



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, October 11, 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 Larry Boan, Central Assembly of God

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Items 10.B.1. and 10.B.2. Public Discussion Items

Postponed: Item 14.B.1. Discussion on Changes to Beach Nourishment Program

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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. [22-0843](#) Presentation of Proclamation Designating October, 2022, As Manufacturing Month In Indian River County, Florida

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce (Chamber), discussed the variety of manufacturing businesses based in the County, the technical nature of modern manufacturing jobs, and the Manufacturing Boot Camp for high school students. Ms. Caseltine went on to introduce Chamber staff, and representatives from an assortment of local manufacturers and organizations including Piper Aircraft, Pusher Intakes, Novurania, the School District of Indian River County, and Career Source Research Coast.

Read and presented by Vice Chairman Earman

- 5.B. [22-0848](#) Proclamation Recognizing the Month of October, 2022, as National Domestic Violence Awareness Month

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Aimee Cooper, CFO for Indian River County Sheriff's Department and this year's Executive Committee President of Safe Space, was joined by Safe Space staff as she read a poem about a victim of domestic abuse. Ms Cooper provided statistics regarding the lethality and costs of domestic abuse, and discussed the assistance SafeSpace provided. Charlotte Anderson-Brown, Director of Operations at SafeSpace, confirmed for Chairman O'Bryan their new shelter had opened and has been at capacity ever since.

The Commissioners and staff then gathered for a photo wearing the iconic red stiletto shoes of SafeSpace's "Walk a Mile in Her Shoes" annual event to raise awareness about domestic violence.

Read and presented by Commissioner Adams

- 5.C. [22-0860](#) Presentation of Proclamation recognizing October 2022 as Vaping Awareness Month
Recommended Action: Read & Present

Attachments: [Proclamation - Vaping Awareness Month](#)

Carrie Lester, Executive Director, Substance Awareness Center, was joined by Coordinators Phyllis Schneider and Kyleigh Savoie, to discuss the programs the organization had created to educate students and the public on the dangers of vaping, and the need for preventative measures. Ms. Savoie shared upcoming events the Youth Coalition had planned.

Chairman O'Bryan congratulated Ms. Lester on being voted Chairman of the Executive Roundtable of Indian River County.

Read and presented by Commissioner Moss

6. APPROVAL OF MINUTES

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

- 7.A. [22-0842](#) Indian River County Venue Event Calendar Review
Recommended Action: Informational item only; no action required.

Attachments: [Staff Report](#)

Chairman O'Bryan highlighted the following events: Operation Green Light for Veterans, and the Monster Mash at the IG Center. The Chairman extended an invitation for all to join in the inaugural Peter D. O'Bryan Disc Golf Championship on Saturday, October 15, 2022.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8.I. 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. [22-0836](#) Award of RFP 2022058 for Medical Services for PSN Shelter

Recommended Action: Staff recommends the Board award RFP 2022058 to Critical Response Strategies, LLC, approve the agreement, and authorize the Chairman to sign after the County Attorney has approved it as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

8.B. [22-0837](#) Second Extension and Amendment to Staffing Agreement with HireQuest Direct for Temporary Day Laborers

Recommended Action: Staff recommends the Board of County Commissioners approve the Second Extension and Amendment and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Second Extension and Amendment](#)
 [Increase Request](#)

Approved staff's recommendation

8.C. [22-0849](#) Adoption of Plan Documents Related to the Award of RFP 2022040-457(b) Deferred Compensation Plan Recordkeeping Services to Lincoln Financial Services

Recommended Action: Staff recommends and respectfully requests that the Board adopt the plan documents associated with the Award of RFP2022040 to serve as record-keeper for the 457(b) Deferred Compensation Plan.

Attachments: [Staff Report](#)
 [BOCC Lincoln 457 Plan and Trust](#)
 [BOCC Lincoln Trust Agreement](#)
 [BOCC Lincoln Record Keeping Service Agreement](#)
 [BOCC Investment Advisory Services Agreement](#)

Approved staff's recommendation

- 8.D. [22-0850](#) Authorization of a Side by Side Recordkeeping Agreement with Nationwide Retirement Solutions Inc for Recordkeeping Services for Assets in the Nationwide Fixed Account, the Termination of the ProAccount, and the Application for Group Flexible Purchase Payment Deferred Fixed Annuity Contract

Recommended Action: Staff respectfully requests the Board authorize the amendment to the Administrative Services Agreement for the County's Governmental 457(b) Deferred Compensation Plan of Indian River County effective September 27, 2022 providing for Fixed Account recordkeeping services with Nationwide, the termination of the ProAccount option, and the application for Group Flexible Purchase Payment Deferred Fixed Annuity Contract under the terms outlined in the Nationwide proposal

