

Indian River County Florida

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



Meeting Minutes - Draft

Tuesday, November 8, 2022

9:00 AM

Commission Chambers

Board of County Commissioners

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

Sauna James, Clerk to the Board

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

Sheriff Eric Flowers, IRC Sheriff's Office

3. PLEDGE OF ALLEGIANCE

Jason Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Table: Item 11.B.

Add: Item 11.C. Update on Hurricane Nicole

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: 4 - Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

5.A. [22-0900](#) Presentation of Proclamation Recognizing November 11th, 2022, as Veterans Day

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Veterans Council Executive Director Cynthia Ryan was joined by Director Tracey Zudans and staff to accept the proclamation. Ms. Ryan thanked the Board for the recognition and stated that the Veterans Day event had been canceled due to the impending storm, Hurricane Nicole, and asked everyone to take a moment on Veterans Day to remember our veterans.

Chairman Peter O'Bryan confirmed the County was participating in Operation Green Light and encouraged everyone to join in support by displaying a green light for our veterans and their families.

Read and presented by Commissioner Joe Flescher

- 5.B. [22-0959](#) Presentation of the Peter D. O'Bryan ABOVE & BEYOND Awards

Recommended Action: Presentation

Chairman Peter O'Bryan presented the Above & Beyond Awards to members of staff. Honorable Mention went to County Attorney Dylan Reingold for his imaginative apparel on College Game Day, representing George Washington University. Honorable Mention also went to Public Works Director Rich Szyrka for the purchase and operation of the confetti cannon. The first-place award went to Solid Waste Disposal District Managing Director Himanshu Mehta for his Above & Beyond face paint representing the Florida Gators. Each recipient of the award received the coveted Key Lime Pie and a gold medal.

No Action Taken or Required

6. APPROVAL OF MINUTES

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

[Clerks Note: Item 15.A.1. and 15.A.2. was heard before Item 7.A.]

- 7.A. [22-0936](#) Planning and Zoning Commission Meetings Will Start at 6:00 PM Effective December 8, 2022

Recommended Action: The referenced item is provided for the Board's information. No action is needed at this time.

Attachments: [Staff Report](#)

No Action Taken or Required

- 7.B. [22-0938](#) 4th Quarter FY 2021/2022 Budget Report

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[4th Quarter Budget Report](#)

No Action Taken or Required

- 7.C. [22-0947](#) Landfill Closure and Collection Service Changes for the Thanksgiving Holiday

Recommended Action: No action required - for informational purposes only

Attachments: [Staff Report](#)

No Action Taken or Required

7.D. [22-0948](#) Residential Paper Shredding Event on November 19, 2022

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the Fall Residential Paper Shredding Event to be held on November 19, 2022

Attachments: [Staff Report](#)

[Contract MOU with Waste Management](#)

Recycling Education Coordinator Sue Flak stated the Southeast Secure Shredding event would be held November 19, 2022, from 8:00 a.m. to 12 noon. Residents could bring up to three (3) boxes weighing up to 35 lbs. each to be securely shredded on-site.

No Action Taken or Required

7.E. [22-0953](#) 2022 - Fall and Winter Holiday Schedules for the Indian River County Library System, Aquatic Centers, Sandridge, Golf Course, Indian River County Public Shooting Range, Recreation Aquatic Centers, iG Recreation Center and County Parks

Recommended Action: Staff recommends observance of the Veteran's Day, Thanksgiving, Christmas and New Year's holidays by the Library System, Sandridge Golf Clubhouse, Shooting Range, the Aquatic Centers, and iG Recreation Center's operations, as stated above. With the Boards acceptance and approval, these holiday hours will be observed and posted at their respective county facilities sites, as well as the Indian River County's website. www.ircgov.com - Leisure

Attachments: [Staff Report](#)

Chairman Peter O'Bryan referred to staff's memo dated November 1, 2022, outlining the collection service changes for the Thanksgiving Holiday, and the full fall and winter holidays for the Indian River County Libraries, Aquatic and iG Centers, Sandridge Golf Course, Indian River County Shooting Range, and all County parks.

