



# Indian River County Florida

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

## Meeting Minutes 4 - Draft

### Board of County Commissioners

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

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

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Tuesday, February 2, 2021

9:00 AM

Commission Chambers

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**This meeting can be attended virtually via Zoom. Instructions can be found at the end of this agenda and also online at [www.ircgov.com](http://www.ircgov.com).**

#### 1. CALL TO ORDER

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

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

#### 2.B. INVOCATION

**Reverend Canon B. Keith Allen, Christ Church**  
**Commissioner Adams offered the Invocation in Reverend Allen's absence.**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Joseph H. Earman**

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

Added: 7.I. Video Presentation of Alma Lee Loy's Induction into the Florida Women's Hall of Fame

Moved: Special District Items 15.A.1., 15.A.2., 15.B.1., and 15.B.2. to follow Item 11.A. County Administration Matters

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

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

## 5. PROCLAMATIONS and PRESENTATIONS

**5.A.** Award Presentation -- Salvation Army First Responders Red Kettle Challenge -- Presented by Captain Ryan Meo, Corps Officer of the Salvation Army of Indian River County

Salvation Army Volunteer Coordinator Elaine McNeal, who appeared in Captain Meo's absence, presented the Red Kettle Challenge trophy to Emergency Services Director Tad Stone and members of his staff in honor of their superior fund raising efforts.

**Presented**

## 6. APPROVAL OF MINUTES

Following a motion by Commissioner Adams to approve all the meeting minutes, Commissioner Moss responded that she would approve all the minutes except for the meeting of November 17, 2020, which she had attended. Commissioner Moss objected to the spartan descriptions of the Board's discussions; she requested that the Clerk add more detail when summarizing the Board's deliberations.

Commissioner Flescher informed that the minute-taking style had been revised a number of years back, with approval by the State and a Board vote. The condensed form, he noted, had been adopted for clarity and brevity.

Clerk of the Circuit Court and Comptroller Jeffrey Smith addressed the Board and confirmed that the Clerks had been directed to write the meeting minutes in summary format. Mr. Smith agreed to consider fleshing out the discussion descriptions, as long as it did not defeat the purpose of the Board's previous direction.

Commissioner Adams restated her motion to approve or not approve all of the minutes together as a group.

**A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of October 20, 2020, the Special Call Meeting Minutes of October 28, 2020, and the Regular Meeting Minutes of November 3, 2020, November 10, 2020, and November 17, 2020 as written. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

**6.A.** Regular Meeting of October 20, 2020

**Approved**

**6.B.** Special Call Meeting of October 28, 2020

**Approved**

**6.C.** Regular Meeting of November 3, 2020

**Approved**

**6.D.** Regular Meeting of November 10, 2020

**Approved**

**6.E.** Regular Meeting of November 17, 2020

**Approved**

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

**7.A.** Proclamation Honoring Sheldon Dane Lewis on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services Fire Rescue Division with Twenty-Nine Years of Service

Commissioner Earman spoke on behalf of Mr. Lewis's strong work ethic, and ability to lead by example during his almost 30-year career.

**No Action Taken or Required**

**7.B.** Continuation Certificate for Public Official Bond for Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

**No Action Taken or Required**

**7.C.** Florida Public Service Commission Order PSC-2021-0031-CO-EI makes Order PSC-2020-0508-TRF-EI effective and final

**No Action Taken or Required**

**7.D.** Florida Public Service Commission Consummating Order PSC-2021-0039-CO-EI makes Order PSC-2020-0512-TRF-EI effective and final; docket to remain open.

**No Action Taken or Required**

**7.E.** Update on Brightline Trains Expenses

**No Action Taken or Required**

**7.F.** 1st Quarter FY 2020/2021 Budget Report

**No Action Taken or Required****7.G.** Indian River County Libraries Take Home Job Fair

Assistant County Administrator Mike Zito was joined by Director of Library Services Tracey Wehking who provided information about the County Library's Take Home Job Fair. Ms. Wehking presented a sample of the materials residents could use at home, which included writing and interviewing tips, as well as assistance from community partner organizations.

