

Indian River County Florida

Meeting Minutes - Final

Indian River County
Administration Complex
1801 27th Street, Building
A

Vero Beach, Florida, 32960-3388 www.ircgov.com

Board of County Commissioners

Joseph H. Earman, District 3, Chairman Susan Adams, District 1, Vice Chairman Joseph Flescher, District 2 Deryl Loar, District 4 Laura Moss, District 5

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, December 20, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Joe Earman

Vice Chairman Susan Adams Commissioner Joseph Flescher Commissioner Deryl Loar Commissioner Laura Moss

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

2.B. INVOCATION

Minister Jack White, Gifford Church of Christ

3. PLEDGE OF ALLEGIANCE

Commissioner Deryl Loar

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Chairman Earman suggested moving Item 5.A. to follow Item 15.B.5.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to move Item 5.A. to follow Item 15.B.5. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

5.A. 22-1088 Presentation of Proclamation Honoring Jason Brown for 24 Years of Distinguished

Service to the Indian River County Board of County Commissioners

Recommended Action: Read and Present

Attachments: Proclamation

[Clerk's note: Item 5.A. was heard following Item 15.B.5.]

Chairman Earman opened the item by reading the Proclamation to County Administrator Jason Brown upon his resignation from the County after 24-years of service. Each of the Commissioners and Attorney Dylan Reingold recounted their experiences with Mr. Brown and expressed respect for his strength, respect, trustworthiness, intellect, knowledge, financial acumen, and strong moral compass. They wished him well on his new position with the Clerk of the County Court and Comptroller's Office.

The following people addressed Mr. Brown with praise for him professionally and personally:

Mr. Jeff Smith, Clerk of the Court and Comptroller

Richard Szpyrka, Public Works Director

Christina Moore, Legal Assistant

Dori Stone, President, Indian River County Chamber of Commerce

Phil Matson, Community Development Director

Sean Lieske, Utility Services Director

Michael Zito, Assistant County Administrator

Kristin Daniels, Management and Budget Director

Himanshu Mehta, Solid Waste Disposal District Director

Wilfred Hart, Community Activist

Ms. Maya Miller, Traffic Assistant, serenaded Mr. Brown

Mr. Brown addressed the Board, staff, and his parents who were in the audience, stating his thanks for all who helped realize his legacy of improvements for the County's staff and its residents. He discussed his love of public service and expressed his heartfelt gratitude for the honors bestowed him.

Read and Presented by Chairman Earman

5.B. 22-1061 Presentation of Proclamation Honoring Cathleen Reimsnyder on her Retirement from

the Indian River County Sheriff's Office

Recommended Action: Read and Present

Attachments: Proclamation

Commissioner Flescher spoke from personal experience as he commended Ms. Reimsnyder on her years of helpful service professionally and personally. She was joined by her husband as she thanked fellow staff who, she stated, were like family to her. Sheriff Eric Flowers thanked Ms. Reimsnyder for her years of service to the County.

Read and Presented by Commissioner Flescher

5.C. 22-1063 Presentation of Proclamation Honoring Jackie Craig on her Retirement from the

Indian River County Sheriff's Office

Recommended Action: Read and Present

Attachments: Proclamation

Ms. Craig, who served under former Sheriff Deryl Loar, received praise for her exceptional service during her 30-year tenure as Records Administrator. Ms. Craig received compliments from co-workers, and Sheriff Eric Flowers who spoke favorably of Ms. Craig's expertise.

Read and Presented by Commissioner Loar

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of October 4, 2022 and October 11, 2022 as written. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

6.A. <u>22-1102</u> Regular Meeting of October 4, 2022

Recommended Action: Approve

Attachments: 10042022 BCC Draft

Approved

6.B. 22-1105 Regular Meeting of October 11, 2022

Recommended Action: Approve

Attachments: 10112022 BCC Draft

Approved

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

Chairman Earman and County Administrator Jason Brown commended all the long-time employees who were retiring from the County.

7.A. 22-1002 Proclamation Honoring William A. McGrath On His Retirement From the Indian

River County Commissioners Department of Utilities/Wastewater Treatment

Recommended Action: Informational Purposes Only

Attachments: Proclamation

Mr. McGrath retired after 22 years of serving the County.

No Action Taken or Required

7.B. 22-1003 Proclamation Honoring Terry W. Southard On His Retirement From the Indian River

County Commissioners Department of Utilities/Operations Division

Recommended Action: Informational Purposes Only

Attachments: Proclamation

County Administrator Jason Brown described the ways in which Mr. Southard was an integral part of leading the growth of the Utility Services Department during his almost 40-year career.

The Commissioners and several department directors spoke in glowing terms of Mr. Southard's knowledge, dedication, mentorship, and tenacity during his time serving the County.

