



# 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

*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

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Tuesday, March 15, 2022

9:00 AM

Commission Chambers

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#### 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

**Rev. Elizabeth Johnson, Community Church of Vero Beach**

#### 3. PLEDGE OF ALLEGIANCE

**Jason Brown, County Administrator**

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

Amended prior to meeting: Items 8.K. and 8.N.

Added: Item 11.A. Legislative Update

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, 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.**     [22-0209](#)     Presentation of Proclamation Honoring Clent Kirkland on His Retirement From Indian River County Board of County Commissioners Department of Public Works / Road & Bridge Division with Thirty-Nine Years of Service

**Attachments:**   [Proclamation](#)

Mr. Clent Kirkland was joined by his family as he accepted the Proclamation in honor of his 39-year career with the County. He cited hard work and effort as the secret to his long, successful career. Public Works Director Richard Szyrka lauded Mr. Kirkland's knowledge and expressed how much he would be missed.

**Read and Presented by Chairman O'Bryan**

- 5.B.**     [22-0202](#)     Presentation of Proclamation Honoring Gloria Smith on Her Retirement from the Indian River County Clerk of Circuit Court & Comptroller's office with 40 Years of Service

**Recommended Action:** Read and Present

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

Ms. Gloria Smith was supported by her husband and several employees from the Clerk's Office as she accepted recognition for her record-setting 40 years of dedicated service. Clerk of Circuit Court and Comptroller Jeffrey R. Smith noted that Ms. Smith was an irreplaceable, valued team member. Vice Chairman Earman, a fellow classmate of Ms. Smith, praised her caring nature and offered congratulations.

**Read and Presented by Commissioner Adams**

- 5.C.**     [22-0230](#)     Presentation of Proclamation Recognizing the Week of March 20-26, 2022, as National Surveyors Week

**Recommended Action:** Read and Present

**Attachments:**   [Proclamation](#)

Mr. Bob Johnson, Vice President, Indian River Chapter of the Florida Surveying and Mapping Society, appeared before the Board to accept the Proclamation on behalf of all surveyors. Mr. Johnson cited notable surveyors and their contributions throughout history. He encouraged those looking for more information to visit the Florida Surveying and Mapping Society's website at [www.fsms.org](http://www.fsms.org).

**Read and Presented by Commissioner Flescher**

**5.D.**     [22-0148](#)     Presentation of My Government Online Permitting System by Ken Jenkins, Implementations Manager

Community Development Director Phil Matson introduced the item before he turned the presentation over to Mr. Ken Jenkins, Software Implementations Manager, South Central Planning and Development Commission (SCPDC).

Mr. Jenkins utilized PowerPoint slides to provide background on SCPDC and the products they develop for governmental entities. He explained that the MyGovernmentOnline software would fulfill recently-passed state statutes requiring web-based permitting and inspections. Mr. Jenkins continued with discussion of the software's features which included a 24-hour customer portal, mobile capability, digital plan review, automated alerts and tracking, and direct customer support.

Chairman O'Bryan received confirmation from Director Matson that when the system was fully operational, developers could see the status of their permits online. Director Matson estimated the software's rollout would begin in the spring and run through fall. He also thanked staff for their work in transitioning to a fully electronic system.

**Presented**

**5.E.**     [22-0188](#)     Informational Update Regarding the Lost Tree Islands Conservation Area Restoration/Enhancement Plan

**Recommended Action:** Update on the Lost Tree Islands Conservation Area Restoration/Enhancement Plan.  
No Board action is required.

**Attachments:**   [Staff Report](#)

Assistant County Administrator Mike Zito began the presentation with a slideshow which modeled the ranking methodology used in the last bond referendum that funded conservation land purchases such as the Lost Tree Islands.

Beth Powell, Assistant Director, Parks and Conservation Resources, continued with an update on the Lost Tree Islands restoration and enhancement, the County's largest lagoon-based project. Her presentation included history of the islands, ecological significance, historical changes, and restoration/enhancement efforts. Ms. Powell then described the designs and objectives for the three islands such as enhanced water flow, resiliency, minimized mosquito production, removal of non-native plant species, and recreational opportunities.

