



Indian River County Florida

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

Meeting Minutes - Final

Board of County Commissioners

Susan Adams, District 1, Chairman
Joseph Flescher, District 2, Vice Chairman
Joseph H. Earman, District 3
Deryl Loar, District 4
Laura Moss, District 5

John A. Titkanich, Jr., County Administrator
William K. DeBaal, County Attorney
Ryan L. Butler, Clerk of the Circuit Court and Comptroller

Tuesday, December 5, 2023

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Stan Boling, Gracespring Covenant Church

3. PLEDGE OF ALLEGIANCE

Bill DeBaal, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 13.A. to be heard after Item 7.B.

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

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [23-1089](#) Presentation of Proclamation Designating Pearl Harbor Remembrance Day, December 7, 2023

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Commissioner Earman expressed his gratitude to all veterans, both past and present, for their service and sacrifice.

Cynthia Ryan, Executive Director, Veterans Council of Indian River County, stated that a brief ceremony would be held at the Heritage Center. Following the ceremony, a distinguished panel of Navy veterans and experts would lead a discussion about Pearl Harbor and its impact. This event was open to the public and free of charge.

Stephen Hume, Vice Chairman of the Veterans Council of Indian River County, expressed his gratitude to the Board for commemorating this day. He emphasized the importance of remembering this day as it marked a significant event in history.

Read and Presented by Commissioner Earman

6. APPROVAL OF MINUTES

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve the Regular Meeting Minutes of October 17, 2023, and October 31, 2023 as written. The motion carried by the following vote:

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

- 6.A. [23-1096](#) Regular Meeting of October 17, 2023

Recommended Action: Approve

Attachments: [10172023 BCC Draft](#)

Approved as written

- 6.B. [23-1097](#) Regular Meeting of October 31, 2023

Recommended Action: Approve

Attachments: [10312023 BCC Draft](#)

Approved as written

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

7.A. [23-1081](#) SWDD Closures and Collection Service Changes for Christmas and New Years

Recommended Action: For informational purposes only - no action required

Attachments: [Staff Report](#)

No Action Taken or Required

7.B. [23-1102](#) Indian River County Venue Event Calendar Review

Recommended Action: Informational item, Board action not required.

Attachments: [Staff Report](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Moss, seconded by Vice Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 8.C. and Item 8.L. for discussion. The motion carried by the following vote:

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

8.A. [23-1049](#) Checks and Electronic Payments October 27, 2023 to November 2, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of October 27, 2023 to November 2, 2023

Attachments: [Comptroller Division Staff Report](#)

Approved

8.B. [23-1066](#) Checks and Electronic Payments November 3, 2023 to November 9, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of November 3, 2023 to November 9, 2023

Attachments: [Comptroller Division Staff Report](#)

Approved

8.C. [23-1027](#) Lobbyist for 2024 Legislative Session

Recommended Action: County Administration staff recommends that the Board enter into an agreement with Anfield Consulting, Inc., for lobbying services for the term of January 1, 2024, to December 31, 2024, and authorize the Interim County Administrator/Assistant County Administrator to execute the referenced agreement.

Attachments: [Staff Report](#)
 [Anfield Contract 2024](#)

Vice Chairman Flescher requested more information about the outside entity the County was paying to represent the County's needs and concerns in Tallahassee. He stated as public servants, the Board had a responsibility to ensure that the citizens' interests were being taken care of effectively. He commented the entity had been helpful in some matters but did not think it was sufficient. He requested a detailed report on their accomplishments and return on investment for the \$120,000 the County was proposing to spend.

County Administrator John Titkanich stated staff was looking to collaborate with Anfield Consulting Inc. (Anfield) in the upcoming year to create a report that shows the amount of tax dollars returned to Indian River County. It was essential to have a voice at the federal level and to ensure that the community received its fair share of funding from Tallahassee and the Federal Government. Anfield's expertise and experience, including their work with former Senate President Ken Pruitt, would be beneficial in navigating the complicated process of securing funding. A post-session report would be created to translate their efforts into tangible results. Although the County did not receive any appropriations last year, staff was working with the legislative delegation to bring more funding into the County.