No Action Taken or Required

7.C. <u>22-1050</u> Proclamation Honoring Michael Jenkins On His Retirement From Indian River

County Board of County Commissioners Department Of Public Works/Facilities

Management Division

Recommended Action: Informational Purposes Only

Attachments: Proclamation

Mr. Jenkins retired after 30 years of serving the County.

No Action Taken or Required

7.D. Proclamation Honoring Myles Ray Holmes, Jr. On His Retirement From Indian River

County Board of County Commissioners Department of Public Works

Recommended Action: Informational Purposes Only

Attachments: Proclamation

Mr. Holmes, Jr. retired after 16 years of serving the County.

No Action Taken or Required

7.E. 22-1085 Planning & Zoning Commission - District 4 Appointee

Recommended Action: Informational Item

Attachments: Commissioner's Memorandum

Commissioner Loar announced the reappointment of Mr. Johnathan F. Day to the Planning and Zoning Commission as the District 4 appointee.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Consent Agenda as amended, pulling Item 8.C. for discussion. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

8.A. 22-1082 Waiver of Requirement for Bids for Road Base Material

Recommended Action: Staff recommends the Board of County Commissioners waive the requirement for

bids, and authorize the Purchasing Division to issue purchase orders to the three local

mines in a total cumulative amount not to exceed \$300,000.

Attachments: Staff Report

Approved staff's recommendation

8.B. 22-1084 Adoption of Modifications to the Purchasing Manual

Recommended Action: Staff recommends the Board note its concurrence with the changes approved by the

County Administrator.

Attachments: Staff Report

Changes to Purchasing Manual

Approved staff's recommendation

8.C. 22-1094 Resolution 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

Frame of December 21, 2022, through and including January 16, 2023

Recommended Action: Authorize the Chairman to sign the Resolution as presented, delegating the authority to

call Letters of Credit and delegating full signing authority during the period commencing December 21, 2022, through and including January 16, 2023.

Attachments: Staff Report

Resolution delegating authority

Vice Chairman Adams noted this was a recurring annual item.

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to approve Resolution 2022-102, delegating authority to the County Administrator or his designee, to call letters of credit as necessary during the period commencing December 21, 2022, through and including January 16, 2023, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary for the proper functioning of the County during the period commencing December 21, 2022, through and including January 16, 2023. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

8.D. El Rancho Investments, L.L.C.'s Request for Affidavit of Exemption Approval with

Dedications to the County [AOE-18-10-05 / 99110173-82447] (El Rancho AOE)

Recommended Action: Staff recommends that the Board of County Commissioners accept the dedication of

the limited access easements and right-of-way, and authorize the chairman to execute

the subject El Rancho Affidavit of Exemption.

Attachments: Staff Report

Location Map

AOE Layout Plan

Approved staff's recommendation

8.E. 22-1066 Award of Bid No. 2023009, 11th Drive and 37th Street Roadway and Intersection

Improvements, IRC-2001

Recommended Action: Staff recommends the project be awarded to Dickerson Infrastructure, Inc, dba

Dickerson Florida, Inc. in the amount of \$3,478,155.50. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the

receipt and approval of required insurance by the Risk Manager.

<u>Attachments:</u> Staff Report

Sample Agreement

Approved staff's recommendation

8.F. 22-1096 Award of RFP 2023007 - North County Water & Sewer Project Phase 2 -Private

Side Connections for Sewer

Recommended Action: Staff recommends the Board of County Commissioners award the Request for

Proposal 2022007 to Meeks Plumbing, Inc., and authorize staff to begin negotiations

Attachments: Staff Report

Approved staff's recommendation

8.G. 22-1097 The Reserve At Grand Harbor, Plat 33 - Third Request for 2-Year Extension to Final

Lift of Asphalt Contract - Developer: GH Vero Beach Development LLC

Recommended Action: Approve the Third Modification to Contract for Construction for Final Lift of Asphalt,

Contract No. PD-13-10-03-FLA (2001020101-77703) to extend the completion date to December 16, 2024, and authorize the Chairman to execute same. It is noted that the supporting cash security will continue to remain in escrow along with the

additional posted funds covering the increase on the new cost estimate

Attachments: Staff Report

Letter Request for Extension

Third Modification to Contract

Amended Cash Deposit and Escrow Agreement

Approved staff's recommendation

8.H. 22-1098 Revision to Administrative Policy AM-702.1 Sick Leave

Recommended Action: Staff respectfully requests the Board of County Commissioners approve the revisions

to AM-702.1 Sick Leave

Attachments: Staff Report

702.1 Sick Leave 2022 Markup

Approved staff's recommendation

8.1. 22-1099 Approval of the Affordable Housing Advisory Committee 2022 Incentives Review

and Recommendation Report Resolution

Recommended Action: Staff and the Affordable Housing Advisory Committee recommend that the Board of

County Commissioners approve the 2022 AHAC Incentives Review and Recommendation Report, and direct staff to submit a copy of the report to the FHFC

for review by December 31, 2022.