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

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

8.A. [22-0932](#) Request for Release of an Easement Located at 4250 79th Street

Recommended Action: Staff recommends that the Board, through adoption of the attached resolution, approve release of the drainage and utility easement described in the proposed Resolution.

Attachments: [Staff Report](#)

[Map\(s\) depicting easement proposed for release](#)

[Proposed County Resolution releasing easement](#)

Chief Code Enforcement Planner Rebecca Guerra informed the Board there was an error on Resolution 2022-085 which stated the canceling of taxes for a drainage and utility easement. The Resolution was corrected to state the canceling of taxes to be for the drainage easement only.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2022-085 Releasing an easement (or portion thereof) on Lot 4, Heritage Trace at Hobart Subdivision. The motion carried by the following vote:

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

8.B. [22-0937](#) GRBK GHO Lucaya Pointe, LLC's Request for Final Plat Approval for a Subdivision to be known as Lucaya Pointe Phase 2 [SD-19-05-03 / 2005120072-91468]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Lucaya Pointe Phase 2.

Attachments: [Staff Report](#)

[Location Map](#)

[Final Plat Layout](#)

Thomas Sullivan, County resident, sought and received information as to whether the development had any recreational space. Chief of Current Development Ryan Sweeney stated every residential development required 7.75% of recreational open space that would be available for the use of the subdivision residents and not for public use.

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

8.C. [22-0939](#) Final Ranking of Firms and Authorization to Negotiate for RFQ 2022072 for CEI Services for 66th Avenue (69th Street to CR-510), IRC-1505B

Recommended Action: Staff recommends the Board approve the Committee's final ranking and authorize negotiations with the top ranked firm, and subsequently ranked firms, if necessary, in

accordance with FS 287.055.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.D.** [22-0955](#) Release of Lien and Certificate of Building Official on Lot 3, Block 5 Spruce Park Subdivision

Recommended Action: Staff recommends the Board approve the attached Release of Lien and Certificate of Building Official and authorize the Chairman to execute the Release on behalf of the Board.

Attachments: [Staff Report](#)

[Release of Lien and Certificate of Building Official](#)

Approved staff's recommendation

- 8.E.** [22-0956](#) Amendment No. 1 to RFQ No. 2019040 (IRC-0853), Consor Engineers, LLC, CEI Services for 43rd Avenue from 18th Street to 26th Street, FDOT FM No. 431759-2-54

Recommended Action: Staff recommends approving Amendment No. 1 to the Agreement with Consor Engineers, LLC, and requests the Board authorize the Chairman to execute Amendment No. 1 to the Agreement on their behalf for a lump sum amount of \$286,554.32. The new total agreement price will be \$2,739,314.99.

Attachments: [Staff Report](#)

[Amendment No. 1 with Consor Engineers, LLC](#)

Approved staff's recommendation

- 8.F.** [22-0957](#) Final Pay to TLC Diversified, Inc for Bid #2019068, Roseland Elevated Storage Tank and Pump Station

Recommended Action: Staff recommends that the Board of County Commissioners approve the final pay and release of retainage to TLC Diversified, Inc., for a total of \$83,175.11

Attachments: [Staff Report](#)

[Final Pay Application #15F](#)

Approved staff's recommendation

- 8.G.** [22-0922](#) Central Regional Wastewater Treatment Facility Roof Replacement Bid #2022041

Recommended Action: Staff recommends that the Board of County Commissioners award Bid #2022041; give permission to the Budget Director to roll forward the \$321,720 remaining in

Fiscal Year (FY) 2021/2022 into FY 2022/2023; and, authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency, receipt and approval of the required insurance by the Risk Manager, and the contractor's active registration with the Building Division

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

Approved staff's recommendation

8.H. [22-0961](#) Central Wastewater Treatment Facility Generator Replacement Engineering

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order #56 with Kimley-Horn and Associates (KHA), and authorize the Chairman to sign the contract with KHA, in the amount of \$158,696.00, for professional technical services associated with the generator replacement/consolidation project

Attachments: [Staff Report](#)
[KHA Scope - Gifford Generator](#)

Approved staff's recommendation

8.I. [22-0949](#) Resolution Cancelling Taxes on Property Purchased by the City of Fellsmere for Public Purpose

