



Indian River County Florida

Draft Meeting Minutes

Board of County Commissioners

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

Joseph H. Earman, District 3, Chairman

Susan Adams, District 1, Vice Chairman

Joseph Flescher, District 2

Deryl Loar, District 4

Laura Moss, District 5

John A. Titkanich, Jr., County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Randi Wardlow, Deputy Clerk

Tuesday, June 20, 2023

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Joe Earman
Vice Chairman Susan Adams
Commissioner Joseph Flescher
Commissioner Deryl Loar
Commissioner Laura Moss

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

2.B. INVOCATION

Jeffrey R. Smith, Clerk of the Circuit Court & Comptroller

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

The following Agenda Items were moved:

Item 8.D to Item 10.A.3

Item 8.Y. to Item 12.C.2.

Item 8 A.A. to Item 12.C.1.

Item 13.B. to Item 12.H.1.

Item 14.A.1. to follow Item 5.A.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS**5.A.** Presentation of Proclamation Honoring Clerk Jeffrey R. Smith on his Retirement as the Indian River County Clerk of Circuit Court and Comptroller

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, was joined by his family as the Chairman read the proclamation and presented Mr. Smith with a gift from staff. The Board and staff each expressed fond memories of Mr. Smith, and commended his integrity and commitment to serving the community.

The following people spoke in praise of Mr. Smith:

Carole Jean Jordan, Indian River County Tax Collector
Cindy Carlsward, former Chief Deputy of Courts
Eric Flowers, Indian River County Sheriff
Wesley Davis, Indian River Property Appraiser
Wilfred Hart, School District of Indian River County
Tony Brown, President, Indian River County NAACP
Ryan Butler, Chief Deputy Legal

[Discussion continued under Item 14.A.1.]

Read and Presented by Chairman Earman

5.B. Presentation of Proclamation Honoring Richard France on his Retirement from the Indian River County Sheriff's Office

Sergeant Richard France was joined by his family as he accepted the proclamation and stated he was looking forward to the next chapter in his life. Commissioner Loar commended Sgt. France's ten-year perfect attendance record. Indian River County Sheriff Eric Flowers, along with the Board and staff, thanked him for his service and bravery transporting hi-risk inmates.

Read and Presented by Commissioner Loar

5.C. Presentation by the Treasure Coast Sports Commission to Announce the Jackie Robinson Training Complex as the Recipient of the Florida Sports Foundation's Small Market Venue of the Year Award

Assistant County Administrator Michael Zito introduced Rick Hatcher, President/CEO, Treasure Coast Sports Commission, who announced the Jackie Robinson Training Complex (JRTC) had been named the Small Market Venue of the Year by the Florida Sports Foundation.

Liese Abili, Senior Vice President, Florida Sports Foundation, discussed the Foundation's role in promoting sports tourism, and complemented the improvements made to the JRTC. Mr. Abili also announced that Mr. Hatcher had been inducted into the National Association of Sports Commissions Hall of Fame.

Rachelle Madrigal, Managing Director of the JRTC, introduced her staff and thanked the Board for their support in receiving the award. Chairman Earman shared positive feedback he received regarding the JRTC.

Presented

The Chairman called for a recess at 10:17 a.m., and reconvened the meeting at 10:27 a.m. with all members present.

6. APPROVAL OF MINUTES

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

7.A. SWDD Closures and Collection Service Changes for the 4th of July Holiday

No Action Taken or Required

7.B. Environmental Land Acquisition Panel - District 1 Appointee

Vice Chairman Adams announced Samantha (Sammy) Lee McGee would serve as the Appointee representing District 1 on the Environmental Land Acquisition Panel (ELAP).

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Consent Agenda presented (previously amended). The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