Additional discussion ensued, with Chairman Adams being in agreement with Vice Chairman Flescher's concerns. She pointed out that Indian River County was unique in that the County's delegation was a two-person delegation with one Senator and one Representative fighting for the County in Tallahassee. She stated Anfield had been successful in getting language included in several bills to protect the County in various matters. Therefore, thought it would be beneficial and healthy to review these efforts regularly, although some of the benefits were difficult to quantify in monetary terms.

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve staff's recommendation and authorize the County Administrator to executed the agreement with Anfield Consulting, Inc. The motion carried by the following vote:

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

8.D. [23-1090](#) FY 2022-2023 Records Management Compliance Statements

Recommended Action: It is recommended that the Chairman be authorized to sign the Records Management Compliance Statements for Fiscal Year 2022-2023

Attachments: [Staff Report](#)
 [BOCC Compliance Statement](#)
 [EMS Compliance Statement](#)
 [SWDD Compliance Statement](#)

Approved staff's recommendation

8.E. [23-1070](#) Designation of Excess Equipment as Surplus and Authorization for Disposal and Donation

Recommended Action: Staff recommends the Board declare the items on the Excess List for 120523 Agenda as surplus, and authorize their disposal and donation.

Attachments: [Staff Report](#)
 [Excess List for 120523](#)

Approved staff's recommendation

8.F. [23-1069](#) Designation of Trane US, Inc. as Sole Source Provider for Service Contracts for the Control Systems

Recommended Action: Staff recommends the Board of County Commissioners declare Trane U.S. Inc., as the County's sole source provider for annual service contracts for the control systems. Staff also recommends the Board authorize the Purchasing Manager to sign the annual service agreements, after they have been reviewed and approved by the County Attorney as to form and legal sufficiency. Finally, staff also recommends that the Board of County Commissioners authorize Purchasing to issue purchase orders for the Trane US, Inc. service agreements.

Attachments: [Staff Report](#)
 [Continuation of BAS Service Agreement Year 3](#)
 [Cont of Intelligent Services Svc Agmt Year 3](#)
 [Cont of Scheduled Mechanical Service Agmt Year 3](#)

Approved staff's recommendation

- 8.G.** [23-1060](#) Resurfacing 69th Street From 66th Avenue to SR5/US-1, IRC-1639, Final Payment, Release of Retainage, and Change Order No. 1

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 1639-9 to Timothy Rose Contracting, Inc. in the amount of \$207,784.19 for final payment and release of retainage.

Attachments: [Staff Report](#)
 [Change Order No. 1](#)

Approved staff's recommendation

- 8.H.** [23-1067](#) Lost Tree Preserve, LLC's Request for Final Plat Approval for Lost Tree Preserve PD, Phases 4 and 5 [PD-10-08-01 / 99040238-95045]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Lost Tree Preserve PD, Phases 4 and 5.

Attachments: [Staff Report](#)
 [Location Map](#)
 [Final Plat Layout](#)

Approved staff's recommendation

- 8.I.** [23-1072](#) Approval to Submit an FWC Bulk Derelict Vessel Removal Grant Application

Recommended Action: Staff recommends the Board of County Commissioners authorize the Chair to sign the FWC Bulk Derelict Vessel Removal Grant Application.

Attachments: [Staff Report](#)
 [FWC Grant Application](#)

Approved staff's recommendation

- 8.J.** [23-1087](#) Final Pay to CenState Contractors, Inc., for the Central Wastewater Treatment Facility RAS/WAS Rehabilitation

Recommended Action: Staff recommends that the Board of County Commissioners approve the final pay and release of retainage to CenState Contractors, Inc., for a total of \$102,533.93

Attachments: [Staff Report](#)
 [Pay Application No 14](#)

Approved staff's recommendation

8.K. [23-1088](#) GrayMatter Change Order 1 for Industrial Control Systems Network Design

