



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, June 15, 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 Joe Moore, Rivers of Living Water

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 5.B. Proclamation Honoring Willie Mae Darrisaw on her 100th Birthday

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.** [21-0547](#) Presentation of Proclamation Honoring Joel V. Herman on His Retirement From Indian River County Board of County Commissioners Department of Veterans Services with Twenty-One Years of Service

Attachments: [Proclamation](#)

Chairman Flescher read and presented the Proclamation to Mr. Herman who thanked his wife for her support during his career. Vice Chairman O'Bryan expressed appreciation for his service to Country and community. Assistant County Administrator Mike Zito expressed appreciation for Mr. Herman's leadership and skill managing Veteran's issues.

Read and Presented

- 5.B.** **21-0619** Presentation of Proclamation Honoring Willie Mae Darrisaw on Her 100th Birthday
- Commissioner Earman read and presented the Proclamation to Ms. Darrisaw who was joined by members of her family. Chairman Flescher congratulated her for a lifetime of service and contributions to the community. Ms. Darrisaw expressed appreciation for her long life and the many wonderful people she's met along the way. All present in chambers joined together in singing "Happy Birthday" to Ms. Darrisaw.

Read and Presented

6. APPROVAL OF MINUTES

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

- 7.A.** [21-0605](#) The Hospital District's Public Official Bond for Ms. Kerry Bartlett has been received from Attorney Jennifer D. Peshke's Office. The Bond 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 Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.E. 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. [21-0539](#) Final Ranking of Consultants and Authorization to Negotiate - RFQ 2021020 for Sandridge Clubhouse Architectural Design

Attachments: [Staff Report](#)

Approved staff's recommendation and the final ranking of firms as: 1) Sun Patrick Architecture, Inc. (dba sparcdesign); 2) Edlund, Dritenbas, Binkley, and Associates, P.A.; 3) Slattery and Associates; 4) REG Architects, Inc.; 5) West Architecture + Design, LLC.

- 8.B. [21-0589](#) Award of Bid 2021043 - Oslo Riverfront Conservation Area Fencing

Attachments: [Staff Report](#)

[Sample Agreement](#)

Approved staff's recommendation

- 8.C. [21-0593](#) Award of Bid 2021044 - Hallstrom Farmstead Conservation Area Fencing

Attachments: [Staff Report](#)

[Sample Agreement](#)

Approved staff's recommendation

- 8.D. [21-0591](#) Award of Bid No: 2021045, 4th Street Culvert Replacement at 90th Avenue (IRC-2022)

Attachments: [Staff Report](#)

[Sample Agreement](#)

Approved staff's recommendation

- 8.E. [21-0594](#) Award of Bid No. 2021024 Fleet Facility Fuel Island Canopy Refurbishments, IRC-2025

Attachments: [Staff Report](#)

[Sample Agreement](#)

Commissioner Moss sought clarification of an asterisked footnote to the bids listed in staff's memo dated June 1, 2021. Director of Public Works Richard Szyrka informed that the asterisk denoted staff's correction of a mathematical error on one of the bids.

A motion was made by Commissioner Moss, 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

8.F. [21-0598](#) 66th Avenue - Amendment No. 10 to Kimley-Horn & Associates, Inc. (IRC-1505)

Attachments: [Staff Report](#)
[Amendment No. 10](#)

Approved staff's recommendation

8.G. [21-0599](#) Opioid Litigation

Attachments: [Staff Report](#)
[Letter to Chairman Flescher dated 04.13.21](#)
[Memorandum of Understanding Proposal](#)
[Resolution](#)

Approved staff's recommendation and Resolution 2021-041, authorizing Indian River County to join with the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and formal agreements implementing a unified plan; and providing for an effective date.

8.H. [21-0606](#) Amendment 1 to Work Order No. 10 for Masteller & Moler, Inc., North County Water and Sewer Project Phase 2 - Additional Design Services

Attachments: [Staff Report](#)
[Amendment 1 to Work Order No 10 Masteller & Moler Inc](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. [21-0517](#) Request to Speak from Paul Zelno, Safe Harbor for Life re: Request to Approve Ordinance

Attachments: [Public Discussion Request Paul Zelno](#)

Paul Zelno addressed the Commissioners with a plea to consider the Safe Harbor ordinance, and to bring back the item for the Board's vote.

