



# 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 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, December 14, 2021

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

#### 2. ROLL CALL

**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

**Dr. Christina Moore, Sr. Pastor, Rhema Apostolic International Deliverance Center**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Laura Moss**

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

During the meeting: Moved 14.A.1. to follow Item 8 Consent Agenda

**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. [21-1151](#) Presentation of Proclamation Honoring Eve Prete on her Retirement from the Indian River County Office of the Tax Collector with 27 Years and 2 Months of Service

**Recommended Action:** Read and Present

**Attachments:** [Proclamation - E. Prete](#)

Chairman O'Bryan read and presented the Proclamation to Eve Prete, who was present with her family, coworkers and friends. The Chairman thanked her for 27 years and two (2) months of service to the residents of Indian River County.

**Read and Presented**

- 5.B. [21-1082](#) Presentation of Proclamation Celebrating the 50th Anniversary of Florida Atlantic University Harbor Branch Oceanographic Institute

**Recommended Action:** Read and Present

**Attachments:** [Proclamation 50th](#)

Cara Perry, Assistant Vice President of Communication for Florida Atlantic University's (FAU) Northern Campuses showed a short video that encapsulated the important work being done at the FAU Harbor Branch Oceanographic Institute. She was joined by Elycia Morris, Board of Trustee, FAU.

Vice Chairman Earman presented a Proclamation Celebrating the 50th Anniversary of FAU Harbor Branch Oceanographic Institute.

**Read and Presented**

## 6. APPROVAL OF MINUTES

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Regular Meeting Minutes of October 5, 2021, and the Excerpt from December 7, 2021 Item 10.A.3. Final Public Hearing and Discussion of 2021 Redistricting of County Commissioner Districts. The motion carried by the following vote:**

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

- 6.A. [21-1145](#) Regular Meeting of October 5, 2021

**Recommended Action:** Approve

**Attachments:** [10052021BCC Granicus](#)

**Approved**

**6.B.**     [21-1148](#)     Excerpt from December 7, 2021 Item 10.A.3. Final Public Hearing and Discussion of 2021 Redistricting of County Commissioner Districts

**Recommended Action:** Approve

**Attachments:** [12072021Item 10.A.3. Excerpt with attachments DRAFT](#)

**Approved**

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

**7.A.**     [21-1121](#)     Proclamation Honoring James W. O'Neal on His Retirement From Indian River County Board of County Commissioners Department of Utility Services Water Distribution with Thirty-Two Years of Service

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

Chairman O'Bryan recognized James W. O'Neal for thirty-two years of service to the County.

**No Action Taken or Required**

**7.B.**     [21-1123](#)     Florida Public Service Commission Final Order PSC-2021-0446-S-EI approving 2021 stipulation and settlement agreement; docket to be closed, a copy is on file in the Clerk to the Board Office.

**Recommended Action:** Information Only

**No Action Taken or Required**

**7.C.**     [21-1139](#)     Florida Public Service Commission Consummating Order No. PSC-2021-0452-CO-EG makes Order PSC-2021-0421-PAA-EG effective and final; docket to be closed.

**Recommended Action:** Information Only

**No Action Taken or Required**

7.D. [21-1120](#) Closure and Collection Service Changes for the Christmas and New Year's Day Holidays

**Recommended Action:** For informational purposes only - no action required

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

Chairman O'Bryan announced the closure and collection service changes for the upcoming holidays.

**No Action Taken or Required**

7.E. [21-1150](#) Indian River County Venue Event Calendar Review

**Recommended Action:** This is an informational item only; no Board action is required.

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

Chairman O'Bryan highlighted on the upcoming events listed in the Indian River County Venue Event Calendar.

**No Action Taken or Required**

7.F. [21-1153](#) 2022 Committee Assignments by Commissioner

**Recommended Action:** No Action Taken or Required

**Attachments:** [2022 Committee Assignments](#)

Commissioner Moss sought and received clarification from Chairman O'Bryan in regards to the assigned the point person for the Affordable Housing Advisory Committee on the 2022 Committee Assignments List versus the Designated Point Persons and Alternates for 2022 State Legislative List of Priorities for the State Housing Initiatives Partnership/Affordable Housing as presented in Agenda Item 11.A.

