



Indian River County Florida

Meeting Minutes

Board of County Commissioners

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

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

Tuesday, May 18, 2021

9:00 AM

Commission Chambers

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

Pastor Randy Fullerton, Glendale Baptist Church

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Item 5.A. Proclamation Honoring Joel V. Herman on His Retirement

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, 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.** Presentation of Proclamation Honoring Joel V. Herman on His Retirement From Indian River County Board of County Commissioners Department of Veterans Services with Twenty-One Years of Service

Deleted

- 5.B.** Presentation of Proclamation Honoring Stephen Lopolito on His Retirement From Indian River County Board of County Commissioners Information Technology Department with Twenty Years of Service

Vice Chairman O'Bryan read and presented the Proclamation to Mr. Lopolito who recalled his hiring-day prediction that he would work for the County until he retired. He praised several of his coworkers in the Information Technology Department and gave thanks for the support of his family.

County Administrator Jason Brown described Mr. Lopolito as one of the best known and best liked County employees, and thanked him for his service.

Read and Presented

- 5.C.** Presentation of Proclamation Honoring Jeffrey C. Maasch for His Retirement from the Indian River County Property Appraiser's Office with 37 Years of Continuous Service

Wesley Davis, Indian River County Property Appraiser, read and presented the Proclamation to Mr. Maasch who recounted his involvement in initiating the Property Appraiser's project of digitally mapping all properties in the County. The Commissioners and Mr. Davis complemented him on his long career.

Read and Presented

- 5.D.** Presentation of Proclamation in Recognition of Memorial Day, 2021

Chairman Flescher read and presented the Proclamation to representatives from the Veterans Council of Indian River County. Council Chairman Colonel Marty Zickert, along with fellow Council members, described the events planned in honor of Memorial Day and relayed plans to create a memorial for World War I veterans. Veteran Rob Medina, Director of Community and Military Relations for U.S. Congressman Bill Posey, offered praise for the Veterans Council of Indian River County.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve the Special Call Meeting Minutes of February 18, 2021, and the Regular Meeting Minutes of March 2, 2021 and March 9, 2021 as written. The motion carried by the following vote:

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

6.A. Special Call Meeting of February 18, 2021

Approved

6.B. Regular Meeting of March 2, 2021

Approved

6.C. Regular Meeting Minutes of March 09, 2021

Approved

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

7.A. Indian River County Code Chapter 309, Fair Housing - Annual Report

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 8.J. for discussion. The motion carried by the following vote:

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

8.A. Resolutions Delegating the Authority to the County Administrator or his Designee to Call Letters of Credit and to Act on Behalf of Indian River County during the Time Frames of July 14, 2021, through and including August 16, 2021; and August 18, 2021, through and including September 13, 2021

Approved 1) Resolution 2021-034, delegating authority to the County Administrator or his designee, to execute Resolutions calling Letters of Credit as necessary during the period commencing July 14, 2021, through and including August 16, 2021, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing July 14, 2021, through and including August 16, 2021; and 2) Resolution 2021-035, delegating authority to the County Administrator or his designee, to execute Resolutions calling Letters of Credit as necessary during the period commencing August 18, 2021, through and including September 13, 2021, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary to the proper functioning of the County during the period commencing August 18, 2021, through and including September 13, 2021.

- 8.B.** 2021/22 FIND Waterways Assistance Program Grant Application, Resolution and Third Modification of Lease for Replacement of the Environmental Learning Center Main Dock
- Approved Resolution 2021-036, authorizing application for the Florida Inland Navigation District Waterways Assistance Program for the Environmental Learning Center main dock replacement project; and providing for an effective date.**
- 8.C.** Revision to Administrative Policy Manual - Approval of Revision to AM-903.2 Cellular Device and Stipend Policy
- Approved staff's recommendation**
- 8.D.** Authorization to Increase Blanket Purchase Order
- Approved staff's recommendation**
- 8.E.** Renewal and Amendment No. 1 to Agreement for Continuing Engineering Services-RFQ No. 2018008 (IRC-2102)
- Approved staff's recommendation**
- 8.F.** Amendment No. 2 - FDEP Grant Agreement No. 17IR2, Wabasso Beach Restoration Project, Sector 3
- Approved staff's recommendation**
- 8.G.** West Regional Wastewater Treatment Facility Oxidation Ditch and Bridge Structural Improvements Work Order #4 Phase 1
- Approved staff's recommendation**
- 8.H.** Shadow Brook Subdivision Water Assessment Project, Resolution IV: Final Assessment Roll
- Approved Resolution 2020-037, certifying "as-built" costs in connection with a special assessment project for a water main extension from 58th Avenue to 34th Street, including 58th Court and 34th Lane within Shadow Brook Subdivision and certain specially benefited properties abutting 34th Street, 58th Court and 34th Lane, located within unincorporated Indian River County, Florida; providing for formal completion date, and date for payment without penalty and interest.**
- 8.I.** Work Order No. 10 for Masteller & Moler, Inc., North Sebastian Water and Sewer Project Phase 2 - Construction Services
- Approved staff's recommendation**