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the property purchased by the City of Fellsmere for a public purpose, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
[Resolution Cancelling Taxes Fellsmere](#)

Approved Resolution 2022-086, cancelling certain taxes upon publicly owned lands pursuant to Section 196.28, Florida Statutes.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. [22-0946](#) Request to Speak from Bill Rigby re: Community Development Districts

Recommended Action: No action required

Attachments: [Public Discussion Request B. Rigby](#)

Vice President of the West Wabasso Progressive Civic Club Bill Rigby revisited his talking points from the Board of County Commissioners meeting on October 18, 2022. He again expressed frustration the developers were not doing enough to improve the Wabasso neighborhood.

Chairman Peter O'Bryan restated when Liberty Park was approved in 2008, it was approved as a traditional neighborhood and the Community Development District (CDD) does not change the development that was approved. It is only a financing mechanism for development.

Mr. Rigby continued his discussion after County Attorney Dylan Reingold stated Public Discussion Items were an opportunity to speak about CDDs and not designed to be a deposition of questions. He stated his concern and that would it not be appropriate for a rezoning approval or any other Public Hearing process approval.

Chairman O'Bryan stated if Mr. Rigby felt there were any errors in the application, to put those in writing and deliver them to the County Attorney's office. Attorney Reingold confirmed to Chairman O'Bryan that a Notice of Public Hearing was held, consistent with traditional Florida Law on due process and notice rights. He also stated when the public speaks at a public hearing as Mr. Rigby did, it essentially waived his due process and notice requirements.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**10.C.1. [22-0899](#)** Notice of Scheduled Public Hearing for November 15, 2022 Board Meeting

Recommended Action: No Action Needed

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

10.C.2. [22-0935](#) Notice of Public Hearing Scheduled for November 15, 2022 Board Meeting for Concurrent Conceptual Planned Development (PD) Plan, Special Exception, and Preliminary PD Plan Approval for a Single-Family Residential Development

Recommended Action: The referenced public notice item is provided for the Board's information. No action is needed at this time.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

11.A. [22-0885](#) Local Technology Planning Team Recommendation

Recommended Action: Staff recommends the Board designate the duties and responsibilities of the Local Technology Planning Team, as outlined in the FL DEO Broadband Planning Toolkit, to the Indian River County Economic Development Council

Attachments: [Staff Report](#)
[Broadband planning toolkit](#)

County Administrator Jason Brown stated, in July 2020, the Florida Office of Broadband was established as part of the Department of Economic Opportunity (DEO) Division of Community Development to increase the availability and effectiveness of broadband internet. He further stated Indian River County had been pursuing options to improve the availability of broadband throughout the community. In September of 2021, the DEO launched the Local Technology Planning Team (LTPT) initiative using the Broadband Planning Toolkit. Administrator Brown stated in order to receive the Grant, the LTPT had to be established; he noted the Indian River County's Economic Development Council (EDC) closely aligns with the LTPT recommendations. He recommended the Board designate the duties and responsibilities of the LPTP, outlined in the Broadband Planning Toolkit, to the Indian River County EDC.

Commissioner Susan Adams thanked staff for bringing this item forward and commented a lot of hard work had already been done to align the County to be in the best position to take advantage of the DEO grants.

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

11.B. [22-0958](#) Interim County Administrator

Recommended Action: Board Discussion

Attachments: [Staff Report](#)

Tabled

11.C. Update on Hurricane Nicole

County Administrator Jason Brown provided an update on Subtropical storm Nicole. He stated he had signed a Proclamation declaring a local state of emergency in Indian River County following Governor Ron DeSantis's declaration of emergency for 34 counties throughout the State of Florida. Administrator Brown informed the Board that the Emergency Operations Center (EOC) was at Level Two activation and the information line was also active. He continued to announce that three (3) shelters were also being opened: a general population storm shelter located at the Vero Beach High School Freshman Learning Center (FLC), along with a pet-friendly shelter located in a different wing of the FLC, and special needs shelter located at the Treasure Coast Elementary School. All Indian River County schools would be closed Wednesday and garbage collection would be suspended.

Administrator Brown responded to Chairman O'Bryan that the debris haulers would be notified and he would execute the notice today.

