



Indian River County Florida

Meeting Minutes 4

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

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

Tuesday, April 6, 2021

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found at the end of this agenda and also online at www.ircgov.com.

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

Pastor Jim Gallagher, Calvary Chapel Vero Beach

3. PLEDGE OF ALLEGIANCE

Chairman Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, 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 Paul Colberg on His Retirement From Indian River County Board of County Commissioners Department of Public Works / Road

& Bridge Division with Twenty-Five Years of Service

Chairman Flescher read and presented the Proclamation to Mr. Paul Colberg, and thanked him for twenty-five years of service to the County. Commissioner Earman also commended Mr. Colberg for his extensive volunteer work in the community.

Read and Presented

5.B.

Presentation of Proclamation Honoring Willard Taylor Ramsey on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services / Fire Rescue Division with Thirty Years of Service

Commissioner Earman read and presented the Proclamation to Lieutenant Willard Taylor Ramsey, thanking him for thirty years of service to the citizens of Indian River County. The Commissioner also spoke of the many years he and Lieutenant Ramsey had worked together.

Lieutenant Ramsey thanked a number of individuals who had played an important role in his life. He also discussed his desire to start an Emergency Medical Technician (EMT) and Fire Explorer Program in the County, and to eventually sponsor foster children through the program.

Chairman Flescher, Commissioner Moss, and County Administrator Jason Brown thanked Lieutenant Ramsey for his dedication to the Department of Emergency Services/Fire Rescue Division.

Read and Presented

5.C.

Presentation of Proclamation Designating the Month of April, 2021 As Child Abuse Prevention Month

Commissioner Adams read and presented the Proclamation to the Florida District of the Exchange Club President-Elect Joe Walsh, who spoke regarding events that were planned for the month of April 2021, Childhood Prevention Month. Mr. Walsh was joined by Laurie Collings, Kim Prado, and Robin Dapp, representing the Exchange Club of the Treasure Coast; Judy Landgrave, representing the Exchange Club of Vero Beach; Barbara Parent, representing the Exchange Club of Indian River; and Matt Markley, CEO, Hibiscus Children's Center. Mr. Markley talked briefly about his organization and stated their motto, "Every Child, Every Day, for a Better Tomorrow."

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of January 19, 2021, Special Call Meeting Minutes of January 25, 2021, and the Regular Meeting Minutes of February 02, 2021, as written. The motion carried by the following vote:

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

6.A. Regular Meeting of January 19, 2021

Approved

6.B. Special Call Meeting of January 25, 2021

Approved

6.C. Regular Meeting of February 02, 2021

Approved

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

7.A. Proclamation Honoring Theresa Lynn Brennan on Her Retirement From Indian River County Board of County Commissioners Department of Emergency Services with Thirty Years of Service

Commissioner Earman thanked Ms. Theresa Brennan for thirty years of service to Indian River County.

No Action Taken or Required

7.B. Health Department Annual Contract to Include CARES Act Amendment

No Action Taken or Required

7.C. Update on Brightline Trains Expenses

No Action Taken or Required

7.D. Indian River County Venue Event Calendar Review

No Action Taken or Required

7.E. Proclamation Designating April 1 through April 30, 2021, as Water Conservation Month in Indian River County

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Adams, seconded by Vice Chairman O'Bryan, to approve the Consent Agenda as amended, pulling Items 8.F., 8.J., 8.L., and 8.V. 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 February 19, 2021 to February 25, 2021
Approved
- 8.B.** Checks and Electronic Payments February 26, 2021 to March 4, 2021
Approved
- 8.C.** Checks and Electronic Payments March 5, 2021 to March 11, 2021
Approved
- 8.D.** Checks and Electronic Payments March 12, 2021 to March 18, 2021
Approved
- 8.E.** Checks and Electronic Payments March 19, 2021 to March 25, 2021
Approved
- 8.F.** Indian River County Clerk of Circuit Court and Comptroller, Jeffrey R. Smith: Notice of Comprehensive Annual Financial Report and Popular Annual Financial Report Completion for the fiscal year 2019-2020
- Clerk of the Circuit Court and Comptroller Jeffrey R. Smith provided a detailed overview of the Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report (PAFR). He included the financial accomplishments and projects that were completed in the past year, addressed the effects of the COVID-19 pandemic, and detailed the breakdown of a tax dollar. In closing, he made mention that both reports were available for viewing on the Clerk's website, www.clerk.indian-river.org.
- The Commissioners stated their appreciation for Mr. Smith for providing the reports as a service to the community.
- A motion was made by Commissioner Adams, seconded by Commissioner Moss, to accept the Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report (PAFR). The motion carried by the following vote:**
- Aye:** 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Earman, and Commissioner Moss
- 8.G.** Annual Financial Report
Approved
- 8.H.** Annual HUD Grant Renewals for Continuum of Care (CoC) Programs
Approved staff's recommendation
- 8.I.** Resolution Formally Designating A Portion of Certain County Owned Property as

