



Indian River County Florida

Meeting Minutes 4

Board of County Commissioners

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

Peter O'Bryan, Chairman, District 4

Joseph H. Earman, Vice Chairman, District 3

Susan Adams, District 1

Joseph Flescher, District 2

Laura Moss, District 5

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Randi Wardlow, Deputy Clerk

Tuesday, July 12, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Peter O'Bryan
Vice Chairman Joe Earman
Commissioner Susan Adams
Commissioner Joseph Flescher
Commissioner Laura Moss

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

2.B. INVOCATION

Pastor Jeremy Rebman, First United Methodist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 8.L. Request for PO Increase

Added: 14.A. FAC letter request re: SB 620

Updated: 11.A. Backup information updated

Deleted: 12.A.1.Exception to cut and fill

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

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** Presentation of Proclamation Honoring Siglinde Preston on Her Retirement From Indian River County Board of County Commissioners Department of General Services / Library Services Division with Thirty-one Years of Service

Ms. Siglinde Preston was joined by family, friends, and colleagues as she accepted the Proclamation and recounted her educational and work experience during her more than 30-year career. Commissioner Flescher commended Ms. Preston's smile and friendliness, and Assistant County Administrator Mike Zito spoke of her legacy.

Read and Presented by Chairman O'Bryan

- 5.B.** Presentation of Lithographs to Fire Rescue and Sheriff's Office in Appreciation of their Support of 2022 Vero Beach Air Show

Marty Zickert, Blue Angels liaison for the Vero Beach Air Show, recounted the history of the Air Show and praised the monumental efforts of staff and volunteers who made the Blue Angels' biennial visit possible.

Mr. Zickert presented signed and personalized lithographs from the Blue Angels to the Indian River County Fire Rescue Department and the Sheriff's Department in recognition of the work staff put in to make the show safe and secure.

Presented by Marty Zickert

- 5.C.** Proclamation Designating the Week of July 16, 2022 Through July 24, 2022 As Treasure Coast Waterway Cleanup Week

April Price, Event Coordinator for Treasure Coast Waterway Cleanup Week, accepted the Proclamation and thanked the Board for their support. She informed this was the 15th year of the event conducted by the Marine Industries of the Treasure Coast and the Florida Inland Navigation District, and volunteers have removed over 96 tons of trash from the waterways and spoil islands.

Read and presented by Vice Chairman Earman

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of May 10, 2022, and May 17, 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

- 6.A.** Regular Meeting of May 10, 2022

Approved

- 6.B.** Regular Meeting of May 17, 2022
Approved

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

- 7.A.** Proclamation Honoring Matthew Brower on His Retirement From Indian River County Board of County Commissioners Department of Public Works / Road & Bridge Division with Thirty-One Years of Service
Chairman O'Bryan acknowledged and thanked Mr. Brower for his 31 years of service to the County.
No Action Taken or Required

- 7.B.** 2023 Holiday Schedule
No Action Taken or Required

- 7.C.** Florida Public Service Commission PSC-2022-0203-PAA-EQ, issued June 9, 2022, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code, a copy is on file in the Office of the Clerk to the Board.
No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Consent Agenda as amended, pulling Items 8.C., 8.F., 8.H. and 8.L. 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.** IRC Tax Collector Carole Jean Jordan re: Tax Roll Recapitulation Report
Approved staff's recommendation

- 8.B.** Approval of 2022/2023 State Funded Subgrant Agreement (T0201) To Update Indian River County's Hazards Analysis
Approved staff's recommendation

8.C. Sole Source Designation Requests and Utilization Update

Chairman O'Bryan brought forth the item in the interest of financial transparency. He commended Purchasing Manager Jennifer Hyde, and also cautioned against scope creep.

