



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

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

Tuesday, April 5, 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 Joe Moore, Rivers of Living Water Rhema Word Ministries, Inc.

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 5.B. to be heard prior to Item 5.A.

Moved: Item 14.B.1. to be heard following Item 5.E.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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 Designating the Month of April, 2022 as Child Abuse Prevention Month

Joe Walsh, Exchange Club of the Treasure Coast, appeared with fellow Exchange Club members to accept the Proclamation and discuss the Club's mission to raise funds to aid in the prevention of child abuse.

Matt Markley, CEO, Hibiscus Children's Center, thanked the Board for their support, and discussed the programs and facilities the organization provides to children and teens in Indian River County.

Read and Presented by Commissioner Adams

5.B. Presentation of Proclamation Designating April 22, 2022 as Earth Day 2022

Sue Flak, Recycling Education Coordinator, represented a group from the Solid Waste Disposal District in receiving the Proclamation. She detailed the upcoming events planned in celebration of Earth Day, including appearances by recycling mascot Carter, who was also present. At the Chairman's request, Ms. Flak provided an update on the success of the Fellsmere Fridge food bank program which diverts good food to the community.

Read and Presented by Vice Chairman Earman

5.C. Presentation of Proclamation Designating April 24-30, 2022, as Crime Victims' Rights Week in Indian River County

Indian River County Victims' Rights Coalition Chairman Paul Zelno accepted the Proclamation and described the services the Coalition provides to victims of crimes. He announced details of the April 28, 2022 Victims' Rights Vigil at Veteran's Memorial Island Sanctuary.

Indian River County Sheriff Eric Flowers expressed appreciation for the Board's support in considering the difficulties of crime and abuse victims. Commissioner Flescher thanked the all-volunteer Victims' Rights Coalition, and the many volunteers throughout the County.

Read and Presented by Commissioner Flescher

5.D. Presentation from Parabel

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, introduced representatives from a food-tech startup which was expanding in the County.

Frank Jimenez, CEO, Parabel Nutrition, Inc., utilized a video and PowerPoint slides to inform the Board of the company's aquaculture plant business in Fellsmere. He provided details of Parabel's business model which planned to produce sustainable plant-based nutrition through the harvesting and processing of Lemnaceae (water lentils). Mr. Jimenez estimated a June opening for Parabel's new production facility.

Juli D'Aloia, Chief Human Resources Officer, advised that the company had many job openings which encompassed a variety of skill levels.

Presented**5.E.** Presentation by the Nopetro Eco District, LLC: Update on Design and Development of the Renewable Natural Gas Plant

Alain Castro, Managing Partner, Indian River Eco-District (IREDD), addressed the Board regarding the IREDD's renewable natural gas (RNG) production facility before introducing Jorge Herrera, CEO, Nopetro LLC. Mr. Herrera continued with a PowerPoint presentation which provided information on the renewable natural gas industry, site logistics, production methods, plans for the Nopetro Eco-District partnership, and strides made to the County's contribution of conforming gas.

Chairman O'Bryan entered into discussion with Mr. Herrera and received clarification on the analysis of the County's gas contribution, as well as details of the construction and capacity for the planned Nopetro RNG conversion facility. The Chairman also received confirmation that Nopetro expected to meet its planned June 2023 start date.

Himanshu Mehta, Managing Director, Solid Waste Disposal District, discussed plans to meet the required quality specifications for the landfill gas the County would supply for conversion to natural gas. Director Mehta also provided an update to the Board on his department's leachate removal project. Commissioner Adams added her support for the project.

Mr. Herrera noted that his company planned for a long-term partnership with the County and commended staff for their work. Mr. Castro closed the presentation with a projected vision for the future of the RNG project.

Presented

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of February 1, 2022 and February 8, 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 February 1, 2022

Approved

6.B. Regular Meeting of February 8, 2022

Approved

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

7.A. Indian River County Venue Event Calendar Review

Chairman O'Bryan mentioned the Denim & Diamonds Veteran's Fundraiser, free paper shredding, Easter events, the marine flea market, and the Vero Beach Air Show in April.