County Clerk and Comptroller Jeffrey Smith informed the Board that the Courthouse would be closed for the remainder of the week.

Commissioner Joe Flescher sought and received confirmation from Administrator Brown that the debris piles from hurricane Ian had been cleaned up.

Sebastian City Vice Mayor Fred Jones commented the City of Sebastian was canceling its Veterans Day Ceremonies at Riverview Park.

Commissioner Joe Earman sought and received information from Public Works Director Rich Szyrka as to the beach erosion and what could be expected. Director Szyrka stated the action coming from the storm was causing some erosion and that staff was out monitoring the storm and would continue to monitor it as long as possible.

No Action Taken or Required

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

- 12.C.1. [22-0943](#) Archie Smith Fish House Pavilion Construction & Demolition of the Archie Smith House - Consideration of Proposal Provided by Gordian Work Order 108272.00; EZIQCF Contract No.: FL-R10-GC11-111821-JLC

Recommended Action: Staff respectfully requests that the Board provide direction to staff in regard to the work proposed in the Gordian proposal (Work Order 108272.00) which includes design and construction of an overwater pavilion and deck in place of the Ice House, and demolition of the existing Archie Smith house. Staff also recommends the Board authorize the Purchasing Manager to sign the final work order and scope of work, after approval by the Parks and Recreation Director, and verification of the pricing against the Sourcewell Contract.

Attachments: [Staff Report](#)
[Gordian Work Order](#)

Parks and Recreation Director, Beth Powell, utilizing a PowerPoint presentation, updated the Board on the status of the Archie Smith Fish House pavilion construction, and the demolition of the Archie Smith House. Ms. Powell briefly recapped the history of the Archie Smith Fish House since its purchase by the County in 2007. In April of 2022, the Board's direction was to look into replacing the decking structure and build a covered pavilion that could house educational information for public use. Staff reached out to contractor Gordian through the Sourcewell Cooperative, to complete the scope of work. Ms. Powell referred to staff's memo regarding funding, and stated the full funding amount for pavilion construction and demolition was \$508,407.90; demolition only was \$47,796.24. In addition, \$291,892.75 was available in the Optional Sales Tax/Parks/Archie Smith Fish House Restoration account, which would result in a balance of \$215,515.15 for the pavilion construction and demolition that would be provided through a cash forward budget amendment.

Comments were made by the Commissioners to move forward with the proposal to complete the pavilion construction and demolition.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to direct staff to move forward with the design, construction and demolition. The motion carried by the following vote:

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

- 12.C.2. [22-0944](#) Jones Pier Conservation Area Public Use Improvements - Proposal for the Elevation and Stabilization of the Jones Pier Bungalow/Historic House

Recommended Action: Staff respectfully requests that the Board provide direction to staff in regard to the work proposed in the Gordian proposal (Work Order 108749.00) which includes raising and shoring the existing Jones Pier Bungalow/historic house. Staff

also recommends the Board authorize the Purchasing Manager to sign the final work order and scope of work, after approval by the Parks and Recreation Director, and verification of the pricing against the Sourcewell Contract.

Attachments: [Staff Report](#)
[Gordian Work Order](#)

Parks and Recreation Director Beth Powell utilized a PowerPoint presentation to update the Board on the status of the Jones Pier Conservation Area's public use improvements. Ms. Powell summarized the Jones Pier grant applications from 2016 to current.

Ms. Powell pointed out the property was a Florida Communities Trust Obligation which had certain requirements to fill, one of which was to have an interpreter or museum center in the Bungalow Cottage. Ms. Powell outlined the scope of work for the property noting the total project cost of \$460,629.70, and indicated the funding for raising and shoring the existing house was programmed into the Capital Improvement Element. She discussed in detail the bid process to construct the new foundation, with a preliminary schedule of 132 days to complete the work.

The Commissioners thanked staff for their hard work and a great job, and they felt the public would enjoy Jones Pier.

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

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

Meeting went into Recess at 10:32 a.m. and reconvened at 10:45 a.m. with all members present.

