



Indian River County Florida

Draft Meeting Minutes

Board of County Commissioners

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

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

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

Tuesday, November 15, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Chaplain Lou Tropf, IRC Jail

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 5.A. to be heard following Item 15.B.2.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Agenda as amended. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation Honoring Peter D. O'Bryan, Commissioner of District Four, on the Occasion of His Retirement

(Clerk's Note: This item was heard following Item 15.B.2)

Chairman O'Bryan turned over the meeting to Vice Chairman Earman. Before the reading of the Proclamation, Deputy Attorney Bill Debraal, along with County Attorney Dylan Reingold, congratulated Chairman O'Bryan on his retirement and appreciated his approach on eminent domain called the "O'Bryan Rule" that made the process go smoothly; they hoped the tradition would continue. Vice Chairman Earman read the first Proclamation regarding the establishment of the "O'Bryan Rule".

The following individuals congratulated Chairman O'Bryan and for a job well done in making Indian River County a better place to live: Mr. Joseph Paladin, Ms. Penny Chandler, Ms. Helene Caseltine, Mr. Thomas Lanahan, former County Attorney Mr. Alan Polackwich, Fellsmere City Manager Mark D. Mathes, Property Appraiser Wesley S. Davis, Supervisor of Elections Leslie Swan, Clerk of the Circuit Court and Comptroller Jeffrey R. Smith, City of Sebastian Mayor Fred Jones, Commissioner Elect and former Sheriff Deryl Loar, Mr. Michael Kint, Lisa Kahle, and Judge Nicole Menz. Following the speakers, a video presentation of staff and those who could not attend today's meeting sending Chairman O'Bryan their heartfelt wishes on his retirement was shown.

Each member of the Board, County Administrator Jason Brown, and County Attorney Reingold read the Proclamation to District 4 Commissioner Peter D. O'Bryan on his retirement and for 16 years of service to the citizens of Indian River County. His fellow Commissioners, County Administrator Brown, and County Attorney Reingold spoke of his leadership, accomplishments, dedication, courage, and the impact he has had on Indian River County before presenting him with a commemorative compass to show their appreciation.

Chairman O'Bryan stated he felt very humbled and spoke of his time in office. In addition, he recognized and thanked his fellow Commissioners, County and Constitutional staff, the citizens of Indian River County, and numerous others including his wife, Susan.

Presented by each Board Member

5.B.

Presentation of Proclamation Honoring Joseph Karman on his Retirement from the Indian River County Sheriff's Office

A Proclamation was presented to Joseph Karman for 31 years of service to the citizens of Indian River County. He was joined by family and given a promotion to Sergeant by Sheriff Eric Flowers.

Presented by Chairman O'Bryan

6. APPROVAL OF MINUTES

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

7.A. Proclamation Recognizing November 17, 2022 As World Prematurity Day
No Action Taken or Required

7.B. Sebastian River Improvement District Fiscal Year 2022/2023 Regular Meeting Schedule, a copy is on file with the Clerk to the Board Office.
No Action Taken or Required

8. CONSENT AGENDA

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

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

8.A. Checks and Electronic Payments October 14, 2022 to October 20, 2022
Approved

8.B. Checks and Electronic Payments October 7, 2022 to October 13, 2022
Approved

8.C. Checks and Electronic Payments September 30, 2022 to October 6, 2022
Approved

8.D. Checks and Electronic Payments October 21, 2022 to October 27, 2022
Approved

8.E. Checks and Electronic Payments October 28, 2022 to November 3, 2022
Approved

8.F. Final Ranking of Firms and Award of RFP 2023003 for 2024 EAR Amendment and MPP Upgrade
Approved staff's recommendation

8.G. Utility Work By Highway Contractor Agreement with FDOT for the Extension and Relocation Services of Utility Main Lines for the Interchange at I-95 and Oslo Road
Approved staff's recommendation

8.H. 2023 Oblique Aerial Imagery Contract

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. IRC Tax Collector Annual Report

Indian River County Tax Collector Carole Jean Jordan thanked Chairman O'Bryan for his service to the County and for the magnificent job he has done serving as County Commissioner. She also thanked County Administrator Jason Brown for his service to the County and for being a great County Administrator and Rich Szyrka for always coming to the aid of the Tax Collector's Office especially with the current office renovations.