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Consent Agenda as amended, pulling items 8.D., 8.E. and 8.I. 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. [21-1125](#) Quarterly OPEB Trust Report for the Quarter Ending 09/30/2021

**Recommended Action:** Accept the report

**Attachments:** [Investment Committee OPEB Report](#)

**Accepted**

- 8.B. [21-1126](#) Quarterly Investment Report for the Quarter Ending 09/30/2021

**Recommended Action:** Accept the report

**Attachments:** [Investment Committee Report](#)

**Accepted**

- 8.C. [21-1127](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 09/30/2021

**Recommended Action:** Accept the report

**Attachments:** [Traffic Education Fund Report](#)

**Accepted**

- 8.D. [21-1131](#) Quarterly Tourist Development Tax Report for the Quarter Ending 09/30/2021

**Recommended Action:** Accept the report

**Attachments:** [Tourist Development Tax Report](#)

Chairman O'Bryan received information from Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, on the increase in tourist development tax monies collected compared to the same quarter in September 2019. Mr. Smith indicated Indian River and counties along the east coast were experiencing increases in their tourist development tax monies.

**A motion was made by Vice Chairman Earman, seconded by Chairman O'Bryan, to accept the Quarterly Tourist Development Tax Report for the Quarter Ending September 30, 2020. The motion carried by the following vote:**

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

**8.E.**     [21-1132](#)     Internal Audit Division Annual Report

**Recommended Action:** Accept the report

**Attachments:** [2021 Internal Audit Report](#)

Chairman O'Bryan made mention of the Internal Audit Division Annual Report and the comprehensive list of the Clerk of the Circuit Court and Comptroller's internal audit activities. He commended Mr. Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller and his staff for all of the work they do for the County.

Mr. Smith acknowledged Internal Audit Director Mr. Edward Halsey for the great job he has done, and highlighted his work to establish audit criteria for Children's Services and other charities.

Vice Chairman Earman also commended Mr. Smith and his staff for their work.

**A motion was made by Vice Chairman Earman, seconded by Chairman O'Bryan, to accept the Internal Audit Division Annual Report. The motion carried by the following vote:**

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

**8.F.**     [21-1124](#)     Extension of Lease Agreement with the Senior Resource Association for the Transit Administration Facility

**Recommended Action:** Staff recommends the Board approve the Third Extension to Lease Agreement and authorize the Chairman to execute the Third Extension.

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

**Approved staff's recommendation**

**8.G.**     [21-1084](#)     Designation of Excess Equipment as Surplus and Reactivation of Asset 27619

**Recommended Action:** Staff recommends the Board reactivate asset 27619, declare the items on the Excess List for 121421 Agenda as surplus, and authorize their disposal.

**Attachments:** [Staff Report](#)  
[Excess List for 121421](#)

**Approved staff's recommendation**

- 8.H. [21-1133](#) Interest Rate Change on All County Financing (Petition Paving, Utility Assessment Projects, Utility Impact Fees, etc.)

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the fixed interest rate of 3.25%. Staff further recommends that this rate remain in effect for calendar year 2022 for all County financing with the exception of projects directly affiliated with a bond issue for which the bond covenants dictate a different interest rate.

**Attachments:** [Staff Report](#)  
[County Financing Interest Rate History](#)

**Approved staff's recommendation**

- 8.I. [21-1134](#) Award of Bid No. 2022007, 66th Avenue and 8th Street Signalization Improvements - IRC-2002

**Recommended Action:** Staff recommends the project be awarded to Ferreira Construction Southern Division Co., Inc. in the amount of \$694,326.36 for the construction of the 66th Avenue and 8th Street Signalization Improvements. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

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

Vice Chairman Earman stated that the 66th Avenue and 8th Street signalization improvements were long overdue and thanked County staff for installing the flashing red stop sign at 66th Avenue and 4th Street.

County Administrator Jason Brown informed the Board of the supply constraints and current wait time for mast arms.