D. Human Resources

E. Information Technology

F. Office of Management and Budget

G. Public Works

12.G.1. [22-0917](#) Summer Camp 2022 Recap

Recommended Action: There is no Board action required on this item as this is a highlight of the Stormwater Summer 2022 Camp's success

Attachments: [Staff Report](#)

Stormwater Educator Alexis Peralta was excited to inform the Board of the success of partnering with the Pelican Island Audubon Society for Stormwater Summer Camp 2022. She followed up with a PowerPoint presentation and video of the camp participants illustrating the success of the Stormwater Camp. Ms. Peralta thanked all those who participated.

12.G.2. [22-0950](#)

41st Street Left Turn Lane (EB) at US1, Property Address: 4086 Old Dixie Highway & 2185 41st Street, Vero Beach, FL 32960, Owner: Old Dixie 4086 LLC

Recommended Action: Staff recommends the Board approve the Purchase Agreement in the amount of \$90,000.00, with an estimated \$700.00 in closing costs to be paid by the County for purchase of the 0.240 acres of the properties located at 4086 Old Dixie Highway, Vero Beach, FL 32960 and 2185 41st Street, Vero Beach, FL 32960, and authorize the Chairman to execute the purchase agreement on behalf of the Board

Attachments: [Staff Report](#)
[Conner Purchase Agreement](#)

Public Works Director Rich Szpyrka presented to the Board a .24-acre property to be purchased for a 41st Street left turn lane at US Highway 1. He stated the County was moving forward with obtaining rights-of-way in this area. The price for the property located at 4086 Old Dixie Highway and 2185 41st Street was \$90,000 with a \$700 closing cost.

The Chairman opened the Item for public discussion.

Tom Sullivan, County resident, commented this was one of the worst intersections in the City and commended the Public Works Department for pursuing this 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: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

- 13.A.** [22-0952](#) Authorization to proceed with foreclosure on Code enforcement cases: 2019110025 and 2020050067 (560 Stoney Brook Farm Ct.) (Suncor Ft. Pierce, LLC)

Recommended Action: Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases

Attachments: [Staff Report](#)
 [Order Imposing Fine](#)
 [Order Imposing Fine \(1\)](#)
 [Deed](#)

Assistant County Attorney Susan Prado presented to the Board a Code Enforcement case on the property located at 560 Stoney Brook Farm Court, Case numbers 2019110025 and 2020050067. Ms. Prado stated the property was in repeat violation and used a PowerPoint presentation to show the condition of the property. She stated staff had gone to the Code Enforcement Board on October 24, 2022, and requested authorization to move forward with outside counsel and foreclosure for both cases. She noted Mr. Joseph Paladin was representing the property owner.

Mr. Paladin confirmed he was in communication with the property owner and stated permits were being pulled to rectify the fencing issue. Ms. Prado stated the fence permit was not the only issue and that there were other expired permits outstanding on the property and the contractor had an expired license.

Chairman Peter O'Bryan stated in past cases the Board directed staff to proceed with foreclosure and if the property issues were corrected within the time frame to foreclose, staff could bring this back for the Board to make a final decision.

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

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

- 13.B.** [22-0962](#) Fifth Addendum to Agreement between Indian River County and REDEVGROUP, Inc. for Lot 5, Plat of Indian River Mall

Recommended Action: Staff recommends the Board of County Commissioners approve the Fifth Addendum to Agreement between Indian River County and REDEVGROUP, Inc., and authorize the Chairman to execute the Fifth Addendum on behalf of the Board.

Attachments: [Staff Report](#)
 [Fifth Addendum to Agreement](#)
 [Fourth Amendment and Restatement](#)

Deputy County Attorney William K. DeBraul discussed the Fifth Addendum Agreement between Indian River County and REVDEVGROUP Lot 5 at the Indian River Mall. He stated that the 4.7-acre parcel was formerly under conservation easement due to the existence of Hand Fern, a protected species. The Hand Fern was no longer found on Lot 5 and the conservation easement had been removed. Attorney DeBraul stated Texas Roadhouse had attempted to develop this property and had received permission in the past to build a 7200 sq. ft. building along with two other buildings. Due to certain deed restrictions placed on the property they agreed to come back another time. Texas Roadhouse has now come back and asked for a larger footprint of 9400 sq. ft. due to changes in the restaurant business. They have signed the lease for the larger footprint over the 8200 sq. ft. that was recommended. The plans have been given to the Engineer, and staff had no objection to the increase.

