



# Indian River County Florida

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

## Meeting Minutes - Final

### 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

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Tuesday, March 1, 2022

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

**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

Senior Minister Clive Delaporte, Unity Spiritual Center of Vero Beach

#### 3. PLEDGE OF ALLEGIANCE

Chairman Peter D. O'Bryan

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

Added: Item 14.B.1. Additional discussion regarding Chairman's ABOVE & BEYOND Award

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the Agenda as amended. The motion carried by the following vote:**

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

#### 5. PROCLAMATIONS and PRESENTATIONS

- 5.A.**     [22-0156](#)     Presentation of Proclamation Honoring Chief Jamie Kevin Coleman on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services / Fire Rescue Division

**Attachments:**   [Proclamation Coleman](#)

Chief Jamie Kevin Coleman, who was joined by his wife and son, received the Proclamation and expressed gratitude for the honor; he closed remarks by advocating for the firefighter/paramedics still on the job. The Board and staff thanked the Chief for his years of service.

Emergency Management Services Director Tad Stone presented a plaque to Chief Coleman and his wife in recognition of his service.

**Read and Presented by Vice Chairman Earman**

- 5.B.**     [22-0172](#)     Presentation of the Chairman's ABOVE & BEYOND Award

**Recommended Action:** Present

**Attachments:**   [Chairman's Memorandum](#)

Sue Flak, Recycling Education Coordinator, Solid Waste Disposal District, was presented with the first-ever Chairman's ABOVE & BEYOND Award for personally ensuring materials were recycled following a weekend festival. She was presented with some tokens of appreciation, as well as a homemade key lime pie from the Chairman's wife, Susan O'Bryan. Ms. Flak noted that she and her crew diverted 420 pounds of aluminum from the landfill.

The Chairman informed that the award was open to any employee whose efforts went above and beyond their duties in service of the County.

*[Clerk's Note: Discussion continued under Item 14.B.1.]*

**Read and Presented by Chairman O'Bryan**

## 6. APPROVAL OF MINUTES

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve the Regular Meeting Minutes of December 14, 2021 and January 11, 2022, as written. The motion carried by the following vote:**

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

**6.A.** [22-0167](#) Regular Meeting of December 14, 2021

**Recommended Action:** Approve

**Attachments:** [12142021 BCC Draft](#)

**Approved**

**6.B.** [22-0169](#) Regular Meeting of January 11, 2022

**Recommended Action:** Approve

**Attachments:** [01112022 BCC Draft](#)

**Approved**

**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** [22-0141](#) Indian River County Venue Event Calendar Review

**Recommended Action:** Informational item only; no Board action is required

**Attachments:** [Event Calendar](#)

Chairman O'Bryan highlighted the start of youth baseball, the Senior Expo, the Firefighter's Fair and STEAM Fest.

**No Action Taken or Required**

**7.B.** [22-0163](#) City of Sebastian, Notice of Four (4) Voluntary Annexations: Ordinance No. O-21-14, 1.47 acre parcel located at 10105 Industrial Park Boulevard; Ordinance No. O-21-15, 19.58 acre parcel located at Yearling Trail and Shakespeare Street; Ordinance No. O-21-16, 6.17 acre parcel located at 10595 US Highway 1; and Ordinance No. O-21-17, 22 acre parcel located at US Highway 1 and the FEC Railroad. Copies of the adopting ordinances with maps and legal descriptions are on file in the Office of the Clerk to the Board.

**Recommended Action:** Information Only

**Attachments:** [City of Sebastian Voluntary Annexations](#)

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as presented. The motion carried by the following vote:**

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

**8.A.**     [22-0121](#)     Checks and Electronic Payments January 21, 2022 to January 27, 2022

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 21, 2022 to January 27, 2022

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.B.**     [22-0122](#)     Checks and Electronic Payments January 28, 2022 to February 3, 2022

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 28, 2022 to February 3, 2022

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.C.**     [22-0149](#)     Checks and Electronic Payments February 4, 2022 to February 10, 2022

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 4, 2022 to February 10, 2022

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.D.**     [22-0139](#)     Approval of Renewal of the 800 MHz Communications System Infrastructure Maintenance Contract with Communications International, Inc.

**Recommended Action:** Staff recommends the Board approve the renewal of the 800MHz Communications System Master Service Agreement with Communication's International, Inc.

