



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

Tuesday, July 6, 2021

9:00 AM

Commission Chambers

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

Pastor Chris Drinnon of Grace Baptist Church of Vero Beach

3. PLEDGE OF ALLEGIANCE

Vice Chairman Peter D. O'Bryan

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

4.A. [21-0490](#) Deleted prior to the meeting: Presentation by Andrea Berry, CEO, IRC Healthy Start Coalition re: Fetal and Infant Mortality Report

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

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

5. PROCLAMATIONS and PRESENTATIONS

6. APPROVAL OF MINUTES

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

- 7.A.** [21-0644](#) Proclamation Honoring Laurence J. Hanch on His Retirement From Indian River County Board of County Commissioners Sandridge Golf Club with Eighteen Years of Service

Attachments: [Proclamation](#)

Chairman Flescher made mention that Mr. Hanch's ubiquitous smile would be missed by everyone who visited Sandridge Golf Club.

No Action Taken or Required

- 7.B.** [21-0638](#) Indian River County Venue Event Calendar Review

Recommended Action: Informational item only; No Board action required

Attachments: [Venue Event Calendar](#)

No Action Taken or Required

- 7.C.** [21-0643](#) Update on Brightline Trains Expenses

Recommended Action: No Action Required

Attachments: [Staff Report](#)
 [Brightline Trains Expenses](#)

No Action Taken or Required

- 7.D.** [21-0628](#) Distinguished Budget Presentation Award FY 2020/2021

Recommended Action: No Action Needed

Attachments: [Staff Report](#)
 [GFOA Letter](#)
 [Distinguished Budget Presentation Award](#)

Management and Budget Director Kristin Daniels accepted congratulations from the Board on her department's 30th consecutive year receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Adams, seconded by Chairman Flescher, 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. [21-0618](#) County Welcome Signs Release of Retainage and Change Order No. 1, IRC-1816

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 4 to Kenco Sign and Awning, LLC. in the amount of \$2,475.00 for release of retainage.

Attachments: [Staff Report](#)
 [Description of Itemized Changes](#)
 [Contractor's Application for Payment No. 4](#)

Approved staff's recommendation

8.B. [21-0627](#) Approval of First Renewal of Second Amendment of Property Lease for Temporary Location of Fire Station #7

Recommended Action: Staff recommends approval of the first renewal of property lease.

Attachments: [Staff Report](#)
 [First Renewal of Second Amendment](#)

Approved staff's recommendation

8.C. [21-0629](#) Work Order No. 21 with MBV Engineering, Inc. for Design of GoLine Bus Shelter Locations

Recommended Action: Staff recommends the Board approve Work Order No. 21 with MBV Engineering, Inc. for design of GoLine bus shelter locations.

Attachments: [Staff Report](#)
 [Work Order](#)

Approved staff's recommendation

- 8.D. [21-0631](#) Request by Miguel Solis and Lupita Ramos for Release of Easements Located at 5905 59th Street

Recommended Action: Staff recommends that the Board, through adoption of the draft resolution, approve release of the drainage and utility easements described in the draft resolution.

Attachments: [Staff Report](#)

[Map\(s\) depicting easements proposed for release](#)

[Proposed County Resolution Releasing Easements](#)

Approved Resolution 2021-042, releasing easements on Lots 1, 2, 3 & 4, Block 3, King's Music Lands Subdivision.

- 8.E. [21-0632](#) Request by Abigail Andujar for Release of an Easement Located at 5840 59th Avenue

Recommended Action: Staff recommends that the Board, through adoption of the draft resolution, approve release of the drainage and utility easement described in the draft resolution.

Attachments: [Staff Report](#)

[Map\(s\) depicting easement proposed for release](#)

[Proposed County Resolution Releasing Easement](#)

Approved Resolution 2021-043, releasing an easement on Lots 27 & 28, Block 20, King's Music Lands Subdivision.

- 8.F. [21-0641](#) Settlement of Liens for 1295 & 1355 5th Ave SW

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the settlement proposal and authorize the chair to sign any and all documents necessary to effectuate the settlement agreement.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.G.** [21-0642](#) Resolution Cancelling Taxes on Properties Purchased for Public Purpose: 66th Avenue Right-of-Way

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the properties purchased by Indian River County for a public purpose, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
 [Right of Way Deed](#)
 [Resolution Cancelling Taxes](#)

Approved Resolution 2021-044, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Ryall Development Group, LLC)

- 8.H.** [21-0646](#) Children’s Services Advisory Committee Recommended Program Funding Allocations for Fiscal Year 2021/22

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve CSAC’s program funding recommendations for FY22.

