



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

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, July 13, 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

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 7.B. Notification of Job Fair
Item 10.B.5. Request to Speak from Sheriff Eric Flowers

Moved: Item 14.A.1. to follow Item 10.B.5.

A motion was made by Commissioner Earman, seconded by Vice Chairman O'Bryan, 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 Designating the Month of July, 2021 as Parks and Recreation Month and Designating July 16, 2021 as Parks and Recreation Professionals Day

Commissioner Earman read and presented the Proclamation to Parks and Recreation Director Kevin Kirwin, who was joined by members of his staff. Director Kirwin responded with sincere appreciation for his coworkers, the Board, County Administrator Jason Brown and Assistant County Administrator Mike Zito.

Read and Presented

- 5.B.** Presentation of Proclamation Designating the Week of July 18, 2021 Through July 24, 2021, As Treasure Coast Waterway Cleanup Week

Vice Chairman O'Bryan read and presented the Proclamation to Ms. April Price, Events Coordinator, Marine Industries Association of the Treasure Coast, Inc. Ms. Price discussed the events planned for the Treasure Coast Waterway Cleanup Week, which included the 14th Annual Treasure Coast Waterway Cleanup, to be held on Saturday, July 24, 2021.

Read and Presented

- 5.C.** Presentation of Indian River Indicators by Jeffrey R. Pickering, President and CEO, Indian River Community Foundation

Mr. Jeffrey R. Pickering, President and CEO, Indian River County Community Foundation, utilized a PowerPoint presentation to highlight the work being done by his staff. He introduced Indian River Indicators, a program developed to be a resource for key information about the community for the purpose of supporting and sustaining proven programs, and for offering assistance to donors who were researching the needs of local charities. Mr. Pickering noted that the extensive data could be found at www.ircommunityfoundation.org, and would be updated annually.

The Board thanked Mr. Pickering for putting together the useful program, and for having an informative website that was easy to navigate.

Presented

- 5.D.** Presentation of Fetal and Infant Mortality Report by Andrea Berry, CEO, IRC

Healthy Start Coalition

Ms. Andrea Berry, CEO, Indian River County Healthy Start Coalition, Inc. (Healthy Start), used a PowerPoint presentation to discuss the Fetal and Infant Mortality Review (FIMR), which was led by Healthy Start and funded by the Hospital District, to pinpoint local programs that could assist with lowering the number of infant deaths. She highlighted the progress that had been made since 2011, and she also informed the Board of the Healthy Start programs that had been added in the 10-year time period. Ms. Berry applauded the work being done by Cleveland Clinic Indian River Hospital and the 26 agency representatives who met quarterly with a common goal of lowering the County's fetal and infant mortality rate.

Commissioner Earman inquired and received clarification regarding babies who were born to opioid users.

Presented**6. APPROVAL OF MINUTES****7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** Planning and Zoning Commission Vacancy

Chairman Flescher announced a recent vacancy to the Planning and Zoning Commission, BCC Appointee, District No. 5.

Commissioner Moss stated her appreciation for the past year of service by Mr. Harry Howle, and she hoped to have a replacement by the next regular meeting.

No Action Taken or Required**7.B.** Notification of Job Fair

(Clerk's Note: This item was an addition to the Agenda.)

Vice Chairman O'Bryan made mention that Career Source Research Coast would be conducting a job fair on Thursday, July 15, 2021, at United Against Poverty, 1400 27th Street, from 3:00 P.M. to 6:00 P.M. He pointed out that veterans would receive early entry at 2:30 P.M.

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 amended, pulling Items 8.N., 8.P., and

8.R. 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.** Checks and Electronic Payments May 28, 2021 to June 3, 2021
Approved
- 8.B.** Checks and Electronic Payments June 4, 2021 to June 10, 2021
Approved
- 8.C.** Checks and Electronic Payments June 11, 2021 to June 17, 2021
Approved
- 8.D.** Checks and Electronic Payments June 18, 2021 to June 24, 2021
Approved
- 8.E.** Indian River County Tax Roll Recapitulation Report
Accepted
- 8.F.** Change Order 3 and additional funding to Hedrick Brothers Agreement for Building Division Renovation
Approved staff's recommendation
- 8.G.** Chris Heine and Norman Thomas' Request for Affidavit of Exemption Approval with Dedications to the County [AOE-20-11-04 / 2019040158-87843] (Heine AOE)
Approved staff's recommendation
- 8.H.** BuyBoard National Purchasing Cooperative Interlocal Participation Agreement
Approved staff's recommendation
- 8.I.** Award of Bid 2021047 - Annual Bid for Utility Operations Warehouse Stock
Approved staff's recommendation
- 8.J.** Declaration of Excess Equipment as Surplus and Disposal Authorization
Approved staff's recommendation
- 8.K.** Sally Beauty Supply LLC - Second Amendment to Lease
Approved staff's recommendation
- 8.L.** Approval of State Sovereignty Submerged Lands Fee Waived Lease 5-Year Renewal for the Archie Smith Fish House

