



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Meeting Minutes - Draft

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, May 4, 2021

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

Wesley Davis, Indian River County Property Appraiser

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve the 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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation Honoring Etta LoPresti on Her Retirement From Indian River County Board of County Commissioners Department of Emergency Services with Twenty-Nine Years of Service

Chairman Flescher read and presented the Proclamation to Ms. LoPresti, who expressed appreciation for the support from management and her co-workers while

she was an Emergency Management Coordinator. The Board and staff praised Ms. LoPresti's calm presence and strong guidance during her tenure with the Department of Emergency Services, especially during the back-to-back hurricanes of 2004.

Read and Presented

5.B. Presentation of Proclamation Designating the Week of May 2-8, 2021, as National Correctional Officers and Employees Week

Vice Chairman O'Bryan read and presented the Proclamation to Indian River County Sheriff Eric Flowers who was joined by representatives from the Corrections Department. Sheriff Flowers noted that corrections officers had been hard-hit by the coronavirus, and he was pleased to recognize their essential work.

Read and Presented

5.C. Presentation of Proclamation Designating the Month of May, 2021 As Mental Health Awareness Month

Commissioner Adams read and presented the Proclamation to William Wims, newly appointed CEO and President of New Horizons of the Treasure Coast and Okeechobee, who discussed the agency's mobile mental health response team. Lieutenant Larry Nusser, Indian River County Sheriff's Office - Bureau of Corrections, encouraged citizens to utilize the 2-1-1 Crisis Help Line and stated his support for New Horizons.

Commissioner Moss made mention of a fundraiser for New Horizons on May 10, 2021.

Read and Presented

5.D. Presentation of Florida Small Business Development Center at IRSC - 2020 Regional Impact Results Overview by Tom Kindred, Regional Director

Tom Kindred, Regional Director, Florida Small Business Development Center (SBDC) at Indian River State College, utilized a PowerPoint presentation to discuss results of the SBDC survey on the impact Covid-19 had on Florida's small businesses. He extended thanks to the County for their financial support through the CARES Act and to Helene Caseltine, Indian River Chamber of Commerce Economic Development Director, for her partnership. Mr. Kindred closed his presentation with an update on the SBDC's services, expansion, and achievements.

Vice Chairman O'Bryan received confirmation that an update to the survey was forthcoming. Commissioner Moss thanked Mr. Kindred for his responsiveness.

Presented

6. APPROVAL OF MINUTES

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

7.A. Update on Brightline Trains Expenses

No Action Taken or Required

7.B. Indian River County Venue Event Calendar Review

Vice Chairman O'Bryan urged everyone to pay a visit to the remote library in the Intergenerational Center, and thanked Assistant County Administrator Mike Zito for helping to bring the resource to Indian River County.

No Action Taken or Required

7.C. Code Enforcement Board Vacancy

Chairman Flescher made mention of the Code Enforcement Board vacancy.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Items 8.G and 8.O. for discussion. The motion carried by the following vote:

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

8.A. Checks and Electronic Payments March 26, 2021 to April 1, 2021

Approved

8.B. Checks and Electronic Payments April 2, 2021 to April 8, 2021

Approved

8.C. Checks and Electronic Payments April 9, 2021 to April 15, 2021

Approved

8.D. Checks and Electronic Payments April 16, 2021 to April 22, 2021

Approved

8.E. GRS Actuarial Services Agreement Renewal

Approved staff's recommendation

- 8.F.** Award of Bid 2021032 for Dunes Course Pump Station Wet Well
Approved staff's recommendation
- 8.G.** Final Ranking of Firms and Award of RFP 2021039 for Cyber Security Policy Development
Vice Chairman O'Bryan questioned the large range of prices that were submitted, and sought confirmation that Sentinel Technologies, Inc. was able to fulfill the RFP requirements at their estimated cost.

Purchasing Manager Jennifer Hyde informed that pricing was a small factor in evaluating the RFP responses, and noted that Information Technology Director Dan Russell was confident in Sentinel's ability to deliver the cyber security policy.
A motion was made by Vice Chairman O'Bryan, 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
- 8.H.** Request for Release of an Easement Located at 1630 Shuckers Point, Oyster Bay Subdivision
Approved Resolution 2021-032, releasing a portion of an easement located at 1630 Shuckers Point in Oyster Bay Subdivision. (Parsons)
- 8.I.** Local Option Gas Tax Distribution Percentages
Approved staff's recommendation
- 8.J.** Work Order No. 3 with Edlund, Dritenbas, Binkley Architects and Associates, P.A. for Jackie Robinson Training Complex Mold Remediation (IRC-1914)
Approved staff's recommendation
- 8.K.** Jones' Pier Conservation Area Public Use Improvements - Hazard Mitigation Assistance - Revised Award and Grant Agreement
Approved staff's recommendation
- 8.L.** Revision to the FPL Care to Share Program
Approved staff's recommendation
- 8.M.** Amendment to 2019 Pictometry Aerial Imagery Contract
Approved staff's recommendation
- 8.N.** Street Lighting Agreement Terminations
Approved staff's recommendation

