



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, June 7, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 4 - Chairman Peter O'Bryan
Vice Chairman Joe Earman
Commissioner Susan Adams
Commissioner Joseph Flescher

Excused: 1 - Commissioner Laura Moss

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

2.B. INVOCATION

Pastor Chris Drinnon, Grace Baptist Church

3. PLEDGE OF ALLEGIANCE

County Administrator Jason Brown

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: ESD Items 15.A.1, 15.A.2, and 15.A.3 to follow the Consent Agenda

Moved: Item 12.A.1 to follow ESD Items

Moved: Item 14.B.1 to follow 12.A.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: 4 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, and Commissioner Flescher

Excused: 1 - Commissioner Moss

Commissioner Laura Moss appeared via Zoom, and Board discussion ensued whether to allow the Commissioner to vote on Agenda items via video conference. After receiving guidance from County Attorney Dylan Reingold, the Board agreed to allow Commissioner Moss to vote in light of extenuating circumstances, provided that the parties involved in the public hearings were also in acceptance of the Commissioner's remote vote.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve allowing Commissioner Moss to vote on Agenda items via video conference. The motion carried by the following vote:

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

Excused: 1 - Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

5.A. [22-0466](#) Presentation from Casey Lunceford of IRSC on the Fellsmere Inn Project

Recommended Action: No action required

Indian River State College (IRSC) Mueller Campus President Casey Lunceford appeared before the Board with an update to the Fellsmere Inn project, which he presented to the Board at the February 1, 2022 BCC meeting. He was disappointed to inform the Commissioners that IRSC could no longer partner in the Inn's redevelopment due to inflation, supply chain issues, and unsuitable timing.

Chairman O'Bryan inquired whether the information already gathered could be passed along to a potential future partner in the project. Mr. Lunceford advised he would verify with IRSC counsel.

No Action Taken or Required

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of April 12, 2022, April 19, 2022, and May 3, 2022 as written. The motion carried by the following vote:

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

6.A. [22-0436](#) Regular Meeting of April 12, 2022

Recommended Action: Approve

Attachments: [04122022 BCC Granicus](#)

Approved

6.B. [22-0439](#) Regular Meeting of April 19, 2022

Recommended Action: Approve

Attachments: [04192022 BCC Draft](#)

Approved

6.C. [22-0447](#) Regular Meeting of May 3, 2022

Recommended Action: Approve

Attachments: [05032022 BCC Granicus](#)

Approved

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**7.A.** [22-0431](#) Proclamation Honoring Scott Newkirk on His Retirement From Indian River County Board of County Commissioners Department of Parks & Recreation with Fourteen Years of Service

Attachments: [Proclamation](#)

Chairman O'Bryan acknowledged Mr. Newkirk's retirement and commended his contributions to the County.

The Chairman also announced that Beth Powell had been promoted to Director of Parks and Recreation.

No Action Taken or Required

7.B. [22-0442](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an informational item only; no Board action is required

Attachments: [Event Calendar June 2022](#)

Chairman O'Bryan highlighted the following events from the calendar: flag football registration, movie night at the iG, music and cooking events at the Brackett library, and the Mary Snyder Veterans of Indian River County Golf Tournament.

No Action Taken or Required

7.C. [22-0450](#) City of Vero Beach Ordinance 2022-15, requested by Indian River Land Trust Inc. and Marc Rose and Dorothy Strunk, Co-Trustees of the Gator Group Land Trust Agreement to Voluntarily Annex Properties located at the Northeast and Southwest Corners of Indian River Boulevard and 37th Street, containing 42.36 Acres more or less.

Recommended Action: Information Only

Attachments: [COVB Ordinance 2022-15](#)

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

8.A. [22-0361](#) Checks and Electronic Payments April 15, 2022 to April 21, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period April 15, 2022 to April 21, 2022.

Attachments: [FINANCE DEPARTMENT STAFF REPORT](#)

Approved

8.B. [22-0362](#) Checks and Electronic Payments April 22, 2022 to April 28, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period April 22, 2022 to April 28, 2022.

Attachments: [FINANCE DEPARTMENT STAFF REPORT](#)

Approved

8.C. [22-0395](#) Checks and Electronic Payments April 29,2022 to May 5, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period April 29, 2022 to May 5, 2022

Attachments: [Finance Department Staff Report](#)

Approved

8.D. [22-0422](#) Checks and Electronic Payments for May 6, 2022 to May 12, 2022.

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period May 6, 2022 to May 12, 2022.

Attachments: [Finance Department Staff Report](#)

Approved

8.E. [22-0428](#) Checks and Electronic Payments for May 13, 2022 to May 19, 2022.

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period May 13, 2022 to May 19, 2022.

Attachments: [Finance Department Staff Report](#)

Approved

8.F. [22-0453](#) Checks and Electronic Payments for May 20, 2022 to May 26, 2022.

