



# 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

*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

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Tuesday, May 10, 2022

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

#### 2. ROLLCALL

**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

Reverend Timothy Womack, First Presbyterian Church

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan, Chairman

#### 4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the 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

#### 5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [22-0246](#) Presentation of Proclamation Designating the Month of May, 2022, as Foster Care Awareness Month

**Recommended Action:** Read and Present

**Attachments:** [Proclamation](#)

A Proclamation was presented to Michael Keen and Kenya Reinhardt with 4Kids Treasure Coast, an organization with 193 licensed foster homes in Southeast Florida covering Judicial Circuits 15, 17, and 19. Mr. Keen stated that creating awareness was the first step in increasing the vision of a home for every child.

**Read and presented by Commissioner Moss**

- 5.B. [22-0317](#) Presentation of Proclamation in Honor of the 100th Anniversary of The Indian River County Chamber of Commerce

**Recommended Action:** Read and Present

**Attachments:** [Proclamation IRC Chamber of Commerce](#)

A Proclamation was presented to the Indian River County Chamber of Commerce (Chamber) and accepted by Dori Stone, President, who was accompanied by the Chamber's staff and Board Members. Ms. Stone thanked the Board for their support and spoke of the upcoming Gala to celebrate the Chamber's 100th Anniversary. She also welcomed the Board to be a participant in the Chamber's time capsule.

**Read and Presented by Commissioner Adams**

- 5.C. [22-0377](#) Presentation of Proclamation - Designating May 21 - May 27, 2022 as National Safe Boating Week

**Recommended Action:** Read & Present

**Attachments:** [Proclamation - National Safe Boating Week](#)

Chairman O'Bryan read and presented the Proclamation to Mark Cannon with the United States Coast Guard Auxiliary Flotilla 5-6 (56) who was accompanied by several auxiliary members. Mr. Cannon described the mission of the flotilla, detailed the services they provide, and thanked the Board for recognizing the organization.

**Read and Presented by Chairman O'Bryan**

## 6. APPROVAL OF MINUTES

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of March 8, 2022, March 15, 2022, and April 5, 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.** [22-0356](#) Regular Meeting of March 08, 2022

**Recommended Action:** Approve

**Attachments:** [03082022 BCC Draft](#)

**Approved**

**6.B.** [22-0373](#) Regular Meeting of March 15, 2022

**Recommended Action:** Approve

**Attachments:** [03152022 BCC Draft](#)

**Approved**

**6.C.** [22-0374](#) Regular Meeting of April 5, 2022

**Recommended Action:** Approve

**Attachments:** [04052022 BCC Draft](#)

**Approved**

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

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.E. for discussion. The motion carried by the following vote:**

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

**8.A.** [22-0330](#) Award of Grant Consultant RFP (2022034)

**Recommended Action:** Staff recommends the Board approve the committee's final ranking of firms, award the project to Witt O'Brien's, LLC, approve the sample agreement, and authorize the Chairman to execute the agreement after the County Attorney has approved it as to form and legal sufficiency.

**Attachments:** [Staff Report](#)  
[Sample Agreement](#)

**Approved staff's recommendation**

**8.B.**     [22-0370](#)     Sole Source Designation Requests

**Recommended Action:** Staff recommends the Board of County Commissioners declare the items listed on the following table as sole source for a three-year period, and authorize the Purchasing Division to issue purchase orders in lieu of formal bids or quotes, and as funding is approved by the Budget Department.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

**8.C.**     [22-0365](#)     Modifications to Septic Hauler Agreement for the Residuals Dewatering Facility

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners approve the requested changes to the Application and Agreement for Disposal of Septage, Food Establishment Sludge, and Portable Restroom Wastewater. Staff requests that the implementation of the changes take effect June 1, 2022

**Attachments:**   [Staff Report](#)

[Draft of Application and Agreement - June 2022](#)

**Approved staff's recommendation**

**8.D.**     [22-0177](#)     GRBK GHO Bent Pine, LLC's Request for Final Plat Approval for Bent Pine Preserve Phase 2 [SD-15-01-01 / 96010108-90187]

**Recommended Action:** Staff recommends that the Board of County Commissioners grant final plat approval for Bent Pine Preserve Phase 2.