Ms. Jordan went over a list of improvements by the Tax Collector's Office: installation of a new customer service system for appointments, new dealer locker delivery and pick-up systems, a new learning management system to track employee training and create in house training modules for new hires, elimination of physical fax machines and switched over to eFax software, implementation of Grant Street electronic insurance module which would allow an individual to renew their registration online when insurance was required, increase in starting pay to \$15.00 per hour for Customer Service Representatives, and early collection of the 2021 Tax Roll on the 26th of October allowed the Tax Collector's Office to send money to the taxing districts. Two customer service stations were added to the Beach Office location and seven customer service stations at the Main Office location, with hopes in the near future to open up a office location in Fellsmere. She concluded with Specialty license plate request fillable forms and purchase portals were added to the Tax Collector's online payment website.

Ms. Jordan thanked her staff and recognized Jordan Abbey, Brad Newman, Eder Morales, Dan Baker, Danny McCormick, Ryan Kasten, and Adria Espich. Ms. Jordan presented a check for \$2,221,710.19 and received thanks from the Board.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to accept the Annual Fiscal Report for the Tax Collector's Office for the Year Ended September 30, 2022. The motion carried by the following vote:

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

9.B. IRC Property Appraiser Annual Report

Indian River County Property Appraiser Wesley Davis announced a return of \$205,748.50 to the taxpayers and credited his staff for getting the tax roll submitted

on-time, accurately, and under budget. He also credited investments in technology which allowed staff to process information more expediently. He highlighted the measures taken in cyber security and working closely with the Clerk of the Circuit Court to initiate the software called Just Appraised, an artificial intelligence that transfers the information from a deed to the property record information on the Property Appraiser's website.

A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, to accept the Annual Fiscal Report for the Property Appraiser's Office for the Year Ended September 30, 2022. The motion carried by the following vote:

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

9.C.

IRC Sheriff Annual Report

Indian River County Sheriff Eric Flowers came before the Board respectfully requesting for the General Fund, the amount of \$470,916.37 be returned as a Fiscal Year (FY) Budget Amendment in order to cover outstanding purchase orders delayed due to supply chain demands, and for the Law Enforcement Trust Fund, the amount of \$112,141.40 be returned to cover the ordered items approved at the August 16, 2022 Board Meeting. He added the remaining amount of \$3,697.60 would go back into the County's Fund 112.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve the Sheriff's request for the Fiscal Year 2021/2022 reversion of fees for the General Fund in the amount of \$470,916.37 and for the Law Enforcement Trust Fund in the amount of \$112,141.40. The motion carried by the following vote:

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

9.D.

IRC Supervisor of Elections Annual Report

Supervisor of Elections Leslie Rossway Swan began by thanking the Board for their support over the last Fiscal Year (FY) 2021/2022, pointing out that the last budget year was not only a gubernatorial election cycle, but a redistricting year. She spoke of staff spending countless hours redrawing precinct boundary lines, renumbering precincts, and utilizing three new polling places, noting the Election office mailed out over 118,000 new voter information cards and over 45,000 vote-by-mail ballots for the November 8th election. She discussed the past election and took the opportunity to recognize and thank her staff, County Attorney Dylan Reingold, Vice Chairman Earman, Commissioner Adams, and those who served on the Canvassing Board who helped make the election go smoothly.

Ms. Swan presented the Board with a check for \$9,647.56 in returned funds. Chairman O'Bryan commended Ms. Swan and her staff for the exemplary way they handled elections in the County.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to accept the Annual Fiscal Report for the Supervisor of Elections Office for the Year Ended September 30, 2022. The motion carried by the following vote:

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

9.E.

IRC Clerk of Court and Comptroller Annual Report

Jeffrey R. Smith, Clerk of the Court and Comptroller, wished Chairman O'Bryan the best on his retirement and stated that he would be missed. Mr. Smith presented a check for \$416,152.68 in excess fees for non-court operations. He thanked his staff, as well as the Board and County staff for their assistance and supportive relationship.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to accept the Annual Fiscal Report for the Clerk of the Circuit Court and Comptroller for the Year Ended September 30, 2022. The motion carried by the following vote:

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

9.F.

Announcement by Jeffrey R. Smith, Indian River County Clerk of Circuit Court & Comptroller, of the GFOA Triple Crown Award for Fiscal Year 2019-2020

Jeffrey R. Smith, Clerk of the Court and Comptroller, was pleased to announce Indian River County was awarded the Triple Crown Award for Fiscal Year 2019/2020 from the Government Finance Officers Association (GFOA) for Excellence in Financial Reporting, the Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award. He commended his staff and Budget Director Kristin Daniels and her staff for a job well done.