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of May 20, 2022 to May 26, 2022.

Attachments: [FINANCE DEPARTMENT STAFF REPORT](#)

Approved

- 8.G.** [22-0397](#) Approval of a License Agreement with Vero Beach Foundation Indians Football and Cheer Corporation (a Florida Not for Profit Corporation) to provide Youth Tackle Football and Cheerleading Programming and Enrichment Programs at the Victor Hart Sr. Community Enhancement Complex located at 4715 43rd Avenue, Vero Beach, FL

Recommended Action: Staff recommends the Indian River County Board of County Commissioners accept the Facility License Agreement with Vero Beach Foundation Indians Football and Cheer Corporation, and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

Attachments: [BCC Memo_VBFI License for VHSCEC_Finalpdf](#)
[Foundation Indians Football License Agreement Final](#)

Approved staff's recommendation

- 8.H.** [22-0433](#) Resolution Cancelling Taxes - Christine Ford

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 - Christine Ford](#)
[Resolution Cancelling Taxes - Gagliano Trust](#)

Approved Resolutions 2022-028 (Ford) and 2022-029 (Gagliano Trust), cancelling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

- 8.I.** [22-0471](#) On-Airport Lease and Aircraft Rescue and Firefighting (ARFF) Agreement

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the revised On-Airport Lease and Aircraft Rescue and Firefighting (ARFF) Agreement retroactive to October 1, 2021.

Attachments: [Staff Report](#)
[ARFF Agreement COVB Airport IRCDES Eff 10.01.2021](#)
[IRCDES COVB Airport Land Lease Eff 10.21.2021](#)
[Memorandum of Lease Airport IRCDES Eff 10.21.2021](#)

Approved staff's recommendation

- 8.J. [22-0458](#) Amendment 1 to Work Order No. AACE-1, Moorhen Marsh Low Energy Aquatic Plant System (LEAPS) IRC-2107

Recommended Action: Staff recommends approval of Amendment No. 1 to Work Order No. AACE-1 with Andersen Andre Consulting Engineers, Inc. authorizing the professional services as outlined in the Scope of Work and authorize the Chairman to execute Amendment No. 1 to Work Order No. AACE-1 on their behalf for a Not-to-Exceed amount of \$47,472.00.

Attachments: [Staff Report](#)
[Amendment No. 1 to WO No. AACE-1](#)

Approved staff's recommendation

- 8.K. [22-0459](#) Approval of Amendment No. 3 - FDEP Grant Agreement No. S0839 for Construction of an Oyster Reef Along Foot Island in the Indian River Lagoon

Recommended Action: Approve Amendment No. 3 to FDEP Grant Agreement No. S0839 and authorize the Chairman to execute it on behalf of the County.

Attachments: [Staff Report](#)
[Amendment No. 3 to FDEP Agmt No. S0839](#)

Approved staff's recommendation

- 8.L. [22-0463](#) Amendment 2 to Work Order No. 3 for Bowman Consulting Group, Ltd., West Wabasso Septic to Sewer Phase 3B

Recommended Action: Staff recommends that the Board of County Commissioners approve Amendment 2 to Work Order No. 3 for Bowman Consulting, Inc., for a lump sum amount of \$7,540 and authorize the Chairman to sign, upon approval

Attachments: [Staff Report](#)
[Amend 2 to Work Order 3 Bowman Consulting](#)

Approved staff's recommendation

- 8.M.** [22-0464](#) Reclaimed Water Agreement between Indian River County and New Indian River Club Inc.

Recommended Action: Staff recommends that the Board of County Commissioners approve the Reclaimed Water Agreement between Indian River County and the New Indian River Club, Inc., and authorize the Chairman to sign on their behalf after review and approval by the County Attorney

Attachments: [Staff Report](#)
 [1996 Indian River Club Agreement](#)
 [Reclaimed Water Agmt Btwn IRC & New Indian River Club](#)
 [Exhibit A](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.** [22-0452](#) Indian River County Supervisor of Elections Chief Deputy Maureen Houssell re: Polling Place Update

Recommended Action: Accept the Amended Voting Precinct List

Attachments: [Memorandum from Supervisor of Elections](#)
 [2022 Individual Polling Locations](#)
 [Polling Place Locations List](#)

Indian River County Supervisor of Elections Chief Deputy Maureen Houssell appeared before the Board regarding changes to the list of polling locations which had been previously approved at the May 3, 2022 BCC meeting. Ms. Houssell informed the Board that Holy Cross Catholic Church would again serve as a polling location, and she sought the Board's approval of the revised list of polling places.

