



Indian River County Florida

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

Meeting Minutes 4

Board of County Commissioners

Joseph E. Flescher, Chairman, District 2
Peter D. O'Bryan, Vice Chairman, District 4
Susan Adams, District 1
Joseph H. Earman, District 3
Laura Moss, District 5

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, October 5, 2021

9:00 AM

Commission Chambers

1. CALL TO ORDER

2 ROLL CALL

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

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

2.B. INVOCATION

Pastor Jeremy Rebman, First United Methodist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Agenda as presented. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation Recognizing the Month of October, 2021, as National Domestic Violence Awareness Month

Chairman Flescher read and presented the Proclamation to Dr. Teresa Albizu, CEO,

and Jamie Bellamy, Development Manager, SafeSpace; and Board Members Erica Snowberger, Linda Hengerer, and Aimee Cooper. Dr. Albizu provided statistics regarding domestic violence, and SafeSpace's efforts to assist victims in the community. She announced that SafeSpace would be partnering with United Against Poverty Indian River County for office space away from their undisclosed location where advocates could provide services and accept donations.

Read and Presented

5.B. Presentation of Proclamation Designating October, 2021, As Manufacturing Month In Indian River County, Florida

Vice Chairman O'Bryan read and presented the Proclamation to Dori Stone, President, and Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce. Joining Ms. Caseltine were representatives from Novurania Boats, Pareidolia Brewery, Manpower, and Piper Aircraft. Ms. Caseltine spoke on the importance of manufacturing and its misperceptions, indicating that today's manufacturing environment was highly technical and there were a the number of high-wage and high-skilled manufacturing jobs in Indian River County.

Read and Presented

5.C. Presentation of Proclamation - Recognizing October, 2021 as Vaping Awareness Month

Commissioner Adams read and presented the Proclamation to Phyllis Schneider and Carrie Lester of the Substance Awareness Center, and to Kyleigh Savoie, QuitDoc Foundation. Each thanked the Board for their continued support and spoke of their mission to bring awareness and to actively educate the youth on the dangers of vaping.

Read and Presented

6. APPROVAL OF MINUTES

6.A. Regular Meeting of July 06, 2021

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of July 6, 2021, as written. The motion carried by the following vote:

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

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

7.A. Indian River County Venue Event Calendar Review

No Action Taken or Required

7.B. Planning & Zoning Commission - District 5 Appointee

Mr. Mark Mucher was appointed to the position of "BCC Appointee, District 5" on the Planning and Zoning Commission.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 8.F. for discussion. The motion carried by the following vote:

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

8.A. Checks and Electronic Payments September 3, 2021 to September 9, 2021

Approved

8.B. Checks and electronic payments September 10, 2021 to September 16, 2021

Approved

8.C. Checks and Electronic Payments September 17, 2021 to September 23, 2021

Approved

8.D. Approval of Renewal for a Class "E" Certificate of Public Convenience and Necessity for Senior Resource Association to Provide Wheelchair Services.

Approved staff's recommendation

8.E. Approval of Renewal of a Class "E" Certificate of Public Convenience and Necessity for The ARC of Indian River County, Inc. to Provide Wheelchair Services.

Approved staff's recommendation

8.F. Consideration of Notice of Intent to Sell from Padgett Creek, LLC and the County's First Negotiation Rights to Acquire Property Under County's Conservation Easement.

Commissioner Earman requested the Board's approval to postpone the agenda item and direct staff to look into the possible price for the County to purchase the Triple S Ranch property, and how the property conforms in conjunction with the State's purchase of conservation easements for the Florida Wildlife Corridor. He made it clear that he was not suggesting that the County purchase the property, but for staff to do further research.

Vice Chairman O'Bryan explained that the County had acquired the conservation easement on the property known as the Triple S Ranch under the County's environmental lands program. He pointed out that under the Deed of Conservation

Easement, the owner has the obligation to "...preserve and protect in perpetuity the conservation values of the property ..." He was not opposed to postponing the agenda item for a week in order to receive additional information, but reiterated that it was the Board's intent to purchase the conservation easements to protect and preserve those lands.