No Action Taken or Required

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1.

Miscellaneous Budget Amendment 10 (Administrative)

County Administrator Jason Brown stated according to Florida Statute 129.06(2) (f) whenever changes to the County's Fiscal Year Budget reflect actual cash balance dollars being allocated, a public hearing must be advertised for the purpose of hearing comments from the public on the changes to the budget. He announced the Miscellaneous Budget Amendment 010 was advertised on Friday, November 11, 2022.

Chairman O'Bryan opened the public hearing. There being no speakers, the

Chairman closed the hearing.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve Resolution 2022-087, amending the Fiscal Year 2021-2022 Budget. 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.

Kolter Group Acquisitions LLC's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval and Concurrent Preliminary PD Plan/Plat Approval for a Project to be known as Red Tree Cove PD [PD-21-11-09 / 2021040075-90718]

Chairman O'Bryan introduced the parties for the proceeding as being Indian River County and Kolter Group Acquisitions LLC. (Applicant). Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

The Chairman opened the public hearing. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Ryan Sweeney, Chief of Current Development, utilized a PowerPoint presentation to detail the Planned Development (PD) process, as well as the requirements needed to receive special exception and concurrent preliminary PD plan/plat approval for the project located on the southwest corner of 13th Street SW and 43rd Avenue SW. He detailed the proposed development and the general layout of the conceptual PD plan for phase I and II of the project.

Commissioner Moss brought up the concern expressed at the Planning and Zoning Commission Meeting regarding traffic in the area of the project. She felt the County in the future should look at the number of houses and the traffic generated by a proposed development.

Vice Chairman Earman sought and received confirmation from Chief Sweeney that the developer agreed to contribute their fair share of the cost for the future 17th Street SW bridge crossing, part of the South County Initiative.

Chairman O'Bryan followed up on Commissioner Moss's question and stated the County, through the Metropolitan Planning Organization's 20-year Long Range Transportation Plan, looked at growth, future traffic needs, and the land use in the area to calculate how many more homes may be developed in the future.

Jim Vitter, representative from BGE, Inc., on behalf of Kolter Group

Acquisitions, LLC, stated he was available along with the consultants to answer any questions.

Chief Sweeney commented that the Homeowner Associations within the surrounding subdivisions were sent a notice by mail of the public hearing.

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

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

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Dennis Dunlap re: Proposed Unleashed Dog Access on Beaches

Mr. Dennis Dunlap, resident of Indian River Shores, spoke on the reasons he was strongly opposed to the proposed unleashed dog access on beaches.

No Action Taken or Required

10.B.2. Request to Speak from Robert Christiansen re: Off Leash Dog Beach

Mr. Robert Christiansen, a resident of Indian River Shores, spoke on his fear of off-leash dogs. He shared his love of dogs and discussed a couple of encounters he had experienced with unleashed dogs, noting there were many responsible pet owners, but expressed concern on the irresponsible ones.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. Storm Update

County Administrator Jason Brown provided an update on Hurricane Nicole stating the County fared well and noted the County's beaches sustained varying amounts of damage from wind and swells. In a PowerPoint presentation, he reviewed staff's observation reports from Hurricane Nicole, displaying the before and after pictures of the impacts to County beaches and facilities.

County Administrator Brown thanked County staff and other entities who worked during the storm. He stated the vegetative waste seemed far less than that of Hurricane Ian and asked if the Board wanted to waive the tipping fees at the landfill for the debris.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve waiving the tipping fees on debris until November 30, 2022. 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

12.G.1. Florida Department of Transportation (FDOT) Locally Funded Agreement (LFA) for Oslo Road Widening Project FM. No. 431521-1 (IRC-1411)

Public Works Director Rich Szpyrka stated the Florida Department of Transportation (FDOT) was in the final stages of design for the Oslo Road Widening project. He added the County had requested the four (4) mast arms for this project be painted Federal Highway Green, a cost that would be the responsibility of the County. He concluded in order to accommodate the request, the FDOT had provided the County with a Locally Funded Agreement to provide for a lump sum payment of \$90,000.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2022-088, authorizing the Chairman's execution of a Locally Funded Agreement (LFA) FM NO. 431521-1 with the Florida Department of Transportation for mast arm painting and maintenance of mast arms on Oslo Road between 58th and 82nd Avenues upon final acceptance by the County of the improvements constructed by the Florida Department of Transportation. The motion carried by the following vote:

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

12.G.2. Change Order No. 1, Construction of Intersection Improvements at SR-60 and 43rd Avenue, IRC-0853, FDOT FM 431759-2-54-01

Chairman O'Bryan sought and received information on an estimated date for the completion of the intersection improvements at State Road (SR) 60 and 43rd

Avenue from Public Works Director Rich Szpyrka.

