



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

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

*Peter O'Bryan, Chairman, District 4*  
*Joseph 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, January 11, 2022

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

#### 2. ROLLCALL

**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

Reverend Kaaren Anderson, Unitarian Universalist Fellowship of Vero Beach

#### 3. PLEDGE OF ALLEGIANCE

**Jason Brown, County Administrator**

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

Prior to the Meeting: Corrections were made to Items 7.H. and 8.I.

During the Meeting: Item 10.B.1. was moved to follow Item 5.A.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, 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.** Presentation of Proclamation Recognizing Dr. Martin Luther King, Jr., Day in Indian River County

Chairman O'Bryan read and presented the Proclamation to Mr. Freddie Woolfork, Mr. Teddy Floyd, Mr. Kenny Holmes, and Mr. Dale Dawkins, who voiced their appreciation for the Board's recognition of Dr. Martin Luther King, Jr. Day, in Indian River County.

**Read and Presented**

**6. APPROVAL OF MINUTES**

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of October 12, 2021, and October 19, 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.** Regular Meeting of October 12, 2021

**Approved**

**6.B.** Regular Meeting of October 19, 2021

**Approved**

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

**7.A.** Florida Public Service Commission Amendatory Order PSC-2021-0446A-S-EI amending Order PSC-2021-0446-S-EI to correct scrivener's errors; Order PSC-2021-0446-S-EI is reaffirmed in all other respects.

**No Action Taken or Required**

**7.B.** Town of Indian River Shores' Committee Assignments for 2022

**No Action Taken or Required**

**7.C.** Floodplain Management Annual Progress Report (NFIP CRS Activity 510)

**No Action Taken or Required**

**7.D.** Indian River County Venue Event Calendar Review

Chairman O'Bryan highlighted numerous events that were scheduled to be held at facilities throughout the County.

Vice Chairman Earman added that Florida Half Century Softball would again be holding tournaments in the County, with the 50's Division tournament scheduled for January 15-16, 2022.

**No Action Taken or Required**

**7.E.** Indian River County Canvassing Board Appointments - Member & Alternate

**No Action Taken or Required**

**7.F.** Community Development Block Grant Citizen Advisory Task Force Vacancy

Chairman O'Bryan invited applicants who were interested in serving on the Community Development Block Grant Citizen Advisory Task Force.

**No Action Taken or Required**

**7.G.** COVID-19 Testing Update

County Administrator Jason Brown referred to staff's memorandum dated January 5, 2022, to provide the COVID-19 local testing site update. He expressed appreciation for the Florida Department of Health for their management of tasks related to public health.

**No Action Taken or Required**

**7.H.** 2021 Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee (TCRPC CEDS) District Appointment Member Listing

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as 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.** Checks and Electronic Payments November 26, 2021 to December 2, 2021

**Approved**

- 8.B.** Checks and Electronic Payments December 3, 2021 to December 9, 2021  
**Approved**
- 8.C.** Checks and Electronic Payments December 10, 2021 to December 16, 2021  
**Approved**
- 8.D.** Checks and Electronic Payments December 17, 2021 to December 23, 2021  
**Approved**
- 8.E.** Checks and Electronic Payments December 24, 2021 to December 30, 2021  
**Approved**
- 8.F.** Final Ranking of Firms and Award of RFP 2022014 for SCADA/ICS Network Design  
**Approved staff's recommendation, with the final ranking of firms being GrayMatter Systems, LLC; Sentinel Technologies, Inc.; and True Digital Security, Inc.**
- 8.G.** Award of RFP 2022013 - Hallstrom Farmstead Conservation Area Wetland Boardwalk  
**Approved staff's recommendation**
- 8.H.** Miscellaneous Budget Amendment 001  
**Approved Resolution 2022-001, amending the Fiscal Year 2021-2022 Budget.**
- 8.I.** Lease Renewal for 1340 Old Dixie Highway Property  
**Approved staff's recommendation**
- 8.J.** New Internet Service Provider Circuit Agreement  
**Approved staff's recommendation**
- 8.K.** End Point Detection & Response and Managed Detection & Response  
**Approved staff's recommendation**
- 8.L.** Amendment to 2022 Pictometry Aerial Imagery Contract  
**Approved staff's recommendation**
- 8.M.** Architectural Services with Edlund, Dritenbas, Binkley Architects and Associates, P.A. for Fire Station #7, IRC Project No. 1911  
**Approved staff's recommendation**