**Attachments:**   [Staff Report](#)

[Location Map](#)

[Final Plat Layout](#)

**Approved staff's recommendation**

8.E. [22-0357](#) Work Order No. 49, Kimley-Horn and Associates, Pedestrian/Bicycle Access Project

**Recommended Action:** Staff recommends approval of Work Order No. 49 to Kimley-Horn and Associates, Inc., authorizing the professional services as outlined in the Scope of Services and requests the Board authorize the Chairman to execute Work Order No. 49 on their behalf for a lump sum amount of \$268,780.

**Attachments:** [Staff Report](#)  
[Kimley-Horn Work Order 49](#)

Commissioner Moss pointed out the Indian River Boulevard Pedestrian and Bicycle Access Improvement project (project) included five-foot bike lanes which she understood was not sufficiently safe and advised the standard was changing to a seven-foot buffered bike lane. She was aware of the long approval process, but felt the County should do it right the first time, rather than to come back at a later date to correct the bike lanes.

Public Works Director Rich Szyrka commented Indian River Boulevard (IR Blvd) was not designed for, or constructed with bike lanes, he pointed out the three to four-foot shoulders along IR Blvd. He stated staff evaluated all of the roadways when doing any type of construction, to determine if adding bike lanes was feasible. He added, the Board's direction was five-foot bike lanes and staff was on board with putting in seven-foot bike lanes as long as it was feasible. He explained for this particular project, staff after much analysis, agreed that the County could add a five-foot bike lane on the existing road with minimum impacts. He spoke of the issues and possible impacts with putting in seven-foot bike lanes along IR Blvd, and concluded it was not cost feasible for this project.

Commissioner Adams sought and received confirmation from Director Szyrka that the five-foot width met the requirements for a bike lane versus an improved shoulder. He explained the Department of Transportation's (DOT) hierarchy for bike lanes ranged from seven-foot to four-foot, and confirmed the five-foot bike lane does meet the standard.

Chairman O'Bryan received confirmation from Director Szyrka that the County would put in seven-foot bike lanes when it was feasible. Director Szyrka detailed current County and DOT projects that would include seven-foot bike lanes.

Chairman O'Bryan addressed an email he had received, and relayed that the County had been working with the Bike/Pedestrian Group for over a year on this particular project. He felt staff had done a great job in reaching out to the stakeholders and working with them on these issues.

In response to a question raised by Vice Chairman Earman, Director Szyrka explained the process and costs involved to redesign the project to accommodate a seven-foot bike lane. A discussion followed on striving for seven-foot bike lanes and painting the bike lanes for greater visibility.

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

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

**Nay:** 1 - Commissioner Moss

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

### **10. PUBLIC ITEMS**

#### **A. PUBLIC HEARINGS**

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

**10.A.1** [22-0363](#) Children's Services Advisory Committee Ordinance (Legislative)

**Recommended Action:** The County Attorney's Office recommends that the Chair open the public hearing, take any public comment, close the public hearing and that the Board vote to approve the draft ordinance.

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)  
[Affidavit of Publication - Children Services Advisory Committee Ordinance Ch. 103](#)

County Attorney Dylan Reingold recalled that on March 1, 2022, the Board directed the County Attorney's Office to move forward with an ordinance to amend Part II (Children's Services Advisory Committee Chapter) of Chapter 103 (Commissions and Boards) of the Indian River County Code of Ordinances (the Code) to address the issues raised when the proposed Children's Trust special dependent district referendum was considered. One of the changes addressed as part of the process was to include business experience as a qualification for the community members appointed by the Board, and to include an increase in the millage cap from the current limit of 0.125 to 0.25. He concluded by thanking Lisa Kahle, Meredith Egan, Michael Kint, and Jeff Smith for their work on addressing this issue through the years.

Commissioner Moss referred to Section 103.22 (1) of the Ordinance and opined the Representative from the Indian River County Hospital District should not be an elected official, but someone in their administration. The Board saw no challenge in having an ex-officio Hospital District Representative, noting there were many elected officials who served on various committees. Chairman O'Bryan stated he would like to reinstate the sentence stricken in Item (1)(b) that read "Each commissioner shall appoint one member to represent his/her district". A discussion then followed on Item (4) of section 103.22, and it was determined to leave Item (4) stricken.