Ms. Houssell confirmed for Chairman O'Bryan that the Supervisor of Elections Office would soon send out postcards advising voters of their precinct number and polling location.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to accept the Amended Voting Precinct List as presented. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1 [22-0366](#)

Public Hearing Regarding Bhakta Farms, LLC's Request for Major Site Plan and Special Exception Use Approval for a Farm Based Rum Distillery (Agricultural Industry) with Associated Accessory Residential Units [SP-SE-20-07-26 / 2004020221-86955] (Quasi-Judicial)

Recommended Action: Staff recommends that the BCC grant major site plan and special exception use approval for a farm based rum distillery (agricultural industry) with associated accessory residential units to be known as Bhakta Farms Distillery with the following conditions: 1. Prior to site plan release, the applicant shall obtain all required jurisdiction permits as listed on the site plan and verification of approval/concurrence of environmental impact to protected species from the USACOE, USFWS and FWC. 2. Prior to issuance of a project certificate of occupancy (C.O.) for each Phase, the applicant shall install all required landscape improvements as shown on the approved project landscape plan. The State Road 60 landscape buffer will be required to be installed with the C.O. for Phase 1.

Attachments: [Staff Report](#)
[Planning and Zoning Minutes](#)
[Location Map](#)
[Aerial Map](#)
[Site Plan](#)
[Landscape Plan Overall](#)
[Detailed Landscape Plan](#)

Chairman O'Bryan introduced the parties for the proceeding as being Bhakta Farms, LLC (Applicant) 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. The Applicant's representative confirmed they would move forward with Commissioner Moss voting via video conference.

The Chairman opened the public hearing.

Ryan Sweeney, Chief of Current Development, utilized PowerPoint slides to review the Special Exception Use process and the Applicant's location, site plan, traffic and landscape plans. He noted that the Planning and Zoning Commission, at their April 28, 2022 meeting, recommended the Board grant major site plan and special use approval with conditions recommended by staff.

Chief Counsel for the Applicant, Leo Gibson, appeared before the Board and shared Bhakta Farm's history, vision, and plans for their land. He discussed the

craft spirits which were planned to be produced on-site, and explained that the guest cottages were for marketing purposes only.

Chairman O'Bryan inquired whether the property would be open to the public for tours. Mr. Gibson advised there would be a tasting room with limited hours for public access, and confirmed the products would be labeled as produced in Indian River County.

The Chairman opened the hearing to public comments.

Joseph Paladin, Black Swan Consulting, spoke in support of the project.

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

The Commissioners each in turn expressed their support for this project which honored the County's agricultural roots in an innovative way.

A motion was made by Commissioner Adams, 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

10.A.2 [22-0440](#)

Public Hearing Regarding Henry Fischer's Request for Abandonment of the North and West 12-foot-Wide Strips of Land Reserved for a Public Road that are Located Within the Bounds of the Property Located at 10105 Industrial Park Blvd [ROWA-21-09-01 / 2021060061-90141] (Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners abandon its rights to the subject portion of the subject right-of-way, and authorize the chairman to execute the attached abandonment resolution.

Attachments: [Staff Report](#)

[Location Map](#)

[Resolution](#)

[Exhibit A](#)

Ryan Sweeney, Chief of Current Development, presented Henry Fischer's request for right-of-way (ROW) abandonment of two (2) 12-foot strips of land located at 10105 Industrial Park Boulevard. He detailed the County's due diligence to affirm the land was not part of any future planning.

The Chairman opened the public hearing.

Attorney Warren Dill, representing Mr. Fischer, described the research done to assess the purpose of the ROW, and requested abandonment after finding none. He also confirmed that he accepted Commissioner Moss' vote via video conference.

Joseph Paladin, Black Swan Consulting, supported staff's recommendation.

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

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve Resolution 2022-030, providing for the closing, abandonment, vacation and discontinuance of the north and west 12-foot-wide strips of land reserved for a public road that are located within the bounds of the property located at 10105 Industrial Park Blvd within the City of Sebastian located in Indian River County, Florida. The motion carried by the following vote:

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

10.A.3 [22-0467](#)

Public Hearing to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Street Paving in the Oslo Park Area - LEGISLATIVE

Recommended Action: The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance or in the alternative direct staff to begin a special assessment project under Chapter 206 of the Indian River County Ordinance Code.

Attachments: [Staff Report](#)

[Ordinance re Oslo Park paving MSBU](#)

[Oslo Park MSBU List 06.01.22](#)

[Affidavit of Publication - Oslo Park Street Paving Notice - MSBU - 2nd Phase](#)

County Attorney Dylan Reingold began with a recap of the progress made to pave streets in the Oslo Park neighborhood, including the initial direction from the Board on October 19, 2021, and approval of the Resolution which established the Municipal Service Benefit Unit (MSBU) on February 15, 2022. He noted that public input revealed a desire for a faster timeline than what a MSBU would provide, and in response staff suggested producing the street paving as a Special Assessment project under Chapter 206 of the County code.