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

8.D. Request for Purchase Order Increase for Callaway Golf

Approved staff's recommendation

8.E. Annual HUD Grant Renewals for Continuum of Care (CoC) Programs

Approved staff's recommendation

8.F. Calcutta Drive Docks

County Attorney Dylan Reingold provided the status of Dock Number 14 (Cusson), and clarified that the waiting list for dock space was comprised of property owners in County Club Pointe.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2022-040, delegating authority to the Community Development Director or designee, to execute license agreements pertaining to docks utilizing County riparian land within the Country Club Pointe Subdivision. The motion carried by the following vote:

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

8.G. Resolutions Cancelling Taxes

Approved staff's recommendation and Resolutions 2022-041 (Sexton); 2022-042 (Ganbin/Jackson); and 2022-043 (Cherry Lane Estates), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.H. Award of Bid No. 2022046, Indian River Boulevard Resurfacing from 53rd Street to the Merrill Barber Bridge, IRC-1707, FDOT FM 441919-1-54-01

Commissioner Moss received clarification from County Administrator Jason Brown regarding the width of bike lanes planned for Indian River Boulevard during the resurfacing project. He explained that the road could only accommodate five-foot-wide bike lanes due to lack of right-of-way, drainage concerns, and cost considerations. Administrator Brown offered assurance that newly constructed roads were planned with seven-foot bike lanes whenever feasible.

Chairman O'Bryan informed that this project was planned to match up with the south end of Indian River Boulevard which would also have five-foot-wide bike lanes due to land constraints and safety concerns. He noted that the Department of Transportation (DOT) had pledged funds for road resurfacing, not expansion, and that five-foot bike lanes were acceptable to DOT, as well as an improvement to existing conditions.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, 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.I. Termination of License Agreement between Sebastian Area Soccer Association, Inc. and Indian River County

Approved staff's recommendation

8.J. Funding Award from the Indian River Lagoon Council - National Estuary Program for the Lost Tree Islands Conservation Area Phase 4 (Contract # IRL2022-07)

Approved staff's recommendation

8.K. TIGR Acquisitions III, LLC - Easement, 1725 17th Avenue, Vero Beach, FL

Approved staff's recommendation

8.L. Request for Purchase Order Increase for Roger Cleveland Golf Inc

Assistant County Administrator Mike Zito noted this item was similar to Item 8.D., and explained that the sales at Sandridge's Pro Shop were higher than projected at the start of the year when equipment orders were placed.

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1.

Public Hearing for July 12, 2022, for Ordinance Amending Section 204.06 (Definitions) and Section 204.13 (Terms of Conditions of Franchises) of Part 1 (In General) of Chapter 204 (Solid Waste Disposal) of Indian River County Code (Legislative)

Solid Waste Disposal District Managing Director Himanshu Mehta presented the proposed Ordinance changes which would eliminate the size restriction on commercial demolition debris containers, as well as removing Waste Management's (WM) exclusivity on approved containers. He explained the effect would be that any provider could collect debris in the Unincorporated areas of the County, in any container, and rates would be adjusted as needed to capture any franchise fees. He added that WM had requested a start date of August 1, 2022.

County Attorney Dylan Reingold confirmed he could amend the language of the Ordinance to reflect an August 1, 2022 effective date.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to adopt Ordinance 2022-011, amending Section 204.06 (Definitions) and Section 204.13 (Terms of Conditions of Franchises) of Part 1 (in general) of Chapter 204 (Solid Waste Disposal) of the Code of Indian River County, to remove the franchise exclusivity of commercial and demolition debris collection in any size container; and providing for codification; severability; conflict of Ordinances; and effective date of the Ordinance; as amended to reflect an effective start date of August 1, 2022. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

10.C.1. Notice of Scheduled Public Hearing for August 16, 2022: Jelmbly Right-of-Way Abandonment (Legislative)

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. Second Amendment to the Amended and Restated Facility Lease Agreement

County Administrator Jason Brown referred to staff's memo dated July 7, 2022, as he discussed the County's Facility Lease agreement with Major League Baseball (MLB), operating as Verotown, LLC, to manage the operation of the Jackie Robinson Training Complex (the Complex, formerly known as Historic Dodgertown). Administrator Brown described the changes to the agreement which transferred responsibility for certain planned Complex improvements over to Verotown.

He continued on to describe the three (3) projects which included: 1) reallocating funds earmarked for the cancelled TV Platform refurbishment project; 2) construction of a new Executive Building/Championship Hall; and 3) remediation of hotel rooms. Administrator Brown advised that the County would turn over already-budgeted funds to Verotown for their implementation, and he discussed the rationale behind staff's recommendation to waive the County's bid requirement.

Chairman O'Bryan received confirmation that the County's financial obligation to these projects was capped at the budgeted amounts, and any overruns would be Verotown's responsibility.

Rachelle Madrigal, Managing Director, Jackie Robinson Training Complex, thanked the Board for a successful partnership.