A discussion ensued between the Board, Attorney Bruce Barkett representing REVDEVGROUP, Inc., and staff regarding the 30% increase in the single-building footprint without an increase in alternative conservation land. Attorney Barkett confirmed the total amount of building space was not increasing, only that one building will be larger and the two other buildings would be smaller. Further discussion was had to address Commissioner Moss' concern for conservation land.

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

Nay: 1 - Commissioner Moss

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Joseph H. Earman, Vice Chairman

14.B.1. [22-0834](#) Discussion on Water Farming in a Proposed 260-acre Reservoir Directly South of the West Regional Waste Water Treatment Plant (WWTP)

Recommended Action: Discuss

Attachments: [Commissioner's Memorandum](#)
[IRC Water Overview 1](#)
[IRC Water Overview 2](#)
[W Region WWTF Proposed Reservoir](#)

Vice Chairman Joe Earman brought up for discussion the "Move Water West" plan and stated a discussion was had in a joint meeting with the St. Johns River

Water Management District (SJRWMD). He explained Move Water West was a proposal to dig a canal and connect it to the St. Johns Improvement District (SJID) system so it would eventually flow into the Upper St. Johns Basin which flows under State Road 60. During this meeting, the consensus from SJRWMD was, although this proposal still had merit, they questioned whether enough water would move through that system to make a difference. Vice Chairman Earman stated the least costly thing to do would be to take water from the Forestry Canal and put it in a 260-acre reservoir that would be constructed. Vice Chairman Earman presented a slide showing where this could be done. He commented in doing so, the reservoir could be opened up to some recreation for small boats and fishing.

A discussion ensued between the Board and staff regarding the difference between water storage and setting up a recreational area. Commissioner Susan Adams cautioned going down this path of creating a recreational amenity out of utility stormwater. County Administrator Jason Brown concurred with Commissioner Adams that recreation should not interfere with the ability to do what was needed to do for wastewater treatment. Further discussion was had to this point.

Vice Chairman Earman proposed to move forward and have staff investigate what could or could not be done.

Utility Finance Manager Cindy Corrente stated the Utilities office was looking into permit modifications, and that there were new restrictions placed on Utilities for effluent discharge with the passing of Senate Bill 64 (Bill). Ms. Corrente further commented there were very stringent deadlines and that the County would have to abandon discharging into wetlands with the passing of this Bill. She was willing to have staff investigate. Operations Manager and former Wastewater Treatment Supervisor Rich McKee confirmed Ms. Correntes' comment that the Bill would stop the County from discharging any wastewater/stormwater after the year 2032.

Further discussion was had among the Board and staff with the ultimate goal being to keep storm water out of the Lagoon. Chairman O'Bryan requested to have staff further investigate the proposal by Vice Chairman Earman.

No Action Taken or Required

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

[Clerks note: Items 15.A.1 and 15.A.2 were heard after Item 5.B.]

15.A.1. [22-0898](#) Approval of ESD Meeting Minutes of August 16, 2022

Recommended Action: Approve

Attachments: [08162022 ESD Granicus](#)

There was no discussion on this item.

A motion was made by Vice Chairman Earman, seconded by Chairman O'Bryan, to approve the Emergency Services District Meeting Minutes of August 16, 2022. The motion carried by the following vote:

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

15.A.2. [22-0964](#) Approval of Advance Purchase for Fire Rescue Apparatuses

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Purchase Order to Sutphen Corporation in the amount of \$2,512,510.

Attachments: [Staff Report](#)
[Proposal from Sutphen Corporation](#)

Chairman Peter O'Bryan stated there was an extended wait time of 18 to 24 months to receive any type of fire trucks or ambulances and an order was being placed in advance to attempt to lock in the lower price and get in the queue to have the equipment delivered on time. Emergency Services Director Chief David Johnson confirmed the savings would be between \$300,000 and \$400,000 and the delayed delivery was now up to 30 months.

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

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business the Chairman adjourned the meeting at 11:55 a.m.