Chairman O'Bryan recounted discussion from the community informational meeting on April 4, 2022, where residents were presented with different scenarios, and expressed support for a faster timeline than what was presented. The Chairman supported staff's recommendation to fund the paving project as a special assessment which entailed a series of public hearings, and an estimated timeline of three (3) years to completion.

Commissioner Adams sought and received clarification from County Attorney Dylan Reingold of the role of the already-established MSBU in combination with the special assessment process. County Administrator Jason Brown noted this was a different approach than past petition paving processes, and staff felt this path may be a better fit for this project.

The Chairman reiterated that upon today's approval, the assessment would be set at zero until staff determined the actual design and construction costs which would take about a year. There would be a public hearing before final assessment approval to ensure the actual costs were in line with the estimated \$500 per property annually.

The Chairman opened the public hearing. The following people spoke before the Board:

Robert Wolff stated that since his property did not have access to 13th Street SW, he felt he should not have to pay the paving assessment. County Attorney Reingold stated he would look into the matter and received agreement from Mr. Wolff for a deed restriction or covenant regarding access.

Barbara Ingram received additional information regarding the estimated costs as well as assurance that once the final assessment amount was approved at a public hearing, residents would not be charged more.

Public Works Director Richard Szyrka expressed confidence that the \$5 million estimated total cost was based on realistic information, and indicators suggested fewer problems with material supplies. Commissioner Flescher also offered reassurance regarding the process.

Rusty Gonzalez received confirmation that the special assessment process was the fastest and most cost-effective route to completion. County Administrator Brown spoke of staff's need to prioritize projects already under way.

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

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the County Attorney's Office recommendation to direct staff to begin a special assessment project under Chapter 206 of the Indian River County Ordinance Code. The motion carried by the following vote:

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

10.A.4 [22-0435](#)

Indian River County Board of County Commissioners and Kelly Stanton of Supermix Request to Rezone Approximately ±9.24 Acres from A-1, Agricultural-1 District (up to 1 unit/5 acres) to IG, General Industrial District [RZON2021090086-90882] [Quasi-Judicial]

Recommended Action: Staff and the Planning and Zoning Commission recommends that the Board of County Commissioners approve this request to rezone the Subject Properties from A-1 to IG.

Attachments: [Staff Report](#)

[Rezoning Application](#)

[Table of Uses for Agricultural Zoning Districts](#)

[Table of Uses for Industrial Zoning District](#)

[Future Land Use to Zoning Dist Comp Table](#)

[Rezoning Ordinance](#)

Chairman O'Bryan introduced the parties for the proceeding as being Kelly Stanton (Applicant) of Supermix 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.

The Chairman opened the public hearing.

Community Development Long Range Planner Chris Balter presented the request to rezone the property at 53rd Street and 29th Court from Agricultural-1 District (A-1) to General Industrial District (IG). Mr. Balter's presentation reviewed the purpose of the request, maps and zoning districts, analysis, concurrency, future land use policy, and environmental impacts. He noted that the Planning and Zoning Commission had approved the request at their April 28, 2022 meeting, and County staff concurred.

Attorney Bruce Barkett was present on behalf of the Applicant, and confirmed acceptance of Commissioner Moss' vote via video conference.

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

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to adopt Ordinance 2022-009, amending the Zoning Ordinance and the accompanying zoning map for approximately ±9.24 acres located west of and adjacent to 29th Court, from A-1, Agricultural-1 District, to IG, General

Industrial District; and providing codification, severability, and effective date.

The motion carried by the following vote:

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

The Chairman called for a recess at 10:38 a.m., and reconvened the meeting at 10:50 a.m. with all members present.

B. PUBLIC DISCUSSION ITEMS

- 10.B.1 [22-0416](#) Request to Speak from Bill Rigby, West Wabasso Progressive Civic Club, re: Dasie Hope / WWPCC Lease Termination

Recommended Action: No Action Required

Attachments: [Public Discussion Request Rigby](#)

Bill Rigby, Vice President, West Wabasso Progressive Civic Club (Civic Club), addressed the Board's decision at their May 10, 2022 meeting to allow the Department of Health (DOH) to take over operations at the Old Douglass School facility (8445 64th Avenue) where the Civic Club, in conjunction with the Dasie Bridgewater Hope Center (Dasie Hope), had a long-standing lease with the County to utilize a portion of the building. In advance of transferring the site into a DOH facility, Dasie Hope had voluntarily terminated their lease with the County; subsequently the County terminated its lease with the Civic Club.

Mr. Rigby took exception that his organization was not included in the DOH presentation, and expressed frustration surrounding the confusion regarding a similar-named organization. He referred to documentation of a long-standing history of the Civic Club being the “voice” of the Wabasso community, and their record of collaboration with the County. Mr. Rigby expressed dismay that the Board had not tabled the Agenda item in order to allow the Civic Club an opportunity to review DOH’s plan, and inform the residents of Wabasso as had historically been done.

