



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 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, April 12, 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

Pastor Jimmie Hill, Salt of the Earth Ministry

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Prior to Meeting - Item 8.D. was deleted

Moved: Item 12.G. 3. to be heard prior to 12.G.1.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, 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.** [22-0215](#) Presentation of Proclamation Designating April 12, 2022 as Equal Pay Day in Indian River County

Recommended Action: Read and Present

Attachments: [Proclamation](#)

A Proclamation was presented to Crystal Morris, Director of Public Policy, American Association of University Women (AAUW), who was accompanied by her daughter and members of the AAUW. She spoke on the purpose of the AAUW to promote equity, education, and the development of opportunities for women and girls that enable them to realize their full potential, and provided the statistics on women's versus men's annual earnings.

Read and Presented by Commissioner Adams

- 5.B.** [22-0288](#) Presentation of Proclamation Recognizing National Public Safety Telecommunications Week - April 10 - 16, 2022

Recommended Action: Read and Present

Attachments: [Proclamation - Public Safety](#)

A Proclamation was presented to the Indian River County Sheriff's Office Public Safety Dispatchers. Sheriff Eric Flowers stated the dispatchers were the heartbeat of the agency and expressed his respect for their work. He mentioned a program that would provide mental health services for the employees at the Sheriff's Office. Commissioner Flescher spoke of the critical role dispatchers play in keeping citizens safe.

Read and Presented by Commissioner Flescher

6. APPROVAL OF MINUTES

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

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8. A. 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. [22-0285](#) Indian River County Clerk of Circuit Court and Comptroller, Jeffrey R. Smith: Notice of Annual Comprehensive Financial Report and Popular Annual Financial Report Completion for the Fiscal Year 2020-2021

Recommended Action: Accept the reports

Attachments: [Finance Department Staff Report](#)

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith provided a detailed overview of the Annual Comprehensive Financial Report (ACFR) and the Popular Annual Financial Report (PAFR). He was pleased to announce the County's handling of Coronavirus Aid, Relief and Economic Security (CARES) Act and American Rescue Plan Funds were done according to law and regulations.

Mr. Smith also presented a detailed review of the Popular Annual Financial Report (PAFR), which contains an accessible summary of information from the ACFR. Mr. Smith complimented Director of Management and Budget Kristin Daniels, Chief Deputy Legal Ryan Butler, Chief Deputy Finance Elissa Nagy, and Senior Accountant Raeanne Cone for their work on the reports, as well as the Clerk's Human Resources Director Laura McIver for designing the PAFR.

The Commissioners stated their appreciation for Mr. Smith for providing the reports as a service to the community.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to accept the Annual Comprehensive Financial Report and Popular Annual Financial Report for Fiscal Year 2020-2021. The motion carried by the following vote:

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

- 8.B. [22-0266](#) Annual Financial Report

Recommended Action: Approve the report and authorize Chairman to execute any related documents.

Attachments: [Finance Department Staff Report](#)

Approved

- 8.C. [22-0252](#) Approval of Renewal of a Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard, Inc.

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard, Inc., to be effective for a period of two (2) years from May 4, 2022 to May 4, 2024.

Attachments: [Staff Report](#)
[COPCN Renewal Application](#)

Approved staff's recommendation

- 8.D. [22-0272](#) Delete item 8.D. - Approval of a Memorandum of Understanding between Humane Society Vero Beach & Indian River County Florida, Inc., and the Indian River County Board of County Commissioners

Recommended Action: Staff is recommending the Board approve and execute the Memorandum of Understanding for Animal Shelter Services between the Humane Society Vero Beach & Indian River County Florida, Inc., and Indian River County Board of County Commissioners.

Attachments: [Staff Report](#)
[MOU for Animal Shelter Services](#)

Deleted

- 8.E. [22-0282](#) Approval of Amendment No. 1 to Florida Department of Environmental Protection Grant Agreement LPA0018 for Moorhen Marsh

Recommended Action: Staff recommends that the Board of County Commissioners approve Amendment No. 1 to Grant Agreement LPA0018 extending the terms of the grant to June 30, 2023 in order to allow for completion of construction for the Moorhen Marsh LEAPSTM, and authorize the Chairman to execute Amendment No. 1

Attachments: [Staff Report](#)
[LPA0018 - Amendment 1](#)

Approved staff's recommendation

- 8.F. [22-0289](#) Addendum to RXBenefits Administrative Services Agreement - Amending the Current Contract Period from 12 Months to 17 Months to Align with Annual Benefit Renewals

Recommended Action: Staff respectfully requests the Board of County Commissioners approve and authorize the Board Chairman to sign the 2022 administrative services agreement addendums with RxBenefits after review and approval by the County Attorney.

Attachments: [Staff Report](#)

[2022 ASA Addendum Effective April 30,2022](#)

[2021 ASA Addendum effective October 1, 2021](#)

[2018 ASA Original Agreement effective May 1, 2018](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [22-0291](#) Public Hearing for Amendment to Section 312.11 (Performance Security) of Chapter 312 (Rights-of-Way) of the Indian River Code of Ordinances

Recommended Action: Staff recommends the Board conduct the public hearing on the proposed performance security ordinance amendment and approve the amendment with any changes deemed necessary.