Recommended Action: Staff recommends that the Board of County Commissioners approve the Work Order Change Directive with GrayMatter Systems, LLC, in the amount of \$20,250.00, for changes, updates, and additional meetings related to the Industrial Control Systems Network Design project, and authorize the Chair to execute the same. So long as there are no changes in the dollar amount under the amount approved, upon adequate completion of the work set forth in the work orders, staff is directed to make final payments to GrayMatter Systems, LLC, after review and approval by the Purchasing Manager and the County Attorney's Office

Attachments: [Staff Report](#)
 [Work Order Change Directive](#)

Approved staff's recommendation

8.L. [23-1108](#) Award of Bid No. 2024016, Sporting Clays Facility Improvements (IRC-1847)

Recommended Action: Staff recommends the project be awarded to GRSC, Inc. in the amount of \$399,120.00. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager, and after the Contractor has become registered with the Building Division.

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

Deputy County Administrator Mike Zito was pleased to announce that the Sporting Clays Facility improvement project had finally come to fruition. Mr. Zito extended his gratitude to Public Works and Infrastructure Project Manager Rob Skok and staff for their efforts in making this happen. This award was a breath of fresh air in the current climate, and he was happy to report that the project cost aligned with the Engineers' estimate. This project would address the ongoing issue of the depth of the Clays course under wet conditions and elevate it to a thriving condition. The total cost was \$399,120. A \$200,000 grant had been received, leaving the total cost for the County at \$199,120.

Chairman Adams stated that the Sporting Clays course gets flooded even with a little rain because of its location on the property, which requires them to close it down. To address this issue, they had obtained mitigation credits from the St. Johns River Water Management District (SJRWMD) and planned to raise and renovate the course. The project also included revamping the second course.

Commissioner Earman appreciated the effort put into the gun range improvements, and believed it was a good investment and would enhance the range even further.

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

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. [23-1078](#) Supervisor of Elections Leslie R. Swan re: Canvassing Board Appointments

Recommended Action: Request for the Chair to Appoint 2024 Canvassing Board Members

Attachments: [Supervisor of Elections Memo](#)

Katie Otto, Elections Administration Coordinator for the Supervisor of Elections office, attended the meeting to offer assistance in selecting the Board member and alternate for the County Canvassing Board for the upcoming 2024 election cycle.

Chairman Adams explained that a candidate who was facing opposition in an ongoing election could not serve on the Canvassing Board. There were three elections scheduled for 2024, Presidential Preference, Primary, and General. Vice Chairman Flescher and Commissioner Loar were the only eligible candidates for the Board member and alternate positions. After a brief discussion, Vice Chairman Flescher was selected as the Board member, with Commissioner Loar chosen as the alternate.

Appointed Vice Chairman Flescher to the Canvassing Board with Commissioner Loar as the alternate.

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. [23-1073](#)

DR Horton, Inc.'s Request for Vacation of the Orchid Reserve Subdivision Plat [PVSD-06-03-05 / 2004050460-95295] LEGISLATIVE

Recommended Action: Staff recommends that the Board of County Commissioners vacate the Orchid Reserve Subdivision plat and authorize the chairman to execute the plat vacation resolution.

Attachments: [Staff Report](#)
[Location Map](#)
[Resolution](#)

Brandon Creagan, Chief of Current Development, utilized a PowerPoint presentation to show the Orchid Reserve Subdivision plat property. The property was located approximately one of a half a mile north of County Road 510, East of US Highway 1. The plat allowed for 100 residential lots, open space tracks, a roadway track, and easements. The property owner owned all affected lots within the property and was planning to reestablish them, with the final plat having a slightly different configuration. In December 2022, the property was granted a new preliminary plat for exactly 100 residential lots with no County easements being retained. However, during the final plat process, the easements would be re-established.

The Chairman opened the Public Hearing, and as there were no speakers, the Chairman closed the public hearing.

There was no further discussion on this Item.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation and Resolution 2023-075 providing for the vacation of Orchid Reserve subdivision, Plat Book 23, Page 53, Indian River County, Florida, said land lying and being in Indian River County, Florida. The motion carried by the following vote:

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

The Chairman called for a recess at 9:38 am and reconvened at 9:45 am with all members present.

