



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
Shauna James, Clerk to the Board

Tuesday, August 16, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

ROLL CALL

Present: 4 - Chairman Peter O'Bryan
Vice Chairman Joe Earman
Commissioner Susan Adams
Commissioner Joseph Flescher

Absent: 1 - Commissioner Laura Moss

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

2.B. INVOCATION

Pastor Randy Fullerton, Glendale Baptist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Additional Item 5.A. Presentation by Commissioner Joe Flescher
Additional Item 9.A. Indian River County Sheriff Eric Flowers re: Forfeiture Trust Fund
Deleted Item 8.A.J Children's Services Advisory

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

Absent: 1 - Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation by Joseph E. Flescher

Ms. Maya Miller of the Indian River County Traffic Engineering Department sang Happy Birthday to County Administrator Jason Brown.

Presented

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of June 7, 2022, June 14, 2022, June 21, 2022, July 5, 2022, and July 12, 2022 as written. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

6.A. Regular Meeting of June 7, 2022

Approved

6.B. Regular Meeting of June 14, 2022

Approved

6.C. Regular meeting of June 21, 2022

Approved

6.D. Regular Meeting of July 5, 2022

Approved

6.E. Regular Meeting of July 12, 2022

Approved

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

7.A. Proclamation Honoring Daniel Wittenberg on His Retirement From the Indian River County Board of County Commissioners Department of Public Works/Engineering
Chairman Peter O'Bryan acknowledged Mr. Daniel Wittenberg on his retirement from the Indian River County Department of Public Works/Engineering.

No Action Taken or Required

- 7.B.** Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2021 is on file in the Office of the Clerk to the Board.

No Action Taken or Required

- 7.C.** 3rd Quarter FY 2021/2022 Budget Report

No Action Taken or Required

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

Chairman Peter O'Bryan highlighted information on the Event Calendar including the State of Florida Swimming Special Olympics, hosted by the North County Aquatic Center and the Youth Flag Football Season. He also made a special announcement for Tuesday, September 20, 2022, at the Board of County Commissioners meeting there would be a celebration for College Game Day in Indian River County. All Commissioners and all staff were encouraged to wear jerseys, hats, and/or other memorabilia of their favorite college team.

No Action Taken or Required

- 7.E.** Construction Board of Adjustment and Appeals Committee Vacancy

No Action Taken or Required

- 7.F.** Landfill Closure and Collection Service Changes for the Labor Day Holiday

Chairman Peter O'Bryan stated the Waste Management (WM) collection schedule would be pushed back one day for the Labor Day Holiday.

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 amended, pulling Items 8.J., 8.X., and 8.A.G. for discussion. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

- 8.A.** Checks and Electronic Payments June 24, 2022 to June 30, 2022

Approved

- 8.B.** Checks and Electronic Payments July 1, 2022 to July 7, 2022

Approved

- 8.C.** Checks and Electronic Payments July 8, 2022 to July 14, 2022
Approved
- 8.D.** Checks and Electronic Payments July 15, 2022 to July 21, 2022
Approved
- 8.E.** Checks and Electronic Payments July 22, 2022 to July 28, 2022
Approved
- 8.F.** Adoption of Modifications to the Purchasing Manual
Approved staff's recommendation
- 8.G.** Authorization for Change Order to PO 93191 to ServiceMaster by Glenn's
Approved staff's recommendation
- 8.H.** Miscellaneous Budget Amendment 007
Approved Resolution 2022-046, amending the fiscal year 2021-2022 budget.
- 8.I.** Award of RFP 2022060 - Mental Health Coordinator Services
Approved staff's recommendation
- 8.J.** Final Ranking of Firms and Award of RFP 2022070 for Website Redesign and Content Management System

Vice Chairman Earman stated the County's new website and content management redesign was expected to be complete within the next 6 months. He thanked Director of Information Technology Dan Russell and staff for the work done to complete the project.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation. The motion carried by the following vote:
- Aye:** 4 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, and Commissioner Flescher
- Absent:** 1 - Commissioner Moss
- 8.K.** Outside Agency Funding Policy Revisions - Children's Services Agencies
Approved staff's recommendation

