

# 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

Tuesday, December 7, 2021

9:00 AM

Commission Chambers

### Board of County Commissioners

*Peter O'Bryan, Chairman, District 4  
Joseph 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

**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**

**Stan Boling, Gracespring Covenant Church**

**3. PLEDGE OF ALLEGIANCE**

**Commissioner Peter D. O'Bryan, Chairman**

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

Added: Item 7.C. MPO Meeting

**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**

**6. APPROVAL OF MINUTES**

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Regular Meeting Minutes of September 14, 2021 and September 21, 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

**6.A. [21-1102](#)** Regular Meeting of September 14, 2021

**Recommended Action:** Approve

**Attachments:** [09142021BCC\\_Draft](#)

**Approved**

**6.B. [21-1105](#)** Regular Meeting of September 21, 2021

**Recommended Action:** Approve

**Attachments:** [09212021BCC\\_Draft](#)

Approved

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

- 7.A.** [21-1115](#) Florida Public Service Commission Final Order PSC-2021-0442-FOF-EI approving expenditures and true-up amounts for fuel adjustment factors; GPIF targets, ranges, and rewards; and projected expenditures and true-up amounts for capacity cost recovery factors; docket to remain open, a copy is on file in the Clerk to the Board Office.

**Recommended Action:** Information Only

**No Action Taken or Required**

- 7.B.** [21-1098](#) Municipalities Committee Assignments for 2022

**Attachments:** [Staff Report](#)  
[COVB Committee Appointments 2021-2022](#)  
[Town of Orchid Committee Appointments 2022](#)  
[Sebastian Council Organization - Committee Appointments](#)  
[City of Fellsmere Committee Appointments 2021-2022](#)

**No Action Taken or Required**

- 7.C.** [21-1142](#) MPO Meeting

Commissioner Moss informed that the County's Visioning Plan would be discussed at the Metropolitan Planning Organization (MPO) meeting on Wednesday, December 8, 2021, at 10 am in Building B.

**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 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.** [21-1030](#) Checks and Electronic Payments October 22, 2021 to October 28, 2021

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of October 22, 2021 to October 28, 2021

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

**Approved**

**8.B.**     [21-1056](#)     Checks and Electronic Payments October 29, 2021 to November 4, 2021

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of October 29, 2021 to November 4, 2021

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

**Approved**

**8.C.**     [21-1072](#)     Checks and Electronic Payments November 5, 2021 to November 11, 2021

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 5, 2021 to November 11, 2021

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

**Approved**

**8.D.**     [21-1089](#)     Checks and Electronic Payments November 12, 2021 to November 18, 2021

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 12, 2021 to November 18, 2021

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

**Approved**

**8.E.**     [21-1113](#)     Checks and Electronic Payments November 19, 2021 to November 25, 2021

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 19, 2021 to November 25, 2021

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

**Approved**

**8.F.**     [21-1111](#)     FY 2020-2021 Records Management Compliance Statements

**Recommended Action:** It is recommended that the Chairman be authorized to sign the Records Management Compliance Statements for Fiscal Year 2020-2021

**Attachments:** [Memo](#)  
[BOCC Compliance Statement](#)  
[SWDD Compliance Statement](#)  
[EMS Compliance Statement](#)

**Approved staff's recommendation**

- 8.G.**     [21-0988](#)     Oyster Bar Marsh Conservation Area Public Use Improvements - Amendment Number 1 to Work Order Number 5 Continued Construction Administration Services - Coastal Waterways Design & Engineering, LLC

**Recommended Action:** Staff recommends the Board accepts Amendment 1 to Work Order Number 5 with Coastal Waterways authorizing the professional services as outlined in the Scope of Services and requests the Board to authorize the Chairman to execute the Work Order on their behalf for a lump sum amount of \$13,018.50 upon approval by the County Attorney as to form and legal sufficiency.