Approved staff's recommendation

- 8.M.** Jones' Pier Conservation Area Public Use Improvements - Amendment Number 2 to Work Order Number 3 Continued Construction Administration Services

Approved staff's recommendation

- 8.N.** Approval of Kannact Diabetes Management Program effective October 1, 2021

At the request of Vice Chairman O'Bryan, Human Resources Director Suzanne Boyll provided clarification regarding the new Kannact Diabetes Management Program, effective October 1, 2021, to replace the existing program that would no longer be offered. She pointed out the additional services the new program would provide.

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

- 8.O.** Fourth Addendum to Agreement between Indian River County and REDEVGROUP, Inc. for Lot 5, Plat of Indian River Mall

Approved staff's recommendation

- 8.P.** Approval of Transfer of Veterans Affairs Supportive Housing Voucher and Accompanying Resolution

Vice Chairman O'Bryan offered clarification regarding the Housing Choice Voucher (HCV) program, noting that a Veterans Affairs Supportive Housing (VASH) Voucher had been transferred to Indian River County from another Public Housing Agency, to allow the County to help an additional local Veteran.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Resolution 2021-046, approving one (1) HUD-Veterans Affairs Supportive Housing (HCV-VASH) voucher to be transferred to 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

- 8.Q.** Approval of Memorandum of Understanding between Treasure Coast Homeless Services Council, Inc. and Indian River County, Rental Assistance for Acceptance of 34 new Emergency Housing Vouchers

Approved staff's recommendation

- 8.R.** Update to Well Field Feasibility Expansion Study Agreement with All Webbs Enterprises, Inc.

Commissioner Moss announced that she maintained her stance from the June 8, 2021

meeting, and would again be voting against staff's recommendation.

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

Nay: 1 - Commissioner Moss

8.S. Release of Environmental Lien - 756 41st Avenue

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Doug Demuth, South Beach Area Residents Group re: Water and Sewer Service and Rates Affecting Residents of the South Beach Area

Mr. Doug Demuth introduced Ms. Laurie Barkhorn, representing the Seagrove Property Owners Association, who spoke on behalf of the South Beach Area Residents Group to request long-term, simple, transparent, and competitive water and sewer rates; long-term agreements that were clear and provided for accountability, and were binding; the County's support for the unincorporated South Beach area; assistance from the County for potential agreements and legislation; and a future-oriented focus that would be shared with residents of the South Beach area.

County Administrator Jason Brown responded that staff would be keeping in mind the residents of the South Barrier Island and Indian River Shores as the County moved through the process of resolving utility issues with the City of Vero Beach (the City). Administrator Brown stated his appreciation for Mr. Demuth and Ms. Barkhorn's involvement, and he advised that the County's next meeting with the City was scheduled for July 22, 2021.

Vice Chairman O'Bryan pointed out that recently passed legislation has led to the necessity to hire additional County employees to comply with the new requirements. He added that water and sewer rates were going to go up, but that the County was doing their best to protect the residents.

No Action Taken or Required

Chairman Flescher called for a recess at 10:19 a.m., and he reconvened the meeting at 10:38 a.m., with all members present.

10.B.2. Request to Speak from Lamarre Notargiacomo re: Request for Support of 2nd Amendment Resolution from Indian River County Commissioners

Ms. Lamarre Notargiacomo addressed the Board to thank them for supporting Second Amendment rights. She possessed a folder with approximately 1,600 signed petitions from County residents who were supportive of the Resolution to designate the County a Second Amendment Sanctuary.

No Action Taken or Required

10.B.3. Request to Speak from Paul Westcott re: Second Amendment Resolution

Mr. Paul Westcott spoke about the United States Constitution and his support of the Second Amendment Sanctuary Resolution.