Chairman O'Bryan remarked in Section 103.24 Sub-committees, Item (2)(a), should be stricken noting there was not a nominating sub-committee. Commissioner Adams referred to Item (1) of Section 103.24 and suggested the sub-committee should be comprised of one member of Children's Services Advisory Committee (CSAC), who shall serve as the Chair and the remaining sub-committee members would be composed of citizens who were Indian River County residents not currently serving on the CSAC. She also wanted the following language included in Item (1), "with an effort to broadly represent the County geographically and socioeconomically". Commissioner Adams opined under Item (2)(b), the Community needs assessment and planning sub-committee should consist of no fewer than five (5) and no more than nine (9) members. She

added the sub-committee members would serve three two-year terms, and a one (1) year absence shall be required before members may re-apply to serve on the sub-committee. A discussion followed to delete sub-section (ii) under Item (2)(b) with County Administrator Jason Brown explaining there was no detail budget for each of the sub-committees' activities. Commissioner Adams recommended in Item (2)(c), the Grant Review sub-committee, the membership be comprised of no fewer than nine (9) and no more than fifteen (15) members serving three two-year terms, and a one (1) year absence shall be required before members may re-apply to serve on the sub-committee. Chairman O'Bryan went over all the comments made for Section 103.24 Sub-committee for discussion.

Commissioner Adams turned the Board's attention to Section 103.23 - Duties of the Children's Services Advisory Committee Members. She suggested including under Item (1), a sub-section for the CSAC to work with sub-committees and staff to update the CSAC Policy Handbook to be approved by the Board of County Commissioners every two years. County Attorney Reingold sought clarification and referred to Section 103.31 Procedures Handbook. He recommended including under Section 103.23, as Item 5, "Work with staff and sub-committees to review and update the procedure manual as set forth in section 103.31 of this Chapter, to be presented to the Board of County Commissioners for approval every two years. Commissioner Adams proposed adding language in Item (3), "including program updates/highlights, outcome data and performance and fiscal reports from each funded organization" and at the end of Item (4)(a), "including recommendations on best practices, programs and services to be implemented outside the RFP process".

Commissioner Moss sought and received clarification from County Attorney Reingold on Section 103.27 in regard to Items (12), (13), and (14).

Chairman O'Bryan opened the public hearing.

Lisa Kahle, on behalf of the Exploratory Committee, thanked the Board and staff for recognizing the need for investing in children of the community, and for making improvements to the CSAC.

Michael Kint, echoed Ms. Kahle's words and thanked the Board and staff for their support.

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

In response to Chairman O'Bryan's question, Commissioner Flescher felt it would be appropriate to extend the public hearing to the next meeting in order to allow the County Attorney sufficient time to make the proposed changes to the



Ordinance as discussed and bring it back for adoption at the following meeting.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to direct staff to make the recommended changes to the proposed Children's Services Advisory Committee Ordinance and continued the Public Hearing to the May 17, 2022 meeting. The motion carried by the following vote:**

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

The Chairman called a recess at 10:36 a.m., and reconvened the meeting at 10:45 a.m., with all members present.

**B. PUBLIC DISCUSSION ITEMS**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

11.A. [22-0372](#) Dasie Hope/ West Wabasso Progressive Civic Club Lease Termination and Amendment to the Health Department Agreement

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the proposed amendment to the Core Contract Agreement with the Health Department. Staff further recommends that the Board approve the necessary budget amendment to provide funding for initial improvements and operating expenses for the remainder of the current fiscal year totaling \$310,000

**Attachments:** [Staff Report Dasie Hope / FDOH](#)  
[Letter from FDOH & Core Contract Amend 3.10.22](#)  
[Letter from Dasie Hope Center 3.10.22](#)  
[Letter from Dylan Reingold 4.1.22](#)  
[Protest of Lease Agreement 4.29.22](#)  
[Letter from FDOH 3.7.22](#)  
[Dasie Hope Lease Sept 2003](#)  
[Letter from FDOH 5.4.22](#)