Director Szpyrka presented a change order in the amount of \$863,685.50, noting \$403,538.00 of the amount was to compensate the contractor Timothy Rose Contracting, Inc. for the repair of the Florida Department of Transportation's (FDOT) SR-60 drainage trunk line and to add 87 days to the contract time. Additionally, due to the delays of unplanned repairs, there was a price adjustment in the amount of \$460,147.50 for the increase in material costs due to the recent volatility in prices.

Vice Chairman Earman acknowledged the difficulties staff and the contractor had endured with the delays and appreciated Director Szpyrka and staff's hard work on the project.

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

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Demolition Lien - 1705 45th Ave, Vero Beach, FL 32966

Assistant County Attorney Susan Prado recalled that on December 11, 2013, a lien was recorded for the costs of a demolition at 1705 45th Avenue, and as of November 15, 2022, the costs of demolition and interest totaled \$9,796.76. She stated the new owner of the property had contacted the Attorney's office and inquired on a lien reduction. She concluded that consistent with recent practice, the County Attorney's office recommended that the Board waive 90% of the accrued interest, if the lien and the remaining 10% of the interest was paid within 60 days in the amount of \$6,334.86.

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

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Joseph H. Earman, Vice Chairman

14.B.1. Proposal for Revised Beach Renourishment Project Easement

Vice Chairman Earman recalled that at the March 8, 2022 meeting, the Board elected to postpone the Sector 7 Beach Renourishment Project due to a lack of sufficient signed easements. He continued, at the August 16th meeting, it was the Board's consensus for Vice Chairman Earman to begin meeting with the individual Sector 7 homeowners to gather information on how they felt the County could best protect the beaches from erosion. He proposed an updated version of a previously-used easement from the year 2009.

Vice Chairman Earman sought approval from the Board to take the revised easement proposal back to the Beach and Shore Preservation Advisory Committee (BSPAC) for their input.

In response to a question by Commissioner Adams, County Attorney Dylan Reingold stated the difference between the proposed easement and the original easement was the removal of the broader customary-use language replaced by the reference to Section 161.141, Florida Statutes.

Commissioner Adams expressed her concern with the drastic language change compared to the other easements obtained by the County, noting customary-use law had changed since 2009. She felt the County should be consistent across the whole beach management program and that it was not necessary to make accommodations for a project with no public access.

A discussion followed on a Board policy to replace the easement agreements from previous beach restoration projects and allow those individuals who had already signed an agreement the opportunity to sign the new easement. The Board was in agreement to wait for input from the Beach and Shore Preservation Advisory Committee and then bring it back to the Board at a future meeting for further discussion.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve taking the proposal for the revised beach renourishment project easement to the Beach and Shore Preservation Advisory Committee, then bring it back to the Board at a future meeting. The motion carried by the following vote:

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

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

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.

Solid Waste and Recycling Collection Procurement Services by Kessler Consulting, Inc

Solid Waste Disposal District (SWDD) Director Himanshu Mehta presented an agreement with Kessler Consulting, Inc. for their assistance in the procurement process for collection, transportation, and disposal services for regulated solid waste in unincorporated Indian River County, and recycling services. He stated the County has an exclusive residential and commercial franchise agreement with Waste Management Inc. of Florida which expires on September 30, 2025, and pointed out the County Code limits a franchise agreement to a maximum of 10 years. He continued, in preparation, staff was looking at getting the competitive procurement process finalized to allow ample time for the future vendor to prepare.

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

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

15.B.2.

Approval for Off-Site Disposal of Concentrated Leachate Cost Increase

There was no discussion on this item.

A motion was made by Commissioner Flescher, 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

The Board of Commissioners adjourned the Solid Waste Disposal District meeting. The Chairman called a recess at 11:02 a.m., and reconvened at 11:10 a.m. as the Board of County Commissioners with all members present, resuming the meeting with Item 5.A., Presentation of Proclamation Honoring Peter D. O'Bryan on his retirement.

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman for the last time adjourned the meeting at 12:36 p.m.