



# 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

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Tuesday, September 21, 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 Kaaren Anderson, Unitarian Universalist Fellowship of Vero Beach

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

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

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the 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

#### 5. PROCLAMATIONS and PRESENTATIONS

**5.A.**     [21-0843](#)     Presentation of Proclamation Honoring 2-1-1 HelpLine's 50 Years of Service to Indian River County

**Recommended Action:** Read and Present

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

Chairman Flescher read and presented the Proclamation to President and CEO of 2-1-1 Helpline Sharon L'Herrou, who was joined by Board of Directors member Kelly Cambron in presenting an overview of the Helpline's services. The Commissioners and Ms. L'Herrou discussed the eviction mediation program and suicide helpline call follow-ups; the Board also expressed praise for the 2-1-1 Helpline.

**Read and Presented**

**6. APPROVAL OF MINUTES**

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

**8. CONSENT AGENDA**

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.D. 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.**     [21-0802](#)     Quarterly OPEB Trust Report for the Quarter Ending 06/30/2021

**Recommended Action:** Accept the report.

**Attachments:** [Investment Committee OPEB Report](#)

**Accepted**

**8.B.**     [21-0803](#)     Quarterly Investment Report for the Quarter Ending 06/30/2021

**Recommended Action:** Accept the report.

**Attachments:** [Investment Committee Report](#)

**Accepted**

- 8.C. [21-0804](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting through 06/30/2021

**Recommended Action:** Accept the report.

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

**Accepted**

- 8.D. [21-0805](#) Quarterly Tourist Development Tax Report for the Quarter Ending 06/30/2021

**Recommended Action:** Accept the report.

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

Jeffrey R. Smith, Clerk of the Court and Comptroller, reported an upward trend in short-term rentals and hotel stays in the last quarter which ended June 30, 2021. He also informed that his staff's recently-implemented audits returned more than \$700,000 in new taxes.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to accept the Quarterly Tourist Development Tax Report for the quarter which ended June 30, 2021. The motion carried by the following vote:**

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

- 8.E. [21-0893](#) County Capital Asset Inventories

**Recommended Action:** Approve the removal of the assets from the inventory system

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

**Approved staff's recommendation**

- 8.F. [21-0808](#) Sole Source Designation for EleGARD Patient Positioning System

**Recommended Action:** Staff recommends the Board designate Advanced CPR Solutions as the sole brand, and MedAlliance Group, Inc. as the sole source provider of elevated CPR devices, and authorize the Purchasing Division to issue a Purchase order to MedAlliance Group, Inc. in the amount of \$66,696, plus shipping.

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

[Notice of Single or Sole Source Designation](#)

[EleGARD Quote](#)

**Approved staff's recommendation**

- 8.G. [21-0850](#) Extension and Modification to Bid 2020051 - Annual Bid to Furnish and Deliver Polymer

**Recommended Action:** Staff recommends the Board approve the modification to the bid price and extend the award, effective October 1, 2021. Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates for an additional one (1) year period at the same rate and terms, subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of the County.

**Attachments:** [Staff Report](#)  
[Polydyne Request for Price Adjustment](#)

**Approved staff's recommendation**

- 8.H. [21-0851](#) Designation of Excess Equipment as Surplus

**Recommended Action:** Staff recommends the Board declare the items on the Excess Equipment List for 092121 Agenda as surplus, and authorize their disposal, as indicated.

**Attachments:** [Staff Report](#)  
[Excess List for 092121](#)

**Approved staff's recommendation**

- 8.I. [21-0860](#) Award of Annual Bid 2022005 for Liquid Aluminum Sulfate

**Recommended Action:** Staff recommends the Board award Bid 2022005 to Chemtrade Chemicals US LLC, and authorize the Purchasing Division to issue blanket purchase orders for the period of October 1, 2021 through September 30, 2022 with the recommended bidder. Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates 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 the County.