**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

**8.J.**     [21-1135](#)     Award of Bid 2022012 - DMZ Modification

**Recommended Action:** Staff recommends the Board award bid 2022012 to Sentinel Technologies, Inc., approve the Sample Agreement, and authorize the Chairman to sign 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.K.**     [21-1136](#)     Mattress Firm - Amendment to Lease 1919 US Highway 1, Sebastian, FL 32958

**Recommended Action:** Staff recommends the Board approve the lease renewal for Mattress Firm and authorize the Chairman to execute the Amendment to Lease.

**Attachments:**   [Staff Report](#)  
                      [Amendment to Lease](#)

**Approved staff's recommendation**

**8.L.**     [21-1138](#)     51st Avenue from 65th Street to 69th Street Water Assessment Project, Resolution IV: Final Assessment Roll

**Recommended Action:** Staff requests the Board of County Commissioners adopt Resolution IV for 51" Avenue from 65th Street to 69th Street with a per parcel cost of \$7,450.69 and an interest rate of 3.25% for assessment costs.

**Attachments:**   [Staff Report](#)  
                      [Resolution No IV Final Assessment Roll](#)

**Approved Resolution 2021-085, certifying "as-built" costs in connection with a special assessment project for a water main extension from 65th Street to 69th Street, along 51st Avenue to include certain specially benefitted properties abutting 51st Avenue, within a portion of Winter Beach Highlands and a portion of Winter Beach Park, located within unincorporated Indian River County, Florida; providing for formal completion date, and date for payment without penalty and interest.**



- 8.M.**     [21-1129](#)     Fleet Facility Fuel Island Canopy Refurbishment - Release of Retainage and Change Order No. 1 - IRC-2025

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 4 to JSR Fueling Technologies, LLC. in the amount of \$5,924.24 for release of retainage.

**Attachments:**   [Staff Report](#)  
                          [Change Order No. 1](#)

**Approved staff's recommendation**

- 8.N.**     [21-1140](#)     Addition to Cash and Surplus Investment Policy

**Recommended Action:** Accept the Cash and Surplus Investment Policy change

**Attachments:**   [Finance Department Staff Report](#)  
                          [Revised Investment Policy](#)

**Accepted**

- 8.O.**     [21-1141](#)     Indian River County Lagoon Management Plan Development Services, Tetra Tech Inc., Work Order No. 10

**Recommended Action:** Staff recommends the BCC approve Tetra Tech, Inc. Work Order No. 10 in the amount of \$40,576.00 for professional water resource engineering support services associated with supporting County staff's development of the Indian River Lagoon Management plan. In addition, staff recommends that the Board authorize the Chairman to execute Work Order No. 10.

**Attachments:**   [Staff Report](#)  
                          [Tetra Tech Inc Work Order No 10](#)  
                          [Work Order #10 execution form](#)

**Approved staff's recommendation**

- 8.P. [21-1143](#) Resolutions Delegating the Authority to the County Administrator or his Designee to Call Letters of Credit and to Act on Behalf of Indian River County during the Time Frame of December 15, 2021, through and including January 10, 2022

**Recommended Action:** Authorize the Chairman to sign the Resolution as presented, delegating the authority to call Letters of Credit and delegating full signing authority during the period commencing December 15, 2021, through and including January 10, 2022.

**Attachments:** [Staff Report](#)  
[Resolution Delegating Authority](#)

**Approved Resolution 2021-086, delegating authority to the County Administrator or his designee, to execute resolutions calling letters of credit as necessary during the period commencing December 15, 2021, through and including January 10, 2022, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing December 15, 2021, through and including January 10, 2022.**

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [21-1122](#) Indian River County Supervisor of Elections Leslie R. Swan re: Reimbursement for Conducting the November 2, 2021 Municipal Elections

**Recommended Action:**

**Attachments:** [Memo from Supervisor of Elections](#)

Leslie R. Swan, Supervisor of Elections, presented her request for the revenue received from conducting the November 2, 2021 municipal elections to be rolled into the Supervisor of Elections Fiscal Year 2021/22 budget.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Supervisor of Elections' request for reimbursement for conducting the November 2, 2021 municipal elections. The motion carried by the following vote:**

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

**9.B.**     [21-1144](#)     Indian River County Sheriff Eric Flowers re: Access to County Traffic Cameras

**Recommended Action:** Discussion

**Attachments:** [Memo from Sheriff Flowers](#)

Indian River County Sheriff Eric Flowers stated that in July 2021, the Indian River County Sheriff's Office (Sheriff's Office) signed a contract to install license plate readers around the County. He discussed the challenge with the Florida Department of Transportation (FDOT) not working with the Sheriff's office as they had in the past to place this technology on their equipment; however, there was legislation in the 2022 Legislative session to address the issue. He displayed a map with the locations of the readers within the County, a copy of which is on file in the Clerk to the Board Office. He reviewed how the license plate readers worked and spoke on actual results within the County by using this technology.

