



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

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

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

Tuesday, October 12, 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

Jeffrey R. Smith, Clerk of Circuit Court and Comptroller, Genesis Church

3. PLEDGE OF ALLEGIANCE

Jason Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted prior to the meeting: Item 8.F.

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

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Moss, to approve the Agenda as amended. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS

6. APPROVAL OF MINUTES

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve the Regular Meeting Minutes of July 13, 2021, and August 17, 2021. The motion carried by the following vote:

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

6.A. [21-0959](#) Regular Meeting of July 13, 2021

Recommended Action: Approve

Attachments: [07132021BCC_Granicus](#)

Approved

6.B. [21-0960](#) Regular Meeting of August 17, 2021

Recommended Action: Approve

Attachments: [08172021BCC_Draft](#)

Approved

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

- 7.A. [21-0950](#) Notice of Public Meeting for the Lost Tree Islands Conservation Area Restoration/Enhancement Plan

Recommended Action: This is an informational item only; no board action is required

Attachments: [Staff Report](#)
[Lost Tree with logos 10-6-21 REV](#)

Assistant Director of Parks & Conservation Resources Beth Powell announced a public meeting to be held on October 27, 2021 at the Intergenerational Recreation Center, for the purpose of education, discussion, and public input on the Lost Tree Islands Conservation Area (LTICA) habitat restoration and enhancement project (the Project). She thanked the Indian River Lagoon Council for the grant funding that would be used for the project design.

Members of the Board expressed their gratitude that the Project was moving forward. Commissioner Earman added that the boat park named after his grandfather would be included in the improvements to the area islands, and he received an update from Ms. Powell on the Jones' Pier Conservation Area Public Use Improvements Project.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.G. for discussion. The motion carried by the following vote:

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

- 8.A. [21-0926](#) Agreement for RFP 2021001 - Wabasso Scrub Conservation Area Overlook

Recommended Action: Staff recommends the Board approve the sample agreement and authorize the Chairman to sign it after approval by the County attorney as to form and legal sufficiency.

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

Approved staff's recommendation

- 8.B.** [21-0911](#) Request for Authorization to Submit an Application for Section 5311 Grant for Rural Transit Operating Assistance Funds from the Coronavirus Response & Relief Supplemental Appropriations Act (CRRSAA) and the American Rescue Plan (ARP)

Recommended Action: Staff recommends that the Board of County Commissioners adopt the resolution authorizing the filing of the Section 5311 grant application for CRRSAA and ARP funds.

Attachments: [Staff Report](#)
 [Resolution](#)
 [Grant Application](#)
 [Budget Form](#)

Approved Resolution 2021-068, authorizing the submission of a grant application for 49 USC Ch. 53, Section 5311 public transit operating assistance.

- 8.C.** [21-0923](#) Harmony Reserve, LLC's Request for Final Plat Approval for Harmony Reserve PD Phase 4 [PD-14-10-12 / 97080101-89711]

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners grant final plat approval for Harmony Reserve PD Phase 4.

Attachments: [Staff Report](#)
 [Location Map](#)
 [Plat Layout](#)

Approved staff's recommendation

- 8.D.** [21-0944](#) Request for Approval to Enter into a Bus Shelter License Agreement with West Vero Crossings, LLC for Construction of a Bus Shelter

Recommended Action: Staff recommends that the Board of County Commissioners review the Bus Shelter License Agreement and authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
 [Transit Shelter License Agreement](#)

Approved staff's recommendation

- 8.E. [21-0949](#) Approval of a State Submerged Lands Lease Renewal on Boat Club Island (aka Spoil Island IR25) - BOT File No. 310345813

Recommended Action: Staff recommends that the Board of County Commissioners approve the attached sovereignty submerged lands fee waived lease renewal for Boat Club Island (Spoil Island IR-25), and authorize the Board Chairman to sign the lease on behalf of the County.

Attachments: [Staff Report](#)
[Submerged lands lease renewal dueOct2022](#)

Approved staff's recommendation

- 8.F. [21-0956](#) Approval of a License Agreement with Indian River Sports Complex, Inc. (a Not for Profit Florida Corporation) to provide Youth Baseball Programming and Enrichment Programs at the Helen Hanson Park located at 8020 129th Court, Sebastian Fl.

Recommended Action: Staff respectfully recommends the Indian River County Board of County Commissioners accept the license agreement with Indian River Sports Complex, Inc and Indian River County and execute the same.

Attachments: [Staff Report](#)
[Helen Hanson Park License](#)

(Clerk's Note: This item was deleted from the Agenda prior to the start of the meeting.)