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

**Approved staff's recommendation**

**8.J.**     [21-0870](#)     Extensions and Modifications to Staffing Agreements with HireQuest Direct

**Recommended Action:** Staff requests the Board of County Commissioners approve the First Extensions and Amendments to the Agreements 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](#)  
                      [1st Ext and Amendment - Temporary Staffing](#)  
                      [1st Ext and Amendment - Temporary Day Laborers](#)  
                      [Request for Increase - 2021008](#)  
                      [Request for increase - 2021017](#)

**Approved staff's recommendation**

**8.K.**     [21-0877](#)     Award of Annual Bid 2022004 for Sulfuric Acid

**Recommended Action:** Staff recommends the Board award Bid 2022004 to Shrieve Chemical Company, LLC, and authorize the Purchasing Division to issue blanket purchase orders for the period of October 1, 2021 through September 30, 2022 with the recommended bidder. Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates 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 the County.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

**8.L.**     [21-0830](#)     Blanket Travel Authorization for Commissioners, County Officers, and Staff for Fiscal Year 2021-2022 (October 1, 2021, through September 30, 2022)

**Recommended Action:** Approval is recommended for Commissioners, County Officers, and Staff to travel out-of-County for current and future assigned committee meetings; Florida Association of Counties, National Association of Counties, and local or regional legislative conferences or programs; and approved lobbying efforts, including travel to Tallahassee when necessary

**Attachments:**   [Staff Memorandum](#)  
                      [File Summary](#)  
                      [Master](#)

**Approved staff's recommendation**

**8.M.**     [21-0855](#)     Authorization to Attend FGFOA and GFOA Annual Conferences and FGFOA School of Government Finance

**Recommended Action:** Approve request to attend 2021 FGFOA School of Governmental Finance; the 2022 GFOA Annual Conference; the 2022 FGFOA Annual Conference; and the quarterly meetings of the Treasure Coast Chapter of the Florida Government Finance Officers Association.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

**8.N.**     [21-0872](#)     Appointment of Board of County Commissioners Representative and Alternate to the MPO Bicycle Pedestrian Advisory Committee

**Recommended Action:** Staff recommends that the Board review the résumés and applications of Angela Speck and Solana Morris and appoint Angela Speck as the Board of County Commissioners representative to the MPO Bicycle Pedestrian Advisory Committee and Solana Morris as the alternate.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

**8.O.**     [21-0873](#)     Request to Waive Bid Process for Supplemental Building Inspection Services for Fiscal Year 2021/2022

**Recommended Action:** Staff recommends that the Board waive the bid process requirement for supplemental building inspection services for the 2021/2022 fiscal year and authorize the Purchasing Manager, after approval by the Budget Office, to approve purchase orders and change orders for authorized firms up to the available budgeted amount.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

8.P. [21-0887](#) Fee Agreement with Gunster, Yoakley & Stewart, PA

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the fee agreement with Gunster, Yoakley, & Stewart, PA for services to assist staff in the renewal of the Indian River County Department of Utility Services Consumptive Use Permit, and authorize the Chairman to execute the agreement on their behalf

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

**Approved staff's recommendation**

8.Q. [21-0878](#) Work Order No. 2018029-7 APTIM: Sector 5 Additional Dune Planting- Dune Vegetation Services

**Recommended Action:** The recommendation of staff is for the Board to approve Work Order No. 2018029-7, in the amount of \$48,021.00, with APTIM Environmental & Infrastructure, LLC, and to authorize the Chairman to sign on behalf of the County

**Attachments:** [Staff Report](#)  
[Work Order No 2018029-7 execution agreement](#)  
[APTIM Work Order No. 2018029-7](#)

**Approved staff's recommendation**

8.R. [21-0897](#) Change Order No. 1, 66th Avenue over North Relief Canal Bridge, IRC-1505

**Recommended Action:** Staff recommends approving Change Order No. 1 authorizing the \$55,000.00 reduction to the contract with HEC. The new total contract price will be \$32,673,137.85.

**Attachments:** [Staff Report](#)  
[Change Order No. 1](#)

**Approved staff's recommendation**

- 8.S.**     [21-0902](#)     Future 49th Street ROW - Stormwater and Aquifer Recharge Property Purchases - 2690 49th Street, Vero Beach, FL 32967 & 49th Street, Vero Beach, FL 32967  
Owner: Calvin Arnold Bethel, Jr.

