



Indian River County Florida

Meeting Minutes 4

Board of County Commissioners

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

Peter O'Bryan, Chairman, District 4

Joseph H. Earman, Vice Chairman, District 3

Susan Adams, District 1

Joseph Flescher, District 2

Laura Moss, District 5

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Randi Wardlow, Deputy Clerk

Tuesday, May 3, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Pastor Alex Pappas, Ocean Unite Christian Centre

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation for Tourism and Travel Week

Kirk Funnell, Director of Tourism and Marketing, Indian River County Chamber of Commerce, was joined by community partners as he discussed tourism in the County. Utilizing PowerPoint slides, Mr. Funnell provided the latest data regarding occupancy rates, visitor spending, economic impact, and bed tax collections, which had all increased compared to previous years.

In response to Chairman O'Bryan's question, Mr. Funnell predicted continued growth in tourism rates. Commissioner Flescher commented on the highest-ever bed tax collections and complimented the Chamber's staff for their marketing efforts.

Read and Presented by Commissioner Adams

5.B. Presentation of Proclamation Proclaiming Mental Health Awareness Month May 2022

William Wims, CEO, New Horizons of the Treasure Coast and Okeechobee, reported that Indian River County had 1,700 adults and 200 kids who sought help with their mental health in the last year. He noted that higher rates of mental illness were expected in the coming year as people processed the impact of the pandemic. Mr. Wims thanked the Board for their support.

Read and Presented by Vice Chairman Earman

5.C. Presentation of Proclamation Designating the Week of May 1-7, 2022, as National Correctional Officers and Employees Week

Indian River County Undersheriff Thomas Raulen appeared with Correctional Department staff members to accept the Proclamation. He discussed the training correctional officers complete and gave special thanks to the Department's civilian staff as well.

Read and Presented by Commissioner Flescher

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve the Regular Meeting Minutes of February 15, 2022, and March 1, 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. Regular Meeting of February 15, 2022

Approved

- 6.B.** Regular Meeting of March 1, 2022
Approved

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

- 7.A.** Distinguished Budget Presentation Award
Management and Budget Director Kristin Daniels appeared before the Board and reported that her department had received the Distinguished Budget Presentation Award from the Government Finance Officers Association for the 31st consecutive year.

Chairman O'Bryan praised the County's financial leadership and applauded Ms. Daniels' work. County Administrator Jason Brown echoed the Chairman's congratulations.

No Action Taken or Required

- 7.B.** 2nd Quarter FY 2021/2022 Budget Report
No Action Taken or Required

- 7.C.** Indian River County Venue Event Calendar Review
Chairman O'Bryan thanked the many volunteers who made the previous weekend's Air Show a success. He also challenged his fellow Commissioners to compete in the Trilogy Challenge disc golf tournament on May 28, 2022 at Hobart Park.
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 amended, pulling Item 8.N. 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.** Checks and Electronic Payments March 25, 2022 to March 31, 2022
Approved
- 8.B.** Checks and Electronic Payments April 1, 2022 to April 7, 2022
Approved

- 8.C.** Checks and Electronic Payments April 8, 2022 to April 14, 2022
Approved
- 8.D.** Amendment to Annual Award for Sulfuric Acid (Bid 2022004)
Approved staff's recommendation
- 8.E.** Approval of Renewal for a Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety
Approved staff's recommendation
- 8.F.** Release of Retainage for Sector 3, Phase 2 Beach and Dune Restoration Project (IRC-2109)
Approved staff's recommendation
- 8.G.** Award of Bid No. 2022028, Resurfacing 69th Street From 66th Avenue to SR5/US-1 , Project No. IRC 1639, FM No. 438073-1-54-01
Approved staff's recommendation
- 8.H.** Roseland Community Center Building & Site Improvements Release of Retainage and Change Order No. 2 (IRC-1855)
Approved staff's recommendation
- 8.I.** Request by Sand Ridge Sebastian, LLC for Release of an Easement
Approved Resolution 2022-019, releasing an easement located at Century Plaza (13240-13262 US HWY 1).
- 8.J.** Work Change Directive to Timothy Rose Contracting, LLC under their contract with Pulte for Developer's Agreement with Pulte Homes
Approved staff's recommendation
- 8.K.** Work Order No. 8, Kimley-Horn and Associates, North County Water Plant 2023 Discharge Permit Renewal
Approved staff's recommendation
- 8.L.** Force Main Replacement Under 49th Street along 58th Avenue
Approved staff's recommendation

8.M. Resolution Cancelling Taxes on Various Properties

Approved Resolutions 2022-020 (Bethel), 2022-021 (Lipfert), 2022-022 (Ryall Morris), 2022-023 (Secure Boat & RV), and 2022-024 (VanAntwerp), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.N. American Rescue Plan Act of 2021 - Supplemental Housing Assistance Rehab and Purchase (SHARP) Program funding formula adjustment.