Under discussion, Commissioner Adams received information on the methods used to inhibit regrowth of invasive exotics such as mechanical shredding and new herbicides. Chairman O'Bryan and Vice Chairman Earman, whose grandfather is the namesake of one of the islands, expressed support of the project.

**Presented**

**6. APPROVAL OF MINUTES**

**6.A.** [22-0227](#) Regular Meeting Minutes of January 18, 2022

**Recommended Action:** Approve

**Attachments:** [01182022 BCC Draft](#)

Commissioner Moss requested the addition of a sentence to the January 18, 2022 Regular Meeting Minutes which were before the Board for approval. The Commissioner referred to Item 14.E.1. as she read aloud the words that she wanted incorporated into the minutes.

Chairman O'Bryan reminded Commissioner Moss that the minutes were designed to be written as summation rather than verbatim, and expressed that he did not want to set a policy of having Commissioners nitpicking individual sentences. The Chairman also stated that he thought the January 18th minutes reflected the discussion and actions that transpired.

Commissioner Moss continued to that maintain that her suggested sentence-and-a-half should be included in the minutes. Discussion concluded as Chairman O'Bryan called for a vote on the motion on the floor.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Meeting Minutes of January 18, 2022 as written. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** [22-0210](#) Clerk of Circuit Court and Comptroller Jeffrey R. Smith announces Operation Green Light to be held on Saturday, March 26, 2022 from 10:00 a.m. until 2:00 p.m. at the Courthouse

**Recommended Action:** Information Only

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

Clerk of Circuit Court and Comptroller Jeffrey R. Smith appeared before the Board to promote Operation Green Light, a program to help drivers reinstate their licenses. He announced that on Saturday, March 26, 2022, residents with suspended driver licenses could either come to the Courthouse or go online to pay their traffic fines without collection fees.

**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.D., 8.G., 8.K., and 8.M. 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.**     [22-0200](#)     Quarterly OPEB Trust Report for Quarter Ending 12/31/2021

**Recommended Action:** Accept the report

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

**Accepted**

**8.B.**     [22-0201](#)     Quarterly Investment Report for Quarter Ending 12/31/2021

**Recommended Action:** Accept the report

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

**Accepted**

**8.C.**     [22-0203](#)     Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 12/31/2021

**Recommended Action:** Accept the report

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

**Accepted**

**8.D.**     [22-0204](#)     Quarterly Tourist Development Tax Report for Quarter Ending 12/31/2021

**Recommended Action:** Accept the report

**Attachments:**   [Tourist Development Tax Report](#)

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith reported that Tourist Development tax collections had increased in the quarter ending December 31, 2021, as compared to the same quarter in 2019, before the pandemic. He attributed the increase to additional hotel rooms, and higher rates for short-term rentals.

Chairman O'Bryan received confirmation from Mr. Smith that the report contained only a summary of the tax revenue and no analysis of the tourist market.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to accept the Quarterly Tourist Development Tax Report for Quarter Ending 12/30/2021. The motion carried by the following vote:**

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

**8.E.**     [22-0178](#)     D. R. Horton, Inc.'s Request for Final Plat Approval for The Cove at Falcon Trace PD Plat 2 [PD-14-07-06 / 2001050202-90100]

**Recommended Action:** Staff recommends that the Board of County Commissioners grant final plat approval for The Cove at Falcon Trace PD Plat 2.

**Attachments:**   [Staff Report](#)  
                      [Location Map](#)  
                      [Final Plat Layout](#)

**Approved staff's recommendation**

**8.F.**     [22-0207](#)     Award of Bid No: 2022026, Jackie Robinson Training Complex Ticket Office Building Renovations, IRC-2020

**Recommended Action:** Staff recommends that the Board award bid 2021010 to De La Hoz Builders, Inc. in the amount of \$413,790.34. Staff also recommends the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after receipt and approval of the required Certificate of Insurance by the Risk Manager, confirmation of De La Hoz Builders, Inc. enrollment in the e-verify database, and after the County Attorney has approved the Public Construction Bond and agreement as to form and legal sufficiency.