No Action Taken or Required

- 10.B.2. [21-0572](#) Request to Speak from Katherine Booth of Anglicans for Life re: Safe Harbor

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

Katherine Booth, member of Anglicans for Life, discussed her organization's stance regarding abortion, and requested that the Safe Harbor ordinance return as an action item.

No Action Taken or Required

- 10.B.3. [21-0573](#) Request to Speak from Ruth Kuvlesky of Indian River Freedom Coalition re: Safe Harbor Ordinance

Attachments: [Public Discussion Request Kuvlesky](#)

Ruth Kuvlesky, founder of the Indian River Freedom Coalition, represented the County's Christian voters in their support of the Safe Harbor ordinance, and requested sponsorship for a Board vote.

No Action Taken or Required

- 10.B.4. [21-0596](#) Request to Speak from Chris Allen re: Safe Harbor for the Unborn

Attachments: [Public Discussion Request Allen](#)

Chris Allen, founding member of We The People Indian River County, spoke in favor of provisions in the Safe Harbor proposed ordinance, and requested that the item return to the Board for a vote.

Following the presentations, Chairman Flescher expressed his skepticism that a local ordinance could affect change at the national level.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1. [21-0602](#) City of Vero Beach - Indian River County Conflict Assessment Meeting - June 24th

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the Public Notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. [21-0603](#) Legislative Update

Attachments: [Staff Report](#)

County Administrator Jason Brown introduced the County's Legislative Affairs and Communications Manager Kathleen Keenan, who provided an update of the 2021 Florida Legislative Session. Utilizing a PowerPoint presentation, Ms. Keenan discussed the state budget for fiscal year 2020-2021, including taxpayer savings, environmental investment, transportation, economic development, and Veterans issues. The County received approval of \$4.9 million for high speed rail safety improvements and a \$7.5 million grant for Sector 3 beach restoration.

Ms. Keenan then gave an overview of the County's legislative priorities list which included maintaining home rule on vacation rentals, grants to enhance broadband internet infrastructure, and increased funding for the SHIP and SAIL affordable housing programs. The presentation closed with a look ahead to the January 11, 2022 session, with anticipated bills addressing Covid-19 recovery, and redistricting.

Vice Chairman O'Bryan noted that the use of Zoom meetings was more impactful and engaging than the pre-Covid face-to-face meetings. The Vice Chairman also commented on the delayed Census data needed for redistricting, and added his prediction that the County's population had reached 159,000 people. County Attorney Dylan Reingold informed that redistricting deadlines and procedures would be discussed at the Florida Association of County Attorneys meeting, and he would return to the Board with more information.

No Action Taken or Required

11.B. [21-0604](#) Indian River Lagoon Conservation Lands Bond Referendum - Capital Project and Land Purchase Options

Attachments: [Staff Report - Lagoon Conservation Land Bonds](#)

County Administrator Jason Brown referred to the October 6, 2020 Board meeting wherein the Board requested that staff return with recommendations on the ways a conservation land bond referendum could be utilized to improve the health of the Indian River Lagoon and County-owned conservation lands.

Administrator Brown relayed the following suggestions for the Board's consideration: purchase additional land for conservation purposes; large-scale stormwater treatment projects like Osprey Acres which also have recreational features; lagoon-enhancements such as the Jones Pier living shoreline and salt marsh; septic-to-sewer conversions; and development of (2) recently-purchased parcels earmarked for water management/recreation. He concluded with bond financing details, the possibility of Public-Private Partnerships, and projected adding the item to the 2022 election ballots.