County Administrator Jason Brown detailed the County's lease with the Dasie Bridgewater Hope Center (Dasie Hope) and West Wabasso Progressive Civic Club (Civic Club) for a portion of the Old Douglass School facility at 8445 64th Avenue in Wabasso. He recalled the Health Department (DOH) back on February 1, 2022, proposed adding the Dasie Hope Center as a satellite location to provide health services to the residents of Wabasso. On March 10, 2022, Dasie Hope notified the County that they would be voluntarily terminating the lease with the County with the plan that the DOH would begin operation at the location. He added the Civic Club and Dasie Hope were co-lessee and in accordance with the lease, if one of the parties discontinues the lease, it shall terminate. On April 1, 2022, the County notified Dasie Hope and the Civic Club that the lease would terminate as of April 30, 2022 for all parties. He also mentioned the County leased the remainder of the property to the Economic Opportunities Council under a separate agreement of which would not be impacted by the change. He indicated the Civic Club challenged the termination of the lease; however, the Health Department has offered the Civic Club use of the facility for occasional meetings similar to past practice as long as it was not political. County Administrator Brown indicated the DOH facility was provided by the County through an Interlocal Agreement. He confirmed the County would take on the support and maintenance of the Old Douglass School facility.

Chairman O'Bryan received confirmation from County DOH Officer Miranda Swanson that the political events including candidate forums, were not currently allowed at the Health Department's current site; the same prohibition would apply to the Dasie Hope location. However, if presented with the situation, Ms. Swanson

stated she would certainly consult with the DOH Attorney.

Ms. Swanson commented on the DOH expanding their services in Wabasso, their long term partnership with the residents of Wabasso, and the various agencies who would bring their programs and services to the new site. She felt it was a privilege for the DOH to partner with Dasie Hope. In response to Commissioner Flescher, County Administrator Brown confirmed there was funding for replacement of the roof and two new air conditioning units in the amount of \$250,000.

Chairman O'Bryan asked if there was anyone from the public who wish to speak.

Vernon Reason, Board Member for the Progressive Civic League, expressed his concern that the County bypassed notifying the leaders of the community of the DOH's proposal. He pointed out the Civic Club has always maintained authority over the Old Douglass School facility, and he acknowledged Dasie Hope was not the only organization on the lease. He opined the Civic Club should have been notified that the DOH was making a presentation concerning the West Wabasso area as stated in the order established. He requested the Board table the item so the Civic Club could notify the community on the pros and cons of the DOH's proposal.

Ardra Rigby, President of the Civic Club, echoed Mr. Reason's statement and referred to the language contained in the lease pointing out that Dasie Hope voluntarily terminated the lease.

Ronald Reeves, Parliamentarian of the Civic Club, expressed his concern over the validation of the signature on the lease and that Dasie Hope voluntarily terminated the lease in order to bring in the DOH.

Bill Rigby, Vice President of the Civic Club, informed the Board that Dasie Hope was not the initial holder of the lease and that Dasie Hope had sent a letter to the Civic Club requesting to be included on the lease. He stated all the Civic Club wanted was for the County to add their name to the lease because of the concern that eventually the DOH may not allow the Civic Club to meet at the facility. Mr. Ardra Rigby followed up by saying, the Civic Club objected to the DOH dictating what subjects the Civic Club could address at the facility.

Mr. Reason read the meaning of the term "distributive justice" with Mr. Ardra Rigby asking for the Board's consideration in tabling the item and holding a meeting with the Civic Club prior to moving forward with the proposal.

Chairman O'Bryan sought and received confirmation from County Attorney Reingold on the request from Mr. Bill Rigby to allow the Civic Club's name to be added to the lease. Attorney Reingold confirmed there was no lease between the County and the

DOH, but that the facility was provided through an Interlocal Agreement.

Commissioner Flescher received confirmation from the Civic Club that they had received the letter dated April 1, 2022 from County Attorney Reingold. Mr. Reason referred back to the February 1, 2022 meeting, and he explained there was an order in place to notify the leadership of the Civic Club of events that involved the West Wabasso area. Mr. Ardra Rigby felt the community should be able to provide input, and to have the meeting held at a time so that the community could attend. Commissioner Flescher addressed the issues in regard to the validity and interpretations of the contract, and communication. A discussion ensued with Mr. Reason indicating the Civic Club needed a permanent base, not just a place to meet and that the Civic Club did not receive notification from the County of the February 1, 2022 Board Meeting. In response to Mr. Reason, County Administrator Brown provided a timeline of the communications between the County and the Civic Club in regard to the DOH proposal since February 2022.

