



# 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

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Tuesday, February 1, 2022

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

#### 2 ROLL CALL

**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

**Deacon David Hankle, St. Helen Catholic Church**

#### 3. PLEDGE OF ALLEGIANCE

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

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

Prior to the Meeting: Additional Backup was provided for Items 8.N. and 12.H.1.

Move: Item 14.C.1. to follow Item 5.C.

Items 15.A.1., 15.A.2., and 15.A.3. to follow Item 8

**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.**     [22-0054](#)     Presentation of Proclamation Honoring Valareese Hart

**Recommended Action:** Read and Present

**Attachments:** [Proclamation](#)

A Proclamation was presented honoring Valareese Hart for her civic contributions to the County. The Hart family accepted the Proclamation in her honor.

**Read and Presented by Commissioner Flescher**

**5.B.**     [22-0088](#)     Presentation of Proclamation Honoring Kenneth J. Holmes

**Recommended Action:** Read and Present

**Attachments:** [Proclamation](#)

A Proclamation was presented honoring Kenneth J. Holmes for his contributions to the community and as one of Vero's finest all-time athletes. Mr. Holmes thanked the Board for the recognition.

**Read and Presented by Chairman O'Bryan**

- 5.C. [22-0043](#) Presentation from Ken Grudens, Executive Director, Indian River Land Trust, Re: Proposed 2022 Environmental Land Bond Referendum

**Recommended Action:**

**Attachments:** [Memo 2022 Bond Referendum](#)  
[Feasibility Memo Update 9-30-21](#)

Ken Grudens, Executive Director, Indian River Land Trust (Trust), sought the Board's support on behalf of the Trust and several community environmental organizations for a resolution referring a \$50 million bond to the November 8, 2022 ballot in order to acquire and permanently preserve environmentally significant land.

Mr. Grudens utilized a PowerPoint presentation to inform the Board of historical conservation efforts, and the importance of environmentally sensitive locations in the County. Will Abberger, Finance Director, the Trust for Public Land (TPL), continued by outlining the financing details for the bond.

Under Board discussion, Chairman O'Bryan received information from Mr. Abberger regarding the impact of a rise in Federal interest rates, the need for flexibility in the bond's millage rate, and confirmation that permanent ownership of the land included purchase of conservation easements.

*[Clerk's Note: Discussion continued under Item 14.C.1.]*

**Presented**

- 5.D. [22-0071](#) Presentation by Casey Lunceford, Campus President - Mueller Campus, Indian River State College re: Fellsmere Inn

**Recommended Action:**

Casey Lunceford, Campus President - Mueller, Indian River State College (IRSC), provided an update on the Fellsmere Inn Project. He detailed the estimated cost to do the necessary repairs and cosmetic work to ensure that the Fellsmere Inn was in compliance. He spoke of the plan to utilize the Fellsmere Inn for overnight stays, but also as a training facility to serve the local hospitality industry. He concluded IRSC was moving forward with the purchase of the Fellsmere Inn and currently was in the negotiation stage.

Chairman O'Bryan sought and received confirmation from County Administrator Jason Brown that \$1.5 million had been allocated to the Fellsmere Inn. County Administrator Brown indicated that staff had been working with IRSC through the process and would be bringing back an agreement to the Board at a later date.

Mr. Lunceford pointed out the City of Fellsmere offered to provide additional funding for the Fellsmere Inn and indicated IRSC was looking at other funding options through grants, private donors, and additional partnerships for renovation and operational costs. Commissioner Moss received information from Mr. Lunceford on the appraisal and size of the property. She opined the amount was a bit high, but was pleased that IRSC was seeking additional partnerships for funding. Each Commissioner spoke of their support for the Fellsmere Inn project and reiterated the training and educational aspect of the project was much needed in the community.

**Presented**

**5.E.**     [22-0089](#)     Presentation of Proposal for Satellite Site at Dasie Hope Center

Miranda Hawker, Health Officer, Florida Department of Health in Indian River County (DOH-Indian River), was joined by Julianne Price, Environmental Control Director; Rose Parker, Nursing Director; and Mayur Rao, Business Manager. Ms. Hawker presented a proposal for a DOH satellite site at the Dasie Hope Center with the possibility for future expansion.

