



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, January 19, 2021

9:00 AM

Commission Chambers

1. CALL TO ORDER

2. ROLL CALL

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

Lou Tropf, Chaplain, Indian River County Jail

3. PLEDGE OF ALLEGIANCE

Jason Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 7.D. Commissioner Earman's comments regarding an event held at the Jackie Robinson Training Complex

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, 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

Commissioner Moss inquired about the delay involved in getting the meeting minutes to the Board for approval. Chairman Flescher, County Attorney Dylan Reingold, and County Administrator Jason Brown provided information on the process, a function of the Office of the Clerk to the Board. Commissioner Moss stated that she would speak with Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of September 22, 2020, October 6, 2020, and October 13, 2020, as written. The motion carried by the following vote:

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

6.A. [21-0160](#) Regular Meeting of September 22, 2020

Attachments: [09222020BCC_Draft](#)

Approved

6.B. [21-0163](#) Regular Meeting of October 6, 2020

Attachments: [10062020BCC_Draft](#)

Approved

6.C. [21-0166](#) Regular Meeting of October 13, 2020

Attachments: [10132020BCC_Draft](#)

Approved

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

7.A. [21-0139](#) Proclamation Honoring Amy Glaser on Her Retirement From Indian River County Board of County Commissioners Department of General Services Parks and Recreation Division with Eighteen Years of Service

Attachments: [Proclamation](#)

Chairman Flescher thanked Ms. Amy Glaser for eighteen years of service to the County.

No Action Taken or Required

- 7.B.** [21-0140](#) Proclamation Honoring Eddrick Willis on His Retirement From Indian River County Board of County Commissioners Department of Public Works Road & Bridge Division with Twenty-Five Years of Service

Attachments: [Proclamation](#)

Chairman Flescher congratulated Mr. Eddrick Willis for twenty-five years of service to the County.

No Action Taken or Required

- 7.C.** [21-0149](#) Florida Public Service Commission Consummating Order PSC-2021-0022-CO-EI makes Order PSC-2020-0488-TRF-EI effective and final

Attachments: [21-0149](#)

No Action Taken or Required

7.D. Commissioner Earman's comments

Commissioner Earman announced the recent success of the Florida Half Century Winter Bash Softball Tournament, which brought 64 teams and spectators to the County. He expressed appreciation for the County's Parks and Recreation staff, Mr. Tom Lowther, and Mr. Rick Hatcher, Executive Director, Treasure Coast Sports Commissioner, who worked together on the event.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, 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.** [20-2209](#) Award of Bid 2021008 for Temporary Staffing Services

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

Approved staff's recommendation

- 8.B. [21-0135](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Public Transportation Block Grant

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

Approved staff's recommendation and Resolution 2021-007, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.C. [21-0136](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Section 5311 Grant

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

Approved staff's recommendation and Resolution 2021-008, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.D. [21-0153](#) Work Order No. 2 - Southeastern Surveying and Mapping Corporation, Indian River Blvd. (Merrill Barber Bridge to 53rd St.) Topographic Design Survey, IRC-1707

Attachments: [Staff Report](#)
[Work Order No. 2](#)
[Exhibit A - Scope of Services](#)

Approved staff's recommendation

- 8.E. [21-0154](#) Declaration of Excess Equipment as Surplus

Attachments: [Staff Report](#)
[Excess List for 011921](#)

Approved staff's recommendation

- 8.F. [21-0156](#) Miscellaneous Budget Amendment 003

Attachments: [Staff Report](#)
[Exhibit "A"](#)
[Resolution](#)

Approved Resolution 2021-009, amending the Fiscal Year 2020-2021 Budget.

8.G. [21-0157](#) Miscellaneous Budget Amendment 004

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit "A"](#)

Approved Resolution 2021-010, amending the Fiscal Year 2020-2021 Budget.

8.H. [21-0159](#) Agreement with Creative Solutions Companion Care Services, LLC for Emergency Vaccine Administration Services

Attachments: [Staff Report](#)

[Agreement](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**9.A.** [21-0165](#) Indian River County Sheriff Eric Flowers re: Safety and Security of the Indian River County Sheriff's Office Complex

Attachments: [Memorandum from Sheriff Flowers](#)

Sheriff Eric Flowers discussed with the Board his desire to make the Indian River County Sheriff's Office Complex a single point of entry facility for the safety and security of the employees. He inquired about redirecting funds designated for future building plans to make them available for renovations. In addition, he thanked the Commissioners for taking the time to tour the Sheriff's Office campus.

County Administrator Jason Brown acknowledged that funding from Capital Improvements and Law Enforcement Impact Fees was available and could be reallocated for renovations.