**Attachments:** [Staff Report](#)  
[Amendment 1 to Work Order No 5](#)  
[Scope of Work - Exh A](#)  
[Rate Schedule - Exh B](#)

**Approved staff's recommendation**

- 8.H.**     [21-1112](#)     Final Pay to Summerlin's Marine Construction, Inc. for Oslo Riverfront Conservation Area

**Recommended Action:** Staff recommends the Board approve Change Order No. 1 and payment of the Contractor's Application for final payment in the amount of \$21,970.20 for final payment and release of retainage.

**Attachments:** [Staff Report](#)  
[Invoice](#)  
[Change Order ORCA Overlook 11-23-21](#)

**Approved staff's recommendation**

- 8.I.**     [21-1119](#)     2021/22 FIND Waterways Assistance Program Grant Award for the Environmental Learning Center Main Dock

**Recommended Action:** Staff respectfully recommends that the Board accept the Florida Inland Navigation District Grant (IR-21-71) and authorize the Chairman to execute the Agreement with the Florida Inland Navigation District Project Agreement IR-21-71.

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

**Approved staff's recommendation**

- 8.J.**     [21-1075](#)     Annual Resolution re Delegation of Authority Concerning Declarations of State of Local Emergencies and to Act in a State Declared Emergency Affecting Indian River County

**Recommended Action:** Adopt the resolution delegating authority to the County Administrator, or his designee, to declare states of local emergencies and to act in a state declared emergency affecting Indian River County effective from December 7, 2021 through December 31, 2022.

**Attachments:** [Staff Report](#)  
[Resolution - Delegation of Authority](#)

**Approved Resolution 2021-079, delegating authority to the County Administrator to declare states of local emergencies and to act in a State of Florida declared emergency affecting Indian River County; rescinding Resolution No. 2020-104 effective December 7, 2021; and providing an effective date.**

- 8.K.**     [21-1076](#)     Annual Resolution Delegating the Authority to the County Administrator or his designee, to execute Resolutions Calling Letters of Credit as Necessary during a Declared State of Local Emergency or Declared State of Florida Emergency Affecting Indian River County

**Recommended Action:** Adopt the resolution delegating authority to the County Administrator, or his designee, to execute resolutions calling letters of credit as necessary during a declared state of local emergency or declared State of Florida emergency affecting Indian River County from December 7, 2021 through December 31, 2022.

**Attachments:** [Staff Report](#)  
[RESO delegating authority](#)

**Approved Resolution 2021-080, delegating the authority to the County Administrator or his designee, to execute Resolutions calling letters of credit as necessary during a declared state of local emergency or declared State of Florida emergency affecting Indian River County; rescinding Resolution No. 2020-105; and providing an effective date.**

- 8.L.**     [21-1078](#)     Annual Resolution re Signatories

**Recommended Action:** Adopt the resolution and authorize the newly selected Chairman as well as the Clerk to sign the resolution and the respective Certificate of Facsimile Signature; and to instruct the Clerk to the Board of County Commissioners to transmit to the Department of State each original Certificate of Facsimile Signature which bears the

original manual signatures of those Indian River County officers authorized to use facsimile signatures in lieu of manual signatures.

**Attachments:** [Staff Report](#)  
[2021 RESO annual signatories](#)  
[Certificate For Facsimile Signature - Chairman O'Bryan](#)  
[Certificate For Facsimile Signature - Clerk JSmith](#)

**Approved Resolution 2021-081, directing depositories of County funds to honor certain authorized signatures on County checks, warrants, and other orders for payment; providing for Board of County Commissioners and Clerk of the Circuit Court signatories; rescinding Resolution No. 2020-103 which speaks to authorized signatures on County checks, warrants, and other orders for payment; and providing an effective date.**

**8.M. [21-1091](#)** Indian River County - St. Lucie County Interlocal Agreement for Pre-Trial Services

**Recommended Action:** The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the proposed interlocal agreement and authorize the chair to sign any documents necessary to effectuate the interlocal agreement, after review and approval by the County Attorney.