10.A.2. [23-1084](#)

Windsor Properties, Inc.'s Request to Rezone Approximately 52.96 Acres from A-1, Agriculture-1 and RS-3, Residential Single-Family to PD, Planned Development and to Obtain Conceptual PD Plan Approval for a Project to be known as Windsor North Village PD [PD-23-01-01 / 2001080111-93560] QUASI-JUDICIAL

Recommended Action: Staff recommends that the Board of County Commissioners grant approval of the PD rezoning request and the conceptual PD plan, with the following conditions: 1. Prior to issuance of land clearing and tree removal permits, the developer must obtain a County wetlands resource permit. 2. Prior to issuance of a land development permit for Phase 1, the developer shall: a. Vacate the Ocean Way Subdivision plat via the formal plat vacation process. b. Provide an official determination from the Florida Department of State, Division of Historical Resources. c. Obtain all required permits and/or approvals from Pelican Island National Wildlife Refuge staff. d. Obtain staff approval of all proposed improvements within the Jungle Trail ROW and/or the Jungle Trail buffer easement, and demonstrate consistency with the Jungle Trail Management Plan. e. The 8' tall masonry wall along northern boundary of the Wabasso Estates Subdivision shall be removed from all future land development permit plans, and the northern private driveway shall not be utilized as a construction access. 3. Prior to issuance of a land development permit for any respective phase, the developer shall: a. Obtain Planning staff approval of the final landscape plan for the respective phase. b. Obtain Planning staff approval of the final streetlighting plan for the respective phase. c. Obtain Environmental Planning staff approval of the final tree protection and mitigation plan for the respective phase. 4. The developer shall install the 8' tall masonry wall along southern boundary of the Turtle Cove Subdivision as early in the site development process as possible. 5. Prior to issuance of a certificate of completion for Phase 1, the developer shall: a. Pass the final inspection for each the building permit for each respective masonry wall. b. Install the northbound left and southbound right turn lanes on Highway A1A. 6. The developer shall establish the required 10' wide limited access easement and 30' wide Jungle Trail buffer easement prior to or via the Phase 1 final plat.

Attachments: [Staff Report](#)
[Location Map](#)
[Aerial](#)
[Conceptual PD Plan](#)
[Landscape Plan](#)
[Rezoning Ordinance](#)

Chairman Adams introduced the parties for the proceeding as being Windsor Properties, Inc. and Indian River County. As requested by the Chairman, each Commissioner disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they had an open mind and could base their decisions on the evidence presented and the applicable law.

Commissioner Loar stated he had not been to the site but was approached by one person who began a brief discussion and delivered some paperwork he had not reviewed.

Vice Chairman Flescher stated that a citizen approached him with traffic concerns on State Road A1A. During their discussion, he identified the concern related to this specific site. However, the conversation ended at this point. He stated he was given some paperwork related to the issue but did not review it. Although he passes by the site frequently as it falls under District 2, he did not conduct any independent research, analysis, or conversation related to the project. He was unaware of the project at the time of the constituent's request.

Chairman Adams stated that a constituent had approached her regarding the project. As this was a quasi-judicial proceeding, she advised the person not engage in communication. Additionally she was given paperwork, which she peripherally looked through but did not read in depth.

Commissioner Earman stated that he had not been to the site. However, a citizen had approached him regarding possible traffic issues.

Commissioner Moss stated that she had received a copy of a letter from a constituent, which was public record. She stated she had also tried to investigate with her appointee on the Planning and Zoning Commission (PZC) regarding the backup material. She read two sentences from that material that stated several other nearby property owners had expressed their concerns on different aspects of the project during the PZC public meeting.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the public hearing.

Assistant Planning and Development Services Director Ryan Sweeney utilized a PowerPoint presentation to show the Windsor North Village Planned Development (PD). The PD was for 52.96 acres with 40 single-family and 6 multi-family units. An overall density of .87 units/acre, a fitness center, and a staff parking area. Also discussed were the stormwater plan, environmental and archeological issues, required improvements, and public benefits.