**Recommended Action:** Staff recommends the Board approve the Purchase Agreement in the amount of \$370,000.00, with an estimated \$4,700.00 in closing costs to be paid by the County for purchase of three parcels totaling 8.88 acres located at 2690 49th Street, Vero Beach, FL 32967 and 49th Street, Vero Beach, FL 32947, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

**Attachments:**   [Staff Report](#)  
                          [Purchase Agreement](#)  
                          [Maps](#)

**Approved staff's recommendation**

- 8.T.**     [21-0896](#)     Indian River County Library System Certification of Credentials for Single Library Administrative Head

**Recommended Action:** Staff respectfully requests that the Board of County Commissioners certify the credentials of Elizabeth L. Stenger as the Single Library Administrative Head for the Indian River County Library System.

**Attachments:**   [Staff Report](#)  
                          [Certification of Credentials Form](#)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**



9.A. [21-0904](#) Indian River County Sheriff Eric Flowers re: FY21 Auction Proceeds and FY21 Offender Fees

**Recommended Action:** Discussion

**Attachments:** [Memo From Sheriff Flowers](#)

Indian River County Sheriff Eric Flowers appeared via Zoom to request funds from the surplus property auction for the purchase of new, like-kind property, as well as funds from the Offender Fees Reserve account to purchase annual software subscriptions and a fingerprint system.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Indian River County Sheriff Eric Flowers' request to: 1) utilize online auction proceeds in the amount \$122,552.90 for the purchase of new, like-kind property; and 2) utilize \$15,469 from the Offender Fees reserve account to purchase annual subscriptions to Offender Watch Sex Offender software/mobile service and the Idemia Livescan Fingerprint System. 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

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

**10.A.1. [21-0827](#)** Planning and Zoning Commission Alternate Ordinance - Legislative

**Recommended Action:** The County Attorney's Office recommends that the Board conduct the public hearing and vote to approve the ordinance as presented.

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

County Attorney Dylan Reingold recapped the Board's decision from the August 17, 2021 meeting to authorize drafting an ordinance adding an alternate, at-large member to the Planning and Zoning Commission who would be able to vote in the event there was an absence of at least one voting member.

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

Under Board discussion, Attorney Reingold agreed to work with staff to provide updates of committee members' attendance, and stated he would return to the Board with potential candidates.

**A motion was made by Commissioner Earman, seconded by Vice Chairman O'Bryan, to adopt Ordinance 2021-013, amending Section 103.03 (Regulatory Commissions and Boards) of Chapter 103 (Commissions and Boards) of the Code of Indian River County in order to include an alternate on the Planning and Zoning Commission; providing for conflict and severability; providing for codification; and providing for an 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. [21-0905](#)** Local Provider Participation Fund (LPPF) Assessment Resolution - Legislative

**Recommended Action:** County staff recommends that the Board open the public hearing, take public comment and then vote whether to approve the assessment resolution. If the Board approves the assessment resolution, County staff also recommends that the Board authorize the chair to execute the Letter of Agreement and any other documents necessary to effectuate the assessment.

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Draft Assessment Roll](#)  
[Directed Payment Program Letter of Agreement](#)  
[Affidavit of Publication - LPPF Resolution](#)

County Attorney Dylan Reingold recalled that on September 14, 2021, the Board had voted to enact an ordinance which established a Local Provider Participation Fund (LPPF) to assist hospitals recoup Medicaid costs. He described the proposed Resolution before the Board which established assessment rates for the County's participating hospitals: Cleveland Clinic Indian River Hospital, Sebastian River Medical Center, and Encompass Health Rehabilitation Hospital.

The Chairman opened the public hearing.

The following people addressed the Board in favor of the Resolution:

Colleen Ernst, Adelanto Healthcare Ventures  
Warren Fuller, Chief Financial Officer, Cleveland Clinic Indian River Hospital  
Ron Bierman, President, Sebastian River Medical Center  
Steven Snyder, Chief Financial Officer, Sebastian River Medical Center

In response to questions from the Board, Ms. Ernst offered assurance that the Resolution had been modified to protect taxpayers from potential increases to the County's Medicaid contribution, that the process was legally compliant, and that the program was guaranteed through this first year; the LPPF required annual approval from the State and Federal governments.