**Attachments:** [Staff Report](#)  
[Master Service Agreement](#)  
[Cost Summary](#)  
[CPI Letter](#)  
[Consumer Price Index](#)

**Approved staff's recommendation**

- 8.E.**     [22-0143](#)     North Sebastian Conservation Area - Request to Amend Florida Department of Environmental Protection Grant Award Agreement FCT Project No. 95-025-P56
- Recommended Action:** Staff recommends the Board accept Amendment 1 to the Grant Award Agreement for the DEP Contract Number 97-CT-3A-95-56-J1-025; FCT Project Number #95-025-P56 for the North Sebastian Conservation Area and requests the Board to authorize the Chairman to execute the Grant Award Agreement Amendment No. 1 on their behalf upon approval by the County Attorney as to form and legal sufficiency.

**Attachments:**   [Staff Report](#)  
                          [Attachment A](#)

**Approved staff's recommendation**

- 8.F.**     [22-0154](#)     Authorization to Piggyback Modified Town of Jupiter Agreement with American Water Chemicals for Antiscalant
- Recommended Action:** Staff recommends the Board authorize staff to continue to piggyback the Town of Jupiter contract W2105E for RO Antiscalant with American Water Chemicals, Inc., at the increased rate.

**Attachments:**   [Staff Report](#)

**Approved staff's recommendation**

- 8.G.**     [22-0161](#)     Release of Retainage for Sector 3, Phase 1 Beach and Dune Restoration Project (IRC-1925)
- Recommended Action:** Staff recommends release and payment of Contractor's retainage in the amount of \$599,490.16

**Attachments:**   [Staff Report](#)  
                          [Application for Payment No. 1925-8](#)  
                          [Change Order No. 2](#)

**Approved staff's recommendation**

- 8.H. [22-0162](#) Assignment of Architectural Agreement from Donadio and Associates, Architects P.A.

**Recommended Action:** Staff recommends the Board of County Commissioners approve the assignment of the County Agreement with Donadio and Associates, Architects P.A. to Spiezle Architectural Group, Inc. and authorize the Chairman to sign the assignment letter.

**Attachments:** [Staff Report](#)  
[Assignment Letter](#)

**Approved staff's recommendation**

- 8.I. [22-0164](#) Class 8 Pre-requisite for CRS/ NFIP Participation

**Recommended Action:** Staff recommends that the Board approve the Draft Ordinance to revise Section 930.07 of Chapter 930 - Stormwater Management and Flood Protection and authorize staff to schedule the ordinance for the appropriate public hearings

**Attachments:** [Staff Report](#)  
[Draft Stormwater Management Ordinance](#)

**Approved staff's recommendation**

- 8.J. [22-0166](#) Award of Bid #2022023 - North County Water Treatment Plant Supervisory Controls and Data Acquisition Improvements

**Recommended Action:** Staff recommends that the Board of County Commissioners award Bid #2022023 to Paragon Electric of Vero, Inc., in the amount of \$958,434.00, approve the draft agreement, and authorize the Chairman to execute it after review and approval of the agreement and public construction bond by the County Attorney as to form and legal sufficiency

**Attachments:** [Staff Report](#)  
[Draft Agreement](#)

**Approved staff's recommendation**

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

### 10. PUBLIC ITEMS

#### A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

**10.A.1. [22-0150](#)**

Public Hearing for Amendment to Section 100.03 “Amendment or Repeal of Ordinances” of Chapter 100 “General Provisions” of the Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 141

**Recommended Action:** Open the public hearing, take public comment, close the public hearing, and adopt the ordinance to codify and publish the ordinances published in The Code of Indian River County up to and including Supplement 141.

**Attachments:** [Staff Report](#)  
[annual code codification 2022](#)

County Attorney Dylan Reingold detailed the pertinent Florida Statutes which required the County to codify and publish its ordinances in The Code of Indian River County.

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

**A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to adopt Ordinance 2022-003, amending Section 100.03 “Amendment or Repeal of Ordinances” of Chapter 100 “General Provisions” of the Code of Indian River County (“the Code”), codifying and publishing the Ordinances up to and including Supplement 141 thereto, readopting the Code, designating the Code as the best evidence of the current law of Indian River County, Florida, and providing for severability, codification, and an effective date. The motion carried by the following vote:**

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

**B. PUBLIC DISCUSSION ITEMS****C. PUBLIC NOTICE ITEMS****11. COUNTY ADMINISTRATOR MATTERS****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.** [22-0159](#) Budget Amendment 004 - TDC Recommended Sebastian River Area Chamber of Commerce Budget Increase

**Recommended Action:** Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2021-22 budget.

**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Exhibit "A"](#)

Director of Management and Budget Kristin Daniels informed that Budget Amendment 004 added the Tourist Development Council's approved funding to the Sebastian River Area Chamber of Commerce for an additional part-time staff member to respond to increased tourism.