Chairman O'Bryan relayed a constituent's experience trying to secure Supplemental Housing Assistance Rehab and Purchase (SHARP) program funds for an emergency home repair. Assistant Community Development Director Andy Sobczak provided confirmation to the Chairman that he would look into expediting the process to obtain an emergency repair loan.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve staff's recommendation, and direct staff to research ways to expedite the process for emergency repair loan approval. The motion carried by the following vote:

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**9.A.** Indian River County Supervisor of Elections Leslie Swan re: Redistricting and Relocation of Polling Sites

Supervisor of Elections Leslie R. Swan sought the Board's approval of the revised Voter Precinct Map, and thanked her staff for their effort. Through PowerPoint slides, Ms. Swan explained that following the 2020 Census, her office had to adjust precinct boundary lines and polling places based on a series of parameters which she detailed. Ms. Swan informed she would execute a direct mail and public information campaign to apprise residents of the changes. She also requested the Board's assistance in modifying signs throughout the County.

County Administrator Jason Brown pledged the County's help with the signage changes.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the proposed Voter Precinct Map 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 THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1.

Irrigation Ordinance (LEGISLATIVE)

County Attorney Dylan Reingold presented the draft Irrigation Ordinance, with added enforcement penalties, as directed at the February 15, 2022 Board meeting.

Chairman O'Bryan opened comments with suggested modifications to the following Sections: 1) Section 3, Landscape Irrigation Schedules, replace Daylight Savings Time (DST) and Eastern Standard Time (EST) with specific months to prevent confusion; 2) Section 4, Exceptions to...Schedules, add more detail as to what constitutes "new" landscaping; and 3) Section 9, Penalties, modify to reflect that the second violation would have to occur within 12 months of the first one, and the third violation would have to occur within 24 months of the first violation.

County Attorney Reingold advised that suggestions one (1) and two (2) would need approval from St. John's River Water Management District (SJRWMD), whereas number three (3) was at the Board's discretion.

Commissioner Laura Moss opposed suggestion number (3), citing the SJRWMD's guidance for significant penalties, and expressed concern for wasted water from maladjusted sprinklers. Commissioner Flescher was in agreement with the Chairman's suggestions and expressed that the ordinance should be tolerable and enforceable.

The Chairman opened the public hearing. There being no speakers, the Chairman closed the public hearing.

Chairman O'Bryan was advised by County Attorney Reingold that a decision from SJRWMD on the modifications would take two (2) weeks to receive; the Chairman suggested deferring the Board's vote. The Chairman then re-opened the public hearing and requested a continuation until May 17, 2022.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to continue the public hearing on May 17, 2022 to allow staff time to seek approval from the St. Johns River Water Management District regarding the proposed Ordinance modifications. 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

- 10.C.1.** Public Notice of Public Hearing for May 10, 2022, for Ordinance Amending Part II (Children’s Services Advisory Committee) of Chapter 103 (Commissions and Boards) of the Indian River County Code

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

- A. Community Development**
- B. Emergency Services**
- C. General Services**
- D. Human Resources**

12.D.1.

Award of RFP 2022040 - 457(b) Deferred Compensation Plan Recordkeeper Services

Suzanne Boyll, Human Resources Director, presented her Department's recommendation to select Lincoln Retirement Services Company, LLC (Lincoln) as the new Deferred Compensation Plan Recordkeeper. She described the selection process, noted the savings that would be realized, and expressed satisfaction with the company's offerings. Chairman O'Bryan received confirmation that Lincoln would transfer and maintain employees' current investment options, except for the Nationwide Fixed Account which would be replaced by the Lincoln Stable Value Account.

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith addressed the Board to discuss the benefits for employees which included fee savings, and a higher level of customer service. In response to the Commissioners' inquiries, Mr. Smith provided information regarding Lincoln's financial planning assistance, improved security measures, and comparable rating to Nationwide. He added that the County's consultant, AndCo Consulting, supported the decision to move to Lincoln. Chairman O'Bryan received information regarding Lincoln's options for employees who preferred a higher level of involvement in their investment strategies.

Chairman O'Bryan clarified that there would be a 90-day transition plan, and that the switch would be seamless for employees. Commissioner Moss received information from Mr. Smith regarding Lincoln's ranking, complaints against Nationwide, and confirmation that Lincoln's representatives did not work on commission. Director Boyll discussed the offerings that Lincoln had to help employees plan their retirement investments.

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 10:07 a.m., and reconvened at 10:20 a.m. with all members present.

E. Information Technology

12.E.1.

Indian River County Broadband Feasibility Study Report

Information Technology Director Dan Russell introduced Kyle Hollifield, Senior Vice President of Marketing and Business Development, Magellan Advisors (Magellan), to present the Indian River County Broadband Feasibility Study. Mr. Hollifield presented a market analysis, community survey results, and recommendations for broadband expansion to reach underserved residents.

The presentation continued with a closer look at the three (3) recommendations to increase broadband service in the County: 1) partner with Fellsmere to expand their fiber network and add wireless capability for rural residents; 2) provide wireless broadband to the Gifford area until the County's fiber network was constructed; and 3) build a phased-in Countywide fiber network to connect County facilities and promote greater services for all residents. Included in the options were cost estimates, timelines, possible funding sources, and ideas to have the network pay for its own operating costs.