- 8.A.** Award of RFP 2023036 for Ambulance Billing and Coding Services
Approved staff's recommendation and the final ranking of firms: 1) EMS Management & Consultants; 2) Digitech Computer, LLC; 3) Change Healthcare Technology Enabled Services; 4) Credit Bureau Systems/Ambulance Medical Building; 5) Quick Med Claims; and 6) EMS Consultants/Elevos
- 8.B.** Second Extension and Third Amendment to Agreement for As Needed Motor and Pump Repair (Bid 2019056)
Approved staff's recommendation
- 8.C.** Miscellaneous Budget Amendment 04
Approved Resolution 2023-025, amending the Fiscal Year 2022-2023 Budget.
- 8.D. Item 8.D. was moved to 10.A.3.**
- 8.E.** Amendment to Agreement 2020042 for Annual Asphalt Paving and Resurfacing with C.W. Roberts
Approved staff's recommendation
- 8.F.** Sole Source Designation Requests
Approved staff's recommendation
- 8.G.** Change Orders for Fire Station 11 Remodel
Approved staff's recommendation
- 8.H.** Award of Annual Bid for Street Sweeping Services (Bid 2023039)
Approved staff's recommendation
- 8.I.** Second Extension and Modification to Agreements for Utilities Labor Contract (RFP 2020039)
Approved staff's recommendation
- 8.J.** Approval of Continuing Consulting Engineering Services Rates for Agreement
Approved staff's recommendation
- 8.K.** Automobile Liability Claim Settlement for claimant Adele Beecher
Approved staff's recommendation
- 8.L.** Quarterly Tourist Development Tax Report for Quarter Ending 03/31/23
Accepted

- 8.M.** Checks and Electronic Payments May 5, 2023 to May 11, 2023
Approved
- 8.N.** Checks and Electronic Payments May 12, 2023 to May 18, 2023
Approved
- 8.O.** Quarterly Investment Report for Quarter Ending 03/31/2023
Accepted
- 8.P.** Quarterly OPEB Trust Report for Quarter Ending 03/31/2023
Accepted
- 8.Q.** Checks and Electronic Payments May 19, 2023 to May 25, 2023
Approved
- 8.R.** Checks and Electronic Payments May 26, 2023 to June 1, 2023
Approved
- 8.S.** Checks and Electronic Payments June 2, 2023 to June 8, 2023
Approved
- 8.T.** Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 03/31/23
Accepted
- 8.U.** Resolution 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 Frame of July 12, 2023, through and including August 14, 2023
Approved Resolution 2023-026, delegating authority to the County Administrator or his designee, to call letters of credit as necessary during the period commencing July 12, 2023, through and including August 14, 2023, and further delegating to the County Administrator or his designee, the authority to execute all documents necessary for the proper functioning of the County during such period.
- 8.V.** Work Order Number 1- Continuing Engineering Services RFQ 2023015- Victor Hart Sr. Enhancement Complex Restroom and Concession Facility
Approved staff's recommendation

- 8.W.** Work Order Number 2- Continuing Engineering Services RFQ 2023015- Intergenerational Recreation Center Dick Bird Park Improvements
Approved staff's recommendation
- 8.X.** Work Order Number 3- Continuing Engineering Services RFQ 2023015 West Wabasso Park Improvements
Approved staff's recommendation
- 8.Y. Item 8.Y. was moved to 12.C.2.**
- 8.Z.** Annual HUD Grant Renewals for Continuum of Care (CoC) Programs
Approved staff's recommendation
- 8.AA. Item 8.AA. was moved to 12.C.1.**
- 8.AB.** Notice of Grant Award from the Indian River Lagoon Council - Small Grants Program - Contract #: 2023SG-07
Approved staff's recommendation
- 8.AC.** Request for Release of a Portion of an Easement located at 1150 41st Avenue
Approved Resolution 2023-027, releasing a portion of an Open Space / Conservation Easement in Tract 12, Section 10, Township 33 South, Range 39 East, Plat of Indian River Farms subdivision.
- 8.AD.** Approval for 8th Street and 74th Avenue Utility Relocation due to Conflict with Florida Department of Transportation Project
Approved staff's recommendation
- 8.AE.** Amendment No. 1 to Centerline, Inc. for West Wabasso Septic to Sewer Phase 3B Project
Approved staff's recommendation
- 8.AF.** Budget Amendment for Online Phosphorus Analyzers
Approved staff's recommendation
- 8.AG.** Final Payment to Masteller & Moler, Inc. for Work Order No. 10, North Sebastian Water and Sewer Project Phase 2 - Construction Phase Services
Approved staff's recommendation

8.AH. DEP Grant Agreement 23IR2 (Indian River County 2022 Hurricane Ian and Nicole Recovery Project)

Approved staff's recommendation

8.AI. Additional Service No. 3, for Additional Civil Engineering Services Sandridge Golf Club - New Clubhouse

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. Indian River County Sheriff Eric Flowers -- Forfeiture Trust Fund

Indian River County Sheriff Eric Flowers sought the Board's approval to spend \$215,034 from the Law Enforcement Trust Fund. He noted that \$204,534 would be used for the purchase of equipment and protection, with \$10,500 earmarked for a variety of local organizations dedicated to the betterment of residents. The Sheriff's memo, dated June 13, 2023, specified which organizations would receive funds.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher to approve disbursement of \$215,034 from the Law Enforcement Trust Fund to be used to purchase equipment and to support community resource agencies. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1.

