



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

Joseph E. Flescher, Chairman, District 2
Peter D. O'Bryan, Vice Chairman, District 4
Susan Adams, District 1
Joseph H. Earman, District 3
Laura Moss, District 5

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

Tuesday, October 19, 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 Tracy Moore, Vero Beach Church of Christ

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 7.E. Visioning Meeting

Moved: Item 14.B.2. moved to follow Consent Agenda

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. [21-0948](#) Presentation of Proclamation Honoring the 2021-2022 Indian River County Fire Rescue Lieutenant, Engineer and Firemedic of the Year.

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Emergency Services Director Tad Stone presented awards to members of the Indian River County Fire Rescue Department who were voted as being exceptional by their peers.

Commissioner Earman announced the reinstatement of the annual awards, then read the Proclamation to the award winners: Lieutenant of the Year, Carlo Marques; Engineer of the Year, Stephen Flood; and Firemedic of the Year, Donald Burke.

Read and Presented

6. APPROVAL OF MINUTES

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

- 7.A. [21-0976](#) Proclamation Honoring Debra P. Stewart on Her Retirement From Indian River County Board of County Commissioners Department of Utility Services / Water Division with Eighteen Years of Service

Attachments: [Proclamation](#)

No Action Taken or Required

- 7.B. [21-0966](#) Sebastian River Improvement District Fiscal Year 2021/2022 Regular Board Meeting Schedule

Recommended Action: Information Only

Attachments: [Sebastian River Improvement District 2021-2022](#)

No Action Taken or Required

- 7.C. [21-0967](#) Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2020 is on file in the Office of the Clerk to the Board.

Recommended Action: Informational Item Only

No Action Taken or Required

7.D. [21-0978](#) Economic Development Council Replacement

Attachments: [Staff Report](#)
 [211007 Email Notification re Resignation of James Funk](#)

Danny Markford will fulfill the remaining term, which expires January 2023, of the Local Manufacturing Industry representative on the Economic Development Council following the resignation of James Funk.

No Action Taken or Required

7.E. **21-0990** MPO Meeting - Visioning

Commissioner Moss announced the Metropolitan Planning Organization's Wednesday, October 27, 2021 meeting, and suggested residents attend to take part in the County's visioning process.

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 presented. The motion carried by the following vote:

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

8.A. [21-0980](#) Revised Schedule of Board of County Commission 2022 Meeting Dates

Recommended Action: Staff recommends that the Board approve the revised 2022 BCC meeting schedule

Attachments: [Staff Report Revised Schedule](#)
 [Meeting Dates 2022 Draft](#)

Approved staff's recommendation

- 8.B.** [21-0983](#) Project: Lakes at Waterway Village PD - Pod U - Request for 2-Year Extension to Final Lift of Asphalt Contract - Developer: DIVOSTA HOMES, L.P., a Delaware limited partnership

Recommended Action: Approve the Modification to Contract for Construction for Final Lift of Asphalt, Contract No. PD-16-12-07-FLA (2004010124-83766) to extend the completion date to November 27, 2023, and authorize the Chairman to execute same. It is also noted that the Developer will need to have the supporting letter of credit amended no later than November 27, 2021 to increase the amount and extend the letter of credit expiration date.

Attachments: [Staff Report](#)
 [Letter Requesting Extension](#)
 [Modification to Contract](#)

Approved staff's recommendation

- 8.C.** [21-0876](#) Approval of Grant and Match Funding for Library RFPs 2021028 (Network Infrastructure Equipment and Installation) and 2021029 (Cabling, Hardware and Installation)

Recommended Action: Staff recommends the Board accept the grant funding and authorize the Purchasing Division to issue a purchase order to PC Solutions & Integration, Inc. for \$60,441.82 and to Bazon-Cox & Associates, Inc. for \$8,597.60.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.D.** [21-0934](#) Miscellaneous Budget Amendment 011

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2020-2021 budget

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

Approved Resolution 2021-069, amending the Fiscal Year 2020-2021 Budget.

- 8.E. [21-0971](#) FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 3 for 66th Avenue Roadway Widening (49th Street to 69th Street) FM No. 436379-1-54-01;436379-1-54-02 (IRC-1505)

Recommended Action: Staff recommends the Board of County Commissioners approve FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 3 and Authorizing Resolution and authorize the Chairman to execute the same.

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[FDOT TRIP Supplemental Agreement No. 3](#)

Approved Resolution 2021-070, authorizing the Chairman's execution of Transportation Regional Incentive Program Supplemental Agreement No. 3 with the Florida Department of Transportation for 66th Avenue roadway widening from 49th Street to 69th Street for Construction and Construction Engineering Inspection (CEI) Services.