**8.N.** Designation of Creative Power Solutions as Sole Source Provider for Uninterruptible Power Supply System

**Approved staff's recommendation**

**8.O.** Award of Bid No. 2022008, 6th Avenue Milling & Resurfacing from US 1/SR 5 to 21st Street, FM No. 438074-1-54-01, IRC-1638

**Approved staff's recommendation**

**8.P.** Sector 3 Temporary Beach Easement Amendment

**Approved staff's recommendation**

**8.Q.** Lobbyist for 2022 Legislative Session

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

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

**10.A.1.**

Meritage Homes's Request for Conceptual Planned Development (PD) Plan and Special Exception Approval and Concurrent Preliminary PD Plan/Plat Approval for a Project to be known as Hampton Park PD [PD-21-04-04 / 2004040192 -88914] Quasi-Judicial

Chairman O'Bryan introduced the parties involved in the public hearing as Indian River County and Meritage Homes (Applicant).

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. They also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law.

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

Chairman O'Bryan opened the public hearing.

Community Development Director Phil Matson referred to staff's memorandum dated January 3, 2022 and a PowerPoint presentation, to detail the request from Meritage Homes for a conceptual planned development (PD) plan and special exception approval and concurrent preliminary PD plan/plat approval for a proposed development, Hampton Park PD. He made mention that on November 18, 2021, the Planning and Zoning Committee voted to recommend BCC approval of Meritage Homes' request to move the project forward.

Under Board discussion, Chairman O'Bryan provided comments regarding the density of the proposed affordable housing development, which was 2.72 units per acre. Commissioner Moss requested and received clarification from the Board and staff about wetland mitigation banks, and how the scores and credits were calculated. Vice Chairman Earman, who spoke about the history of the property, was satisfied with the mitigation calculation.

Mr. J. Wesley Mills, Project Engineer, Mills, Short & Associates, LLC, representing Meritage Homes, was present to respond to inquiries from the Board.

Under public discussion, Mr. Stan Boling was supportive of the project; however he voiced concerns about the narrow roadway and shoulder on 8th Street, west of 43rd Avenue. Mr. Joseph Paladin, President, Black Swan Consulting, expressed support for the project and the applicant.

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

Chairman O'Bryan and Vice Chairman Earman commented on the area roadways/communities, the basic design of the proposed development, and the challenges that may arise due to the homes being built in close proximity to one another. They noted their support for the project.

Mr. Mills returned to the podium to address the comments that were made by the Board.

**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

## **B. PUBLIC DISCUSSION ITEMS**

### **10.B.1.** Request to Speak from C4L Productions Charities re: MLK Day Parade and Program

*(Clerk's Note: This item was moved to follow Item 5.A., and will remain here for continuity.)*

Dale Dawkins, Kenny Holmes, Freddie Woolfork, and Teddy Floyd, who were present before the Board to represent C4L Productions Charities, announced the planned events for Martin Luther King, Jr. Day 2022 in Gifford. They expressed sincere appreciation for the Board's endorsement, and invited the public to join them for the celebration.

Wilfred Hart, representing the School District of Indian River County, stated that the school district was in full support of the efforts put forth to honor the late Dr. Martin Luther King, Jr.