- 8.L.** Approval of Final Ranking of Firms and Award of RFP 2022069 for Jones' Pier Conservation Area Entry Fencing
Approved staff's recommendation
- 8.M.** Resolutions Cancelling Taxes
Approved staff's recommendation and Resolutions 2022-045 (CGV Investments, LLC) and 2022-046 (V. Burgess-V2), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida statutes.
- 8.N.** Approval of Resolution Establishing Utility Rates for Housing Choice Voucher Program for Federal Fiscal Year 2023
Approved staff's recommendation and Resolution 2022-047, approving revisions to the Housing Choice Voucher Program Utility Allowance Schedule.
- 8.O.** Resolutions Cancelling Taxes on Properties Purchased by the City of Fellsmere for Public Purpose
Approved staff's recommendation and Resolutions 2022-048 (Marrero), and 2022-049 (Giuseppes), cancelling certain taxes upon publicly owned lands, pursuant to section 196.28, Florida statutes.
- 8.P.** Amendment No. 2 to Work Order No. 10, MBV Engineering, Inc. Jackie Robinson Training Complex (FKA Historic Dodgertown) Walking Trail, IRC-1908
Approved staff's recommendation
- 8.Q.** Sally Beauty Supply LLC - Third Amendment to Lease
Approved staff's recommendation
- 8.R.** Jackie Robinson Training Complex Villas Remodel (IRC-1914A) Release of Retainage and Change Order No. 1
Approved staff's recommendation
- 8.S.** Amendment No. 1 to St. Johns River Water Management District Grant Agreement 36528 for the Moorhen Marsh Low Energy Aquatic Plants System (LEAPSTM) Stormwater Treatment Facility
Approved staff's recommendation
- 8.T.** Amendment No. 1 to Work Order No. 7 Ecological Associates, Inc. Habitat Conservation Plan (HCP) Sea Turtle Monitoring North and South County
Approved staff's recommendation

8.U. Amendment No. 1 to APTIM Work Order No. 2018006-13, Sector 3 Beach and Dune Restoration Project (IRC1925) Post Construction Environmental Monitoring (Phase 1 Year 1 Monitoring and Phase 2 Immediate Post Construction Monitoring)

Approved staff's recommendation

8.V. Release of Retainage for Sector 5 Additional Dune Planting Project (IRC-2112)

Approved staff's recommendation

8.W. Work Order No. 52 - Kimley-Horn and Associates, Inc., 43rd Avenue Pedestrian and Bicycle Access Improvements from 12th Street to 18th Street (IRC-1818)

Approved staff's recommendation

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

Chairman Peter O'Bryan stated staff had requested an increase from \$600 to \$900 in rent for the County-owned property at 2601 51st Ave. He commented due to the current economic situation, his recommendation would be to keep the rent at \$600 per month and to not impose the increase to \$900.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Renewal of Lease Agreement with tenant Ember Pappas and for the rent to remain at \$600 per month for the property located at 2601 51st Avenue. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

8.Y. ATKINS Workorder 7 for conceptual design of a Stormwater Storage/ Treatment facility

Approved staff's recommendation

8.Z. Approval of Blue Medicare Advantage Renewal

Approved staff's recommendation

8.AA. GRBK GHO High Pointe, LLC's Request for Final Plat Approval for a Subdivision to be known as High Pointe West [SD-18-11-10 / 2004080145-88665]

Approved staff's recommendation

8.AB. Waiver to Cut and Fill Balance Requirements for Commercial/Industrial Development in Flood Hazard Areas

Approved staff's recommendation

8.AC. Consideration of the Indian River County SHIP Program 2022 Annual Report

Approved staff's recommendation

8.AD. Modification #1 to Emergency Management Federally-Funded Subgrant Agreement (EMPG) Agreement Number G0301

Approved staff's recommendation

8.AE. Modification #1 to Emergency Management Performance Grant-American Rescue Plan Act Agreement (EMPG-ARPA) Agreement Number G0310

Approved staff's recommendation

8.AF. Amendment 2 Work Order No. 10 for Masteller & Moler, Inc., North County Water and Septic to Sewer Phase II Project - Private Side Connections

Approved staff's recommendation

8.AG. Floravon Shores Septic to Sewer Approval of FDEP Cost-Share Funding Agreement