County Administrator Jason Brown anticipated the County would be well positioned to cover any unforeseen increase in Medicaid contributions, and felt comfortable that there would not be a tax increase.

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

Under discussion, the Commissioners expressed their rationales for approval of

the Resolution, with the exception of Vice Chairman O'Bryan who opted to wait and see how the first year worked out.

**A motion was made by Commissioner Moss, seconded by Commissioner Adams, to approve staff's recommendation and approve Resolution 2021-054, authorizing and adopting a non-ad valorem special assessment within the County limits for the purpose of benefiting assessed properties through enhanced Medicaid payments for local services; finding and determining that certain real property is specially benefited by the assessment; collecting the assessment against the real property; establishing a public hearing to consider imposition of the proposed assessment and the method of its collection; authorizing and directing the publication of notices in connection therewith; providing for certain other authorizations and delegations of authority as necessary; and providing an effective date. The motion carried by the following vote:**

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

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

The Chairman called for a recess at 10:15 a.m., and reconvened the meeting at 10:26 a.m. with all members present.

- 10.A.3. [21-0875](#)** GRBK GHO, LLC's Request for Conceptual Special Exception Planned Development (PD) Plan Approval and Concurrent Preliminary PD Plan/Plat Approval for a Project to be known as Wisteria Walk PD [PD-21-01-02 / 2002050024-88300] Quasi-Judicial

**Recommended Action:** Staff recommends that BCC grant conceptual planned development (PD) plan and special exception approval with the following conditions: 1. Prior to issuance of a land development permit, the applicant shall: a. Obtain Planning staff approval of a final landscape and buffer plan. b. Obtain Planning staff approval of the final streetlighting design. c. Obtain Public Works approval of a right-of-way permit for the 15th Street SW and 17th Street SW pavement improvements. d. Obtain Planning staff approval for the tree mitigation plan. e. Obtain a wetlands determination from St. John's River Water Management District. 2. Prior to or via the final plat process, the applicant shall: a. Construct or bond-out the required landscape buffers. b. Construct or bond-out the required project streetlighting. 3. Prior to issuance of a certificate of completion, the applicant shall: a. Construct the pavement improvements for 17th Street SW and 15th Street SW. b. Install all required perimeter buffers and project landscape improvements. c. Install all required project streetlighting. d. Construct all required external sidewalks. 4. Internal sidewalks shall be constructed along the frontage of common areas and individual lots in accordance with Section 913.09(5) (b)2. of the County LDRs.

**Attachments:** [Staff Report](#)  
[Excerpt from August 12, 2021 PZC Minutes](#)  
[Location Map](#)  
[Aerial](#)  
[Conceptual/Preliminary PD Plan](#)  
[Landscape Plan](#)

Chairman Flescher introduced the parties for the proceeding as being Indian River County and GRBK GHO, LLC (Applicant). Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the public hearing.

Chief of Current Development Ryan Sweeney appeared before the Board with a presentation describing the proposed development, requested waivers, traffic and landscape plans, and the Planning and Zoning Commission's preliminary approval. Community Development Director Phil Matson noted that this site had been previously approved for a small-lot subdivision, and was returning with revised plans

for fewer homes and more public benefits.

In discussion, the Commissioners expressed their concerns and received feedback from Mr. Sweeney regarding mitigation efforts for the narrow setbacks, and possible friction among neighbors since homes were relatively close together. Discussion continued regarding stormwater management, traffic impact, planned changes to 17th Street SW, construction access, and the developer's vision for the neighborhood.

The following people addressed the Board:

Joseph Schulke, Civil Engineer, Schulke, Bittle and Stoddard, LLC, appeared on behalf of the Applicant to inform the Board of the additional public benefits planned for the subdivision. Vice Chairman O'Bryan received confirmation that the land is currently owned by Habitat For Humanity, and he relayed concerns from residents of Falcon Trace regarding compatibility of the new homes with existing developments.