**Attachments:** [Staff Report](#)  
[Pretrial Services with Indian River County 2021](#)  
[Pretrial Proposal June 2021 corrected](#)

**Approved staff's recommendation**

**8.N. [21-1077](#)** Approval of Renewal of a Class "B" Certificate of Public Convenience and Necessity from MCT Express, Inc. DBA United Medical Transportation

**Recommended Action:** Staff respectfully recommends that the Board of County Commissioners approve the renewal of the Class "B" Certificate of Public Convenience and Necessity for MCT Express, Inc. DBA United Medical Transportation, to be effective for a period of two (2) years commencing October 1, 2021 and expiring October 1, 2023.

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

**Approved staff's recommendation**

**8.O. [21-1079](#)** Consideration of the Affordable Housing Advisory Committee (AHAC) 2021 Incentives Review and Recommendation Report

**Attachments:** [Staff Report](#)  
[2021 AHAC Report](#)  
[Resolution Approving the 2021 AHAC Report](#)

**Approved Resolution 2021-082, approving the Indian River County Affordable Housing Advisory Committee (AHAC) 2021 report and directing staff to submit the County's Local Housing Assistance Plan to Florida Housing Finance Corporation (FHFC).**

- 8.P.**     [21-1080](#)     Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Public Transportation Block Grant

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the Public Transportation Grant Agreement and adopt the resolution authorizing the Chairman to sign the agreement.

**Attachments:**   [Staff Report](#)  
                      [Resolution](#)  
                      [Grant Agreement](#)  
                      [Budget Form](#)

**Approved Resolution 2021-083, authorizing the execution of a Public Transportation Grant agreement with the Florida Department of Transportation.**

- 8.Q.**     [21-1071](#)     Donation of Excess Lawn Equipment to the Gulf Stream Council of the Boy Scouts of America

**Recommended Action:** Staff recommends the Board designate the listed equipment as surplus and authorize their donation to the Gulf Stream Council of the Boy Scouts of America.

**Attachments:**   [Staff Report](#)  
                      [Gulf Stream Council of Boy Scouts of America Request Memo](#)

**Approved staff's recommendation**

- 8.R.**     [21-1083](#)     Authorization to Provide 60-day Notice of Intent to Terminate Agreement for Custodial Services for County Buildings with High Sources, Inc.

**Recommended Action:** Staff recommends the Board authorize staff to provide 60-day notice of intent to terminate the agreement to High Sources, Inc., and rebid the services for the Administration Complex.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

- 8.S.**     [21-1085](#)     First Amendment to Agreement with Florida Armature Works, Inc. for As Needed Motor and Pump Repair

**Recommended Action:** Staff recommends the Board approve the First Amendment to the Agreement and authorize the Chairman to sign it after the County Attorney has approved it as to form and legal sufficiency.



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

**Approved staff's recommendation**

**8.T.**     [21-1086](#)     Sole Source Designations

**Recommended Action:** Staff recommends the Board of County Commissioners declare the vendors and products listed above as sole source for a three-year period, and authorize the Purchasing Division to issue purchase orders in lieu of formal bids or quotes, and as funding is approved by the Budget Department.

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

**Approved staff's recommendation**

**8.U.**     [21-1108](#)     North County Reverse Osmosis Water Treatment Plant Supervisory Control and Data Acquisition System Upgrades, Kimley-Horn Work Order No. 7

**Recommended Action:** Staff recommends that the Board of County Commissioners approve Work Order No. 7 with Kimley-Horn and Associates, Inc., in the amount of \$255,219.00, for professional services to include construction phase service for the proposed Supervisory Control and Data Acquisition (SCADA) improvements, and the integration labor required to program each of the respective upgrades to programmable logic controllers, remote input/output panels, and various other components of the SCADA system, and authorize the Chairman to execute said work order on their behalf