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

**Approved staff's recommendation**

**8.G.**     [22-0223](#)     Approval of FWC Grant for Indian River County Derelict Vessel Removal Project

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute Agreement 21255 in the amount of \$34,300.00 on behalf of the County upon receipt.

**Attachments:**   [Staff Report](#)  
                      [FWC Grant Sample Agreement](#)  
                      [IRC DV Removal Map](#)  
                      [Grant Form](#)

Vice Chairman Earman commended Natural Resources Manager Eric Charest and staff for the expedited clearing of derelict vessels in the Indian River Lagoon. Public Works Director Richard Szyrka explained that the Florida Fish and Wildlife Conservation Commission (FWC) had sped up their approval process which allowed staff to have vessels removed quickly.

**A motion was made by Vice Chairman Earman, 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

**8.H.**     [22-0213](#)     Hallstrom Farmstead Conservation Area Public Use Improvements - Amendment No. 1 and 2 to Work Order No. 18

**Recommended Action:** Staff recommends the Board accept Amendment Number 1 to Work Order Number 18 and authorize the Chairman to execute the Amendment after review and approval by the County Attorney.  
Staff further recommends the Board accept Amendment Number 2 to Work Order Number 18 and authorize the Chairman to execute the Amendment after review and approval by the County Attorney.

**Attachments:**   [Staff Report](#)  
                      [Amendment #1 agreement](#)  
                      [#1 Itemized Costs](#)  
                      [Amendment #2 agreement](#)  
                      [#2 Itemized Costs](#)

**Approved staff's recommendation**



- 8.I. [22-0160](#) Award of Bid 2022019 for Hallstrom Farmstead Parking Lot, Trail and Restroom Construction

**Recommended Action:** Staff recommends the Board waive the technicality in the late submittal of the Certification Regarding Lobbying Form, and award the bid to Jobear Contracting, Inc. Staff also recommends the Board approve the sample agreement, and authorize the Chairman to execute it after the County Attorney has approved it and the Public Construction Bond as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager. Finally, staff recommends the board authorize the Budget Office to make up any difference in funding needed for the project through a future cash forward budget amendment.

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

**Approved staff's recommendation**

- 8.J. [22-0181](#) Designation of Single Source for ESO Scheduling and Personnel Management Software

**Recommended Action:** Staff recommends the Board designate ESO Solutions, Inc. as the sole source provider of personnel management and scheduling software for the District, and authorize the Purchasing Division to issue a Purchase Order to ESO Solutions, Inc. in the amount of \$35,515.

**Attachments:** [Staff Report](#)  
[Notice](#)  
[ESO Quote](#)

**Approved staff's recommendation**

**8.K.**     [22-0186](#)     Miscellaneous Budget Amendment 005

**Recommended Action:** Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2021-22.

**Attachments:**   [Staff Report](#)  
                      [2021 2022 Resolution](#)  
                      [Exhibit "A"](#)

Vice Chairman Earman highlighted changes contained in Budget Amendment 005, which included the addition of a staff member to each of three departments: Code Enforcement, Community Development, and Parks and Recreation. County Administrator Jason Brown added that the Parks Department was bringing beach park maintenance back in-house.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Adams, to approve Resolution 2022-017, amending the Fiscal Year 2021-2022 Budget. The motion carried by the following vote:**

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

**8.L.**     [22-0197](#)     First Extension and Amendment to Agreement for Disaster Debris Monitoring Services

**Recommended Action:** Staff recommends the Board approve the Extension and Amendment and authorize the Chairman to sign it after the County Attorney has approved it as to form and legal sufficiency.

**Attachments:**   [Staff Report](#)  
                      [First Extension and Amendment](#)

**Approved staff's recommendation**

**8.M.**     [22-0208](#)     Outside Agency Funding Policy Revisions

**Recommended Action:** Staff recommends the Board of County Commissioners approve the proposed changes to the Outside Agency Funding Policy.