Attachments: Staff Report

Draft Resolution

Approved staff's recommendation and Resolution 2022-104, approving the Indian River County Affordable Housing Advisory Committee (AHAC) 2022 Report and directing staff to submit the County's Local Housing Assistance Plan to Florida

Housing Finance Corporation (FHFC).

8.J. 22-1087

Work Order Number 25, Amendment No. 2 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hobart Park Restroom Connections and Utility Service Plans Revisions

Recommended Action: Staff respectfully recommends approval of Work Order Number 25, Amendment No. 2 for revisions to the Hobart Park Restroom Connections and Utility Service Plans, Continuing Consulting Engineering Services Agreements for RFQ 2018008, Amendment and Renewal No. 1 with Kimley-Horn and Associates, Inc., authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Amendment No. 2, Work Order Number 25.

Attachments: Staff Report

Amendment No 2 to WO No 25

Approved staff's recommendation

8.K. 22-1086 Work Order Number 26, Amendment No. 2 - Continuing Engineering Services RFQ

2018008 - Renewal and Amendment No. 1 Hosie Schumann Renovations, Restroom

Connections and Utility Service Plans

Recommended Action: Staff respectfully recommends approval of Work Order Number 26, Amendment

No. 2, for permitting services and site plan modification associated with the Hosie Schumann Park Restroom Connections and Utility Service Plans, Continuing Consulting Engineering Services Agreements for RFQ 2018008, Amendment and Renewal No. 1 with Kimley-Horn and Associates, Inc., authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to

execute Amendment No. 2, Work Order Number 26.

Attachments: Staff Report

Amendment 2 to WO No 26

Approved staff's recommendation

8.L. 22-1107 Agreement for Purchase and Sell Real Estate with St. John's River Water

Management District for an Easement for Expansion of the Trans-Florida Railroad

Trail

Recommended Action: Staff recommends the Board approve the Agreement to Purchase and Sell Real

Estate with St. John's River Water Management District for an Easement for expansion of the Trans-Florida Railroad Trail and authorize the Chairman to execute

the same.

Attachments: Staff Report

Aerial Photo

Proposed Easement

Agreement to Purchase and Sell

Approved staff's recommendation

8.M. 22-1108 Amendment No. 3 - FDEP Grant Agreement No. 17IR2 (Wabasso Beach

Restoration Project (Sector 3))

Recommended Action: Staff recommends the Board approve FDEP Amendment No. 3 to FDEP LGFR

Grant Agreement No. 17IR2 for up to \$446,551.30 and authorize the Chairman to sign the Amendment on behalf of the County. Following Board approval, the County will transmit the partially executed Amendment to the State for final signatures. Upon receipt of the fully executed FDEP Grant Agreement 17IR2 Amendment No. 3 from the State, staff will transmit to the Clerk to the Board of County Commissioners for

filing

Attachments: Staff Report

Amendment No 3-FDEP Grant Agreement 17IR2

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. 22-1109

Indian River County Supervisor of Elections Leslie Swan re: Election Security **Enhancement Grant**

Attachments: Memorandum from Supervisor of Elections

Attachment B of MOA

Supervisor of Elections Leslie R. Swan requested the Board's approval to apply for an Election Security Enhancement Grant. She informed the funds would be used to cover the cost for one year of Albert Network Monitoring, and upgrades to the electronic poll books.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve submission of the Election Security Enhancement Grant to upgrade security and voting technology. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, 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 22-1095 Public Hearing to Consider a Resolution Electing to Use the Uniform Method for

the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for the

North County Water and Sewer Project - Phase 2 (Legislative)

Recommended Action: The Indian River County Department of Utility Services recommends that after

the public hearing, the Board of County Commissioners vote to approve the draft resolution and the draft agreement with the Tax Collector and Property Appraiser

Attachments: Staff Report

Resolution

Draft Agreement

Affidavit

County Attorney Dylan Reingold presented a resolution detailing the method for collecting assessments for the water portion of the North County Water and Sewer Project - Phase 2. He noted this Board would also enter into an agreement with the Tax Collector and Property Appraiser's office. This was the first of two public hearings required by section 197.3632, Florida Statutes.

The Chairman opened the hearing for public comment. There being none, the Chairman closed the public hearing.

A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to approve staff's recommendation and Resolution 2022-104, electing to use the uniform method for the levy, collection, and enforcement of non ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of the water portion of the North County Water and Sewer Project - Phase 2. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

10.A.2 22-1101 Amending Indian River County Code Chapter 205. - Parks and Recreation

(Legislative)

Recommended Action: Staff recommends the Board approve the draft ordinance, amending the IRC

Code to prohibit smoking and vaping (excluding unfiltered cigars) in public parks

and beaches.

