



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, July 5, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 4 - Vice Chairman Joe Earman
Commissioner Susan Adams
Commissioner Joseph Flescher
Commissioner Laura Moss

Absent: 1 - Chairman Peter O'Bryan

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

2.B. INVOCATION

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

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the Agenda as presented. The motion carried by the following vote:

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

Absent: 1 - Chairman O'Bryan

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [22-0530](#) Presentation of Proclamation Honoring Jason Bourdette on his Retirement from the Indian River County Sheriff's Office

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Mr. Jason Bourdette was joined by his family and co-workers as he accepted the Proclamation in honor of his 25-year career with the Sheriff's Department. Sheriff Eric Flowers along with Clerk of Circuit Court and Comptroller Jeffrey R. Smith recognized Mr. Bourdette for his service to the Citizens of Indian River County.

Read and Presented by Commissioner Flescher

6. APPROVAL OF MINUTES

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

- 7.A. [22-0521](#) Sebastian River Improvement District's Proposed Budget for Fiscal Year 2022-2023 (October 1, 2022 - September 30, 2023) is on file for review in the Office of the Clerk to the Board.

Recommended Action: Informational Item

No Action Taken or Required

- 7.B. [22-0529](#) Indian River County Venue Event Calendar Review

Recommended Action: Informational item only; no Board action is required

Attachments: [Venue Event Calendar](#)

In Chairman O'Bryan's absence, Vice Chairman Earman highlighted the event calendar pointing out the upcoming 2022 State of the County Luncheon and the Florida Half Century Softball Tournament.

Vice Chairman Earman thanked Commissioner Flescher for handling business as he, Commissioner Moss, Commissioner Adams, and Chairman O'Bryan attended the Florida Association of Counties (FAC) Conference in June. He acknowledged Commissioner Adams for receiving her County Commissioner II Certification, and for being re-elected unanimously by District 29 to serve on the FAC Board of Directors; Commissioner Moss and Vice Chairman Earman also had received their Advanced County Commissioner Certification.

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 presented. The motion carried by the following vote:

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

Absent: 1 - Chairman O'Bryan

8.A. [22-0481](#) Checks and Electronic Payments for May 27, 2022 to June 2, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of May 27, 2022 to June 2, 2022.

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [22-0507](#) Checks and Electronic Payments for June 3, 2022 to June 9, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 3, 2022 to June 9, 2022

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [22-0522](#) Checks and Electronic Payments June 10, 2022 to June 16, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 10, 2022 to June 16, 2022

Attachments: [Finance Department Staff Report](#)

Approved

8.D. [22-0531](#) Checks and Electronic Payments June 17, 2022 to June 23, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 17, 2022 to June 23, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.E. [22-0524](#) First Renewal and Amendment to Award of Bid 2021047 - Annual Bid for Utility Operations Warehouse Stock

Recommended Action: Staff recommends the Board approve the requested amendments to the bid pricing for Core & Main, LP and Ferguson Waterworks, and approve renewal of the award for the first of the two available 12-month renewal terms.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.F. [22-0527](#) Award of Bid 2022052 for Relocation of Fire Observation Tower

Recommended Action: Staff recommends the Board award Bid 2022052 to Custom Welding Diversified, Inc., approve the sample agreement, and authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency, and receipt and approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

- 8.G. [22-0528](#) Award of Bid 2022047 - Replacement of 3 Sodium Hypochlorite Storage Tanks

Recommended Action: Staff recommends the Board award bid 2022047 to Treasure Coast General Contractors, LLC, approve the sample agreement, and authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency, and receipt and approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

- 8.H. [22-0526](#) Change Order No. 1, Indian River County Tax Collector's Office Expansion, IRC-2030

Recommended Action: Staff recommends approving Change Order No. 1 authorizing the \$91,157.40 increase to the contract with DHC and authorizing the Public Works Director to sign Change Order No.1 on behalf of the Board. The new total contract price will be \$614,219.76.