An unnamed Zoom attendant received information from Mr. Sweeney regarding the paving of a portion of 17th Street SW. Director Matson addressed the follow-up question of possible trespassers.

Joseph Paladin, Black Swan Consulting, supported staff's recommendation.

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

Vice Chairman O'Bryan closed by reiterating his concern for conflicts among neighbors in light of the proximity of the homes.

**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

**10.A.4. [21-0891](#)** Public Hearing on Modifications to County Code Sections 201.64 and 201.65, Prohibited Discharge Standards

**Recommended Action:** Staff recommends the Board of County Commissioners approve the draft revisions to the Code incorporating Florida Department of Environmental Protection-provided draft language for incorporation into the Sewer Use Ordinance. This Code modification will strengthen the County's commitment to preventing harmful pollutants from entering the environment and our waterways by providing the County the legal authority to apply and enforce Chapter 62-625

**Attachments:** [Staff Report](#)  
[Draft Dentist Amalgam Ordinance](#)

Interim Utility Services Director Matt Jordan presented the draft Ordinance which incorporated language from the Florida Department of Environmental Protection (FDEP) regarding standards for disposal of dental amalgam. He informed that the County was already in compliance with the FDEP's required components related to hazardous waste pharmaceuticals. Mr. Jordan also described the direct mail effort staff undertook to notify dentists in the County of the public hearing announcement.

Chairman Flescher discussed the importance of preventing the mercury from dental amalgam from entering the environment.

The Chairman opened the public hearing.

Carlos Halcomb, representing Ferres Dentistry, received clarification from County Attorney Dylan Reingold that the code changes only pertained to dental amalgam disposal.

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

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to adopt Ordinance 2021-014, amending Section 201.64 (Definitions; Construction and Interpretation) and creating Section 201.681 (Dental Facilities) of Part III (the Indian River County Industrial Pretreatment Regulations Ordinance) of Chapter 201 (County Water and Sewer Services) of the Code of Indian River County in order to include regulations of discharges from dental facilities; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:**

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

## **B. PUBLIC DISCUSSION ITEMS**

## **C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS****A. Community Development****B. Emergency Services****C. General Services****D. Human Resources****E. Information Technology****F. Office of Management and Budget****12.F.1. [21-0854](#)** CARES Act - Spending Plan Revisions

**Recommended Action:** [Enter Recommended Action Here]

**Attachments:** [Staff Report](#)  
[CARES Act Spending Plan](#)  
[City of Fellsmere CARES Act Amendment 3](#)

Director of Management and Budget Kristin Daniels appeared before the Board to describe the latest round of changes to the CARES Act spending plan, and a time extension request from the City of Fellsmere. Her report detailed proposed reallocations, as well as funds returned from municipalities, Indian River State College, the Indian River Hospital District, and the United Way. She went on to describe additional expenditures the County undertook related to Covid-19, and options to utilize any unspent CARES Act funds.

Chairman Flescher received confirmation that the extension request from Fellsmere would not change the County's reporting requirements under the CARES Act plan. Commissioner Moss informed the community that mortgage and rental assistance was still available.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the following recommendations: 1) approve the CARES Act Amendment 3 and Time Extension with the City of Fellsmere; 2) approve the decreases in allocations from Indian River Shores (\$35,489), City of Vero Beach (\$9,850), City of Sebastian (\$12,512), Indian River State College (\$19,147), Indian River Hospital District (\$9,090), and the United Way (\$609,899); and 3) approve an increase in BCC expenses for direct COVID-19 expenditures in the amount of \$695,987. The motion carried by the following vote:**



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

The Chairman called a recess at 11:19 a.m., and reconvened the meeting at 11:25 a.m. with all members present.

## G. Public Works

**12.G.1. [21-0890](#)** Timothy Rose Contracting proposed donation of concrete material to support the County's Artificial Reef program

**Recommended Action:** Staff recommends the Board of County Commissioners accept the donation of the proposed material from Timothy Rose Contracting

**Attachments:** [Staff Report](#)  
[Artificial Reef Building Material Donation Agreement](#)

Public Works Director Rich Szyrka requested approval of the donation of old concrete culvert pipes from Timothy Rose Construction for use in the County's artificial reef program. Director Szyrka informed that reef materials have been more difficult to acquire as the price of building products has increased, and offered assurance that the pipes were safe to use in a marine environment.

