



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

Joseph H. Earman, District 3, Chairman

Susan Adams, District 1, Vice Chairman

Joseph Flescher, District 2

Deryl Loar, District 4

Laura Moss, District 5

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Randi Wardlow, Deputy Clerk

Tuesday, December 20, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Joe Earman
Vice Chairman Susan Adams
Commissioner Joseph Flescher
Commissioner Deryl Loar
Commissioner Laura Moss

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

2.B. INVOCATION

Minister Jack White, Gifford Church of Christ

3. PLEDGE OF ALLEGIANCE

Commissioner Deryl Loar

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Chairman Earman suggested moving Item 5.A. to follow Item 15.B.5.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to move Item 5.A. to follow Item 15.B.5. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS**5.A.** Presentation of Proclamation Honoring Jason Brown for 24 Years of Distinguished Service to the Indian River County Board of County Commissioners

[Clerk's note: Item 5.A. was heard following Item 15.B.5.]

Chairman Earman opened the item by reading the Proclamation to County Administrator Jason Brown upon his resignation from the County after 24-years of service. Each of the Commissioners and Attorney Dylan Reingold recounted their experiences with Mr. Brown and expressed respect for his strength, respect, trustworthiness, intellect, knowledge, financial acumen, and strong moral compass. They wished him well on his new position with the Clerk of the County Court and Comptroller's Office.

The following people addressed Mr. Brown with praise for him professionally and personally:

Mr. Jeff Smith, Clerk of the Court and Comptroller
Richard Szyrka, Public Works Director
Christina Moore, Legal Assistant
Dori Stone, President, Indian River County Chamber of Commerce
Phil Matson, Community Development Director
Sean Lieske, Utility Services Director
Michael Zito, Assistant County Administrator
Kristin Daniels, Management and Budget Director
Himanshu Mehta, Solid Waste Disposal District Director
Wilfred Hart, Community Activist
Ms. Maya Miller, Traffic Assistant, serenaded Mr. Brown

Mr. Brown addressed the Board, staff, and his parents who were in the audience, stating his thanks for all who helped realize his legacy of improvements for the County's staff and its residents. He discussed his love of public service and expressed his heartfelt gratitude for the honors bestowed him.

Read and Presented by Chairman Earman

5.B. Presentation of Proclamation Honoring Cathleen Reimsnyder on her Retirement from the Indian River County Sheriff's Office

Commissioner Flescher spoke from personal experience as he commended Ms. Reimsnyder on her years of helpful service professionally and personally. She was joined by her husband as she thanked fellow staff who, she stated, were like family to her. Sheriff Eric Flowers thanked Ms. Reimsnyder for her years of service to the County.

Read and Presented by Commissioner Flescher

5.C. Presentation of Proclamation Honoring Jackie Craig on her Retirement from the Indian River County Sheriff's Office

Ms. Craig, who served under former Sheriff Deryl Loar, received praise for her exceptional service during her 30-year tenure as Records Administrator. Ms. Craig received compliments from co-workers, and Sheriff Eric Flowers who spoke favorably of Ms. Craig's expertise.

Read and Presented by Commissioner Loar

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of October 4, 2022 and October 11, 2022 as written. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

6.A. Regular Meeting of October 4, 2022

Approved

6.B. Regular Meeting of October 11, 2022

Approved

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

Chairman Earman and County Administrator Jason Brown commended all the long-time employees who were retiring from the County.

7.A. Proclamation Honoring William A. McGrath On His Retirement From the Indian River County Commissioners Department of Utilities/Wastewater Treatment

Mr. McGrath retired after 22 years of serving the County.

No Action Taken or Required

7.B. Proclamation Honoring Terry W. Southard On His Retirement From the Indian River County Commissioners Department of Utilities/Operations Division

County Administrator Jason Brown described the ways in which Mr. Southard was an integral part of leading the growth of the Utility Services Department during his almost 40-year career.

The Commissioners and several department directors spoke in glowing terms of Mr. Southard's knowledge, dedication, mentorship, and tenacity during his time serving the County.

No Action Taken or Required

7.C. Proclamation Honoring Michael Jenkins On His Retirement From Indian River County Board of County Commissioners Department Of Public Works/Facilities Management Division

Mr. Jenkins retired after 30 years of serving the County.

No Action Taken or Required

7.D. Proclamation Honoring Myles Ray Holmes, Jr. On His Retirement From Indian River County Board of County Commissioners Department of Public Works

Mr. Holmes, Jr. retired after 16 years of serving the County.

No Action Taken or Required

7.E. Planning & Zoning Commission - District 4 Appointee

Commissioner Loar announced the reappointment of Mr. Johnathan F. Day to the Planning and Zoning Commission as the District 4 appointee.

No Action Taken or Required

8. CONSENT AGENDA

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

8.A. Waiver of Requirement for Bids for Road Base Material

Approved staff's recommendation

8.B. Adoption of Modifications to the Purchasing Manual

Approved staff's recommendation

- 8.C.** Resolution 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 21, 2022, through and including January 16, 2023

Vice Chairman Adams noted this was a recurring annual item.

