



Indian River County Florida

Meeting Minutes

Board of County Commissioners

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

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, November 9, 2021

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found included with this agenda and also online at www.ircgov.com.

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

Rabbi Michael Birnholz, Temple Beth Shalom

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Replaced: Backup pages under Item 10.B.2. Miscellaneous Budget Amendment

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, 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. Presentation of Proclamation Designating November 11th, 2021, as Veterans Day
Chairman Flescher expressed appreciation to all veterans for their service, then read and presented the Proclamation to Father Dave Newhart, Chairman, Veterans Council of Indian River County. Father Dave provided details of the memorial ceremonies being held at Veterans Memorial Island Sanctuary and Riverview Park in Sebastian.

Read and Presented

6. APPROVAL OF MINUTES

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

- 7.A. Proclamation Honoring James Patterson on His Retirement From Indian River County Board of County Commissioners Department of Public Works, Road & Bridge Division, with Thirty-Two Years of Service

No Action Taken or Required

- 7.B. Proclamation for Wayne Bibeau on his Retirement from the Property Appraiser's Office After Thirty Five Years of Public Service

No Action Taken or Required

- 7.C. 4th Quarter FY 2020/2021 Budget Report

No Action Taken or Required

- 7.D. Affordable Housing Advisory Committee Vacancy

No Action Taken or Required

- 7.E. Affordable Housing Advisory Committee Vacancy

No Action Taken or Required

- 7.F.** Florida Public Service Commission Final Order PSC-2020-0409-FOF-EI granting FPL and FCG approval for authority to issue and sell securities; FPL and FCG to file a consummation report within 90 days of the end of any fiscal year in which it issues any securities; docket to remain open to monitor the issuance and/or sale of securities until FPL and FCG submit and staff has reviewed the consummation report; docket to be closed administratively, a copy is on file in the Clerk to the Board Office.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Moss, seconded by Vice Chairman O'Bryan, to approve the Consent Agenda as amended, pulling Items 8.C. and 8.F. for discussion. The motion carried by the following vote:

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

- 8.A.** Sebastian Inlet Technical Advisory Committee Assistance, APTIM Work Order No. 2018008-03

Approved staff's recommendation

- 8.B.** TD Bank - Banking Services Agreement Renewal

Approved staff's recommendation

- 8.C.** Agreement with USDA-APHIS Wildlife Services

Commissioner Laura Moss questioned the cost to remove a number of coyotes which had predated sea turtle nests in the North County area. Commissioner Earman provided information regarding coyotes, and added that he thought the cost was reasonable.

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

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

- 8.D.** NexusWorx - Fiber Documentation System - Project Phase-3

Approved staff's recommendation

- 8.E.** One-year extension of agreement between Indian River County (IRC) and AT&T

Approved staff's recommendation

8.F. DISH Network Cell Site Lease Agreement

Commissioner Laura Moss questioned the terms of a cell site lease agreement, and asked whether a shorter term lease would be better for the County. County Administrator Jason Brown provided rationale for the contract terms, which had been vetted by the County's technology consultant.

Dan Russell, Information Technology Director, confirmed Administrator Brown's explanation that leases of this type were oftentimes lengthy to recoup initial investments; he went on to inform the Board of the current state of the market regarding escalation clauses.

A motion was made by Commissioner Moss, seconded by Vice Chairman O'Bryan, 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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**9.A.** Indian River County Supervisor of Elections Leslie Rossway Swan re: Annual Fiscal Report for the Year Ended September 30, 2021

Supervisor of Elections Leslie Rossway Swan discussed the challenges her office faced while running elections safely during the Covid pandemic. She presented the Board with a check for \$9,382.39 in returned funds.

Vice Chairman O'Bryan commended Ms. Swan and her staff for the exemplary way they handled elections in the County.

