



Indian River County Florida

Meeting Minutes 4

Board of County Commissioners

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

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
Shauna James, Deputy Clerk

Tuesday, June 21, 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

Pastor Randy Bryant, Ryanwood Fellowship Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Move: Item 15.A.1 to follow Item 8 Consent Agenda.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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. Presentation of Proclamation Honoring Frank LoMonaco on his Retirement from the Indian River County Sheriff's Office

Prior to reading the Proclamation, Commissioner Flescher reflected on his time spent working with Frank LoMonaco. He thanked Mr. LoMonaco for his professionalism, dedication, and his continued commitment to the inmates at the correctional facility.

Indian River County Sheriff Eric Flowers thanked Mr. LoMonaco for his 30 years serving the community and was grateful for him and his family who devoted their lives to public service. Sheriff Flowers stated Mr. LoMonaco would be honorarily promoted to Captain.

Read and presented by Commissioner Flescher

5.B. Presentation of Proclamation Honoring Lori Bloom on Her Retirement from the Office of the Indian River County Tax Collector with 33 Years of Service

[Clerks note: this Item was heard following Item 10.C.1]

Ms. Lori Bloom stated she was honored to have served the public and thanked the Board for the recognition. Ms. Bloom was joined by her family and staff from the Tax Collector's office. Carole Jean Jordan, Tax Collector, Jeffery R. Smith, Clerk of the Circuit Court & Comptroller, and Commissioner Flescher, each reflected on Ms. Bloom's dedication to the County and expressed how much she would be missed.

Read and presented by Commissioner Moss

5.C. Presentation of Proclamation Recognizing July, 2022, as Parks & Recreation Month and July 15th as Parks & Recreation Professionals' Day

[Clerks note: this Item was heard following Item 5.A.]

County Administrator Mike Zito announced Beth Powell had been promoted as the new Parks and Recreation Director and congratulated Ms. Powell on her promotion. Ms. Powell stated she appreciated all of the Parks and Recreation professionals and was excited about the opportunities ahead. She was joined by staff from the department and went on to highlight the many parks and recreation facilities available to the public. She continued, staff was delighted to celebrate Parks and Recreation month and looked forward to an amazing year of programming recreation and improving the quality of life for all of residents and visitors in Indian River County.

Read and presented by Vice Chairman Earman

6. APPROVAL OF MINUTES

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

- 7.A.** Presentation of Proclamation Honoring Lonn David Benham on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services Fire Rescue Division with Thirty-One Years of Service

[Clerks note: this Item was heard following Item 5.C.]

Chairman O'Bryan thanked Lonn David Benham for his years of service protecting the public. Vice Chairman Joe Earman commented he had spent many years working with Mr. Benham and stated he was an asset to the community and had made it a better place.

No Action Taken or Required

- 7.B.** SWDD Closures and Collection Service Changes for the 4th of July Holiday

Chairman O'Bryan stated the solid waste garbage collection for the Fourth of July would be pushed back by one day.

No Action Taken or Required

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

[Clerks note: this Item was heard in conjunction with Item 5.C.]

Chairman Peter O'Bryan highlighted on the event Calendar the Vero Beach Gun Show, the Busch Wildlife Center Live Animal Show, and Murder Mystery Dinner. He congratulated Beth Powell on her promotion to Parks and Recreation Director.

No Action Taken or Required

- 7.D.** Florida Public Service Commission PAA Order PSC-2022-0203-PAA-EQ. Approving FPL's amended standard offer contract and rate schedule; if no protest, order to become final and effective on issuance of a CO; if order becomes final, docket to be closed; protest due by 6/30/22, a copy is on file in the Office of the Clerk to the Board.

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 amended, pulling Items 8.C. and 8.D. for discussion.

The motion carried by the following vote:

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

8.A. Quarterly Investment Report for Quarter Ending 3/31/2022

Accepted

8.B. Quarterly OPEB Trust Report for Quarter Ending 03/31/2022

Accepted

8.C. Traffic Education Fund Quarterly Report 3/31/2022

Indian River Shores Councilmember Bob Auwaerter questioned if the Traffic Education Fund could, under the Florida Statute, expand the use of those funds to develop public safety announcements or other means to educate the public on bicycle safety. Councilmember Auwaerter stated the Indian River County Metropolitan Planning Organization (MPO) and Florida Department of Transportation (FDOT) had adopted the Target of Zero, to attain zero fatalities and serious injuries involving pedestrians and bicycle riders in the State.