Commissioner Moss expressed opposition to waiving the bid requirement, as well as to using tourism dollars for the Jackie Robinson Training Complex facility, stating it lacked broad community appeal.

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

Nay: 1 - Commissioner Moss

12. DEPARTMENTAL MATTERS

A. Community Development

- 12.A.1.** Exception To Cut And Fill Balance Requirements For Commercial / Industrial Development In Flood Hazard Areas

Deleted

- 12.A.2.** American Rescue Plan Act of 2021 - Low Income Housing Tax Credit (LIHTC) project assistance program.

Community Development Director Phil Matson introduced John Stoll, Chief of Long Range Planning, who presented his department's recommendation to set aside \$400,000 from the American Rescue Plan (ARP) package to fund the Low Income Housing Tax Credit (LIHTC) Project Assistance Program which would provide grants to developers to create affordable rental housing. Mr. Stoll displayed demographic data to indicate high-need areas, and noted that any applicants would be brought before the Board for approval.

Commissioner Adams received information regarding the value of building in the high-need areas, and was advised the estimated rent for a family-sized unit would be \$1,100 to \$1,300. Chairman O'Bryan was informed that the State had demographic requirements Developers must meet to ensure affordability.

A motion was made by Commissioner Adams, 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. Agriculture Advisory Committee Appointment

County Attorney Dylan Reingold informed that under the Agricultural Advisory Committee restructuring, a new position for "Agritourism Representative" was created, and his office had received an applicant for that position.

Commissioner Adams expressed that there was no urgency to fill the position, and she would prefer to hold off making an appointment until there was a larger pool of candidates. County Attorney Reingold agreed to continue collecting applications.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to postpone appointment to the Agriculture Advisory Committee for the position of "Agritourism Representative" to allow for additional applicants. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS**A. Commissioner Peter D. O'Bryan, Chairman****14.A.1.** Florida Association of Counties' request for a Letter to Governor DeSantis

Chairman O'Bryan relayed that he had received a request from the Florida Association of Counties (FAC) to send a letter to Florida Governor Ron DeSantis thanking him for vetoing Senate Bill 620 which would have limited local government rights.

County Attorney Dylan Reingold read a portion of Governor DeSantis' veto letter, and cautioned that the wording indicated there may be future challenges to local government control.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to send a letter thanking Florida Governor Ron DeSantis for vetoing 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

B. Commissioner Joseph H. Earman, Vice Chairman**C. Commissioner Susan Adams****D. Commissioner Joseph E. Flescher****E. Commissioner Laura Moss**

15. SPECIAL DISTRICTS AND BOARDS**A. Emergency Services District****B. Solid Waste Disposal District**

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.

15.B.1. Approval of SWDD Minutes of May 10, 2022

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of May 10, 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.2. 2nd Amendment and Renewal to Franchise Agreement with Waste Management, Inc., of Florida

Himanshu Mehta, Managing Director, Solid Waste Disposal District, presented the amendment and renewal of the County's agreement with Waste Management for an additional three years. Director Mehta noted that all terms remained the same, except for the previously-approved amendment regarding commercial debris containers.

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

15.B.3. Payment Processing Services Statement of Work Agreement with nCourt, LLC

Himanshu Mehta, Managing Director, Solid Waste Disposal District (SWDD), requested approval to upgrade the credit card approval software to the nCourt system, as used by the County Courthouse. Director Mehta also detailed the recommendation to allow credit card fees to be passed along to consumers rather be absorbed by SWDD.

Clerk of Circuit Court and Comptroller Jeffrey R. Smith, spoke favorably of his experience using nCourt.

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

15.B.4. Amendment No. 1 to Work Order No. 45 to Kimley Horn and Associates for Landfill Automated Scale System

There was no discussion regarding this item.

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

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

15.B.5. Amendment No. 2 to Work Order No. 44 to Kimley-Horn for Landfill Gas Flare Skid Improvements and Pipeline Extension Project

There was no discussion regarding this item.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, 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.6. Amendment No. 1 to Work Order No. 47 to Kimley-Horn and Associates for Roadway and Drainage Improvements at the IRC Landfill

There was no discussion regarding this item.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, 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.7. Amendment No. 1 to Work Order No. 42 to Kimley-Horn and Associates - Centrate to Leachate Tank Conversion

There was no discussion regarding this item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:24 a.m.