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

Approved staff's recommendation

- 8.E. [22-0852](#) Work Order 13 to Bowman Consulting Group, LTD for West Wabasso Phase 3A

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order 13 to Bowman Consulting Group, LTD., in the amount of \$39,250, and authorize the Chairman to execute and sign on their behalf

Attachments: [Staff Report](#)
[Work Order 13 - Bowman Consulting Group](#)

Approved staff's recommendation

- 8.F. [22-0851](#) MedFast Urgent Care Center Letter of Intent for Lease

Recommended Action: Staff recommends the Board approve the Letter of Intent as proposed for MedFast Urgent Care Center and authorize the Chairman to execute a final Lease Agreement on behalf of the Board once finalized and approved by the County Attorney's Office. Staff also recommends that the Board declare the kitchen equipment as surplus, and authorize its disposal as proposed.

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

Approved staff's recommendation

8.G. [22-0853](#) Post Hurricane Ian Beach Profile Surveys

Recommended Action: The recommendation of staff is for the BCC to approve Work Order No. 1 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc., in the amount of \$60,000.00 and authorize the Chairman to sign the Work Order on behalf of the County

Attachments: [Staff Report](#)
 [Morgan and Eklund Post-Hurricane Ian WO No. 1](#)
 [Work Order No. 1 Agreement Execution](#)

Approved staff's recommendation

8.H. [22-0854](#) Hurricane Ian Storm Impact Assessments - Sectors 3, 5 and 7

Recommended Action: Staff recommends the Board of County Commissioners approve Work Order No. 2018008-05 in the amount of \$22,500.00 for Hurricane Ian damage assessment reports for Sectors 3, 5 and 7 under the continuing services agreement with APTIM, and authorize the Chairman to sign the Work Order on behalf of the County.

Attachments: [Staff Report](#)
 [Aptim Work Order No. 2018008-05](#)
 [Work Order No. 2018008-05 Agreement Execution](#)

Approved staff's recommendation

8.I. [22-0856](#) Resolutions Cancelling Taxes

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolutions to cancel certain taxes upon the properties purchased by Indian River County for a public purpose, and the Clerk to send a certified copy of the Resolutions to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
 [Resolution Cancelling Taxes Corrigan Fire Station](#)
 [Resolution Cancelling Taxes Corrigan Right of Way](#)

Commissioner Adams explained she pulled the item to highlight the working relationship and property donation from the Corrigan family for the replacement of Fire Station 7. County Administrator Jason Brown expressed appreciation to the Corrigan family, and was excited to begin construction.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation and Resolutions 2022-077 (Right-of-Way) and 2022-078 (Fire Station), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. The motion carried by the following vote:

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

8.J. [22-0857](#) Approval to Piggyback USF Xerox Contract

Recommended Action: Staff requests the Board waive the requirement for bids for copiers, printers and multi-functional printers, and authorize staff to piggyback the contract between USF and Xerox. Staff also recommends the Board authorize the Purchasing Manager to sign any required individual leases with Xerox, as appropriate under the agreement, after review by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Xerox MSA ITN 17-16-MH - duly signed 061418 - FINAL](#)
 [Xerox Amendment # 1 - SignedUSF](#)
 [Xerox Amendment # 2 - USFSigned](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**10. PUBLIC ITEMS****A. PUBLIC HEARINGS**

10.A.1. [22-0839](#)

Glendale Baptist Church, Inc.'s Request for Modified Conceptual Site Plan and Special Exception Use Approval for Glendale Baptist Church and School [SP-SE-21-08-19 / 2004040365-89958] **(Quasi-Judicial)**

Recommended Action: Staff recommends that the BCC grant modified conceptual site plan approval and special exception use approval for child care services to be added as a use on the site with the following conditions: 1. The final site plan (for each respective project phase) and associated County permits shall include the final design of the following: a. Tree protection and tree mitigation plan; b. Landscape plan; c. Left and right turn lanes at both project driveway connections (27th Avenue and 4th Street); d. Stormwater management system that will accommodate runoff generated by the offsite left and right turn lanes; e. 27th Avenue sidewalk; f. Internal sidewalk/pedestrian system; g. Street lighting plan; and h. Playground area. 2. The maximum student enrollment shall not exceed 400 students. 3. The multi-purpose playfield shall not include outdoor lighting. Any future request to add outdoor lighting to the playfield area will require special exception approval (PZC review and BCC approval). 4. Prior to issuance of a Certificate of Occupancy (C.O.) for Phase 1, the required left and right turn lanes at the driveway connection to 27th Avenue shall be completed. 5. Prior to issuance of a Certificate of Occupancy (C.O.) for Phase 2, the required left and right turn lanes at the driveway connection to 4th Street shall be completed.