Ms. Hawker utilized a PowerPoint presentation to show the history of the DOH-Indian River's involvement in the Wabasso Community and their partnership with the Dasie Hope Center. She detailed the DOH-Indian River's PACE-EH project and the need for public health and community services in Wabasso.

Ms. Price reviewed the results of the survey conducted to identify the top areas of need or concern in the Wabasso Community. She felt the DOH-Indian River could make a big impact to the community by locating services to the Dasie Hope Center.

Chairman O'Bryan sought and received information from County Administrator Jason Brown on the financial impact to the County if the Board approved the DOH-Indian River moving forward with the satellite site at the Dasie Hope Center.

Chairman O'Bryan turned to the Board for their consensus for the DOH-Indian River to move forward with the proposal for a satellite site at the Dasie Hope Center.

**The Board consensus was to direct the Florida Department of Health in Indian River County to move forward with the proposal for a satellite site at the Dasie Hope Center.**

The Chairman called a recess at 10:33 a.m., and reconvened the meeting at 10:45 a.m., with all members present.

**6. APPROVAL OF MINUTES**

6.A. [22-0085](#) Regular Meeting Minutes of November 9, 2021

**Recommended Action:** Approve

**Attachments:** [11092021 BCC Draft](#)

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve the Regular Meeting Minutes of November 9, 2021 as written. The motion carried by the following vote:**

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

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

7.A. [22-0058](#) 1st Quarter FY 2021/2022 Budget Report

**Recommended Action:** No Action Required

**Attachments:** [Staff Report](#)  
[1st Quarter Budget Report](#)

**No Action Taken or Required**

7.B. [22-0063](#) Indian River County Event Calendar Review

**Recommended Action:** Informational item only; no Board action.

**Attachments:** [Event Calendar](#)

Members of the Board highlighted the upcoming events in the County.

**No Action Taken or Required**

7.C. [22-0079](#) Appointment of Commissioner Earman to Vero Beach Community Complex Advisory Team

**Recommended Action:** Inform

**Attachments:** [Commissioner's Memo](#)

Vice Chairman Earman informed the Board of his appointment to the Vero Beach Community Complex Advisory Team.

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Consent Agenda as amended, pulling Items 8.F. and 8.H. 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.**     [22-0033](#)     Checks and Electronic Payments December 31, 2021 to January 6, 2022

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 31, 2021 to January 6, 2022

**Attachments:**   [Finance Department Staff Report](#)

**Approved**

**8.B.**     [22-0060](#)     Checks and Electronic Payments January 7, 2022 to January 13, 2022

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 7, 2022 to January 13, 2022

**Attachments:**   [Finance Department Staff Report](#)

**Approved**

**8.C.**     [22-0077](#)     Checks and Electronic Payments January 14, 2022 to January 20, 2022

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 14, 2022 to January 20, 2022

**Attachments:**   [Finance Department Staff Report](#)

**Approved**

**8.D.**     [21-1179](#)     Phase II Agreement with Sun Patrick Architecture, DBA: sparcdesign for Sandridge Clubhouse Architectural Design (RFQ 2021020)

**Recommended Action:** Staff recommends the Board approve the Phase II Agreement for Professional Services, and authorize the Chairman to sign after approval by the County attorney as to form and legal sufficiency.

**Attachments:**   [Staff Report](#)  
                      [Master Plan Images](#)  
                      [Phase II Agreement for Professional Services](#)

**Approved staff's recommendation**

**8.E.**     [22-0068](#)     Designation of Excess Equipment as Surplus

**Recommended Action:** Staff recommends the Board approve the items on the Excess List for 020122 Agenda as surplus, and authorize their disposal.

**Attachments:**   [Staff Report](#)  
                          [Excess List for 020122](#)

**Approved staff's recommendation**

**8.F.**     [22-0069](#)     Authorization for Increase to Blanket Purchase Orders

**Recommended Action:** Staff recommends the Board of County Commissioners authorize increases to the listed Purchase Orders as approved by the Budget Office, up to the maximum amount requested for the current fiscal year.

**Attachments:**   [Staff Report](#)

Chairman O'Bryan came forward for full public transparency explaining that ongoing purchases by County Departments from time to time run above and beyond the allocated blanket purchase order.