8.O. Summer Camp Partnership with The Learning Alliance

Vice Chairman O'Bryan spoke favorably of the summer camp partnership with The Learning Alliance, and went on to advocate for the reinstatement of the Stormwater Division's own summer camp program.

Public Works Director Rich Szyrka reported that staff had been working on an agenda item to again host their own summer camp. He thanked the Vice Chairman for bringing the matter forward, and noted his department would return before the Board with a detailed camp proposal.

County Administrator Jason Brown affirmed that both a partnership and self-hosted camps may be possible, and appreciated having options. Assistant County Administrator Mike Zito pledged the assistance of the Parks and Recreation Department.

Both Chairman Flescher and Commissioner Moss stated their support of the Vice Chairman's suggestion.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Moss, to approve staff's recommendation, and authorized staff to resume the County's summer camp program as well as continuing to partner with other agencies. The motion carried by the following vote:

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

8.P. Project: Lakes At Waterway Village PD - Pods M, N, O, P - Request for 2-Year Extension to Final Lift of Asphalt Contract - Developer: DiVosta Homes, L.P.

Approved staff's recommendation

8.Q. Resolution Cancelling Taxes on Property Purchased from Catherine C. Detko for a Future Stormwater Facility and for Drainage Purposes

Approved Resolution 2021-033, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Detko)

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**9.A.** Indian River County Supervisor of Elections Leslie Rossway Swan re: Request to Relocate Two Polling Locations

Supervisor of Elections Leslie Rossway Swan requested the Board's approval to relocate two polling locations in the County. The first location, St. Sebastian Catholic Church, served precincts 6 and 7 and would permanently relocate to the City of Sebastian Community Center. Precinct 8, which had used the American Legion Hall Post 189, would temporarily move to the Sebastian Elks Lodge No. 2714. Ms.

Swan advised that with redistricting this year, it would be best to wait on a permanent location for Precinct 8.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Supervisor of Elections' request to relocate two (2) polling places in the County. 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

B. PUBLIC DISCUSSION ITEMS

10.B.1.

Request to Speak by Sgt Curtis Paulisin, Veterans of IRC President re: Mary Snyder Veterans of IRC Annual Golf Tournament

Sergeant Curtis Paulisin was joined by Vince McNally and Craig Waskow of the Vietnam Veterans of Indian River County (VVIRC) to discuss the annual Mary Snyder Golf Tournament fundraiser scheduled for June 19, 2021 at Sandridge Golf Course. Sgt. Paulisin reported they had a record number of participants this year, which exceeded the Covid-limited capacity of the golf course's clubhouse for their luncheon. He indicated that he had previously been offered use of the Expo Center at the County's Fairgrounds, and requested that the County waive the rental fee for the facility.

Chairman Flescher was in favor of granting the waiver since Sandridge had committed to hosting the tournament. Commissioner Earman pointed out that the VVIRC was paying to use Sandridge's facility, and he could understand allowing them to substitute an alternate County facility. Vice Chairman O'Bryan was reluctant, noting that it would be a slippery slope toward all non-profits requesting usage fee waivers for their charity events. Commissioner Adams agreed with the Vice Chairman, and observed that there was a discounted non-profit rate available; she urged caution to avoid instituting a policy-making precedent. Commissioner Moss favored waiving the rental fee, and suggested all Veteran's organizations should be able to receive the same accommodation.

Sgt. Paulisin recounted that the VVIRC had used the Expo Center two years prior for their tournament's luncheon, and there was no charge at that time. He clarified that he was requesting the same consideration for this year's tournament, as their planning was based on receiving use of the Expo Center at no cost.

Commissioner Adams suggested that the County could create a special package price for any entity which hosted a tournament at Sandridge and needed overflow accommodations at the Expo Center. Assistant County Administrator Mike Zito

agreed that a special rate could be arranged, and added that the clubhouse was scheduled for expansion. County Administrator Jason Brown supported creating a pricing option for use of both facilities, limited only to those events which were larger than Sandridge could accommodate. Commissioner Earman also supported this option, and suggested it could be used as a marketing tool to attract large events.

