



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

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

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

Tuesday, February 16, 2021

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Joseph Flescher
Vice Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Joe Earman
Commissioner Laura Moss

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

2.B. INVOCATION

Pastor Joe Moore, Rivers of Living Waters Ministry

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

6. APPROVAL OF MINUTES

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

8. CONSENT AGENDA

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

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

8.A. [21-0231](#) Request for Release of an Easement Located at 11425 Old Dixie Highway

Attachments: [Staff Report](#)
 [Aerial Map with Conservation Easement](#)
 [Recorded Conservation Easement](#)
 [Proposed Resolution Releasing Easement](#)

Approved Resolution 2021-016, releasing an easement located at 11425 Old Dixie Highway (Spirit of Sebastian, LLC).

8.B. [21-0214](#) Award of Bid 2021021 for Operations of the Biosolids Dewatering Facility, Sludge Dewatering and Hauling

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

Approved staff's recommendation

8.C. [21-0246](#) Modification to Purchase of Enviro-Blocks from Inter-Block Retaining Systems, Inc.

Attachments: [Staff Report](#)
 [Proposal from Inter-Block Retaining Systems, Inc.](#)

Approved staff's recommendation

8.D. [21-0221](#) Renewal of Lease Agreement 2601 51st Avenue, Vero Beach, FL 32966 Tenants: Nick Pappas and Ember Pappas

Attachments: [Staff Report](#)
 [Renewal of Lease Agreement](#)

Approved staff's recommendation

8.E. [21-0242](#) Work Order No. 6, Ecological Associates, Inc. Habitat Conservation Plan Sea Turtle Monitoring North and South County

Attachments: [Staff Report](#)
 [HCP Sea Turtle Monitoring Proposal](#)
 [Agreement Execution](#)

Approved staff's recommendation

- 8.F. [21-0244](#) Sector 3 Beach and Dune Restoration Project (IRC1925) APTIM, Work Order No. 2018006-9, Immediate Post-Construction Environmental Monitoring

Attachments: [Staff Report](#)
[APTIM Work Order No. 2018006-9](#)
[WO No. 2018006-9 Agreement Execution](#)

Approved staff's recommendation

- 8.G. [21-0245](#) Sector 5 Beach and Dune Restoration Project (IRC1923) APTIM, Work Order No. 2018029-8, Year 1 Post-Construction Environmental Monitoring

Attachments: [Staff Report](#)
[APTIM Work Order No. 2018006-9](#)
[Agreement Execution](#)

Approved staff's recommendation

- 8.H. [21-0241](#) South County Water Treatment Plant Floridan Aquifer Wells Rehabilitation Project Delays

Attachments: [Staff Report](#)
[Kimley-Horn Letter](#)

Approved staff's recommendation

- 8.I. [21-0243](#) Roseland Road Sewer Expansion Cost Share Agreement between Indian River County and City of Sebastian

Attachments: [Staff Report](#)
[Cost Share Agreement](#)
[Force Main Extension Map](#)
[Estimated Cost Allocation](#)

Approved staff's recommendation

- 8.J. [21-0251](#) Ocean Concrete and George Maib v. Indian River County

Attachments: [Staff Report](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. [21-0254](#) Applications for Citizen Member to the Value Adjustment Board

- Attachments:** [Staff Memorandum](#)
 [Application Wykoff](#)
 [Resume Wykoff](#)
 [Application Mucher](#)
 [Resume Mucher](#)
 [Resignation of Joseph Leo George](#)

County Attorney Dylan Reingold introduced the item on behalf of the Clerk to the Board. There was no discussion regarding the nominees.

A motion was made by Commissioner Earman, seconded by Vice Chairman O'Bryan, to appoint William R. Wykoff to the position of Citizen Member to the Value Adjustment Board. The motion carried by the following vote:

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

9.B. [21-0256](#) Indian River County Clerk of the Circuit Court and Comptroller Jeffrey R. Smith re: Jury Scam Warning

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, appeared before the Board to issue a public notice of a phone scam targeting citizens who failed to attend jury duty. He recounted a victim's account of the call she had received directing her to pay bogus fines and court costs over the phone. Mr. Smith advised that juror communication from the Court is done in writing, never by phone, and urged citizens to report any such calls to the Clerk's office. Staff agreed to post a scam warning to the County's website.

No Action Taken or Required

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. [21-0253](#) Update Regarding COVID-19 Vaccinations

Attachments: [Staff Report](#)

County Administrator Jason Brown provided an update on the statewide and local COVID vaccination efforts. He noted that County's vaccination rate was outpacing the State's rate, with additional vaccine locations due to come online in the future. His report also covered updates on the County's registration system, a call center phone line mix-up, vaccination calendar update, a sample of the vaccination appointment offer, and wait list metrics.

Cheryle Halleran addressed the Board with the difficulty she experienced trying to register for the wait list via analog phone, and her efforts to solve the problem. She requested that the Board consider ways to reach those residents who cannot be contacted digitally.

Discussion ensued among the Commissioners regarding the State's Sharecare registration system, strides made in the vaccination appointment system, appreciation for citizen volunteers, and the increase in positive community feedback.

Peter Robinson, County resident, addressed the Board with praise for the County's vaccination process.