Chairman O'Bryan sought and received confirmation from Ms. Swanson that the DOH was committed to allow the Civic Club to meet at the facility, but could not enter into a lease for meeting space.

Chairman O'Bryan came forward and told Mr. Ardra Rigby that he felt the DOH providing services was a big positive for the Wabasso community and that the Civic Club could continue to use the facility for their meetings. He maintained that the Board could not notify everyone in the County who may have an interest coming before the Board and recommended prior to the meeting scanning through agenda for items pertaining to the West Wabasso area.

Commissioner Moss received clarification from Attorney Reingold that the DOH would operate the facility with their own rules and restrictions as to how they would work with community groups for use of the facilities. Attorney Reingold questioned whether the DOH would be willing to make some sort of commitment to the County in the language of the Interlocal Agreement in regard to the Civic Club's use of the facility.

Commissioner Adams looked at the DOH providing services to the Wabasso area as a great opportunity and what was best for the entirety of the community.

Mr. Ardra Rigby informed the Board of the Civic Club's By-Laws and anyone going before the County regarding the community must be cleared through the Civic Club. He added the DOH did not consult with the Civic Club on how the DOH's proposal would directly affect the Wabasso community and asked that the Board table the item.

County Administrator Brown felt the County had a good proposal from the DOH to provide services to the residents of Wabasso. Vice Chairman Earman agreed the program was good for the community and tried to understand what was the Civic Club's issue with the DOH proposal for the facility. Mr. Reason expressed his concern with the DOH services in the community and requested the item be tabled to allow enough time to notify the community.

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

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

## **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**

## **13. COUNTY ATTORNEY MATTERS**

- 13.A. [22-0371](#) Authorization to proceed with foreclosure on Code enforcement cases: 2015080113 (99th Street) (Almanza, Pablo), 201712011 (Lime Street) (Almanza, Pablo), and 2021060045 (91st Street) (Gomez, Felipe and Elena)

**Recommended Action:** Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases

**Attachments:** [Staff Report](#)  
[Order Imposing Fine](#)  
[CEB Order Imposing fine 12-28-2015](#)  
[CEB Order imposing fine \(Lime Street Property\)](#)

Assistant County Attorney Susan Prado presented the following Code Enforcement cases before the Board and sought the Board's approval to start the foreclosure process.

Attorney Prado presented Cases 2015080113 (13490 99th Street) and 2017120118 (305 S. Lime Street) both owned by Pablo Almanza, for junk vehicles, junk, trash, and debris. She mentioned the code enforcement action for the properties started in 2015 for 99th Street, and in 2017 for S. Lime Street and noted both of the properties were not in compliance and fined \$100 a day, per property. She concluded the fines, for both properties, continued to accrue.

Mr. Almanza, owner of the properties referenced, stated he was currently working on getting the properties into compliance and needed additional time. Attorney Prado replied that it was her understanding that Mr. Almanza had 90% of the property cleaned, and was waiting to meet with Code Enforcement to make sure they were in compliance.

Commissioner Adam reiterated to Mr. Almanza that both properties needed to be brought into compliance.

Chairman O'Bryan recommended the Board move forward with the process of foreclosure with the understanding that Code Enforcement will meet out on the properties to provide guidance, and the owner has thirty days to get the properties into compliance.

**A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, to approve directing staff to move forward with the process of foreclosure on Case 2015080113 (99th Street) and 201712011 (Lime Street) (Almanza, Pablo), but with the understanding both properties have up to 30 days to meet with a code enforcement officer and come into compliance. The motion**

carried by the following vote:

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

Attorney Prado proceeded with Case Number 2021060045 (12376 91st Street) (Gomez, Felipe and Elena) stating the code enforcement action began in 2021, with a complaint regarding the storage of a commercial vehicle and equipment in the A-1 zoning district. The respondents were given ample opportunity to bring the property into compliance and was fined a \$100 per day for a total of \$21,000 to date. She pointed out the County received numerous complaints of the commercial business located in a residential area. She indicated the County could not move forward with foreclosure on the 91st Street property, as it was their homestead. She pointed out the Gomez's own several other commercial properties located in the Fellsmere area at 9 South Mulberry Street; 11th South Mulberry Street; and a vacant lot on Cypress Street that the County would look at in the foreclosure process.