A discussion ensued among the Board regarding the conservation easements, request of additional information from staff, and a time frame to bring the item back to the Board for discussion. County Attorney Dylan Reingold acknowledged a letter by Padgett Creek, LLC, dated September 17, 2021, notifying the County (Grantee) of the current property owner's intent to sell the property, thereby affording the Grantee an opportunity to negotiate the acquisition of the property. He relayed that the Grantee had 30 days to respond under the agreement and the item would need to come back to the Board no later than the October 12, 2021 meeting. In response to Attorney Reingold, the Board directed staff to further look into the following: 1) conservation easement rights and restrictions, 2) Florida Wildlife Corridor purchases, and 3) a possible price for the County to purchase the Triple S Ranch property.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to postpone the agenda item for further review by staff on the 1) conservation easement rights and restrictions, 2) Florida Wildlife Corridor purchases, 3) a possible price for the County to purchase the Triple S Ranch property, and 4) bring back the information to the October 12, 2021 Board of County Commissioners Meeting. The motion carried by the following vote:

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

8.G. Project: Magnolia Court at Waterway Village PD - Pods H, I, J, Request for 2-Year Extension to Final Lift of Asphalt Contract, Developer: DiVosta Homes, L.P.

Approved staff's recommendation

8.H. Final Pay to Boromei Construction, Inc. for Data Flow System Antenna and Tower Replacement

Approved staff's recommendation

8.I. Renewal of RFP 2017066 Annual Maintenance at Spoonbill Marsh

Approved staff's recommendation

8.J. Second Amendment of License Agreement with Sea Oaks Property Owners Association Inc.

Approved staff's recommendation

8.K. IRC Courthouse Parking Garage Rehabilitation (1801A), Project Closeout and Change Order No. 1

Approved staff's recommendation

- 8.L.** Renewal and Amendment No. 1 to Agreement for Continuing Environmental and Biological Support Services RFQ# 2017053, IRC-1720

Approved staff's recommendation

- 8.M.** Sector 5 Beach and Dune Restoration Project (IRC1923) APTIM, Work Order No. 2018029-9, Year 1 Post-Construction Engineer Monitoring Report

Approved staff's recommendation

- 8.N.** Amendment 1 to Work Order No. MM-2, Moorhen Marsh Low Energy Aquatic Plant System (LEAPS), IRC-2107

Approved staff's recommendation

- 8.O.** Second Extension to Unifirst Customer Service Agreement

Approved staff's recommendation

- 8.P.** Approval of Agreement with C.W. Roberts Contracting, Inc. for Asphalt Paving and Resurfacing

Approved staff's recommendation

- 8.Q.** Adoption of Revised Building Permit Fee Schedule, Increasing Permit Fee Valuation Factor by Ten Percent

Approved Resolution 2021-066, amending the Building Permit Fee Schedule increasing fees based on valuation (10% increase) and adjusting Private Provider Permit Fee reduction.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

- 10.B.1.** Request to Speak from Paul L. Westcott re: Potential Vaccination Mandate

Mr. Paul L. Westcott spoke on the potential vaccination mandate contained in his letter to the Board dated October 5, 2021, a copy of which is on file in the Clerk to the Board Office.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS**11.A.** Indian River County, St. Lucie County and Martin County Joint Board Meeting

Ms. Kathleen Keenan, Legislative Affairs and Communications Manager, stated the Martin County Commission and the St. Lucie County Commission had reached out to Indian River County to see if the Board would be interested in attending a joint meeting to discuss legislative priorities for the State of Florida's 2022 Legislative session. She indicated the joint meeting was tentatively set for October 26, 2021 at the Indian River State College Main Campus, and in accordance with Section 125.001, Florida Statutes, the Board was permitted to participate in a joint meeting with the governing bodies of one or more adjacent counties or municipalities. She added in order to do so, the participating governing bodies must adopt a resolution authorizing participation.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve Resolution 2021-067, authorizing the Board of County Commissioners for Indian River County to participate in a joint meeting with the St. Lucie County Commission and Martin County Commission to discuss and plan matters of mutual interest; and providing for an effective date. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