Mr. Rigby then turned to the issue of County’s decision to terminate the Civic Club’s lease. He cited portions of the agreement which the Civic Club interpreted differently than the County, and recounted that he was advised by counsel not to relinquish the lease as requested. He also noted the Civic Club’s objection to DOH’s policy which would now ban political events at the facility.

In summation, Mr. Rigby requested that the Board let stand the Civic Club’s lease agreement allowing use of the site for their meetings, even in light of the May 10th Board decision. He explained that though there was a verbal agreement allowing the Civic Club’s continued use of the Old Douglass School, the organization felt they were not guaranteed continued usage without a written agreement.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1 [22-0441](#) Consideration of Lemnature AquaFarms USA, Inc's Request for a Local Jobs Grant

Recommended Action: Staff and the Economic Development Council recommend that the Board of County Commissioners 1. Approve a local job grant of up to \$200,000 for Lemnature AquaFarms USA, Inc with an effective date of May 17, 2022, and 2. Authorize the chairman to sign the Jobs Grant Agreement for Lemnature AquaFarms USA, Inc after approval of the agreement by appropriate county staff and the county attorney's office (draft agreement attached).

Attachments: [Staff Report](#)
[Jobs Grant Application](#)
[Draft Jobs Grant Agreement](#)

[Clerk's Note: This Item was heard following Item 15.B.3]

Community Development Director Phil Matson introduced John Stoll, Chief of Long Range Planning, who presented information regarding Lemnature AquaFarms USA, Inc.'s (Lemnature) application for a local jobs grant from the Indian River County Economic Development Council (EDC). Utilizing PowerPoint slides, Mr. Stoll reviewed the grant program's parameters and informed that the applicant projected the creation of more than 45 jobs for a grant total of \$200,000. He added that the EDC, at their May 17, 2022 meeting, recommended the Board approve Lemnature's Local Job Grant application. Director Matson thanked the manufacturer for choosing Indian River County, and noted that the future of agriculture in the County lay in the innovation of new projects.

Chairman O'Bryan pointed out that the grant had an effective date of May 17, 2022 in order to capture pending hires from Lemnature.

Frank Jimenez, CEO, Lemnature AquaFarms (formerly Parabel Nutrition), expressed the grant would be helpful as his company ramped up production, and thanked the Board for their consideration.

Chairman O'Bryan informed that the job grants were retroactive and performance based; the County would start awarding funds after one year of employment.

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

12.D.1 [22-0444](#) Group Insurance Recommendations for Plan Year 2022/23

Recommended Action: Staff recommends and respectfully requests the Board of County Commissioners approve, effective with the plan year beginning October 1, 2022, the ASO fee proposal from Florida Blue for a four (4) year agreement through September 30, 2026 resulting in a reduced ASO fee of \$49.55 per member per month to include the Telemedicine (Teledoc) benefit, a \$75K wellness contribution upon approval of the agreement, a \$50K wellness contribution annually each October; Option 3 renewal with Mutual of Omaha for Life Insurance, Voluntary Long Term Disability (LTD), the addition of Voluntary Short Term Disability (STD) and Worksite Benefits (Accident and Critical Illness Plans) in place of future offerings of AFLAC individual benefits, and continuation of other benefit offerings to include Medical, Pharmacy, Health Advocacy, Dental, Vision, Flexible Spending, Employee Assistance Program, and Diabetes Management Program; and authorizing the Board Chair to execute necessary documents after review and approval by the County Attorney for legal sufficiency.

Attachments: [Staff Report - Insurance Recommendation](#)

Human Resources Director Suzanne Boyll appeared before the Board with the employee group insurance recommendations for Plan Year 2022/23. She referred to staff's memo dated May 23, 2022, which detailed the agreements that staff and the County's benefits consultant, Lockton Companies, were able to secure which included: no rate increase for employees; a reduction in administrative fees; additional wellness credits; new group policies from Mutual of Omaha for Short Term Disability and worksite benefits. Director Boyll summarized that the recommendations would result in a \$62,000 reduction in costs, and an increase to the wellness fund.

Chairman O'Bryan received confirmation that the County's rates had not increased because of a favorable claims history. Ms. Boyll noted that it was difficult to quantify the reasons for fewer claims, but it was the County's commitment to improve the health of all employees with targeted assistance such as the diabetes management program.

Vice Chairman Earman received confirmation that employees could continue with their existing Aflac plan rather than change to Mutual of Omaha. Chairman O'Bryan received additional information regarding post-retirement insurance options.