8.J. Broadband Feasibility Study Proposal - Magellan Advisors

Commissioner Adams made note of the efforts being made to provide broadband service throughout the County.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, 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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Rachel Ekeroth re: Florida Housing Finance Corporation Median Income Guidelines for Indian River County

[Clerk's Note: This item was heard following the recess due to technical difficulties.]

Rachel Ekeroth, 300 Turtle Run Drive, addressed the Board regarding the Florida Housing Finance Corporation (FHFC) Median Income Guidelines for Indian River County. She noted that the FHFC calculated affordable housing rental rates based on the County's \$77,000 median income, which raised the rent ceiling and opened the door to large increases. Ms. Ekeroth then related her personal experience facing a rent increase in her affordable housing community. She was seeking information on available rent assistance, as well as legislative help in getting the FHFC to modify the affordable housing guidelines in light of the County's large income disparity.

The Commissioners received confirmation that Ms. Ekeroth had since been able to secure a Section 8 housing voucher; she was advocating for assistance for her neighbors. Phil Matson, Community Development Director, discussed the need for both short and long term solutions for affordable housing in the County. He advised that Section 8 vouchers were supplied by HUD in limited quantities, but that there was still rental assistance available from the CARES Act. He suggested additional promotional efforts to inform residents.

Commissioner Adams shared that her restaurant's employees had difficulty finding affordable housing, and invited Commissioner Moss to assist in formulating legislative changes to median income calculations as a long term solution. The Board directed Ms. Ekeroth to contact Mr. Matson for assistance navigating through the rental assistance programs.

The Board directed Commissioner Moss to look into Legislative changes that would make affordable housing thresholds more fairly assessed; and directed Community Development Director Phil Matson to follow up with Ms. Ekeroth in finding assistance programs to help low or fixed income residents who faced housing cost increases.

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. Request for Executive Session - Teamsters Local 769 and IAFF Local 2201

Chairman Flescher announced the Executive Session would follow the regular Board meeting.

No Action Taken or Required

11.B. American Rescue Plan Act of 2021 - Non-Profit Assistance Grant and Down Payment & Rehabilitation Assistance Program Proposals

County Administrator Jason Brown recalled that at the April 13, 2021 Commission meeting, staff was instructed to return to the Board with details regarding the allocation of American Rescue Plan (ARP) Act funds for non-profit organizations, and housing assistance programs.

Administrator Brown reported that staff calculated 80 non-profit entities which had done business with the United Way or Indian River County over the past ten years. He reviewed the previously discussed criteria for receiving the \$10,000 grant awards, and sought the Board's input on finalizing the requirements. Staff also recommended utilization of the Small Business Development Center's offer to process the applications at no cost.

Next, Administrator Brown discussed the housing assistance programs which were recommended to receive ARP funds. The County's Supplemental Housing Assistance Rehab and Purchase (SHARP) program would adopt similar criteria as the State Housing Initiatives Partnership (SHIP) Program, but with higher levels of assistance and without the repayment requirement. He then referred to staff's memorandum dated May 11, 2021, to discuss the five (5) additional recommended housing assistance programs to be funded by ARP: Low Income Housing Tax Credit Assistance Program, Accessory Dwelling Unit Program, Non-Profit Housing Community Rehab Program, Non-Profit Housing Construction Program, and Gifford Gardens Redevelopment.

Following discussion, the Commissioners made the following recommendations regarding criteria for the non-profits: eliminate the requirement for a CPA audit, minimize the requirements of the strategic plan report, allow entities to receive the full \$10,000 grant regardless of previously received CARES Act funds, and eliminate the location restriction while still prohibiting entities from "double-dipping" by receiving ARP funds from both their municipality and the County.