Chairman Peter O'Bryan commented this item was for approval of Florida Department of Environment Protection (FDEP) cost-share funding to be used for septic to sewer approval. He stated he had met with Sean Lieske, Director of Utility Services, who was in favor of the septic-to-sewer conversions, but had concerns regarding the lack of a clear policy on the mandatory hookup. Chairman O'Bryan asked if the Board was agreeable to giving staff direction to look into options available and bring the item back on an October agenda.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to direct staff to look into options available and bring back on a October Agenda. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

8.AH. Final Pay to Masteller & Moler, Inc. for CCNA2018 Work Order No. 7 Amendment No. 2, 8th Street 24" Force Main Relocation

Approved staff's recommendation

8.AI. Change Order to TLC Diversified, Inc., for the South County Reverse Osmosis Water Treatment Plant Membrane and Retrofit Project

Approved staff's recommendation

- 8.A.J.** Children's Services Advisory Committee Recommended Program Funding Allocations for Fiscal Year 2022/23
Deleted
- 8.AK.** First Amendment for Sandridge Golf Club Maintenance
Approved staff's recommendation
- 8.AL.** Indian River County Library System Long Range Plan 2023-2027
Approved staff's recommendation
- 8.AM.** Indian River County Library State Aid to Libraries Grant
Approved staff's recommendation
- 8.AN.** Request for Approval of the First Extension to Agreement with J-Mac Cleaning Services, Inc. for Annual Beach Parks Mowing and Grounds Maintenance
Approved staff's recommendation
- 8.AO.** Work Order Number 25, Amendment No. 1 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hobart Park Restroom Connections and Utility Service Plans Revisions
Approved staff's recommendation
- 8.AP.** Amendment No. 1 to Work Order No. 3 (Jones' Pier Bungalow Stabilization & Museum Planning) - Donadio & Associates, P.A.
Approved staff's recommendation
- 8.AQ.** Authorization to Piggyback Clay County Contract for Various Equipment and Amenities for Parks and Playgrounds for Lighting of the Pickleball Courts at Dick Bird (South County) Park and Approval of Quote Ref 219410
Approved staff's recommendation
- 8.AR.** Notice of Grant Award from the Florida Division of Historical Resources for Kroegel Homestead Historic Structures, Condition Assessment - 23.h.sm.100.125
Approved staff's recommendation
- 8.AS.** Work Order Number 26, Amendment No. 1 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hosie Schumann Renovations, Restroom Connections and Utility Service Plans
Approved staff's recommendation

8.AT. Award of RFP 2022059 for Concession Services

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. Indian River County Sheriff Eric Flowers re: Forfeiture Trust Fund

Indian River County Sheriff Eric Flowers, at the request of Vice Chairman Earman, spoke of a situation where the License Plate Reading (LPR) technology was successful in identifying a stolen vehicle from Brevard County. The driver and passengers of the vehicle were apprehended and had numerous warrants for violent felonies. He stated this was just one success story of many.

Sheriff Flowers stated he was here to request funds from the Law Enforcement Trust Fund (LETF) which is funded by forfeitures, seizures, and drug contraband. He added the statute had a requirement that no less than 25 percent of forfeiture funds be expended or donated to certain drug treatment abuse education, drug prevention, crime prevention, safe neighborhoods, and school resource programs. Sheriff Flowers asked the Board to approve the authorization for \$9,500 from the LETF to spend on the aforementioned operations. He also requested an additional \$152,400, about 31 percent of the LETF, to be spent on necessary equipment.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the requested funds from the Law Enforcement Trust Fund (LETF). The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

10. PUBLIC ITEMS

Following Item 15.A.3, the Chairman called for a recess at 10:21 a.m., and reconvened the meeting at 10:34 a.m. continuing with Item 10.A.1, with all members present except, Commissioner Laura Moss who was absent.

A. PUBLIC HEARINGS

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

10.A.1.