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

E. Information Technology

12.E.1 [22-0472](#) Admin to EOC Fiber Procurement

Recommended Action: Staff recommends that the Board authorize the advance procurement of a master reel of Corning 144 strand single-mode fiber. Staff further recommends that the Board waive the requirement for bids and authorize the Purchasing Division to issue a Purchase Order to Gerelcom Inc., in the amount of \$121,394.00.

Attachments: [Staff Report](#)
[IRC 144 Fiber Quote](#)

Information Technology Director Dan Russell sought the Board's approval to procure a master reel of fiber optic cable from one of the County's suppliers. Mr. Russell advised that the material would be used to expand the County's fiber network and fulfill an upcoming directive to provide the Sheriff's office with access to the County's traffic camera system. He added that staff recommended taking advantage of this opportunity in advance of the County's need as the fiber optic material typically had a lead time of 52 weeks.

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

F. Office of Management and Budget

12.F.1 [22-0429](#) Tourist Development Council 2022/2023 Budget Recommendations

Recommended Action: Staff recommends that the Board of County Commissioners approve the funding amounts recommended in Table 3 for a total allocation of \$1,426,064 and authorize the County Attorney to prepare standard grant agreements for all funding recipients.

Attachments: [Staff Report](#)

Kristin Daniels, Management and Budget Director, presented the Tourist Development Council's (TDC) Budget Recommendations for fiscal year 2022/2023. Ms. Daniels reported that Tourist Tax revenue had exceeded budget estimates and staff recommended a TDC budget increase of 31% for a total of \$1.4 million available for distribution. She noted that the County's Outside Agency Funding Policy prevented the TDC from awarding funds to municipalities, and so the City of Vero Beach's request had not been included in any of the recommendations.

Ms. Daniels first displayed the TDC funding recommendations (Table 2), approved at their May 11, 2022 meeting, which incurred a budget overage of almost \$18,000 to be pulled from the TDC's reserves. Staff proposed alternate recommendations (Table 3) for a balanced budget based on the TDC's ranking process under which the lowest ranked agency, Coastal Connections, would not receive any funding, and the Cultural Council would receive less than they had requested. Staff proposed maintaining the Contingency Reserve, and also retaining 10% of budgeted revenues as a hedge against a possible downturn in tax revenue.

Janet Begley, Cultural Council Finance Manager, clarified that their request for additional funds was earmarked to assist the Gifford Cultural Center by passing through money for a fundraising event, and she further explained the connection between the two organizations.

Commissioner Adams favored staff's recommendation which adhered to the TDC's funding policy, and suggested the Gifford Cultural Center could return to request funds from the Contingency Reserve. Discussion ensued with Commissioners Flescher and Moss advocating for use of the contingency fund to cover all agencies' requests; Chairman O'Bryan suggested an alternate distribution of funds. Ms. Begley provided additional information to Vice Chairman Earman on the Cultural Council's request to secure money on the Gifford Cultural Center's behalf. County Administrator Jason Brown commented in favor of holding to a balanced budget.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the Tourist Development Council's recommendation to fully fund all of the agencies requesting a share of Tourist Tax revenue by using money from reserves to cover the budget overage. The motion failed by the following vote:

Aye: 2 - Commissioner Flescher, and Commissioner Moss

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

Discussion resumed with Commissioner Adams' motion to approve staff's recommendation with the modification to allow the Gifford Cultural Center to return with a request for special project funds if needed.

Chairman O'Bryan summarized that under Commissioner Adams' motion, Coastal Connections would not receive any funding, and the Cultural Council would receive \$5,000 which was a smaller increase than they had requested.

Commissioner Moss requested amending the motion to include funding for Coastal Connections. Commissioner Adams declined to amend her motion, and mentioned several other funding sources which may be more appropriate for Coastal Connections.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to approve staff's recommendation with the caveat that the Gifford Cultural Center could return to either the Tourist Development Council or the Board of County Commissioners to request money from the Contingency Reserve Account for a special fundraising project. 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 [22-0460](#) Completion of April/May 2022 Derelict Vessel Removal

Recommended Action: There is no BCC action needed under this Derelict Vessel Project update

Attachments: [Staff Report](#)

[IRC DV Map](#)

Public Works Director Richard Szyrka introduced Melissa Meisenburg, Lagoon Plan Environmental Specialist, who reviewed the removal process for derelict vessels left in the Indian River Lagoon. Utilizing a PowerPoint presentation, Ms. Meisenburg discussed "at-risk" versus "derelict" vessel status, the process to remove a derelict vessel, impacts to the environment, available grant programs, and a recap of all the boats removed to date.

Commissioner Moss received the information that it usually took 72 hours to move a vessel from "at-risk" to "derelict", but could take longer depending on efforts to find the owner.

Chairman O'Bryan inquired how often Florida Fish and Wildlife (FWC) officers were monitoring for derelict boats. Ms. Meisenburg advised that it could take up to three to four weeks for FWC to release a boat for removal. The Chairman noted he knew of derelict vessels that he would like investigated for removal.