Deleted

8.G. [21-0965](#) TIGR Acquisitions II, LLC Letter of Intent to purchase 1340 Old Dixie Highway Tower

Recommended Action: Staff recommends that the Board of County Commissioners enter into Letter of Intent (LOI) agreement with TIGR Acquisitions II, LLC and proceed with due diligence. Staff further recommends that the Board authorize the County Administrator to execute the purchase and sale agreement, the site license and the easement agreement following the completion of the due diligence period and after the County Attorney has approved them as to form and legal sufficiency.

Attachments: [Staff Report - Tower](#)
[TowerPoint Letter of Intent](#)

Vice Chairman O'Bryan requested and received a recap from County Administrator Jason Brown about TIGR Acquisitions III, LLC's (TIGR Acquisitions) intent to purchase a County-owned communications tower at 1340 Old Dixie Highway, located within the City of Vero Beach (the City). He explained that the County was in negotiations with the City about the terms of a new 99-year ground lease and details regarding South Beach and Charles Park. Administrator Brown told of staff's intent to present the lease agreement to the City in time for their October 19, 2021 City Council meeting, and that he would return to the Board with the agreement. He added that the item would be placed on the November 2, 2021 election ballot as a referendum for approval by voters who reside in the City.

County Attorney Dylan Reingold confirmed that there was one point in the site license agreement with regard to the license and sublicense agreement that was still being negotiated by TIGR Acquisitions, the City, and the County. He added that the updated staff memorandum, which had been presented to the Board prior to the start of the meeting, included changes that had been requested by the City and agreed upon by TIGR Acquisitions.

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS**C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS****11.A. [21-0946](#)** Proposed Schedule Board of County Commission 2022 Meeting Dates

Recommended Action: Consider proposed schedule and provide direction

Attachments: [Staff Report](#)
[Proposed Meeting Dates 2022 Draft](#)

County Administrator Jason Brown presented the proposed 2022 schedule of meeting dates for the Board of County Commissioners.

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

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

11.B. [21-0947](#) Collective Bargaining Agreement between Indian River County and International Association of Firefighter's, Local 2201 FY21/22 General Wage Increase

Recommended Action: Staff respectfully recommends approval of a 4% general wage increase for employees represented by the International Association of Firefighter's, Local 2201 effective the first full pay period in October 2021 and requests the Board authorize its Chairman to sign the First Amendment to October 1, 2019 Collective Bargaining Agreement, Article 34 - Salaries providing for the general wage increase.

Attachments: [Staff Report](#)
[First Amendment to IAFF Agreement](#)
[Exhibit A](#)

County Administrator Jason Brown stated that an agreement had been reached between the County and the International Association of Firefighter's, Local 2201 (IAFF, Local 2201), which included a 4% wage increase with an effective date of October 1, 2021.

Mr. John O'Connor, Union President of the IAFF, Local 2201, addressed the Board with appreciation for the investment in the community.

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

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

11.C. [21-0964](#) 2022 Legislative Priorities

Recommended Action: Presentation and Discussion

Attachments: [Staff Memo - Legislative Update Presentation](#)
[2022 Preliminary State Legislative Program](#)

Kathleen Keenan, Legislative Affairs and Communications Manager, referred to staff's memorandum dated June 9, 2021, to update the Board on the County's legislative priorities for the 2022 Florida Legislative Session, which was scheduled to take place in Tallahassee from January 11, 2022, through March 11, 2022.

The Commissioners were pleased with the package presentation. Commissioner Moss inquired about the concern titled Housing Assistance listed under the Health, Human Services and Public Safety Policies concerns. Ms. Keenan stated that it had been carried over from a previous session and could be removed if it was the direction of the Board.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the 2022 Legislative Priorities as presented. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, 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. [21-0935](#) Amendments to Chapter 304 (Life Support and Wheelchair Services) of the Indian River Code of Ordinances

Recommended Action: County staff recommends that the Board authorize staff to set a public hearing to consider an ordinance making technical changes to Part I (Life Support Services) and eliminating Part II (Wheelchair Vehicle Services) of Chapter 304 (Life Support and Wheelchair Services) of the Indian River County Code of Ordinances and amend Part I (Life Support Services).

Attachments: [Staff Memo](#)
[Chapter 304 rewrite](#)

County Attorney Dylan Reingold referred to staff's memorandum dated September 27, 2021, while explaining that County staff felt it was no longer necessary to be involved in regulating the number of businesses that offer wheelchair vehicle services. He informed the Board of his desire to schedule a public hearing for adoption of an ordinance to eliminate Part II of Chapter 304 from the Indian River Code of Ordinances, and to include technical changes to Part I of Chapter 304.