Sheriff Flowers asked for the Board's permission to allow the Sheriff's office access to the County's traffic cameras for their newly established Real Time Crime Center (RTCC). He explained by having access, the RTCC would be able to view the live camera feeds during events in order to provide up-to-date information to law enforcement deputies. He pointed out that the cameras would not be recorded, but used in conjunction with the license plate reader system.

Mr. John Walsh from America's Most Wanted and resident of Indian River County, spoke on the license plate reader and camera technology, and its success in catching criminals and saving lives. He commended Sheriff Flowers for using technology to fight crime.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman to allow the Sheriff's Office permission to access to the County's traffic cameras.**

A discussion followed on clarification of the motion. Commissioner Adams sought and received information from Commissioner Flescher that the Sheriff did not need authorization for the license plate readers, but was seeking permission to access the County's traffic cameras.

County Administrator Jason Brown indicated the conduit for the fiber to the Sheriff's office was full, and sought direction from the Board for a larger fiber project. He also referred to the Code of Indian River County, and pointed out there were no right-of-way ordinances that addressed license plate readers.

The motion on the floor was amended to allow the installation of license plate readers

within the right-of-way.

In response to the concerns raised by Commissioner Adams, Sheriff Flowers offered to address any of the resident's concerns on the location of the license plate readers, and the Sheriff's Department polices related to the license plate readers. Commissioner Moss commended Sheriff Flowers for his ability to communicate with the community. Vice Chairman Earman was in support of the Sheriff's Department access to the traffic cameras and appreciated his transparency in letting the public know that the license plate readers were not an invasion of privacy, but a tool for law enforcement.

Public Works Director Rich Szyrka ensured the Board and the Sheriff were aware of the limitations in regard to the traffic cameras.

Chairman O'Bryan, in response to a question raised by Vice-Chairman Earman, stated that the Board could authorize the costs of the fiber optic under Item 10.A.2. Capital Improvement Element of the Comprehensive Plan.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Sheriff's Office access to the County's Traffic Cameras and to allow installation of license plate readers in the right-of-way. The motion carried by the following vote:**

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

## 10. PUBLIC ITEMS

### A. PUBLIC HEARINGS

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

**10.A.1. [21-1100](#)** Biosolids Moratorium Extension Ordinance - LEGISLATIVE

**Recommended Action:** The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

**Attachments:** [Staff Report](#)  
[biosolids Ordinance Extension December 2021](#)

County Attorney Dylan Reingold in his memorandum dated November 23, 2021 provided background on the Biosolids Moratorium enacted by the Board in July 2018, on all properties within the unincorporated areas of Indian River County involved in the land application of Class B biosolids. He stated that the moratorium had been extended on several occasions and the current moratorium was set to expire on January 1, 2022. He presented to the Board another moratorium ordinance consistent with Section 403.0855, Florida Statutes, which would extend the moratorium to January 1, 2023.

Chairman O'Bryan opened the Public Hearing. There being no speakers, the Chairman closed the Hearing.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to adopt Ordinance 2021-015, authorizing an extension of the temporary moratorium for an additional 1 year, or until a comprehensive review of the impact on the County's ecosystem is completed, within the unincorporated areas of Indian River County prohibiting land application activities of Class B Biosolids; providing for additional study and possible regulation of Class B Biosolids Application activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, and an effective date. The motion carried by the following vote:**

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

**10.A.2. [21-1130](#)** County Initiated Request to Amend the 5 Year Capital Improvements Program and the Capital Improvements Element of the Comprehensive Plan for the Period FY 2021/22 -2025/26.