The Commissioners each spoke in full support of renovations to ensure the safety of the Sheriff's Office employees. Commissioner O'Bryan suggested directing the County Administrator to work with the Sheriff regarding the funding needed, and to return to a future meeting for Board approval of the reallocation of funds.

A motion was made by Commissioner Moss, seconded by Chairman Flescher, to direct the County Administrator to work with the Indian River County Sheriff to discuss funding for renovations to improve the safety and security at the Sheriff's Office, and to return to a future meeting for Board approval. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATIONS OF ADVERTISEMENT FOR HEARINGS IS
ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

10.A.1. [21-0121](#)

Consideration of a Proposed Land Development Regulation Amendment to Chapter 904 (Nonconformities) - LEGISLATIVE

Attachments: [Staff Report](#)

[Excerpt from July 23, 2020 PZC Minutes](#)

[Excerpt from Draft September 22, 2020 BCC Minutes](#)

[Excerpt from Draft December 10, 2020 PZC Minutes](#)

[Proposed Ordinance](#)

Chief of Current Development Ryan Sweeney presented the Board with the proposed Land Development Regulation (LDR) amendment to Chapter 904.05 of the Code of Indian River County, to address a unique scenario by allowing no more than two (2) single-family homes to be constructed on a site with an existing nonconforming communications tower. He also stated the recommended criteria, which included a 250' minimum setback from the tower, the meeting of all applicable zoning district requirements, and a hold harmless agreement between the property owner and the County.

Under Board discussion, Vice Chairman O'Bryan provided background on the topic to Commissioners Earman and Moss as they were not members of the Board on September 22, 2020, when the item was initially presented. He explained that the proposed LDR amendment was a result of Mr. Jacob Allenbaugh's appeal of a Planning and Zoning Commission decision. Mr. Allenbaugh wished to purchase the property at 6390 77th Street for the purpose of building two (2) single-family homes.

Commissioner Moss inquired and received clarification from Chief Sweeney that the nonconforming communications tower, a 500' radio tower, was approved in 1989 and built in 1990. Chief Sweeney also stated that the ordinance amendment would only apply to approximately 10-12 sites throughout the County, as most communication towers were conforming. Commissioner Earman and Chairman Flescher commended all parties for working together to find a solution that would allow the parcel of land to be developed without disturbing the tower.

Chairman Flescher opened the public hearing.

Joseph Paladin, Chairman of the Land Use Committee for the Indian River Neighborhood Association, spoke in support of the LDR amendment.

Mr. Allenbaugh thanked the Board for considering his request.

There being no additional speakers, Chairman Flescher closed the public hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner

Earman, to adopt Ordinance 2021-003, amending Section 904.05 (Expansion, increase, or change of nonconformity) of Chapter 904 (Nonconformities) of the Code of Indian River County, to allow for single family homes on certain nonconforming properties; and providing for codification; severability; conflict of ordinances; and effective date of the ordinance. The motion carried by the following vote:

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

10.A.2. [21-0152](#) Face Covering Ordinance - LEGISLATIVE

Attachments: [Staff Report](#)
[Draft Face Covering Ordinance](#)

County Attorney Dylan Reingold referred to staff's memorandum dated January 7, 2021, to recommend adoption of Ordinance 2021-004, to replace the face covering ordinance that was sunseting. He stated that he was open to adjusting the duration to a term different than the proposed 60-days.

Chairman Flescher opened the public hearing.

The following individuals spoke in opposition of the proposed face covering ordinance, citing reasons such as medical conditions, ineffectiveness, struggling businesses, constitutional rights, and possible long-term effects:

Dadra Smith
Chris Allen
Antoinette Beck
Carolyn Kleinpeter
Cathy Anderson
Robert Steiger
Dawn Wilkerson
Lamarre Notargiacomo
Ruth Kuvlesky
Richard Allen
Deborah Cooney

Doug Skeet, 1820 Tarpon Lane, spoke in support of the face covering ordinance.

Due to a technical difficulty, Chairman Flescher called for a recess at 10:17 a.m., and he reconvened the meeting at 10:26 a.m., with all members present.

The following individuals addressed the Board via Zoom to oppose the face covering ordinance:

Nicole Campanelli
Jennifer Pippen

Tess Whalen spoke via Zoom to encourage the Board to adopt the proposed ordinance.

There being no additional speakers, Chairman Flescher closed the public hearing.

Detailed discussion ensued among the Board to address comments that were made by the speakers and to emphasize their concern for the health and welfare of the County's citizens. Chairman Flescher was not in favor of a mandate that was not enforceable. Vice Chairman O'Bryan, Commissioner Earman, and Commissioner Adams supported changing the term of the face covering ordinance to six (6) months. Commissioner Moss suggested a four (4) month ordinance term.