**No Action Taken or Required****7.H.** Indian River County Venue Event Calendar Review**No Action Taken or Required****7.I.** Video Presentation in Honor of Alma Lee Loy's Induction into the Florida Women's Hall of Fame

Commissioner Moss presented a video clip of Alma Lee Loy's induction into the Florida Women's Hall of Fame. Chairman Flescher, and Commissioners Earman and Adams, shared recollections of Ms. Loy and her impact on the community. Vice Chairman O'Bryan requested that staff add a link to the presentation on the County's website; County Administrator Jason Brown offered to help publicize Ms. Loy's honor.

**No Action Taken or Required****8. CONSENT AGENDA**

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

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

**8.A.** Checks and Electronic Payments December 25, 2020 to December 31, 2020**Approved****8.B.** Checks and Electronic Payments January 1, 2021 to January 7, 2021**Approved****8.C.** Checks and Electronic Payments January 8, 2021 to January 14, 2021**Approved****8.D.** Checks and Electronic Payments January 15, 2021 to January 21, 2021**Approved**

**8.E.** Final Ranking of Consultants and Authorization to Negotiate - RFQ 2021015  
Construction Engineering and Inspection (CEI) Services for IRC-1505 (66th Ave  
From 49th Street to 69th Street Roadway Widening)

**Approved staff's recommendation with the final ranking of firms being: Consor  
Engineers, LLC; Carnahan, Proctor and Cross, Inc.; K-Factor, Inc.; and Johnson,  
Mirmiran & Thompson, Inc.**

**8.F.** Award of Annual Bid for Day Labor (2021017)

**Approved staff's recommendation**

**8.G.** Award of Annual Bid for Street Sweeping (2021016)

**Approved staff's recommendation**

**8.H.** Children's Services Advisory Committee's Annual Report, FY 2019-2020

**Accepted**

**8.I.** Work Order No. 4 for Bowman Consulting Group, Ltd., 82nd Avenue at 26th Street  
Utilities Relocation, FDOT Project 230879-3-52-01

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**B. PUBLIC DISCUSSION ITEMS**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.** Provide Update Regarding COVID-19 Vaccinations

County Administrator Jason Brown utilized a PowerPoint presentation to deliver a COVID vaccination update, during which he previewed a second-dose appointment calendar. Administrator Brown then shared staff's discovery that the County's existing notification software, Everbridge, could be utilized to create a wait list at a lower cost and with a quicker turn around than the other software options previously considered.

Brian Toolan, Director of Government Strategy, Everbridge, appeared via Zoom with a demonstration of the registration website; he noted the software was also call center compatible. The Board received additional information from Mr. Toolan regarding numbering the wait list, the ability for spouses to register together, and sorting options.

Administrator Brown clarified issues regarding which sorting parameters the state allowed, the conflicting information regarding prioritization within the 65 and over age group, the integration of state and local vaccine registration lists, and a phone registration option.

Health Officer, Florida Department of Health for Indian River County, Miranda Hawker addressed the Board with positive feedback on Everbridge, and provided updated vaccination information. Discussion between the Board and Ms. Hawker ensued on topics including: integration of the state-run Sharecare list, appointment registration confusion, and confirmation of her leadership's direction that the Governor's order did not provide for prioritization within age groups.

Information Technology Director Dan Russell offered assurance that the County's computer system was robust, and that back-end testing had begun in preparation for wait list registration within the week. He also provided information regarding the collection of health information from registrants.

Vice Chairman Peter O'Bryan requested that Kathleen Keenan, Legislative Affairs and Communications Manager, contact State leadership to clarify the contradiction between the Governor's local appearance, in which he stated prioritization within the 65 plus age group was permitted, and the Health Department's statement that the Governor's order did not allow for such prioritization.

Ms. Hawker returned before the Board to answer questions on the hierarchy of vaccine decision-making within the County. She also acknowledged the residents' frustration with the Health Department and offered that with technology improvements, the second-dose calendar, and community partnerships, her department was making strides in responding to questions and disseminating information. She closed by confirming that the vaccines offered by Publix did not affect the County's allocated supply because they used differing products.

**No Action Taken or Required**

The Chairman called a recess at 10:33 a.m., and reconvened the meeting at 10:43 a.m. with all members present.