A motion was made by Commissioner Moss, seconded by Chairman Flescher, to accept the Annual Fiscal Report for the Supervisor of Elections Office for the Year Ended September 30, 2021. The motion carried by the following vote:

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

9.B. Indian River County Clerk of Circuit Court & Comptroller Jeffrey R. Smith re: Annual Report and Excess Fees for the Year Ended September 30, 2021

Jeffrey R. Smith, Clerk of the Court and Comptroller, presented a check for \$356,853.95 in excess fees for non-court operations. He thanked his staff, as well as the Board and County staff for their assistance and supportive relationship. Mr. Smith closed by announcing the debut of a new website, www.indianriverclerk.com.

Chairman Flescher thanked Mr. Smith for his conservative fiscal approach to managing the County's funds.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to accept the Annual Fiscal Report for the Clerk of the Circuit Court and Comptroller for the Year Ended September 30, 2021. The motion carried by the following vote:

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

9.C. Indian River County Tax Collector Carole Jean Jordan re: Annual Fiscal Report for the Year Ended September 30, 2021

Indian River County Tax Collector Carole Jean Jordan discussed the past year's state of tax collections, noting that the introduction of e-checks had made her office more efficient. She thanked her staff for their extra effort this past year. Ms. Jordan presented a check for \$2,444,665.58, and received thanks from the Board.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to accept the Annual Fiscal Report for the Tax Collector's Office for the Year Ended September 30, 2021. The motion carried by the following vote:

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

9.D. Indian River County Sheriff Eric Flowers re: Annual Fiscal Report for the Year Ended September 30, 2021

Indian River County Sheriff Eric Flowers presented a check in the amount of \$1,036,015.73, and discussed his first year as Sheriff. He then requested that \$660,287 be returned as a budget amendment to cover Covid-related purchase orders which were still outstanding.

County Administrator Jason Brown thanked Sheriff Flowers for his cooperation, and noted that typically funds were not rolled over. In light of Covid-related delays, however, an exception would be made.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to accept the Annual Fiscal Report for the Sheriff's Office for the Year Ended September 30, 2021. Additionally, staff was directed to return to the Board with a Budget Amendment for the rollover of funds. The motion carried by the following vote:

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

9.E. Indian River County Property Appraiser Wesley Davis re: Annual Fiscal Report for the Year Ended September 30, 2021

Indian River County Property Appraiser Wesley Davis presented a return of \$106,572.00 to the taxpayers, even in light of budget cuts. He credited investments in technology which allowed staff to process information more expediently.

Mr. Davis continued by highlighting metrics from the Property Appraiser's revamped website which was responsible for reducing his department's operating costs. He also provided a handout which translated the return on investment the technology had provided.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to accept the Annual Fiscal Report for the Property Appraiser's Office for the Year Ended September 30, 2021. The motion carried by the following vote:

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

10. PUBLIC ITEMS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

A. PUBLIC HEARINGS

10.A.1.

Public Hearing and Discussion of 2021 Redistricting of County Commissioner Districts

County Attorney Dylan Reingold referred to staff's memo dated November 2, 2021, which provided a recap of the efforts related to redistricting thus far. Attorney Reingold then turned the meeting over to Paige Lester, GIS Analyst, who presented Proposal 1B which implemented revisions approved by the Board during the October 19, 2021 BCC meeting.

Attorney Reingold returned with a summary of community concerns expressed at the workshop held in the Gifford community on November 1, 2021. He concluded that the concerns raised extended beyond the scope of redistricting, and vowed to continue meeting with community leaders.

County Administrator Jason Brown discussed the comments voiced regarding changes to the geographical boundaries of Gifford on the Census Designated Place map. He sought to clarify the basis for staff's actions, and stated his intent to work in collaboration with Gifford community leaders to improve their community.

The Chairman opened the public hearing.

