



Indian River County Florida

Meeting Minutes - Draft

Board of County Commissioners

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

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

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

Tuesday, April 13, 2021

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found at the end of 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

Associate Minister Scott Blount, Vero Christian Church

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: 5.A.1. Vice Chairman O'Bryan requested the Board's indulgence as he added an unnamed item to the 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.1. Happy Birthday to Chairman Flescher

Chairman Flescher was surprised with a heartfelt rendition of *Happy Birthday to You*, sung by Maya Miller, Traffic and Engineering Division.

No Action Taken or Required

5.A. Presentation of Proclamation Honoring Ella Goodman on Her Retirement from the Indian River County Sheriff's Office

Chairman Flescher read and presented the Proclamation to Ms. Ella Goodman in honor of her thirty years of service with the Indian River County Sheriff's Office. The Chairman shared his early experience meeting Ms. Goodman ("Miss Ella") and her positive influence on everyone she encountered. Ms. Goodman thanked the Commissioners, Indian River County Sheriff Eric Flowers, and the Sheriff's Deputies who were on hand to support her. Sheriff Flowers congratulated Ms. Goodman on behalf of the Sheriff's Department, noting she would be missed by all.

Read and Presented

5.B. Presentation of Proclamation Recognizing National Public Safety Telecommunications Week - April 11 - 17, 2021

Commissioner Earman read and presented the Proclamation to a group of Indian River County Sheriff's Office Public Safety Dispatchers, and expressed his respect for their work. Chairman Flescher spoke of the critical role dispatchers play in keeping citizens safe.

Robyn Candarini, Indian River County Sheriff's Office Dispatch Administrator, spoke in support of a Federal bill which would reclassify dispatchers from administrative personnel to first responders. Indian River County Sheriff Eric Flowers supported reclassification legislation.

Vice Chairman O'Bryan requested that Legislative and Communications Manager Kathleen Keenan add the reclassification issue to the next County Legislative Priorities List. Chairman Flescher supported creating a Resolution of Support for the issue as well. County Administrator Jason Brown informed that the State Senate had passed a bill allowing first responders to participate in the state pension plan.

Read and Presented

6. APPROVAL OF MINUTES**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** Final "State Approved" Indian River County Local Housing Assistance Plan for Fiscal Years 2021-2022, 2022-2023, and 2023-2024

No Action Taken or Required

- 7.B.** Residential Paper Shredding Event on Saturday, April 17, 2021
- Recycling Education Director Sue Flak provided details of the paper shredding event which was free to the public.

Vice Chairman O'Bryan thanked Waste Management for covering the \$5-per-car fee.

No Action Taken or Required

- 7.C.** Environmental Control Hearing Board Committee Resignation-Vacancy

No Action Taken or Required**8. CONSENT AGENDA**

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, 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.** Jody H. Oliver's Request for Affidavit of Exemption Approval with Dedications to the County [AOE-20-02-01 / 2019080148-85940] (Burlingham AOE)

Approved staff's recommendation

- 8.B.** FDOT Small County Outreach Program (SCOP) Agreement and Resolution for Construction and Construction and Engineering Inspection (CEI) Services for Milling and Resurfacing 6th Avenue from SR-5/US-1 to 21st Street - Project No. IRC-1638, FM No. 438074-1-54-01

Approved staff's recommendation and Resolution 2021-028, authorizing the Chairman's execution of Small County Outreach Program (SCOP) Agreement with the Florida Department of Transportation for Construction (milling and resurfacing) and Construction Engineering Inspection (CEI) services for 6th Avenue from SR-5/US-1 to 21st Street.