**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

**8.G.**     [22-0070](#)     Award of Bid 2022027 for Natural Areas and Exotic Vegetation Management/Mowing

**Recommended Action:** Staff recommends the Board award Bid 2022027 John Brown and Sons, Inc., approve the agreement, and authorize the Chairman to execute it after its review and approval by the County Attorney as to form and legal sufficiency.

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

**Approved staff's recommendation**



**8.H.**     [22-0072](#)     Award of Bid 2022025 for Duck Head Island Phase 1 Revegetation

**Recommended Action:** Staff recommends the Board award Bid 2022025 to Sandhill Environmental Services, LLC, approve the agreement, and authorize the Chairman to execute it after review and approval of both the agreement and public construction bond by the County Attorney as to form and legal sufficiency.

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

Beth Powell, Assistant Director of Parks and Conservation Resources, spoke on the revegetation of approximately 6.7 acres on Duck Head Island. She detailed the installation of native plants to restore transitional grassland/shrub and a portion of the coastal hammock in areas that were dominated by exotic plant species.

**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

**8.I.**     [22-0076](#)     First Extension and Amendment to Agreement for Operations of the Biosolids Dewatering Facility, Sludge Dewatering and Hauling (Bid 2021021)

**Recommended Action:** Staff recommends the Board approve the first extension and amendment to the agreement and authorize the Chairman to execute it, after review and approval by the County attorney as to form and legal sufficiency.

**Attachments:**   [Staff Report - Biosolids](#)  
                          [First Amendment and Extension](#)

**Approved staff's recommendation**

**8.J.**     [22-0073](#)     Indian River County FPL Service Center - Landscape Maintenance Agreement

**Recommended Action:** Staff recommends approval of the Landscape Maintenance Agreement with Florida Power and Light Company and Authorize the Chairman to execute the Agreement.

**Attachments:**   [Staff Report](#)  
                          [Landscape Maintenance Agreement](#)

**Approved staff's recommendation**

- 8.K. [22-0064](#) Friends of St. Sebastian River License Agreement for the South Prong Preserve Conservation Area “Ryall House”

**Recommended Action:** Staff respectfully recommends that the Board accept the License Agreement with the Friends of St. Sebastian River, LLC, for the South Prong Preserve Conservation Area and authorize the Chairman to execute the License Agreement.

**Attachments:** [Staff Report](#)  
[License Agreement](#)

**Approved staff's recommendation**

- 8.L. [22-0065](#) Waiver of Bid - Authorizing the Renovation of the Myrtha Skin Liner at the North County Aquatic Center by A and W Flooring Inc.

**Recommended Action:** Staff respectfully recommends the Indian River County Board of County Commissioners waive the requirements for bids and authorize the Purchasing Division to issue a purchase order to A and W Flooring Inc. for the replacement and renovation of the Myrtha Skin liner at the North County Aquatics Center.

**Attachments:** [Staff Report](#)  
[Myrtha Pools Sole Source Letter](#)  
[Pool Repairs & Liner Quote](#)  
[Dewatering Quote](#)

**Approved staff's recommendation**

- 8.M. [22-0081](#) Amendment No. 1, Work Order Number 27, - Continuing Engineering Services RFP 2018008 - Dick Bird Park Pickleball Courts

**Recommended Action:** Staff respectfully recommends approval of Amendment NO. 1, Work Order Number 27, South County Dick Bird Park Pickle Ball Courts Continuing Consulting Engineering Services Agreements for RFQ 2018008 with Kimley-Horn and Associates, Inc., authorizing the professional services as outlined in Exhibit B in the amount of \$3,800, and requests the Board authorize the Chairman to execute Amendment NO. 1, Work Order Number 27.