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services****D. Human Resources****E. Information Technology****F. Office of Management and Budget****12.F.1. Allocation of One-Half Cent of Tourist Tax Revenue**

Director of Management and Budget Kristin Daniels referenced staff's memo dated January 21, 2021, as she reviewed her department's proposal to re-allocate one-half (1/2) of one cent of Tourist Tax revenue, as provided for in the spending plan for Historic Dodgertown/Jackie Robinson Training Complex (the Complex). Staff recommended redistributing the revenue to Beach Restoration and Tourist Promotion beginning in Fiscal Year (FY) 2021/22. Director Daniels noted that the Statutes did not allow for half-penny allocations, so the portions would be converted to represent a fraction of one cent.

Vice Chairman O'Bryan advocated for 75 percent of this new Tourist Promotion revenue to be held back as contingency for unforeseen mid-year opportunities. Chairman Flescher, and Commissioners Earman and Adams provided their rationale for supporting the proposed allocations, as well as supporting Vice Chairman O'Bryan's suggestion for a Tourist Promotion Fund reserve.

Commissioner Moss disapproved of continuing to collect the one (1) cent of Tourist Tax allocated to the Complex, stating that its purpose had been fulfilled when the improvement bond was repaid. County Administrator Jason Brown explained that though the bond was paid, the County was still contractually obligated to pay for the Complex's maintenance through at least FY 2028/29. County Attorney Dylan Reingold provided clarification of the State Statutes governing Tourist Tax spending in response to Commissioner Moss's comments. Commissioner Moss then suggested revisiting the issue to establish a sunset date, thereby reducing the Tourist Tax to three percent (3%), or three cents.

The other Board members disagreed with Commissioner Moss's suggestion, and were in favor of maintaining the fourth cent of the Tourist Tax for reasons which included relieving taxpayers from the increasing cost of beach re-nourishment, the necessity of maintaining the County's beaches, upkeep of the Complex which provided sports tourism dollars, and increased requests for Tourism Promotion funds.

Jennifer Bates, Tourism and Development Council (TDC) member, commented via Zoom that the fourth cent of the tax was crucial for tourism promotion,

especially in light of reduced co-op dollars. She also mentioned that the TDC was in talks to increase the Tourist Tax to five percent (5%), as permitted by the State.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation with additional direction to reserve 75% of the additional Tourism Promotion fund money for mid-year allocations. The motion carried by the following vote:**

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

## G. Public Works

### 12.G.1.

Sector 3 - Phase 1 Beach and Dune Restoration Project (IRC-1925) Additional Erosion Observed Since Summer 2020 Survey

Director of Public Works Richard Szyrka presented an update of the Sector 3, Phase 1 Beach and Dune restoration project. He reported that a December 2020 pre-construction survey showed additional sand was needed due to erosion which occurred since the last survey was done in Summer of 2020. Director Szyrka referred to staff's memo dated January 25, 2021, as he reported on the amount of sand needed, and the associated cost.

Commissioner Earman entered into discussion with Director Szyrka regarding effects of the most recent storm erosion, and expressed concern for the rising cost of beach re-nourishment.

County Administrator Jason Brown added that the newly allocated Tourist Tax revenue would be helpful for this project. He then announced that the County had just been approved to receive a grant from the State's beach re-nourishment fund.

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

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

## H. Utilities Services

### 12.H.1.

Work Order No. 3 for Bowman Consulting, Ltd., West Wabasso Sewer Phase III

Director of Utility Services Vincent Burke presented a funding update for the West Wabasso Sewer Phase III project. He reported that the County had received \$1.25 million of the \$1.4 million requested from a St. Johns River Water Management District cost share grant. Director Burke referred to staff's memo dated January 6, 2021 to detail the project's total cost, including connection incentives. He also requested Optional Sales Tax dollars to fund the grant shortfall

and offset the cost of incentives.

Vice Chairman O'Bryan received confirmation that the incentives would offset impact fees for residents who connected to service within the first year of availability.

Ardra Rigby, President, West Wabasso Progressive Civic Club, thanked the Board and staff for their assistance with the project, and for improving the Wabasso community.

Julianne Price, Florida Department of Health, expressed gratitude to the County for the project.

