



# 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 15, 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

**Minister Jack White, Gifford Church of Christ**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Susan Adams**

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

Deleted: Item 8.C. Approval of Renewal of the 800 MHz Communications System Infrastructure Maintenance Contract with Communications International, Inc.

Move: Item 15.A.1. to be heard following the Consent Agenda

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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. [22-0056](#)** Presentation of Proclamation Honoring Joe Wiggins

**Recommended Action:** Read and Present

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

The family of the late Joe Wiggins was present to accept a Proclamation honoring Mr. Wiggins for his service to the community and dedication to the children in the community.

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

**5.B. [22-0096](#)** Presentation of Proclamation Honoring the Progressive Civic League of Gifford for 60 Years of Service

**Recommended Action:** Read and Present

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

Joe Idlette, President of the Progressive Civic League of Gifford along with Freddie Woolfork, Director of the Gifford Youth Achievement Center, thanked the Board for the recognition and for their continued partnership. They spoke on the achievements and the role of the volunteers in the strength and longevity of the organization.

**Read and Presented by Commissioner Flescher**

**5.C. [22-0138](#)** Presentation of Proclamation Designating February, 2022, as 2-1-1 Awareness Month

**Recommended Action:** Read and Present

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

Karen Bailey, 2-1-1 Help Me Grow Coordinator, spoke on the advocacy programs which were available through the helpline.

**Read and Presented by Vice Chairman Earman**

**5.D.**     [22-0124](#)     Fellsmere Community Fridge Grand Opening and Ribbon Cutting

**Recommended Action:** For informational purposes only - no action required

**Attachments:**   [Staff Report](#)

Solid Waste Disposal District Managing Director Himanshu Mehta was joined by Recycling Education Coordinator Sue Flak; Recycling Specialist Jill Brown; City of Fellsmere Chief of Police Keith Touchberry; and Linda Scalco representing the volunteers from the Sunrise Rotary. Managing Director Mehta spoke on the community fridge concept and mentioned the goal of the program was to reduce food insecurity and food waste.

In a PowerPoint presentation, Recycling Education Coordinator Sue Flak detailed the community project called the Fellsmere Fridge and pointed out the expenses for the project were generously donated. She recognized the current sponsors/supporters and the community of volunteers for taking care of and maintaining the Fellsmere Fridge. She outlined the training for the volunteers and the protocols for donations.

Chief Touchberry spoke on behalf of the City of Fellsmere on the Fellsmere Fridge location, hours, and security details.

Ms. Flak, in response to questions posed by the Board, stated anyone interested in supporting a community fridge in their area, volunteering, or donations was to contact her at [FellsmereFridge@gmail.com](mailto:FellsmereFridge@gmail.com) or (716) 472-0122.

**Presentation by Sue Flak, Recycling Education and Marketing Coordinator for the Solid Waste Disposal District**

**6. APPROVAL OF MINUTES****6.A.**     [22-0142](#)     Regular Meeting of December 7, 2021

**Recommended Action:** Approve

**Attachments:**   [12072021 BCC Draft](#)

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Regular Meeting Minutes of December 7, 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.**     [22-0119](#)     Notice of Regular Meetings of the Indian River County Hospital District Board of Trustees, for the year 2022.

**Recommended Action:** Approve

**Attachments:** [IRCHD Meetings](#)

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, 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.**     [22-0106](#)     Amendment and Extension of Cattle Lease Agreement

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners authorize the Chair to execute the Amendment and Extension of the Cattle Lease Agreement with Staski Enterprises, after final review and approval by the County Attorney's office

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

**Approved staff's recommendation**

**8.B.**     [22-0111](#)     Fire Rescue Division Battalion Chief Posting & Vacation Compensation Consideration

**Recommended Action:** Staff recommends the Board of County Commissioners authorize dual-encumbrance for the Battalion Chief position not to exceed 30 days. Staff also recommends that a special exception be made to the Administrative Policy Manual Number AM 502.1 and authorize payment for 240 additional hours (20 days) of accrued vacation leave, exceeding the maximum leave allowed to be paid.