**Attachments:** [Staff Report](#)  
[Amendment 1 Work Order No 27](#)

**Approved staff's recommendation**

- 8.N.**     [22-0082](#)     Oslo Riverfront Conservation Area Interlocal Agreement with St. Johns River Water Management District

**Recommended Action:** Staff respectfully recommends that the Board accept the Interlocal Management Agreement Between St. Johns River Water Management District and Florida Inland Navigation District and Indian River County for Oslo Riverfront Conservation Area and authorize the Chairman to execute the Agreement with the Florida Inland Navigation District and St. Johns River Water Management District which will be routed to both entities for their approval and execution

**Attachments:**   [Staff Report](#)  
                          [Interlocal Agreement](#)

**Approved staff's recommendation**

- 8.O.**     [22-0083](#)     Modification to Subgrant Agreement Between the Division of Emergency Management and Indian River County; Contract Number 4283-95-R; Project Number H0259

**Recommended Action:** Staff respectfully recommends that the Board accept the Modification to Subgrant Agreement Between the Division of Emergency Management and Indian River County, and authorize the Chairman to execute the Agreement.

**Attachments:**   [Staff Report](#)  
                          [Modification to Agreement](#)

**Approved staff's recommendation**

- 8.P.**     [22-0093](#)     Revision to Administrative Policy AM-202.1 Hiring, AM-502.1 Vacation, and 702.3 Short-Term Absences

**Recommended Action:** Staff recommends the Board approve the revisions to Administrative Policy AM-202.1 Hiring, AM-502.1 Vacation, and AM-702.3 Short-Term Absences

**Attachments:**   [Staff Report](#)  
                          [AM-202.1 Hiring Draft](#)  
                          [AM-502.1 Vacation Leave Draft](#)  
                          [AM-702.3 Short Term Absence Draft](#)

**Approved staff's recommendation**

**8.Q.**     [22-0080](#)     Final Pay to Paragon Electric of Vero, Inc for Bid #2021023 South Oslo WTP Automatic Transfer Switch (ATS) Replacement

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the payment in the amount of \$279,832.00, which represents payment in full, to Paragon Electric of Vero, Inc.

**Attachments:**   [Staff Report](#)  
                          [Pay Application](#)

**Approved staff's recommendation**

**8.R.**     [22-0094](#)     North Beach Water Storage Tank Repairs, Sole Source Florida Aquastore & Utility Construction, Inc.

**Recommended Action:** Staff recommends that the Board of County Commissioners declare Florida Aquastore & Utility Construction, Inc., as the sole source for parts and service of the CST Storage Aquastore tank associated with the North County Reverse Osmosis water treatment plant, and authorize the Purchasing Division to issue a purchase order to Suez for the proposed maintenance in the amount of \$311,125.00

**Attachments:**   [Staff Report](#)  
                          [Proposal](#)  
                          [Sole Source Letter from CST](#)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

- 10.A.1. [22-0078](#)** Consideration of Land Development Regulation (LDR) Amendments to Sections 901.03 and 911.06 Allowing Solar Facilities as a Permitted Use in all Agricultural Zoning Districts [LEGISLATIVE]

**Recommended Action:** Staff recommends that the Board of County Commissioners adopt the proposed solar facilities ordinance.

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)

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

Ryan Sweeny, Chief of Current Development, recalled that at the January 18, 2022 meeting, the Board considered a solar facilities ordinance with no proposed changes and voted to move forward with a final hearing to consider the adoption of the proposed land development regulation (LDR) amendment to allow solar facilities as a permitted use in all agricultural zoning districts within an unincorporated area. He added that the proposed ordinance was consistent with section 163.3205, Florida Statutes.

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

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to adopt Ordinance 2022-002, amending Section 901.03 (Definitions in Alphabetical Order) of Chapter 901 (Definitions) and Section 911.06 (Agricultural and Rural Districts) of Chapter 911 (Zoning) of the Code of Indian River County in order to allow solar facilities as a permitted use per state statute; providing for conflict and severability; providing for codification; and providing for 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**

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology**

**F. Office of Management and Budget**

**12.F.1. [22-0075](#)** 2022/2023 Budget Workshop/Hearing Schedule

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the Budget Workshop dates and the date of the Budget Hearings for the 2022/2023 budgets

**Attachments:** [Staff Report](#)

Office of Management and Budget Director Kristin Daniels presented the proposed 2022/2023 Budget Workshop/Hearing schedule:

Budget Packet Distribution to the Board of Commissioners Friday, July 8, 2022

Scheduled Budget Workshop

Wednesday, July 13, 2022 and if needed, Thursday, July 14, 2022

Public Hearing Tentative Budget and Proposed Millage Rates

Wednesday, September 14, 2022 at 5:01 p.m.