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

13.B. [21-0957](#) Deed of Conservation Easement - First Negotiation Rights

Recommended Action: The County Attorney's Office recommends Indian River County Board of County Commissioners refrain from exercising its first negotiation rights and authorize staff to notify Mr. Garris that the County is not interested in fee simple acquisition of the Triple S Ranch property.

Attachments: [Staff Report](#)
[Deed of Conservation Easement](#)

County Attorney Dylan Reingold referred to staff's memorandum dated October 5, 2021, to recap the topic involving the Triple S Ranch property. He stated that on October 5, 2021, the Board had directed him to further review the conservation easement restrictions, the Florida Wildlife Corridor purchases, and the estimated purchase price of the property if the County was interested in the acquisition. In his detailed presentation, Attorney Reingold advised that there were many restrictions and few allowable uses for the property; he recommended that the Board refrain from exercising its first negotiation rights to purchase.

Commissioner Earman thanked Attorney Reingold for providing the Board with additional information on the matter.

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

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

14. COMMISSIONERS MATTERS**A. Commissioner Joseph E. Flescher, Chairman**

14.A.1. [21-0924](#) Discussion of Proposal for Pretrial Program Services for Indian River County

Recommended Action: Discuss

Attachments: [Commissioner's Memorandum](#)
[Proposal for Pretrial Program Services](#)

(Clerk's Note: This item was heard following the Consent Agenda, and was placed here for continuity.)

Chairman Flescher referred to his inter-office memorandum dated September 24, 2021 to provide a recap of the May 14, 2019 Board of County Commission meeting when the proposed Pretrial Program (the Program) had been approved. He stated that the Program did not move forward at that time due to a lack of support from prior Indian River County Sheriff Deryl Loar.

County Attorney Dylan Reingold discussed the benefits of the Program, which would be provided by St. Lucie County at a cost of \$250,000. He made mention of local judges who were in full support of the Program.

Chairman of the Public Safety Council and City of Vero Beach Police Chief David Currey expressed his support for the Program.

Indian River County Sheriff Eric Flowers was also in support of the Program, and he offered clarification with regard to his priority of maintaining the safety of residents. He discussed the savings that would be anticipated if the Program was implemented.

Joseph Cowan, St. Lucie County Criminal Justice Director, provided the Commissioners with an overview of the Program as it had been implemented in the counties of St. Lucie, Martin, and Okeechobee. He responded to inquiries from Commissioner Moss about staffing, ankle bracelets, and the length of time the Program had been in existence.

Attorney Reingold estimated that the Program could be up and running within three (3) to five (5) months. He added his appreciation for the friendly and helpful employees of St. Lucie County who had responded to numerous inquiries.

Discussion among the Board, Sheriff Flowers, and Mr. Cowan included the cost savings to the County when individuals qualify for the Program, the success of similar programs throughout the State and the Nation, and suggestions for funding the Program, noting that the Sheriff agreed to cover half of the cost.

Clerk of the Circuit Court Jeffrey R. Smith advised the Board regarding the options for office space in the Indian River County Courthouse if needed to run the Program.

County Administrator Jason Brown remarked that there were funds available that could be used to cover the County's portion of the Program's funding.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to approve the establishment of a Pretrial Program for 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

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

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

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

B. Solid Waste Disposal District

15.B.1. [21-0963](#) Approval of Minutes Meeting of July 13, 2021

Recommended Action: Approve

Attachments: [07132021SWDD_Draft](#)

Approved

15.B.2. [21-0961](#) Approval of Minutes Meeting August 17, 2021

Recommended Action: Approve

Attachments: [08172021SWDD Draft](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Solid Waste Disposal District Meeting Minutes of July 13, 2021, and August 17, 2021. The motion carried by the following vote:

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

15.B.3. [21-0952](#) Residential Paper Shredding Event on October 16, 2021

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the Fall Residential Paper Shredding Event to be held on October 16, 2021

Attachments: [Staff Report](#)
[Contract MOU](#)

Managing Director Himanshu Mehta addressed the Board to introduce Ms. Jill Brown, the newly hired Recycling Specialist.

Recycling Education and Marketing Coordinator Sue Flak announced the free Residential Paper Shredding Event, to be held at Southeast Secure Shredding on October 16, 2021. She noted that the cost of the event would be covered by Waste Management.