No Action Taken or Required

10.B.4. Request to Speak from Jeff Mosesso re: Second Amendment Resolution

Mr. Jeff Mosesso utilized a PowerPoint presentation to provide statistics to the Board regarding residents who supported the Second Amendment Sanctuary Resolution, the right of the people to keep and bear arms. He also displayed maps indicating the number of County and State governments that have approved similar resolutions.

No Action Taken or Required

10.B.5. Request to Speak from Sheriff Eric Flowers re: Second Amendment Enforcement

(Clerk's Note: This item was moved to be heard following Item 10.B.1., and is placed here for continuity.)

Indian River County Sheriff Eric Flowers addressed the Commissioners regarding the Second Amendment to the United States Constitution, and he made it clear that the law enforcement officers at the Sheriff's Office had no intention of taking guns from people. He was in support of the approval of a Resolution designating the County a Second Amendment Sanctuary, to be proposed under Item 14.A.1.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

Chairman Flescher called for a recess at 11:22 a.m., and he reconvened the meeting at 11:26 a.m., with all members present.

A. Community Development

12.A.1.

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

Long Range Planning Chief Bill Schutt referred to staff's memorandum dated June 24, 2021, and a PowerPoint presentation to discuss the prior action by the Board with regard to redeveloping the former Gifford Gardens Apartments site, located at 4730 40th Avenue, to an affordable housing neighborhood. He highlighted the proposed Request For Proposal (RFP) guidelines, and reminded the Board that 22 Single-Family water and sewer ERUs had been preserved with the liens and charges removed to make the property marketable to a potential developer; American Rescue Plan (ARP) funds of \$350,000 would be available as a financial incentive for design and infrastructure expenses. Chief Schutt pointed out the proposed stipulations that would apply to future homeowners, the qualifications and requirements of the developer, and the Evaluation Criteria and point system that would be used when the proposals were received.

Discussion ensued among Community Development Director Phil Matson, Chief Schutt, and members of the Board, which included the allowance of additional time for the developers to submit their RFP; setting a specified equity mechanism for homeowners who wished to sell to ensure that the housing would remain affordable and the seller would receive equity for their time of ownership; the Homeowner Association costs; and native plants, which may be donated by the Pelican Island Audubon.

County Attorney Dylan Reingold requested clarification on incorporating guidelines for purchasing a home and equity specifics for selling a home into the proposed Evaluation Criteria. Director Matson felt it would be best for staff to change the category "Community Compatibility" to read "Community Interest and Compatibility."

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Earman, to approve staff's recommendation with the following changes to be made by staff: 1) to adjust the deadline to mid-September for all Request for Proposals (RFPs) to be received; and 2) to change the Evaluation Criteria category from "Community Compatibility" to read "Community Interest & Compatibility." The motion carried by the following vote:

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

B. Emergency Services**C. General Services****12.C.1.**

Irrigation System Pump Station Replacement at Sandridge Golf Club, Dunes Course

Assistant County Administrator Mike Zito was present to answer any questions from the Board; however, there was no discussion on the 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

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 Commissioner Districts - Redistricting Based on the 2020 Decennial Census

County Attorney Dylan Reingold addressed the Board to discuss the topic of redistricting and to review a proposed schedule for moving forward. He made mention that he did not expect the 2020 Decennial Census data to be completed until September 2021, and per Florida Statutes, changes in County Commissioner Districts were required to be made in odd-numbered years. Attorney Reingold stated that he had reached out to various community leaders to make them aware of the condensed time frame involved with making the required changes.

Commissioner Adams added that she was not expecting the preliminary census information until October 2021, and Attorney Reingold was aware that the proposed schedule may need to be adjusted.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to adopt the County Attorney's proposed schedule for redistricting, with the caveat that the schedule was subject to change. 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

14.A.1. Request Board Consideration of a Resolution Designating Indian River County a Second Amendment Sanctuary

(Clerk's Note: Although this item was moved to be heard following Item 10.B.5., at the request of Chairman Flescher it was heard prior to Item 10.B.2., and will remain here for continuity.)

Chairman Flescher was appreciative of the discussion, insight and input he had received from the public regarding the County being designated a Second Amendment Sanctuary.