Attachments: Staff Report

Draft Park Smoking Ordinance

Affidavit of Publication - Park Smoking Ordinance - Public Hearing

County Attorney Dylan Reingold informed the State had passed legislation which allowed local governments to restrict smoking in City and County-owned public parks. He noted the proposed Ordinance would make park and conservation lands smoke-free, with an exception for unfiltered cigars.

Vice Chairman Adams received confirmation from Attorney Reingold that House Bill 105 specifically excluded unfiltered cigars.

The Chairman opened the hearing for public comment. There being none, the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to adopt Ordinance 2022-017, amending Section 205.03 (Rules and Regulations) of Chapter 205 (Parks and Recreation) of the Code of Indian River County in order to prohibit certain smoking activities at County owned parks consistent with State Statute; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

10.B.1 22-1014 Request to Speak from United States Lifesaving Association Re: Heroic Act

Award Presentation for Lt. Dustin Lightsey FWC

Attachments: Public Discussion Request

Joe McManus, United States Lifesaving Association, presented his organization's Heroic Act Award to Lt. Dustin Lightsey, Florida Fish and Wildlife Conservation Commission (FWC), for two life-saving incidents at the Sebastian Inlet. Mr. McManus recounted the details of the rescues before presenting the award.

Lt. Lightsey was thankful and stated he was accepting the award on behalf of those rescuers who never get noticed. Commissioner Adams thanked Lt. Lightsey for his service to the community, and acknowledged the many difficult situations he faced.

No Action Taken or Required

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
- G. Public Works
- **H.** Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A 22-1093 City of Sebastian - Graves Brothers Annexation Update

Attachments: Staff Report

County Attorney Dylan Reingold informed the Board that the December 14, 2022 hearing regarding the Graves' Brothers annexation had been rescheduled for the February 8, 2023 meeting of the Sebastian City Council. He added that a draft annexation agreement may be available for review two weeks prior to the February hearing.

No Action Taken or Required

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph H. Earman, Chairman
- B. Commissioner Susan Adams, Vice Chairman
- C. Commissioner Joseph E. Flescher
- D. Commissioner Deryl Loar
- 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 Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Meeting Minutes of September 20, 2022 and October 4, 2022. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.1 22-1076 Approval of Solid Waste Disposal District Meeting Minutes of September 20,

2022

Recommended Action: Approve

Attachments: 09202022 SWDD Granicus

Approved

15.B.2 22-1104 Approval of Solid Waste Disposal District Meeting Minutes of October 4, 2022

Recommended Action: Approve

Attachments: 10042022 SWDD Draft

Approved

15.B.3 22-1090 Work Order No. 56 to Kimley-Horn for the Solid Waste Disposal District

Annual Financial Reports

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that its Board approve

Work Order No. 56 with Kimley-Horn and Associates, Inc. for \$49,250 to provide engineering services related to the SWDD Annual Financial Reports; and

authorize the Chairman to execute the same, as presented

Attachments: Staff Report

Work Order No 56 - KHA

There was no discussion regarding this item.

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

following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.4 <u>22-109</u>1

Amendment No. 2 to Work Order No. 47 to Kimley-Horn and Associates for Roadway and Drainage Improvements at the IRC Landfill

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Amendment No. 2 to Work Order No. 47 with Kimley-Horn and Associates, Inc. for \$29,600, with an amended overall total of \$75,240, to provide engineering services related to the Roadway and Drainage Improvements at the Indian River County Landfill, and authorize the Chairman to execute the same, as presented

Attachments: Staff Report

Amendment No 2 to Work Order No 47 - KHA

There was no discussion regarding this item.

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

Ave: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.5 22-1092

Amendment No. 3 to Landfill Gas Agreement with Nopetro Eco District, LLC

Recommended Action: Staff recommends that its Board: 1. Approve Amendment No. 3 to Landfill Gas Agreement with Nopetro Eco District, LLC (NED); 2. Authorize the Chairman to execute the agreement after review and approval by the County Attorney as to form and legal sufficiency; and, 3. Authorize Solid Waste Disposal District staff to co-sign the letter of agreement for a change order to Biogas Engineering to be funded by NED

Staff Report Attachments:

> Amendment No 3 to Landfill Gas Agreement Biogas Engineering Letter of Agreement

There was no discussion regarding this item.

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

Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

The Board of Commissioners adjourned the Solid Waste Disposal District meeting, and reconvened as the Board of County Commissioners with all members present, resuming the meeting with Item 5.A., Presentation of Proclamation Honoring Jason Brown for 24 years of distinguished service.

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:30 a.m.