**Recommended Action:** Based on the analysis conducted, staff recommends that the Board of County Commissioners approve the update to the 5 Year Capital Improvements Program for the period FY 2021/22-2025/26 and supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan by adopting the attached ordinance.

**Attachments:** [Staff Report](#)  
[Comprehensive Plan Text Amendment Adoption Ordinance](#)  
[Strikethrough and underline version of the CIE](#)  
[2021 Capital Improvements Element](#)  
[5 Year Schedule of Capital Improvements \(Appendix A\)](#)  
[Appendix B-D](#)

Community Development Director Phil Matson introduced Chief of Long Range Planning John Stoll and stated that the Capital Improvements Element (CIE) of the Comprehensive Plan process, noting the preparation was a joint effort by several County departments.

In a PowerPoint Presentation, Chief Stoll told the purpose of the Comprehensive Plan Text Amendment was to recognize changes in existing and future public facility needs, changes in funding, and to comply with required yearly CIE update requirements. He highlighted the changes to existing revenue information and projections, Appendix A, and updated all tables, figures and corresponding text of the CIE. He reviewed the 5-Year Schedule of Capital Improvements Program (CIP) expenditures by category and went over the Lagoon benefiting projects funded by the One-Cent Local Option Sales Tax FY 2021/22 through 2025/26. He noted the proposed 5-year CIP would allocate more than 20% of the extended one-cent local option sales tax revenue to fund lagoon related projects.

Chairman O'Bryan sought and received information from Public Works Director Rich Szpyrka for the delay in the widening of 26th Street from 43rd Avenue to 66th Avenue project.

In response to Commissioner Adams' question whether the Board would need to move forward capital improvement money in the CIP for the repairs at the Archie Smith Fish House - Ice House, County Administrator Jason Brown and Assistant County Administrator Mike Zito discussed the stabilization efforts and would bring back a plan to the Board after staff had a better assessment of what needed to be

done. A discussion followed on the Archie Smith Fish House Restoration with Commissioner Adams stating that it was the County's responsibility to preserve and prevent further degradation of the building and then move forward with the restoration plans.

Beth Powell, Assistant Director of Parks and Conservation Resources, reported on the status of the Ice House, the efforts to further prevent debris from falling into the lagoon, and the structural integrity of the Ice House. She would bring back to the Board the status of what was left of the Ice House and how much of the building would be salvageable.

County Administrator Brown proposed advancing the \$200,000 designated for the second year of the CIP for the Archie Smith House Restoration. He was proud of what had been done in regard to improvements and preservation on County acquired properties sites over the past five (5) + years. He recommended that if the County would choose to do another land acquisition bond, funds should be set aside for initial improvements.

Chairman O'Bryan recapped the amendments to the CIP, noting the transfer of \$200,000 from Fiscal Year (FY) 2022/23 to FY 2021/22 for the Archie Smith Fish House Restoration. He confirmed with County Administrator Brown that an additional \$750,000 of Optional Sales Tax, discussed under the Sheriff's Item 9.B., would be moved to FY 2021/22 for Traffic Fiber Optics.

Commissioner Flescher received confirmation that \$400,000 in the CIP for FY 2022/23 was designated for the Victor Hart Sr. Complex (fka Gifford Park) Restroom/Concession Building.

The Chairman opened the Public Hearing.

Wilfred Hart thanked the Board for dedicating funding to make the necessary improvements to the Victor Hart Sr. Complex Restroom/Concession Building.

There being no further speakers, the Chairman closed the Public Hearing.

Assistant County Administrator Zito, in response to a question posed by Commissioner Moss, stated the cracked tennis and hand ball courts, and broken bleachers do not qualify as capital; he indicated the projects have been procured and should commence soon.

County Administrator Brown clarified for staff that the additional \$750,000 for the fiber for the Sheriff's cameras would be under the fiber for Facilities rather than under Traffic.

Chairman O'Bryan commented on the funds budgeted for right-of-way acquisitions for the widening of 43rd Avenue from Oslo Road to 18th Street to four (4) lanes. He was opposed to the project, explaining that 43rd Avenue was narrow and the number of houses the County would need to take was not financially feasible.