**Attachments:** [Staff Report](#)  
[Vacation Leave Policy AM 502.1](#)  
[Vacation Payout Breakdown](#)

**Approved staff's recommendation**

**8.D.**     [22-0107](#)     Award of Annual Bid 2022017 for Temporary Staffing Services

**Recommended Action:** Staff recommends the Board award Bid 2022017 to Blue Arbor, Inc., AUE Staffing, Inc., LFI Fort Pierce, Inc., Altrian, Inc., Spherion Staffing & Recruiting, and Secure Technologies, LLC, approve the sample agreement, and authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency.

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

**Approved staff's recommendation**

**8.E.**     [22-0115](#)     Children's Services Funding Allocation for Fiscal Year 2022/23

**Recommended Action:** Staff Recommends that the Board of County Commissioners approve FY 2022/23 funding for Children's Services at the full 0.1250 millage cap of \$2,443,606.

**Attachments:**   [Staff Report](#)  
                          [Children's Services Funding History](#)

**Approved staff's recommendation**

**8.F.**     [22-0120](#)     Award of Annual Bid 2022030 for Back Lot Ditch Mowing

**Recommended Action:** Staff recommends the Board award Bid 2022030 to STS Maintain Services, Inc., and authorize the Purchasing Division to issue blanket purchase orders with the selected contractors. Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

- 8.G. [22-0132](#) Florida Inland Navigation District Project Agreement Amendment for #IR-18-67 Jones' Pier Conservation Area Public Use Improvements

**Recommended Action:** Staff recommends the Board accept the Project Agreement Amendment for #IR-18-67 Jones' Pier Conservation Area Public Use Improvements and authorize the Chairman to execute the Amendment after review and approval by the County Attorney.

**Attachments:** [Staff Memo](#)  
[Agreement Amendment](#)

**Approved staff's recommendation**

- 8.I. [22-0136](#) Renewal of Agreement for Food Concession Services and Lease at Sandridge Golf Club

**Recommended Action:** Staff respectfully requests that the Board approve the third renewal term under the existing lease and authorize the Chairman to execute the document.

**Attachments:** [Staff Report](#)  
[Agreement](#)  
[Assumption and Joinder](#)  
[1st Renewal](#)  
[2nd Renewal](#)  
[Proposed 3rd Renewal](#)

**Approved staff's recommendation**

- 8.J. [22-0125](#) Release of Retainage and Change Order No. 1, 58th Avenue (From North of 57th Street to 85th Street/CR510), FM No. 436416-1-54-01, IRC-1325

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 1325-9 in the amount of \$316,570.41 for release of retainage. Once final release of liens from all Timothy Rose Contracting, Inc. suppliers and subcontractors have been received, reviewed and approved, final payment will be processed.

**Attachments:** [Staff Report](#)  
[Change Order No. 1](#)

**Approved staff's recommendation**

- 8.K.**     [22-0116](#)     Renewal of Lease Agreement 2601 51st Avenue, Vero Beach, FL 32966 Tenant:  
Ember Pappas

**Recommended Action:** Staff recommends the Board approve the Renewal of Lease Agreement for the property located at 2601 51st Avenue, Vero Beach, FL 32966, and authorize the Chairman to execute the Renewal of Lease Agreement on behalf of the Board.

**Attachments:**   [Staff Report](#)  
                          [Renewal of Lease Agreement](#)

**Approved staff's recommendation**

- 8.L.**     [22-0127](#)     Indian River County Stormwater Needs Analysis, Jones Edmunds & Associates, Inc.  
Work Order No. 2

**Recommended Action:** Staff recommends the BCC approve Jones Edmunds & Associates, Inc. Work Order No. 2 in the amount of \$35,537.00 for professional water resource engineering support services associated with supporting County staff in meeting the data collection and reporting requirements found in House Bill 53 (Stormwater Needs Analysis). In addition, staff recommends that the Board authorize the Chairman to execute Work Order No. 2.

**Attachments:**   [Staff Report](#)  
                          [Work Order No. 2](#)  
                          [Work Order #2 execution form](#)

**Approved staff's recommendation**

- 8.M.**     [22-0129](#)     Future Paving of 81st Street from 66th Avenue East Property Address: 6300 81st  
Street, Vero Beach, FL 32967 Owner: CGV Investments, LLC

**Recommended Action:** Staff recommends the Board approve the Purchase Agreement in the amount of \$40,000.00, with an estimated \$700.00 in closing costs to be paid by the County for purchase of the 0.77 acres of the property located at 6300 81st Street, Vero Beach, FL 32967, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

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

**Approved staff's recommendation**

- 8.N.**     [22-0131](#)     Work Order No. 7 Ecological Associates, Inc. HCP Sea Turtle Monitoring North and South County.