Right-Of-Way

Approved Resolution 2021-026, formally designating certain County owned property for 58th Avenue and 37th Street right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel.

8.J.

Resolution Restructuring the Agriculture Advisory Committee

Commissioner Moss inquired about the proposed restructuring of the Agriculture Advisory Committee. Commissioner Adams offered clarification, making note that she felt confident with the changes.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve Resolution 2021-027, restructuring the membership of the Indian River County Agriculture Advisory Committee. The motion carried by the following vote:

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

8.K.

Indian River County Subaward and Grant Agreement for Hurricane Isaias

Approved staff's recommendation

8.L.

CARES Act Amendments Designation of Authority

Vice Chairman O'Bryan offered clarification that County Administrator Jason Brown would only be approving modifications that did not alter the dollar amount previously allocated.

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

Award of Bid 2021022 for Central WWTF RAS/WAS Pump Replacement

Approved staff's recommendation

8.N.

Fourth of July Fireworks Funding

Approved staff's recommendation

8.O.

West Wabasso Phase III Septic to Sewer Approval of SJRWMD Cost-Share Funding Agreement

Approved staff's recommendation

8.P.

Acceptance of Utility Easements and Limited Access Easements - Preston Estates (Located Within the Municipal Boundaries of the City of Vero Beach)

Approved staff's recommendation

8.Q. Emergency Replacement of Two 16-inch Water Valves: 58th Avenue at 4th Street

Approved staff's recommendation

8.R. Work Order No. 4, Donadio and Associates - IRC Traffic Operations Facility, (IRC 2104)

Approved staff's recommendation

8.S. Amendment No. 18 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

Approved staff's recommendation

8.T. 66th Avenue Phase IB - Amendment No. 9 (IRC-1505)

Approved staff's recommendation

8.U. Award of Bid No. 2021025, Round Island Emergency Beach Access (IRC-1927)

Approved staff's recommendation

8.V. Town of Indian River Shores Utility Feasibility Study

Vice Chairman O'Bryan invited legal input from County Attorney Dylan Reingold prior to a vote by the Commission. Attorney Reingold stated that County staff was approached by the Town of Indian River Shores (the Town) to discuss the possibility of the Town terminating a 2012 Franchise Agreement with the City of Vero Beach (the City). He pointed out a notice provision in the contract that stated the Town must notify the City in 2023, if they wished to explore a different source for receiving water, wastewater, and reclaimed water utility services. Attorney Reingold cited comparable situations which led him to believe it was not a problem for the Town to move forward with the utility feasibility study. He also referred to a letter dated March 24, 2021, from Vero Beach City Manager Monte Falls that included an 1989 Territorial Agreement between the City and the County, and he provided the reasoning behind his opinion that the County could serve the Town at the end of the Town's 2012 Franchise Agreement with the City; he recommended that the Board authorize County staff to cooperate with the Town in their efforts to conduct the feasibility study.

Mayor Brian Foley, Town of Indian River Shores, explained that the Town was interested in knowing the costs involved with disconnecting from City water and connecting with the County. He stated that the Town's outside counsel, Holland & Knight, would be providing a written opinion regarding the 1989 Territorial

Agreement between the City and the County.

City of Vero Beach Utilities Director Rob Bolton requested that the item be tabled until Mr. Falls could be present to speak.

