

Indian River County Florida

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



Meeting Minutes - Draft

Tuesday, July 11, 2023

9:00 AM

Commission Chambers

Board of County Commissioners

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

Ryan L. Butler, Clerk of the Circuit Court and Comptroller

Shauna James, Deputy Clerk

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

Pastor Tracy Moore, Vero Beach Church of Christ

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 11.A. Executive Session to discuss IAFF negotiations
Added: Item 13.C. Proclamation for County Attorney Dylan Reingold
Moved: Item 15.A.1 to follow the Consent Agenda

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 Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

- 5.A.** [23-0560](#) Presentation of Proclamation Designating the Month of July, 2023, as Parks and Recreation Month and Designating July 21, 2023, as Parks and Recreation Professionals' Day

Recommended Action: Read and Present

Attachments: [Proclamation](#)

During the presentation of the Proclamation by Vice Chairman Adams, the Parks and Recreation Department played a video highlighting the many parks and recreational venues in Indian River County.

Parks and Recreations Director Beth Powell thanked the Board for their vision, hard work, and dedication to providing the highest quality service that spreads into the community. She commented that Parks and Recreation was an integral part of what makes Indian River County unique.

Assistant County Administrator Mike Zito thanked the Board for the recognition.

Read and presented by Vice Chairman Adams

- 5.B.** [23-0429](#) Presentation of Proclamation - Designating the Week of July 15, 2023 Through July 21, 2023 as Treasure Coast Waterway Cleanup Week

Recommended Action: Read & Present.

Attachments: [Proclamation](#)

Donna Ware joined Sebastian Natural Resources Board Member April Price to accept the Proclamation. Ms. Price detailed the amount of trash the annual clean-up removed from the waterways and encouraged the public to join them on July 22, 2023, for this year's event. She thanked the Board for the recognition.

Read and presented by Commissioner Loar

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of May 02, 2023 and May 16, 2023 as written. The motion carried by the following vote:

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

- 6.A.** [23-0620](#) Regular Meeting of May 02, 2023

Recommended Action: Approve

Attachments: [05022023 BCC Draft](#)

Approved

- 6.B.** [23-0622](#) Regular Meeting of May 16, 2023

Recommended Action: Approve

Attachments: [05162023BCC_Draft](#)

Approved

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

- 7.A.** [23-0597](#) Proclamation Honoring Richard Villeneuve On His Retirement From Indian River County Board of Commissioners Department of Public Works/Road & Bridge Division

Recommended Action: Informational Purposes Only

Attachments: [Proclamation](#)

Chairman Earman acknowledged the retirement of Richard Villeneuve from the Indian River County Department of Public Works, Road & Bridge Division.

No Action Taken or Required

7.B. [23-0626](#) Environmental Lands Acquisition Panel (ELAP)

Recommended Action: Information Only

Attachments: [Commissioner's Memorandum](#)

No Action Taken or Required

7.C. [23-0545](#) Orders Approved by County Administrator

Recommended Action: No action by the Board is necessary.

Attachments: [Staff Report](#)

[Change Order A. Thomas Construction](#)

No Action Taken or Required

7.D. [23-0559](#) Indian River County Venue Event Calendar Review

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

Attachments: [Venue Event Calendar](#)

Chairman Earman announced that the Indian River County Veterans would be holding an observance for the recent passing of Colonel Marty Zickert on Saturday, July 29, 2023.

Commissioner Moss stated a get-together would be held at Col. Zickert's favorite watering hole, The Walking Tree Brewery, after the ceremony.

No Action Taken or Required

7.E. [23-0565](#) Florida Public Service Commission Consummating Order No. PSC-2023-0180-PAA-EQ, Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company, is available for review in the Office of the Clerk to the Board

Recommended Action: Information Only

No Action Taken or Required

- 7.F. [23-0569](#) Sebastian River Improvement District's Budget for Fiscal Year 2023/2024 (October 1, 2023 - September 30, 2024) is on file for review in the Office of the Clerk to the Board

Recommended Action: Information Only

No Action Taken or Required**8. CONSENT AGENDA**

A motion was made by Commissioner Flescher, seconded by Chairman Earman, approved the Consent Agenda as amended, pulling Item 8.F. for discussion. The motion carried by the following vote:

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

- 8.A. [23-0557](#) Checks and Electronic Payments June 9, 2023 to June 15, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 9, 2023 to June 15, 2023

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B. [23-0566](#) Checks and Electronic Payments June 16, 2023 to June 22, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 16, 2023 to June 22, 2023

Attachments: [Finance Department Staff Report](#)

Approved

- 8.C. [23-0594](#) Checks and Electronic Payments June 23, 2023 to June 29, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 23, 2023 to June 29, 2023

Attachments: [Finance Department Staff Report](#)

Approved

- 8.D. [23-0556](#) Tax Collector Carole Jean Jordan, Tax Collector -- 2022 Tax Roll Recapitulation

Attachments: [Memorandum from IRC Tax Collector](#)
[2022 Tax Roll Recapitulation](#)

Approved

8.E. [23-0536](#) Request to Waive the Bid Process for Community Development Software

Recommended Action: Staff recommends that the Board of County Commissioners waive the requirement for bids, approve the proposed Neighborly Community Development Software agreement, and authorize the Chairman to sign it after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Sole Source Vendor brochure](#)
[Neighborly Software Agreement](#)

Approved staff's recommendation

8.F. [23-0571](#) Increased Size Allowances for Accessory Structures on Large Single-Family Parcels

Recommended Action: Staff recommends that the Board of County Commissioners consider the proposed LDR amendment request, provide initial feedback, and authorize Planning Division staff to draft a County-initiated LDR amendment to provide increased size allowances for accessory structures on larger single-family parcels.

Attachments: [Staff Report](#)

Vice Chairman Susan Adams pulled this Item to highlight the opportunity provided by Community Development for citizens looking to add accessory structures to their property.