**Attachments:**   [Staff Report](#)  
                          [Proposed Outside Agency Funding Policy](#)  
                          [Outside Agency Funding Policy May 2017 Strikethrough Version](#)  
                          [Tourist Development Council Meeting Minutes March 14, 2007](#)  
                          [Tourist Development Council Meeting Minutes May 16, 2018](#)  
                          [Tourist Development Council Meeting Minutes March 13, 2019](#)  
                          [Allocation of One-Half Cent Tourist Tax Revenue](#)  
                          [BCC Meeting Minutes from February 2, 2021](#)

Director of Management and Budget Kristin Daniels appeared before the Board regarding revisions to the County's Outside Agency Funding Policy; the revisions memorialized previously approved funding parameters set by the Tourist Development Council (TDC), as well as a Board-authorized reallocation of Tourist Tax revenue.

Commissioner Moss received confirmation from Director Daniels that there were three (3) items up for approval before the Commissioner went on to express her opposition. Commissioner Moss stated that the TDC did not have the authority to approve funding decisions, and that the Board had a fiduciary responsibility to the public which the TDC did not share. Commissioner Moss requested the County Attorney's assistance in bringing the item back before the Board with public notice in light of the Board's fiduciary responsibility.

There was no discussion among the Board regarding Commissioner Moss' request.

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

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

**Nay:** 1 - Commissioner Moss

**8.N.**     [22-0231](#)     Authorization for Out of County Travel to Attend Conferences

**Recommended Action:** Approve

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

**Approved staff's recommendation**

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

### 10. PUBLIC ITEMS

#### A. PUBLIC HEARINGS

#### B. PUBLIC DISCUSSION ITEMS

#### C. PUBLIC NOTICE ITEMS

- 10.C.1.** [22-0212](#) Notice of Public Hearing Scheduled for April 5, 2022 Board Meeting for a County Initiated Request to Amend the Text of the County's Comprehensive Plan (Legislative)

**Recommended Action:** The referenced public notice item is provided for the Board's information. No action is needed at this time.

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

County Attorney Dylan Reingold read the notice into the record.

**No Action Taken or Required**

The Chairman called for a recess at 10:25 a.m., and reconvened the meeting at 10:35 a.m. with all members present.

## 11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** [22-0233](#) Legislative Update

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

County Administrator Jason Brown provided an update on Senate Bill (SB) 620, dubbed the "Local Business Protection Act", which moved through the State Legislature. He noted the bill would allow local businesses to sue for damages against any county or municipality that enacted an ordinance which impacted their business.

County Administrator Brown requested approval to draft a letter to Florida Governor Ron DeSantis for the Chairman to sign asking the governor to veto SB 620, as the issue was not a priority for the Governor. Chairman O'Bryan added that the bulk of the bill discussed attorney's fees.

**A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, authorizing the Chairman to sign a letter to Florida Governor Ron DeSantis requesting his veto of Senate Bill 620. The motion carried by the following vote:**

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

Administrator Brown continued the legislative update by informing the Board that the County had received approval for two of its appropriation requests: \$400,000 for the Hobart Water Treatment Plant SCADA System update; and \$3 million for the Ixora Park sewer rehabilitation project. He requested authorization to send a letter to Governor DeSantis asking for the governor's support of the projects.

Chairman O'Bryan suggested also sending thank-you letters to State Representative Erin Grall and State Senator Debbie Mayfield.

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, authorizing the Chairman to: 1) sign a letter to Florida Governor Ron DeSantis requesting his support of funding for the Hobart Water Treatment Plant SCADA System update, and the Ixora Park sewer rehabilitation project; and 2) sign a letter to State Representative Erin Grall and State Senator Debbie Mayfield thanking them for supporting funding of the County's improvement projects. The motion carried by the following vote:**

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

## **12. DEPARTMENTAL MATTERS**

### **A. Community Development**

**12.A.1. [22-0198](#)**

American Rescue Plan Act of 2021 - Non-Profit Assistance Grant and Down Payment & Rehabilitation Assistance Program Applications

**Recommended Action:** Staff recommends that the Board of County Commissioners consider the proposed SHARP, RENO, and CENO housing programs, and approve the programs and direct staff to begin administration of these programs, or direct staff to make any necessary changes to the programs.