Mr. Sweeney stated during the Planning and Zoning Commission (PZC) meeting held

on October 26, 2023, the PZC voted unanimously (7-0) to recommend the Board to grant the conceptual PD plan and special exception approval, subject to the conditions recommended by the staff. The PZC also approved the preliminary PD plan/plat concurrently, subject to the Board's approval of the conceptual PD plan and special exception. Mr. Sweeney added that the staff-recommended conditions had been updated, and the 8-foot masonry wall along the northern private roadway connection to State Road A1A had been removed. Additionally, the north private roadway is now prohibited from being used for construction access.

Commissioner Moss requested clarification from Mr. Sweeney regarding how the current request aligns with the existing process. She stated according to the documents, the applicant had asked for simultaneous approval of steps one and two. It was unclear whether the application had been presented to the Commission once or twice. Mr. Sweeney responded that the zoning and conceptual PD plan was reviewed and approved by the PZC; the second step was subject to the Board's approval.

Additional discussion ensued between the Commissioners and Mr. Sweeney regarding the conceptual landscape, buffer plan, proposed storage area, and construction schedule.

Mark Justice, the Vice President of Construction and Development at Windsor, along with Attorney Bruce Barkett, were in agreement with Mr. Sweeney and expressed their gratitude towards him and his staff for the years of hard work and collaboration. They appreciated the effort put in by the entire design team to make the project successful.

The following residents expressed their dissatisfaction with the project, stating that it would negatively impact their property and way of life.

William and Cathy Ferrell
Ronald and Adele Celli

Commissioner Moss received information about ongoing code violations at Windsor following the resident's comments. Ms. Moss inquired about the nature of the issues and whether they would be resolved. Andy Sobczak, Planning and Development Services Director, responded that the property had faced code enforcement problems due to the storage of trucks, dumpsters, and other uses. Windsor had a temporary use permit from the County that allowed the use of a small area that had been sanctioned by the Planning and Development Department. The development of the site would eliminate the issues by removing those areas and resolving any previous code enforcement problems.

There being no further comments, the Chairman closed the Public Hearing.

A motion was made by Commissioner Loar, seconded by Commissioner Earman, to approve staff's recommendation and adopt Ordinance 2023-017, amending the Zoning Ordinance and the accompanying zoning map from A-1, Agriculture-1 and RS-3, Residential Single-Family, to PD, Planned Development, for approximately 52.96 acres of land generally located east of State Road A1A, West of Jungle Trail, and North of the Windsor PD subdivision; and described herein; and providing for an effective date. The motion carried by the following vote:

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

10.A.3. [23-1085](#) Windsor Properties, Inc.'s Request for Vacation of the Ocean Way Subdivision Plat [PVSD-90-05-08 / 2023060014-95088] LEGISLATIVE

Recommended Action: Staff recommends that the Board of County Commissioners vacate the Ocean Way Subdivision plat and authorize the chairman to execute the plat vacation resolution, with the following conditions: 1. The requested plat vacation will not release or vacate the 10-foot-wide right-of-way dedication for State Road A1A. 2. The applicant will dedicate a County Utilities easement over the existing County Utilities improvements within the platted subdivision area.

Attachments: [Staff Report](#)
[Location Map](#)
[Plat Vacation Resolution](#)

Ryan Sweeny, Assistant Planning and Development Services Director, stated this Item was a follow-up to Item 10.A.2. He stated MBV Engineering, Inc., on behalf of Windsor Properties, Inc., was requesting the Ocean Way Subdivision plat to be vacated per Florida Statute 177.101. He utilized a PowerPoint presentation to show the formal plat vacation of the existing conventional subdivision for the Ocean Way subdivision plat. The project site was located north of Windsor and south of Turtle Cove. It consisted of twelve single-family lots, a single private road right-of-way on Ocean Run Lane, county utilities, several private easements, and ten feet of additional right-of-way along State Road A1A. Mr. Sweeny reviewed the plat vacation process, noting the County Department of Utility Services determined that a county utility easement would be required over the existing county utilities improvements within the platted subdivision area; he further discussed the county utility easement would cover those utility easements until such time they were reconfigured. The property owner owned all affected lots and would be developed as part of Windsor North PD project. He commented that county utilities would be in place until such time as the utilities were reconfigured, and then, ultimately, the whole area would be replatted. He stated the following conditions to the requested plat vacation; 1) the requested plat vacation would not release or vacate the 10-foot wide right-of-way dedication for State Road A1A, and 2) the applicant would dedicate a county utilities easement over the existing county utilities improvement within the platted subdivision area.