Andy Sobczak, Interim Community Development Director, proposed several fixes to improve the planning process to make it more customer-friendly. He suggested changing the rules for accessory structures. These structures were generally anything subordinate to the main house on a residential property, for example, a garage, or a detached mother-in-law suite. Community Development allowed less square footage for accessory structures than for the main house. This worked well on smaller properties, but citizens were often turned away on larger properties as they had used up their allowance. He stated the department had noticed this recurring theme over the years.

Mr. Sobczak utilized a PowerPoint presentation that showed four examples of how many accessory structures could be built on a property. The number would be determined by tallying on-site structures and using a tiered system for larger properties. He stated with the Board's approval, Community Development would bring back a more formal item and update the code.

Vice Chairman Adams stated this was a great common sense approach and looked forward to Mr. Sobczak bringing this item back at a future Board meeting.

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

- 8.G.** [23-0575](#) Resolution of the Board of County Commissioners Authorizing Funding for the Florida Department of State, Division of Historic Resources Small Matching Grant for the Gifford Parks "Tour Through Time;" and for Providing an Effective Date

Recommended Action: Staff respectfully recommends that the Chairman execute Resolution for the DHR Small Matching Grant for the Gifford Tour Through Time project

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

Approved staff's recommendation and Resolution 2023-030 authorizing funding for the Florida Department of State, Division of Historical Resources small matching grant for the Gifford Parks "Tour Through Time"; and providing for an effective date.

- 8.H.** [23-0587](#) Approval of a License Agreement with Miss B's Learning Bees, Inc. for Use of the Intergenerational Recreation Center for a Success Team Summer Program

Recommended Action: Staff recommends the Indian River County Board of County Commissioners accept the License Agreement with Miss B's Learning Bees, Inc., and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

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

Approved staff's recommendation

- 8.I.** [23-0553](#) Indian River County Subaward and Grant Agreement for Hurricane Nicole

Recommended Action: Staff recommends the Board approve and authorize the Chairman to execute the agreement and all other documents necessary to effectuate the agreement and authorize the County Administrator to sign any additional modifications.

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

Approved staff's recommendation

8.J. [23-0554](#) Miscellaneous Budget Amendment 06

Recommended Action: Staff recommends the Board of County Commissioners approve the budget amendment resolution amending the fiscal year 2022-2023 budget

Attachments: [Staff Report](#)
 [2022 2023 Resolution](#)
 [Exhibit "A"](#)

Approved staff's recommendation and Resolution 2023-031, amending the Fiscal Year 2022-2023 budget.

8.K. [23-0555](#) Authorization for BCC Chamber Upgrades with iM Solutions

Recommended Action: Staff recommends the Board authorize piggyback the City of Cocoa contract, and authorize the Purchasing Division to issue a Purchase Order to iM Solutions for the upgrades.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.L. [23-0546](#) Award of Bid 2023022 for Treasure Shores Beach Park Septic to Sewer Conversion

Recommended Action: Staff recommends the Board award Bid 2023022 to Meeks Plumbing, Inc., approve the agreement, and authorize the Chairman to sign the agreement after review and approval by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required public construction bond.

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

Approved staff's recommendation

8.M. [23-0561](#) Resolution re Signatories for Clerk

Recommended Action: Adopt the resolution and authorize the newly appointed Clerk to sign the resolution and the respective Certificate of Facsimile Signature; and to instruct the Clerk to the Board of County Commissioners to transmit to the Department of State the original Certificate of Facsimile Signature.

Attachments: [Staff Report](#)
 [2023 RESO annual signatories - Clerk](#)
 [Certificate For Facsimile Signature](#)

Approved staff's recommendation and Resolution 2023-032 directing depositories of County funds to honor certain authorized signatures on county checks,

warrants, and other orders for payment; providing for the Clerk of the Circuit Court signatory; and providing an effective date.

- 8.N. [23-0593](#) Resolutions Formally Designating A Portion of Certain County Owned Properties as Right-Of-Way

Recommended Action: Adopt the resolutions, and authorize the Chairman to execute same for recordation in the Public Records of Indian River County, Florida

Attachments: [Staff Report](#)

[Reso Earmarking ROW \(wr\) - Colvin](#)

[Reso Earmarking ROW \(nr\) - Hernandez-Lleo](#)

[Reso Earmarking ROW \(wr\) - Abazis](#)

[Reso Earmarking ROW \(wr\) - Hudson](#)

[Reso Earmarking ROW \(nr\) - O'Neal](#)

[Reso Earmarking ROW \(nr\) - GardinerR-W](#)

[Reso Earmarking ROW \(nr\) - Thompson](#)

[Reso Earmarking ROW \(wr\) - Central Groves Corp](#)

[Reso Earmarking ROW \(nr\) - US Bank \(jackson\)](#)

[Reso Earmarking ROW \(wr\) - Roddenbry](#)

[Reso Earmarking ROW \(wr\) - HoodB](#)

Approved staff's recommendation and Resolutions 2023-033 (Colvin); 2023-034 (Hernandez-Lleo); 2023-035 (Abazis); 2023-036 (Hudson); 2023-037 (O'Neal); 2023-038 (Gardiner); 2023-039 (Thompson); 2023-040 (Central Groves Corp); 2023-041 (U.S. Bank National Association); 2023-042 (Roddenberry); and 2023-043 (Hood); formally designating certain County owned property for 66th Avenue right-of-way, and directing the Property Appraiser to cut out the property designated as right-of-way from the parent parcel.

- 8.O. [23-0595](#) Purchase of Trucks for Parks Division

Recommended Action: Staff recommends the Board authorize the waiver of the requirement for bids for trucks from Mike Maroone Chevrolet, made on its behalf by the County Administrator.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.P. [23-0596](#) Authorization to Purchase Replacement Rescue Unit

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Purchase Order to South Florida Emergency Vehicles for the purchase of the rescue unit.