- 8.F. [21-0972](#) Amendment No. 1 - FDEP Grant Agreement No. 19IR2 (Indian River County Hurricane Irma Recovery Project (Sector 7 Beach and Dune Restoration))

Recommended Action: Staff recommends the Board approve FDEP Amendment No. 1 to FDEP LGFR Grant Agreement No. 19IR2 for up to \$307,538.00 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 19IR2 Amendment No. 1 from the State, staff will transmit to the Clerk to the Board of County Commissioners for filing.

Attachments: [Staff Report](#)
[Amendment No. 1 to FDEP Grant Agreement 19IR2](#)

Approved staff's recommendation

8.G. [21-0974](#) Award of Bid No: 2022009 Jackie Robinson Training Complex Villas Remodel
IRC-1914A

Recommended Action: Staff recommends that the total bid (including Alternate “A”) in the amount of \$1,972,247.00 be awarded to Gibraltar Construction Company, Inc. 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 Gibraltar Construction Company, 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

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. [21-0981](#) Public Hearing and Discussion of 2021 Redistricting of County Commissioner Districts

Recommended Action: County staff recommends that the Chairman open the public hearing, take public input, and close the public hearing, and that the Board then discuss the proposals and provide initial feedback to staff, so that staff can move forward toward the preparation and submittal of a final proposal for adoption on December 7th.

Attachments: [Staff Report](#)
[Proposed Map 1](#)
[Proposed Map 2](#)
[Proposed Map 3](#)

County Attorney Dylan Reingold introduced the item by informing that the 2020 Census data officially had been released. He outlined the next steps and criteria in the redistricting process, as approved at the August 17, 2021 Board meeting. Attorney Reingold made mention that there had been no input from the Board, and reminded the public that the County was not district sensitive; any citizen could vote for any prospective Commissioner regardless of their address.

Information Technology Director Dan Russell introduced Paige Lester, GIS Analyst, who created the three (3) redistricting proposals. Using PowerPoint slides, Ms. Lester reviewed the criteria, drivers for change, and provided analysis of the redistricting maps.

The Commissioners gave their initial impressions of the proposals, and agreed to weigh public comments before making any decisions. The Board also dispelled the rumor that the Gifford neighborhood would be divided.

The Chairman called for a recess at 10:33 a.m., and resumed the meeting at 10:46 a.m. with all members present.

The Chairman opened the public hearing.

The following County residents addressed the Board with their concerns/suggestions:

Anthony Brown

Ed Dodd, Mayor, Sebastian

Joseph Paladin, President, Black Swan Consulting

Anthony Stewart, President, Southern Christian Leadership Conference

Edward Dillard

Pastor Myra Ferguson
Valerie Brant-Wilson
Freddie Woolfork
Wilfred Hart
Kevin Browning
Wanda Mosley Scott
Valerie Brant-Wilson read a text from Rashawn Green
Robert Gelsimino

There being no further speakers, the Chairman closed the public hearing.

Commissioner Adams received clarification from Attorney Reingold that the schedule called for the final district boundaries to be voted on at the December 7, 2021 meeting. Suggestions were made to have another meeting in advance of the final vote, and possibly a community outreach effort. Director Russell provided information regarding an app that would allow the Commissioners to examine different district scenarios.

The Board entered into lengthy discussion of the proposals with consideration for public comments, and the goal of providing staff with clear direction. There was general agreement that the geography of the districts was more important than perfectly equalized population counts. The Commissioners then debated the pros and cons of having the barrier island in one district, as was preferred by some speakers who were concerned with socioeconomic disparity. The Board was in favor of splitting the barrier island due to the differing needs of the north and south beach areas, and to minimize the sprawl of District 5. Vice Chairman O'Bryan then suggested using Proposal 1 with modifications to keep the McAnsh Park neighborhood together, limit the City of Vero Beach to be encompassed by no more than two (2) Districts, and square off District 3. The Board reiterated that a Commissioner could serve any district.

Discussion returned to the suggestion of additional meetings in advance of the December 7th deadline. The Board noted that several speakers who represented the Gifford neighborhood expressed a need for empathy for their concerns, and it was agreed that staff should conduct an informational meeting in Gifford. The Commissioners also requested to have the revised map of Proposal 1 brought back before the Board in advance of the December vote.

Board consensus was reached to move forward with a modified Proposal 1 map, with the exception of Commissioner Moss who stated she was not yet ready to commit to any one proposal.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Redistricting Proposal Map Number 1 with the following modifications: 1) lower the population's deviation from the average, if

possible; 2) ensure the Municipalities are not split among more than two (2) Districts; 3) keep the McAnsh Park neighborhood in one (1) District, with the western boundary along 27th Avenue; and 4) square off District 3. The Board also directed staff to organize a presentation of the revised Redistricting Proposal Map 1 in the Gifford neighborhood, as well as returning before the Board to present the revisions in advance of the December 7, 2021 meeting. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

10.B.1. [21-0837](#) Request to Speak from Elizabeth Siebert re: Redistricting

Recommended Action: no action required

Attachments: [Public Discussion Request Siebert](#)

Elizabeth Siebert appeared before the Board to present an alternate redistricting proposal. Her presentation included maps and rationale for the proposed district boundaries.