No Action Taken or Required

8. CONSENT AGENDA

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

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

8.A. Checks and Electronic Payments February 11, 2022 to February 17, 2022

Approved

8.B. Checks and Electronic Payments February 18, 2022 to February 24, 2022

Approved

8.C. Checks and Electronic Payments February 25, 2022 to March 3, 2022

Approved

8.D. Checks and Electronic Payments March 4, 2022 to March 10, 2022

Approved

- 8.E.** Checks and Electronic Payments March 11, 2022 to March 17, 2022
Approved
- 8.F.** Checks and electronic payments March 18, 2022 to March 24, 2022
Approved
- 8.G.** Fourth of July Fireworks Funding
Approved staff's recommendation
- 8.H.** Designation of Excess Equipment as Surplus and Disposal Authorization
Approved staff's recommendation
- 8.I.** Approval of On-Airport Lease and Aircraft Rescue and Firefighting (ARFF) Agreement between the City of Vero Beach and Indian River County Emergency Services District
Approved staff's recommendation
- 8.J.** Work Order No. 3 - Southeastern Surveying and Mapping Corporation, IRC-1817, Indian River Blvd. Resurfacing Project (17th Street to US 1)
Approved staff's recommendation
- 8.K.** Approval of Change Order #s 1, 2 and 3 for Egret Marsh Algal Turf Scrubber Influent Feed System Replacement (IRC Bid 2021049)
Approved staff's recommendation
- 8.L.** GRBK GHO Lucaya Pointe, LLC's Request for Final Plat Approval for a Plat-Over Site Plan Development to be known as Lucaya Pointe Phase 1 [SD-19-05-03 / 2005120072-90006]
Approved staff's recommendation
- 8.M.** Children's Services Advisory Committee's Recommendation of Request for Proposal, Grant Application and Agency Grant Contract for FY 2022-2023
Approved staff's recommendation
- 8.N.** Approval of Renewal of a Class "B" Certificate of Public Convenience and Necessity from Coastal Care Corporation DBA Cleveland Clinic Advanced Medical Transport
Approved staff's recommendation
- 8.O.** Request to Piggy-Back Martin County Bid Process for Caustic Soda Chemicals
Approved staff's recommendation

- 8.P.** CCNA Work Order No. 7 with Tetra Tech for the Industrial Wastewater Pretreatment Local Limits Evaluation
- Approved staff's recommendation**

The Chairman called for a recess at 10:55 a.m., and reconvened the meeting at 11:05 a.m., with all members present.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

NOTICE OF PUBLIC HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

- 10.A.1.** ADOPTION HEARING: County Initiated Request to Amend the Text of the County's Comprehensive Plan to add a new Chapter 13 Property Rights Element. (Legislative)

Chief of Long Range Planning John Stoll referred to a PowerPoint presentation which explained the Comprehensive Plan text amendment process. Chief Stoll stated this was the second required public hearing, following the transmittal public hearing on January 18, 2022, where the amendment was approved for transmittal to State agencies for review. He added that no comments were received from any of the reviewing agencies, and recommended the Board adopt the proposed Ordinance.

Chairman O'Bryan received confirmation from Chief Stoll that this text amendment was required by the State, and that the Ordinance used the State model language.

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

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to adopt Ordinance 2022-004, amending the County's Comprehensive Plan by creating a Property Rights Element in order to meet updated statutory requirements; and providing codification, severability, and effective date. 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.** Public Notice of Public Hearing for April 12, 2022, for Ordinance Amending Section 312.11 "Performance Security" of the Indian River Code of Ordinances

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** Appeal of a Decision of a County Officer -- Deborah Cooney

County Administrator Jason Brown detailed Deborah Cooney's application for the County's Small Business Recovery Grant, which was denied, and her subsequent appeal. He affirmed his recommendation to deny the appeal and let stand the rejection of her application based on submittal past the deadline, and the determination that the application claimed non-covid-related business damages.