Attachments: [Staff Report](#)
[SFEV Quote](#)

Approved staff's recommendation

- 8.Q.** [23-0562](#) Sector 3, Hurricanes Ian and Nicole Pre-Construction and Engineering Services, APTIM, Work Order No. 2018006-15

Recommended Action: Staff recommends the BCC authorize Work Order No. 2018006-15 in the total lump sum amount of \$88,332.95. Additionally, staff recommends the BCC authorize the Chairman to execute Work Order No. 2018006-15

Attachments: [Staff Report](#)
[APTIM Work Order #2018006-15](#)
[Work Order No 2018006-15 Agreement](#)

Approved staff's recommendation

- 8.R.** [23-0572](#) Change Order No. 1 - Release of Retainage Dick Bird Park Pickleball Courts IRC-2204

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 7 in the amount of \$41,371.66 for release of retainage.

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

Approved staff's recommendation

- 8.S.** [23-0567](#) Monitoring of Committees Resolution

Recommended Action: The County Attorney recommends that the Board approve the resolution delegating the monitoring of the committee terms to the Commission Office staff.

Attachments: [Staff Report](#)
[Committee Monitor](#)

Approved staff's recommendation and Resolution 2023-044, modifying Resolution 2011-072 appointing the Commission office as the monitor of committees.

- 8.T.** [23-0574](#) Addendum to RXBenefits Administrative Services Agreement Reflecting Improved Pricing and Updates effective January 1, 2023

Recommended Action: Staff respectfully requests the Board of County Commissioners approve and authorize the Board Chairman to sign the January 1, 2023 Addendum to the Administrative Services Agreement addendum with RXBenefits after review and approval by the County Attorney.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.U.** [23-0573](#) Release of Retainage and Change Order No. 1, Moorhen Marsh Low Energy Aquatic Plant System (LEAPS), IRC-2107

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 2107-18 to Allen Concrete and Masonry Inc. in the amount of \$644,859.15 for final payment for Part A and release of retainage.

Attachments: [Staff Report](#)

[Change Order No. 1](#)

Approved staff's recommendation

- 8.V.** [23-0577](#) Grant Application Funding Assistance from the State of Florida Beach Erosion Control Program - FY 2024/2025

Recommended Action: Staff recommends Board approval of the funding resolution.

Attachments: [Staff Report](#)

[Funding Resolution Sector 3 LGFR 24-25](#)

Approved staff's recommendation and Resolution 2023-045, requesting assistance from the State of Florida Beach Erosion Control Program - FY 2024/2025.

- 8.W.** [23-0578](#) Approval of the Grand Muck Survey and Nutrient Analysis Contract Agreement

Recommended Action: Staff recommends the Board of County Commissioners approve the agreement, authorize the Chairman to sign the agreement once the signed agreement is received back from Dr. Fox and FIT. Additionally, staff requests the Board authorize the Purchasing Manager to issue individual work orders for the Tasks identified in the staff report, as funding is available and approved

Attachments: [Staff Report](#)

[IRC Muck Survey Proposal](#)

[FIT Agreement for IRL Muck Research](#)

Approved staff's recommendation

- 8.X.** [23-0579](#) FDEP Revised Grant Agreement 23IR2 (Indian River County 2022 Hurricane Ian and Nicole Recovery Project)

Recommended Action: FDEP revision to the Board's previously approved LGFR 23IR2 Grant are reflected

only in the amount of the award, with the revised LGFR 23IR2 Grant replacing the previously approved version. Revised LGFR 23IR2 Grant increases the funding amounts awarded for the County's beach and dune repair efforts from \$3,745,691.41 to \$7,722,000.00 as identified in the agenda above. Terms contained within the revised grant are to be identical to the Board's previously approved version. In order to move ahead with the revised grant amounts, Staff recommends the Board authorize the County Administrator to accept FDEP's revised Grant Agreement 23IR2 for up to \$7,722,000.00 and sign the Agreement on behalf of the County. Following County execution, Staff will transmit the partially executed Agreement to the State for final signatures. Upon receipt of the fully executed original FDEP Grant Agreement 23IR2 from the State, staff will transmit to the Clerk to the Board of County Commissioners for filing

Attachments: [Staff Report](#)

[Revised Grant Form No. 23IR2](#)

Approved staff's recommendation

8.Y. [23-0580](#) Colliers International Lease Compensation for North County Office

Recommended Action: Staff recommends the Board approve the compensation rate of 6% for lease agreements through Colliers International Florida, LLC

Attachments: [Staff Report](#)

Approved staff's recommendation

8.Z. [23-0592](#) Amendment No. 2 to Work Order No. 5 with Edlund, Dritenbas, Binkley Architects and Associates for Fire Station #7 (IRC-1911)

Recommended Action: Public Works recommends the Board of County Commissioners approve Amendment No. 2 to Work Order No. 5 with Edlund, Dritenbas, Binkley Architects and Associates, P.A., in the amount of \$18,300.00 and authorize the Chairman to execute Amendment No. 2 to Work Order No. 5.

