



Indian River County Florida

Draft Meeting Minutes

Board of County Commissioners

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

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, August 20, 2024

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

Rev. Dr. Joseph LaGuardia, First Baptist Church of Vero Beach

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Commissioner Loar requested Items 13.D. and 13.E. be deleted from the Agenda, preferring to revisit the items in late October. County Attorney Bill DeBaal noted that Item 13.D. was not drafted by his office; it was drafted by a different department and placed under the Attorney's Matters.

A motion was made by Commissioner Loar, seconded by Commissioner Moss, to approve the Agenda as amended, deleting Items 13.D. and 13.E. 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.** Presentation of Proclamation Honoring William K. DeBaal for 21 Years of Distinguished Service to the Indian River County Board of County Commissioners
- County Attorney Bill DeBaal was joined by his family as he was lauded for his 21 years of service to the Board of County Commissioners. The Commissioners each in turn shared personal stories of their time working with Mr. DeBaal and his accomplishments from the time he was the County Forester up to his time as the County Attorney. Attorney DeBaal thanked his mentors, staff, the Board, and especially his wife for supporting him throughout his career.

Read and Presented

- 5.B.** Proclamation Honoring Blake Alan Bartholomew On His Retirement From Indian River County Department of Emergency Services Fire Rescue Division
- Indian River County Fire Rescue Chief David Johnson was joined by several members of the division as the Board lauded Mr. Bartholomew's 35-year career, which saw him rise from Emergency Medical Services Paramedic to an Engineer specializing in Aircraft Rescue and Firefighting (AARF). The Board thanked him for his service, and Chief Johnson praised his inspirational leadership and sense of humor. Mr. Bartholomew was joined by his family as he expressed appreciation for the support he received and urged everyone to maintain a healthy sense of humor.

Read and Presented

- 5.C.** Presentation of Proclamation Supporting the Annual Vero Beach Tunnel to Towers 5K Run & Walk
- A spokesperson for the Tunnel to Towers Foundation accepted the Proclamation and encouraged participation in this year's run/walk race which would be held on September 7, 2024 at Riverside Park. The Foundation raised money to house gold-star families and injured veterans.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of June 4, 2024, and June 18, 2024, 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.** Regular Meeting of June 04, 2024

Approved

6.B. Regular Meeting of June 18, 2024

Approved

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

7.A. Administrator Approved Work Orders

No Action Taken or Required

7.B. Indian River County Code Chapter 309, Fair Housing - Annual Report

No Action Taken or Required

7.C. 3rd Quarter FY 2023/2024 Budget Report

No Action Taken or Required

7.D. Florida Public Service Commission Consummating Order PAA Order PSC-2024-0223-PAA-EI, approving Florida Power and Light's AFUDC rate, effective 1/1/24; is available for review in the Office of the Clerk to the Board.

No Action Taken or Required

7.E. Florida Public Service Commission Consummating Order Final Order PSC-2024-0227-S-EI approving stipulations; docket to be closed administratively once the true-up compliance filing and revised tariff have been received, reviewed and approved by staff, is available for review in the Office of the Clerk to the Board

No Action Taken or Required

7.F. Florida Public Service Commission Consummating Order PAA Order PSC-2024-0231-PAA-EQ approving Florida Power and Light's revised renewable energy tariff and standard offer contract; if no protest, order to become final and effective on issuance of a CO, if order becomes final, docket to be closed and is available for review in the Office of the Clerk to the Board.

No Action Taken or Required

7.G. Florida Public Service Commission Consummating Order PSC-2024-0260-CO-EI, approval of change in rate used to capitalize allowance for funds used during construction (AFDUC) from 6.37% to 6.76% effective 1/1/2024, is available for review in the Office of the Clerk to the Board

No Action Taken or Required

- 7.H.** Florida Public Service Commission Consummating Order PSC-2024-0281-CO-EQ, approval of renewable energy tariff and standard offer contract, by Florida Power and Light Company and is available for review in the Office of the Clerk to the Board. (File ID: 24-0624)

No Action Taken or Required

- 7.I.** St. Johns River Water Management District Revised 2024 Governing Board Meeting Schedule.

No Action Taken or Required

- 7.J.** Dori Slosberg Driver Education Safety Act - Driver Education Program Trust Fund Report - Cumulative Reporting through 06/30/24

No Action Taken or Required

- 7.K.** SWDD Closures and Collection Service Changes for Labor Day
Chairman Adams made mention of the schedule changes for the holiday.

No Action Taken or Required

- 7.L.** 2025 Holiday Schedule

No Action Taken or Required

- 7.M.** Event Calendar

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Consent Agenda as amended, pulling Items 8.U., 8.A.I., and 8.A.O. 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.** Checks and Electronic Payments June 7, 2024 to June 13, 2024