**Recommended Action:** The recommendation of staff is for the Board to approve Work Order No. 7 to the contract with Ecological Associates, Inc. in the amount of \$93,830.35, and authorize the Chairman to sign on behalf of the County

**Attachments:**   [Staff Report](#)  
                          [Proposal \(revised\)](#)  
                          [Agreement Execution](#)

**Approved staff's recommendation**

- 8.O.**     [22-0134](#)     Sector 5 Beach and Dune Restoration Project (IRC1923) APTIM, Work Order No. 2018029-10, Year 2 Post-Construction Environmental Monitoring

**Recommended Action:** Staff recommends the BCC authorize Work Order No. 2018029-10 in the total lump sum amount of \$99,010.41. Additionally, staff recommends the BCC authorize the Chairman to execute Work Order No. 2018029-10

**Attachments:**   [Staff Report](#)  
                          [APTIM WO# 2018029-10](#)  
                          [Agreement Execution](#)

**Approved staff's recommendation**

- 8.P.**     [22-0146](#)     Sector 3 Beach and Dune Restoration Project (IRC1925) APTIM, Work Order No. 2018006-13, Post-Construction Environmental Monitoring (Phase 1, Year 1 Monitoring and Phase 2 Immediate Post-construction Monitoring)

**Recommended Action:** Staff recommends the BCC authorize Work Order No. 2018006-13 in the total lump sum amount of \$416,681.67. Additionally, staff recommends the BCC authorize the Chairman to execute Work Order No. 2018006-13.

**Attachments:**   [Staff Report](#)  
                          [APTIM WO #2018006-13](#)  
                          [Agreement Execution](#)

**Approved staff's recommendation**

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

## **10. PUBLIC ITEMS**

### **A. PUBLIC HEARINGS**



- 10.A.1. [22-0108](#) 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 resolution and the draft agreement with the Tax Collector and Property Appraiser.

**Attachments:** [Staff Report - Public Hearing](#)  
[Draft Resolution](#)  
[Draft Agreement](#)

NOTICE OF PUBLIC HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

County Attorney Dylan Reingold explained the process to establish a Municipal Service Benefit Unit (MSBU) for the Oslo Park area under section 197.3632, Florida Statutes.

Public Works Director Richard Szpyrka using a PowerPoint presentation, displayed the MSBU district in the area of Oslo Park electing to fund the construction of paved roadways and associated drainage improvement. He indicated there were 500 lots included in the area equating to 4.47 miles of road within the designated Oslo Park District for a cost of approximately \$5.5 million dollars. He broke down the costs per parcel by the number of years to fund the project, and revised costs if the County constructed one-mile or a half-mile of roadway. He also mentioned the petition paving process whereby the County would fund the project and the landowners would reimburse the County over a 10-year period.

Chairman O'Bryan outlined the two-step process to establish a MSBU, and he received clarification from Attorney Reingold in order to move forward. County Attorney Reingold stated the Board would need to decide whether to issue its intent to utilize the uniform method under Florida Statutes, and then the County would notify the Property Appraiser and Tax Collector of its intent. County Administrator Jason Brown further detailed the process going forward. Commissioner Flescher discussed the street paving at Vero Lake Estates and inquired whether there would be a mailer sent out with the notice of the MSBU including the assessment rate options and an opportunity for the community to provide feedback. County Administrator Brown responded that the County could certainly provide a way for the public to provide feedback other than attending a public hearing.

The Chairman opened the Public Hearing.

Lonnie Ingram, a representative for the road paving at Oslo Park, came forward and indicated the street paving at Oslo Park area was much needed and spoke on how much safer the community was since the MSBU for the Oslo Park street lighting.

There were no additional speakers; the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve: 1) the draft Resolution electing to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of street paving in the Oslo Park area; and 2) the draft agreement with the Tax Collector and the Property Appraiser.

Under discussion, County Attorney Reingold, in response to a question posed by Commissioner Moss, stated that the County was required to send a certified letter to the homeowners with the purpose of the assessment, total amount of the levy for each assessment, and how the County would apply the assessment. He also mentioned the motion included the execution of the agreement with the Tax Collector and the Property Appraiser.