In response to Chairman O'Bryan's question, Director Russell informed that most of the County's existing fiber network was in use or had been damaged by construction, and investment in new infrastructure was needed. Additional discussion was had regarding the capacity of fiber and the need to structure the network to maximize service.

Mr. Hollifield resumed his presentation with the cost to operate a County network, as well as information on leasing unused capacity to recoup costs and generate revenue. He concluded with the next steps, and advised the County to complete the design-engineering phase in order to be "shovel ready" and best positioned for upcoming State and Federal grants. Discussion ensued with the Board receiving information regarding increased market competition, and the cost to complete the design-engineering phase. Director Russell also advised that the Department of Broadband Opportunity Office was aware of the County's plan.

Commissioner Adams advocated for using the already-budgeted \$4 million American Rescue Plan (ARP) funds to execute the Fellsmere expansion for an estimated cost of \$3,080,000 (Option 1), the Gifford wireless network estimated at \$144,900 (Option 2), and begin work toward Option 3 in light of growing needs and potential financial assistance. The Commissioners each expressed their support for moving forward with all three options in order to serve immediate needs and simultaneously plan construction of a fiber network.

Chairman O'Bryan expressed enthusiasm for capitalizing on the County's momentum and moving forward with Option 3, starting with the design-engineering phase, estimated at \$870,000. The Board received

confirmation from staff that Options 1 and 2 could be completed under Magellan's contract, but the design-engineering plan for the network would need to go through the Request For Quote (RFQ) process. Director Russell estimated it would take two to four weeks to prepare for the RFQ process. Mr. Hollifield and County Administrator Jason Brown provided additional information on a phased approach for providing service.

Under discussion, Miguel Davila-Duran addressed the Board with support for the County's network plan.

County Administrator Jason Brown issued a correction to the amount of money available through ARP as being \$3.5 million; he agreed to seek interest in participation from the municipalities. County Attorney Dylan Reingold informed the Board of the legal research and analysis that would be needed regarding broadband management.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation with modification to Option 3, directing staff to prepare and send a RFQ for the design-engineering of a fiber optic intranet for the County. 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

G. Public Works

12.G.1.

Completion of Sector 3, Phase 1 & 2 Beach and Dune Restoration Project

Public Works Director Richard Szyrka introduced the item before turning the presentation over to Kylie Ariotti, Beach Environmental Specialist. Ms. Ariotti utilized a PowerPoint presentation which included information on beach nourishment, the Sector 3 area in North County, needed permits, sea turtle protection, acknowledgement of County partners, highlights of the restoration, easements, a no-fill area video, and information regarding dune preservation.

Vice Chairman Earman commented that the Commissioners, and Beach and Shores Preservation Committee members were impressed with the restoration work done.

No Action Taken or Required

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Medical Examiner's Office Facility Resolution

County Attorney Dylan Reingold provided a recap of the discussions regarding the planned new Medical Examiner's Office Facility. He reiterated that the draft Resolution of Support would allow the County to enter discussions with all parties regarding planning, construction, and pursuing grants. Vice Chairman Earman added that Senator Harrell's Office needed the Resolution to start the budgeting and planning process.

Commissioner Moss requested modifying language in Sections 2 and 3 of the draft Resolution in order to afford the County Administrator more autonomy. County Administrator Jason Brown provided feedback to the Commissioner's suggestions, and stated he understood the need to protect the County's financial interests. He looked to the Board for direction on modifying the language.

Chairman O'Bryan expressed confidence in County Administrator Brown's ability to keep costs down and monitor the scope of the County's commitment to the joint venture. Vice Chairman Earman and Commissioner Flescher agreed with the Chairman's comments, and stated that the wording of the Resolution was sufficient.

Vice Chairman Earman announced that the next meeting for the Medical Examiner's Advisory Task Force would be May 19, 2022. County Administrator Brown reminded the Board to keep Senator Debbie Mayfield and Representative Erin Grall in the loop regarding legislative requests. Commissioner Moss closed comments reiterating her changes were intended to provide more latitude for County Administrator Brown.

A motion was made by Vice Chairman Earman, seconded by Chairman O'Bryan, to approve Resolution 2022-025, directing the County Administrator to enter into discussions leading to an agreement to design and construct a new Medical Examiner Facility to be located on the campus of Indian River State College in Fort Pierce, Florida; supporting requests for State and Federal financial assistance; providing for an effective date. 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

B. Commissioner Joseph H. Earman, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

The Board 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.

A. Emergency Services District

B. Solid Waste Disposal District

15.B.1. Approval of SWDD Meeting Minutes of February 15, 2022

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Solid Waste Disposal District's Meeting Minutes of February 15, 2022. 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. Authorization to Florida Power & Light to install Underground Lines on the Landfill Property

There was no discussion regarding this item.

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. Final Pay to Geosyntec for Work Order No. 10/Amendment No. 1 - Permit Compliance Monitoring and Compliance

There was no discussion regarding this item.

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:12 p.m.