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

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

## **12.H.2.**

Update on the FY 2021-2022 Cost Share Grant Application from St. Johns River Water Management District

Director of Utility Services Vincent Burke appeared before the Board with a report on the St. Johns River Water Management District's (SJRWMD) updated application requirements for cost share grants in Fiscal Year (FY) 2021/22. Some of the changes included minimum connection requirements, ordinances for mandatory sewer hookup and irrigation regulation, and minimum performance standards. Director Burke suggested submitting a FY 2020/21 Alternative Water Supply grant application for improvements needed at the South County water treatment plant.

The Commissioners expressed frustration with the SJRWMD's tactics and related appointed-Board overreach. Director Burke responded to a query with confirmation that the County did offer financing and incentives for septic to sewer conversions.

**A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to direct staff to: 1) Submit an Alternative Water Supply (AWS) grant application for the membrane replacement at the South County Reverse Osmosis water treatment plant; and 2) Work toward creating an ordinance which would regulate landscape irrigation. The motion carried by the following vote:**

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

## **13. COUNTY ATTORNEY MATTERS**

### **13.A.**

16th Street Ballfields and the Jimmy Graves Foundation

County Attorney Dylan Reingold presented the resolution of the County's lawsuit against the Jimmy Graves Foundation and Jimmy Graves Sports Complex (16th Street Ballfields) for the Board's approval. Attorney Reingold detailed the settlement conditions which included gifting the property to the School Board of Indian River County with restrictive covenants limiting the property's use for recreational, youth-related, or charitable activities. He cautioned that the property's restrictions could be eliminated if the School Board defaulted on its bonds. In exchange, he continued, the County agreed to drop its lawsuit, and the Jimmy Graves Foundation would retain naming rights to the property.

Chairman Flescher described the settlement as a win for all parties. Commissioner Moss agreed the settlement was optimal.

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

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

### 13.B.

Resolution of Necessity for four Parcels of Right-Of-Way Located along 69th Street west of 66th Avenue, Vero Beach, FL 32967: Parcel 303 (Chesnut), Parcel 313 (Dent), Parcel 316 (Mandina) and a perpetual access easement in Parcel 317 (AC Veterinary)

Deputy County Attorney Bill DeBraal sought Board approval of a Resolution of Necessity for right-of-way acquisition in the widening of 66th Avenue, north of 57th Street. He detailed each of the four (4) properties involved, and the need to acquire right-of-way for side street improvements.

Vice Chairman O'Bryan received confirmation from Attorney DeBraal that should negotiations with the property owners fail, he would follow the Board's desire to exercise the Murphy Act deed reservation on the Dent and Mandina parcels. The Vice Chairman then requested that the property owners be made aware of their option to either accept a fair market offer from the County, or have the needed land taken under eminent domain.

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve staff's recommendation and Resolution 2021-014, declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney or its outside counsel to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date. The motion carried by the following vote:**

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

### 14. COMMISSIONERS MATTERS

- A. Commissioner Joseph E. Flescher, Chairman
- B. Commissioner Peter D. O'Bryan, Vice Chairman
- C. Commissioner Susan Adams
- D. Commissioner Joseph H. Earman
- E. Commissioner Laura Moss

## 15. SPECIAL DISTRICTS AND BOARDS

[Clerk's Note: The Special District Items were heard following Item 11.A. County Administrator Matters, and are left here for continuity.]

### 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 Minutes Meeting September 22, 2020

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Emergency Services District Meeting Minutes of September 22, 2020 as written. The motion carried by the following vote:**

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

#### 15.A.2. Sole Source Purchase of Four (4) Stryker Stretchers

There was no discussion regarding this item.

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

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

### B. Solid Waste Disposal District

The Board of Commissioners adjourned the meeting of the Emergency Services District 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.

#### 15.B.1. Approval of Minutes Meeting of October 20, 2020

**A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Solid Waste Disposal District Meeting Minutes of**

**October 20, 2020 as written. The motion carried by the following vote:**

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

**15.B.2.**

Amendment No. 1 to Work Order No. 10 to Geosyntec

There was no discussion regarding this item.

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

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

The Board of Commissioners adjourned the meeting of the Solid Waste Disposal District and resumed the regular meeting with Item 12.F.1. Allocation of One-Half Cent of Tourist Tax Revenue.

**C. Environmental Control Board**

**16. ADJOURNMENT**

Prior to adjournment, Chairman Flescher revisited the issue of the meeting minutes.

There being no further business, the Chairman adjourned the meeting at 12:24 p.m.