In response to Chairman O'Bryan, Attorney Prado stated the owners were not present and that the County does not have to make the owners aware of the process. A discussion followed on letting the owners know in the future when their properties would go before the Board to start the foreclosure process.

**A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, to move forward with the foreclosure on Code Enforcement Case 2021060045 (91st Street) (Gomez, Felipe and Elena). The motion carried by the following vote:**

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

- 13.B. [22-0364](#) Acquisition of Property for future Right-of-Way for Intersection Improvements - Cherry Lane Estates, Inc. of Vero Beach

**Recommended Action:** Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate for the Cherry Lane Estates, Inc. of Vero Beach property and authorize the Chairman to execute the document on behalf of the Board.

**Attachments:** [Staff Report](#)

[Exhibit "A" Aerial Photo](#)

[Exhibit "B" Agreement to Purchase/Sell Real Estate](#)

Assistant County Attorney Susan Prado presented the acquisition of property for future right-of-way for intersection improvements from Cherry Lane Estates, Inc. of Vero Beach, as contained in her memorandum dated April 21, 2022.

**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



**13.C.** [22-0359](#) Calcutta Drive Docks

**Recommended Action:** The County Attorney's Office recommends that that the Board increase the annual license fee from \$100 to \$2,000 per year, for any new license agreements. Additionally, the County Attorney's Office recommends implementing a one-time dock license transfer fee of \$5,000. The County Attorney's Office further recommends that the license agreements be updated to include provisions relating to the removal of the docks, five-year inspections, and termination for unpermitted work.

**Attachments:** [Staff Report](#)  
[Aerial of Docks](#)  
[License Agreement Sample](#)

County Attorney Dylan Reingold recapped the history of Calcutta Drive Docks located on a County-owned road which runs parallel with a canal in the Country Club Pointe subdivision. He continued, on May 6, 1985, the County adopted a policy which allowed property owners in the subdivision to build docks along the County road on a first-come, first served basis provided they entered into an agreement to hold the County harmless for any or all damage. He continued that on February 5, 1991, the Board approved a license agreement for new applicants which included a provision that if the property was sold, the buyer could assume the license within 90 days; if the buyer failed to do so, the dock would become the property of the County. He concluded, on May 26, 1998, the Board passed Resolution 1998-58, delegating the authority to the Community Development Director to execute license agreements pertaining to transferring property utilizing County riparian land for docks within the County Club Pointe Subdivision.

County Attorney Reingold stated there were presently 20 docks/spaces along Calcutta Drive under various ownership scenarios: two (2) docks were grandfathered; one (1) under indemnity certificate; and seventeen (17) with license agreements. He added that three (3) of the docks with license agreements were in disrepair, and he was currently communicating with two of the owners; there had been no response from the third owner.

County Attorney Reingold pointed out that current agreements allowed the dock license to be transferred upon the sale of the home to the purchaser of the home. He suggested changing the transfer policy so that upon the home's sale, the license would be transferred to a homeowner on the wait list for dock space, thus opening opportunities to more residents. The County Attorney's Office also recommended the Board increase the annual license fee from \$100 to \$2,000 per year, and implement a one-time dock license transfer fee of \$5,000 to help provide resources to administer, monitor, and maintain the docks. Additional recommendations included updating the agreements as they turned over to reflect the new fees, as well as additional provisions

for removal, five-year inspections, and termination of dock licenses for unpermitted work.

Commissioner Moss received confirmation from County Attorney Reingold that there were 14 individuals on the waiting list for dock space, with the longest going back to the year 2005. A discussion followed on the ownership of the docks with Attorney Reingold pointing out the County owned the road and the riparian rights associated with the road. His goal was to bring the owners of the docks into the license agreements through termination or violations. Attorney Reingold, in response to a question by Chairman O'Bryan, confirmed the County currently owned one of the docks and it would be used to fulfill the waiting list. He noted that the proposed agreement changes meant that if an individual were to sell his or her property, the dock's license agreement would be terminated and rights to the dock would then be offered to the next person on the waiting list.

Chairman O'Bryan referred to the three docks currently in disrepair and opined allowing additional time to the two responsive owners as long as they were demonstrating progress, and thirty days (30) to the non-responsive owner. He said going forward there should be flexibility for repair of the docks after a major event; County Attorney Reingold stated he could add a force majeure clause to the license agreement. Chairman O'Bryan supported adding 60 days to get into compliance for general neglect of a dock, the annual license fee of \$2,000, and the \$5,000 transfer fee.