**Attachments:** [Staff Report](#)  
[SHARP Application](#)  
[RENO Application](#)  
[CENO Application](#)  
[Scoring Matrix](#)

John Stoll, Chief of Long Range Planning, utilized a PowerPoint presentation to provide parameters for a new round of housing assistance programs funded by the American Rescue Plan (ARP), as requested by the Board at the May 18, 2021 Commission meeting. The programs included the Supplemental Housing Assistance Rehab and Purchase (SHARP) Program for home purchase or rehabilitation assistance; the Non-Profit Housing Community Rehab (RENO); and the Non-Profit Housing Construction (CENO) Programs for the improvement of multi-family housing and for the construction affordable multi-family housing, respectively.

Chairman O'Bryan received confirmation from Chief Stoll that single-family homes would not qualify for a CENO grant, and that the guidelines for the program were set by the County, not the State. County Administrator Jason Brown added that the County has worked with Habitat for Humanity's clients to secure down payment grant assistance. The Chairman also received clarification regarding ARP funding, and expressed that the \$400,000 RENO/CENO grant money would be used up quickly.

Louise Hubbard, Executive Director, Treasure Coast Homeless Services Council, expressed support for the programs and spoke of the additional fundraising opportunities the grants would provide. Ms. Hubbard also mentioned her partnership in the Coalition for Attainable Homes (formerly Every Dream Has a Price).

**A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, 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. 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.** [22-0217](#) Community Development Districts

**Recommended Action:** The County Attorney's Office recommends the Indian River County Board of County Commissioners provide guidance on how to proceed with respect to Community Development Districts.

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

County Attorney Dylan Reingold recapped the discussions which predated this item regarding Community Development Districts (CDD), including the December 7, 2021 public hearing before the Board, and the February 10, 2022 staff-led workshop. He noted staff's reservations included concern for the already record-level development in the County, as well as costs to home buyers; however, staff agreed that CDDs were appropriate for large developments (500+ acres), those with significant public infrastructure, or Traditional Neighborhood Developments. Attorney Reingold sought direction regarding whether the Board supported CDDs as a financing mechanism, as well as input on future applications and next steps.

Chairman O'Bryan received input from Attorney Reingold on examples of negotiated developer agreements such as additional disclosure requirements. The Chairman stated he favored reserving CDDs for large developments (500+ acres) which provided considerable public benefits beyond those already required by the County. While he acknowledged that CDDs could provide for ongoing maintenance of amenities and stormwater systems, the Chairman was wary of transferring risks onto homeowners, and of receiving backlash from surprised buyers. He recommended that staff continue to work on setting standards for CDDs in anticipation of a future significant development proposal.

Commissioners Flescher, Earman and Adams each voiced agreement with the Chairman's positions on CDDs while also addressing their own concerns.

Commissioner Flescher advocated for guidelines and consideration for the impact CDD implementation would have on County staff. He envisioned CDDs for unique communities such as fly-in or equestrian communities.

Vice Chairman Earman requested holding another workshop to receive specifics regarding what has been done in other counties. He clarified that he would like to strike a balance between establishing guidelines and looking for a "winner" of a project.

Commissioner Adams received clarification that all CDD projects would come before the Board for final approval. She suggested CDDs could be a useful tool to actualize innovative developments. The Commissioner provided a list of suggested



requirements for staff to consider when forming parameters.

Commissioner Moss voiced her opposition to CDDs, noting they incentivized development. She believed the Board's duty to the community was to concentrate on current infrastructure, referencing recently proposed taxing districts for paving and drainage.

Attorney Reingold recapped the direction he received throughout discussion. He proposed creating a draft CDD policy, and received confirmation that such a policy would be useful in advance of the next workshop. Chairman O'Bryan referred positively to the development of Babcock Ranch. Commissioner Adams received an estimated timeline of May or June for the policy to return before the Board for approval.