Jan Jelmy's Request for Abandonment of a 30' Wide Unimproved, Unnamed Right-of-Way, West of Lots 40-43 in the Espy's Subdivision [ROWA-21-12-02 / 2016030081 - 90928] (LEGISLATIVE)

Chief of Current Development Ryan Sweeney introduced Brandon Creagan, Senior Planner of Current Development. Mr. Creagan, utilizing a PowerPoint presentation, outlined Jan Jelmy's request for abandonment of a 30' wide right-of-way, west of lots 40-43 in the Espy's subdivision. No access was needed to the surrounding properties, and no easements were required. He also noted the applicant had coordinated the purchase of the County-owned parcel that directly abutted the western portion of the requested abandonment.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve Resolution 2022-050, providing for the closing, abandonment, vacation and discontinuance of a portion of a 30' wide unimproved, unnamed right-of-way, west of Lots 40 through 43 in the Espy's Subdivision located in Indian River County, Florida. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

10.A.2.

Coalition for Attainable Homes, Inc.'s Request for Abandonment of the West 30' of the 130' wide, 100' Long Segment of 32nd Avenue Right-of-Way, East of Lot 21 in the Reedwood Subdivision [ROWA-22-08-01 / 2022040010 - 92475] (Legislative)

Brandon Creagan, Senior Planner of Current Development, utilized a PowerPoint presentation, to outline the Coalition for Attainable Homes (CFAH) request for right-of-way abandonment for the property located south of 43rd Street and west of 32nd Avenue. The area to be abandoned was approximately 30' of the 130' wide, 100' long segment of 32nd Avenue right-of-way. All reviewing departments have reviewed and recommended approval of the abandonment. He stated the property was not needed for any county roadway or access to any surrounding properties and no easements were required.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Commissioner Flesher, seconded by Commissioner Adams, to approve Resolution 2022-051, providing for the closing, abandonment, vacation and discontinuance of the west 30' of the 130' wide, 100' long segment of 32nd Avenue right-of-way, east of Lot 21 in the Reedwood Subdivision located in Indian River County, Florida. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

B. PUBLIC DISCUSSION ITEMS

10.B.1.

Request to Speak from Erin Deady re: Commercial Property Assessed Clean Energy

Using a PowerPoint presentation, Ms. Erin L. Deady, P.A., outlined the Commercial Property Assessed Clean Energy (C-PACE) program. Florida State Statute, Section 163.08, F.S. (2010), authorizes local governments to levy non-ad valorem assessments to fund certain improvements for energy efficiency, renewable energy, and wind mitigation. The presentation outlined the benefits to commercial property owners and the process to obtain funding through the C-PACE program. Ms. Deady outlined two options for C-PACE in Indian River County: 1. Launch C-PACE with all four C-PACE providers in Florida; and 2. Launch C-PACE with the Florida Green Finance Authority to fund C-PACE improvements on the CERTUS property. She requested the Board pass a Resolution allowing the launch of either option, and direct staff to prepare the documents to bring back for a subsequent Commission agenda item.

Commentary was also presented by the following individuals in favor of the C-PACE program:

Mr. Troy M. Cox, Chief Investment Officer/Managing Director of CERTUS Senior Living

Mr. Eddie Metzger, Director of Government Relations for Ygrene Energy Fund
Mr. Frank Lardino, President/Director with The Investors Alliance, Inc.

A comprehensive discussion ensued between the Board and the speakers regarding the various aspects of bringing the C-PACE program to the County.

[Clerks note: Discussion continued under Commissioners Matters 14.C.1]

No Action Taken or Required

10.B.2. Request to Speak from Jennifer and Mark Trodglen re: requesting variance for their shed

Jennifer and Mark Trodglen sought help from the Board regarding a shed they had built in their backyard without the proper permit. Ms. Trodglen stated the shed was located in the only spot available in the backyard due to the two septic and drain field systems. She informed the Board that neighbors on both the south and the east sides had written letters affirming they had no problem with the shed. The shed was not a prefab shed, but rather a permanent structure, and it was not movable and would have to be demolished. After receiving the violation, Mr. Trodglen met with a Planner who told him he had limited options and should meet with the Community Development Director Phil Matson. Director Matson relayed that due to the unique circumstances, the Trodglens had a good shot at a variance. The Trodglens filled out the application and obtained the necessary documents, paid the \$1,000 fee, and met with Assistant Community Development Director Andy Sobczak. Ms. Trodglen stated Mr. Sobczak researched every possible way to help, yet it was determined it would be impossible to get a variance and would be a waste of money and the only option was to bring it before the Board. Ms. Trodglen hoped the Board would consider their request and stated they greatly appreciated the Board's time and consideration of this matter.