The Chairman clarified for Commissioner Moss that currently a homeowner with a license agreement who sells his house gives the buyer 90 days to sign their own license agreement in order to keep the dock with the house. However, under the proposed revisions to the license agreement, if an owner sells his home, the dock license would be offered to the next person on the waiting list. County Attorney Reingold responded to Vice Chairman Earman that Code Enforcement would continue to monitor the other obligations listed in the license agreement.

Chairman O'Bryan opened the floor for discussion.

Ryan Bass thanked the Board for addressing the docks and discussed the liability for the County with the number of docks in disrepair. He struggled to understand the idea of County's assets adding property value to private property.

Bo Nestor questioned what information the Board used to base the significant increase in the annual fees, and told of the number of docks falling apart.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve 1) the County Attorney to continue to work with the two responsive owners to get their docks into compliance; 2) a thirty days' notice to the non-responsive owner, then termination; 3) increase the annual license fee**

from \$100 to \$2,000 per year, for any new license agreements; 4) implement a one-time dock license transfer fee of \$5,000; 5) amend the license agreements to include: a) a licensee's dock in non-compliance from neglect would have 60 days to come into compliance before termination; however, additional time would be extended due to a force majeure event; and b) provisions relating to the removal of the docks, five-year inspections, and termination for unpermitted work; 6) any terminated docks would no longer be tied to a property, but instead would go to the next person on the waiting list. The motion carried by the following vote:

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

**13.D.** [22-0368](#) Settlement of Lease Interest for Parcel 127 Tenant Amanda Tongay d/b/a Empire Equine - 7905 66th Avenue

**Recommended Action:** Staff recommends that the Board approve the proposed settlement of all claims and costs of Amanda Tongay d/b/a Empire Equine in this law suit in the amount of \$15,000 and authorize outside counsel to proceed with preparation and execution of the necessary court documents needed to settle the case and conclude the law suit.

**Attachments:** [Staff Report](#)  
[Parcel 127 Sketch and Legal Description](#)

Deputy County Attorney William DeBraul presented the settlement of lease interest for parcel 127 explaining the County purchased the property in July 2021, at which time tenant Amanda Tongay occupied the property. He explained the County needed to extinguish Ms. Tongay's lease-hold interest on the property, but only on a portion that was purchased as right-of-way. According to eminent domain statutes, tenants were entitled to notice and the opportunity to present a claim for potential damages, including business damages. He discussed the County's responsibility under eminent domain law and stated the County has been in contact with Ms. Tongay and Empire Equine's Counsel Mickey Barkett of Barkett Law, P.A. and had arrived at a settlement in the amount of \$15,000. This settlement would release the County from hiring experts to determine the damages to the lease.

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

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

## 14. COMMISSIONERS MATTERS

**A. Commissioner Peter D. O'Bryan, Chairman**

**B. Commissioner Joseph H. Earman, Vice Chairman**

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

## 15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

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

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Solid Waste Disposal District Meeting Minutes of March 15, 2022 and April 5, 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.1** [22-0375](#) Approval of the SWDD Meeting Minutes of March 15, 2022

**Recommended Action:** Approve

**Attachments:** [03152022 SWDD Draft](#)

**Approved**

**15.B.2** [22-0376](#) Approval of the SWDD Meeting Minutes of April 5, 2022

**Recommended Action:** Approve

**Attachments:** [04052022 SWDD Draft](#)

**Approved**

**15.B.3** [22-0369](#) Change Order No. 1 to Agreement with Biogas Engineering for a High Pressure Skid System

**Recommended Action:** Solid Waste Disposal District (SWDD) staff recommends that its Board approve Change Order No. 1 with Biogas Engineering to include a chiller in the fabrication of the high-pressure skid system for a not-to-exceed cost of \$292,570; and authorize the Chairman to execute the same, after approval by the County Attorney

**Attachments:** [Staff Report](#)  
[BGE Change Order No 1](#)  
[Letter of Support from NED](#)

There was no discussion regarding this item.

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

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

### C. Environmental Control Board

## 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:43 p.m.