County Attorney Dylan Reingold referred to Section 318.1215, of the Florida Statutes, the Dori Slosberg Driver Education Safety Act, which stated a Board of County Commissioners may require, by Ordinance, the Clerk of the Court to collect an additional five dollars with each civil traffic penalty to be used to fund driver education programs in public and non-public schools. He stated it would require an amendment from the state legislation to expand the use of funds for education on bicycle safety.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to accept the Traffic Education Fund Quarterly Report. The motion carried by the following vote:

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

8.D. Quarterly Tourist Development Tax Report for Quarter Ending 03/31/2022

Chairman O'Bryan noted the Quarterly Tourist Development Tax Report showed a strong first quarter of 2022, collecting over a million dollars in revenue. Clerk of the Court and Comptroller Jeffrey R. Smith stated the \$1.6 million in revenue was an all-time high in the collection of tourist tax and attributed it to a new hotel and the hotels had stopped the discounting that took place during the COVID-19 pandemic. Chairman O'Bryan thanked Mr. Smith and his team for their effort ensuring everybody was in compliance.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to accept the Quarterly Tourist Development Tax report for Quarter Ending 03/31/2022. The motion carried by the following vote:

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

8.E. Approval of a Scope of Services with the Center for Transportation Research for the 2023 Transit Development Plan (TDP) Major Update

Approved staff's recommendation

8.F. Designation of Excess Equipment as Surplus and Authorization for Disposal and Reactivation of Asset 24738

Approved staff's recommendation

8.G. Miscellaneous Budget Amendment 006

Approved Resolution 2022-034, amending the Fiscal Year 2021-2022 Budget.

8.H. Winter Beach Tower Lease Amendment

Approved staff's recommendation

8.I. Resolutions Delegating the Authority to the County Administrator or his Designee to Call Letters of Credit and to Act on Behalf of Indian River County during the Time Frames of July 13, 2022, through and including August 15, 2022 and August 17, 2022, through and including September 12, 2022

Approved Resolution 2022-035, delegating authority to the County Administrator or his Designee, to execute resolutions calling letters of credit as necessary during the period commencing July 13, 2022, through and including August 15, 2022, and further delegating to the County Administrator or his Designee to execute all documents necessary to the proper functioning of the County during the period commencing July 13, 2022, through and including August 15, 2022; and Resolution 2022-036, delegating authority to the County Administrator or his Designee, to execute resolutions calling letters of credit as necessary during the period commencing August 17, 2022, through and including September 12, 2022, and further delegating to the County Administrator or his Designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing August 17, 2022, through and including September 12, 2022.

8.J. Work Order No. 4 - Andersen Andre Consulting Engineers, Inc., IRC-1639 - 69th Street From 66th Ave. to SR/US1, Resurfacing Construction Materials Testing Services

Approved staff's recommendation

8.K. 11th Drive Project Construction Inspection Cost Share Approval

Approved staff's recommendation

8.L. Authorizing Resolution to Delegate Signature Authority for Grant Applications to Various Agencies

Approved staff's recommendation and Resolution 2022-037, authorizing the Board to delegate specific signature authority for various agency grant applications to the Indian River County Assistant County Administrator, Parks and Recreation Director, and Conservation Lands Manager.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1.

Consideration of the Disposition of County Owned Surplus Properties for Affordable Housing

[Clerks note: this Item was heard following Item 15.A.1.]

Chief of Long-Range Planning John Stoll reviewed the information contained in his memorandum dated June 8, 2022, regarding the disposition of the County-owned surplus properties for affordable housing. He pointed out Section 125.379 (1) of the Florida Statute required each county to prepare an inventory list of all real property that it holds fee simple title that was appropriate for use as affordable housing within its jurisdiction. Chief Stoll, through a PowerPoint presentation, outlined the details of S.125.379 (1) F.S. and identified three (3) of the 541 properties currently owned by the County on the list that were not designated for any specific public use. Two of the parcels were single-family lots appropriate for affordable housing and one was landlocked and not buildable. He informed the Board the staff report had previously listed 4887 34th Avenue to be donated as affordable housing. Upon further research, staff learned there was no legal access and determined it would be best to sell the parcel and donate the proceeds to the State Housing Initiative Program (SHIP). He mentioned the local non-profit housing organizations interested in the three properties identified and staff supported the donation of these aforementioned parcels.