Under discussion, Vice Chairman O'Bryan expressed a preference for projects like Osprey Acres which included recreational amenities; additionally, he suggested including the cost of developing public access into the initial purchase price. Commissioner Earman also expressed support for projects like Osprey Acres, and the purchase of land. Commissioner Adams recommended looking to the County's Lagoon Plan for spending guidance, and remaining flexible. Commissioner Moss was in favor of acquiring conservation land. Chairman Flescher agreed with the need to remain flexible.

Administrator Brown summarized the Board's direction and indicated he would return with the referendum's wording for approval.

The Board provided direction to County Administrator Jason Brown regarding the types of projects the Commissioners preferred for an Indian River Lagoon Conservation Bond referendum. Administrator Brown offered to return to the Board with wording for the ballot initiative.

The Chairman called for a recess at 10:40 a.m., and reconvened the meeting at 10:50 a.m., with all members present.

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****12.H.1. [21-0600](#)** South County Reverse Osmosis (SCRO) Water Treatment Plant (WTP) Improvements Bid Award

Attachments: [Staff Report](#)
[KHA South County WTP Improvements Project Bid Review](#)
[Sample Agreement](#)

Director of Utility Services Vincent Burke referred to staff's memo dated May 26, 2021, to provide details of the improvements needed at the South County Reverse Osmosis (SCRO) Water Treatment Plant (WTP). The needed work, plus additional items recommended by Kimley-Horn and Associates, was sent out for bid and TLC Diversified, Inc. (TLC) returned as the lowest responsible bidder.

Director Burke noted that after bids had been accepted, the Board allocated \$6 million of American Rescue Plan funds for the project, which necessitated the addition of federal requirements to the agreement. Staff recommended awarding the bid to TLC pending their acceptance of the additional federal clauses.

Upon query by Vice Chairman O'Bryan, County Attorney Dylan Reingold informed that the federal clauses were impactful, but many contractors were familiar with them and staff would verify that TLC was comfortable with the additional requirements. Commissioner Earman received information from Director Burke regarding the additional recommended items which were needed to ensure that the WTP's aging system continued to be functional and reliable.

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.H.2. [21-0608](#) Approval of Work Order 6 to Kimley-Horn and Associates for South County Reverse Osmosis Water Treatment Plant Construction Phase Services

Attachments: [Staff Report](#)
[Work Order No 6 with KHA](#)

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

13. COUNTY ATTORNEY MATTERS

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 Solid Waste Disposal District. Those 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 Earman, to approve the Solid Waste Disposal District Meeting Minutes of March 16, 2021, and April 13, 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. [21-0583](#) Approval of Minutes Meeting March 16, 2021

Attachments: [03162021SWDD Draft](#)

Approved

15.B.2 [21-0587](#) Approval of Minutes Meeting April 13, 2021

Attachments: [04132021SWDD_Draft](#)

Approved

15.B.3. [21-0607](#) Approval for Temporary Off-Site Disposal of Concentrated Leachate

Attachments: [Staff Report](#)

[Quotation from Aqua Clean](#)

[Quotation from Rain for Rent](#)

Director of Utility Services Vincent Burke appeared before the Board with follow-up to direction provided at the May 18, 2021 BCC meeting to secure a short-term solution to the leachate problem at the landfill. Director Burke reviewed the plan to lease storage tanks for leachate removal and then use tanker trucks to transport the material off-site for disposal. He provided the costs for the plan, and requested the Board's approval to waive the requirement for bids.

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

15.B.4. [21-0601](#) Change Order No.1 to SCS Field Services for Landfill Segment 3 Cell 1 Landfill Gas System Expansion Project (Bid #2021006)

Attachments: [Staff Report](#)

[CDM Smith Recommendation and Change Order No 1](#)

Director of Utility Services Vincent Burke presented the change order from SCS Field Services in relation to the County's landfill gas system expansion project. Director Burke reminded the Board that the County had contracted with the Indian River Eco District to provide a large quantity of landfill gas, and staff was recommending additional items to optimize the capture of that gas.

Vice Chairman O'Bryan received confirmation that the leachate stored in the landfill's wells was hampering the production of landfill gas and that once the leachate was removed, gas production would increase.

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:06 a.m.