**A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to approve Resolution 2022-013, amending the Fiscal Year 2021-2022 Budget. The motion carried by the following vote:**

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



12.F.2. [22-0155](#) Rejection of Annual Bid 2022016 to Maintain and Operate the West Regional WWTF Wetlands Systems

**Recommended Action:** Staff recommends the Board reject all bids submitted in response to Bid 2022016.

**Attachments:** [Staff Report](#)

Purchasing Manager Jennifer Hyde provided information on the bids solicited for a maintenance and operation agreement for the West Regional Wastewater Treatment Facility Wetlands (Facility). Ms. Hyde explained that staff was concerned with impending changes to the requirements for the Facility's maintenance and operation from the Florida Department of Environmental Protection (FDEP); staff recommended not awarding the bid in anticipation of those changes. Ms. Hyde then went on to detail the protests filed against staff's decision, first from Florida Environmental Consulting, Inc., (FEC) and then from Ecotech Consultants, Inc. (Ecotech)

Cindy Corrente, Interim Utility Director, added staff's rationale for handling the wetlands' maintenance in-house until the new permit requirements were received from FDEP, at which time the need to hire an outside vendor would be reevaluated. Chairman O'Bryan received confirmation from Ms. Corrente on the favorable past performance of FEC and Ecotech, both of whom had previously maintained the Facility.

Commissioner O'Bryan then invited representatives from both vendors to address the Board regarding their protests. FEC president Tim Maslin referred to handouts given to the Board as he discussed FEC's past performance in an effort to retain the bid award. Attorney George Ord, Murphy Reid L.L.P., in representation of Ecotech, protested awarding the bid to FEC due to their lack of required experience and alleged performance issues.

Under discussion with Commissioner Moss, County Administrator Jason Brown and Ms. Corrente explained the FDEP's permitting process, and defended the maintenance history of the Facility.

Aaron Bowles, MBV Engineering, spoke in support of FEC. Chairman O'Bryan thanked Mr. Bowles, and explained the Utility Department was pursuing a policy change to the wetlands' maintenance.

**A motion was made by Commissioner Moss, seconded by Chairman O'Bryan, 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

**12.F.3. [22-0158](#)** CARES Act - Spending Plan Revisions

**Recommended Action:** Staff recommends that the Board consider the proposed CARES Act reallocations, make any changes to the plan and adopt the proposed plan with any applicable changes.

**Attachments:** [Staff Report](#)  
[CARES Act Spending Plan](#)

Kristin Daniels, Director of Budget and Management, referred to staff's memo dated February 14, 2022, as she detailed the CARES Act Spending Plan reallocations which included transferring funds from the sunsetted Eviction Diversion Program (Program) to the County's Covid-related health care expenses, and technological maintenance items.

Commissioner Moss raised concern for the Program's old applications still "in the pipeline". County Administrator Jason Brown detailed the reasons that the Program's administration was handed over to community partners after its sunset date of December 31, 2021. He also discussed the new housing assistance programs which needed staff's attention to implement. Administrator Brown added that all valid applicants had been helped, and the old applications on file did not qualify for the program for a variety of reasons.

Community Development Director Phil Matson expanded on the success of the Program, and explained why it had reached the end of its effective lifespan. He also provided details of the County's new assistance programs for non-profit housing organizations and potential homeowners.

Chairman O'Bryan received an update from Administrator Brown on the status of the County's vaccine incentive program.

**A motion was made by Commissioner Adams, 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

The Chairman called for a recess at 10:33 a.m., and reconvened the meeting at 10:45 a.m., with all members present.

**G. Public Works**

## H. Utilities Services

### 13. COUNTY ATTORNEY MATTERS

#### 13.A. [22-0151](#) Attorney for Indian River County Code Enforcement Board

**Recommended Action:** The County Attorney recommends that the Board approve the new contract with Attorney Jennifer D. Peshke and authorize the chairman to sign the legal services agreement.

**Attachments:** [Staff Report](#)  
[Agreement CEB](#)

County Attorney Dylan Reingold discussed changes to the contract for Code Enforcement Board Attorney Jennifer D. Peshke which included a rate increase, an alternate to serve in case of her absence, and clarification of duties.

Vice Chairman Earman confirmed that Attorney Peshke's contract was consistent with the contract for the Value Adjustment Board Attorney.

**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

#### 13.B. [22-0152](#) Attorney for Indian River County Environmental Control Hearing Board

**Recommended Action:** The County Attorney recommends that the Board approve the new contract with Attorney Jennifer D. Peshke and authorize the chairman to sign the legal services agreement.

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

County Attorney Dylan Reingold informed that Attorney Jennifer D. Peshke also serves as counsel for the Environmental Control Hearing Board under a similar agreement to that of the Code Enforcement Board. He noted that contracts for both positions would have the same terms.