**No Action Taken or Required**

**10.B.2.** Request to Speak re: Vero Beach Sock Drive

Mr. Barry Shapiro and Ms. Theresa Baxter were present to announce the 4th Annual Vero Beach Sock Drive. Mr. Shapiro stated that their website, [www.verobeachsockdrive.com](http://www.verobeachsockdrive.com), included a link to Amazon to simplify the donation process by having socks delivered directly to them. He provided the list of corporate donors, the locations of the sock drop boxes, and the local charities they work with to provide socks and other donated necessities. Ms. Baxter, Program Coordinator for the Senior Citizens Program at the Gifford Youth Achievement Center, was proud to assist Mr. Shapiro in his mission to bring happiness in the form of donated socks to individuals and families who were in need.

It was suggested by Vice Chairman Earman that a sock collection box could be placed in one of the buildings at the County Administration Complex; County Administrator Jason Brown was in agreement.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

County Attorney Dylan Reingold read the notices for public hearings to be held on January 18, 2022.

**10.C.1.** Public Notice of Public Hearing for January 18, 2021, to Consider an Ordinance Amending Chapter 304 by Updating Terms and Eliminating Regulation of Wheelchair Vehicle Services (Legislative)

**No Action Taken or Required**

**10.C.2.** Notice of Public Hearing Scheduled for January 18, 2022 Board Meeting for a County Initiated Request to Amend the Text of the County's Comprehensive Plan [Legislative]

**No Action Taken or Required**

**10.C.3.** Notice of Public Hearing Scheduled for January 18, 2022 Board Meeting for LDR Amendments Allowing Solar Facilities as a Permitted Use in all Agricultural Zoning Districts

**No Action Taken or Required**

- 10.C.4.** Notice of Scheduled Public Hearing for January 18, 2022 Board Meeting to Consider Miscellaneous Budget Amendment 002 and Miscellaneous Budget Amendment 003

**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**
- G. Public Works**

**12.G.1.** Fire Station #13 - Removal of Fire Tower

Public Works Director Rich Szpyrka referred to staff's memorandum dated December 28, 2021, to address the poor condition of the fire tower and secondary structure located at Fire Station No. 13. He presented four (4) options for Board consideration: remove, refurbish, transfer ownership or leave the tower and structure in 'as is' condition.

Under Board discussion, Vice Chairman Earman mentioned the history of the tower and the possibility of a joint project if the tower was purchased by the City of Fellsmere as presented in Option 3, which was staff's recommendation. Commissioner Flescher voiced his concern with the tower's deteriorated condition. Commissioner Adams supported staff's recommendation of Option 3, yet cautioned that the City of Fellsmere would need to find funding to move the tower to Trailhead Preserve. She included comments about the escalating costs of preserving historic structures, and her sincere hope that the City of Fellsmere could move forward with the project.

County Administrator Jason Brown made mention that the City of Fellsmere would be discussing the fire tower project at their upcoming Council meeting.

Deputy County Attorney Bill DeBraul provided comments on the unique characteristics of the fire tower.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation, including the authorization of an amount not to exceed \$40,000 for demolition and removal of the fire tower and secondary structure, if necessary. The motion carried by the following vote:**

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

**H. Utilities Services****13. COUNTY ATTORNEY MATTERS****13.A.** 2022 Committees Vacancies

County Attorney Dylan Reingold discussed the four (4) current committee vacancies, noting that the County Attorney's office had received no applications. Vice Chairman Earman added comments about the possibility of making changes to the qualifications required. Attorney Reingold responded with the language written in the Florida Statutes. Vice Chairman Earman agreed to revisit the topic for further discussion at a future meeting.

**No Action Taken or Required**

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

The Board of County Commissioners reconvened as the Board of Commissioners for the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**B. Solid Waste Disposal District****15.B.1.** Approval of Minutes Meeting of October 12, 2021

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District Meeting Minutes of October 12, 2021. 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.** Purchase of Mettler Toledo Landfill Automated Scale System

SWDD Managing Director Himanshu Mehta provided the benefits associated with installing a new automated scale system.

**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, Chairman O'Bryan adjourned the meeting at 10:49 a.m.