Under Board discussion, Commissioner Moss agreed with Mr. Bolton that the item should be tabled until Mr. Falls could speak before the Commission. She stated her opinion that the Board would be siding with the Town if they approved the item. Chairman Flescher disagreed and reminded Commissioner Moss that what was being presented was whether or not to allow County staff to cooperate with a feasibility study being conducted for the Town at the expense of the Town. Vice Chairman O'Bryan added his viewpoint that the County would be taking sides if they were to deny the cooperation of County staff to share information.

For clarification purposes, Vice Chairman O'Bryan inquired and received confirmation from Attorney Reingold and County Administrator Jason Brown that the County had not previously been in litigation against the Town. Administrator Brown assured the Board that the County had not and would not engage in the reuse water rate dispute between the City and the Town, and he added that he did not feel the County would be taking sides if the item was approved to allow staff to cooperate with the Town to explore options. Commissioner Earman supported cooperation from County staff in assisting any of the municipalities within the County when needed. Commissioner Moss added that County staff time was a financial commitment, and if the request to allow staff to assist was approved by the Board, she was interested in knowing the number of hours that were spent on providing the requested feasibility study information. Chairman Flescher stated that the topic did not call for billable hours to be charted.

Mr. Bolton again addressed the Board to discuss the 1989 Territorial Agreement between the County and the City.

Mr. Foley revisited the podium to caution that the Town's outside counsel would be providing the County with a written analysis regarding anti-trust laws when two (2) parties exclude access of an essential facility to a third party. He reminded the Board that the topic being presented referred to cooperation with the Town in exploring their options, and he added that time was an issue as they were required to notify the City by October 2023, if they wished to terminate the franchise agreement.

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:** 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Earman
- Nay:** 1 - Commissioner Moss

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

Chairman Flescher called for a recess at 10:35 a.m., and he reconvened the meeting at 10:44 a.m., with all members present.

PROOF OF PUBLICATION OF ADVERTISEMENT FOR THE HEARING IS
ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

A. PUBLIC HEARINGS**10.A.1. Tobacco 21 Ordinance**

Legal Intern Cassidy Brown referred to staff's memorandum dated March 17, 2021, to provide background on the draft Tobacco 21 Ordinance. In response to direction by the Board on February 16, 2021, she stated that the Florida Statutes would not allow for exceptions to be made for military personnel age 18 or older to purchase tobacco products or e-cigarettes.

Chairman Flescher opened the public hearing.

Kyleigh Savoie, Facilitator, Tobacco Free Partnership of Indian River County, thanked the Board and County staff for their assistance and consideration of the ordinance to put the health of children first.

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

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to adopt Ordinance 2021-008, amending Chapter 313 (Merchandising of Tobacco Products) of the Code of Indian River County, related to the use of tobacco products and electronic cigarettes; to prohibit the sale and distribution of tobacco products and electronic cigarettes to persons under 21 years of age and providing for additional requirements for the sale of tobacco products and use of electronic cigarettes; providing for penalties; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:

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

The Commissioners and County Attorney Dylan Reingold took time out to recognize Ms. Brown's performance during her internship with the County Attorney's office.

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. Update Regarding COVID-19 Vaccinations

County Administrator Jason Brown provided a brief update regarding the County and State residents who had received or were wait-listed for the COVID-19 Vaccine. He pointed out that 85% of the County's 65+ population and 39.6% of the County's general population had been vaccinated, and Governor Ron DeSantis had recently added the age 16+ population to the eligible recipients for the Pfizer vaccine.

Several members of the Board provided community feedback and spoke of their positive experiences when visiting or being vaccinated at the Indian River County Fairgrounds. They also discussed the vaccination supply versus demand, and along with Administrator Brown, they offered words of praise for the staff at the Health Department, the County's Parks and Recreation Department, Emergency Services Director Tad Stone, and Treasure Coast Community Health CEO Vicki Soule, for their extensive work during the COVID-19 pandemic.

No Action Taken or Required

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

12.G.1. Research Review Phase of the IRC Lagoon Management Plan: Update 3

Lagoon Plan Environmental Specialist Molly Klinepeter referred to a PowerPoint

presentation and staff's memorandum dated March 22, 2021, to provide Update 3 of the Research Review Phase of the Indian River County Lagoon Management Plan. Update 3 covered Hydrology and Hydrodynamics, Water Quality, Organic Material and Sediments, Marinas and Boat Ramps (Part 1), and Sustainability and Resiliency (Part 1).