**Attachments:** [Staff Report](#)  
[Work Order No 7 with KHA](#)

**Approved staff's recommendation**

**8.V.**     [21-1110](#)     Work Order No. 48 for Kimley-Horn and Associates, Inc., 43rd Avenue & South Relief Canal - 18" Water Main Relocation

**Recommended Action:** Staff recommends the Board of County Commissioners approve Kimley-Horn and Associates, Inc. Work Order No. 48, and authorize the Chairman to execute said work order on their behalf

**Attachments:** [Staff Report](#)  
[Work Order No 48 Kimley-Horn and Associates](#)

**Approved staff's recommendation**

**8.W.**     [21-1087](#)     Work Order No. 17 - Morgan & Eklund, Inc. 2022 Beach Profile Monitoring Surveys (WINTER)

**Recommended Action:** The recommendation of staff is for the BCC to approve Work Order No. 17 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc., in the amount of \$52,680.00 and authorize the Chairman to sign two (2)

copies of the Work Order on behalf of the County

**Attachments:** [Staff Report](#)  
[Morgan and Eklund IRC Winter 2022 WO No. 17](#)  
[Work Order No. 17 Agreement Execution](#)

**Approved staff's recommendation**

- 8.X.**     [21-1088](#)     Work Order No. 18 - Morgan & Eklund, Inc. 2022 Beach Profile Monitoring Surveys (SUMMER)

**Recommended Action:** The recommendation of staff is for the BCC to approve Work Order No. 18 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc., in the amount of \$72,975.00 and authorize the Chairman to sign two (2) copies of the Work Order on behalf of the County

**Attachments:** [Staff Report](#)  
[Morgan and Eklund IRC Summer 2022 WO No. 18](#)  
[Work Order No. 18 Agreement Execution](#)

**Approved staff's recommendation**

- 8.Y.**     [21-1092](#)     Award of Bid No. 2022001 Sector 5 (IRC-2112) Additional Dune Planting Project

**Recommended Action:** Staff recommends that the Sector 5 Additional Dune Planting Project (Bid 2022001) be awarded to Cardno Inc. in the amount of \$148,250.00 and requests that the Board of County Commissioners approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of the agreement and public construction bond by the County Attorney, and after receipt and approval of the required insurance by the Risk Manager.

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

**Approved staff's recommendation**

- 8.Z.**     [21-1096](#)     Renewal and Amendment No. 1 to Agreement for Continuing Geotechnical Engineering Services RFQ# 2018042, IRC-1812

**Recommended Action:** Staff recommends approval of the Renewal and Amendment 1 agreements and rate schedules between the County and the five (5) firms and further requests the Board to authorize the Chairman to execute the Renewal and Amendment 1 agreements.

- Attachments:** [Staff Report](#)  
[Andersen Andre Consulting Engineers, Inc.](#)  
[Ardaman & Associates, Inc.](#)  
[GFA International, Inc.](#)  
[Nutting Engineers of Florida, Inc.](#)  
[Tierra South Florida, Inc.](#)

**Approved staff's recommendation**

**8.AA.** [21-1097](#) Approval of the First Amendment to the Developers Agreement Between Indian River County and Florida Power & Light

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners approve the First Amendment to the Developer's Agreement with FPL, approve additional funding in the amount of \$54,501.10 for additional improvements, and authorize the Chairman to execute the Agreement

- Attachments:** [Staff Report](#)  
[First Amendment to Developer's Agreement](#)

**Approved staff's recommendation**

**8.AB.** [21-1101](#) Administrative Complex Native Plant Garden Agreement

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners approve the Native Plant Garden Agreement with the Pelican Audubon Society, and authorize the Chairman to execute the Agreement.