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, 1) to adopt Ordinance 2021-016, amending the text of the Comprehensive Plan's Capital Improvements Element by updating the County's 5 Year Capital Improvement Program (CIP) Schedule and related data and analysis sections; and providing severability and effective date; and 2) approve the following amendments to the Comprehensive Improvement Plan: a) move \$200,000 from Fiscal Year (FY) 2022/23 to FY 2021/22 for the Archie Smith Fish House Restoration; and b) move an additional \$750,000 of Optional Sales Tax to FY 2021/22 for Facilities Fiber Optics. 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 10:39 a.m., and reconvened the meeting at 10:44 a.m., with all members present.

## **B. PUBLIC DISCUSSION ITEMS**



- 10.B.1. [21-1154](#) Request to Speak from Joseph Paladin re: Community Development District  
**Recommended Action:** No Action Required

Mr. Joseph Paladin recalled that at the December 7, 2021 Board Meeting, he brought forward a discussion on Community Development Districts (CDD). He felt it was not the right time, nor did he see bringing forward any CDD's in the near future.

Chairman O'Bryan stated the Board decided to move forward with outlining some criteria for any future CDD; and had asked Mr. Paladin to put an Ad Hoc committee together to look at CDD's with more community input. Each Commissioner expressed their reservations, concerns, and support to move forward with a workshop to gather additional information and input, stating it was a financial tool to be used at the right place and time. Commissioner Moss stated that she did not hear of any support for a CDD and opposed moving forward with a CDD or an ad hoc committee at this point.

County Attorney Reingold, in response to Commissioner O'Bryan, offered to hold a roundtable discussion in the near future and inviting those who have expressed an interest in the CDD concept, including public input from interested parties. The comments and information gathered would be brought to the Board for potential future action.

Mr. Paladin stated that he would be happy to participate in the roundtable discussion.

County Administrator Jason Brown stated Community Development Staff would support a roundtable discussion.

**A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to allow the County Attorney to conduct a Roundtable Discussion in order to gather input from interested parties in regard to a Community Development District, then to bring back the information to the Board for potential future action. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

## C. PUBLIC NOTICE ITEMS

- 10.C.1.** [21-1117](#) Notice of Public Hearing Scheduled for January 11, 2022 Board Meeting for Concurrent Conceptual Planned Development (PD) Plan, Special Exception, and Preliminary PD Plan Approval for a Single-Family Residential Development

**Recommended Action:** The referenced public notice item is provided for the Board’s information. No action is needed at this time.

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

County Attorney Dylan Reingold read the public hearing notice into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.** [21-1149](#) 2022 Indian River County State Legislative Program

**Recommended Action:** Staff recommends that the Board approve the final proposed Indian River County 2022 State Legislative Program. Staff also recommends the Board provide direction and guidance on the draft list of Designated Point Persons and Alternates for the 2022 State Legislative Priorities, make any changes to the list and adopt the list with any applicable changes.

**Attachments:** [Staff Report - Legislative Priorities](#)  
[2022 State Legislative Program](#)  
[Designated Point Persons](#)

Legislative Affairs and Communications Manager Kathleen Forst presented the 2022 Indian River County Legislative Priorities including the County's Legislative Priorities and Concerns list. In her staff memorandum dated December 8, 2021, she stated the 2022 Florida Legislative Session would convene on January 11, 2022 and run through March 11, 2022. She pointed out that contained in the proposed legislative program were appropriations for Ixora Park Sewer System Rehabilitation and Hobart Water Treatment Plant SCADA System Upgrade Projects, and a proposed list of designated point persons and alternates for the 2022 State Legislative List of Priorities. She noted staff proposed removing the High Speed Passenger Rail priority following the recent settlement agreement with Brightline, and adding new priorities focusing on Preemption and Water Infrastructure.

Chairman O'Bryan reviewed the list of Designated Point Persons and Alternates for 2022 State Legislative List of Priorities, and changes to the list.