- A. Community Development**
- B. Emergency Services**
- C. General Services**
- D. Human Resources**
- E. Information Technology**
- F. Office of Management and Budget**
- G. Public Works**

12.G.1. Native Garden Configuration, County Administrative Building A

Public Works Director Rich Szpyrka recalled the discussion at the August 17, 2021 Board Meeting regarding the Native Plant Garden Configuration proposed for the front of County Administration Complex Building A. He presented the final proposed layout of the native garden provided by Dr. Richard Baker and noted that County staff had reviewed the proposed layout and plant materials and

there were no objections.

Vice Chairman O'Bryan noticed that Coontie was listed on the plant schedule, which was a food source for butterfly larvae, but wondered why Milkweed was not listed on the plant schedule, a sole host plant for monarch butterflies. Director Szyrka replied that Milkweed was hard to sustain and susceptible to aphids.

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

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

H. Utilities Services

12.H.1.

Utility Accounts Receivable Bad Debt Follow Up and Potential Foreclosure Activity

In a PowerPoint Presentation, Utility Finance Manger Cindy Corrente gave an overview of the timeline and modifications set forth for a 90-day window during which time customers could settle their debt in return for the write-off of some, or all, of the accrued penalties and interest on their accounts. She summarized the progress made on the Utilities Accounts Receivable Bad Debt Settlement Process, noting 48 of the 159 outstanding water and sewer accounts, 5 of the 14 outstanding Impact Fee loans, and 54 of the 159 outstanding assessments were settled. She pointed out the County had made twenty-two (22) payment arrangements and the individuals had until May 6, 2022 to settle their debt. She indicated if the property owner failed to make payments under the agreement, the Utilities department was authorized to seek final settlements and foreclosure through the County Attorney; however, the process would include trying to reach a settlement in lieu of foreclosure.

Utility Finance Manager Corrente, in response to Vice Chairman O'Bryan's question, stated that she was not aware of any of the new outstanding debts being COVID-19 related.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:

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

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

B. Commissioner Peter D. O'Bryan, Vice Chairman**14.B.1.** Update on Status of No Discharge Zones in Indian River County and Indian River Lagoon

Vice Chairman O'Bryan recalled the discussion at the September 21, 2021 Board meeting on the lagoon management plan at which he recommended adding no-discharge zones to the list of issues to be presented at the Joint Tri-County Meeting. He referred to an email contained in the backup from Janet Zimmerman with the Florida Inland Navigation District (FIND) regarding the Florida Fish and Wildlife Conservation (FWC) Bill passed at the 2021 Legislative Session pending approval by the Environmental Protection Agency (EPA). The Bill created a no-discharge zone for waters of the United States within boundaries of any aquatic preserve. He felt this was a good step forward and stated that Indian River County was encompassed by two different aquatic preserves, but still wanted to include it as a topic for the Joint Tri-County Meeting because there may be sections of the lagoon not protected. He stated that the Florida Department Environmental Protection (DEP) would still need to submit an application to the EPA and suggested letters of support for the DEP and maybe adding it to the County's legislative priorities. Chairman O'Bryan mentioned the Clean Water Coalition had developed a list of boat pumpout facilities within the County to assist the DEP with the application process.

County Administrator Jason Brown stated that he would be happy to include no-discharge zones on the legislative priorities list that would be coming before the Board at their October 12, 2021 meeting.

No Action Taken or Required**C. Commissioner Susan Adams****D. Commissioner Joseph H. Earman****E. Commissioner Laura Moss****15. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District****B. Solid Waste Disposal District**

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. Request for General Funds - PACE Project and Other Community Projects
FY2021-22

There was no discussion regarding this item.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

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

15.B.2. Work Order No. 43 to Kimley-Horn for the Solid Waste Disposal District
Annual Financial Reports

There was no discussion regarding this item.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:44 a.m.