Commissioner Adams felt there needed to be specifics communicated to the residents in the Oslo Park area, such as how much was being assessed. County Administrator Brown suggested bringing back more defined options at the next hearing. Commissioner Adams wanted to make sure the lower income households were part of the conversations when the Board made a decision on the assessments. She also asked that the assessment options were communicated to the public in a clear and concise manner to avoid any misunderstanding, and agreed that there should be an outreach to the community beyond sending a certified letter.

Chairman O'Bryan stated that he planned to schedule an evening meeting at the Intergenerational Recreation Center to specifically discuss the Oslo Park Paving after the certified letters had gone out to the residents. County Attorney Reingold referred to the remarks made by County Administrator Brown in terms of the options, and suggested including the assessment rate that would get the road paving done the quickest in the notice. County Administrator Brown agreed with starting the communication with the community before it was required in the process in order to receive more feedback early on in the process.

Director Szyrka liked the idea of a community outreach meeting before the formal hearings on the MSBU. Commissioner Flescher brought up the Sunshine

Law and looked forward to hearing the results from the community meeting.

Chairman O'Bryan sought and received clarification from County Attorney Reingold on what action was needed from the Board at the present meeting. County Attorney Reingold restated the motion to include the additional verbiage: to direct staff to conduct additional community outreach and supported conducting a neighbor meeting.

**A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve: 1) Resolution 2022-011, electing to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of street paving in the Oslo Park area; 2) agreement with the Tax Collector and the Property Appraiser; and 3) direct staff to conduct additional community outreach and supported conducting a neighbor meeting. 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.** [22-0135](#) Public Notice of Public Hearing for March 1, 2022, for Ordinance Amending Section 100.03 "Amendment or Repeal of Ordinances" of Chapter 100 "General Provisions" of the Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 141

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

County Attorney Dylan Reingold read the notice into the record.

## **11. COUNTY ADMINISTRATOR MATTERS**

**11.A.**    [22-0137](#)    Resolution in Support of the Adoption of House Bill 631 and Senate Bill 780 as Filed in the 2022 Florida Legislative Session

**Recommended Action:** County staff recommends the Board of County Commissioners of Indian River County, Florida pass a Resolution in support of the adoption and passage of House Bill 631 (by Representative Grall) and Senate Bill 780 (by Senator Hutson) as filed in the 2022 Florida Legislative Session and extends its appreciation to the local legislative delegation for its support and assistance.

**Attachments:**    [Staff Memo](#)  
                          [Proposed Resolution](#)  
                          [Letter from City of Vero Beach](#)

Kathleen Forst, Legislative Affairs and Communications Manager, presented a joint resolution in support of the adoption of House Bill (HB) 631 and Senate Bill (SB) 780 proposed legislation amending section 332.007, Florida Statutes to allow commercial service or general aviation airports with fewer than 100,000 passenger boardings per year not to be subject to reduced grant contributions. Chairman O'Bryan received confirmation the resolution would be sent to the local legislative delegation and added to the list of priorities.

Commissioner Moss was in full support of the resolution, pointing out the airport was essential to the local economy and benefits the entire County.

**A motion was made by Commissioner Moss, seconded by Chairman O'Bryan, to approve Resolution 2022-012, in support of the adoption of House Bill 631 and Senate Bill 780 as filed in the 2022 session of the Florida State legislature amending section 332.007, Fla. Stat. revising the types of airports to which funds are available for eligible aviation development projects; 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

## **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****H. Utilities Services****12.H.1. [22-0123](#)** Replacement of Well S-1 at the South County Water Treatment Plant

**Recommended Action:** Staff recommends that the Board of County Commissioners (BCC) approve the use of cash balance in the amount of \$1,822,511 to cover the total affiliated costs of the replacement of the South County Water Treatment Plant well S-1; and, Staff also recommends that the BCC approve Work Order No. 8 with Kimley-Horn and Associates, Inc., in the amount of \$222,511 for engineering services for the surveying, permitting, bidding, and construction services for the replacement of well S-1, and authorize the Chairman to execute said work order on their behalf

**Attachments:** [Staff Report](#)  
[Work Order No 8 with KHA](#)

Interim Utility Director Cindy Corrente sought approval to utilize the operating cash balance to fund the replacement of the Well S-1 at the South County Water Treatment Plant, noting the total project expenses were approximately just over \$1.8 million. She indicated as a requirement of the St. Johns River Water Management District, the County was tasked to explore other water sources to provide potable water to the community without impacting existing legal users. She added the intention was to drill the existing well deeper to provide the additional water source without having to find another area to drill a well; however, she indicated Well S-1 was over 40 years old and had collapsed while drilling.