The following residents addressed the Board:

Anthony Stewart, Southern Christian Leadership Conference
Valerie Brant-Wilson
Ed Dodd, Mayor, Sebastian
Freddie Woolfork, Director, Progressive Civic League of Gifford

In response to a request from Mr. Stewart concerning incorporated townships, Vice Chairman O'Bryan agreed to direct staff to contact Indian River County's State Representatives regarding the possibility of incorporating Gifford into a town, as well as having Attorney Reingold research the matter.

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

The Commissioners provided final comments; there were no changes to redistricting Proposal 1B.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Alternate Plan 1B for final adoption at the December 7, 2021 Board meeting. Additionally, the County Attorney was directed to research laws pertaining to the establishment of Gifford as an Incorporated Township, as well as contacting State Representatives for direction on legislative avenues to establish Gifford Township. The motion carried by the

following vote:

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

10.A.2. Miscellaneous Budget Amendment 012

Management and Budget Director Kristin Daniels referred to staff's memo dated October 30, 2021, as she presented Budget Amendment 12. She noted that the State statute required a public hearing whenever the budget was amended using cash.

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

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Resolution 2021-075, amending the Fiscal Year 2020-2021 Budget. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

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.

Resolution to Adopt Water, Sewer, and Reclaimed Rates, Fees, and Other Charges

Matt Jordan, Interim Director of Utility Services, presented the proposed three (3) percent utility rate increase based on the Consumer Price Index, as recommended by a rate study performed by Raftelis Financial Consultants. The Board was in agreement that the increases were modest and reasonable.

In response to a question from Commissioner Flescher, Utility Finance Manager Cindy Corrente advised that 95 percent of County residents were able to have their water meters read electronically. Ms. Corrente informed of the efforts to notify residents of the rate increase, as well as planned technology improvements.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Resolution 2021-076, establishing revised Indian River County Department of Utility Services (IRCDUS) rate schedule. The motion carried by the following vote:

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

13. COUNTY ATTORNEY MATTERS**13.A.**

Solar Facilities Land Development Regulation

County Attorney Dylan Reingold reported on Senate Bill (SB) 896, enacted during the 2021 Legislative session, which required solar facilities to be a permitted use in all agricultural zoning districts in unincorporated areas. He advised that the County currently allowed solar facilities as a special exception use, and that he would need the Board's approval to return with an Ordinance which would bring the County into compliance with SB 896.

Chairman Flescher noted that the latest Florida Power and Light (FPL) solar field required only approval from the Planning and Zoning Commission due to this new legislation.

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

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

13.B. Chapter 164 Mediation Update

County Attorney Dylan Reingold discussed the latest developments in the ongoing dispute resolution process with the City of Vero Beach (City) regarding provision of water and sewer services to Indian River Shores. In a letter to the County dated October 25, 2021, the City sent notice that it wanted to move to the mediation phase of the resolution process.

Attorney Reingold advised the Board that based on his interpretation of the State statutes, the decision to move forward with mediation should be discussed during a public meeting rather than in a letter. He believed a public meeting also would allow clarification of the County's position, and he recommended scheduling another public meeting.

Board discussion ensued with support expressed for Attorney Reingold's suggestion for an additional meeting with the City.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to approve the County Attorney's recommendation to schedule an additional meeting with the City of Vero Beach. The motion carried by the following vote:

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

13.C. Affordable Housing Advisory Committee Alternate

County Attorney Dylan Reingold presented the recommendation to add an alternate position to the Affordable Housing Advisory Committee (AHAC) in an effort to ensure there were enough members to reach a quorum. Staff recommended Beth Mitchell to serve as the Planning and Zoning Commissioner alternate on the AHAC.

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

13.D. Affordable Housing Advisory Committee Appointment - Not-for-Profit Provider of Affordable Housing

Attorney Dylan Reingold informed that Sheryl S. Vittoe had resigned from her position on the Affordable Housing Advisory Committee (AHAC). He recommended waiving the 30-day wait-time to appoint a new member in light of year-end State deadline requirements. Staff recommended Jeff Francisco to fill the position of the citizen who is actively engaged as a not-for-profit provider of affordable housing on the AHAC.