In response to a question posed by Commissioner Moss, Chief Stoll stated the determination of parcels available for affordable housing on the list was based on the distribution to Utilities, Public Works for conservation land, stormwater right-of-ways access, future stormwater and utility projects, and other entities within the County on land exchanges, leaving 3 of the 541 available parcels for affordable housing.

County Attorney Dylan Reingold sought and received clarification on the motion that 4887 34th Avenue would be sold and not donated.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve Resolution 2022-034, approving the list of County owned properties appropriate for the provision of affordable housing and providing for the disposition of those properties, amending Appendix A, 2022 List of the Indian River County Surplus Properties, to show disposition of the County Surplus Lands located at 4887 34th Avenue should be sold. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Savanna Randle, VLE Re: To Make Vero Lake Estates a Golf Cart Community

Ms. Savanna Randle, a resident of Vero Lake Estates (VLE), presented a request for the Board to adopt an Ordinance allowing the use of golf carts in the VLE community. Ms. Randle stated she had posted a petition on Facebook and obtained over 650 signatures. She also remarked most of the residents were in favor of the proposal, with many concerned about safety.

Chairman O'Bryan informed Ms. Randle the Board does not take action on public requests to speak items and a Commissioner would need to bring the item forward as a formal agenda item. He also recommended a letter from the Sheriff's office to deem it would be safe from a law enforcement point of view.

Ms. Mary Lou Ciambriello of VLE spoke in support of Ms. Randle's request to the Board and stated her immense concern for the safety of the residents, children, and pets in the community. Ms. Ciambriello lauded Ms. Randle's efforts in bringing this together.

Commissioner Susan Adams stated Ms. Randle had met with all five (5) County Commissioners and planned to meet with the Sheriff. She commented it was a longer process due to the statutory requirements. Commissioner Adams thanked Ms. Randle for her efforts and for bringing this before the Board.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

10.C.1. Notice of Public Hearing Scheduled for July 5, 2022 Board Meeting for an LDR Amendment Modifying the Criteria for Accessory Dwelling Units

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. Executive Session to Discuss IAFF Negotiations

County Administrator Jason Brown announced an executive Session would be held following the June 21, 2022 Board meeting.

No Action Taken or Required

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.** FDOT Agreement for Brightline Improvements and Brightline Subrecipient Agreement

County Attorney Dylan Reingold stated that in June 2021, the Board entered into a settlement agreement with Brightline which had resolved the County's litigation with the company and as part of the settlement agreement, the County fully agreed to cooperate in pursuit of various grants that would assist in providing safety improvements in Indian River County. He mentioned the State adopted a proviso allocating money for various safety improvements within the County. These funds would normally go to the Florida Department of Transportation (FDOT), however, FDOT could not directly provide the funds to Brightline; a local sponsor or entity would need to be involved. Attorney Reingold outlined additional provisions which had been negotiated by staff to address invoice payment timeline issues Brightline had with the County's agreement. A discussion followed in regard to the potential safety improvements.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation. The motion carried by the 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
- 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

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.

15.A.1.

Approval of Second Renewal of Second Amendment of Property Lease for Temporary Location of Fire Station #7

[Clerks note: this Item was heard following Item 8.D.]

There was no discussion on this Item

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

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

B. Solid Waste Disposal District

The Board of Commissioners adjourned the meeting of the Emergency Services District and 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.

Approval of FY 2023 CPI Adjustment Request by Waste Management for Franchise Agreement

Solid Waste Disposal District (SWDD) Managing Director Himanshu Mehta stated that in accordance with the franchise agreement with Waste Management (WM) there was an annual provision in the agreement for a price adjustment to not exceed a cap of 3%. He stated WM did submit the request for the fiscal year 2023 requesting an additional increase of approximately 17.43%. A negotiation meeting was held to convey staff's position that they could not support such an increase and WM elected to maintain the 3% in accordance with the agreement.

Debbie Perez, WM Government Affairs Manager, outlined the reasoning for the requested 17.43% increase which breaks down to 16 cents per home, pointing out the 3% per the annual provision agreement would now be 2 cents per service, per home. Utilizing a PowerPoint presentation, an infographic displayed the inflationary costs of 29% increase in maintenance costs, 99% plus increase in fuel costs, and a significant increase in front-line labor wage increases.

County Administrator Jason Brown stated he understood the inflationary costs WM was facing, as he has seen the same in the County's operations. He commented he hoped to continue the partnership between the County and WM and that WM does a good job.

A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, 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

C. Environmental Control Board**16. ADJOURNMENT**

There being no further business the Chairman adjourned the meeting at 10:14 A.M.