



Indian River County Florida

Meeting Minutes 4

Board of County Commissioners

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

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

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

Tuesday, February 15, 2022

9:00 AM

Commission Chambers

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.** Presentation of Proclamation Honoring Joe Wiggins

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. Presentation of Proclamation Honoring the Progressive Civic League of Gifford for 60 Years of Service

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. Presentation of Proclamation Designating February, 2022, as 2-1-1 Awareness Month

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. Fellsmere Community Fridge Grand Opening and Ribbon Cutting

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 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. Regular Meeting of December 7, 2021

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. Notice of Regular Meetings of the Indian River County Hospital District Board of Trustees, for the year 2022.

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. Amendment and Extension of Cattle Lease Agreement

Approved staff's recommendation

8.B. Fire Rescue Division Battalion Chief Posting & Vacation Compensation Consideration

Approved staff's recommendation

8.D. Award of Annual Bid 2022017 for Temporary Staffing Services

Approved staff's recommendation

8.E. Children's Services Funding Allocation for Fiscal Year 2022/23

Approved staff's recommendation

8.F. Award of Annual Bid 2022030 for Back Lot Ditch Mowing

Approved staff's recommendation

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

Approved staff's recommendation

8.I. Renewal of Agreement for Food Concession Services and Lease at Sandridge Golf Club

Approved staff's recommendation

8.J. 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

Approved staff's recommendation

8.K. Renewal of Lease Agreement 2601 51st Avenue, Vero Beach, FL 32966 Tenant: Ember Pappas

Approved staff's recommendation

8.L. Indian River County Stormwater Needs Analysis, Jones Edmunds & Associates, Inc. Work Order No. 2

Approved staff's recommendation

8.M. Future Paving of 81st Street from 66th Avenue East Property Address: 6300 81st Street, Vero Beach, FL 32967 Owner: CGV Investments, LLC

Approved staff's recommendation

8.N. Work Order No. 7 Ecological Associates, Inc. HCP Sea Turtle Monitoring North and South County.

Approved staff's recommendation

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

Approved staff's recommendation

8.P. 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)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS**10.A.1.**

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

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 Szpyrka 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.** 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

County Attorney Dylan Reingold read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** Resolution in Support of the Adoption of House Bill 631 and Senate Bill 780 as Filed in the 2022 Florida Legislative Session

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.

Replacement of Well S-1 at the South County Water Treatment Plant

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. 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

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. Discussion to Consider Local Water Irrigation 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. Approval of Affiliation Agreements with Certified EMT/Paramedic Training Programs

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. Approval of Minutes Meeting of November 16, 2021

Approved

15.B.2. Approval of Minutes Meeting December 7, 2021

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. Work Order No. 15 to Geosyntec for C&D Landfill Permit Renewal

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. Mixer Installation for the Above Ground Storage Tank at the IRC Landfill

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.