Following the Hydrology and Hydrodynamics portion of the presentation, the Commissioners commented on the changes to the Lagoon that had occurred over the past 120 years, noting that the Lagoon had been primarily freshwater. It was suggested that partnerships with the water control and drainage districts would be beneficial, as well as a recently disclosed visioning project by the Metropolitan Planning Organization (MPO).

The Water Quality portion of the presentation brought Board discussion on muck and the effects of rainfall in the Lagoon. Vice Chairman O'Bryan added that he would like to see 100 rain gauges scattered throughout the County to get a better feel for the amount and location of rainfall. Commissioner Earman shared feedback he had received from local fishermen, with Commissioner Adams and Commissioner Moss in agreement that controlling the muck was necessary.

Included in the topic on Materials and Sediments, Ms. Klinepeter offered muck control ideas such as muck dredging and muck capping. Chairman Flescher made mention of a past project which had brought concern over the smell associated with muck removal, yet the muck dried quickly and without an odor. Vice Chairman O'Bryan offered the following suggestions: 1) begin a pilot muck study, starting in the north area of the County near the Sebastian Inlet, 2) invite Dr. John Trefry, Professor of Ocean Engineering at the Florida Institute of Technology, to address the Board with a muck-related update, and 3) inquire with Brevard County regarding the results of their muck project. Commissioner Adams offered to assist staff, if needed, in putting together a grant application to help with funding for a muck map. Commissioner Moss noted that the County's newly-appointed Florida Inland Navigation District (FIND) representative may be able to provide funding guidance/assistance.

While highlighting Marinas and Boat Ramps (Part 1), Ms. Klinepeter included a summary of the Clean Vessel Act, the Clean Boater Program, and the Clean Marina Program. Vice Chairman O'Bryan announced his eagerness for the next update to address the derelict or abandoned vessels and the pumping and dumping issue. He encouraged coordination with the Clean Water Coalition to get the Indian River County portion of the Lagoon designated as a "no discharge zone." Commissioner Moss made mention that the City of Vero Beach had been working with Florida Fish and Wildlife Conservation Commission (FWC) regarding the derelict vessels.

With regard to Resiliency and Sustainability (Part 1), Ms. Klinepeter informed the Board of the Florida Resilient Coastlines Program, a collaboration with Federal, State and Local agencies to ensure resiliency and to prepare for the effects of climate change. Vice Chairman O'Bryan used the living shoreline/wave-breaker at Jones' Pier as an example of a collaborative effort.

Ms. Klinepeter announced that Update 4 would include Marinas and Boat Ramps (Part 2), Septic Systems, Stormwater, Sustainability and Resiliency (Part 2), and Water Consumption. Each Commissioner stated their appreciation for staff's informative Update 3. The consensus of the Board was to continue to support staff, noting agreement that changes were necessary to avoid further damaging the Lagoon.

No Action Taken or Required

12.G.2.

Award of Bid No. 2021018, Construction of 66th Avenue Roadway Widening (49th Street to 69th Street), IRC-1505, FDOT FM 436379-1-54-01 & 436379-1-54-02

Public Works Director Rich Szpyrka referred to staff's memorandum dated March 15, 2021, to present the Board with the details that surrounded Bid No. 2021018 for construction of the 66th Avenue Roadway Widening from 49th Street to 69th Street. He pointed out the closeness between the lowest four (4) bids.

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

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A.

Construction Board of Adjustment and Appeals Member Appointment

County Attorney Dylan Reingold presented the Board with candidate Franklin Jake Jandreau, who had applied to fill the unexpired term vacancy for the "Plumbing Contractor" representative to the Construction Board of Adjustment and Appeals.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to appoint Franklin Jake Jandreau to fill the unexpired term vacancy, a term that expires in January 2024, for the "Plumbing Contractor" representative to the Construction Board of Adjustment and Appeals. 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**
- B. Commissioner Peter D. O'Bryan, Vice Chairman**
- C. Commissioner Susan Adams**
- D. Commissioner Joseph H. Earman**
- 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, Chairman Flescher adjourned the meeting at 12:10 p.m.