Attachments: [Staff Report](#)

[Amendment No. 2 to Work Order No. 5](#)

Approved staff's recommendation

8.AA. [23-0604](#) Approval of FWC Grant for Indian River County Derelict Vessel Removal Project

Recommended Action: Staff recommends the Board of County Commissioners authorize the County Administrator to sign and execute Contract 22299 in the amount of \$31,295.00 on behalf of the County upon receipt

Attachments: [Staff Report](#)
[FWC Grant Sample Agreement](#)
[July 2023 IRC DV Removal Map](#)

Approved staff's recommendation

8.AB. [23-0582](#) North Sebastian Phase II Water and Sewer Project FDEP Cost-Share Funding Agreement (LPQ 0019) Time Extension

Recommended Action: Staff recommends the Board of County Commissioners authorize the Director of Utility Services to sign the Florida Department of Environmental Protection Grant Agreement LPQ0019 Amendment 3 and all necessary documents in order to effectuate the grant time extension

Attachments: [Staff Report](#)
[LPQ0019 Amendment 3](#)

Approved staff's recommendation

8.AC. [23-0583](#) Revision 1 to Amendment No. 1 to Centerline, Inc. for West Wabasso Septic to Sewer Phase 3B Project

Recommended Action: Staff recommends the Board of County Commissioners approve the Revision to Amendment No.1 to Centerline, Inc. in the amount of \$1,368,176.77, which would effectively add both Phase 3A and 3B construction costs under one agreement, and authorize the Chairman to execute it, after review and approval of the required amendment to the public construction bond. So long as there are no changes in the dollar amount under the revised Work Order, upon adequate completion of the work set forth in the Work Order, staff is directed to make final payment and release any retainage to Centerline, Inc., after review and approval by the Purchasing Manager and the County Attorney's Office

Attachments: [Staff Report](#)
[Change Order No 1](#)
[Amendment 1 to Centerline Agreement](#)

Approved staff's recommendation

8.AD. [23-0584](#) Work Order #1 - West Regional Wastewater Treatment Facility Effluent Reject System

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order No. 1 with Kimley-Horn and Associates, Inc. in the amount of \$151,343.00 to provide design, permitting, bid and construction phase services, and authorize the chair to execute the same. So long as there are no changes in the dollar amount under the work order, upon adequate completion of the work set forth in the work order,

staff is directed to make final payment and release any retainage to Kimley-Horn and Associates, Inc., after review and approval by the Purchasing Manager and the County Attorney's Office

Attachments: [Staff Report](#)
[Work Order #1](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A. [23-0603](#) IRC Tax Collector Carole Jean Jordan re: PACE Loans

Attachments: [Memorandum from IRC Tax Collector](#)

Carole Jean Jordan, Indian River County Tax Collector, stated this Item was brought before the Board to address the Property Assessed Clean Energy (PACE) program and to specifically warn County citizens of predatory lenders in Indian River County. Ms. Jordan had shared her concern with elected officials, including Senator Erin Grall, Representative Robert Brackett, and County Attorney Dylan Reingold. She stated that Director of Taxes and Licensing Jordan Abbey and the Attorney for the Tax Collectors office, Robert Nall, had invested countless hours conducting research across the State of Florida regarding the PACE program.

Mr. Abbey explained the PACE program and why it was being presented to the Board. He used a PowerPoint presentation to illustrate his points. PACE financing allowed property owners to fund energy-efficient, renewable energy, or wind-resistant improvements with little to no upfront costs. However, the homeowner must enter into an agreement with a participating agency to obtain the financing, which would be paid off through their tax bill. Mr. Abbey raised concerns, including that PACE providers were exempt from the Truth-in-Lending Act, making it different from conventional loans. Additionally, homes with PACE loans were ineligible for financing from the Federal Housing Administration (FHA), Fannie Mae, and Freddie Mac. The length of the loans could exceed the useful life of the improvements, and some contractors and funding agencies were selling the programs as government or county programs, which they were not. Finally, low-income, elderly, and non-English speaking residents were often targeted, with contracts being signed on mobile devices, making it difficult to review the terms and understand the document they were signing.

Mr. Abbey stated that the Board had previously voted against allowing PACE agencies to operate in the Unincorporated County. Currently, the Florida Green Finance Authority (FLGFA) had an agreement with the City of Fellsmere to offer

PACE loans to its residents, but no agreements had been made with the City of Vero Beach, the Town of Indian River Shores, the Town of Orchid, and the City of Sebastian. In another instance, despite lacking an Interlocal Agreement with the County Tax Collector, the Florida PACE Funding Agency (FPFA) had contracted over 18 PACE improvements in the Unincorporated County. He gave two examples of how the PACE program could negatively affect taxpayers' tax liability. He mentioned that Sarasota, Pasco, Palm Beach, and Pinellas Counties had either terminated existing Interlocal agreements or filed lawsuits against FPFA. He advised homeowners to explore all options when seeking home improvement financing and to carefully review all paperwork before signing.

Attorney Reingold acknowledged the Board's concerns regarding all PACE programs, referencing an email he received, which stated that other PACE entities were not part of this litigation. He appreciated those PACE entities that did not take a bullying approach like the FPFA. Attorney Reingold mentioned that Carole Jean Jordan, Wesley Davis, and the Florida Department of Revenue had received a letter from the FPFA, and their website address was www.floridaPACE.gov, which indicated that they were masquerading as a governmental entity. He suggested a public records request to determine whom the FPFA was targeting.

Ms. Jordan stated that it was imperative that citizens exercised caution and understood the Board's repeated opposition to it. Unfortunately, imposing a lien on the tax roll would be necessary for those who could not pay those loans. This could lead to them losing their homes, which would be an injustice.

Commissioner Flescher stated it was important to note that the Board had taken a unanimous stance against the PACE program. Unfortunately, some unscrupulous individuals had taken advantage of the vulnerabilities of the County's citizens and offered enticing deals, which could be inappropriate and harmful to the community. He emphasized that the Board did not support this program in any way, shape, or form. He thanked Ms. Jordan and Mr. Davis for taking a strong stand in protecting the community.

Chairman Earman agreed with Commissioner Flescher. Unfortunately, many seniors would be unprepared for the shock of their first statement. He stated that PACE seemed brazen and sharp-toothed and was shocked at their audacity. Commissioner Moss echoed Chairman Earman's remarks.

Jim Kordiak, resident, stated he wholly supported any effort the Board chose to pursue.

No Action Taken or Required

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1. [23-0576](#) Pulte Home Company, LLC's Petition for Abandonment of a Public Access Easement (LEGISLATIVE)

Recommended Action: Staff recommends that the Board of County Commissioners abandon its rights to the subject public access easement, and authorize the chairman to execute the attached abandonment resolution, with the following condition: 1. The replacement easement shall be recorded immediately following the abandonment resolution.