Final Budget Hearing Adoption of Budget and Millage Rates

Wednesday, September 21, 2022 at 5:01 p.m.

**A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to approve the Budget Workshop dates and the date of the Budget Hearings for the 2022/2023 budgets. 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**

**H. Utilities Services**

**12.H.1. [22-0092](#)**

Award of Bid #2022020 - South County Wastewater Treatment Facility (SCWWTF) Reuse Control Panel Replacement and Permission to Increase Capital Funds

**Recommended Action:** Staff recommends that the Board of County Commissioners (BCC) give approval to use cash balance in the amount of \$231,527 to fund the additional cost for the replacement of the South County Wastewater Treatment Facility Reuse Control Panel; and, staff also recommends that the BCC award Bid #2022020 to Paragon Electric of Vero, Inc., in the amount of \$606,527.00, approve the agreement, and authorize the Chairman to execute it after review and approval of the agreement and public construction bond by the County Attorney as to form and legal sufficiency

**Attachments:** [Staff Report](#)  
[Bid 2022020 SCWWTFRCP Replacement - KHA Bid Review Agreement](#)

Matt Jordan, Interim Director of Utility Services, referred to staff's memorandum dated January 19, 2022, to explain his request for an increase in capital funds. He pointed out the two responsive bids received for the replacement of the Reuse Control Panel at the South County Wastewater Treatment Facility were both significantly over budget as a result of the increase in costs due to the current market conditions.

**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

**13. COUNTY ATTORNEY MATTERS**

**13.A.** [22-0066](#) Construction Board of Adjustment and Appeals Member Appointment

**Recommended Action:** The County Attorney recommends that the Board review the applicant's résumé and application, and determine whether to appoint her to fill the unexpired term for the "Architect" representative to the Construction Board of Adjustment and Appeals

**Attachments:** [Staff Report](#)  
[Application-Resume - Diana Hoffman](#)

County Attorney Dylan Reingold presented Diana L. Hoffman's application for consideration to fill the unexpired term for the "Architect" to the Construction Board of Adjustment and Appeals.

**A motion was made by Commissioner Moss, seconded by Chairman O'Bryan, to appoint Diana L. Hoffman to fill the unexpired term for the "Architect" representative to the Construction Board of Adjustment and Appeals. The motion carried by the following vote:**

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



- 13.B. [22-0087](#) Resolution of Necessity for two Parcels of Right-Of-Way Located along 66th Avenue between 69th and 85th Streets, Vero Beach, FL 32967: Parcel 127 (tenant Tongay), Parcel 132 (tenant B& B Farms)

**Recommended Action:** Staff recommends that the Board approve the Resolution of Necessity and authorize staff to proceed with the necessary lease hold acquisition through the County's power of eminent domain.

**Attachments:** [Staff Report](#)  
[Resolution of Necessity](#)  
[Composite Exhibit A to Resolution](#)

Deputy County Attorney William K. DeBraul informed the Board of two properties along 66th Avenue between 69th and 85th Streets where the County had already purchased a fee simple portion of the following properties: 1) owned by Frederick Lipfert (Parcel 127) and leased by Empire Equine; and 2) owned by Frederick and Florence Van Antwerp (Parcel 132) and leased by B&B Farms. He pointed out that since both parcels had leases on them, the County would need to terminate the tenants' leasehold interests on the properties, but only on the portion that was purchased as right-of-way. He explained both tenants had been notified and were entitled to possible damages due to the take of the portion of land subject to the lease.

Deputy County Attorney DeBraul concluded that a Resolution of Necessity was needed to move forward to close out the portion of the leases that occupied the right-of-way needed and he added that there was no need to do a good faith estimate or make a unconditional offer since they were not the owners. He confirmed that in order for the leaseholders to make a claim, they would need to provide the County with written documentation of their claim by providing financial records, tax returns, and other documents supporting the loss to their business.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Adams, to approve Resolution 2022-009, declaring a reasonable necessity to confirm and perfect fee simple title in and to certain real property free and clear of any leaseholds and any other interests for the public purposes of improving and reconstructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney or its outside counsel to confirm and perfect fee simple title in and to the properties described in attached Exhibit A by acquiring any leasehold and other interests, if any, in and to said properties by the institution of proceedings in eminent domain, and providing 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

**13.C.** [22-0095](#) Code Enforcement Board Appointment

**Recommended Action:** The County Attorney recommends that the Board review the applicant's application, and determine whether to appoint him to fill the unexpired term for the "Engineer" to the Code Enforcement Board.