No Action Taken or Required

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

F. Office of Management and Budget

12.F.1. 2021/2022 Budget Workshop/Hearing Schedule

Attachments: [Staff Report](#)

Management and Budget Director Kristin Daniels presented the dates for the 2021/2022 Budget Workshop and Hearings. Director Daniels and the Board discussed the County's positive relationship with newly-elected Indian River County Sheriff Eric Flowers.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the budget workshop and budget hearing dates for the 2021/2022 Fiscal Year. The motion carried by the following vote:

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

G. Public Works**12.G.1.** [21-0237](#) Indian River County Courthouse Renovations Project (IRC-1728) Release of Retainage and Change Order No. 1

Attachments: [Staff Report](#)

[Change Order No. 1](#)

[Change Order No. 1](#)

Public Works Director Richard Szpyrka presented a timeline and photographs of the completed renovations at the County Courthouse. Director Szpyrka gave kudos to Project Manager Kirstin Leiendecker.

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

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

12.G.2. [21-0240](#) Presentation Regarding Indian River County Welcome Signs, IRC-1816

Attachments: [Staff Report](#)

Public Works Director Richard Szpyrka shared photographs of the four (4) newly-installed Indian River County welcome signs. He noted that feedback from the community had been positive.

No Action Taken or Required

H. Utilities Services

12.H.1. [21-0250](#) TV Truck Buyback Option with Envirosight

Attachments: [Staff Report](#)

Utility Services Director Vincent Burke appeared before the Board to detail his department's continual problems with closed circuit television (CCTV) equipment purchased from Envirosight Products Group, Inc. Director Burke explained that the TV equipment, which was retrofitted onto an existing truck, was an important tool used to assess the condition of the County's sewer system. He sought approval to utilize Envirosight's buyback option to return the CCTV truck and recoup 70 percent of the cost.

Vice Chairman O'Bryan received confirmation from County Attorney Dylan Reingold that exercising the buyback option was preferable to pursuing litigation with Envirosight. Commissioner Earman asked and received answers from Director Burke regarding his department's plan to move forward with a truck from a different provider.

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

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

12.H.2. [21-0252](#) Utility Accounts Receivable Bad Debt

Attachments: [Staff Report](#)

[Attachment 1 Draft Notice of Future Charges](#)

[Attachment 2 Proposed Code Modifications](#)

[Attachment 3 October 20 2020 Agenda Item](#)

[Attachment 4 Minutes to the October 20 2020 Agenda Item](#)

Utility Services Director Vincent Burke presented an update on his department's proposal to resolve past-due utility accounts, first presented at the October 20, 2020 Board meeting. He referred to staff's memo dated February 10, 2021, to detail the recommended payment plans, foreclosure option, and an early notification warning for past due accounts. He stated that staff had drafted an ordinance containing the proposed code modifications for presentation at a future public hearing.

The Board spoke in favor of the presented plan, and complimented the work done by Utility Department staff. County Attorney Dylan Reingold affirmed his support of the plan.

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

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

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

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

14.B.1. [21-0234](#) Resolution in support of the Legislature funding Florida Forever

Attachments: [Commissioner's Memorandum](#)
[Proposed Resolution](#)

Vice Chairman Peter O'Bryan advocated for a resolution in support of the Florida Legislature funding Florida Forever in Fiscal Year 2021-2022. He noted that the County had backed this measure in the past.

Dr. Richard Baker, President, Pelican Island Audubon Society, spoke regarding the status of Florida's agricultural and conservation lands, and thanked the Board for their support of conservation efforts.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve Resolution 2021-017, expressing support for \$125 million funding for Florida Forever for Fiscal Year 2021-2022. The motion carried by the following vote:

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

- 14.B.2. [21-0235](#) Proposed Ordinance to prohibit the sale and distribution of tobacco products to persons under 21 years of age

Attachments: [Commissioner's Memo](#)
[COVB Tobacco Ordinance 2020-11](#)
[Florida Local Retail Tobacco Licensing Ordinance](#)

Vice Chairman O'Bryan requested the Board's consideration of an ordinance to raise the legal age limit for tobacco product purchases from 18 to 21, including vaping products which are not currently regulated. He included a copy of the City of Vero Beach's ordinance as an example.

County Attorney Dylan Reingold noted that the Federal government recently raised the age limit to 21 for tobacco product purchases, and supported aligning the County's regulations with the Federal ones. Additionally, he noted that State vaping regulations allowed room for more-stringent County restrictions to be adopted.

Vice Chairman O'Bryan requested that Attorney Reingold look into whether an exception could be made for anyone 18 and over with military ID to purchase tobacco products. The Board and staff then discussed the value of aligning Federal, State, and local regulations to alleviate enforcement issues across jurisdictions.

Kyleigh Savoie, Tobacco Free Partnership Facilitator, thanked the Board for their support and presented statistics regarding youth smoking and vaping.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to direct the County Attorney return to the Board at a future public hearing with an ordinance to change the legal age for purchasing tobacco and vaping products from 18 to 21 in Indian River County. The motion carried by the following vote:

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

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

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. Those minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. [21-0249](#) Fifteenth Amendment to Republic Services

Attachments: [Staff Report](#)
[SCS Field Services Proposal](#)
[Fifteenth Amendment to Republic Services](#)

Director of Utility Services Vincent Burke referred to staff's memo dated February 5, 2021 as he detailed the proposal for additional Operation and Maintenance services needed for the County's landfill gas system.

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

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

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

There being no further business, the Chairman adjourned the meeting at 10:40 a.m.