<b>Topic</b>	<b>Point Person</b>	<b>Alternate</b>
Indian River Lagoon	Commissioner Adams	Chairman O'Bryan
Biosolids - Pilot Program	Chairman O'Bryan	Vice
Chairman Earman		
Recycling	Commissioner Moss	Commissioner Flescher
Beach Restoration and Nourishment	Vice Chairman Earman	Commissioner Moss
Short-Term Vacation Rentals	Chairman O'Bryan	Commissioner Adams
State Housing Initiatives Partnership/ Affordable Housing	Commissioner Moss	Commissioner Adams

Broadband Access	Commissioner Adams
	Commissioner Flescher
Preemption	Vice Chairman Earman
	Commissioner Moss
Water Infrastructure	Commissioner Flescher
	Chairman O'Bryan

Commissioner Moss made the Board aware of Senate Bill 1078 and House Bill 783 that would abolish all Soil and Water Conservation Districts in the State of Florida, transferring the assets and liabilities of such districts.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the final proposed Indian River County 2022 State Legislative Program and the amended Designated Point Persons and Alternates for the 2022 State Legislative Priorities. 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. [21-1147](#) Acquisition of Right-Of-Way from Christine L. Ford for Phase II of 66th Avenue Improvements - 7825 66th Avenue, Parcel 126

**Recommended Action:** Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate for Mrs. Ford's property and authorize the Chairman to execute the document on behalf of the Board.

**Attachments:** [Staff Report](#)  
[Agreement to Purchase right of way](#)

Deputy County Attorney William K. Debraal presented information on the acquisition of right-of-way from Christine L. Ford for Phase II of 66th Avenue Improvements at 7825 66th Avenue, Parcel 126, as contained his memorandum dated December 8, 2021. He provided detail on the 7.35 acre improved ranchette home site, detailing the improvements that were involved in the County's purchase of 1.76 acres of property for the 66th Avenue Improvements. He explained the method of approach in establishing a value of the land and improvements within the area of take and spoke of the unique characteristics of the house not commonly found in Florida homes. He touched on the appraisal, terms of the settlement given to Ms. Ford to complete the construction of a new residence on the remainder parcel, and total cost of settlement in the amount of \$813,488.13 for the acquisition. He furthered explained the total cost of settlement included severance damages and all improvements.

Commissioner Adams concurred with Attorney Debraal and stated the house was built using construction methods not used anymore and with materials that were hard to come by and if found, would be astronomical in cost.

County Administrator Jason Brown added that the majority of money for the purchase of the 1.76 acres of property would be going to Ms. Ford and not the attorneys or experts.

Chairman O'Bryan commented that the County had offered to move the house and the owner had declined, and agreed with County Administrator Brown that the vast majority of money would be going to the owner.

Commissioner Flescher concurred with Chairman O'Bryan and spoke on the issue of moving a house with a lot of age.

**A motion was made by Commissioner Adams, 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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1. [21-1152](#) Vero Beach Air Show's Request for Use of County Administration Building and Grounds for Volunteers during Air Show

**Recommended Action:** Discussion

**Attachments:** [Commissioner's Memorandum](#)

*[Clerk's Note: This item was heard following Item 8 Consent Agenda and placed here for continuity.]*

Chairman O'Bryan presented a request by the Vero Beach Air Show to use the County Administration Building and Grounds for volunteers working the Air Show.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the request by the Vero Beach Air Show to use the County Administration Building and Grounds for volunteers working the Air Show. 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

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.

### 15.B.1. [21-1146](#) Approval of Meeting Minutes October 5, 2021

**Recommended Action:** Approve

**Attachments:** [10052021SWDD\\_Draft](#)

**A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of October 5, 2021. 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. [21-1137](#) Amendment No. 1 to Wastewater Treatment Agreement with Indian River Sustainability Center

**Recommended Action:** Solid Waste Disposal District (SWDD) staff recommends that the Board: a) Approve the Amendment No. 1 to Wastewater Treatment Services Agreement between SWDD and Indian River Sustainability Center, LLC; and, b) Authorize the Chairman to sign upon approval of legal sufficiency by the County Attorney.

**Attachments:** [Staff Report](#)  
[Amendment No 1](#)

There was no discussion on 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 11:24 a.m. He thanked County staff for their work over the year and to Commissioner Flescher for a job well done during his reign as Chairman this year. He wished everyone a safe and happy holiday season.