- Attachments:** [Staff Report](#)  
[IRC Admin Complex Native Plant Garden Agreement](#)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

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

**10.A.1.** [21-1081](#) Gaddis Properties, LLC's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval for Sebastian Landing [PD-20-11-05 / 2004120183 -87715] - Quasi-Judicial

**Recommended Action:** Staff recommends that the BCC grant conceptual PD plan and special exception approval, with conditions as stated on the Staff Report

Attachments: [Staff Report](#)  
[Excerpt from Draft Oct. 28, 2021 PZC Minutes](#)  
[Location Map](#)  
[Aerial](#)  
[Conceptual PD Plan](#)  
[Conceptual Landscape Plan](#)

Chairman O'Bryan introduced the parties for the proceeding as being Indian River County and Gaddis Properties, LLC (Applicant). Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

The Chairman opened the public hearing. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Ryan Sweeney, Chief of Current Development, utilized a PowerPoint presentation to detail the Planned Development (PD) process, as well as the requirements needed to receive special exception approval for the Sebastian Landing PD. Chairman O'Bryan received information from staff regarding past wetland mitigation efforts.

Joseph Paladin, Black Swan Consulting, addressed the Board as the Applicant's representative. Mr. Paladin called upon the following associates to provide information to the Board regarding wetland mitigation banks, amenities development, and green spaces:

Craig Chown, Principal, CGW Mitigation Bank  
David Ofstein, Consultant, Gaddis Properties LLC  
Matthew Barns, Senior Project Manager, WGI Properties

The Chairman opened the hearing to public comments.

Joseph Braun, Sebastian, received information regarding residential development density

There being no further comments, the Chairman closed the Public Hearing.

**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

**10.A.2. [21-1116](#)**

Public Hearing Re: Petition to Establish Lakeside at Indian River Community Development District - Legislative

**Recommended Action:** Staff recommends that the Board of County Commissioners open the public hearing and receive input from the petitioner and any interested members of the public and consider the proposed ordinance to establish the Lakeside at Indian River Community Development District. Staff also recommends that the Board make a determination that the proposed Community Development District is not the best alternative for delivering community development services and facilities to the area that would be served by the district and deny the petition to establish the Lakeside at Indian River Community Development District.

**Attachments:** [Staff Report Community Development District](#)  
[Petition to Establish - Lakeside at Indian River](#)  
[DRAFT Ordinance Establishing District](#)

County Administrator Jason Brown introduced the item which addressed a petition to establish a Lakeside at Indian River (Lakeside) Community Development District (CDD). Administrator Brown provided information on CDDs, and restated staff's recommendation that it was a vehicle more appropriate for larger projects with bigger infrastructure needs and public benefits. The Board discussed the history of CDDs, which have never before been used in the County.

The Chairman opened the public hearing.

The Petitioner's representatives, Joseph Paladin, for Meritage Homes of Florida, Inc., and Jere Earlywine, KE Law Group, presented information in favor of the establishment of a CDD. Lengthy discussion ensued throughout the speakers' comments as the Commissioners and staff posed questions and expressed opinions regarding the financial and legal ramifications of CDDs.

The Chairman called for a recess at 10:30 a.m., and reconvened the meeting at 10:43 a.m. with all members present.

The public hearing continued with input and comments from the following:

Andrew Kennedy, Representative for Liberty Park  
Chuck Mechling, Developer

Karen Osborne  
Tom Lowther

Discussion returned to the Petitioner's representatives for closing remarks. Wesley Mills, Mills, Short and Associates, discussed the density of the planned development. Mr. Earlywine returned to address legal concerns raised during discussion. Mr. Paladin closed the Petitioner's comments with a plea for the Board's approval of the petition.

Mr. Mechling accepted the Chairman's offer to rebut the speakers' comments.

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

Board discussion ensued with concern expressed for the use of CDDs as a financing tool. Commissioner Adams requested further discussion to establish an official policy regarding CDDs rather deciding on a case-by-case basis.

Mr. Earlywine then requested to withdraw the petition on his client's behalf. Chairman O'Bryan noted that the public hearing had been closed, and he opted to continue the Board's discussion.

