



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

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

*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

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Tuesday, April 12, 2022

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

**Present:** 5 - Chairman Peter O'Bryan  
Vice Chairman Joe Earman  
Commissioner Susan Adams  
Commissioner Joseph Flescher  
Commissioner Laura Moss

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

#### 2.B. INVOCATION

**Pastor Jimmie Hill, Salt of the Earth Ministry**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Joseph H. Earman, Vice Chairman**

#### 4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Prior to Meeting - Item 8.D. was deleted

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

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

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

#### 5. PROCLAMATIONS and PRESENTATIONS

**5.A.** Presentation of Proclamation Designating April 12, 2022 as Equal Pay Day in Indian

River County

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

**Read and Presented by Commissioner Adams**

**5.B.** Presentation of Proclamation Recognizing National Public Safety Telecommunications Week - April 10 - 16, 2022

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

**Read and Presented by Commissioner Flescher**

**6. APPROVAL OF MINUTES**

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

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as amended, pulling Item 8. A. for discussion. The motion carried by the following vote:**

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

**8.A.** Indian River County Clerk of Circuit Court and Comptroller, Jeffrey R. Smith: Notice of Annual Comprehensive Financial Report and Popular Annual Financial Report Completion for the Fiscal Year 2020-2021

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

Mr. Smith also presented a detailed review of the Popular Annual Financial Report (PAFR), which contains an accessible summary of information from the ACFR. Mr. Smith complimented Director of Management and Budget Kristin Daniels, Chief

Deputy Legal Ryan Butler, Chief Deputy Finance Elissa Nagy, and Senior Accountant Raeanne Cone for their work on the reports, as well as the Clerk's Human Resources Director Laura McIver for designing the PAFR.

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

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

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

**8.B.** Annual Financial Report

**Approved**

**8.C.** Approval of Renewal of a Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard, Inc.

**Approved staff's recommendation**

**8.D.** Delete item 8.D. - Approval of a Memorandum of Understanding between Humane Society Vero Beach & Indian River County Florida, Inc., and the Indian River County Board of County Commissioners

**Deleted**

**8.E.** Approval of Amendment No. 1 to Florida Department of Environmental Protection Grant Agreement LPA0018 for Moorhen Marsh

**Approved staff's recommendation**

**8.F.** Addendum to RXBenefits Administrative Services Agreement - Amending the Current Contract Period from 12 Months to 17 Months to Align with Annual Benefit Renewals

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

### **10. PUBLIC ITEMS**

#### **A. PUBLIC HEARINGS**

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

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE

## OFFICE OF THE CLERK TO THE BOARD.

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

Chairman O'Bryan opened the Public Hearing. There being no speakers, the Chairman closed the Hearing.

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to adopt Ordinance 2022-005, amending Section 312.11 (Performance Security) of Chapter 312 (Rights-of-Way) of the Code of Indian River County, to modify the types of allowable performance security; providing for codification, conflict, severability, and an effective date. The motion carried by the following vote:**

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

**B. PUBLIC DISCUSSION ITEMS****C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS****A. Community Development****12.A.1.** Redevelopment of Gifford Gardens (RFP 2021014)

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

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

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

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

The following people addressed the Board.

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

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

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

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

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

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

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

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

## **B. Emergency Services**

### **12.B.1.**

Amendments to Chapter 302 (Animal Control Ordinance) of the Indian River Code of Ordinances

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

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

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

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

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

Richard Baker, Pelican Island Audubon Society, appreciated the Board and the

Health Department's concern with keeping cats under the requirement of restraint in the code; however, he preferred to use the word control instead of leash law. He detailed the health reasons to keep cats under control.

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

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

### C. General Services

### D. Human Resources

### E. Information Technology

### F. Office of Management and Budget

#### 12.F.1. 2022 Property/Casualty Insurance Program

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

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

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

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

### G. Public Works

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

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

Public Works Director Rich Szpyrka referred to the staff memorandum dated

March 21, 2022, and indicated the agreement was an amendment for the redesign of the 53rd Avenue Bridge over the Lateral A Canal to a Florida Department of Transportation Standard Florida Slab Beam System.

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

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

### 12.G.2.

Award of Bid No. 2022021, North County Library Expansion, IRC-2009

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

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

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

### 12.G.3.

Change Order No. 2 , 53rd Street over Lateral A Canal Bridge Widening, IRC-1505

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

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

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

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

## H. Utilities Services

**13. COUNTY ATTORNEY MATTERS**

**14. COMMISSIONERS MATTERS**

- A. Commissioner Peter D. O'Bryan, Chairman**
- B. Commissioner Joseph H. Earman, Vice Chairman**
- C. Commissioner Susan Adams**
- D. Commissioner Joseph E. Flescher**
- E. Commissioner Laura Moss**

**15. SPECIAL DISTRICTS AND BOARDS**

- A. Emergency Services District**
- B. Solid Waste Disposal District**
- C. Environmental Control Board**

**16. ADJOURNMENT**

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