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to approve Resolution 2022-102, delegating authority to the County Administrator or his designee, to call letters of credit as necessary during the period commencing December 21, 2022, through and including January 16, 2023, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary for the proper functioning of the County during the period commencing December 21, 2022, through and including January 16, 2023. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

- 8.D.** El Rancho Investments, L.L.C.'s Request for Affidavit of Exemption Approval with Dedications to the County [AOE-18-10-05 / 99110173-82447] (El Rancho AOE)

Approved staff's recommendation

- 8.E.** Award of Bid No. 2023009, 11th Drive and 37th Street Roadway and Intersection Improvements, IRC-2001

Approved staff's recommendation

- 8.F.** Award of RFP 2023007 - North County Water & Sewer Project Phase 2 -Private Side Connections for Sewer

Approved staff's recommendation

- 8.G.** The Reserve At Grand Harbor, Plat 33 - Third Request for 2-Year Extension to Final Lift of Asphalt Contract - Developer: GH Vero Beach Development LLC

Approved staff's recommendation

- 8.H.** Revision to Administrative Policy AM-702.1 Sick Leave

Approved staff's recommendation

- 8.I.** Approval of the Affordable Housing Advisory Committee 2022 Incentives Review and Recommendation Report Resolution

Approved staff's recommendation and Resolution 2022-104, approving the Indian River County Affordable Housing Advisory Committee (AHAC) 2022 Report and directing staff to submit the County's Local Housing Assistance Plan to Florida Housing Finance Corporation (FHFC).

8.J. Work Order Number 25, Amendment No. 2 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hobart Park Restroom Connections and Utility Service Plans Revisions

Approved staff's recommendation

8.K. Work Order Number 26, Amendment No. 2 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hosie Schumann Renovations, Restroom Connections and Utility Service Plans

Approved staff's recommendation

8.L. Agreement for Purchase and Sell Real Estate with St. John's River Water Management District for an Easement for Expansion of the Trans-Florida Railroad Trail

Approved staff's recommendation

8.M. Amendment No. 3 - FDEP Grant Agreement No. 17IR2 (Wabasso Beach Restoration Project (Sector 3))

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. Indian River County Supervisor of Elections Leslie Swan re: Election Security Enhancement Grant

Supervisor of Elections Leslie R. Swan requested the Board's approval to apply for an Election Security Enhancement Grant. She informed the funds would be used to cover the cost for one year of Albert Network Monitoring, and upgrades to the electronic poll books.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve submission of the Election Security Enhancement Grant to upgrade security and voting technology. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, 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

Public Hearing to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for the North County Water and Sewer Project - Phase 2 (Legislative)

County Attorney Dylan Reingold presented a resolution detailing the method for collecting assessments for the water portion of the North County Water and Sewer Project - Phase 2. He noted this Board would also enter into an agreement with the Tax Collector and Property Appraiser's office. This was the first of two public hearings required by section 197.3632, Florida Statutes.

The Chairman opened the hearing for public comment. There being none, the Chairman closed the public hearing.

A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to approve staff's recommendation and Resolution 2022-104, electing to use the uniform method for the levy, collection, and enforcement of non ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of the water portion of the North County Water and Sewer Project - Phase 2. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

10.A.2

Amending Indian River County Code Chapter 205. - Parks and Recreation (Legislative)

County Attorney Dylan Reingold informed the State had passed legislation which allowed local governments to restrict smoking in City and County-owned public parks. He noted the proposed Ordinance would make park and conservation lands smoke-free, with an exception for unfiltered cigars.

Vice Chairman Adams received confirmation from Attorney Reingold that House Bill 105 specifically excluded unfiltered cigars.

The Chairman opened the hearing for public comment. There being none, the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to adopt Ordinance 2022-017, amending Section 205.03 (Rules and Regulations) of Chapter 205 (Parks and Recreation) of the Code of Indian River County in order to prohibit certain smoking activities at County owned parks consistent with State Statute; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

10.B.1 Request to Speak from United States Lifesaving Association Re: Heroic Act Award Presentation for Lt. Dustin Lightsey FWC

Joe McManus, United States Lifesaving Association, presented his organization's Heroic Act Award to Lt. Dustin Lightsey, Florida Fish and Wildlife Conservation Commission (FWC), for two life-saving incidents at the Sebastian Inlet. Mr. McManus recounted the details of the rescues before presenting the award.

Lt. Lightsey was thankful and stated he was accepting the award on behalf of those rescuers who never get noticed. Commissioner Adams thanked Lt. Lightsey for his service to the community, and acknowledged the many difficult situations he faced.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

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 City of Sebastian - Graves Brothers Annexation Update

County Attorney Dylan Reingold informed the Board that the December 14, 2022 hearing regarding the Graves' Brothers annexation had been rescheduled for the February 8, 2023 meeting of the Sebastian City Council. He added that a draft annexation agreement may be available for review two weeks prior to the February hearing.

No Action Taken or Required

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph H. Earman, Chairman**
- B. Commissioner Susan Adams, Vice Chairman**
- C. Commissioner Joseph E. Flescher**
- D. Commissioner Deryl Loar**
- E. Commissioner Laura Moss**

15. SPECIAL DISTRICTS AND BOARDS

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

- A. Emergency Services District**
- B. Solid Waste Disposal District**

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Meeting Minutes of September 20, 2022 and October 4, 2022. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.1 Approval of Solid Waste Disposal District Meeting Minutes of September 20, 2022

Approved

15.B.2 Approval of Solid Waste Disposal District Meeting Minutes of October 4, 2022

Approved

15.B.3 Work Order No. 56 to Kimley-Horn for the Solid Waste Disposal District Annual Financial Reports

There was no discussion regarding this item.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.4 Amendment No. 2 to Work Order No. 47 to Kimley-Horn and Associates for Roadway and Drainage Improvements at the IRC Landfill

There was no discussion regarding this item.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.5 Amendment No. 3 to Landfill Gas Agreement with Nopetro Eco District, LLC

There was no discussion regarding this item.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

The Board of Commissioners adjourned the Solid Waste Disposal District meeting, and reconvened as the Board of County Commissioners with all members present, resuming the meeting with Item 5.A., Presentation of Proclamation Honoring Jason Brown for 24 years of distinguished service.

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:30 a.m.