Attachments: [Staff Report](#)
[PZC Approved Meeting Minutes](#)
[Location Map](#)
[Aerial](#)
[Conceptual Site Plan](#)
[Phasing Plan](#)
[Landscape Plan](#)
[Affidavit of Public Hearing](#)

Chairman O'Bryan introduced the parties for the proceeding as being Glendale Baptist Church, Inc. and Indian River County.

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 Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Director of Community Development Phil Matson introduced Brandon Creagan, Senior Planner, Current Development, who presented the special exception

process, map, traffic and landscape plans, dedications, and improvements. He informed that the Planning and Zoning Commission had approved the plan at their August 25, 2022 meeting, then detailed staff's recommendation for approval with conditions.

Vice Chairman Earman was advised the 4th Street connection would be constructed in Phase II because of the staggered start-up of the preschool.

Chairman O'Bryan received information regarding the car loop, and coordination of start times with a nearby elementary school. He expressed concern regarding congestion in the car loop and possible back-ups.

The Chairman opened the hearing for public comment.

Joseph Paladin, Indian River Neighborhood Association, expressed support for the project.

There being no further comments, the Chairman closed the public hearing.

Staff's presentation closed with information regarding the direct mail effort to inform nearby residents which yielded no objections. County Attorney Dylan Reingold received confirmation that the Board's approval included the conditions enumerated in staff's recommendation.

A motion was made by Commissioner Flescher, 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

B. PUBLIC DISCUSSION ITEMS

10.B.1. [22-0844](#) Request to Speak from Regina Hawkins re: No Prior Seizure Notification of 8725 64th Ave

Recommended Action: No Action Required

Attachments: [Public Discussion Request R. Hawkins](#)

Request to speak withdrawn

- 10.B.2.** [22-0845](#) Request to Speak from Quinesha Hawkins re: Redevelopment of 8725 6th Ave for Affordable Housing

Recommended Action: No Action Required

Attachments: [Public Discussion Request from Q.Hawkins](#)

Request to speak withdrawn

C. PUBLIC NOTICE ITEMS

- 10.C.1.** [22-0819](#) Public Notice of Continued Public Hearing for October 18, 2022, to Consider an Ordinance Establishing the LP Community Development District

Attachments: [Staff Report](#)

[Affidavit of Publication - Liberty Park CDD](#)

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. [22-0786](#) Proposed 2023 Meeting Dates -- Board of County Commissioners

Recommended Action: Staff recommends the every-other week pattern for more effective workflow for the meetings and implementation of Board policy as determined at each meeting. Staff further recommends that the Board approve Attachment B for the 2023 Commission Meeting Calendar

Attachments: [Staff Report 2023 meeting dates](#)

[Atch A - Current Schedule](#)

[Atch B - Proposed Revision](#)

County Administrator Jason Brown presented staff's recommendation to modify the Board's meeting schedule for 2023 by holding meetings every-other-week. He noted the change would result in fewer meetings during the year, with 23 instead of 31, and was consistent with other Counties' policies.

Under discussion, most Commissioners expressed support for the proposed schedule change noting it allowed more time for staff to implement the Board's direction, consolidated meetings, and required less preparation time from staff. Commissioner Moss suggested holding one meeting each month in the evening. Vice Chairman Earman requested modifications to the March and December meeting dates.

Commissioner Flescher was not in support of the change, and expressed a preference for the status quo in the interest of expediency for the public. He was concerned about slowed progress and an increased need for special call meetings.

Joseph Paladin, Black Swan Consulting, supported the change.

Deryl Loar, Commissioner-elect, expressed concern that the change would result in longer meetings.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to approve staff's recommendation for Option B, alternating weeks schedule, as modified to add a meeting on March 28, 2023, and to change the date of the December 19, 2023 meeting to December 12, 2023. The motion carried by the following vote:

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

Nay: 1 - Commissioner Flescher

11.B. [22-0858](#) Debris Collection Post-Hurricane Ian

Recommended Action: Based upon the additional debris that has piled up along with the FEMA approval for debris removal expenses, staff recommends the Board authorize staff to mobilize CERES, the County's contracted emergency debris disposal contractor along with Debris Tech, our emergency debris removal monitoring provider.

Attachments: [Staff Report - Debris](#)

County Administrator Jason Brown provided an update on the vegetative debris left behind after Hurricane Ian, and the County's struggle to clear roadways with existing resources. Administrator Brown discussed staff's recommendation to mobilize the County's contracted emergency debris disposal and monitoring contractors. He informed the County had received Federal Emergency Management Agency (FEMA) approval for 100% reimbursement of the costs to clear public rights-of-way.