The Chairman opened the floor for public discussion.

Jonathan Johnson, Attorney, Kutak Rock LLP, was in favor of the Board's approach; he noted his firm represented Babcock Ranch, and provided his opinion on appropriate uses for CDDs.

County Administrator Jason Brown received confirmation that Community Development staff would also be able to provide input on policy creation.

Commissioner Flescher closed discussion by addressing Commissioner Moss' earlier comment regarding infrastructure. He wanted the public to be informed that developers are currently required to pay for infrastructure, and special taxing districts were the only way to redress the needs of older neighborhoods.

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, directing the County Attorney to: 1) gather the Board's comments regarding Community Development Districts (CDDs); 2) utilize those comments in conjunction with input from Community Development staff to create a draft version of policy parameters for CDDs; 3) schedule a workshop with community partners to discuss the draft policy; and 4) return to the Board in May or June of 2022 to present the draft policy for Board input and approval. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

**13.B.** [22-0219](#) Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program

**Recommended Action:** The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the attached letter designating Southeast Florida Behavioral Health Network to submit a Notice of Intent to file the application for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant and authorize the chair to execute the letter. The County Attorney's Office also recommends that the Board authorize Southeast Florida Behavioral Health Network to submit a Notice of Intent to Submit an Application to the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Review Committee for a Florida Department of Children and Families Criminal Justice, Mental Health, and Substance Abuse Reinvestment grant.

**Attachments:** [Staff Report](#)  
[SEFBHN Reinvestment Designation Letter](#)

*[Clerk's note: This item was heard following Item 10.C.1.]*

County Attorney Dylan Reingold referred to staff's memo dated March 8, 2022 as he described the grant program which would support expanded services for the County's Mental Health Court over a three-year period.

Indian River County Sheriff Eric Flowers thanked the Board for pursuing the grant which he described as crucial. Commissioner Flescher noted that the Indian River County Public Safety Coordinating Council also voted unanimously to support the grant application.

**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

**13.C.** [22-0214](#) Amendments to Section 312.11 (Performance Security) of the Indian River Code of Ordinances

**Recommended Action:** County staff recommends that the Board authorize staff to set a public hearing to consider an ordinance making amending Section 312.11 (Performance Security) of the Indian River County Code of Ordinances.

**Attachments:** [Staff Report](#)  
[Draft Section 312.11 Amendment Language](#)

Assistant County Attorney Susan Prado appeared before the Board with a request to authorize staff to set a public hearing in consideration of an amendment to the County's Code of Ordinances (Code). Section 312.11 (Performance Security) of the Code requires security in the form of cash or a bond for any work done in the County right-of-way. Staff requested the addition of Letters of Credit as an acceptable form of security for right-of-way work, as was permissible in other sections of the Code.

**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

13.D. [22-0220](#) Authorization to proceed with foreclosures on Code enforcement case: 2018020108 (Yates)

**Recommended Action:** Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases

**Attachments:** [Staff Report](#)  
[Yates order finding violation signed](#)  
[Yates order imposing fine](#)

Assistant County Attorney Susan Prado used a PowerPoint presentation to provide the history of Code Enforcement Case 2018020108 (Yates). She noted the foreclosure on the estate was based on a Code Enforcement Board (CEB) order from 2018, though there were also liens from a 2018 Environmental Control Hearing Board (ECHB) order. On March 8, 2022, the Board granted Ms. Yates a one-week deferral to bring the property into compliance. Attorney Prado informed that the property remained out of compliance, and confirmed a required demolition permit had not been pulled.

Chairman O'Bryan asked Ms. Dallasteen Yates, representative for the Estate of Dallas and Jane Yates, what her plan was regarding the subject property (Wabasso). She provided that she had a buyer for a different property (Gifford) from the estate, and planned to use the proceeds to pay the liens on the Wabasso property before selling it too. Ms. Yates added that the Gifford property sale fell through when partial release of lien was not granted, and she expressed confusion at the distinction between the ECHB and CEB orders.