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

Ryan Sweeney, Interim Assistant Community Development Director, stated that Pulte Home Companies had requested a public access easement abandonment. This easement functioned as a public access and technically served as a right-of-way. Out of an abundance of caution, the request would need to go through the formal right-of-way abandonment process, including advertising a public hearing. The project site, located east of US-1 and south of County Road 510, was initially approved in 2005 as Orchid Landing Village. It had been known as Orchid Quay and Bristol Bay but was now called Harbor Isle. He stated it was initially approved for 497 multi-family units and 90,000-130,000 square feet of commercial space; it now included 270 single-family units, and the commercial space had since been split off. However, it remained connected to US-1, County Road 510, and 82nd Street. He utilized a PowerPoint demonstration to show the currently approved site plan and proposed easement. Mr. Sweeney stated the Planning and Zoning Commission reapproved the development in 2021, reducing the number of units, removing the connection to 82nd Street, and slightly realigned the easement to allow public access to the Mayflower Frontage Road and the approved shopping center. A new easement document was ready to be immediately recorded.

The Chairman opened the public hearing.

Kyle Jones, representing Pulte Company Homes, fully agreed with the staff report. He thanked staff for their cooperation in making this process seamless.

There were no additional speakers; the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner

Loar, to approve staff's recommendation and Resolution 2023-046, providing for the closing, abandonment, vacation and discontinuance of a public access easement located in Indian River County, Florida. 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

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A [23-0647](#) Addition 11.A -- Executive Session to Discuss IAFF Negotiations

Attachments: [Staff Report](#)

County Administrator John Titkanich stated the Executive Session would occur immediately following the regular Board meeting.

No Action Taken or Required

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. [23-0522](#) Consideration of Levying an Additional Cent of Tourist Tax

Recommended Action: Staff is seeking direction regarding the Board's desire to levy an additional cent of Tourist Tax, as well as how the proceeds of Tourist Taxes are to be spent.

Attachments: [Staff Report](#)
 [FS 125.0104](#)

Management and Budget Director Kristen Daniels used a PowerPoint presentation to explain the potential additional levy of one cent tourist tax. The County currently levied four cents of tourist tax on any short-term lodging lasting

less than six months. The four cents collected were divided between three funds: 1 2/3 cents for tourism development agencies (\$1,725,138), 1 5/6 cents for beach restoration (\$1,897,362), and 1/2 cents for the lease obligation at the Jackie Robinson Training Complex (\$517,500). According to Florida Statute 125.0104, the first three cents could be spent on sports stadium maintenance, capital tourism promotion, and beach restoration. Ms. Daniels clarified that under the statute, the fifth cent was only allowed to be levied by high-impact tourism counties that collect sales above \$600,000,000. Indian River County collected closer to \$103,000,000; therefore, the County would not qualify for the fifth cent, referred to as the sixth cent statute, resulting in five pennies for the County. She further detailed that the fourth and the sixth cent could only be used towards sports stadium capital and tourism promotion.

Ms. Daniels stated at the June 20, 2023, meeting, Chairman Earman had requested staff provide a 10-year history of the beach preservation fund. Over the ten (10) years, \$29,407,998 was collected to support the beaches. She provided the Beach Restoration Fund history, including the completed beach restoration projects. She pointed out that with any grants and FEMA proceeds, the money had to be spent first, and then the reimbursement would be received. She noted the County was awaiting approximately 14.3 million dollars in reimbursements from the State and FEMA; after these funds were received, the beach fund should have a balance of roughly \$10.4 million.

Ms. Daniels referred to the direction by the Board for staff to evaluate how the County could appropriate the most funding to the Beach Restoration Fund. She reviewed the options, one being the current Jackie Robinson Training Center (JRTC) lease obligation of \$800,000. Pointing out that on September 1, 2023, the County's commitment would drop by half to \$400,000. She mentioned the current 1/2 cent of the Tourist Tax generated approximately \$500,000 and proposed the County reduce the 1/2 cent to 1/4 cent (\$250,000). This would allow the 1/4 cent to be reallocated to the Beach Restoration Fund. Ms. Daniels presented the matrix and summarized the options to reallocate the additional cent of Tourist Tax to levy.

Option 1: Levy an additional cent and reallocate funds as follows:

Beach Restoration Fund 2 3/4 cents (2.75)

Tourist Development Fund 2 cents (2.0)

JRTC Fund 1/4 cent (.25)

Option 2: No additional levy and reallocate funds as follows:

Beach Restoration Fund 2 1/12 cents (2.08)

Tourist Development Fund 1 2/3 cents (1.67)

JRTC Fund 1/4 cents (0.25)

Option 3: No change to the existing allocation

Chairman Earman stated that the County could effectively secure more funding for beach restoration by implementing this proposal and supported Option 1.

Commissioner Flescher stated Option 1 provided beach funding and reduced the likelihood of scrambling for match dollars when they become available. Although less than a million dollars would not cover all beach needs, it was an additional tool. He fully supported Option 1 and believed it would boost tourism and give the County Administrator more latitude when seeking beach funding.

Commissioner Moss questioned if the surplus from Tourist Development could replace increasing the Tourist Tax. Ms. Daniels replied that the Statute dictates how the pennies are spent, and it was not allowed under penny four (4) and six (6).

Commissioner Loar conveyed his support for Option 1 and highlighted the importance of increased cooperation from the Chambers to elevate tourism in the region further.

Chairman Earman sought and received from Attorney Dylan Reingold that if the Board were to move forward with the proposal, staff would bring back an Ordinance in August to establish the fifth Penny. Attorney Reingold responded that the Ordinance would require a minimum of a four-to-one vote to pass. Also, changes may need to be made to the Code to accommodate the addition of the fifth penny, and the timing would also need to align with the clerk's office.