Commissioner Adams received confirmation from Director Szyrka that the County had participated in a Department of Environmental Protection program which deployed concrete shapes to create habitats in the reef system. He advised that staff would provide an update on the success of that program.

**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

**12.G.2. [21-0894](#)** Research Review Phase of the IRC Lagoon Management Plan: Update 4

**Recommended Action:** Staff is requesting continued support for the development of the Indian River Lagoon Management Plan

**Attachments:** [Staff Report](#)  
[Research Plan Timeline](#)  
[Supporting Research](#)

Molly Klinepeter, Lagoon Plan Environmental Specialist, utilized PowerPoint slides to present the fourth and final update of the Research Review Phase of the Indian River Lagoon (IRL) Management Plan. Ms. Klinepeter discussed the following factors affecting the IRL's health: Marinas and Boat Ramps, Septic Systems, Stormwater, Water Consumption, and Sustainability and Resiliency. After each topic, the Board weighed-in with questions and comments.

In discussion of boats mooring in the Lagoon, Vice Chairman O'Bryan confirmed that Florida law allowed counties to create limited anchoring areas, and he expressed concern that moored boats were allowed to discharge treated waste water into the Lagoon. He requested directing staff to research a State program which would designate the IRL as a no-discharge zone, and suggested presenting the idea at the upcoming Tri-County meeting. The Commissioners discussed ways the no-discharge zone could be enforced. County Attorney Dylan Reingold indicated he would gather additional information from counties with a similar rule.

Ms. Klinepeter continued her presentation with the impact of nitrogen released from residential septic systems into the Lagoon, and the County's efforts to convert those systems over to sewer. Commissioner Adams stated that changing regulations would require a re-evaluation of grants typically used in septic to sewer conversion programs.

Next, the county's regional stormwater systems/parks and their ability to remove nutrients were discussed. Natural Resources Manager Eric Charest provided operational information for the stormwater parks in response to Commissioner Earman's questions, and Public Works Director Rich Szpyrka addressed the Board's request for increased interdepartmental coordination regarding water storage and discharge.

Ms. Klinepeter informed that increased population and agriculture were water supply stressors, and conservation programs such as restrictions and artesian well plugging were of growing importance. Vice Chairman O'Bryan described his work with Martin County to create an irrigation ordinance, as will be required by the St. John's Water Management District to obtain cost-sharing funds. The

Commissioners suggested maximizing usage of stored water, and expressed support for residential reuse water.

The final portion of the report discussed State and local programs and plans to ensure the long-term future of the Lagoon. Ms. Klinepeter concluded with a look forward to creating the Lagoon Management Plan based on the research presented, and estimated a timeline of 8 to 12 months to complete.

Vice Chairman O'Bryan led a discussion into the disappearance of sea grass and its lethal effect on the manatee population. The Board expressed support for obtaining an update from Brevard County on their experience with muck removal and efforts to restore sea grass beds in the Lagoon.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation and direct staff to: 1) research regulations regarding no-discharge zones and limited anchoring in the Lagoon; 2) add the no discharge issue to the Tri-County meeting Agenda; 3) request a report from Brevard County on muck removal results. The motion carried by the following vote:**

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

**12.G.3. [21-0898](#)** Award of Bid No. 2021050, Phase 2 of Sector 3 (IRC-2109) Beach and Dune Restoration

**Recommended Action:** Staff recommends that Phase 2 of the Sector 3 Beach and Dune Restoration Project (Bid 2021050) be awarded to Guettler Brothers Construction, LLC in the amount of \$14,174,738.00 and requests that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of the agreement and public construction bond by the County Attorney, and after receipt and approval of the required insurance by the Risk Manager

**Attachments:** [Staff Report](#)  
[Sample Agreement](#)  
[APTIM Bid Recommendation Letter 21-0910](#)

Public Works Director Rich Szpyrka presented the bids and award recommendation for the project to re-nourish eroded sand on the southern portion of Sector 3. Director Szpyrka provided information on the construction details, and added that the work was time-sensitive due to turtle nesting season. He reported that funding for Phase 2 of Sector 3 Beach and Dune Restoration Project had been secured from FEMA and FDEP.