[Clerks note: Discussion continued under Commissioners Matters 14.A.1.]

No Action Taken or Required

10.B.3. Request to Speak from Miss B's Learning Bees re: Limit Fees Charged to Program

Deleted

C. PUBLIC NOTICE ITEMS

10.C.1. Public Notice of Public Hearing for September 13, 2022, to Consider an Ordinance Establishing the LP Community Development District

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

[Clerks note: Item 11.A. was heard after Item 13.A.]

11.A. Update Regarding the Pending Sebastian Annexation

County Administrator Jason Brown provided an update on the potential annexation of 1,984 acres owned by the Graves Brothers, and County staff’s interactions and actions in that regard. He stated it was not an exercise for the County to tell the City of Sebastian on how they need to grow, but to look at the items where the County would be asked to provide services. These services could include water and sewer, fire rescue, and parks and recreation.

A lengthy discussion among the Board, City Manager Paul Carlisle, and City Council Member Bob McPartlan regarding the pending annexation.

No action taken or required

12. DEPARTMENTAL MATTERS

A. Community Development

[Clerks note: Commissioner Susan Adams departed the meeting at 12:45]

12.A.1.

Non-Profit Housing Community Rehab (RENO) Program and Non-Profit Housing Construction (CENO) Program Award Recommendations.

John Stoll, Chief of Long Range Planning, utilized a PowerPoint presentation to update the Board on the American Rescue Plan (ARP) of 2021, the County's Non-Profit Housing Community Rehab (RENO) Program, and the Non-Profit Housing Construction (CENO) Program. Chief Stoll reviewed the applications for the CENO Program which entailed the construction of affordable duplex townhomes and apartments to serve the disadvantaged population. There were four applications received: 1) The Treasure Coast Homeless Services Council requested \$180,000 to construct a triplex for low-income families. He stated staff recommended full funding for this application; 2) St. Francis Manor requested \$180,000 to construct two new, nine-unit buildings for 18 limited-income seniors. He stated staff recommended full funding for this application; 3) Coalition for Attainable Homes requested \$60,000 to construct affordable dwelling units for low-income residents. He stated staff recommended full funding for this application, with \$20,000 moved from the RENO program to provide full funding for this request; and 4) The Housing League requested \$180,000 to construct a single-family home for a low to moderate-income individual. He stated staff did not recommend an award for this project as it was not eligible for this program.

Chief Stoll reviewed the one (1) application received for the RENO Program which entailed the rehabilitation, repair, and remodeling of multi-family facilities that serve disadvantaged populations. The Treasure Coast Homeless Services Council requested \$105,240 to replace the roofs on five existing affordable housing units. He stated staff recommended the full funding of this request.

A brief discussion was had between the Board, County Administrator Jason Brown, and Community Development Director Phil Matson regarding the success and future of the CENO and RENO programs.

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: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

12.A.2.

Review of Proposed Request for Proposals for a Developer to Redevelop the Former Gifford Gardens Apartments Site with Housing that is Affordable

John Stoll, Chief of Long Range Planning, utilized a PowerPoint presentation to review the proposed Request for Proposal (RFP) for the redevelopment of the former Gifford Gardens site. Chief Stoll provided a comparison of the previous RFP that was rejected by the Board on April 27, 2022, with the current RFP. He summarized the proposed incentives to be 1) Free land; 2) pre-paid impact fees; 3) pre-paid water and sewer ERUs; and 4) a \$500,000 grant from the County American Rescue Plan (ARP) for engineering/design and related development costs. A brief discussion ensued between the Board, Administrator Brown, Chief Stoll, and Community Development Director Phil Matson regarding income qualifications along with SHIP and SHARP funding assistance.

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

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

B. Emergency Services**C. General Services****D. Human Resources****E. Information Technology****F. Office of Management and Budget****G. Public Works****12.G.1.**

Award of Bid No. 2022067, Dick Bird Park Pickleball Courts, IRC-2204

Public Works Director Richard Szpyrka presented the results of the bids received for the Dick Bird Park Pickleball Courts which was on file and available for viewing in the County Engineering Department. Director Szpyrka stated after reviewing all their qualifications and references, Barth Construction was considered the lowest responsible bidder for this project.