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

12.H.1. [21-0979](#) Finished Water Quality Audit Presentation **from Kimley-Horn and Associates**

Recommended Action: No action required - for informational purposes only

Attachments: [Staff Report](#)

[Finished Water Quality Audit Report](#)

Interim Utility Services Director Matthew Jordan presented the Finished Water Quality Audit report prepared by Kimley-Horn and Associates (KHA) for the Indian River County Department of Utility Services (IRCDUS). He stated that the purpose of the audit was to evaluate the County's distribution system, water quality, and to address customers' concerns regarding corrosion and leaks in their plumbing.

Nick Black, KHA, provided an overview of the County's water system, and concluded that IRCDUS was compliant with the provisions of the Safe Drinking Water Act (SDWA) which called for minimal amounts of corrosive elements such as lead and copper.

Next, Dr. Steven Duranceau, PhD, examined the causal factors of copper pipe corrosion which he described as being a complex issue. Dr. Duranceau presented research and case studies, and listed possible causes of leaks such as electrical systems, lightning strikes, and thin-walled copper pipes. The report wrapped up with advice for IRCDUS to address residents' concerns.

Director Jordan returned to summarize the report which showed that IRCDUS remained compliant with the SDWA and thresholds for mineral content, and that most plumbing failures occurred from issues related to construction and modern plumbing materials rather than corrosive water.

Under discussion, the Board and staff discussed water quality, the lower caliber of modern plumbing materials, and complaints received from residents. Dr. Duranceau provided answers to questions regarding the effects of electrical charges, and plastic versus copper pipes.

No Action Taken or Required

13. COUNTY ATTORNEY MATTERS**14. COMMISSIONERS MATTERS****A. Commissioner Joseph E. Flescher, Chairman**

14.A.1. [21-0970](#) Chapter 164 Mediation Update, October, 2021

Recommended Action: Discuss

Attachments: [Commissioner's Memo](#)

Chairman Flescher opened discussion by describing the previous meeting with the City of Vero Beach (the City) on October 6, 2021. At the conclusion of that meeting, both the Chairman and the City's Mayor, Robert Brackett, agreed to return to their respective Board/Council with the question of whether the County should take over the water delivery system to the Town of Indian River Shores (the Shores).

The Commissioner restated the County's position that it had no intention of taking the water service business from the City, and noted that the lack of detailed terms was an impediment to moving forward. He added that water service to County residents on the south end of the barrier island was still of concern due to supply line issues, and lack of rate protection. The Chairman requested input from the rest of the Board on whether to continue negotiations on the matter.

Vice Chairman O'Bryan agreed to continue to share information with the City and the Shores, but felt it was premature to make a decision in the absence of a feasibility study and a realistic estimate of the costs involved in moving the City's water treatment plant. He also stated the importance of obtaining a rate protection agreement for south beach residents.

County Administrator Jason Brown stated the County's goal was to avoid litigation, and to continue discussions. However, he observed that the decision to serve the Shores was not the County's to make, and the City would have to define terms before a commitment from the County could be given.

Commissioner Moss stated her view that it was the County's responsibility to avoid litigation.

Commissioner Adams expressed her frustration with the lack of progress during mediation, and observed that the City seemed intent on litigation rather than negotiation. Nonetheless, she was in favor of continuing efforts to resolve the matter.

County Attorney Dylan Reingold sought direction for the next meeting which would be used to discuss the terms of a transfer, if continuing the discussions was approved.

Commissioner Earman expressed exasperation at being pulled into the middle of an issue between the City and the Shores. That notwithstanding, he supported further talks with the City to obtain specific terms.

Bob Auwaerter, Councilmember, Town of Indian River Shores, advised that County staff had been helpful in providing information for the Shores' feasibility study, clarified the terms of their franchise agreement with the City, and expressed skepticism of the City's estimated cost to relocate their water treatment plant.

Board consensus was reached to continue negotiations with the City of Vero Beach.

B. Commissioner Peter D. O'Bryan, Vice Chairman

14.B.1. [21-0984](#)

Request the Board consider directing the County Attorney to start the process to establish a Municipal Services Benefit Unit (MSBU) for the Oslo Park area to raise funds for future road paving projects

Recommended Action: Discussion and give County Attorney direction to begin the formal process of establishing a MSBU for Oslo Park.