Board discussion resumed with Commissioners' concerns regarding adherence to the County's principle to have development pay for itself, approaches to managing growth, and concern for the ramifications of CDDs to home buyers. There was agreement among the Board that further discussion was needed to establish a broad policy regarding use of CDDs. Chairman O'Bryan received confirmation from Attorney Reingold that a withdrawal of this petition would not preclude the developers from filing again in the future.

Mr. Earlywine stated he would like to participate in the shaping of the County's CDD policy.

Chairman O'Bryan received consensus from the Board to allow the Petitioner to withdraw their petition and return with the item at a later date.

**Board consensus was reached to allow the Petitioner to withdraw the petition, and re-start the process to bring the item back before the Board at a later date.**

Discussion on this item continued among the Commissioners as they brainstormed the best way to move forward with establishing a CDD policy. Agreement was reached to create an ad-hoc committee of interested developers and community groups to establish parameters for a CDD element to be added to the County's code. Staff would then work with the committee's recommendation to create a policy that was in-line with the County's Code, and then return before the Board

with a presentation in March of 2022.

**A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to direct staff to work with interested community partners to create parameters for a future Community Development District element in the County's code. Staff was further instructed to return before the Board with a presentation in March of 2022. The motion carried by the following vote:**

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

**10.A.3. [21-1118](#)** Public Hearing and Discussion of 2021 Redistricting of County Commissioner Districts

**Recommended Action:** County staff recommends that the Chairman open the public hearing, take public input, and close the public hearing, and that the Board vote to approve the redistricting resolution.

**Attachments:** [Staff Report](#)  
[Redistricting Resolution 2021](#)  
[IRC Redistricting Proposed Plan1b](#)  
[Commission District No 1-Proposal 1B](#)  
[Commission District No 2-Proposal 1B](#)  
[Commission District No 3-Proposal 1B](#)  
[Commission District No 4-Proposal 1B](#)  
[Commission District No 5-Proposal 1B](#)  
[Affidavit of Publication - Redistricting](#)

County Attorney Dylan Reingold referred to the Commission meeting of November 9, 2021, at which the Board voted to move forward with Proposal 1B for the 2021 Redistricting of County Commissioner Districts.

Chairman O'Bryan displayed an overhead image of the Proposal 1B map as he opening the public hearing.

Paul Carlisle, City Manager, Sebastian, spoke in support of Proposal 1B

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

**A motion was made by Commissioner Adams, seconded by Vice Chairman Earman, to approve Resolution 2021-084, establishing boundaries of County Commissioner Districts following the 2020 Decennial Census. 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. [21-1074](#)** Public Notice of Public Hearing for December 14, 2021, to Consider an Ordinance Authorizing an Extension of the Temporary Moratorium for an Additional 1 Year with regard to Class B Biosolids

**Attachments:** [Staff Report](#)  
[Affidavit of Publication - Biosolids](#)

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**

**E. Information Technology**

**F. Office of Management and Budget**

**12.F.1. [21-1107](#)** CARES Act - Spending Plan Revisions

**Recommended Action:** Staff recommends that the Board consider the proposed CARES Act reallocations, make any changes to the plan and adopt the proposed plan with any applicable changes. Staff recommends that the Board approve the Time Extensions with the City of Fellsmere and the City of Sebastian. Staff recommends that the Board approve the decreases in allocations for the Health Department (\$148,454), Cleveland Clinic (\$100,000), and Indian River State College (\$19,989).



**Attachments:** [Staff Report](#)  
[CARES Act Spending Plan](#)  
[City of Fellsmere CARES Act Third Time Extension](#)  
[City of Sebastian CARES Act Second Time Extension](#)

County Administrator Jason Brown referred to staff's memo dated November 19, 2021, as he reviewed changes to the CARES Act Spending Plan. Administrator Brown discussed extensions for the cities of Sebastian and Fellsmere until December 31st, decreased allocations, and funding for County employees' Covid-related health care costs.