The Chairman opened the public hearing.

The following residents expressed their concerns regarding traffic flow and conservation land.

William Ferrell

Ronald Celli

County Attorney Bill DeBaal responded to Ronald Celli's concern regarding conservation land. He stated that the land was platted in 1990 with conservation and drainage easements between the 12 proposed lots. However, the conservation easement did not include a drainage easement. The lots have never been developed, and the conservation easements only existed on paper, and there was nothing there now that was a conservation or drainage easement. County Administrator John Titkanich explained that once the plat was vacated, all dedications would be revoked.

Further discussion was had between Chairman Adams, Mr. Sweeny, and Mark Justice, the Vice President of Construction and Development at Windsor, with regard to code enforcement issues and the new design, which would include almost an acre of tree preservation area within the 50-foot buffer. The larger project to replace this plat would have a new Mangrove habitat and a buffer of 255, 50-foot tall planted trees. The area immediately to the north, between Turtle Cove and the parking area, would be a preserved area with existing vegetation.

Commissioner Earman recommended that staff work with Windsor and monitor traffic in the area during early construction to ensure no negative impact on residents.

There being no further comments, the Chairman closed the Public Hearing.

A motion was made by Commissioner Earman, seconded by Commissioner Moss, to approve staff's recommendation and Resolution 2023-076, providing for the vacation of Ocean Way subdivision, Plat Book 13, Page 92, Indian River County, Florida, said land lying and being in Indian River County, Florida. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [23-1105](#)** Request to Speak from Skylar Jenkins re: idea to increase public safety on our roadways for bicyclists, pedestrians, drivers, and impacted animals

Recommended Action: No action required

Attachments: [Request to Speak S.Jenkins](#)

Skylar Jenkins, a fifth-grade student at Liberty Magnet School, presented to the Board her science experiment that tested the effectiveness of glow-in-the-dark paint on roads. This type of paint was a cost-effective alternative to streetlights and could improve road safety, especially in areas without streetlights. Additionally, using glow-in-the-dark road paint in beach communities could protect sea turtles from overhead lights that may confuse them. Skylar stated she planned to share her idea with sea turtle conservation groups and requested the Board allocate funds for this initiative.

Each Commissioner and the County Administrator applauded Skylar's efforts and offered their assistance in getting Skylar in contact with state entities and the Metropolitan Planning Organization (MPO), Public Works, and Road and Bridge to further her effort.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

- 10.C.1. [23-1092](#)** Public Notice of Public Hearing for December 12, 2023, to Consider Amending an Ordinance Imposing An Additional Cent of Tourist Development Taxes

Attachments: [Staff Report](#)

County Attorney Bill DeBaal read the notice into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

- A. Community Services
- B. Emergency Services
- C. Human Resources
- D. Information Technology

12.D.1. [23-1068](#) Request for Executive Session - Cybersecurity

Recommended Action: Staff is requesting an executive session (as allowed under F.S. 119.0725(3)) with the Board to discuss (2) cybersecurity matters.

Attachments: [Staff Report](#)

Dan Russell, Information Technology Director, requested an executive session with the Board on December 12th, 2023, at 10:30 a.m. The meeting would be held to discuss two topics related to cyber security. He noted that the meeting itself, as well as the discussed topics, would be excluded from public release under Florida Statute 1119.0725(3). The participants in the meeting would include Chairman Susan Adams, Vice Chairman Joe Flescher, Commissioner Joe Earman, Commissioner Deryl Loar, Commissioner Laura Moss, County Administrator John Titkanich, Deputy County Administrator Michael Zito, County Attorney Bill DeBaal, Cyber Security Technician Rachel Miller, Information Technology Director Dan Russell, and a certified court reporter.