- 8.C.** CR 512 Bridge Repairs (FDOT #884078 & #884079) Release of Retainage and Change Order No. 1, IRC-1727

Approved staff's recommendation

- 8.D.** FDEP Grant Agreement 21IR1 (Vero Beach Restoration - Sector 5 Construction and Monitoring)

Approved staff's recommendation

- 8.E.** Approval of Egret Marsh Slide Gate Replacement Project Construction Contract with Costello Brothers Marine Construction, Inc
Approved staff's recommendation
- 8.F.** FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 2 for 66th Avenue Roadway Widening (49th Street to 69th Street) FM No. 436379-1-54-01;436379-1-54-02 (IRC-1505)
Approved staff's recommendation and Resolution 2021-029, authorizing the Chairman's execution of Transportation Regional Incentive Program Supplemental Agreement No. 2 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.G.** 43rd Avenue Bridge Replacement Over S. Relief Canal (IRC-2014), Amendment No. 1 to Work Order No. 33 with Kimley-Horn and Associates, Inc.
Approved staff's recommendation
- 8.H.** The Reserve At Grand Harbor, Plat 33 - Request for 2-Year Extension to Final Lift of Asphalt Contract - Developer: GH Vero Beach Development LLC
Approved staff's recommendation
- 8.I.** Cove At Falcon Trace PD Plat 1 - Request for 2-Year Extension to Final Lift of Asphalt Contract - Developer: D.R. Horton, Inc.
Approved staff's recommendation
- 8.J.** Work Order #9 Well Abandonment and Additional Testing
Approved staff's recommendation
- 8.K.** Final Pay TLC Diversified, Inc. for South County Reverse Osmosis Water Treatment Plant Blower Replacement
Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

County Attorney Dylan Reingold read the notices of public hearing into the record.

- 10.C.1.** Notice of Public Hearing Scheduled for April 20, 2021: Consideration of an Ordinance to Amend the Zoning and accompanying Zoning Map for approximately ±40.25 acres located south of and adjacent to 26th street approximately ±775 feet east of 66th avenue and approximately ±700 feet west of 58th avenue and north of the Indian River Mall, from PDTND, Planned Development Traditional Neighborhood Design, to RM-8, Multiple Family Residential District (up to 8 units per acre). (Quasi-Judicial)

No Action Taken or Required

- 10.C.2.** Notice of Scheduled Public Hearing for April 20, 2021 for a Proposed FPL Solar Energy Site (**Quasi-Judicial**)

No Action Taken or Required

- 10.C.3.** Notice of Scheduled Public Hearing on April 20, 2021, to Consider North Sebastian Water and Sewer Phase 2, Resolution III (Legislative)

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** Update Regarding COVID-19 Vaccinations

County Administrator Jason Brown provided an update on the status of COVID-19 vaccinations. He reported that 88 percent of County residents age 65 and older, and more than 44 percent of all other residents had been vaccinated. Administrator Brown noted that the County-administered vaccination rate had slowed due to the availability of additional private outlets and lessened demand. He continued by reporting that all of the wait list registrants had been scheduled, and that the fairgrounds' mass-vaccination site would soon close with the Health Department offering walk-in vaccinations instead.

Vice Chairman O'Bryan gave a favorable account of his vaccination experience at the fairgrounds. Commissioner Earman thanked staff for their dedication.

No Action Taken or Required

- 11.B.** American Recovery Plan Act of 2021 - Proposed Spending Plan

County Administrator Jason Brown presented the initial spending plan for the first round of funding from the American Recovery Plan (ARP) Act of 2021. He noted that the County and the municipalities would each receive their own allocation of ARP funds directly.

Administrator Brown referred to staff's memorandum of April 5, 2021, as he recounted specifics of the allocations in each of five (5) spending categories. He

added that with limited federal government guidelines, the County chose to focus on long-term improvements in order to transition past emergency aid.

Commissioner Moss expressed disappointment that nonprofit organizations were not included in the distribution of funds. She proposed \$1,000,000 be made available to qualified 501(c)(3) groups to assist with operating costs, and suggested using the Small Business Assistance Program criteria as a model. The Commissioner reported that the Regional Director of the Florida Small Business Development Center at Indian River State College (FSBDC at IRSC), Tom Kindred, would process the applications for free.

Lengthy discussion ensued on the topic of nonprofit funding as each Commissioner offered their input on subjects including the criteria for distributing funds, inclusion of the County's municipalities, and the role of outside consultants.

Chairman Flescher expressed concern with putting staff in a position of playing favorites by having to decide which of the County's almost 700 registered nonprofits would receive funding.