Theta Capital Partners,LLC. request to rezone approximately +/- 10.37 acres from CL, Limited Commercial District to CG, General Commercial District (RZON2023020007-941810 [Quasi-Judicial])

Chairman Earman introduced the parties for the proceeding as being Indian River County and Theta Capital Partners LLC. Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing. The Chairman opened the public hearing.

Andy Sobczak, Interim Community Development Director, introduced the rezoning item before turning the presentation over to Chris Balter, Chief of Long Range Planning. Utilizing a PowerPoint presentation, Chief Balter reviewed staff's analysis of the request. Planning staff recommended approval, as did the Planning and Zoning Commission at their May 25, 2023 meeting.

Commissioner Moss began discussion by detailing her effort to secure a traffic study. The Commissioner entered into discussion with Chief Balter, Director Sobczak and Vice Chairman Adams to clarify only a traffic statement was required at this stage. Chief Balter informed that a traffic study would accompany a proposed project, and certain projects may not have to return to the Board for approval.

Joseph Schulke, of Schulke, Bittle and Stoddard, was present on behalf of the applicant.

The Chairman opened the floor for comments. There being none, the Chairman closed the public hearing.

Commissioner Moss commented that many of her constituents were concerned over the increased traffic in the County. Commissioner Flescher received confirmation the property bordered Old Dixie Highway and US Highway 1.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to adopt Ordinance 2023-010, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±10.37 acres located south of and adjacent to 71st Street, north of and adjacent to 69th Street, east of and adjacent to Old Dixie Highway, and west of and adjacent to U.S. Highway 1, from CL, Limited Commercial District, to CG, General Commercial District; and providing codification, severability, and effective date. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

10.A.2.

Retreat at Citrus Ridge, LLC. request to rezone approximately +/- 51.78 acres from A-1 District (up to 1 unit/5 acres) to RM-6, Multiple-Family Residential District (up to 6 units/1 acres) (RZON2006070074-94118) [Quasi-Judicial]

Chairman Earman introduced the parties for the proceeding as being Indian River County and Citrus Ridge LLC. Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing. The Chairman opened the public hearing.

Chris Balter, Chief of Long Range Planning, reviewed staff's analysis of the request to rezone the property to RM-6 in order to secure future rights to develop the parcel. He reported that the Planning and Zoning Commission had approved the request at their May 25, 2023 meeting.

Vice Chairman Adams received information regarding the consistency and compatibility of the rezoning, density projections, utilities and infrastructure impacts of a residential development, as well as roadway access points.

Commissioner Moss entered into discussion with Director Sobczak as she referenced a rezoning traffic impact analysis for the Retreat at Citrus Ridge. The Commissioner received clarification of trip counts and service level ratings. Director Sobczak informed the Commissioner that Developer's Agreements were required for project approval and were used to ensure completion of needed road improvements.

Commissioner Flescher received information regarding the access point along 98th Avenue, and the future extension of 12th and 16th Streets.

Attorney Bruce Barkett appeared before the Board on behalf of the applicant.

Chief Balter added to the previous discussion, noting a traffic study would be done as part of a development plan and reviewed by Public Works.

There being no further comments, the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to adopt Ordinance 2023-011, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±51.78 acres located south of and adjacent to 16th Street and north of and adjacent to 12th Street, from A-1, Agricultural-1 District, to RM-6, Multiple-Family Residential District; and providing codification, severability, and effective date. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

10.A.3.

8.D. Moved to 10.A.3. Miscellaneous Budget Amendment 05

Management and Budget Director Kristin Daniels presented Budget Amendment 05 to the fiscal year 2022-2023. Director Daniels noted Florida Statute 129.06(2)(f) required a public hearing whenever the budget was amended utilizing cash.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve Resolution 2023-028, amending the Fiscal Year 2022-2023 Budget. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS**10.B.1.**

Request to Speak from Jeff & Caroline Alter, Dave Ritter, Diane Beck, John & Sherry Shipley, Carey & Tiffinie Henrey re: Public Storm Drain System Corroding Property

Several residents from the Ercildoune Heights neighborhood in Sebastian appeared before the Board to discuss problems with the public stormwater drains. Video and photographs were displayed to illustrate the excessive flooding with heavy rains, as well as erosion of their properties over time. The residents requested the Board's assistance in investigating and solving the problem.