The Board received information on future government funding, and confirmation that the County had previously used the recommended vendor, Guettler Brothers Construction LLC, with good results.

**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

**12.G.4. [21-0899](#)**

Phase 2 of the Sector 3 Beach and Dune Restoration Project (IRC-2109)  
APTIM Work Order No. 2018006-12, Phase 2 Construction Administration

**Recommended Action:** Staff recommends the BCC authorize Work Order No. 2018006-12 in the total lump sum amount of \$419,544.97. Additionally, staff recommends the BCC authorize the Chairman to execute Work Order No. 2018006-12

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

[APTIM Work Order No. 2018006-12](#)

[APTIM WO #2018006-12 Execution agreement](#)

Public Works Director Rich Szpyrka referred to staff's memo dated September 13, 2021, to request approval of the work order from APTIM to provide construction administration, observation and certification of the Phase 2 of Sector 3 Beach Re-nourishment project.

**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

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

**13.A.** [21-0906](#) Request for Release of Environmental Control Hearing Board Lien

**Recommended Action:** Staff is not in support of the \$500 offer amount to settle the liens on the above mentioned properties and seeks the Board's decision on this matter.

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

[1-14-2010 Lien](#)

[2-22-2010 Lien](#)

[10-5-2009 Lien](#)

[12-3-2010 lien](#)

[12-8-2009 lien](#)

[Property Aerial 1-11-2021](#)

[Property Aerial on 2-17-2007](#)

Assistant County Attorney Susan Prado reported that the attorney's office had been contacted by Supreme Title with a request to release Environmental Control Hearing Board (ECHB) liens for two properties located in Gifford Gardens. She advised that the ECHB could not release a lien unless it was paid in full, and went on to present a negotiated offer of \$1,700 from Supreme Title for the Board's approval.

Cheryl Dunn, ECHB Officer, added that the County had previously waived landfill fees to demolish a derelict structure on the property. In response to query from the Board, Ms. Dunn informed that the ECHB used a Code Enforcement Board precedent of negotiating 10% of the original fine as a satisfactory amount to release a lien.

County Attorney Dylan Reingold clarified the ECHB's request for Board approval.

**A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve acceptance of a \$1,700 payment for release of Environmental Control Board liens on two properties in Gifford Gardens (4461 31st Avenue and 4475 31st Avenue). 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**

14.B.1. [21-0895](#) Status of the District 4 County Commission Seat

**Recommended Action:** Discussion

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

Vice Chairman O'Bryan announced officially that he would not seek reelection for the District 4 Commission seat.

**No Action Taken or Required**

- 14.B.2. [21-0907](#) Request Board Discussion to try to Resolve Maintenance Issue of 82nd Avenue between 26th Street and 69th Street

**Recommended Action:** Discussion

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

[Attachment 1 - Draft Interlocal Agreement](#)

[Attachment 2 - MPO Long-Range Transportation Plan](#)

[Attachment 3 - SRDD Easement & SRWCD Right of Way](#)

Vice Chairman O'Bryan provided history on the state of the roadway along 82nd Avenue, between 26th Street and 69th Street. He informed that the road is an unimproved, privately-owned right-of-way (ROW) owned by the Sebastian River Improvement District (SRID). Area residents and businesses have complained that the County-provided millings applied 10 years ago on this section of road have deteriorated and repair was needed. The County drafted an agreement to again provide millings, with the SRID providing installation; however, there was disagreement over long-term maintenance and the project stalled.

The Vice Chairman described discussions with staff regarding the possibility of paving this section of 82nd Avenue, and staff's opinion that it was inappropriate to spend taxpayer dollars on maintaining a privately-owned road. Vice Chairman O'Bryan then presented his suggestion to have staff draft a letter to the SRID requesting dedication of the land needed for ROW in return for the County assuming the cost to pave 26th Street to 69th Street, and responsibility to maintain the road in the future.