Chairman Flescher polled the Board to determine if there was consensus to create a special package price for the use of Sandridge and the Expo Center. County Attorney Dylan Reingold, in response to Commissioner Moss' query, informed that the legal definition of consensus was general agreement.

Clerk of the Court and Comptroller Jeffrey Smith suggested that the VVIRC sell sponsorships to cover the cost of using the Expo Center, and personally pledged \$200 to that effort. Chairman Flescher then matched Mr. Smith's \$200 pledge. Commissioner Moss added that she would contribute as well.

Board consensus was reached to have Commissioner Adams work with staff to create special package pricing for use of the County Fairgrounds' Expo Center as an overflow venue for golf tournaments held at Sandridge Golf Course, and return to the Board for approval.

C. PUBLIC NOTICE ITEMS

- 10.C.1.** Public Notice of Public Hearing Scheduled for May 11, 2021 to Consider an Application for a Class "E" and Class "E1" Certificate of Public Convenience and Necessity by Turbo Transport Services L.L.C. - ADMINISTRATIVE

County Attorney Dylan Reingold read the item into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** Update Regarding COVID-19 Vaccinations

County Administrator Jason Brown reported that the mass vaccination site at the County Fairgrounds would close as demand had dwindled, and that the County Health Department would provide vaccinations on a walk-in basis. He also informed that more than 50% of the County's residents, including 92% of the 65+ population, had been vaccinated. He then announced that Governor DeSantis had passed Executive Orders 21-101 and 21-102 ending mandatory Covid restrictions. He sought the Board's direction regarding Covid-related safety procedures in place at County facilities.

Vice Chairman O'Bryan received confirmation from County Attorney Dylan Reingold that the Governor's orders superseded the County's Emergency Order and a public hearing was not needed to rescind it. Discussion ensued among the Commissioners with direction given to make mask-wearing optional and to phase out screening measures in all County spaces. The Commissioners thanked staff and community partners for pulling together and doing their part to make the situation better.

Barbara Jordan, Indian River Freedom Coalition, addressed the Board in opposition of the vaccine.

Clerk of the Circuit Court and Comptroller Jeffrey Smith noted that there was still uncertainty regarding safety procedures in the courts. He advised that the courthouse's Covid safety measures would remain in place until the State Supreme Court directed otherwise.

Attorney Reingold made mention that there would be another Covid-related milestone July 1, 2021, and he would return with more information.

No Action Taken or Required

The Chairman called for a recess at 10:57 a.m. and reconvened the meeting at 11:08 a.m. with all members present.

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

F. Office of Management and Budget

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Unconditional Offer for Parcels of Right-Of-Way Located at 6730 69th Street, Vero

Beach, FL 32967 Owned by Leonardo and Maria Mandina; 6900 65th Street, Vero Beach, FL 32967 Owned by Kenneth Chestnut; and 6890 69th Street, Vero Beach, FL 32967 Owned by Johnny and Jackie Dent

Assistant County Attorney Susan Prado provided details of the Mandina (Parcel 316), Chestnut (Parcel 303), and Dent (Parcel 313) properties along with the make-goods needed for right-of-way acquisition in Phase I of the 66th Avenue widening project.

At Vice Chairman O'Bryan's request, Deputy County Attorney Bill DeBral explained Murphy Reservations and the County's history of usage. The Vice Chairman had expressed frustration at the high cost of past acquisitions, and stated he was in favor of utilizing the Murphy Reservation when reasonable negotiations failed.

The Vice Chairman then made an alternate, higher proposed settlement offer with the goal of avoiding the added cost of attorneys and experts; he recommended utilizing the Murphy Reservation should the alternate offer be rejected. His basis for the new offers stemmed from a February 16, 2021 right-of-way settlement for the Martin property. He calculated that the County negotiated a price of \$72,368 per acre, inclusive of land, damages, and improvements. When the Martin per-acre price was applied to the current properties, he arrived at a proposed offer of \$38,355 for the Dent parcel, \$163,355 for the Mandina parcel, and \$26,776 plus the cost of improvements for the Chestnut parcel. He noted that this alternate offer would give the landowners more money, and help avoid legal challenges.

Attorney Dylan Reingold pointed out that the Chestnut parcel was appraised at \$29,000, and the County could not offer less. Vice Chairman O'Bryan modified his proposal for Chestnut to be \$29,000 for the land, plus the additional cost of improvements.