President of the Indian River County Chamber of Commerce, Dori Stone, stated that the Chamber's funding would be allocated towards updating the tourism study, providing valuable insight into the County guests' spending behaviors. The Chamber remained committed to the beach renourishment program, which was vital in promoting tourism in the County.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve Option 1 and to bring back an Ordinance at the regular meeting in August. The motion carried by the following vote:

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

G. Public Works

The Chairman called for a recess at 10:30 am and reconvened the meeting at 10:41 am with all members present.

12.G.1. [23-0563](#) Indian River County's Draft Lagoon Management Plan

Recommended Action: Staff recommends the Board authorize staff to move on to the Public Outreach step to move the development of Indian River County's LMP forward

Attachments: [Staff Report](#)
[Draft Lagoon Management Plan](#)

Melissa Meisenburg, Lagoon Environmental Specialist, utilized a PowerPoint presentation to make known that the initial draft of the Lagoon Management Plan (LMP) had been completed. She stated that the LMP would be subject to public outreach and comment periods before moving on to the implementation phase. All feedback received during this process would be carefully considered, and modifications would be made accordingly. In addition to public comments, meetings would be held with the Commissioners and special interest groups. Ms. Meisenburg commented that Tetra Tech Consultants would facilitate those meetings, and she hoped to schedule one-on-one meetings with Commissioners in July 2023. The final LMP was anticipated to be presented to the Board on September 26, 2023, for consideration and adoption.

Commissioner Loar expressed his gratitude towards Ms. Meisenburg and her team for their hard work. Despite the pressure imposed in April 2023, he was pleased to see progress and was excited about the future.

Commissioner Flescher and Commissioner Moss agreed with Commissioner Loar and looked forward to gathering input from all parties for potential changes starting in August 2023.

Chairman Earman expressed satisfaction with the document, calling it a robust and well-constructed piece of work. He eagerly anticipated seeing the results of the process. He was pleased with the commitment made by Senator Erin Grall, Senator Debbie Mayfield, Representative Thad Altman, and Department of Environmental Protection (DEP) Director John Johnson, who supported funding various water conservation projects. These projects focused on groundwater, Lagoon water, and beach improvements. Chairman Earman was grateful for the support of all those involved in this effort and gave special thanks to Public Works Director Rich Szpyrka and Natural Resources Manager Eric Charest, and was optimistic about the future of

Indian River County regarding water conservation.

A motion was made by Commissioner Moss, 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

13. COUNTY ATTORNEY MATTERS

13.A. [23-0568](#) County Attorney Employment Contract

Recommended Action: The County Attorney recommends that the Board approve the proposed County Attorney Employment Agreement with Mr. Bill DeBaal.

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

County Attorney Dylan Reingold announced that during the Board's meeting on June 20, 2023, the decision was made to appoint Bill DeBaal as the new County Attorney following Attorney Reingold's departure. He stated a contract had been negotiated for Mr. DeBaal and was available for Board approval, which was largely in line with his current agreement.

There was no further discussion on this Item.

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

13.B. [23-0570](#) Deputy County Attorney

Recommended Action: The County Attorney recommends that the Board consent to promoting Susan J. Prado to the Deputy County Attorney position upon Mr. DeBaal, the current Deputy County Attorney, becoming County Attorney.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold stated that the recent appointment of Bill DeBaal as the new County Attorney created an opportunity to fill the Deputy County Attorney position. It was the opinion of the current and future County Attorneys, Dylan Reingold and Bill DeBaal, that Susan Prado would be a suitable candidate for the role. As per the County Code, the County Attorney must receive the advice and consent of the Board in hiring a Deputy County Attorney. Therefore, it was the joint

recommendation of both County Attorneys to promote Susan Prado as the next Deputy County Attorney.

There was no further discussion on this Item.

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.C. Proclamation Honoring Dylan Reingold On His Retirement

Chairman Earman began the presentation of the Proclamation by acknowledging the upcoming departure of County Attorney Dylan Reingold. He shared that Mr. Reingold would soon embark on a journey to Africa to climb Mount Kilimanjaro as part of his bucket list. With that, Chairman Earman proceeded to present the Proclamation.

The Commissioners and staff each took turns expressing their gratitude for the County Attorney's invaluable service and offered their congratulations and best wishes for his future endeavors.

To further highlight the County Attorney's contributions, Indian River Shores Town Manager Jim Harpring and City of Sebastian Council Member Bob McPartlan spoke on his behalf.

Attorney Reingold stated he was incredibly grateful for the opportunity to work with such amazing department heads throughout the years. It had been a privilege to receive all of the insightful comments, and it was truly appreciated.

Read and presented by Chairman Earman

14. COMMISSIONERS MATTERS

A. Commissioner Joseph H. Earman, Chairman

14.A.1. [23-0627](#) Proposed Joint Municipality Meeting

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Chairman Earman proposed a joint meeting with the municipality councils and stated he had already taken the initiative to have discussions with several Mayors. This forum would focus on what was best for the Towns, Cities, and the County to address critical issues such as Lagoon projects and roadway concerns. The

objective would be to have a constructive and productive conversation that would yield positive outcomes. He suggested that staff arrange meeting details for the County Administrator and City Managers to discuss mutual concerns.

Each Commissioner weighed in with their support for the joint municipality meetings, stating it was an excellent, long-overdue idea. By doing this, the County could better understand each other's work in terms of the councils and the commissions.

City of Sebastian Council Member Bob McPartlan suggested individual meetings with each City Council instead of a joint meeting and suggested after the election in November.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve a joint meeting with County Municipalities. 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

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

[Clerks note: Item 15.A.1 was heard after Consent]

15.A.1. [23-0602](#) Approval Firefighter Cancer Decontamination Grant

Recommended Action: Staff recommends that the Board authorize consent for application submission to The Florida Firefighter Cancer Decontamination Equipment Grant Program. Authorize consent for application submission with the Purchasing Manager, and funding approved by the Budget office.