Vice Chairman Earman added that Code Enforcement was also given authority to identify derelict vessels, though approval would still have to be obtained by FWC.

No Action Taken or Required

12.G.2 [22-0446](#)

Work Order No. 51 - Kimley-Horn and Associates, Inc., Aviation Boulevard Extension - Alternative Alignment Study (IRC-1761)

Recommended Action: Staff recommends approval of Work Order No. 51 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. 51 on their behalf for a lump sum amount of \$262,055.00.

Attachments: [Staff Report](#)
[Kimley-Horn Work Order No. 51](#)

Public Works Director Richard Szpyrka presented a recommendation for an Alternate Alignment Study for the extension of Aviation Boulevard from US1 to 36th Street. He advised that original plan to widen 37th street to four (4) lanes was cost prohibitive, so the County's engineer, Kimley-Horn and Associates, recommended looking at a different approach. Director Szpyrka recounted all the considerations involved in planning to create a corridor for future access to the Cleveland Clinic Indian River Hospital.

Chairman O'Bryan inquired whether the study included planning for another medical node west of town to avoid increased traffic onto 37th street. Director Szpyrka advised that it did not, but that the plan did include 7-foot-wide bike lanes.

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

H. Utilities Services**13. COUNTY ATTORNEY MATTERS**

- 13.A. [22-0438](#) Counteroffer for a Parcel of Right-Of-Way Located at 8055 66th Avenue, Vero Beach, FL 32967 Parcel 130 Owned by Robert and Mary Grace Sexton

Recommended Action: Staff recommends the Board approve the counteroffer to purchase the necessary right-of-way from the Sextons at a price of \$50,000 and authorize the County Attorney's Office or outside counsel to execute any documents needed to settle the lawsuit.

Attachments: [Staff Report](#)
[Aerial photo and sketch and legal description](#)

Deputy County Attorney Bill DeBral recounted that on February 4, 2022, the Board approved extending an unconditional offer of \$40,000 to the Sextons for .40 of an acre needed for right-of-way in the 66th Avenue widening project between 77th and 81st Streets. Attorney DeBral continued, the County filed suit for eminent domain while still continuing to negotiate with the Sextons, and a counteroffer of \$50,000 was made to include the cost to replace a fence. Staff recommended accepting the counteroffer and noted that no attorneys or expert witnesses had been hired.

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

- 13.B. [22-0443](#) Acquisition of Right-Of-Way from Venda Burgess for 58th Avenue/33rd Street Intersection Improvements - 3335 58th Avenue

Recommended Action: Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate for Ms. Burgess' property and authorize the Chairman to execute the document on behalf of the Board.

Attachments: [Staff Report](#)
[Agreement to Purchase and Sell Real Estate](#)

Deputy County Attorney Bill DeBral presented a proposed agreement to purchase the property owned by Ms. Venda Burgess at 3333 58th Avenue in advance of the improvements planned for that intersection. Additionally, Attorney DeBral noted that the old Dodger Pines site was planned for redevelopment, and he advised it would be in the County's best interest to secure right-of-way at the intersection of 58th Avenue and 33rd Street in anticipation of future needs. The only concession, he added, was that Ms. Burgess requested a one-year extended possession to allow her time to find a new home.

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

The Chairman called for a recess at 12:41 p.m., and reconvened at 12:47 p.m. with all members present.

13.C. [22-0437](#) Community Development Districts

Recommended Action: The County Attorney's Office recommends the Indian River County Board of County Commissioners adopt the Indian River County Community Development District Guidelines and establish an application fee of \$15,000 consistent with section 190.005, Florida Statutes.

Attachments: [Staff Report](#)
[CDD Guidelines May 24, 2022](#)

County Attorney Dylan Reingold referred to staff's memorandum dated May 25, 2022 as he provided a history of events in the process to establish parameters for Community Development Districts (CDD). He also reviewed the key points in the staff-recommended guidelines which were included in staff's memo. County Attorney Reingold requested the Board's consideration on establishing an application fee for CDDs.

Richard Bialosky, Architect, suggested setting a minimum number of 500 units as part of the CDD parameters.

Andrew Kennedy thanked staff for their work.

Under discussion, County Attorney Reingold agreed with Chairman O'Bryan's suggestion to modify phrasing to ensure that "significant public benefit" improvements would be available to the public at large, not just residents of the CDD. The Chairman received confirmation that the County could utilize developer agreements to request improvements above and beyond general requirements for developments under 500 acres. County Administrator Jason Brown added that there was conditionally flexibility in the 500 acre requirement.