Commissioner Moss sought and received information from Interim Utility Director Corrente regarding the maintenance of the wells.

**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

The Chairman called a recess at 10:27 a.m., and reconvened the meeting at 10:37 a.m., with all members present.

### 13. COUNTY ATTORNEY MATTERS

- 13.A.**    [22-0145](#)            Unconditional Offer for a Parcel of Right-Of-Way Located at 8055 66th Avenue, Vero Beach, FL 32967 Parcel 130 Owned by Robert and Marygrace Sexton

**Recommended Action:** Staff recommends the Board approve an unconditional offer to purchase the necessary right-of-way from the Sextons at a price of \$25,000.

**Attachments:**    [Staff Report](#)

[Aerial Photo - Sexton - Parcel 130](#)

[Sketch and Legal Description - Sexton Parcel 130](#)

Deputy County Attorney William K. DeBraul presented the unconditional offer for a 0.40-acre parcel of right-of-way for the 66th Avenue project located at 8055 66th Avenue owned by Robert and Marygrace Sexton. Deputy County Attorney Debraal stated the unconditional offer was the last step in the eminent domain process before filing suit, and confirmed the 0.40-acre parcel was recently appraised at \$20,500. He indicated it was common to add an incentive of 15% on top of the appraised value to encourage a quicker settlement; however, after discussing the matter with staff, the unconditional offer amount was rounded up for a total amount of \$25,000.

Chairman O'Bryan referred to two recent acquisitions of right-of-way with similar acreage, and stated he wanted to see more of the money go to the Sextons, rather than to outside consultants or attorneys. He proposed an unconditional offer of \$45,000. County Administrator Jason Brown recalled a recent acquisition, which involved a driveway as the reason for the higher unconditional offer; although he agreed removing citrus and irrigation from the Sexton property could drive up the price. Chairman O'Bryan dropped his offer from \$45,000 to \$40,000, with County Administrator Brown in agreement.

**A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve an unconditional offer to purchase the necessary right-of-way from the Sextons at \$40,000. 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. [22-0118](#)** Discussion to Consider Local Water Irrigation Ordinance

**Recommended Action:** Discussion

**Attachments:** [Commissioner's Memorandum](#)  
[Martin County Water Irrigation Ordinance No. 1173](#)  
[SJRWMD - Model Water Conservation Ordinance](#)

Chairman O'Bryan recalled St. Johns River Water Management District's (SJRWMD) guidelines for irrigation for both residential and commercial properties, noting that SJRWMD does not have enforcement capabilities; they instead turned to the local governments to adopt enforcement ordinances. He added the Board at the time voted not to enforce the SJRWMD guidelines.

Chairman O'Bryan stated SJRWMD recently issued guidance stating local governments who wanted to participate in their cost-share program must adopt a local irrigation ordinance. He mentioned the County had benefited significantly from their cost-share program in the past and spoke of a water irrigation ordinance recently adopted by the Martin County Board of County Commissioners. He stated he had forwarded the Martin County ordinance to SJRWMD for their input and their legal department reached out to the County Attorney's Office to relay their concerns with the ordinance.

Chairman O'Bryan asked for the Board's consideration to move forward with a SJRWMD local irrigation model ordinance in order to continue receiving cost-share dollars, and for the Board to decide whether to include the mandatory or voluntary enforcement aspect in the ordinance. He noted the County would still be able to apply for cost-share dollars for the current year as long as the County was making progress toward adopting a local water irrigation ordinance.

Commissioner Flescher supported the conservation of water for future generations, but he felt the enforceability aspect of the ordinance would be difficult.

Vice Chairman Earman discussed the importance of receiving cost-share dollars and inquired whether the SJRWMD model ordinance could be tweaked to be tailored for Indian River County. James Cannon, Intergovernmental Coordinator, SJRWMD, replied in the affirmative as long as the County's ordinance contained the specific language included in the model ordinance. He pointed out the language contained in Martin County's ordinance conflicted with the requirements set by the SJRWMD.