The following residents addressed the Board:

John Shipley
David Ritter
Caroline Alter

County Attorney Dylan Reingold advised the Board could not take action under this item, but proposed a meeting with staff. County Administrator John Titkanich offered to reach out to Ms. Alter to coordinate a meeting between staff and homeowners.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**11. COUNTY ADMINISTRATOR MATTERS**

11.A. Deputy County Administrator's Employment Agreement

County Administrator John Titkanich presented Mr. Zito's Employment Agreement, noting his change of title to Deputy County Administrator and extension of the contract to a three-year term. Mr. Zito's contract included an annual rate increase of 2.5%.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

11.B. Vacation Rental Code Enforcement Fines

County Administrator John Titkanich reported receiving increased complaints from homeowners regarding parking and noise violations from short-term vacation rentals. He sought the Board's consideration to amend Section 103.03 of the County code to allow higher fines in an effort to curb disruptions to residents.

The Commissioners entered into discussion with staff regarding the current protocol in addressing code violation complaints for registered short-term rentals. Commissioner Flescher and Chairman Earman suggested it would be more effective to have additional code enforcement personnel assigned to handle the calls, often received on weekends, rather than increasing fines which seemed not to be a deterrent. Commissioner Moss supported increased fines in the interest of preserving quality of life for residents, and made a motion to approve staff's recommendation.

President of the South Beach Property Owners Association, Miles Conway, spoke at length regarding his decade-long battle against the impact of short-term rentals; some homeowners left Indian River County as a result of the noise and cars. Mr. Conway called for reorganization of the code enforcement department and discussed his recommended changes.

Interim Community Development Director Andy Sobczak advised Chairman Earman that short-term rental licenses could be denied renewal, but not revoked. He opined that non-licensed rentals were more problematic for the County than the relatively well-maintained registered ones, and license revocation may not solve the problems.

Attorney Barry Segal, who represented a rental-property owner, noted that most short-term renters were families in town for festivities or sports events. He suggested it was a handful of residents who were generating a disproportionate number of complaints.

Mr. Conway offered rebuttal to attorney Segal, and was informed that complainants could have their Commissioner file a code enforcement grievance in order to remain anonymous.

Joseph Paladin, Black Swan Consulting, agreed with the need for additional resources to enforce the rules already on the books.

Commissioner Moss restated her motion approving staff's recommendation to include adding staff to the code enforcement department to handle vacation rental complaints. Commissioner Flescher received confirmation that additional discussion would be possible when the proposed Ordinance was brought back for approval.

A motion was made by Commissioner Moss, seconded by Commissioner Loar, to

approve staff's recommendation with the addition of direction to add a staff member to the Code Enforcement Department to focus on vacation rentals. The motion carried by the following vote:

Aye: 4 - Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

Nay: 1 - Chairman Earman

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

12.C.1.

Children's Services Advisory Committee Recommended Program Funding Allocations for Fiscal Year 2023/24

[Clerk Note: This item was moved from the Consent Agenda to Departmental Matters]

Assistant County Administrator Michael Zito presented the recommended funding allocations from the Children's Services Advisory Committee (CSAC) for fiscal year 2023-2024. Commissioner Moss stated she was satisfied with the review process and noted she would bring the item back for discussion at a future meeting.

The Chairman opened the floor for comments.

Doug DeMuth, CSAC Committee member, spoke critically of the CSAC Funding Subcommittee.

The following people spoke in favor of CSAC and their allocations:

Tony Brown, CSAC Grant Review Committee member
Jeff Smith, Clerk of the Circuit Court and Comptroller
Reverend Crystal Bujol, Gifford Youth Orchestra Founder and Artistic Director
Bob McPartlan, CSAC voting member

Commissioner Flescher praised the CSAC, and Chairman Earman noted he was pleased with improvements made to the vetting process.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

The Chairman called for a recess at 12:05 p.m., and reconvened the meeting at 12:10 p.m. with all members present.

12.C.2.

Support Pursuit of a Florida Recreation Development Assistance Program (FRDAP) Grant for the Victor Hart Sr. Enhancement Complex and Gifford Aquatic Center

Beth Powell, acting General Services Director, utilized a PowerPoint presentation to illustrate the request for approval to apply for the Florida Recreational Development Assistance Program (FRDAP) Grant. Ms. Powell reviewed plans for the funds: Victor Hart Sr. Enhancement Complex playground and Lundy Senior League score board; replacement of the Gifford Aquatic Center's splash pad and slide. She advised the Board of the next steps which included community outreach and impact studies.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

The Chairman called for a recess at 1:43 p.m., and reconvened the meeting at 1:48 p.m. with all members present.