**Attachments:** [Staff Report](#)  
[Application - Terence Schlitt 01.26.22](#)

County Attorney Dylan Reingold presented Terence E. Schlitt's application for consideration to fill the unexpired term for the "Engineer" to the Code Enforcement Board.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to appoint Terence E. Schlitt to fill the unexpired term for the "Engineer" to the Code Enforcement Board. The motion carried by the following vote:**

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

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

**14.A.1. [22-0098](#)** Update on County Legislative Issues**Recommended Action:** Discussion**Attachments:** [Commissioner's Memorandum Attachment](#)

Chairman O'Bryan indicated members of the Board and staff had traveled to Tallahassee for the Florida Association of Counties' Legislative Day. He asked Kathleen Forst, Legislative Affairs and Communications Manager, if she would provide an update on the County legislative issues, particularly Senate Bills 620 and 280.

Ms. Forst referred to Senate Bill 620 and House Bill 569, noting these were local government bills that created a cause of action for established businesses to recover losses from a County or municipality whose regulatory action caused significant impact on their business. She reviewed the amendments to Senate Bill 620 which included prevailing party language, attorney fees and costs, clarified that a business must have had operated within the jurisdiction in question for at least three years prior to filing damages, and clarified that ordinances that were expressly authorized to comply with State and Federal law were exempt from business damages. She felt this language would protect some of the County's Ordinances, specifically the Biosolids Moratorium. She remarked that the House filed a proposed committee substitute that matched the Senate language and the County planned to work with House Representative Erin Grall as the bill moved through the House. She expressed some concerns on the language contained in the House version of the bill and stated the County was proposing language to include in the bill that would require businesses to have paid all their fees, assessments, taxes, require that all licenses were in compliance before a business could file suit for damages, require that attorney fee provisions were equal on both sides, and to allow an ordinance being upheld in court to go into effect upon rendition of an order.

Ms. Forst outlined Senate Bill 280 and House Bill 403, pointing out that these bills addressed attorney fees and business impact statements if a local government enacts an ordinance on a matter preempted to the State. The bill would require counties to develop a business impact statement prior to the adoption of a proposed ordinance or suspension of an ordinance's enforcement and its amendments. She stated that the County planned to work closely with Representative Grall to update the House version to match the exemptions in Senate Bill 620.

Ms. Forst concluded with an update to Senate Bill 512 and House Bill 325 on

Vacation Rentals, mentioning that the County was working closely with Senator Danny Burgess to include language that would grandfather-in the County's existing Vacation Rental Ordinance and regulations. Chairman O'Bryan commended Ms. Forst for her work in Tallahassee.

Chairman O'Bryan referred to a guest commentary article written by House Representative Randy Fine on House Bill 349 (HB 349) that would allow seagrass mitigation banks. He asked for the Board's consensus to direct staff to contact the County's Lobbyist Group to oppose HB 349 and to add it to the list of approved legislative priorities. He also provided an update on the bill that was filed to eliminate the Soil and Water Conservation Districts (SWCD) and indicated the bill's sponsor amended the language in bill to change the SWCD Board member requirements.

Commissioner Adams thanked Managing Director of the Solid Waste Disposal District Himanshu Mehta for bringing the Recycling Bill to the Board's attention and to Ms. Forst for keeping the Board updated.

**It was the Board's consensus to 1) direct staff to contact the County's Lobbyist Group in regard to the Board's opposition to House Bill 349, and 2) add House Bill 349 to the list of approved Legislative Priorities.**

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

**C. Commissioner Susan Adams**

**14.C.1. [22-0091](#)** Proposed 2022 Environmental Land Bond Referendum

**Recommended Action:** Discussion

**Attachments:** [Commissioner's Memo - Land Bond Referendum](#)

*[Clerk's note: This discussion was a continuation of Item 5.C.]*

Chairman O'Bryan turned over discussion to Commissioner Adams who supported the referendum, and requested input from the Board and staff.