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

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

H. Utilities Services

The Chairman called for a recess at 11:53 a.m., and reconvened the meeting at 12:02 p.m. with all members present, except Commissioner Laura Moss and Commissioner Susan Adams who were absent.

13. COUNTY ATTORNEY MATTERS

[Clerks note: Item 13.A. was heard after Item 10.C.1.]

13.A. Acquisition of Right-Of-Way for Phase II of 66th Avenue Improvements - Ken Chesnut - 6900 65th Street, Parcel 303

Deputy County Attorney Bill DeBraul presented an agreement regarding a 10-acre parcel owned by Ken Chesnut, where the county needed .38 acres to complete the 66th Avenue improvements. He stated the mediator, Tony Gonzalez, a former eminent domain attorney from Broward County submitted an appraisal of \$153,200. They claimed great reconfigurations, including the loss of trees, fencing, and gating, would be needed. Attorney DeBraul stated at the conclusion of the mediation both parties agreed to submit a settlement agreement to the Board for consideration to pay \$135,000 for right-of-way Parcel 303 in full and final settlement to Mr. Chesnut for all damages and expert witness fees. The County would receive credit for the good faith deposit already made of \$29,500. The County would install two 24' wide standard stabilized driveways and deliver 60 cubic yards of stabilized base and 45 cubic yards of shell or lime rock to the locations specified by Mr. Chesnut. Attorney DeBraul noted Mr. Chesnut was responsible for the construction of the new reconfigured roads.

Attorney DeBraul introduced Attorney William "Bill" Doney who attended the mediation. Attorney Doney added that eminent domain was a very expensive process, it was his belief it would be in the County's best interest to accept the settlement agreement as stated by Attorney DeBraul.

Commissioner Flescher stated in past trials of this type, the County had not fared well.

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

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

Absent: 1 - Commissioner Moss

13.B. Authorization to proceed with foreclosure on Code enforcement cases: 2020030013 (15th Avenue - Palmer, Michael and Kelly) and 2018010025 (20th Avenue - Cavalier, Diackamann)

No discussion was heard on this Item.

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: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

13.C. Calcutta Drive Docks

County Attorney Dylan Reingold provided an update to the Board on various docks that have been identified as being in some form of disrepair. Attorney Reingold identified three (3) docks he was supportive of not terminating agreements on and allowing the property owners to move forward with obtaining permits to address the repair of those docks.

Jeff Cusson, owner of dock 14 shared with the Board the challenge it has been to complete the repairs and stated he was working hard to bring the dock into compliance. He confirmed he was aware of the change in the license fee schedule.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to rescind the vote to terminate the agreement on dock 14 and direct the County Attorney to continue the process with the remaining three docks in process of coming into compliance. The motion carried by the following vote:

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1. Request from Jennifer and Mark Trodglen for a variance for their shed.

[Clerks note: discussion continued from Item 10.B.2]

After considerable discussion among the Commissioners, legal counsel, and staff regarding the current process to obtain a variance for a code violation. It was determined to allow an extension for Mr. and Ms. Trodglen, and to direct staff to come back to the Board with a revised variance appeal process.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to support an extension on the Code Enforcement violation and to direct staff to come back with a revision to the variance appeal process. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

The Chairman called for a recess at 11:53 a.m., and reconvened the meeting at 12:03 p.m. with all members present, except Commissioner Laura Moss who was absent.

B. Commissioner Joseph H. Earman, Vice Chairman**14.B.1.** Update/Discussion on Sector 7 Beach Renourishment Project

[Clerks note: This Item was heard after Item 9.A.]

Vice Chairman Joe Earman sought direction from the Board regarding the Sector 7 Beach Renourishment Project. A lengthy discussion ensued among the Board members, legal counsel and staff on; 1) Potential costs for offshore sand dredging and land-based truck haul; 2) Changing the perpetuity of the current Sector 7 easement language to obtain more signed easements; and 3) A viable access point for large dump trucks. In conclusion, Vice Chairman Earman stated he would meet with the residents and relay this discussion, then bring the item back on his agenda. He thanked everyone for their input.