Attachments: [Staff Report](#)
[MES Quote](#)
[TEN-8 Quote](#)
[Bullard Quote](#)
[Notice of Funding](#)

Director of Emergency Service Chief David Johnson stated the 75-25 Grant would greatly benefit the department by providing additional gloves, hoods, and helmet inserts. He commented that firefighters often encounter contamination during structure fires, and there was a need to replace these items after each use to ensure the firefighters had a fresh set for their next call. This grant would significantly enhance the supply of these three essential items.

No further discussion was had on this Item.

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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners, resuming the meeting with Item 9.A.

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. [23-0621](#) Approval of the SWDD Meeting Minutes of May 02, 2023

Recommended Action: Approve

Attachments: [0502202 SWDD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the minutes of the May 02, 2023 Solid Waste Disposal District meeting as written. The motion carried by the following vote:

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

15.B.2. [23-0585](#) Approval of FY 2024 CPI Adjustment Requests by Waste Management, Atlas Organics, Republic Services, and Indian River Sustainability Center

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the calculated CPI of 3.84% be granted to Waste Management, Inc. of Florida and Atlas Organics Indian River, LLC with a 4% allowance for Republic Services of Florida, LP and Indian River Sustainability Center, LLC, and authorize the County Administrator or his designee to send a letter of approval. Staff also recommends approval of a reduction of credit by \$165,132 to the Indian River Sustainability Center, LLC

Attachments: [Staff Report](#)
[Rate Adjustment Letters from Waste Management](#)
[Rate Adjustment Letter from Atlas](#)
[Rate Adjustment Letter from Republic](#)
[Rate Adjustment Letter from IRSC](#)

Solid Waste Disposal District Managing Director Himanshu Mehta referred to his memorandum dated June 27, 2023, regarding the Fiscal Year 2024 Consumer Price Index (CPI) adjustment by Waste Management (WM), Atlas Organics (Atlas), Republic Services (Republic), and Indian River Sustainability Center, LLC (IRSC). Each agreement involved an annual adjustment process whereby the vendors could request a CPI increase. However, the indexes could differ from year to year and vary between contracts. Despite the requests the Solid Waste Disposal District (SWDD) had received, all agreements had a maximum cap of three percent (3%). Due to the current state of the economy, inflation factors had been higher than usual, which had impacted each agreement individually. He reviewed each agreement separately, pointing out their contract allowance, requested increase, and the staff's proposal.

1) Waste Management, of which there were two agreements; the first was the franchise agreement, which affected both residential and commercial rates in unincorporated areas of the County. Additionally, it impacted the residential recycling collection rate included in the annual SWDD budget. The second agreement pertained to recycling collection at government buildings and facilities. The CPI for both contracts was calculated at 3.84%, whereas WM had requested a higher rate of 5.12%, exceeding the maximum of 3%. He stated that staff recommended a 3.84% increase for both agreements.

2) Atlas Organics was the go-to provider for all the County yard waste needs. They receive all yard waste materials at the landfill and expertly mulch them before transporting the materials to the facility next door for composting. Their CPI category was comparable to WM, with a calculated amount of 3.84%. While their cap was set at 3%, staff recommended the 3.84% requested by Atlas.

3) Republic Services provides landfill management to the five customer convenience centers and services the Blue Cypress facility. Their proposal included a rate increase of 6.92%.

4) The Indian River Sustainability Center proposed a 5.19% increase.

Considering the economic impacts, staff recommended both Republic and IRSC receive a 4% increase.

Mr. Mehta stated the SWWD allowed for an increase in population, which increased tonnages; staff felt comfortable with the recommendation even though going above the cap of 3% was typically not done.

Chairman Earman sought and received confirmation that there would be no increase to the residents under the staff proposal. Mr. Mehta responded that the 3.84% increase in the Waste Management budget would affect County residents as it impacts the recycling component of the budget. The residential subscription pickup price was \$10.75; the recommendation would increase it to \$11.16, bringing the quarterly price from \$32.25 to \$33.48 for residents if the 3.84% increase was approved.

Commissioner Loar commented that the County had great relationships with all the vendors discussed. In his experience, the vendors were very responsive to any call, and it was the cost of doing business.

Resident James Kordiak raised concern about people using recycling bins for garbage despite mandatory recycling and provision of bins. He suggested a mandatory garbage collection program funded by property taxes to encourage voluntary recycling.

A motion was made by Commissioner Loar, 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. [23-0588](#)

Update on Franchise Collection Procurement Process

Recommended Action: Solid Waste Disposal District staff recommends the Board approve the drafting and issue of the solicitation documents based upon the options and programmatic details provided herein

Attachments: [Staff Report](#)

Solid Waste Disposal District Managing Director Himanshu Mehta utilized a PowerPoint presentation to update the Board on the County's Solid Waste and Recyclables Collection Service. It was time to begin the Request for Proposal (RFP) process to ensure competitive procurement and maintain service quality. The Solid Waste Disposal District (SWDD) aimed to increase efficiency and recycling rates while managing costs, remaining one of the lowest-priced options in the Treasure Coast region. This process followed the Franchise Agreement Ordinance and would result in the best possible outcome for the community.

Mr. Mehta stated that Waste Management had an exclusive subscription service for garbage and yard waste pickup and commercial service in unincorporated areas of Indian River County, except for Municipalities. Over 70% of unincorporated area residents subscribed to Waste Management (WM) services. The City of Fellsmere was using the piggyback clause and was waiting for the Board's decision, while the City of Sebastian recently signed a new franchise agreement with WM. Vero Beach had its own solid waste collection service, and the Town of Indian River Shores and the Town of Orchid were interested in participating in the RFP.