Administrator Brown and Vice Chairman Earman entered into discussion regarding whether private communities could obtain FEMA reimbursement for clearing private roadways. Administrator Brown voiced concerns which included not meeting the threshold for the extraordinary steps and justifications FEMA required, delays, possible non-reimbursement, and standard levels of service.

Commissioner Flescher requested a two-week extension on the waiver of tipping fees, adopted at the Board's October 4, 2022 meeting. Chairman O'Bryan expressed hesitation to have the County remove the debris because of the precedent it would set in the aftermath of future storms.

Under discussion, a motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendations, as well as an extension of the tipping fee moratorium, and limiting debris collection to larger piles of vegetation.

Louise Hubbard, former Executive Director, Treasure Coast Homeless Services Council, recounted difficulties she experienced obtaining FEMA reimbursement.

Debbie Perez, Government Affairs Manager, Waste Management, reported on the status of the debris and addressed residences that had been bypassed for non-payment.

Rich Szyrka, Public Works Director, cautioned that the requirement to focus on larger piles of debris would cause a logistical problem for staff, as well as complicating the FEMA monitoring process. Administrator Brown supported staff's concerns and commented on the confusion it could cause.

Vice Chairman Earman modified his motion to eliminate the requirement to limit debris removal to only larger piles, and Commissioner Flescher amended his second. Chairman O'Bryan reiterated his concern for setting a precedent for County obligations.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation as modified to limit debris removal from public rights-of-way only, and to extend the waiver on tipping fees for an additional two weeks past the October 19, 2022 deadline. The motion carried by the following vote:

Aye: 4 - Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

Nay: 1 - Chairman O'Bryan

The Chairman called for a recess at 10:32 a.m., and reconvened the meeting at 10:42 a.m. with all members present.

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. [22-0816](#)

Requesting Authorization for Community Development Department Director, on behalf of the Indian River Board of County Commissioners, to Execute Single Family and Multi-Family Affordable Housing Impact Fee Waiver/Reduction Agreements.

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Direct staff to prepare and notice for a formal amendment to Article X, Appendix A Impact Fee Schedules. 2. Authorize the Community Development Department Director, On Behalf of the Indian River Board of County Commissioners, to Execute Single Family and Multi-Family Affordable Housing Impact Fee Waiver/Reduction Agreements.

Attachments: [Staff Report](#)
[Draft Proposed Ordinance](#)
[Draft Amendment to Appendix A - Impact Fee Schedules](#)
[VIP Matrix](#)

Community Development Director Phil Matson provided background on his department's affordable housing initiatives, and the County's increased need for workforce housing. Long Range Planning Chief John Stoll discussed past impact fee revisions, and the Affordable Housing Advisory Committee's (AHAC) recommendation to expand certain impact fee waivers to incentivize private development. He continued on to detail the considerations and proposed changes to certain impact fees, and staff's recommendation. Director Matson concluded the presentation by illustrating how this program fit into Community Development's Visioning Implementation Principles matrix.

Chairman O'Bryan received confirmation from County Administrator Jason Brown the impact fee waivers would remove money from the general fund, but the amount was not significant with only 14 projects approved last year.

Louise Hubbard, Coalition for Affordable Homes, spoke in support of the program's parameters.

Commissioner Flescher agreed with the safeguards and controls in the program, and spoke about the impact of less gas tax revenue. Commissioner Adams expressed appreciation for the continued emphasis on affordable housing initiatives.

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

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.** [22-0841](#) Request for Closed Attorney-Client Session Relating to INDIAN RIVER COUNTY v. TWENTY-TWO BEACHFRONT PROPERTIES LOCATED BETWEEN, AND INCLUDING, 9586 DOUBLOON DR., AND, BUT NOT INCLUDING, 1820 WABASSO BEACH RD., VERO BEACH, FLORIDA, 32963 (Case No.: 31 2018 CA 000881)

Recommended Action: The County Attorney recommends that the Board schedule a closed attorney-client session to occur at 10:30 AM on October 18, 2022.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold requested approval of a Closed Attorney-Client session on October 18, 2022 to discuss litigation-expense settlement strategy in the case also known as the (referred to as) the County/Summerplace Beach Customary Use case.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the County Attorney's request to have the Board schedule a Closed Attorney-Client session to occur at 10:30 a.m. on October 18, 2022. 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. [22-0823](#) Proposal for Revised Beach Renourishment Project Easement

Recommended Action: Discuss

Attachments: [Commissioner's Memorandum](#)
[Draft Easement](#)

Vice Chairman Earman requested postponement of the issue pending additional information and stated he would bring the item back at a later date with a proposed solution.

Postponed/Continued

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 11:00 a.m.