In response to an inquiry from Mr. Paul Westcott, County Attorney Dylan Reingold referred to the Florida Statutes to offer an explanation for proposing the item as a Resolution, rather than as an Ordinance. Chairman Flescher pointed out that the State's 44 Counties that have been designated a Second Amendment Sanctuary were enacted by approval of a Resolution.

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve Resolution 2021-047, designating Indian River County a Second Amendment Sanctuary, with a correction to wording in the 10th WHEREAS to replace the word "fast" with the word "first," and to forward the Resolution to Governor Ron DeSantis, Senator Debbie Mayfield, Representative Erin Grall and Congressman Bill Posey. The motion carried by the following vote:

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

B. Commissioner Peter D. O'Bryan, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

14.D.1. A Proposal to "Move Water West"

Commissioner Earman addressed his fellow Commissioners to discuss a mission to improve the health of the Indian River Lagoon. He referred to a PowerPoint presentation and his memorandum dated July 8, 2021, to present the advantages of moving the County's stored and excess stormwater west to the Upper St. John's River Basin. He requested the assistance of County Administrator Jason Brown to initiate discussions of a study with representatives from the St. John's River Water Management District (SJRWMD), St. John's Improvement District (SJID) and Indian River Farms Water Control District (IRFWCD), and to any

other entity that should be involved.

Comments from Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Moss included appreciation for Commissioner Earman's presentation with agreement that it was an idea worth exploring. Their concerns involved discharges and the water treatment that would be required, and also the difficulty of getting the regulatory agencies and special districts on board to address water issues. Commissioner Adams suggested storing the stormwater in an area north of the area suggested by Commissioner Earman, and she also pointed out that there were grant dollars available that could be used for resiliency.

Mr. Lex Kromhout addressed the Board with support for Commissioner Earman's request. He suggested an area south of Fellsmere Farms for stormwater storage, and he voiced concerns that he felt should be considered.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to direct staff to enter into discussions about the relocation of stored and excess stormwater with representatives from the St. John's River Water Management District (SJRWMD), St. John's Improvement District (SJID) and the Indian River Farms Water Control District (IRFWCD). The motion carried by the following vote:

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

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

(Clerk's Note: The Solid Waste Disposal District items were moved to be heard prior to Item 12.A.1., and they were presented in reverse order.)

B. Solid Waste Disposal District

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

15.B.1.

Approval of Leachate Treatment Agreement with Indian River Sustainability Center

Managing Director Himanshu Mehta referred to staff's memorandum dated July 1, 2021, while announcing that a successful leachate treatment agreement had been negotiated with the Indian River Eco District, LLC, dba Indian River Sustainability

Center, LLC, Heartland Waste Technology, Inc., and Proximo Energy. He requested that the Board approve the proposed Wastewater Treatment Agreement.

Vice Chairman O'Bryan inquired and received confirmation from County Administrator Jason Brown and County Attorney Dylan Reingold that they were satisfied with the terms and conditions of the contract. Director Mehta provided clarification to the Vice Chairman that the landfill gas would be used for the leachate treatment project until the renewable natural gas facility was up and running. He made mention that the long-term goal would be to use the landfill gas for both projects.

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

15.B.2.

Work Order No. 13 to Geosyntec for Title V Air Operations Permit Renewal

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.3.

Beach Basket Pilot Campaign - One-Year Update

Recycling Education and Marketing Coordinator Sue Flak utilized a PowerPoint presentation to introduce the one (1) year update of the Beach Basket Pilot Campaign (the Campaign), which began with beach clean-up basket stations placed at three (3) County beaches in February 2020. She informed the Board that the Campaign had generated a great amount of media coverage, and that basket stations would be installed at five (5) additional County beaches in July 2021.

Kendra Cope, representing Coastal Connections, Inc., a collaborative partner with a like-minded vision, pointed out her organization's responsibility for tracking, monitoring, cleaning and sanitizing the baskets. She added that beach basket stations were placed at five (5) City access points in July 2020, and that all baskets had been marked for the purpose of tracking them between where they were originally placed and where they ended up. Ms. Cope went over the rate of loss, noting that the cost per basket was \$8.98. She stated that other counties, municipalities and groups had voiced interest in applying the beach basket

concept to their local area.

No Action Taken or Required

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, Chairman Flescher adjourned the meeting at 12:51 p.m.