The Board had no modifications to staff's recommendation for the housing assistance programs.

Jeffrey R. Smith, Clerk of the Court and Comptroller, agreed with the prohibition against double-dipping, and offered the services of his internal auditor.

Commissioner Moss received confirmation that there were still CARES Act funds available for rental assistance.

Heather Stapleton, Vero Heritage Inc., thanked the Board for their support.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendations for housing assistance programs, and the Non-Profit Grant Assistance Program, with the following amendments: 1) remove the requirement for a Certified Public Accountant audit of financial statements; 2) minimize the scope of the strategic plan report; 3) allow entities which previously received CARES Act funds to receive American Rescue Plan Act grants; 4) allow eligibility for any entity that is headquartered in Indian River County, including all municipalities; and 5) ensure that entities do not "double dip" from both the County's and municipalities' American Rescue Plan Act funds. The motion carried by the following vote:

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

The Chairman called for a recess at 10:10 a.m. and resumed the meeting at 10:23 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

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. County Attorney's Annual Employment Agreement

County Attorney Dylan Reingold presented the item for the Board's consideration.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the County Attorney's Annual Employment Agreement. 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**

14.E.1.

IRC Administration Complex - Native Plant Garden Project

Commissioner Moss referred back to her November 10, 2020 memorandum which first brought forward the idea of creating a native plant garden on the grounds of the County Administration buildings. She discussed her revised proposal which now included professional landscaping design services and grants to defray the cost to the County.

Pelican Island Audubon Society President Dr. Richard Baker utilized PowerPoint slides to inform how the health of the Indian River Lagoon could be improved by replacing lawns with native plants, and the benefits of educating the community. His presentation used an overhead photo to detail the two suggested garden locations - one to the east and one to the west of Building A's main entrance. Dr. Baker closed his presentation with discussion of the landscape architect, and confirmation that the design, plants and installation would be at no cost to the County.

Discussion ensued between Dr. Baker and the Commissioners regarding their concerns which included the appropriateness of using a place of business for this project; location of the plantings; symmetry; and attractiveness of the final product. Dr. Baker assured the Commissioners that the landscape architect was experienced in commercial design, and that the Board would have the opportunity to meet with her and approve the design prior to installation. The majority of Commissioners expressed a preference for the east lawn around the turtle statue, with Commissioner Earman suggesting an expansion to include the area around two palm trees near the front sidewalk. Commissioner Adams requested that Dr. Baker include a 6-month guarantee on the plants.

Commissioner Moss suggested that having a plan in-hand may be a way to satisfy the Board's concerns regarding the appearance and professionalism of the landscaping.

A motion was made by Commissioner Moss to have the Pelican Island Audubon Society return to the Board with a landscape plan for approval before committing to installation. The motion failed for lack of a second.

Dr. Baker was in agreement with the suggestion to expand the east area beyond the turtle statue to include the two palm trees. Chairman Flescher noted that the Public Works Department would maintain the landscaped area after completion. County Attorney Dylan Reingold received confirmation that the landscape design plan would be brought back before the Board before implementation, and suggested drawing up an agreement between the County and the Pelican Island Audubon Society.

Vice Chairman O'Bryan agreed with the Board's direction, but expressed skepticism regarding the amount of influence the garden project would have, and proposed an idea for future consideration. He suggested having the Audubon Society create sample buffer landscape designs utilizing native plants that could then be implemented by developers in their new communities. A brief discussion was had regarding the ideal location for the proposal, with agreement to revisit the idea at a future meeting.

Joseph Paladin, Real Estate Developer, supported the idea of involving developers, noting that most were unaware of native plants and their benefits.

Dr. Baker was also supportive of producing this concept, and agreed it would be impactful.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to approve the Native Plant Garden Project proposal with the following amendments: 1) the planting would be located on the east side of Building A with an expansion to include the front two palm trees; 2) a design plan would be obtained for the west lawn area of Building A for future consideration; 3) the landscape design would be brought before the Board for approval before installation; 4) the Pelican Island Audubon Society would guarantee the plants for six (6) months following installation; and 5) the County Attorney would follow up with an agreement between the Pelican Island Audubon Society and Indian River County. The motion carried by the following vote:

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

15. SPECIAL DISTRICTS AND BOARDS

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

A. Emergency Services District

B. Solid Waste Disposal District

15.B.1. CCNA-2018 Work Order No. 12 to Geosyntec for One Year of Groundwater Monitoring/Reporting and Related Consulting Services at the Former South Gifford Road Landfill

There was no discussion regarding this item.