Chairman Adams accepted the request for the meeting.

No Action Taken or Required

E. Natural Resources**F. Office of Management and Budget****G. Parks, Recreation, and Conservation****H. Planning and Development Services****I. Public Works**

12.I.1. [23-1080](#)

Quay Dock Landing Subdivision, Partial Waiver Request to Floodplain Cut and Fill Balance Requirements, SD-19-04-01 / 2003010102-83528

Recommended Action: Staff recommends that the Board of County Commissioners approve the 100 Year flood plain waiver for 82 acre-feet (131,600 cubic yards) and then approve the 10 Year flood plain waiver of 24 acre-feet (37,400 cubic yards) with the expiration of the waiver to coincide with the Preliminary Plat approval expiration date (or any extension thereof).

Attachments: [Staff Report](#)

[Exhibit A - Location Map Street](#)

[Exhibit AA - Location Map Aerial](#)

[Exhibit B Preliminary Drainage Plan](#)

[Exhibit C - 100 Year Floodplain](#)

[Exhibit D - 10 Year Floodplain](#)

[Exhibit E - 10 Year Cut-Fill Balance](#)

[Exhibit F - 100 Year Cut-Fill Balance](#)

[Exhibit G - Rise Exhibit](#)

Acting Public Works Director Sean Lieske utilized a PowerPoint presentation to display the location of the Quay Dock Landing subdivision. The project was located between Quay Dock Road and 63rd Street, east of US Highway 1, near the Indian River Lagoon. The site was located within a particular flood hazard area and fell within the 100-year Base Flood Elevation of five (5) feet.

Mr. Lieske stated according to the Land Development Regulations Section 930.07(2)(i)1.a., a waiver would be necessary for the 10-year and the 100-year flood storage balance requirements. The regulation also required an equal amount of cut material for every fill material added without impacting the water by more than one (1) foot. Failure to obtain these waivers could have an adverse effect on the development. Former County Attorney Dylan Reingold had stated that if a request was made for a waiver of the 10-year regulation, a separate request must be made for a waiver of the 100-year regulation.

He discussed the FEMA flood plain guidelines and the County's participation in the Community Rating System (CRS). This system helped residents purchase flood insurance at lower rates. The County was audited every 3-5 years to establish the CRS rating and the County's flood guidelines were recertified every few years, with the next audit scheduled for 2024.

Chairman Adams and Mr. Lieske entered into a discussion regarding the potential impact of granting waivers on the County's CRS points. Mr. Lieske stated that the

CRS points were unaffected by the number of waivers granted. The Stormwater Division would address how the development would manage stormwater to ensure it does not impact the adjacent homeowners.

Commissioner Moss sought and received the history of granting waivers and if there were unexpected consequences by granting them. Mr. Lieske stated that since 1991, when the Land Development regulations were developed, the County had granted two waivers for subdivisions and one waiver for commercial development. Further to his knowledge, there had not been any unexpected consequences. Senior Civil Engineer Adam Heltemes specified that waivers for Orchid Landing, previously known as Warren Way and Provence Bay, were granted in 2005. Mr. Heltemes stated the current proposal ensured that any waiver granted followed what had been approved on paper to ensure the waiver was tied to the project and did not continue with the property if the project was abandoned.

Commissioner Earman expressed concern regarding the filling of wetlands. In response, Mr. Heltemes acknowledged the concern and stated that currently, it was possible to mitigate for wetlands and still fill them. However, the impact on flood storage was not always known. Orchid Landing, which was close to the river, was situated on a large Department of Transportation (DOT) conveyance ditch before it reached the mosquito impoundment.

Vice Chairman Flescher and Mr. Lieske entered into discussion regarding the CRS points and how they benefit residents by lowering their flood insurance costs. Mr. Lieske emphasized that if the County loses points, it could drop down to a lower class. Currently, the County was in Class 5, which resulted in approximately 25% reduction for residents in special flood hazard areas. If points drop, residents would receive a 20% reduction. However, this only applied if they were in a special flood hazard area.