County Attorney Dylan Reingold advised that the face covering ordinance could be rescinded by the same process it was adopted.

In response to a question by Commissioner Moss on the projected timeline for vaccinations, County Administrator Jason Brown estimated that it would be six (6) months until vaccines were made available to the general population.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to adopt amended Ordinance 2021-004, providing for adoption of recitals; providing for face covering requirements and exceptions; providing for penalties and enforcement; providing for applicability, severability, conflict, sunset date and an effective date; the sunset date was amended to read July 13, 2021. The motion carried by the following vote:

Aye: 4 - Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss

Nay: 1 - Chairman Flescher

10.A.3. [21-0158](#) Miscellaneous Budget Amendment 005

Attachments: [Staff Report](#)

[Resolution](#)

[Exhibit "A"](#)

[NOTICE OF PUBLIC HEARING](#)

[Florida Statute](#)

Management and Budget Director Kristin Daniels presented to the Board, a proposed amendment to the Fiscal Year 2020-2021 Budget.

Vice Chairman O'Bryan inquired and received clarification from Ms. Daniels regarding the difference between the Budget amendments included on the Consent Agenda, Items 8.F. and 8.G. Ms. Daniels explained that the revenue sources for the Consent Agenda items were either from grants or Reserve for Contingency Funds, and this item's revenue sources were from cash.

Chairman Flescher opened the public hearing.

Deborah Cooney addressed the Board with comments not related to this amendment.

There being no additional speakers, the Chairman closed the public hearing.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Resolution 2021-011, amending the Fiscal Year 2020-2021 Budget. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS**C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS**

11.A. [21-0171](#) Provide Update Regarding COVID-19 Vaccinations

County Administrator Jason Brown utilized a PowerPoint presentation to provide a COVID-19 vaccination update. He also outlined the Governor's Executive Order 20-315, regarding the current eligibility for individuals interested in receiving the vaccine. He provided a response to Board direction from the meeting on January 12, 2021, to improve the process related to signing up for a vaccination appointment. Administrator Brown discussed the options for manageable wait list software, and he stated that he had been prepared to recommend a contract with Luminare Innoculate or Qualtrics; however, he was recently informed that the Florida Department of Emergency Management was rolling out Sharecare, a vaccine registration and administration program. He was unsure of the timeline or the inclusion of a wait list component, but he made mention that staff had registered for training and implementation of the system. He added that the support being received from the State could be jeopardized if the County chose to use a different registration program; he recommended using Sharecare for that reason.

Under Board discussion, each Commissioner expressed their desire to reduce the anxiety and frustration being felt throughout the community when attempting to register for a vaccination appointment. Chairman Flescher inquired and received clarification from Administrator Brown regarding the short time it took to fill the latest vaccination schedule. Vice Chairman O'Bryan was inquisitive of how Sharecare could make the process less frustrating if it did not include a wait list component. Commissioner Adams and Commissioner Earman voiced their concern over the threat of losing State resources if the County chose to use a program other than Sharecare. Commissioner Earman then referred back to the software companies that staff had been prepared to recommend, Luminare Innoculate or Qualtrics. He received an explanation from Administrator Brown on how the program would function, including confirmation that both of the software companies would integrate with Florida SHOTS. Administrator Brown also relayed that CARES Act funding could be used to purchase the software.

Discussion continued as Commissioner Earman expressed his desire to move forward with an outside company in order to guarantee that the County would have manageable wait list software. Chairman Flescher inquired and received feedback from Administrator Brown that the timeline for implementing the software was approximately 10 days, and that he would need Board approval to waive the bid requirements and direction to move forward with entering into a contract with an outside company. Commissioner Moss voiced concern over the uncertain vaccine supply, pointing out that the number of vaccines received by the County each week may continue to decrease. She proposed that the County formulate a list using the sign-up information from ALERT Indian River. Administrator Brown responded, noting that it would not be an option to use the ALERT Indian River database, as "age" was not included in the data captured.

Miranda Hawker, Health Officer, Florida Department of Health, Indian River County, spoke on the limited vaccine supply and the Health Department's dedication to get the vaccines into the community. She added her concern that an outside software company would not have the same ability as Sharecare to seamlessly integrate with Florida SHOTS.

Commissioner Adams inquired with Ms. Hawker regarding the possibility of an outside company's software integrating/interfacing with Sharecare; limiting vaccinations to only County residents; reducing the work of the Health Department by digitally updating the Florida SHOTS database; and the best point of contact for individuals with vaccination questions.

Under public comment, Deborah Cooney addressed the Board to speak about the controversy involving vaccines.