Attachments: [Staff Report](#)
[Performance Security 312.11 Ammendment](#)

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

Assistant County Attorney Susan Prado recalled at the March 15, 2022 Board Meeting, staff proposed a change to Section 312.11 (Performance Security) of Chapter 312 (Rights of Way) of the Indian River Code of Ordinances (the "Code"). She stated the proposed change would allow for the use of letters of credit as security for work in the County right-of-way.

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 Flescher, to adopt Ordinance 2022-005, amending Section 312.11 (Performance Security) of Chapter 312 (Rights-of-Way) of the Code of Indian River County, to modify the types of allowable performance security; providing for codification, conflict, severability, 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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [21-1036](#) Redevelopment of Gifford Gardens (RFP 2021014)

Recommended Action: In the interest of providing a redevelopment project for the Gifford Gardens property that offers housing within the financial reach of the community members which it intends to serve, and in line with the recommendations of the selection committee and the AHAC, staff recommends that the Board of County Commissioners reject the proposal from East to West Development Corporation for the redevelopment of the Gifford Gardens site with single-family homes.

Following the April 27, 2022 AHAC workshop, staff will return to the BCC with a summary of the workshop and a new RFP, as appropriate.

Attachments: [Staff Report](#)
[Gifford Gardens Site Proposal](#)

Assistant Community Development Director Andrew Sobczak, in a PowerPoint presentation, went over the Request for Proposals (RFP) approved by the Board to redevelop the Gifford Gardens Property, located at 4730 40th Avenue, with affordable single-family housing. He indicated the only proposal received was from East to West Development Corporation (East to West), a Non-Profit Housing Provider. The proposal was for 17 new, three-bedroom single-family homes that ranged in size from 1800 to 2000 square feet. He stated the proposal was reviewed by the Purchasing Selection Committee using a set evaluation criteria; however, the committee decided not to recommend award to the sole proposer and it was rejected by the Affordable Housing Advisory Committee (AHAC). He stated the AHAC planned to hold a workshop on April 27, 2022 to consider alternative options for affordable housing at the Gifford Gardens property.

Assistant Director Sobczak, in response to a question raised by Commissioner Moss on the project's infrastructure costs per unit as listed in the East to West's memorandum, stated that staff would be looking at other options for cost savings such as price points, aesthetics, different types of single-family housing, or apartments.

Chairman O'Bryan acknowledged the memorandum from East to West handed out to the Board prior to the meeting, a copy of which is on file in the Clerk to the Board Office.

Commissioner Flescher spoke on the amount of involvement between the AHAC and the community on the project and he wished the economic conditions were different at this time, noting the increase in the price of materials.

The following people addressed the Board.

Anthony Brown talked about the importance of homeownership and wanted to see affordable single-family homes on the Gifford Gardens Property.

Freddie Woolfork expressed the need for affordable housing in the County and for the Board to help the residents find a way for homeownership. He did not want the Board to allow the Gifford Gardens Property to become a rental place.

Joseph Paladin agreed that the Board should stay with single-family homes at the Gifford Gardens Property and suggested lowering the square footage of the homes.

Commissioner Flescher agreed with Mr. Brown and Mr. Woolfork and believed there would be additional bidders for the project once staff redefined the parameters for the RFP .

Vice Chairman Earman appreciated the work done by staff and agreed the Board should strive for homeownership. Commissioner Adams stated at the AHAC meeting, the members voiced their concern regarding the price of the houses being too high, and the reason AHAC recommended the Board reject the proposal and go back out for bid. She add the AHAC was committed to homeownership and would be holding a workshop to look at other ways to lower the costs of the project.

County Administrator Jason Brown indicated staff would explore various options to lower the cost of the project geared toward homeownership. Commissioner Moss opined the County should consider the Habitat for Humanity model to help facilitate homeownership.

A motion was made by Commissioner Flescher, 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. Emergency Services

12.B.1. [22-0286](#) Amendments to Chapter 302 (Animal Control Ordinance) of the Indian River Code of Ordinances

Recommended Action: Staff recommends the Board authorize County staff to set a public hearing to consider making technical changes to Chapter 302 of the Indian River Code of Ordinances.

Attachments: [Staff Report](#)

Director of Emergency Services Tad Stone came before the Board to request permission to move forward with advertising for a public hearing to consider making technical changes to Chapter 302 (Animal Control Ordinance) under the leash law in the Indian River Code of Ordinances. He explained the current code placed cats and dogs under the same requirement of restraint or leash law and County staff felt cats should be removed from the requirements of the code that reference the restraint or leash law.