Commissioner Adams was in support of a local water irrigation ordinance and felt

it was a good educational tool just like the County's Fertilizer Ordinance.

Commissioner Moss supported a local water irrigation ordinance and felt the SJRWMD model ordinance was straightforward. The only problem she could foresee with the SJRWMD model ordinance was the penalties for the violations were so minimal.

County Attorney Dylan Reingold sought and received clarification from Chairman O'Bryan that the ordinance should only apply to the unincorporated area of the County.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve moving forward with a local water irrigation ordinance in the unincorporated area of the County based upon the St. Johns River Water Management District's model . The motion carried by the following vote:**

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

A discussion ensued among the Board in regard to the penalties for violation of the local irrigation ordinance.

The majority of the Commissioners spoke in support of some enforcement aspect of the local irrigation ordinance, with Commissioner Flescher expressing his concern and opposition to the \$500 fine. A discussion followed on the penalty amounts for each of the violations. Commissioner Adams sought and received confirmation of the penalties for violation of the ordinance: First violation would be a written warning; second violation, \$50.00; and the third and subsequent violations, \$100 for each violation.

Community Development Director Phil Matson and Code Enforcement Director Andy Sobczak both spoke on the difficulties with the enforcement aspect of the proposed local irrigation ordinance.

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the enforcement aspect of the local water irrigation ordinance, providing for penalties for violations of the ordinance: First Violation, Written Warning; Second Violation, \$50.00; and Third and subsequent violations, \$100 for each violation. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss



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

**C. Commissioner Susan Adams**

**D. Commissioner Joseph E. Flescher**

**E. Commissioner Laura Moss**

## **15. SPECIAL DISTRICTS AND BOARDS**

### **A. Emergency Services District**

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. [22-0128](#)** Approval of Affiliation Agreements with Certified EMT/Paramedic Training Programs

**Recommended Action:** The County Attorney's Office recommends the Board, in its capacity as the Indian River County Emergency Services District, approve the Affiliation Agreement template and authorize the Chairman to execute the individual Agreements with the above listed training programs on behalf of the District.

**Attachments:** [Staff Report](#)  
[Ride along EMT Template](#)

There was no discussion regarding this item.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation as presented. 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 of the regular meeting continuing with Item 10.A.1. Public Hearings.

**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. [22-0113](#)** Approval of Minutes Meeting of November 16, 2021

**Recommended Action:** Approve

**Attachments:** [11162021 SWDD Draft](#)

**Approved**

**15.B.2. [22-0144](#)** Approval of Minutes Meeting December 7, 2021

**Recommended Action:** Approve

**Attachments:** [12072021 SWDD Draft](#)

**A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of November 16, 2021 and December 7, 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.3. [22-0130](#)** Work Order No. 15 to Geosyntec for C&D Landfill Permit Renewal

**Recommended Action:** Solid Waste Disposal District (SWDD) staff recommends that its Board approve the following: a) Approve Work Order No. 15 with Geosyntec Consultants for \$38,993 to provide engineering services related to the SWDD construction and demolition landfill permit renewal; and, b) Authorize the Chairman to execute the same, as presented

**Attachments:** [Staff Report](#)  
[Work Order No 15 - Geosyntec](#)

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.4. [22-0140](#)** Mixer Installation for the Above Ground Storage Tank at the IRC Landfill

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the following: a) Waive the requirement for bids for the purchase and installation of a mixer for the existing above ground storage tank at the Indian River County Landfill in a not-to-exceed amount of \$210,966 to FJ Nugent; and, b) Authorize the Purchasing Manager to issue a purchase order to FJ Nugent for this project, after receipt and approval of the required vendor insurance, and after final terms and conditions have been approved by the County Attorney.

**Attachments:** [Staff Report](#)  
[Memorandum from Kimley-Horn](#)  
[Proposal from FJ Nugent](#)

Chairman O'Bryan sought and received confirmation from Himanshu Mehta, Managing Director of the Solid Waste Disposal District, that the mixer installation at the IRC Landfill was part of the leachate treatment project.

**A motion was made by Vice Chairman Earman, 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 11:15 a.m.