Attachments: [Staff Report](#)
[Change Order No. 1](#)

Approved staff's recommendation

- 8.I. [22-0537](#) Amendment No. 1 to APTIM Work Order No. 2018008-03, Sebastian Inlet Technical Advisory Committee Assistance

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment No. 1 to APTIM Work Order No. 2018008-3 in the amount of \$7,620.00 for expanded technical coastal engineering services associated with the support of the County's participation in the Sebastian Inlet Technical Advisory Committee. In addition, staff recommends that the Board authorize the Chairman to execute Amendment No. 1 to Work Order No. 2018008-3

Attachments: [Staff Report](#)
[Amendment No. 1 to Work Order No. 2018008-3](#)
[Amendment No 1 to WO 2018008-03 Execution](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [22-0495](#)

Authorization to Submit Fiscal Year 2022 Application for Federal Transit Administration Grants for Capital and Operating Assistance (Section 5307) and Bus Replacement (Section 5339) [Administrative]

Recommended Action: Staff recommends that the Board of County Commissioners adopt the resolution authorizing the filing of the FY 2022 grant application for the Section 5307 and Section 5339 programs.

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

Metropolitan Planning Organization (MPO) Director Brian Freeman, in a PowerPoint presentation, discussed the partnership between Indian River County (County), MPO, and the Senior Resource Association (SRA) in regard to the County's public transportation system. He stated the Federal Transit Administration's (FTA) Section 5307 (Urban Area Formula Grant) program provides funding assistance for capital and operating costs associated with the County's public transportation system. He indicated the GoLine (fixed route) and the Community Coach (demand response) transit services were operated by the SRA, noting GoLine was the most efficient transit system within the State.

Director Freeman mentioned the County also receives capital funding assistance through the FTA's Section 5339 program used for the purchase of replacement buses. He provided a breakdown of the funding for Section 5307 (Capital and Operating) and Section 5339 (Bus Replacement) Grant Application in the amount of \$3,804,712, noting no local match was needed for FTA grants. He pointed out that together Section 5307 and 5339 programs cover most of the capital expenses associated with GoLine and Community Coach. He added the Section 5307 program covers approximately half of the operating costs of the transportation system, with the remainder covered by the Florida Department of Transportation grants and local funds.

Commissioner Flescher referred to the Operating Expense per Passenger Trip Fixed Route and pointed out the operating cost for Martin County compared to Indian River County. Director Freeman explained Martin County had a low passenger ridership to the amount of money they were spending to run their public transportation system.

Community Development Director Phil Matson indicated Martin County had reached out to the County in regard to the GoLine system and structure. Director Matson attributed the success of the County's transit system to the excellent

partnership with the SRA and the County's good traffic system design. He mentioned the County's MPO was the Community Transportation Coordinator (CTC) Coach for Martin County for their door to door system, but not their fixed route system.

Vice Chairman Earman opened the public hearing.

Sebastian Councilmember Fred Jones stated he had the opportunity to ride the GoLine to get a better understanding of how the system operated, and spoke highly of the transit system.

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

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2022-039, authorizing the filing of applications for grant funding assistance from the Federal Transit Administration. The motion carried by the following vote:

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

Absent: 1 - Chairman O'Bryan

10.A.2. [22-0520](#)

Consideration of Land Development Regulation (LDR) Amendments to Section 971.41 Modifying the Criteria for Accessory Dwelling Units (Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed accessory dwelling unit amendment ordinance.

Attachments: [Staff Report](#)

[Draft PZC Minutes](#)

[Ordinance](#)

Metropolitan Planning Organization (MPO) Director Brian Freeman referred to the Land Use Visioning Study which took place last year, and he indicated one of the issues raised through the visioning process was the need for affordable housing in the community.

Director Freeman stated addressing the need for affordable housing entailed multiple strategies, and he explained one strategy would be to modify the County's regulations for Accessory Dwelling Units (ADUs). In his PowerPoint presentation, he reviewed the key components and the definition of an accessory single-family dwelling unit. He summarized the proposed amendments to Section 971.41 (10) of the Land Development Regulations (LDRs) and explained the proposed code change increased the maximum size for ADUs to 50% of the heated/cooled area of the primary residence or 1,000 square feet max and 1,200 square feet max for lots exceeding one acre in size. The LDR amendment allowed for a second accessory dwelling unit, not to exceed 600 square feet in size for parcels 200,000 square feet or larger. He reviewed the prohibitions being added for ADUs which included no operation as a vacation rental; no commercial use/home occupation; and no mobile homes or RV's.