D. Human Resources

12.D.1. Group Insurance Recommendations for Plan Year 2023/2024

Human Resources Director Suzanne Boyll presented the group insurance recommendations for plan year 2023/24. Ms. Boyll referenced her memo dated June 23, 2023, for details and discussed the highlights in her presentation. She reported that the self-funded plan was performing well and there would not be an increase to employee's premiums. The new Surgery Plus program was credited with lowering the County's costs compared to previous years. Ms. Boyll then discussed and analyzed her department's recommendation for the County to fully pay for dental, vision, long term disability insurance, and self-funding of the dental plan.

Commissioner Flescher received confirmation the changes would be effective October 1, 2023. Chairman Earman confirmed this was the third year of no employee increases, and noted the recommendations were a good tool for recruitment.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

E. Information Technology**F. Office of Management and Budget****G. Public Works****12.G.1.** Award of Bid No. 2023016, 66th Avenue from 69th Street to CR-510/85th Street , IRC-1505B, FDOT FM 436379-2-54-01

Public Works Director Richard Szyrka discussed the last phase of the 66th Avenue widening project, and presented bid search results for the segment from 69th Street to CR-510/85th Street.

Under discussion, Director Szyrka informed the project would take six weeks to begin, and confirmed the other segments of the 66th Avenue widening would continue concurrently. Vice Chairman Adams made mention of the plan to replant the oak trees that would be lost in construction. Commissioner Flescher received input regarding the impact to construction of the intersection at 66th Avenue and CR-510.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

12.G.2.

Sector 7 Beach and Dune Restoration Project Update

Natural Resources Manager Eric Charest updated the Board on the Sector 7 Beach and Dune Restoration Project. He reported that the project was not able to obtain the required number of easements and would be canceled. Mr. Charest sought approval to seek reallocation of any funds received through insurance and grants to other beach sectors.

Chairman Earman, who had spearheaded the effort to secure additional easements, expressed bewilderment at residents' refusal to have the eroded sand replaced. He supported reallocating the funds to either Sector 4, or split among the other sectors equally.

The Chairman opened the floor for comments.

Miles Conway, South Beach Property Owners Association (SBPOA) president, was informed that \$700,000 had been spent on Sector 7 for permitting and monitoring. Mr. Conway then presented details of the SBPOA's communications with its members who objected to the sand replacement for legal and indemnification reasons. He advised the Board to approach the SBPOA, the area's official civic watchdog group, if they wanted cooperation from that community.

James Harpring, Indian River Shores Town Manager, requested the Board's consideration for Sector 4 when allocating funds.

A motion was made by Commissioner Moss, seconded by Chairman Earman, to approve staff's recommendation, with the additional direction to transfer any available funds to either Sector 4 or to split the funds equally across the other beach sectors. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

12.G.3.

Indian River County Lagoon Management Plan Project List

Conservation Lands Manager Eric Charest presented the Board with a Lagoon Management Plan (LMP) list of prioritized projects for grant funding being made available under the State's Indian River Lagoon Protection Program (Program) ; the list was a follow-up to the Board's request at the April 4, 2023 BCC meeting. Mr. Charest detailed his work with partner TetraTech to formulate a plan which would satisfy remediation targets and maximize grant funds. He requested approval of TetraTech's proposal to conduct a public outreach effort in order to finalize the County's LMP which was needed for Program application.

Vice Chairman Adams remained skeptical regarding the value of TetraTech's work, but wanted to keep moving forward. She encouraged coordination with other County departments and local organizations, as well as reaching out to state leaders for appropriations. Commissioner Flescher expressed high expectations for TetraTech's work.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

H. Utilities Services**12.H.1.**

13.B Moved to 12.H.1. Resolution to Adopt Water, Sewer, and Reclaimed Water Rates, Fees, and Other Charges Effective October 1, 2023

Utility Services Director Sean Lieske introduced the new Utility Finance Manager, Bryan Beavers, who presented the Board with the proposed rate and fee changes for the upcoming fiscal year. He informed the status quo 3% rate increase cap was not keeping up with inflation, and recommended tying rates to the CPI-South index for a 5.5% increase in fiscal year 2023/24. Mr. Beavers analyzed rising expenses versus revenue, and estimated the average consumer would see a monthly increase of \$2.96 to their bill.