Additional Board discussion ensued with Vice Chairman O'Bryan and Commissioner Moss relaying their fear that the vaccine supply would be cut by the State if the Sharecare system was not utilized. Commissioner Adams attempted to get clarification as to when Sharecare would be up and running; Ms. Hawker did not confirm a date.

At the conclusion of discussion, Administrator Brown announced that he had just been contacted by Emergency Services Director and Chief Tad Stone, who advised that the State would have the Sharecare system in place in approximately three (3) weeks. Commissioner Adams suggested revisiting the topic at the next meeting, February 2, 2021, to allow staff the necessary time it would take to gather information from the State and to reach out to Senator Debbie Mayfield and State Representative Erin Grall for confirmation that the vaccine supply would not be cut if the County contracted with an outside company to provide manageable wait list software.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to: 1) waive the bid requirements related to contracting with a company with software capabilities to wait-list people who opt for the COVID-19 vaccination, and 2) direct the County Administrator to contract with the company of his choice and authorize spending up to \$200,000 of CARES Act funding on the necessary software. The motion was denied by the following vote:

Aye: 2 - Chairman Flescher, and Commissioner Earman

Nay: 3 - Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Moss

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

12.C.1. [21-0143](#)

FIT Installation of High Frequency Radar (HFR) Antennas at Treasure Shores Park

Attachments: [Staff Report](#)
[License Agreement](#)
[FIT HFR License Agreement](#)

Parks and Conservation Resources Director Kevin Kirwin introduced Dr. Nick Shay, Rosenstiel School of Marine and Atmospheric Science at the University of Miami, and Dr. Steven Lazarus, Department of Ocean Engineering and Marine Sciences at the Florida Institute of Technology, who were present to discuss a site within the County that would become part of the United States National High Frequency Radar (HFR) network. Dr. Lazarus utilized a PowerPoint presentation to provide detailed information related to high frequency ocean surface radar, used for detecting currents and waves. He stated that the site chosen at Treasure Shores Park would provide benefits such as tracking Red Tide and providing rocket launch support. He made it known that the real time data from the project would be made available to the community through the Southeast Coastal Ocean Observing Regional Association's website, www.secoora.org.

In response to inquiries from Commissioner Moss regarding pole appearance and radiation, Dr. Shay described the 12 poles as one (1) inch in diameter, four (4) to six (6) feet high, and painted to blend with the vegetation. He clarified that the approximate 40 watts of radiation was not a concern, comparing it to 1/3 to 1/2 of what comes from a light bulb used at a residence.

When asked by Vice Chairman O'Bryan about the frequency and its impact to marine mammals, shore birds and sea turtles, Dr. Lazarus stated that a cell phone transmits a frequency 10-100 times higher.

Commissioner Earman added that he saw no downside to the project.

Under public comment, Deborah Cooney opposed the project due to the effects of electromagnetic radiation exposure.

Dr. Lazarus informed the Board that all data and information gathered from the project would be shared with the U.S. Fish and Wildlife Service and with the area sea turtle monitoring groups.

A motion was made by Commissioner Adams, 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

D. Human Resources

E. Information Technology

F. Office of Management and Budget

G. Public Works

H. Utilities Services

12.H.1. [21-0168](#) 51st Avenue Water Assessment Project Resolution I and II

Attachments: [Staff Report](#)
[Assessment Area Map](#)
[Resolution I](#)
[Resolution II](#)
[Assessment Roll](#)

Director of Utility Services Vincent Burke referred to staff's memorandum dated December 29, 2020, and a PowerPoint presentation to provide the background and an assessment area map, for the 51st Avenue Water Assessment Project. He requested approval for two (2) resolutions in moving the project forward.

The Board had no questions for Director Burke.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve: 1) Resolution 2021-012, providing for a water main extension from 65th Street to 69th Street, along 51st Avenue to include certain specially benefited properties abutting 51st Avenue within a portion of Winter Beach Highlands and a portion of Winter Beach Park located within unincorporated Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served; and 2) Resolution 2021-013, setting a time and place at which owners of certain properties abutting 51st Avenue from 65th Street to 69th Street within a portion of Winter Beach Highlands and a portion of Winter Beach Park located within unincorporated, Indian River County, Florida; and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby. 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**
- 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. [21-0167](#)** Approval of Minutes Meeting of October 13, 2020

Attachments: [10132020SWDD_Draft](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Meeting Minutes of October 13, 2020, as written. The motion carried by the following vote:

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

15.B.2. [21-0169](#) Work Order No. 4 to Andersen Andre Consulting Engineers, Inc.

Attachments: [Staff Report](#)
[Work Order No 4](#)

There was no discussion on this item.

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, Chairman Flescher adjourned the meeting at 12:47 p.m.