Tom Hammond, Board Member, SRID, appeared before the Board to discuss Vice Chairman O'Bryan's suggestion. He provided reasons why the SRID Board was unlikely to dedicate land for ROW without financial compensation. He also contended that the County had, in the past, verbally agreed to provide future maintenance of that section of 82nd Avenue. In rebuttal, the Vice Chairman noted there was no written agreement for County maintenance.

Discussion ensued regarding when the Florida Department of Transportation (FDOT) planned to pave this south section of 82nd Avenue, and the financial implications of the project. Public Works Director Rich Szyrka advised that the FDOT was at least five (5) years away from beginning to work on the section of 82nd Avenue south of 69th Street.

Wesley Davis, Indian River County Property Appraiser, discussed the increasing importance of 82nd Avenue and urged the Commissioners to reach an agreement to improve the south end. Director Szyrka offered assurance that 66th Avenue



would not be closed during its planned widening, so increased traffic on 82nd Avenue would not be a concern.

Commissioner Adams received confirmation that the offer of County-provided millings was still on the table, and requested this option be included in staff's letter to the SRID. County Administrator Jason Brown received confirmation that staff would draft the letter for the Chairman's signature.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, directing staff to draft a letter to the Sebastian River Improvement District (SRID) with two (2) options: 1) request the SRID dedicate to the County the lands needed to pave 82nd Avenue between 26th Street and 69th Street, thereby making that section of 82nd Avenue a public right-of-way, and allowing public tax dollars to be spent on the paving and maintenance of this section of roadway; or 2) accept the County's offer to provide (30) loads of milling; SRID would then assume responsibility for installing the milling and maintaining that section of road. The motion carried by the following vote:**

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

**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 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 Commissioner Adams, to approve the Solid Waste Disposal District's Minutes for the meetings 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

15.B.1. [21-0865](#) Approval of Minutes Meeting of June 8, 2021

**Recommended Action:** Approve

**Attachments:** [06082021SWDD Draft](#)

**Approved**

15.B.2. [21-0867](#) Approval of Minutes June 15, 2021

**Recommended Action:** Approve

**Attachments:** [06152021SWDD Draft](#)

**Approved**

15.B.3. [21-0868](#) Approval of Minutes Meeting June 22, 2021

**Recommended Action:** Approve

**Attachments:** [06222021SWDD Draft](#)

**Approved**

15.B.4. [21-0900](#) Change Order No. 2, Release of Retainage and Final Pay to SCS Field Services for Landfill Segment 3 Cell 1 Landfill Gas System Expansion Project (Bid #2021006)

**Recommended Action:** Staff recommends that its Board approve the following: a) Approve Change Order No. 2 to Bid No. 2021006 to Sterns, Conrad, and Schmidt Consulting Engineers, Inc. dba SCS Field Services, of Reston, Virginia, for the Segment 3 Cell 1 Landfill Gas System Expansion project in the amount of \$6,388.00; b) Authorize the Chairman to execute the same; and, c) Approve the release of retainage and final payment of \$63,740.00 to SCS Field Services

**Attachments:** [Staff Report](#)  
[CDM Smith Recommendation Letter](#)  
[Change Order No 2 from SCS Field Services](#)  
[Final Pay Application](#)

There was no discussion regarding this item.

**A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, 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.5. [21-0901](#) Final Pay and Amendment No 2 to Work Order No 2 to CDM Smith, Inc.

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the following: a) Approve Amendment No. 2 to Work Order No. 2 with CDM Smith Inc. in the amount of \$8,500 to provide engineering services related to Phase 2 of the Class I Landfill Segment 3, Cell 1 expansion of the landfill gas collection system; b) Authorize the Chairman to execute the same, as presented; and, c) Approve CDM Smith's final invoice amount of \$38,699.66

**Attachments:** [Staff Report](#)  
[Amendment No 2 to Work Order No 2](#)  
[Final Invoice and Completion Report](#)

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

### C. Environmental Control Board

## 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:25 p.m.