No Action Taken or Required

C. Commissioner Susan Adams

14.C.1.

Commercial PACE in Indian River County

[Clerks note: discussion continued from Item 10.B.1]

Commissioner Susan Adams stated the C-PACE program was a tool in the toolbox for economic development and for businesses if they want to take advantage of it. She specified this was a funding option for commercial buildings to use to retrofit for lighting or for large pieces of equipment such as air conditioning units which can be very expensive. Commissioner Adams commented she did not understand why the Board would have to approve this; however, if businesses continued to come to the Board asking for the opportunity to participate in programs such as this, then it was incumbent upon us to allow them to do that.

Chairman Peter O'Bryan stated he had been a proponent of the PACE program, and noted some of the local banks' concerns over the PACE loans having a lower underwriting cost than a commercial bank, since the PACE loan was automatically secured through the property assessment. He stated he was fully supportive as long as the Florida Green Finance Authority was willing to include the lender consent clause. He further stated he would be comfortable starting with the current single application to see how it works, then open it up to other applicants.

Vice Chairman Earman concurred with the comments of both Commissioner Adams and Chairman O'Bryan and suggested giving staff direction and bring it back to the Board in September.

Commissioner Joe Flescher was not supportive as he did not believe the Board should be involved with the banking processes and there were sufficient tools already available.

County Attorney Dylan Reingold stated he would bring back the Resolution for the September 13th meeting.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to direct staff to bring back a Resolution incorporating the language discussed. The motion carried by the following vote:

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Adams

Nay: 1 - Commissioner Flescher

Absent: 1 - Commissioner Moss

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

The Board of County Commissioners adjourned the meeting and reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the ESD minutes of June 7, 2022 and June 21, 2022 as written. The motion carried by the following vote:

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

Absent: 1 - Commissioner Moss

15.A.1. Approval of ESD Meeting Minutes of June 7, 2022

Approved

15.A.2. Approval of the ESD Meeting Minutes of June 21, 2022

Approved

15.A.3. Approval of a Memorandum of Agreement between Florida Department of Health, Indian River Health Department & Indian River County Emergency Services District to Provide Routine Immunization Services.

[Clerks note: this Item was heard after Item 14.B.1.]

Director of Emergency Services, Chief David Johnson, requested that the Health Department's agreement be put in writing to fulfill the contractual agreement between Florida Department of Health, Indian River Health Department, and the Indian River County Emergency Services District to provide routine immunizations for employees.

Chairman Peter O'Bryan congratulated Chief Johnson as the new Emergency Services Director after the retirement of Chief Tad Stone.

Chief Johnson also mentioned the 2022 Tunnel to Towers 5K Run & Walk at Riverside Park.

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: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

*Board of Commissioners of the Emergency Services District reconvened as the
The Board of County Commissioners continuing with Item 10.A.1*

B. Solid Waste Disposal District

*The Board of County Commissioners adjourned the meeting and 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 motion was made by Commissioner Flescher, seconded by Vice Chairman
Earman, to approve the SWDD minutes of June 7, 2022, June 14, 2022, June
21, 2022, July 5, 2022 and July 12, 2022 as written. The motion carried by the
following vote:**

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

15.B.1. Approval of SWDD Meeting Minutes of June 7, 2022

Approved

15.B.2. Approval of SWDD Meeting Minutes of June 14, 2022

Approved

15.B.3. Approval of the SWDD Meeting Minutes of June 21, 2022

Approved

15.B.4. Approval of SWDD Meeting Minutes of July 5, 2022

Approved

15.B.5. Approval of SWDD Meeting Minutes of July 12, 2022

Approved

15.B.6. Approval of Second Amendment and Renewal to Recycling Services at
Government Buildings and Facilities Agreement

There was no discussion on this Item.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman
Earman, to approve staff's recommendations. The motion carried by the
following vote:**

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

15.B.7. Approval of 2023 CPI Adjustment Request by Waste Management for Government Buildings

There was no discussion on this Item.

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

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

15.B.8. Adoption Agreement with US Ecology

There was no discussion on this Item

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

Aye: 3 - Chairman O'Bryan, Vice Chairman Earman, and Commissioner Flescher

Absent: 2 - Commissioner Adams, and Commissioner Moss

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:14 p.m.