Commissioner Moss, via teleconference, received confirmation from County Attorney Reingold that CDDs were governmental entities with the power to levy taxes and enter into lawsuits. The Commissioner stated her concerns regarding legal matters and increased development. Commissioner Flescher expressed support with the inclusion of Chairman O'Bryan's suggested modification. Vice Chairman Earman received confirmation that developments which were close to, but under, the 500 acre requirement would still have the opportunity to appear before the Board which could grant an exception.

Chairman O'Bryan added that an email had been received from developer Chuck Mechling in support of the item.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve staff's recommendation and include the suggested modification to Section 4 of the Community Development District Guidelines. The

motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

14. COMMISSIONERS MATTERS**A. Commissioner Peter D. O'Bryan, Chairman**

- 14.A.1** [22-0468](#) Request for Board to give direction to staff to work with City of Vero Beach (COVB) and Town of Indian River Shores (IRS) on establishing “Anchoring Limitation Areas” in the Indian River Lagoon.

Recommended Action: Discussion & Staff Direction

Attachments: [Memorandum - Anchoring Limitation Areas](#)
[Clean Water Coalition Correspondence](#)
[Florida Statute 327.4108](#)
[Email Correspondence - Jessica Crawford, FWC](#)

Chairman O'Bryan requested the Board's support to direct staff to apply for an Anchoring Limitation Area (ALA) which would limit live-aboard boaters to a maximum of 45 days every 6 months within a specified area of the lagoon. He noted that the ALA would require coordination with the City of Vero Beach and the Town of Indian River Shores, both of which supported the idea.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve directing staff to work with the City of Vero Beach and the Town of Indian River Shores to establish Anchoring Limitation Areas in the Indian River Lagoon. The motion carried by the following vote:

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

B. Commissioner Joseph H. Earman, Vice Chairman

- 14.B.1 [22-0461](#) Discussion on Letter Proposing Public Use of School District of Indian River County Recreational Facilities

Recommended Action: Discuss

Attachments: [Commissioner's Memo](#)
[Letter to School District](#)

Vice Chairman Earman referenced the agreement between the County and the School District of Indian River County (SDIRC) to share facilities, which was approved at the May 17, 2022 BCC meeting. At that meeting, the Board also agreed to draft a letter to the SDIRC requesting that public school playgrounds and green spaces remain open to the public for use after school hours and on weekends. The Vice Chairman requested the Board's approval of the draft letter.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve sending the Chairman's letter to the School Board in support of opening up school recreational facilities to the public after school and during the weekends. The motion carried by the following vote:

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

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming ESD meeting.

A. Emergency Services District

[Clerk's Note: Emergency Services District items were heard following the Consent Agenda.]

- 15.A.1 [22-0273](#) Approval of ESD Minutes Meeting of February 1, 2022

Recommended Action: Approve

Attachments: [02012022 ESD Draft](#)

Approved

15.A.2 [22-0338](#) Approval of ESD Meeting Minutes of February 15, 2022

Recommended Action: Approve

Attachments: [02152022 ESD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the ESD meeting minutes of February 1, 2022, and February 15, 2022 as written. The motion carried by the following vote:

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

15.A.3 [22-0424](#) Disposal of County Asset #20110, Fire Safety House

Recommended Action: Staff recommends the Board approve the transfer of title to the Vero Beach Firefighters Association and authorize removal of asset #20110 from inventory.

Attachments: [Staff Report ESD](#)
[Agenda Item with Minutes](#)
[Email Correspondence with Local](#)
[Email Correspondence-Location](#)
[2019 Bill of Sale](#)
[2022 Bill of Sale](#)

Department of Emergency Services Chief Tad Stone recounted the history of the Fire Safety House, as detailed in staff's memorandum dated May 17, 2022. He sought the Board's approval to transfer the structure's title to the Vero Beach Firefighters Association.

Vice Chairman Earman recalled that the Fire Safety House taught many children the rules of fire safety.

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

The Board of Commissioners adjourned the meeting of the Emergency Services District and reconvened as the Board of County Commissioners, continuing with Item 12.A.1.

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 [22-0448](#) Approval of SWDD Meeting Minutes of May 3, 2022

Recommended Action: Approve

Attachments: [05032022 SWDD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the SWDD meeting minutes of May 3, 2022 as written. The motion carried by the following vote:

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

15.B.2 [22-0462](#) Site Access Agreement with Indian River Sustainability Center

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that the Board: a) Approve the Site Access Agreement between SWDD and Indian River Sustainability Center, LLC., b) Authorize the Chairman to execute the same, as presented; and, c) Authorize the County Attorney's Office to record the executed easement

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

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

15.B.3 [22-0465](#) Final Pay to Geosyntec for Work Order No. 8 - IRC Groundwater Compliance Technical Support Services

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Geosyntec Consultants, Inc.'s final invoice amount of \$2,383.00

Attachments: [Staff Report](#)
[Geosyntec 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: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:11 p.m.