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

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

Nay: 1 - Commissioner Moss

12.1.2. [23-1082](#)

Hammock Shores Subdivision, Partial Waiver Request to the 100yr Floodplain Cut and Fill Balance Requirements, SD-23-11-05/2004120094-95512

Recommended Action: Staff recommends that the Board of County Commissioners approve the partial 100 Year flood plain waiver in the amount of 52 acre-feet (84,000cubic yards) and require the project to meet the 10 Year flood cut and fill requirements with the expiration of the waiver to coincide with the Preliminary Plat approval expiration date (or any extensions thereof).

Attachments: [Staff Report](#)

[Exhibit A FIRM Map With Site Location](#)

[Exhibit AA - Location Map](#)

[Exhibit B Preliminary Drainage Plan](#)

[Exhibit C Cut-Fill Calc No Waiver](#)

[Exhibit D Cut-Fill Calc 100 Year Waiver](#)

[Exhibit-E-Exist. Storage Volume](#)

[Exhibit-F-Cut-Fill-Calc-@-10Yr-Flood](#)

[Exhibit G 100yr Floodway Rise Calculation](#)

Acting Public Works Director Sean Lieske utilized a PowerPoint presentation to display the location of the Hammock Shores subdivision. The project was east of US Highway 1, between 73rd Street and 69th Street. The lots proposed were approximately 1,734 feet from the banks of the Indian River Lagoon and the developer may need to raise the houses to get them out of the flood plain.

Mr. Lieske stated according to the Land Development Regulations Section 930.07(2)(i)1.a., a waiver was necessary for the 10-year and the 100-year cut-and-fill regulations for any work within a floodway. Based on the technical review committee analysis of the site, the 10-year waiver was not being requested

The County Administrator, John Titkanich, explained that there was a difference between Hammock Shores and Quay Dock Landing in terms of pre and post development. The developer would be responsible for ensuring that the stormwater was handled properly after development, as it was different from pre-development, due to the new subdivision located nearby, which was not present before.

Mr. Lieske confirmed for Chairman Adams that the waiver would be tied to the project and not the property.

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

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

Nay: 1 - Commissioner Moss

J. Utilities Services

13. COUNTY ATTORNEY MATTERS

[Clerks note: This Item was heard after Item 7.B.]

13.A. [23-1104](#) Resolution in Support of Indian River County Mosquito Control District

Recommended Action: Staff recommends the Board approve the attached Resolution in support of the Indian River Mosquito District and authorize the Chairman to execute the Resolution on behalf of the Board.

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

County Attorney Bill DeBraal stated the Indian River Mosquito Control District had been an independent Special District in Florida since 1925. It derived its income from ad valorem taxes, not from the Board of County Commissioners. In 2021, the legislature passed House Bill 1103, which mandated that all independent Special Districts undergo performance review by the Office of Program Policy Analysis and Government Accountability (OPPAGA). The review primarily focuses on evaluating the quality of services the special district delivered. It also compared the services provided by other municipalities or the county, under similar circumstances. The Mosquito Control District's services were unique, and they were asking for a Resolution that would allow them to continue as an independent Special District.

Chairman Adams mentioned that it would be difficult for the County to provide mosquito control services. She thanked the Executive Director Sherry Burroughs and staff who were present for their excellent work in controlling mosquitoes in the County.

Mosquito Control District Executive Director Sherry Burroughs thanked the Commissioners for their continued partnership with County staff and their support of the district.

Additional discussion ensued, as each Commissioner shared their thoughts on the valuable services provided by the Mosquito Control District to the County.

A motion was made by Commissioner Earman, seconded by Vice Chairman Flescher, to approve staff's recommendation and Resolution 2023-077, supporting and recommending retention of the current independent Special District status of the Indian River Mosquito Control District. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Joseph H. Earman

D. Commissioner Deryl Loar

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 11:42 am.