**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

**13.C.** [22-0171](#) Children's Services Dedicated Millage

**Recommended Action:** The County Attorney's Office recommends the Indian River County Board of County Commissioners direct staff to draft an ordinance amending Part II (Children's Services Advisory Committee) of Chapter 103 (Commissioners and Boards) of the Indian River County Code of Ordinances (the "Code") and bringing such draft ordinance back to the Board for review prior to scheduling a public hearing.

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)

County Attorney Dylan Reingold referred to staff's memo dated February 23, 2022, as he provided a recap of the events that led to the Children's Trust ordinance referendum proposal which would create a special dependent district with its own millage. He informed that the cities of Sebastian, Vero Beach, and Fellsmere voted to be a part of the Children's Trust; the towns of Indian River Shores and Orchid voted not to participate. Subsequently, Children's Trust representatives requested to withdraw placing a referendum on the November 2022 ballot, and instead move forward with ordinance changes to the existing Children's Services Advisory Committee (CSAC).

Attorney Reingold provided Commissioner Moss with the clarification that a dependent special district retained oversight from the Board of County Commissioners. Commissioner Flescher requested additional information regarding the ordinance changes in light of current economic conditions, and to satisfy the opportunity for public input.

Chairman O'Bryan indicated he would like to pursue the issue in two phases. The first would call for a motion on whether to withdraw the Children's Trust referendum from the ballot, and the second would be an in-depth discussion of the CSAC ordinance changes.

The following people spoke in support of removing the Children's Trust referendum from the 2022 ballot, and expressed opinions on funding for Children's Services.

Lisa Kale  
Ryan Blade  
Lamarre Notargiacomo  
Dee Lavendera  
Bob McPartland  
Doug DeMuth  
Rosemarie Wilson

Jeffrey R. Smith, Clerk of the Court and Comptroller for Indian River County, spoke of his experience on the Children's Trust Exploratory Committee, and his first-hand knowledge of the return on investment that results from investing in children.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to withdraw the request to place a Children's Trust referendum on the November 2022 ballot. The motion carried by the following vote:**

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

Chairman O'Bryan opened discussion with Commissioner Flescher's earlier request for additional information on the CSAC ordinance changes.

County Attorney Reingold advised there were changes to the CSAC membership, use of funds, functions of the Executive Director, and staffing needs to provide more thorough oversight and results tracking. County Administrator Brown added that, regardless of the referendum, code changes were planned to improve oversight and accountability of expenditures. Commissioner Flescher expressed the need for additional in-person vetting of the agencies' programs. Administrator Brown reviewed the financial safeguards, and Clerk and Comptroller Smith expounded on the site evaluations done by the County's auditor; both stressed the importance of measuring outcomes of the funded programs.

Commissioner Moss suggested having the top six (6) agencies present their programs before the Board in the name of transparency. Disagreement was expressed by other Board members, with Chairman O'Bryan advising that the Needs Assessment and Grant Review Subcommittees already received and analyzed that information; additionally, he noted the CSAC annual report provided detailed information on all the agencies which received funding.

Commissioner Adams added to the discussion with a plea for empathy and greater community involvement, as well as the need for additional staff. Vice Chairman Earman requested greater flexibility in the millage rate to allow more responsiveness to CSAC's needs.

Chairman O'Bryan turned to the draft Ordinance and proposed the following two (2) changes: the first was to include among the CSAC Advisory Board an appointee who had business experience; and the second was to raise the funding ceiling up to 1/4 mill to address the program's needs. The Chairman thanked everyone for their comments, and encouraged greater awareness of the state of children in the community. Administrator Brown closed by defending the oversight of CSAC's spending.

**A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to direct staff to amend the existing Children's Services Advisory Committee's (CSAC) ordinance to include the appropriate items from the draft Children's Trust Ordinance, as well as expanding the make-up of the Advisory Board to include a person with business experience; and raising the millage rate ceiling to 0.250 of a mill. The County Attorney was instructed to set a public hearing for the adoption of the revised ordinance, as well as providing a plan to add more staff. The motion carried by the following vote:**

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

#### 14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

B. Commissioner Joseph H. Earman, Vice Chairman

14.B.1. 22-0191 Discussion of ABOVE & BEYOND Award

**Recommended Action:** Approve

Vice Chairman Joe Earman suggested qualifications to establish the ABOVE & BEYOND award for all County employees, and requested naming the accolade in honor of Peter D. O'Bryan. Chairman O'Bryan supported efforts to recognize employees' contributions. County Administrator Jason Brown confirmed his support to establish the award in the Chairman's name.

**A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to create an employee-recognition award to be named the Peter D. O'Bryan ABOVE & BEYOND Award for recognition of outstanding service outside the normal scope of an employee's duty to benefit all of Indian River County. The motion carried by the following vote:**

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

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

E. Commissioner Laura Moss

## 15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

## 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:02 p.m.