Ms. Cooney was not present to comment on her appeal.

County Attorney Dylan Reingold confirmed for Commissioner Moss that Ms. Cooney received acknowledgement of her appeal request and was informed of its scheduled date; he noted that her absence did not affect the proceeding. Commissioner Flescher received confirmation that there was no information in Ms. Cooney's late-submittal documents which would change the Administrator's determination.

A motion was made by Vice Chairman Earman, 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

12. DEPARTMENTAL MATTERS**A. Community Development****B. Emergency Services****C. General Services****D. Human Resources**

E. Information Technology

12.E.1

Continuation - County Websites, Domains, and Internet-Based Services

Dan Russell, Information Technology Director, appeared before the Board to provide follow up to the April 20, 2021 meeting where his department was directed to consolidate the County's websites, secure the "indianriver.gov" domain name, and to modernize the County's web presence.

Scott Johnson, Webmaster, continued the presentation with PowerPoint slides which provided an executive summary of staff's action plan to create an engaging, informative website; implement a Content Management System (CMS) which would allow staff to update content; public communication initiatives; and features to enhance the user interface. He concluded with estimated costs for the specifications, and requested approval to include funding for the upgrades in the 2022/23 fiscal year budget.

Chairman O'Bryan received information regarding the CMS and oversight for content sharing. Commissioner Moss expressed interest in content tagging, the search utility, and a tourism page that linked to the municipalities. Commissioner Adams received information on the impact of switching to a new domain name, and an estimated six to nine month timeline to implement the changes.

Vice Chairman Earman suggested issuing a budget amendment to the 2021/2022 fiscal year budget so that work on the new website could begin without delay. County Administrator Jason Brown agreed that a funding advance was achievable.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation as amended, to allow staff to request an amendment to the 2021/22 fiscal year budget which would permit immediate implementation of 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

F. Office of Management and Budget

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Affordable Housing Advisory Committee - Planning and Zoning Commission Member and Alternate

County Attorney Dylan Reingold advised the Board of changes to the Planning and Zoning (P&Z) Commission's member on the Affordable Housing Advisory Committee (AHAC). He reported that Beth Mitchell was no longer able to serve as alternate, and that Curtis Carpenter volunteered to switch from member to alternate member. The P&Z Commission recommended Mark Mucher to fill Mr. Carpenter's vacated seat as the P&Z Commission member on the AHAC.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1.

Request from Vero Beach Wine & Film Festival to use Commission Chambers

Chairman O'Bryan presented a request from the Vero Beach Wine and Film Festival to utilize the Commission Chambers to show films from June 9th-12th, 2022. He indicated once the schedule was finalized, County Administrator Jason Brown would calculate the non-profit user fee in addition to any staff time.

Commissioner Moss received clarification that there was not a set price list for using the Commission Chambers, and each request was evaluated independently. Commissioner Adams received confirmation that the fees would cover cleaning and staff to run equipment.

Chairman Flescher inquired why the Intergenerational Recreation (IG) Center was not being used. Chairman O'Bryan responded that the equipment was not up to par, and further that the Film Festival organizers wanted to keep the venues as close to downtown as possible.

Discussion continued with Kelly Kite, Board Member for the Festival, who confirmed the planners' desire to have events as close to the center of downtown as possible. Susan Keller Horn, co-founder of the Festival, discussed other attributes of the Commission Chambers which made it an ideal location for screenings. Board and staff discussed parameters for using the Chambers, steps staff would take to limit guests from moving about the building, and considerations needed for the equipment.

A motion was made by Commissioner Moss, seconded by Chairman O'Bryan, to approve allowing the Vero Beach Wine and Film Festival's use of Commission Chambers from June 9-12, 2022. The motion carried by the following vote:

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

14.A.2.