Attachments: [Commissioner's Memorandum](#)

Vice Chairman O'Bryan presented a proposal to establish a Municipal Service Benefit Unit (MSBU) to raise funds for road paving in the Oslo Park neighborhood, similar to a streetlight district already in effect for the area. The Vice Chairman used maps to illustrate the proposed roads and their priority. He requested support from the Board to direct staff to begin the process of planning and estimating costs.

Director of Public Works Rich Szpyrka offered clarification to Commissioner Earman regarding a nearby unpaved road subject to flooding.

County Attorney Dylan Reingold provided information on the timing and next steps to establish a MSBU. He also discussed seeking extensions from the Property Appraiser and Tax Collector to achieve a March 2022 deadline. Commissioner Adams received confirmation that there was no threshold for community support in this type of project, and advised tempering expectations regarding the time it would take to complete paving projects.

Lonnie Ingram, Oslo Park resident, discussed the safety issues and long-standing attempts to pave roads in the area. He provided a petition of support signed by approximately 25 percent of residents in the neighborhood, noting that the majority of residents were renters. Commissioner Adams commented that she was satisfied with the level of resident support shown.

County Administrator Jason Brown echoed Commissioner Adams' advice to be clear regarding what can be accomplished once the costs are known, and provided suggestions to manage expectations.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to direct the County Attorney and Public Works Director to initiate the process of creating a Municipal Service Benefit Unit (MSBU) for the Oslo Park area to raise funds for future road paving projects, with a timeline that would allow final approval in March 2022. The motion carried by the following vote:

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

- 14.B.2. [21-0985](#) Request the Board consider naming the Wabasso Scrub Conservation Area Overlook for Joe Carroll

Recommended Action: Discussion and approve naming the Wabasso Scrub Conservation Area Overlook in honor of Joe Carroll.

Attachments: [Commissioner's Memorandum](#)
[Attachment - Resolution 2011-042](#)

[Clerk's Note: this item was heard following the Consent Agenda]

Vice Chairman O'Bryan requested the Board's support in naming the Wabasso Scrub Conservation Area Overlook in honor of Joe Carroll, as suggested by staff. The Vice Chairman described Mr. Carroll as a prominent volunteer in the County's Scrub Jay Program, and praised his open-mindedness and wry sense of humor.

Beth Powell, Assistant Director, Parks and Conservation Resources, commended Mr. Carroll's commitment to public service and his dedication to protecting the Scrub Jay's habitat.

The following people spoke in support of the naming opportunity to honor of Mr. Carroll:

Bill Menzies
Doug Carlson
Joseph Paladin, Indian River Neighborhood Association
Patrick Pitts

Chairman Flescher and Vice Chairman O'Bryan wrapped up discussion with the projects and contributions made by Mr. Carroll. It was noted that Mr. Carroll and his wife were watching the meeting via Zoom.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve naming the Wabasso Scrub Conservation Area Overlook in honor of Joe Carroll. The motion carried by the following vote:

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

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

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. [21-0977](#)

Work Order No. 45 to Kimley Horn and Associates for Landfill Automated Scale System

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that its Board approve the following: a) Authorize the use of Mettler Toledo as the sole-source vendor for the automated scales; b) Approve Work Order No. 45 with Kimley-Horn and Associates, Inc. for \$73,430 to provide engineering services related to the Landfill Automated Scale System; and, c) Authorize the Chairman to execute the same, as presented

Attachments: [Staff Report](#)
[Work Order No 45 - KHA](#)

There was no discussion regarding this item.

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

The Board of Commissioners of the Solid Waste Disposal District reconvened as the Board of Commissioners of the Environmental Control Board. The minutes will be approved at an upcoming Environmental Control Board meeting.

C. Environmental Control Board

15.C.1. [21-0986](#) Approval of Minutes Meeting March 12, 2019

Recommended Action: Approve

Attachments: [03122019ECB Draft](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Environmental Control Board Minutes of March 12, 2019, 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.C.2. [21-0973](#) Appointment of Environmental Control Officer

Recommended Action: Staff recommends that the Board discuss and consider the appointment of Julianne Price to the position of Environmental Control Officer

Attachments: [Staff Report](#)

[Letter of Recommendation](#)

[Resume J. Price 2021](#)

[85-427 Environmental Control Board](#)

Chairman Flescher presented a Certificate of Appreciation to Ms. Cheryl Dunn, Indian River County Environmental Control Officer, to honor her retirement after 18 years of service.

Ms. Dunn expressed appreciation for the recognition, and recalled some of the more memorable cases during her tenure.

County Attorney Dylan Reingold thanked Ms. Dunn for her work to improve the County's environmental health.

Miranda Hawker, Indian River County Health Officer, spoke in support of appointing Julianne Price as the new Environmental Control Officer.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the appointment of Julianne Price to the position of Indian River County Environmental Control Officer. The motion carried by the following vote:

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

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 2:30 p.m.