County Administrator Jason Brown concurred with the need to specify an impartial manner to process applications because nonprofits could not be filtered in the same way as small businesses.

Commissioner Earman voiced unease that some worthy nonprofit 501(c)(4) entities, like the Firefighter's Fair, would be excluded under the current criteria. He too was unconvinced that Commissioner Moss' proposal contained an objective method to choose among the hundreds of organizations.

Vice Chairman O'Bryan proposed vetting and verifying applicants by selecting only those which had done business with the County or the United Way in the last ten (10) years. He also supported limiting grants to those entities headquartered in the unincorporated County since the municipalities would receive their own ARP funds to distribute.

Commissioner Adams opened her comments by advocating for additional mental health and substance abuse funding to help manage the aftereffects of the pandemic. Regarding nonprofits, she favored focusing on those who had not yet received assistance, and listed additional documentation, such as financial statements and future plans, that should be required.

Commissioner Moss agreed on the need for more defined criteria, noted that religious organizations would be ineligible, suggested awarding grants in the amount of \$5,000, and also mentioned incorporating criteria parameters from Mr. Kindred of the

FSBDC. The Commissioners and staff were not in favor of having an outside entity like the FSBDC decide County policy, and were wary of the offer for free application processing.

Administrator Brown requested direction from the Board on the total funding amount, and advised that staff would return to a future meeting with criteria for the Board's approval.

Discussion returned to funding only those entities headquartered in the unincorporated areas of the County, and directing other nonprofits to approach their respective municipalities first for relief. Commissioner Moss suggested disallowing organizations to receive ARP funds from both their city and the County. Chairman Flescher requested staff return with a list of all nonprofits which met the criteria for ARP grants to better evaluate the financial scope.

Commissioner Adams was in favor of providing \$500,000 of ARP funds for grants to nonprofit organizations, an additional \$500,000 for mental health assistance, and to have staff return with criteria culled from the discussion for Board approval. Administrator Brown relayed staff's suggestion to fund the motion by reallocating \$500,000 from housing initiatives and \$500,000 from broadband improvement.

Heather Stapleton, Executive Director, Vero Heritage, thanked the Board and noted that nonprofits required multiple avenues of assistance to survive.

Janie Hoover, President, Main Street Vero Beach, acknowledged that the need was always greater than the resources available to help. She thanked the Board for the inspiration to approach the City of Vero Beach for funding.

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve staff's recommendation with the modification to reallocate \$500,000 from housing initiatives and \$500,000 from the broadband improvements to be used for additional mental health assistance and grants for small, nonprofit organizations. Additionally, staff was directed to work on criteria for nonprofit grant disbursement based on the Commissioner's comments and return to the Board with their recommendation. The motion carried by the following vote:

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

The Chairman called for a recess at 11:10, and reconvened the meeting at 11:20, with all members present.

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****12.G.1.**

Designation of Trane U.S. Inc., as Sole Source Provider for HVAC Control Systems, System Refurbishments, and Equipment Replacement

Vice Chairman O'Bryan requested that the Budget Department keep track of how much business was being awarded to sole source providers. He acknowledged that there were instances where sole source providers were necessary, but was also cautious of the exception becoming the rule.

A motion was made by Commissioner Earman, 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

H. Utilities Services**13. COUNTY ATTORNEY MATTERS****13.A.**

Acquisition of Right-Of-Way for Phase II of 66th Avenue Improvements - Jeta Ranch, LLC - 66th Avenue, Parcel 129

Susan Prado, Assistant County Attorney, referred to staff's memorandum of April 7, 2021 as she pointed out the area of take and the make-goods negotiated for the portion of Jeta Ranch, LLC needed for the 66th Avenue widening project.

A motion was made by Commissioner Adams, 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.

Request for Waiver of Interest on Demolition Lien - Unity Development Investments, LLC

Deputy County Attorney Bill DeBaal recounted details of the overdue liens attached to a vacant parcel located at 8720 92nd Avenue. He appeared before the Board on behalf of a potential buyer, Mr. Juan Ortega, who requested a waiver of the interest accrued on the demolition lien.