No Action Taken or Required

15.B.4. [21-0953](#) Work Order No. 44 to Kimley-Horn for Landfill Gas Flare Skid Improvements and Pipeline Extension

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that its Board approve the following: a) Approve Work Order No. 44 with Kimley-Horn and Associates, Inc. for \$226,420 to provide engineering services related to the Landfill Gas Pipeline Extension and Skid Improvements; and, b) Authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
[Reference Letter from IRED](#)
[Work Order No 44 - KHA](#)

Managing Director Himanshu Mehta referred to staff's memorandum dated September 24, 2021, to detail two (2) services that would be provided by Kimley-Horn and Associates, Inc. with regard to the Landfill Gas Pipeline Extension and Skid Improvements. He made mention that several individuals were present to address the Board with regard to their involvement in the County's Renewable Natural Gas (RNG) facility project.

Gautam Arora, CEO and President of Biogas Engineering, spoke about his company and its concentration on the biogas system. He noted his excitement for the RNG facility project, which was projected to be the first of its kind in Florida.

Vice Chairman O'Bryan felt the RNG facility project should be added to the Legislative Appropriations from the State. His fellow Commissioners agreed, with Legislative Affairs & Communication Manager Kathleen Keenan agreeing to look further into it. County Attorney Dylan Reingold clarified that a portion of the project was private and that the County Attorney's office would assist with looking for funding.

Alain Castro, Managing Partner of the Indian River Eco District, informed the Board that he had located the best in class within each necessary field to assist in moving forward with the RNG production facility. He noted that Nopetro, LLC (Nopetro) would co-own the RNG production facility, and introduced representatives Jorge Herrera, Co-Founder and CEO, and John Del Rossi, Director of Business Development. Mr. Herrera utilized a PowerPoint presentation to provide an overview of Nopetro's current operations, which included fueling facilities across Florida.

Vice Chairman O'Bryan inquired and received clarification from Director Mehta that the County would work together with their project partners to generate enough RNG to be beneficial to the County and to area businesses, such as

Waste Management. Mr. Herrera answered the Vice Chairman's questions regarding the placement of RNG fueling stations in the United States and Nopetro's fixed costs versus variable costs. Mr. Herrera informed that the main variable involved the amount of biogas that could be provided by the County for purification.

Chairman Flescher added comments about future goals, including the ability to supply enough RNG to fuel the busses run by the School District of Indian River County.

Commissioner Adams thanked staff and their partners for continuing to explore sustainable systems, which will benefit future generations.

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

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

15.B.5. [21-0954](#) Florida Department of Transportation Property Acquisition

Recommended Action: The County Attorney's Office recommends that the Board accept the offer, approve the resolutions, and authorize the chair to execute any and all documents necessary to effectuate the transaction.

Attachments: [Staff Report](#)

[109-2](#)

[702-2](#)

[903-2](#)

[Right of Way map - Parcels 109, 702 & 903](#)

There was discussion among the Board and County Attorney Dylan Reingold regarding moving forward with the intersection at I-95 and Oslo Road.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation, including: 1) SWDD Resolution 2021-001, with regard to Parcel No. 109.2R (09/29/2021), Item/Segment No.4130482, Section 88601-2500, Managing District 04, C.R. No. 606 (Oslo Road/9th Street SW), in Indian River County, Florida, to execute and deliver to the State of Florida Department of Transportation a deed, or deeds, in favor of the State of Florida Department of Transportation, conveying all rights, title and interest that the Indian River County Solid Waste Disposal District (IRCSWDD) has in and to said lands required for transportation purposes, and said request having been duly considered; 2) SWDD Resolution 2021-002, with regard to Parcel No. 702.2R, Item/Segment No.4130482, Section 88601-2500, Managing District 04, C.R. No. 606 (Oslo Road/9th Street SW), in Indian River County, Florida, to execute and deliver to the State of Florida Department of Transportation a temporary easement, or easements, in favor of the State of Florida Department of Transportation, for the purpose of grading, sloping, tying in, reconnecting and harmonizing existing features, etc., together with the right of access, ingress and egress, along with any other incidences necessary or convenient in connection with the construction to be undertaken by the Department, in County Road 606 (Oslo Road/ 9th Street SW), adjacent thereto, and said request having been duly considered; and 3) SWDD Resolution 2021-003, with regard to Parcel No. 903.2R, Item/Segment No.4130482, Section 88601-2500, Managing District 04, C.R. No. 606 (Oslo Road/9th Street SW), in Indian River County, Florida, to execute and deliver to the State of Florida Department of Transportation a license, in favor of the State of Florida, for the purpose of sloping, grading, tying in, harmonizing and reconnecting existing features of the Licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of July 2029, and said request having been duly considered. 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, Chairman Flescher adjourned the meeting at 11:03 a.m.