Director Lieske made mention of a rate study which would be undertaken in the coming year for fiscal year 2024/25 planning.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve Resolution 2023-029, establishing revised Indian River County Department of Utility Services (IRCDUS) rate schedule. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

13. COUNTY ATTORNEY MATTERS**13.A.** Monitoring of Committees

County Attorney Dylan Reingold referenced Resolution 2011-72 which appointed the County Attorney as the monitor of the Board's various committees. He noted that the County Attorney's office does not regularly attend the committee meetings which were administered by Commission Office staff. Attorney Reingold recommended delegating the monitoring task to the Commission Office, which was now fully staffed with five (5) assistants; his office would return before the Board with a draft Resolution.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

13.B. Item 13.B Moved to 12.H.1.

13.C. County Attorney Position

County Attorney Dylan Reingold requested the Board's direction for finding a replacement upon his resignation at the end of July. He recommended Deputy County Attorney Bill DeBaal for the position.

Chairman Earman suggested consulting an outside executive search firm, as well as searching internally for candidates. He recommended having Attorney DeBaal serve in the interim, or longer if he desired.

The Commissioners entered into discussion regarding the benefits of promoting Attorney DeBaal to the position of County Attorney rather than as an interim. Commissioner Moss received confirmation from the Board and County Administrator Titkanich that the County Attorney position reported to the Board, and not to the County Administrator.

Attorney DeBaal thanked the Board for their consideration and informed he was in the Deferred Retirement Option Plan (DROP), and could offer one (1) year of service as County Attorney before he retired for personal reasons. The Board discussed the advantages of having Attorney DeBaal in light of the changes being made to the County's structure, and the additional time it would provide to form a succession plan.

Attorney DeBaal agreed to accept the promotion to County Attorney for one (1) year. Attorney Reingold indicated he would leave his position at the end of July, and would return with a contract at the next regular meeting on July 11, 2023.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the promotion of Deputy County Attorney William K. DeBaal to County Attorney effective immediately following the departure of current County Attorney Dylan Reingold. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

14. COMMISSIONERS MATTERS**A. Commissioner Joseph H. Earman, Chairman**

14.A.1. Building Dedication

[Clerk Note: This Item was heard following Item 5.A.]

Chairman Earman displayed photos in honor of Mr. Smith's award-winning tenure, and his love of classic cars before requesting the Board's consideration in naming the Court's Access to Justice Self Help Center in honor of Mr. Smith. Meredith Egan, Chief Executive Officer, United Way, discussed the desire to memorialize Mr. Smith's efforts to help the community and his work in establishing the Center.

Mr. Smith expressed his sincere thanks to his family for their support, appreciation for his dedicated staff, and his office's collaborative relationship with the Board and staff. He also spoke of his years-long support for the United Way and their contributions to the community. Mr. Smith closed by discussing the impact of the Access to Justice Center, and the community partners who helped him realize his goal of establishing the Center.

A motion was made by Commissioner Flescher, seconded by Chairman Earman, to approve naming the Access to Justice Self Help Center in honor of Jeffrey R. Smith. The motion carried by the following vote:

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

B. Commissioner Susan Adams, Vice Chairman**C. Commissioner Joseph E. Flescher****D. Commissioner Deryl Loar****E. Commissioner Laura Moss****15. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District****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. Award of Bid for Class 1 Landfill Segment 3 Cell 3 Site Preparation Project (Bid #2023040)

There was no discussion regarding this item.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.2. Request for Approval of a Pilot Test by the Indian River Sustainability Center, LLC

Solid Waste Disposal Director Himanshu Mehta described the pilot program conducted by the Indian River Sustainability Center, LLC, to test a new method of filtering and purifying the landfill's leachate.

Vice Chairman Adams expressed excitement at the new technology and the no-cost opportunity to test it.

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

Aye: 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

15.B.3. Update on SWDD Rate Study

Solid Waste Disposal District Managing Director Himanshu Mehta provided the Board with an update to the SWDD rate study and its impacts. Director Mehta noted that the starting fund balance was revised down to \$20 million which would have the effect of delaying the start of some capital improvement projects; the assessment projections for the next 10 years were also updated. He advised that the new numbers would be presented at the upcoming Budget Workshop on July 12, 2023.

No Action Taken or Required

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 3:24 p.m.