**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

## G. Public Works

## H. Utilities Services

# 13. COUNTY ATTORNEY MATTERS

## 13.A. [21-1061](#) Agriculture Advisory Committee 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 "Farm Bureau Representative" to the Agriculture Advisory Committee.

**Attachments:** [Staff Report](#)  
[Application - Michael Sexton](#)

County Attorney Dylan Reingold presented Michael E. Sexton's application for the open position of "Farm Bureau Representative" on the Agriculture Advisory Committee (AAC).

Vice Chairman Earman received confirmation from Attorney Reingold that Mr. Sexton was aware of Florida's Government in the Sunshine Laws in light of the fact that his father, Sean Sexton, was also a voting member of the AAC.

Commissioner Adams suggested having Attorney Reingold review the Sunshine Laws at the next AAC meeting.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Moss, to approve the appointment of Michael E. Sexton to fill the unexpired term for the "Farm Bureau Representative" to the Agriculture Advisory Committee.**

**The motion carried by the following vote:**

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

**13.B. [21-1099](#)** Planning and Zoning Commission Appointment

**Recommended Action:** The County Attorney recommends that the Board review the applicants' applications, and determine whether to appoint one of the applicants to fill the unexpired term for the "Alternate Member" representative to the Planning and Zoning Commission.

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

[Application \(P-Z\) - Shuna Carpenter](#)

[Application \(P-Z\) - Kenneth Chip Landers](#)

[Application \(P-Z\) - Jordan LuLich](#)

[Application - Robert S. MacCallum](#)

[Application \(P-Z\) - Karen Osborne](#)

County Attorney Dylan Reingold presented applicants for the open position of "Alternate Member" on the Planning and Zoning Commission.

Commissioners Adams and Moss nominated Kenneth A. "Chip" Landers for the position.

Commissioner Flesher and Vice Chairman Earman supported Jordan J. Lulich for the vacancy.

The following candidates addressed the Board to advocate for their nomination:  
Kenneth A. "Chip" Landers  
Karen Osborne

County Attorney Dylan Reingold confirmed for Chairman O'Bryan that the alternate could fill-in for any member's absence, not just when a quorum was needed.

**A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve the appointment of Kenneth A. "Chip" Landers to fill the unexpired term for the "Alternate Member" representative to the Planning and Zoning Commission. The motion carried by the following vote:**

**Aye:** 3 - Chairman O'Bryan, Commissioner Adams, and Commissioner Moss

**Nay:** 2 - Vice Chairman Earman, and Commissioner Flescher

**13.C. [21-1090](#)** Sebastian River Improvement District 82nd Avenue Interlocal Agreement

**Recommended Action:** The County Attorney recommends that the Board approve the revised interlocal agreement and authorize the chair to execute the interlocal agreement and all other

documents necessary to effectuate the agreement.

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

[SRID 3834001 82nd Avenue BOCC Interlocal AGT \(SRID V7\)](#)

County Attorney Dylan Reingold referred to staff's memorandum, dated December 1, 2021, which laid out the history of discussions leading to the proposed Interlocal Agreement (ILA) with the Sebastian River Improvement District (SRID) for the maintenance of 82nd Avenue from 26th Street to 69th Street.

Attorney Reingold highlighted important portions of the ILA, which included permitting for the application of County-provided asphalt millings, and the County's right (but not responsibility) to maintain the roadway's shoulders and signage.

**A motion was made by Commissioner Adams, seconded by Commissioner Moss, 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.D.** [21-1094](#) Environmental Control Hearing Board Committee Appointment

**Recommended Action:** The County Attorney recommends that the Board accept the recommendation of the Indian River County Medical Society and appoint the applicant to fill the unexpired term ending in January 2023 for the "Medical Doctor" representative to the Environmental Control Hearing Board.

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

[Letter from Indian River County Medical Society](#)

County Attorney Dylan Reingold presented Dr. Norman Meyer's application for the vacant position of "Medical Doctor" to the Environmental Control Hearing Board.

