefiting from the mission.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS****11.A. [21-0233](#)** Provide Update Regarding COVID-19 Vaccinations

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

County Administrator Jason Brown provided the Board with a COVID-19 vaccination update, and announced that 14.5% of the County's population had been vaccinated. He utilized a PowerPoint presentation to provide the sign-up statistics for the County's COVID-19 Vaccine Registration System, Everbridge, launched to the public on February 5, 2021.

Commissioner Moss thanked Administrator Brown for the work he had done to accommodate the needs and requests of the community, including the option for individuals in the same household to have their appointments scheduled together. Chairman Flescher concurred, and made mention of the positive feedback the Commissioners had begun receiving. Administrator Brown acknowledged that he was in collaboration with Information Technology Director Dan Russell, Emergency Services Chief Tad Stone, and Miranda Hawker, Health Officer, Florida Department of Health in Indian River County, to implement the Everbridge program to reduce the anxiety the County residents had been feeling. Vice Chairman O'Bryan suggested that staff should make updates available to announce the date of registration currently being scheduled for vaccination appointments. Administrator Brown agreed with the importance of continued communication with those who had registered.

**No Action Taken or Required**

- 11.B. [21-0230](#) First Amendment to the Amended and Restated Facility Lease Agreement Jackie Robinson Training Complex

**Attachments:** [Staff Report](#)  
[First Amendment](#)  
[Facility Lease Agreement Item from 12/18/18](#)

*(Clerk's Note: This item was heard prior to Item 11.A., and is placed here for continuity.)*

County Administrator Jason Brown referred to staff's memorandum dated February 1, 2021, to discuss the First Amendment to the Amended and Restated Facility Lease Agreement (the Agreement) with Major League Baseball (MLB), doing business as Verotown, LLC (Verotown). He stated that the changes included in the amendment would be beneficial to the County as staff would no longer be responsible for overseeing the projects. He pointed out that the Board would need to waive the requirement for bids in order to allow project management by Verotown, and there would be no changes to the original Financing Plan, approved by the Board on December 18, 2018.

Commissioners Earman and Adams stated their satisfaction with the progress being made at the Jackie Robinson Training Complex, formerly known as Historic Dodgertown. Commissioner Moss discussed the County's partnership with MLB, and she received clarification from Administrator Brown on the County's revenue benefit and the purpose of waiving the bid requirements on the projects being managed by Verotown. She voiced her opinion that projects being completed with the use of public funds should go through a public process.

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

**Nay:** 1 - 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**

**H. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**



- 13.A. [21-0223](#) Acquisition of Right-Of-Way from Steve and Terrienne Martin for Phase II of 66th Avenue Improvements - 65th Street west of 66th Avenue, Parcel 304

**Attachments:** [Staff Report](#)  
[Agreement](#)  
[Exhibits to Agreement](#)

Deputy County Attorney Bill DeBaal referred to staff's memorandum dated February 3, 2021, to address the details regarding the right-of-way acquisition of Parcel 304, a .38 acre parcel of property owned by Terrienne and Steve Martin. He explained that the property, currently being used for cattle grazing, was needed for the 66th Avenue Improvements.

Attorney Bill Doney, outside eminent domain counsel for the County, spoke via Zoom to support staff's recommendation that the Board approve the acquisition agreement for Parcel 304.

Vice Chairman O'Bryan inquired about Murphy Deed Right-of-Way Reservations on the parcel; Attorney DeBaal confirmed there were none. Each Commissioner voiced their opinion regarding the inflated dollar amount being paid for pasture land. Commissioner Moss inquired and received clarification from Attorney DeBaal regarding the negotiation process. Vice Chairman O'Bryan acknowledged that Parcel 304 was necessary for the 66th Avenue Improvements, and he recommended that his fellow Commissioners vote to approve the Agreement. He stated his opinion that a future Board should fight for a reasonable cost per acre starting with the first land acquisition of the next major road improvement project.

County Administrator Jason Brown provided clarification on the land acquisition process, making mention that staff had increased initial offers as an attempt to pay a higher dollar amount to the property owner, and to pay less to the outside companies being hired by the property owner. He agreed to continue reevaluating the acquisition process.

Discussion continued among the Board and Attorney DeBaal, who explained to Commissioner Earman the role an expert witness plays in land acquisitions.

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

**Aye:** 4 - Chairman Flescher, Commissioner Adams, Commissioner Earman, and Commissioner Moss

**Nay:** 1 - Vice Chairman O'Bryan

**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 Services District items were heard following the County Administrator Matters, and are placed here for continuity.)*

**15.A.1. [21-0226](#)** Approval of Minutes Meeting of December 1, 2020

**Attachments:** [12012020ESD Draft](#)

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Meeting Minutes of December 1, 2020, 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.2. [21-0202](#)** Sole Source Purchase of Five (5) Stryker Lifepak 15 v4 Cardiac Monitors

**Attachments:** [Staff Report](#)  
[LP15 V4 QUOTE](#)  
[Sole Source Letter](#)

There was no discussion on this item.

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

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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners, resuming the meeting with Item 13.A. Acquisition of Right-Of-Way from Steve and Terrienne Martin for Phase II of 66th Avenue Improvements - 65th Street west of 66th Avenue, Parcel 304.

## **B. Solid Waste Disposal District**

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**15.B.1.** [21-0209](#) Approval of Minutes Meeting November 17, 2020

**Attachments:** [11172020SWDD\\_Draft](#)

**Approved**

**15.B.2.** [21-0227](#) Approval of Minutes Meeting of December 1, 2020

**Attachments:** [12012020SWDD\\_Draft](#)

**A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Meeting Minutes of November 17, 2020, and December 1, 2020, as written. The motion carried by the following vote:**

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

- 15.B.3. [21-0222](#)** Award of Bid for Landfill Segment 3 Cell 1 Landfill Gas System Expansion Project (Bid #2021006)

**Attachments:** [Staff Report](#)  
[CDM Smith 100 Percent Opinion of Probable Construction Cost](#)  
[CDM Smith Evaluation of Bids](#)  
[Sample Agreement](#)

Director of Utility Services Vincent Burke referred to staff's memorandum dated January 22, 2021, to discuss the bids that were submitted for the Landfill Segment 3 Cell 1 Landfill Gas System Expansion Project. He recommended that the Board approve the award of Bid No. 2021006 to Sterns, Conrad and Schmidt, Consulting Engineers, Inc. dba SCS Field Services.

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

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

- 15.B.4. [21-0228](#)** Amendment No 1 to Work Order No. 2 to CDM Smith, Inc.

**Attachments:** [Staff Report](#)  
[Amendment No 1 to Work Order No 2](#)

Director of Utility Services Vincent Burke referred to staff's memorandum dated January 29, 2021, to request Board approval of Amendment 1 to Work Order No. 2 with CDM Smith Inc.

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

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

### **C. Environmental Control Board**

## **16. ADJOURNMENT**

Prior to the close of the meeting, Chairman Flescher announced that Sebastian City Councilman Fred Jones had been in attendance.

There being no further business, the Chairman adjourned the meeting at 10:29 a.m.