Appointment of Vice Chair Earman to Medical Examiner's Building Advisory Committee

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

Chairman O'Bryan nominated Vice Chairman Earman to take over the Chairman's role of County representative to the Medical Examiner's Building Advisory Committee, as his tenure was expected to end before the issue was resolved. He noted that Vice Chairman Earman, as the alternate representative, was familiar with the issue and would provide an update following this appointment.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve the appointment of Vice Chairman Earman to the Medical Examiner's Building Advisory Committee. 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

14.B.1.

Update on Medical Examiner's Advisory Task Force Regarding a New Medical Examiner's Office

[Clerk's Note: This item was heard following Item 14.A.2.]

Vice Chairman Earman shared the Medical Examiner's Advisory Task Force presentation regarding the need for a new Medical Examiner's office which served Indian River, Martin, Okeechobee, and St. Lucie Counties. The slides showed the future site of the new Medical Examiner's office, located in Indian River State College's Treasure Coast Public Safety Complex, which will be leased at no cost to the four counties. Also presented were future building requirements, County cost-share calculations, possible floor plans, and a cost study.

Vice Chairman Earman noted that Indian River County was responsible for 24% of the anticipated \$16 to \$20 million total cost and estimated the project would take three (3) years to reach execution. He also advised there was an initial funding request of \$200,000 for the County's portion of a Planning and Development study. The Vice Chairman discussed the need to start budgeting, possible cost-saving measures, and requested staff to draft a Resolution of Participation to send to State Senator Gayle Harrell who was helping to coordinate the project.

Dr. Patricia Aronica, Medical Examiner for the 19th District, appeared before the Board to support the need for a new office to replace the too small, ill-equipped, and outdated current location. Commissioner Flescher commended Dr. Aronica's dedication and foresight.

Commissioner Adams received confirmation that the County's estimated contribution would be \$5 million, the estimated timeline was three years to reach the start of construction, and that the \$200,000 study was an additional cost. County Administrator Jason Brown discussed possible funding assistance opportunities, and shared concerns for the costs. Chairman O'Bryan suggested setting aside funds immediately in anticipation of the County's obligation.

Discussion continued with Commissioner Moss receiving confirmation from County Attorney Dylan Reingold that Florida Statutes assigned the four counties the responsibility for construction costs, and that grant opportunities would be pursued. County Administrator Brown confirmed that public building impact fees could not be used because the building would be located outside of the County; he stated he would investigate using infrastructure sales tax funds. Chairman O'Bryan suggested pursuing an amendment to the law to utilize impact fee funds to cover the impact of growth.

Vice Chairman Earman discussed agreements among the counties, promised to confirm details of the costs, and reiterated the need for a Resolution of Participation. Commissioner Moss received confirmation from Attorney Reingold that he would reach out to the other counties and state representatives to coordinate the language in the Resolution. Commissioner Flescher commended Senator Harrell's commitment to this project.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to direct staff to 1) create a Resolution of Participation for the new Medical Examiner's Office and bring it back before the Board for approval; and 2) research amending state statutes to allow the use of Building Impact Fees to pay for the required new Medical Examiner's Office. The motion carried by the following vote:

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

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

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

A. Emergency Services District

B. Solid Waste Disposal District

15.B.1. Approval of SWDD Meeting Minutes of February 1, 2022

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve the Solid Waste Disposal District Meeting minutes of February 1, 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. Seventeenth Amendment to Republic Services

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.3. Procurement of a High Pressure Skid System

Managing Director of the Solid Waste Disposal District Himanshu Mehta provided information on the project in response to Commissioner Adams' request. Director Mehta described the upgrade to a high pressure gas control system which would be used in the leachate evaporation and renewable natural gas projects.

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

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

15.B.4. Final Pay to Geosyntec for Work Order No. 3 - Phase I Redevelopment for South Gifford Road Landfill

There was no discussion regarding this item.

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

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

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

There being no further business, the Chairman adjourned the meeting at 12:00 p.m.