Chief Stone addressed Chairman O'Bryan's concern on what means of enforcement would there be for individuals who let their cats roam freely. Vice Chairman Earman turned to Chief Stone for further explanation of the reason for the modification of the code to remove the requirements that reference the restraint or leash law for cats. Chief Stone replied cat complaints took up a lot of staff time and it was difficult to enforce. A discussion followed with hesitation among the Board to remove cats from the requirements of the code that reference the restraint or leash law. The Board welcomed Chief Stone to come back to the Board if the issue became a burden for staff or with some type of wording which included some type of enforcement.

Miranda Hawker, Health Officer for the Florida Department of Health in Indian River County, indicated the ordinances were put in place for a reason and animal control protects the public health. She expressed her concern on removing the requirement for the restraint for cats, as it opened the door for free roaming cats which could increase the public health risk for diseases.

Anthony Brown and Reverend McIntosh both spoke about a group over on the barrier island who captures feral cats and has them spayed or neutered, then drop them off in the Gifford and Wabasso areas respectively. They both invited the Board to see for themselves.

Joseph Paladin spoke in favor of leaving cats in the requirements of the code that reference the restraint or leash law.

Richard Baker, Pelican Island Audubon Society, appreciated the Board and the Health Department's concern with keeping cats under the requirement of restraint

in the code; however, he preferred to use the word control instead of leash law. He detailed the health reasons to keep cats under control.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to deny staff's recommendation to proceed with a public hearing to consider making changes to Chapter 302 of the Indian River Code of Ordinances. The motion carried by the following vote:

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

C. General Services

D. Human Resources

E. Information Technology

F. Office of Management and Budget

12.F.1. [22-0280](#) 2022 Property/Casualty Insurance Program

Recommended Action: Staff recommends that the Board approve the proposed renewal and authorize staff to bind coverage for May 1, 2022 through April 30, 2023 with a current annual premium of \$3,162,269. The renewal premium is based on the current schedule of values, coverage selections and includes the annual broker fee of \$175,000.

Attachments: [Staff Report](#)
[AJG Executive Summary](#)

Risk Manager Cynthia Stanton gave an overview of the County's Self Insurance Funds Property and Casualty Insurance Program renewal with Arthur J. Gallagher Risk Management Services, Inc. (AJG). She indicated there was an overall 14% increase in the premium for the 2022 AJG renewal and summarized the lines of coverage, limits and renewal costs, and highlighted the variables impacting the renewal rates.

Vice Chairman Earman sought and received information from Ms. Stanton that the increase to the Accidental Death and Dismemberment was due to the fact the policy paid a statutory benefit in 2021 causing a loss to the carrier, and the County's first responder exposure increased by 42% due to staff increases.

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

G. Public Works

- 12.G.1. [22-0254](#)** Amendment No. 21 to Indian River County Civil Engineering and Land Surveying Agreement for Bridge Replacements and Widening of 66th Avenue from South of SR60 to North of 57th Street

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment No. 21 with Arcadis US, Inc. for lump sum amount of \$55,000.00 and authorize the Chairman to execute the amendment.

Attachments: [Staff Report](#)
[Amendment No. 21 From Arcadis US, Inc.](#)

[Clerk's Note: Item 12.G.1. was heard following Item 12.G.3.]

Public Works Director Rich Szpyrka referred to the staff memorandum dated March 21, 2022, and indicated the agreement was an amendment for the redesign of the 53rd Avenue Bridge over the Lateral A Canal to a Florida Department of Transportation Standard Florida Slab Beam System.

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

12.G.2. [22-0287](#) Award of Bid No. 2022021, North County Library Expansion, IRC-2009

Recommended Action: Staff recommends the project be awarded to Proctor Construction Co. in the amount of \$1,865,456.10. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of the agreement and the 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](#)

Public Works Director Rich Szyrka referred to staff's memorandum dated April 4, 2022, on the Award Bid for the North County Library expansion, pointing out the substantial cost difference between the Architect/Engineer's cost estimate and the contractor's bid was due to the existing market conditions. He did confirm the Architect/Engineer and staff had reviewed the received bid and found it to be consistent with current market price.

A motion was made by Commissioner Adams, 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

12.G.3. [22-0290](#) Change Order No. 2 , 53rd Street over Lateral A Canal Bridge Widening, IRC-1505

Recommended Action: Staff recommends the Board approve Change Order No. 2, authorizing the addition of 60-days of Contract time and additional funding in the amount of \$841,817.35. The new total contract amount will be \$33,514,955.20.

Attachments: [Staff Report - 53rd Street](#)
[Change Order No. 2](#)

[Clerk's Note: Item 12.G.3. was heard before Item 12.G.1.]

Public Works Director Rich Szpyrka recapped a change order approved by the Board on September 21, 2021, for a proposal to construct a five (5) lane bridge section on 53rd Street over Lateral A Canal to accommodate future anticipated traffic volumes instead of the original three (3) lane bridge proposed. He indicated there were some issues with the cables snapping on the Post Tensioned Prestress Bridge structures and requested approval to construct the widened five (5) lane bridge using the new style structured design Florida Department of Transportation Standard Florida Slab Beam system.

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

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

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**
- C. Environmental Control Board**

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:45 a.m.