Commissioner Moss received confirmation from Director Freeman that no businesses could operate from ADUs.

Commissioner Adams sought and received information from Director Matson on how the County would monitor ADUs from being used as short-term vacation rentals. He indicated the County subscribed to a number of services used to monitor short-term vacation rentals. He further explained the services reconciled advertised listings for vacation rentals with the County's approved short-term rental addresses, and any discrepancies were reported to code enforcement; however, an ADU could be rented out long-term.

Vice Chairman Earman sought and received clarification from Director Matson in regard to the two types of housing that could be put on a property, one being an ADU for permanent occupancy or long-term rental, and the other type was a guest cottage. He explained a person must sign a legal affidavit that the guest

cottage would be for intermittent use only. A discussion followed on the 600 square foot sized second dwelling for lots 200,000 square feet in size or greater.

Vice Chairman Earman opened the public hearing.

Mr. Kevin Beverly came before the Board to request a change in the LDR's that would allow him to convert the mother-in-law suite/guest cottage located on his property to an Airbnb or Vrbo. He verbalized his intent for the short-term rental was for additional income to help him with medical expenses, as well as revenue to the County, the restaurants, and the mom-and-pop businesses.

Community Development Assistant Director Andrew Sobczak confirmed Mr. Beverly's unit was approved as a guest cottage and a document was filed in public records signed by Mr. Beverly stating the unit could not be rented out for commercial purposes.

Vice Chairman Earman relayed to Mr. Beverly, the issue did not pertain to the public hearing and would need to be addressed under another matter or venue. He suggested Mr. Beverly contact staff after the hearing to discuss the issue further. Commissioner Adams sought and received confirmation from staff the guest cottage could not be rented out; however, with the proposed amendments to the LDRs, there would be an opportunity for Mr. Beverly to change his guest cottage to an ADU, so it could be rented long-term.

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

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation and adopt Ordinance 2022-010, providing for an amendment to Chapter 971, Regulations for Specific Land Uses; by amending Section 971.41(10), Accessory single-family dwelling unit; and by providing for repeal of conflicting provisions; codification; severability, and effective date. The motion carried by the following vote:

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

Absent: 1 - Chairman O'Bryan

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

- 10.C.1. [22-0534](#) Public Notice of Public Hearing for July 12, 2022, for Ordinance Amending Section 204.06 (Definitions) and Section 204.13 (Terms of Conditions of Franchises) of Part 1 (In General) of Chapter 204 (Solid Waste Disposal) of Indian River County Code

Recommended Action: For information only - no action required

Attachments: [Staff Report](#)

County Attorney Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A. [22-0523](#) Local Support Grants Program - Medical Examiner's Facility

Recommended Action: Staff recommends that the Board of County Commissioners authorize the Chairman submit a letter of support for submission of this grant to St. Lucie County, and also authorize staff to submit the Local Support Grant Attestation Form signed by the County Administrator.

Attachments: [Staff Report Local Support Grant](#)
[Draft Support Letter](#)
[Local Support Grant Attestation Form](#)

County Administrator Jason Brown pointed out the District 19 Medical Examiner serves a four-county region encompassing Indian River, Martin, Okeechobee, and St. Lucie County. He indicated the Medical Examiner had identified deficiencies in the current facility due to the growing needs of the four counties. He recalled that on May 3, 2022, the Board directed the County Administrator to enter into discussions with the other counties to design and construct a new facility and submit requests for state and federal funding. He indicated St. Lucie County would be leading the process to submit a request for \$1 million in grant funding from the Fiscal Year 2022-2023 General Appropriations Act for a Local Support Grants Program to cover 50% of the \$2 million cost for the Preliminary Design and Engineering (PD&E) Study for the Medical Examiner's facility. He indicated the County planned to allocate \$500,000 to be funded from Optional Sales Tax, which would cover the County's portion of the PD&E study even if the grant was not secured.