Mr. Mehta highlighted the new potential services included in the RFP. He gave an overview of the Universal Garbage Collection to the RFP. He outlined requirements for vendors bidding on exclusive residential and commercial franchise areas in unincorporated Indian River County, which included single-stream recycling for the entire County and Government facilities.

Mr. Mehta reviewed four (4) residential service options, the evaluation criteria, and the timeline. He emphasized that the County's procurement documents included the Cone of Silence, which would be implemented when the RFP was issued, with which staff and Board members must comply. Vendors must direct questions through the County purchasing department. He suggested enacting the Cone of Silence immediately.

Vice Chairman Adams stated that the Board would face challenging decisions during this year's RFP process and discussed the difficulty of the process. She stated that rushing the process would not benefit the residents, and the Board needed to allow staff and vendors ample time to provide comprehensive packages for evaluation. Further, the Board may not be able to please everyone, but following the proper process would equip them to make a well-informed decision. With Indian River Shores and the Town of Orchid's interest in joining the endeavor, it would attract more customers for vendors submitting their RFPs. The City of Fellsmere had participated in the past through the piggyback option

and remarked it would be interesting to see if they continued to do so in the future.

Vice Chairman Adams further stated that as the Board goes through this process, it was crucial that the Board and staff were transparent and communicated clearly with the public about the various options available to the County and why certain decisions were made. She felt it was vital to keep the lines of communication open with the public to ensure everyone was on the same page.

Mr. Mehta responded that postcards were sent to all residents outlining significant decisions and plans in previous communications. Staff planned to continue this practice and share information once it became available, such as when a meeting was scheduled, or a staff report was complete. The SWDD's goal was to keep everyone informed about the process and any updates. Based on the County Administrator and Board direction, staff would also share when the RFPs were out. Additionally, updates would be posted on the County website for easy access.

Commissioner Flescher addressed Mr. Kodiak's concerns regarding recycling bin contamination. He disagreed with initiating the Cone of Silence as it would hinder fact-finding and decision-making.

Commissioner Loar expressed enthusiasm for involving towns and cities to increase the County's bargaining power. He stated he spoke to industry experts who recommended starting this process as soon as possible, which aligned with the staff's recommendation to begin now, and he fully supported moving forward.

Commissioner Moss discussed whether the County should switch to Universal or remain a subscription-only service. She appreciated the set timeline and looked forward to forthcoming details. Ms. Moss sought and received information from Mr. Mehta about potential savings for citizens. Mr. Mehta replied that it was difficult to determine, but consultants could assess the industry's current state and gather information to distribute through the County Administrator. Commissioner Moss agreed with Commissioner Flescher that the Cone of Silence was only necessary once more information was provided.

Chairman Earman stated there are more people and, as a result, more solid waste in the County, and need to prepare for the future and ensure proper waste management. He commented on Vice Chairman Adams's statement that the County needed to work through a process and make decisions that are best for the present and future. He agreed that the Cone of Silence was not necessary at

this time.

County Attorney Dylan Reingold requested flexibility for towns and cities seeking FEMA reimbursement, as FEMA now required specific entity names for piggyback contracts. He also advised that if the Board approved the Universal option, they must begin the process by October 2024 to get it on the November 2025 tax roll.

Vice Chairman Adams sought and received from Mr. Mehta if that timeline with the Universal Option had been considered. Mr. Mehta stated that a more detailed conversation with the Property Appraiser would be had to confirm the process regarding their due dates.

Chairman Earman reflected on the timeline provided by Mr. Mehta and confirmed that the timeline would not change if the Board decided to elect the Universal option.

Further discussion was had between the Board and staff regarding the RFP options. Vice Chairman Adams voiced concern that when the towns and cities consider their options, they should consider their potential impact on the County rates and preferred that parameters be in place and that participation required choosing from the four proposed options. Still, they could consider the piggyback clause if they preferred something else.

James Harpering, Indian River Shores Town Manager, stated he appreciated Mr. Mehta's hard work on this item, and the Commissioners and staff were fortunate to have his due diligence. He also thanked Mr. Mehta for clarifying that the staff memo referred to the complexity of different collection programs between municipalities and that staff recommended including an optional piggyback clause. Mr. Harpering emphasized that the Town was now aligned with County Services. To save costs and improve bargaining power, the Town preferred to be a full and active participant in the County contract rather than stand alone.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve staff's recommendation with no Cone of Silence until October 2023 when the Request for Proposal (RFP) was released. The motion carried by the following vote:

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

15.B.4. [23-0589](#)

Work Order No. 2 to Geosyntec for One Year of Groundwater Monitoring/Reporting and Remedial Action Plan Modification Addendum No. 4 Design at the Former South Gifford Road Landfill

Recommended Action: Solid Waste Disposal District staff recommends that its Board approves and authorizes the Chairman to sign Work Order No. 2 authorizing Geosyntec to provide groundwater monitoring/reporting and related consulting services for the Former Gifford Road Landfill in compliance with Florida Department of Environmental Protection requirements for a period of one year not to exceed fee of \$171,433.02

Attachments: [Staff Report](#)
[Geosyntec Work Order No 2](#)

There was no discussion on 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.5. [23-0590](#) Notice of Public Hearing to Adopt Rate Resolution 2023-001

Recommended Action: Staff recommends that the Solid Waste Disposal District Board authorize staff to advertise for a Public Hearing to be held on August 15 in accordance with the 10-day pre-hearing requirement for a notice in the local newspaper

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice into the record

15.B.6. [23-0591](#) Final Pay to Geosyntec for Work Order No. 14 - 2022 Permit Compliance Monitoring & Reporting

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Geosyntec's final invoice amount of \$3,798.10

Attachments: [Staff Report](#)
[Project Completion Report and Final Invoice](#)

There was no discussion on this Item.

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

C. Environmental Control Board

16. ADJOURNMENT

Chairman Earman announced the Budget Workshop would be held July 12, 2023 at

9:00 am.

There being no further business the Chairman adjourned the meeting at 12:51 pm.