Attorney DeBral received confirmation that the revised proposal did not include attorney fees, and that it was unconditional. The Vice Chairman reiterated that his intention was to circumvent going to court for fees, and that he favored a stronger negotiating tactic to stem the rising cost of acquisitions.

Attorney Prado offered clarification regarding the Chestnut parcel, noting the \$29,000 offer already included the cost of improvements. The Vice Chairman revised his last proposal as to offer more money for the land portion of the Chestnut property, as well as rounding up the other offers. The final numbers proposed were: \$40,000 all-inclusive for the Dent parcel; \$165,000 for the Mandina parcel; and \$47,000 all-inclusive for the Chestnut parcel.

Joseph Paladin, Real Estate Developer, supported the Vice Chairman's proposal.

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

Earman, to approve an alternate proposal of unconditional offer for land and improvements only, where applicable: Mandina parcel, \$165,000; Chestnut parcel, \$47,000; Dent parcel, \$40,000. If owners rejected the unconditional purchase offer, the County Attorney was authorized to utilize the Murphy Reservation to take the needed right-of-way. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

14.A.1.

Request Board Approval of Veteran-Preferred Parking Spaces at County Facilities

Chairman Flescher requested the Board's approval of a proposal from the Veterans Council of Indian River County (the Council) to designate Veteran-preferred parking spaces at County facilities. He noted that while Disabled Veteran tags were permitted at any limited space, he felt it would be a point of honor to support the Council's parking program for veterans. The County's Constitutional Officers were present, and expressed their endorsement of the initiative; the Sheriff's Department had previously committed to the program.

The Chairman then raised the issue of the associated cost of the signs, and invited Jim Romanek, the Council's Executive Director, to provide the details. Mr. Romanek showed a sample of the sign, and described the sponsorship opportunities for partnering entities. He reported that it cost the Council \$245 to manufacture and install the signs, and sponsors paid \$250 to participate. Chairman Flescher offered the use of the County's production department to create and install the County-sponsored signs in order to offset costs.

Vice Chairman O'Bryan agreed to support raising awareness of the Council's work with a suggestion to fund the production and installation of ten (10) signs, along with a \$50 donation for each sign to the Council. Chairman Flescher confirmed that the ten (10) signs would be distributed among the Constitutional Officers. The rest of the Commissioners expressed their support of the initiative.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to: 1) sponsor ten (10) Veteran-preferred parking signs, to be distributed among the Constitutional Officers; 2) direct the County's Traffic Division to produce and install the signs; and 3) provide a donation of \$50 per sign to the Veterans Council of Indian River County. The motion carried by the following vote:

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

14.A.2.

Proposal to Place Community-Identifying Signage on the Iconic Gifford Water Tower

Chairman Flescher recounted that in 2019, the County's water towers all had been uniformly repainted with only the County's logo. Shortly after, the Chairman received a complaint regarding the removal of the name "Gifford" from that area's tower. A cost of \$78,000 to repaint the tower was obtained by staff, but was considered prohibitive by the Board. Chairman Flescher offered an alternative to a complete tower repainting, wherein the name "Gifford" would be added to one side of the tower for a cost of \$8,500.

Discussion ensued among Commissioners with agreement on the civic pride and sense of place generated by having a high visibility place-name identifier on Gifford's water tower. Commissioner Moss requested to hear from the community. County Administrator Jason Brown noted staff was supportive of the motion, and requested community feedback regarding the placement of the name.

Ernie Greer, Gifford resident, supported the proposal and suggested the southwest quadrant for placement.

Linda Morgan, Progressive Civic League of Gifford, noted the proposal would give residents a sense of pride for their neighborhood.

Freddie Woolfork, Progressive Civic League of Gifford, relayed that the tower was a symbol of pride, identity and recognition.

Joseph Paladin, 6450 Tropical Way, supported the item.

Joe Idelette, 4570 57th Avenue, expressed thanks to the Commissioners and supported the signage.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to add the name "Gifford" to the southwest quadrant of the area's water tower at a cost of \$8,500. The motion carried by the following vote:

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

B. Commissioner Peter D. O'Bryan, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

E. Commissioner Laura Moss

14.E.1.

Gifford Water Tower

Commissioner Laura Moss requested that County Attorney Dylan Reingold research the history of the decision to generalize the County's water tower designs, and return to the Board with findings.

No Action Taken or Required

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.

Request for General Funds - PACE Project and Other Community Projects
FY2020-21

There was no discussion regarding this item.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, 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, the Chairman adjourned the meeting at 12:20 p.m.