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

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

Absent: 1 - Chairman O'Bryan

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

12.D.1. [22-0532](#) First Amendment to SurgeryPlus Services Agreement Extending One Year Introductory Rate of \$3.00 Per Employee Per Month (PEPM) for the Upcoming Plan Year

Recommended Action: Staff respectfully requests the Board of County Commissioners approve the First Amendment to the SurgeryPlus Service Agreement providing for an extension of the Network Use Fee discount through September 30, 2023, and authorize the Chairman of the Board to execute the Amendment.

Attachments: [Staff Report](#)
[First Amendment to SurgeryPlus Agreement](#)
[SurgeryPlus Final Signed Agreement Effective July 1, 2021](#)

Human Resources Director Susan Boyll came before the Board with an amendment to the SurgeryPlus Services Agreement to extend the one year introductory rate of \$3.00 per employee, per month for the upcoming plan year. She gave an overview of the supplemental benefit for non-emergent surgeries by a national network of Surgeons of Excellence that have been credentialed by SurgeryPlus. She indicated the network use fee would be increasing to \$4.00 per employee, per month after September 30, 2023.

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

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

Absent: 1 - Chairman O'Bryan

E. Information Technology

12.E.1. [22-0525](#) Work Order No. 50 - Kimley-Horn and Associates, Inc. Engineering Design Services - Administration Complex to EOC

Recommended Action: Staff recommends approval of Work Order No. 50 to Kimley-Horn and Associates, Inc., authorizing the professional services as outlined in the Scope of Services and requests the Board authorize the Chairman to execute Work Order No. 50 on their behalf for a lump sum amount of \$210,050.00.

Attachments: [Staff Report](#)
[Work Order 50 - Kimley Horn](#)

Information Technology Director Dan Russell reviewed the information contained in his memorandum dated June 1, 2022, regarding a work order for engineering design services with Kimley-Horn to expand the County's fiber network facilities between the Administration Complex and the Emergency Operations Center.

Commissioner Adams sought and received confirmation from Director Russell that the work order was part of the broadband expansion discussed at the May 3, 2022 meeting. He also indicated it was for the request made by the Sheriff and approved by the Board for access to the traffic cameras.

County Administrator Jason Brown stated the County was advancing the expansion to complete the connection to provide access to the Sheriff's Office to connect to the traffic cameras.

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

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

Absent: 1 - Chairman O'Bryan

F. Office of Management and Budget

G. Public Works

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

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. [22-0533](#) Final Pay to Geosyntec for Work Order No. 15 - Indian River County Construction and Demolition Debris Disposal Facility Permit Renewal Application

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Geosyntec Consultants, Inc.'s final invoice in the amount of \$24,341.50

Attachments: [Staff Report](#)
[Project Completion Report and Final Invoice](#)

There was no discussion regarding this item.

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

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

Absent: 1 - Chairman O'Bryan

15.B.2. [22-0535](#) Approval of Fiscal Year 2023 Consumer Price Index Adjustment Request by Atlas Organics

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the request for a 3.00% rate adjustment by Atlas Organics Indian River, LLC, and authorize the County Administrator to take any necessary actions to effectuate the change

Attachments: [Staff Report](#)
[Rate Adjustment Letter Atlas Organics](#)

In response to Commissioner Adams' inquiry on the recent Consumer Price Index (CPI) Adjustment for WM Waste Management, County Administrator Jason Brown confirmed WM Waste Management, Atlas Organics, and Republic Services were entitled to the CPI adjustment which was part of their contracts.

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

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

Absent: 1 - Chairman O'Bryan

15.B.3. [22-0536](#) Approval of 2023 CPI Adjustment Request by Republic Services

Recommended Action: Solid Waste Disposal District staff recommends the following for Board review and approval: 1. Approve the Calendar Year 2023 request for a 3.00% Consumer Price Index rate adjustment by Republic Services of Florida, LP, to be effective January 1, 2023, and authorize the County Administrator to take any necessary actions to effectuate the change

Attachments: [Staff Report](#)
[Rate Adjustment Letter Republic Services](#)

There was no discussion regarding this item.

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

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

Absent: 1 - Chairman O'Bryan

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Vice-Chairman adjourned the meeting at 10:06 a.m.