Attachments: [Staff Report](#)
 [Recommended Program Funding FY22](#)
 [Children's services funding amount - FY 21/22](#)

Approved staff’s recommendation

- 8.I.** [21-0637](#) Final Pay Lawrence Lee Construction Services, Inc for North County Reverse Osmosis Water Treatment Plant Chemical Tanks Replacement

Recommended Action: Staff recommends that the Board of County Commissioners approve the final pay application in the amount of \$19,450.00, which includes the release of retainage to Lawrence Lee Construction Services, Inc.

Attachments: [Staff Report](#)
 [Final Pay Application](#)

Approved staff’s recommendation

- 8.J. [21-0639](#) Amendment 2 to Work Order No. 7 Masteller & Moler, Inc., 8th Street Utility Relocation - FDOT Project 437717-1

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment 2 to Work Order No. 7 with Masteller & Moler, Inc. for a lump sum amount of \$19,780.00, and authorize the Chair to execute the Amendment after review and approval from the County Attorney

Attachments: [Staff Report](#)
[Amendment 2 to Work Order No 7 Masteller & Moler Inc](#)

Approved staff's recommendation

- 8.K. [21-0647](#) Update to South County Reverse Osmosis Water Treatment Plant Bid Award

Recommended Action: Staff recommends the Board of County Commissioners modify the award of Bid 2021026 to TLC Diversified, Inc., adding \$166,738.65 to bring the total bid award to \$10,665,515.65, approve the updated sample agreement, and authorize the Chairman to execute the agreement after receipt and approval of the required public construction bond and insurance, and after approval by the County Attorney as to form and legal sufficiency

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

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1 [21-0633](#)

Request for Authorization to Abate a Public Nuisance Located at 1262 15th Avenue

Recommended Action: Staff recommends Alternative 2, that the Board of County Commissioners direct staff to seek a court order to allow staff access to the subject property to abate the nuisance, authorizing the county's employees, servants, agents or contractors to enter upon the Palmer property located at 1262 15th Avenue at all reasonable times, and take whatever action is necessary to abate the nuisance described in this report, with costs of the abatement to be recorded as a lien against the subject property.

Attachments: [Staff Report](#)
[Photos of Subject Property](#)
[Order Warranty County Abatement](#)
[County Code Chapter 973](#)
[Minutes - May 24, 2021 CEB meeting](#)

Environmental Planning and Code Enforcement Chief Andrew Sobczak appeared before the Board with a request for authorization to abate a public nuisance at the residential property of Michael and Kelly Palmer. Utilizing a PowerPoint presentation, Chief Sobczak reviewed the Code Enforcement Board's (CEB) actions starting from the initial complaint of junk and trash at 1262 15th Avenue in March 2020, through to the March 24, 2021 CEB order determining the unresolved nuisance warranted county abatement.

Under discussion, Chief Sobczak confirmed that the homeowner had not taken steps to resolve the code violations. In response to Board queries, County Attorney Dylan Reingold stated he was hopeful the court would hear the case in the next 30 days, and that the estimated \$10,000 cost of abatement would be attached to the home in the form of a lien. Attorney Reingold also noted that following cleanup, the county would seek a court order to prevent accumulation of junk on the property in the future.

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

B. Emergency Services**C. General Services**

D. Human Resources

E. Information Technology

F. Office of Management and Budget

G. Public Works

12.G.1 [21-0636](#)

Sector 7 Beach and Dune Restoration Project Easement Status and Project Options

Recommended Action: Staff recommends Option 3 to the Board. While staff is of the opinion that the easement issue is at an impasse, staff will continue to reach out to property owners to obtain easements. Staff will also reach out to the FDEP, LGFR Grant staff, and FEMA to inquire about extending the funding for an additional year. Staff also requests the Board authorize staff to investigate the purchase of property within Sector 7 for beach access to enhance our funding options for future Sector 7 beach nourishment projects. Additionally, staff has been unable to locate property that could be used for construction access to the Sector 7 beach, thereby substantially increasing the cost for the project even if easements are obtained.