A motion was made by Vice Chairman O'Bryan, 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

15.B.2. Amendment No. 2 to Landfill Gas Agreement with Indian River Eco District, LLC

[Clerk's note: This item was heard following Item 15.B.3.]

Solid Waste Disposal District Director Himanshu Mehta presented the second amendment to the July 16, 2019 agreement with Indian River Eco District (IREED), wherein IREED agreed to purchase the County's landfill-generated gas for conversion to Renewable Natural Gas (RNG). He informed that IREED was requesting an extension to the commencement date due to Covid-related delays of project equipment from their European manufacturer. While in discussion with staff, IREED expressed concern regarding the recent significant reductions in the volume of landfill gas which jeopardized their RNG production. Director Mehta expressed confidence that the landfill gas levels would return to normal once the stored leachate was removed.

He continued on with details of the amended Landfill Gas Agreement, and referred to staff's memorandum dated May 11, 2021 for details regarding terms, modified milestones, incentives for expansion, maintenance and repair, payment agreements, gas flow levels and a financial analysis.

A motion was made by Commissioner Earman, 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

15.B.3.

Request for Approval of a Leachate Treatment Project at the IRC Landfill

Director of Utility Services Vincent Burke introduced the item to the Board noting that new environmental regulations would require the County to change the way it treated leachate (liquid that percolated through the landfill) from the current process of diluting it through the County's wastewater treatment facility.

Himanshu Mehta, Solid Waste Disposal District Director, utilized a PowerPoint presentation which explained the environmental challenges of leachate treatment. He discussed two (2) possible long-term solutions to treating the leachate. The first was a previously-tested leachate evaporation system, created in conjunction with the Indian River Eco District (IREED) and Heartland Water Technology, which would be powered by landfill gas and natural gas. The second long-term solution involved converting IREED's deep injection wells to handle leachate; the cost and environmental feasibility of this option was still to be determined.

Director Mehta's discussion then turned to the short-term problem caused by having the landfill's wells filled by concentrated leachate. He explained that the full wells were preventing the collection of landfill gas which SWDD had contracted to sell to IREED. A short-term solution to de-water the wells and send the leachate to another county for disposal was also brought forth for consideration. He closed the presentation with staff's recommendations.

Under discussion, Commissioner Adams received confirmation of the critical nature of the problem, and expressed distaste for deep well injection and off-site disposal. Director Burke provided additional information regarding pending legislation and the implications for leachate disposal.

Next, Alain Castro, IREED Managing Partner, presented information explaining the IREED and their business model. Upon query by Vice Chairman O'Bryan, Mr. Castro explained that the liquid leachate was preventing landfill gas from forming, and he projected it would take three (3) months to dewater the wells and restore gas production. Mr. Earl Jones, CEO of Heartland, described the environmental challenges of disposing of "forever chemicals" called PFAS, and discussed his company's qualifications to construct a leachate evaporation system which would work in conjunction with IREED's landfill gas management system.

Commissioner Adams spoke in favor of creating a long term leachate evaporation system with IREED and Heartland, as well as the short-term solution of removing and disposing of the existing leachate at an off-site location. Vice Chairman O'Bryan received confirmation of a six-month timeline to create the leachate evaporation system. Chairman Flescher expressed support for an in-house, long-term solution to leachate processing.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to direct staff to: 1) pursue contract negotiations with Indian River Eco District and Heartland Water Technology for a long-term leachate treatment project, with a final agreement to be brought back before the Board for approval within 60 days; and 2) pursue a short-term solution for leachate disposal with an Industrial Wastewater Treatment facility in Tampa, Florida. The motion carried by the following vote:

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

15.B.4.

CCNA-2018 Work Order No. 11 to Geosyntec - Engineering and Permitting Services for Leachate Treatment Project

There was no discussion regarding this item.

A motion was made by Vice Chairman O'Bryan, 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

15.B.5.

CCNA-2018 Work Order No. 42 to Kimley-Horn and Associates - Centrate to Leachate Tank Conversion

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

C. Environmental Control Board

316. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:26 p.m.