Commissioner Flescher spoke in favor of Dr. Meyer for the position.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the appointment of Dr. Norman Meyer to fill the unexpired term for "Medical Doctor" representative to the Environmental Control Hearing Board. The motion carried by the following vote:**

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

**13.E.** [21-1095](#) Chapter 164 Mediation Update

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

County Attorney Dylan Reingold advised the Board that the City of Vero Beach (City) declined to meet further to discuss the water supply issue, and that the County should move forward to mediation which was the third stage of the conflict resolution process. He spoke in favor of utilizing Mediator Randy Brennan for the next stage of meetings.

Attorney Reingold clarified the County's position in regard to assisting the City with obtaining grants for their planned utility upgrades. He also confirmed for Vice Chairman Earman that the mediator was not required to be from outside the County.

**Board consensus was reached to move to the Mediation phase of the Chapter 164 Dispute Resolution Process, with Randy Brennan as Mediator.**

**13.F.**    [21-1093](#)    Right of Way Ordinance Amendment

**Recommended Action:** The County Attorney recommends that the Indian River County Board of County Commissioners authorize the County Attorney's Office to draft an ordinance that allows for an exception from the requirements of Chapter 312 of the Code for driveway construction in appropriate situations County-wide and schedule such ordinance for public hearing. The County Attorney's Office also recommends that the Board invoke the pending ordinance doctrine.

**Attachments:**    [Staff Report](#)  
                          [Letter to Jason Brown \(Appeal\)](#)  
                          [Response to Appeal Letter](#)

County Attorney Dylan Reingold referred to staff's memo, dated November 23, 2021, which detailed the circumstances that led to the proposal of an Ordinance amendment regarding driveway construction materials. Attorney Reingold requested authorization to draft the Ordinance amendment and to invoke the pending ordinance doctrine.

Chairman O'Bryan provided further explanation of the pending ordinance doctrine.

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation. The motion carried by the following vote:**

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

**13.G.**    [21-1103](#)    Unconditional Offer for a Parcel of Right-Of-Way Located at 7950 66th Avenue, Vero Beach, FL 32967 - Parcel 128 - Owned by Leonard Ganbin III and Kelly L. Jackson

**Recommended Action:** Staff recommends the Board approve an unconditional offer to purchase the necessary right-of-way from Ganbin/Jackson at a price of \$12,000.

**Attachments:** [Staff Report](#)  
[Sketch and Legal Descriptions](#)  
[Aerial](#)

Deputy County Attorney Bill DeBraul presented the third step in the Eminent Domain process, providing an unconditional offer, for a parcel of right-of-way located at 7950 66th Avenue. Attorney DeBraul detailed the methodology used to arrive at the offer.

Chairman O'Bryan received confirmation that the offer was more than the appraised amount.

**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

#### 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 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.

- A. Emergency Services District
- B. Solid Waste Disposal District

**15.B.1. [21-1106](#)** Approval of Meeting Minutes September 21, 2021

**Recommended Action:** Approve

**Attachments:** [09212021SWDD Draft](#)

**A motion was made by Commissioner Flescher, seconded by Commissioner**

**Adams, to approve the Solid Waste Disposal District minutes of September 21, 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. [21-1114](#)** Consent to Assignment of Landfill Gas Agreement with Nopetro Eco District, LLC

**Recommended Action:** Staff recommends that its Board approve the Consent to Assisgnemnt of the Landfill Gas Agreement from the Indian River Eco District, LLC, to Nopetro Eco District, LLC, and authorize the Chair to execute the same

**Attachments:** [Staff Report](#)  
[Consent to Assignment of the Landfill Gas Agreement](#)

Chairman O'Bryan received confirmation from Solid Waste Disposal District Managing Director Himanshu Mehta that the consent to assignment to Nopetro RNG, LLC regarded a previously approved agreement.

**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 12:15 p.m.