Commissioner Flescher expressed his view that the timing of this initiative was not favorable in light of the uncertainty surrounding the financial markets. Vice Chairman Earman supported land preservation given the recent increase in development; he noted that the bond may assist the County in obtaining additional grants. Commissioner Moss added her full support for the initiative. Chairman O'Bryan observed that preserved green spaces were integral to the appeal of the County's quality of life.

There was agreement among Commissioners and County Administrator Jason Brown regarding the importance of allocating funds for initial land improvements such as invasive species removal and increased public access.

Joseph Paladin, Developer, expressed his support for the referendum.

**A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, to direct staff to: 1) work with the Indian River Land Trust and local environmental organizations to draft ballot language and a resolution for a \$50 million land conservation bond to be placed on the November 8, 2022 ballot; and 2) return with the draft language for the Board's approval. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Flescher

**D. Commissioner Joseph E. Flescher**

**E. Commissioner Laura Moss**

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

*[Clerk's Note: This item was heard following Item 5.E.]*

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

**15.A.1. [21-1104](#)** Approval of Minutes Meeting of September 14, 2021

**Recommended Action:** Approve

**Attachments:** [09142021 ESD Draft](#)

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Emergency Services District Meeting Minutes of September 14, 2021 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.2. [22-0052](#)** Approval of Minutes Meeting of November 2, 2021

**Recommended Action:** Approve

**Attachments:** [11022021 ESD Draft](#)

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Emergency Services District Meeting Minutes of November 2, 2021 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. [22-0074](#)** Approval to use Breathing Air Systems as a Sole Source for Cascade Systems

**Recommended Action:** Staff recommends the Board waive the requirements for bids, authorize the Purchasing Division to issue a purchase order to Breathing Air Systems, and declare the vendor as Sole Source. Staff also recommends the Board authorize the Purchasing Manager to sign any necessary quotes, statements of work or agreements, after review and approval by the County Attorney as to form and legal sufficiency.

**Attachments:** [Staff Report](#)  
[Breathing Air Quote](#)  
[Sole Source Letter](#)

There was no discussion regarding this item.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve staff's recommendations. 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 Emergency Services District meeting and reconvened as the Board of County Commissioners, resuming the meeting with Item 6, Approval of the Minutes.

**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. [22-0086](#)** Approve of Meeting Minutes November 9, 2021

**Recommended Action:** Approve

**Attachments:** [11092021 SWDD Draft](#)

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of November 9, 2021 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. [22-0090](#)** Rejection of Bids for the Landfill Household Hazardous Waste and Recycling Transfer Facility (Bid No. 2022011)

**Recommended Action:** Staff recommends that its Board reject the two bids for Bid No. 2022011 as both bids were over the total budget for this project, the low bidder was determined to be non-responsive, and there were numerous disparities between the low and high bidder

**Attachments:** [Staff Report](#)  
[KHA Evaluation of Bids](#)

Managing Director of the Solid Waste Disposal District Himanshu Mehta reviewed the information contained in his memorandum dated January 21, 2022 on the rejection of bids for the Landfill Household Hazardous Waste (HHW) and Recycling Transfer Facility (RTF). He informed the Board of the recommendation by Kimley-Horn and Associates, Inc. (KHA) to reject the bids received due to the disparity in numerous line items, non-response by the low bidder on key line items, and the Solid Waste Disposal District (SWDD) overall budget versus low bid total. He confirmed that staff concurred with the recommendation by KHA and proposed returning to the Board at a future meeting with a request to re-design the facility, so that the HHW facility along with the site improvements were built first with a bid alternate option to build the RTF concurrently or in the future.

**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



**15.B.3. [22-0097](#)** Sixteenth Amendment to Republic Services

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the Sixteenth Amendment to Republic Services landfill contract for the additional landfill gas operation and maintenance services; and authorize the Chairman to execute the agreement

**Attachments:** [Staff Report](#)  
[Sixteenth Amendment](#)  
[SCS Field Services Proposal](#)

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 11:24 a.m.