Attachments: [Staff Report](#)

Director of Public Works Richard Szyrka presented an update to the Sector 7 Beach and Dune Restoration Project, observing that the lack of public beach access was the biggest obstacle preventing the project from moving forward. He informed that the County had not reached the required 90% of approved resident easements, and no longer had access to a previously-used empty lot. He reflected that without viable construction access to bring in sand, staff was hesitant to begin the project and incur the cost of required pre-construction monitoring. Director Szyrka concluded his presentation with options for moving forward as detailed in staff's memo dated June 23, 2021.

Under discussion, the Board expressed bafflement as to the reason residents refused to grant the access needed to restore storm-eroded sand behind their homes. Commissioner Earman, Liaison to the Beach and Shore Preservation Advisory Committee (BSPAC), noted that staff was brainstorming ideas to break the impasse and protect the beach from further erosion. Board support for staff's Option 3, to pursue an extension of the grant funding, was expressed and also had been recommended by the BSPAC.

Commissioner Moss requested a list of residents in Sector 7, and reported that she had received complaints of blocked private access ways during construction. Vice Chairman O'Bryan contemplated that perhaps residents were fearful of beach "creep" where beachgoers could make their way onto private property. He floated the idea of creating a beach patrol position which would monitor homeowner's property against trespassers.

At the request of Chairman Flescher, County Attorney Dylan Reingold explained that temporary easements were not an option because grant funding required that the project demonstrate a continuous public benefit. Additionally he noted that

residents in other beach sectors had agreed to an easement in perpetuity, and treating sectors unequally may create a policy challenge for the Board. Attorney Reingold also made mention that the easements helped establish customary use which was important to preserve beachgoer's access.

Joe Paladin, President, Black Swan Consulting, addressed the Board with additional suggestions to work around the problem of obtaining beach access.

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

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

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

- 13.A. [21-0645](#) Resolution of Necessity for five Parcels of Right-Of-Way Located along 66th Avenue between 69th and 85th Streets, Vero Beach, FL 32967: Parcel 127 (Lipfert and tenant Tongay), Parcel 128 (Williams), Parcel 130 (Sexton), Parcel 132 (Van Antwerp) and Parcel 151 (Barker/Strickland)

Recommended Action: Staff recommends that the Board approve the Resolution of Necessity and authorize staff to proceed with the necessary right-of-way acquisition through the County's power of eminent domain.

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

Deputy County Attorney Bill DeBaal appeared before the Board to request approval of a Resolution of Necessity for acquisition of property needed for right-of-way in the expansion of 66th Avenue. He explained that this was the second step in the eminent domain process, and did not require a public hearing. Attorney DeBaal described the five parcels, two of which had businesses, and negotiated make-goods. He advised that business-owners and tenants had the right to possible damages as a result of the take.

In response to a request for clarification from Commissioner Moss, Attorney DeBaal informed that the areas of take varied widely among the properties because engineers determined that 66th Avenue needed to curve to the east to avoid a Florida Power and Light substation. He added that the County had been in negotiations with the land owners leading up to this point.

Lamarre Notargiacomo, Vero Beach resident, received information regarding the recourse property owners had in the eminent domain process. Board and staff advised that the County was required to pay for land owners' legal and expert fees in a court challenge, and an explanation of the next steps in the process was also provided.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation and Resolution 2021-045, declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney or its outside counsel to acquire the attached properties by the Institution of Proceedings in Eminent Domain, and providing an effective date. The motion carried by the following vote:

- Aye:** 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Earman
- Nay:** 1 - Commissioner Moss

- 13.B** [21-0648](#) Acquisition of Right-Of-Way from the Fredrick L. Lipfert and Norma C. Lipfert Trust for Phase II of 66th Avenue Improvements - 7905 66th Avenue, Parcel 127

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

Attachments: [Staff Report](#)
[Agreement to Purchase and Sell Real Estate](#)

Deputy County Attorney Bill DeBraul presented details of the agreement to purchase 1.07 acres of land from the Lipfert Trust needed for right-of-way in the 66th Avenue widening project. He noted that there was a tenant-owned business on the land, Empire Equine, which may be entitled to damages from the take.

Vice Chairman O'Bryan expressed his appreciation for the straightforward and fair negotiation. Commissioner Earman received information from Attorney DeBraul regarding the potential claim for damages from the owners of Empire Equine.

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

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

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph E. Flescher, Chairman**
- B. Commissioner Peter D. O'Bryan, Vice Chairman**
- C. Commissioner Susan Adams**
- D. Commissioner Joseph H. Earman**
- E. Commissioner Laura Moss**

15. SPECIAL DISTRICTS AND BOARDS

- 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 10:14 a.m.