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

13.E. Affordable Housing Advisory Committee Appointment - citizen who is a real estate professional in connection with affordable housing

County Attorney Dylan Reingold presented staff's recommendation for Kenneth "Chip" Landers, Jr. to fill the vacant position of citizen who is a real estate professional in connection with affordable housing on the Affordable Housing Advisory Committee.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, 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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

14.A.1. Discussion on Indian River County Joining the Small County Coalition

Chairman Flescher referred to his memo dated November 2, 2021, which provided the details and rationale for having the County join the Small County Coalition.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Indian River County joining the Small County Coalition as a participating member. The motion carried by the following vote:

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

Following the decision to join the Small County Coalition (Coalition), Chairman Flescher sought to secure committee appointments. He recommended Legislative Affairs and Communications Manager Kathleen Keenan to serve as the Staff Representative.

Commissioner Adams volunteered to serve as the Committee Representative, and recommended Commissioner Earman to serve as the Committee Alternate. Commissioner Earman spoke favorably of the Coalition's work.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve appointing Commissioner Adams as the Committee Representative, Commissioner Earman as the Committee Alternate to the Small County Coalition's (SCC) Board of Directors, plus Legislative Affairs and Communications Manager Kathleen Keenan as the Staff Representative to the SCC. The motion carried by the following vote:

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

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

14.B.1.

FAU Harbor Branch Oceanographic Institute's 50th Anniversary

Vice Chairman O'Bryan proposed making a one-time contribution to Florida Atlantic University (FAU) Harbor Branch Oceanographic Institute in honor of its 50th Anniversary. The Vice Chairman noted that the Institute was a valued community partner which provided important information regarding the Indian River Lagoon.

The Board expressed agreement that the one-time contribution was warranted.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve a one-time donation in the amount of \$2,500 in support of FAU Harbor Branch Oceanographic Institute's 50th Anniversary. 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

14.C.1. Proposed Broadband Resolution

Commissioner Adams requested support of the Florida Association of Counties' Access 67 Broadband Initiative which sought to provide access to high speed internet throughout Florida.

The Commissioners expressed support for the Resolution of Support.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve Resolution 2021-077, supporting the Florida Association of Counties' Access 67 Initiative for affordable and reliable high-speed internet throughout Florida. The motion carried by the following vote:

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

D. Commissioner Joseph H. Earman**E. Commissioner Laura Moss****15. SPECIAL DISTRICTS AND BOARDS**

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

A. Emergency Services District**B. Solid Waste Disposal District**

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Solid Waste Disposal District Budget Workshop Minutes of July 14, 2021; the Preliminary Budget Hearing Minutes of September 15, 2021; and the Final Budget Hearing Minutes of September 22, 2021. The motion carried by the following vote:

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

15.B.1. Approval of Budget Workshop Minutes July 14, 2021

Approved

15.B.2. Approval of Minutes Preliminary Budget Hearing of September 15, 2021

Approved

15.B.3. Approval of Minutes Final Budget Hearing of September 22, 2021

Approved

15.B.4. Approval for Sale of SWDD Property to MWI

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, presented Moving Water Industries' (MWI) offer to purchase 10 acres of a 39.75 acre County-owned parcel adjacent to their existing property located at 7577 SW 9th Avenue. Director Mehta explained that MWI planned to expand their manufacturing facility and add new jobs; he also detailed the three factors used to evaluate the purchase offer and recommended approval.

Chairman Flescher expressed excitement for MWI's expansion.

Marc Boudet, Vice President of Sales, MWI, discussed MWI's expansion plans

Valerie Brant-Wilson, County resident, spoke in support of additional manufacturing jobs

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

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

15.B.5. Amendment No. 3 to Sitecrafters of Florida

There was no discussion regarding this item.

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

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

C. Environmental Control Board**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:04 p.m.