Mr. Juan Ortega, Unity Development Investments, LLC, (Unity) appeared via Zoom and explained that his company was attempting to clear title to the property. He requested the Board's approval to waive 90% the accrued interest, and Unity would pay the demolition lien plus the remaining 10% interest.

Vice Chairman O'Bryan received confirmation that the property was not homesteaded since it was vacant land. He then questioned whether the County could foreclose on the property and then sell it to Mr. Ortega. Attorney DeBaal advised that it could be done, but the process took several months and there were associated costs. The Commissioner expressed discomfort that the property owner would profit from the lot's sale after failing to pay multiple liens and the property taxes.

Vice Chairman O'Bryan then requested that staff be more proactive in foreclosing on properties which had long-standing liens so as not to reward the bad behavior of negligent owners. County Attorney Dylan Reingold noted that historically the County had been reluctant to pursue foreclosure in those cases. He agreed to work with staff to implement the Commissioner's request by identifying non-homesteaded properties which had overdue demolition and/or code enforcement liens.

A motion was made by Commissioner Adams, 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

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph E. Flescher, Chairman**
- B. Commissioner Peter D. O'Bryan, Vice Chairman**
- C. Commissioner Susan Adams**
- D. Commissioner Joseph H. Earman**
- E. Commissioner Laura Moss**

14.E.1. Naming of Pavilion at Jones Pier Conservation Area to Ruth Stanbridge Educational Pavilion

Commissioner Laura Moss brought forward a suggestion to rename the educational pavilion at Jones' Pier Conservation area in honor of Ruth Stanbridge, President of the Indian River County Historical Society. Commissioner Moss recounted Ms. Stanbridge's history of service to the County.

Commissioner Adams expressed appreciation for the fortuitous nature of

Commissioner Moss' suggestion, as she had been working with staff to honor Ms. Stanbridge upon completion of the Jones' Pier restoration. She read from a prepared statement honoring Ms. Stanbridge for her advocacy in preserving historically and environmentally unique locations throughout Indian River County.

Chairman Flescher described Ms. Stanbridge as a driving force behind maintaining the singular nature of Indian River County's historical sites. He entered into discussion with Commissioner Adams regarding whether the scope of the honor matched the magnitude of Ms. Stanbridge's contributions to the County. Commissioner Adams agreed that Ms. Stanbridge had wide-reaching interests, but felt the location and timing presented a perfect opportunity.

Commissioner Earman questioned if the Jones' Pier pavilion was broad enough a project to honor Ms. Stanbridge, but did support the recommendation.

Vice Chairman O'Bryan suggested renaming a portion of the Jungle Trail for Ms. Stanbridge, since that location was so closely associated with her. He too supported the pavilion renaming.

The following people spoke in appreciation for Ms. Stanbridge's dedication to preserving the history of Indian River County:

Freddie Woolfork, Gifford Youth Achievement Center
Joseph Paladin, Real Estate Developer
Richard Baker, Pelican Island Audubon Society

Ruth Stanbridge thanked staff for their assistance in turning her preservation ideas into reality.

Beth Powell, Assistant Director, Parks and Conservation Resources, described Ms. Stanbridge a visionary for the County, and spoke of her involvement in preserving the Jungle Trail.

A motion was made by Commissioner Moss, seconded by Commissioner Adams, to approve naming the pavilion at Jones' Pier Conservation Area the Ruth Stanbridge Educational Pavilion. The motion carried by the following vote:

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

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

The Board of County Commissioners 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.

B. Solid Waste Disposal District

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the January 19, 2021 and February 02, 2021 Solid Waste Disposal District Meeting Minutes 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.B.1. Approval of Minutes Meeting of January 19, 2021

Approved

15.B.2. Approval of Meeting Minutes February 02, 2021

Approved

15.B.3. Approval of Work Change Directive and Final Pay to Summit Construction of Vero Beach, LLC

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

15.B.4. Approval of Final Pay to Timothy Rose Contracting, Inc.

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 12:14 p.m.