Attorney Prado interjected to again clarify the orders, and that while the entire estate was encumbered by the foreclosure, the Gifford property could be sold as long as the buyer accepted the lien. She noted the Commissioners could not change the CEB order on the Wabasso property, as it was a court matter, and that property needed to be brought into compliance regardless of payment of the liens.

Commissioner Adams recalled that this property had come before the Board in 2018, and that nothing had been done in four (4) years to rectify the blighted structures. The Commissioner noted that foreclosure was the Board's last option, and she moved to proceed.

Ms. Yates responded regarding her confusion on the orders, the necessity of fixing the uninhabited Wabasso structures in advance of sale, the extremity of foreclosure action, alleged substandard installation of septic tanks in Wabasso, and frustration at not being able to close on the Gifford property. She reported that she was not properly notified of the estate's foreclosure on the CEB order, and was doing her best

to sort out the issues.

Under discussion, Vice Chairman Earman received confirmation that the homesteaded property in the estate could not be foreclosed upon, and expressed disappointment that more work had not been done toward compliance. Commissioner Flescher added his empathy for the Yates family, but agreed that the Board had a responsibility to the community.

Chairman O'Bryan advised that foreclosure proceedings would take thirty (30) days to complete, and Ms. Yates had that time to comply. Attorney Reingold offered to work with Ms. Yates through the foreclosure process and to negotiate terms ahead of finalization. He confirmed his recommendation to move forward legally as it was the only action which brought a response from the Yates estate.

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

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

**Nay:** 1 - 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**

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 Commissioner Adams, to approve the Solid Waste Disposal District Meeting Minutes of December 14, 2021, January 11, 2022, and January 18, 2022, as written. The motion carried by the following vote:**

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

**15.B.1. [22-0168](#)** Approval of Minutes Meeting of December 14, 2021

**Recommended Action:** Approve

**Attachments:** [12142021 SWDD Draft](#)

**Approved**

**15.B.2. [22-0170](#)** Approval of Minutes Meeting of January 11, 2022

**Recommended Action:** Approve

**Attachments:** [01112022 SWDD Draft](#)

**Approved**

**15.B.3. [22-0228](#)** Approval of Minutes Meeting January 18, 2022

**Recommended Action:** Approve

**Attachments:** [01182022 SWDD Draft](#)

**Approved**

**15.B.4. [22-0218](#)** Residential Paper Shredding Event on April 9, 2022

**Recommended Action:** Solid Waste Disposal District staff recommends that the Board approve the Spring Residential Paper Shredding Event to be held on April 9, 2022 , and authorize the County Administrator to sign the Contract Memorandum of Understanding with Waste Management, Inc., of Florida

**Attachments:** [Staff Report](#)  
[Paper Shredding Event Flyer](#)  
[Contract Memorandum of Understanding with WM](#)

*[Clerk's Note: This item was heard following Item 5.E.]*

Sue Flak, Recycling Education and Marketing Coordinator, provided details of the April 9, 2022 Residential Paper Shredding Event in partnership with Waste Management and Southeast Secure Shredding. She anticipated at least 800 cars would be served at the event.

Chairman O'Bryan received confirmation that Waste Management would pay the \$7-per-car fee so that there would be no cost to the public. The Chairman also recognized Waste Management Government Affairs Manager Deborah Perez for going above and beyond by helping Ms. Flak collect recyclable materials after a recent festival.

**A motion was made by Vice Chairman Earman, 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

**15.B.5. [22-0224](#)** Authorization to Florida Power & Light to Convert Overhead Lines to Underground Lines on the Landfill Property

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the recommendations listed on the staff report

**Attachments:** [Staff Report](#)  
[FPL Invoice](#)  
[Underground Distribution Facilities Installation Agmt](#)  
[FPL Non-Exclusive Easement and Exhibits](#)  
[FPL Notification of FPL Facilities](#)

There was no discussion regarding this item.

**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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:10 p.m.