Approved

- 8.B.** Checks and Electronic Payments June 14, 2024 to June 20, 2024

Approved

- 8.C.** Checks and Electronic Payments June 21, 2024 to June 27, 2024

Approved

- 8.D.** Checks and Electronic Payments June 28, 2024 to July 4, 2024
Approved
- 8.E.** Checks and Electronic Payments July 5, 2024 to July 11, 2024
Approved
- 8.F.** Checks and Electronic Payments July 12, 2024 to July 18, 2024
Approved
- 8.G.** Checks and Electronic Payments July 19, 2024 to July 25, 2024
Approved
- 8.H.** Checks and Electronic Payments July 26, 2024 to August 1, 2024
Approved
- 8.I.** County Capital Asset Inventories
Approved
- 8.J.** Quarterly Tourist Development Tax Report for Quarter Ending 06/30/2024
Accepted
- 8.K.** Quarterly OPEB Trust Report for the Quarter Ending 06/30/2024
Accepted
- 8.L.** Quarterly Investment Report for the Quarter Ending 06/30/2024
Accepted
- 8.M.** Approval of Resolution Establishing Utility Rates for Housing Choice Voucher Program for Fiscal Year 2025
Approved staff's recommendation and Resolution 2024-034, approving revisions to the Housing Choice Voucher Program Utility Allowance Schedule for Fiscal Year 2024.
- 8.N.** Partial Release of Conservation Easement - Town of Orchid
Approved staff's recommendation
- 8.O.** Resolution Cancelling Taxes - Keith Morgan, Jr., Trustee - J.R. Graves AOE
Approved staff's recommendation and Resolution 2024-035, cancelling certain taxes on publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Morgan)

- 8.P.** Resolution Cancelling Taxes on Properties Purchased for Public Purpose - Ryall Development Group, LLC - Right-of-Way and Retention Pond - Liberty Park
Approved staff's recommendation and Resolution 2024-036, cancelling certain taxes on publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Ryall)
- 8.Q.** Approval of Replacement Marine Vessel
Approved staff's recommendation
- 8.R.** Approval of 2024-2025 State Funded Subgrant Agreement (T0363) To Update Indian River County's Hazards Analysis
Approved staff's recommendation
- 8.S.** Approval of Blue Medicare Advantage Renewal
Approved staff's recommendation
- 8.T.** Information Technology Acceptable Use Policy Revision
Approved staff's recommendation
- 8.U.** Anchoring Limitation Area Interlocal Agreement

Commissioner Moss thanked Municipal partners, activists, and staff who worked to bring the anchoring limitations to fruition. Vice Chairman Flescher added his recommendation for increased information and awareness throughout the boating community.
A motion was made by Commissioner Moss, seconded by Chairman Adams, 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
- 8.V.** Sector 4, Hurricanes Ian and Nicole Pre-Construction Late Season Sea Turtle Services, Coastal Technology Work Order No. 2023051-03
Approved staff's recommendation
- 8.W.** First Extension and Amendment to Agreements for Annual Fiber Optic Engineering, Design, Material, Supplies and Installation (Bid 2023056)
Approved staff's recommendation
- 8.X.** Miscellaneous Budget Amendment 06
Approved staff's recommendation and Resolution 2024-037, amending the Fiscal Year 2023-2024 Budget.

- 8.Y.** Award of Bid 2024056 for Trans Florida Rail Trail Boardwalk Repairs 2
Approved staff's recommendation
- 8.Z.** Award of Bid 2024051 for Fran Adams (North County Park) Restroom/Concession Remodel
Approved staff's recommendation
- 8.AA.** Amendments to Banking and Lock Box Agreements
Approved staff's recommendation
- 8.AB.** First Amendment to Agreement for Annual Custodial Services for the County Administration Complex (Bid 2022022)
Approved staff's recommendation
- 8.AC.** Award of Bid 2024055 - Annual Bid for Utility Operations Warehouse Stock
Approved staff's recommendation
- 8.AD.** Approval of Direct Purchase of Pedestrian Bridge for JRTC Walking Trail Project
Approved staff's recommendation
- 8.AE.** Rejection of Bid 2024060 for Medical Supplies for Persons with Special Needs Shelter
Approved staff's recommendation
- 8.AF.** Award of RFP 2024050 Gifford Customer Convenience Center Beautification Project
Approved staff's recommendation
- 8.AG.** Authorization to Increase Blanket Purchase Orders
Approved staff's recommendation
- 8.AH.** Approval of Purchase Order for Bent Pine Culvert Replacement to CK Contractors & Development, LLC
Approved staff's recommendation

8.AI. Work Order Number 4 - Amendment 1, Dune Crossover Replacement of Two Dune Crossover Structures and One Dune Crossover Ramp Repair at the Tracking Station Beach Access

Parks Recreation and Conservation Director Beth Powell brought the item to the Board's attention in order to modify staff's recommendation. She requested removal of the direction to have the County Administrator sign the agreement; the document was to go through the regular routing procedures.

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

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

8.AJ. United Way Pickleball Tournament License Agreement

Approved staff's recommendation

8.AK. Final Payment Including Release of Retainage for Bid No. 2021007 for Kroegel Homestead Improvements

Approved staff's recommendation

8.AL. Earman Island Phase IV Revegetation - Final Completion and Payment of the 180-day Maintenance Period

Approved staff's recommendation

8.AM. The Vero Beach Rotary Foundation Inc. Kids Triathlon License Agreement

Approved staff's recommendation

8.AN. National Park and Recreation Association Memorandum of Understanding for Million Coaches Challenge Grant Program

Approved staff's recommendation

8.AO. Work Order Number 25 - Amendment 4, Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hobart Park Restroom Connections and Utility Service Plans Revisions

Parks Recreation and Conservation Director Beth Powell brought the item to the Board's attention in order to modify staff's recommendation. She requested removal of the direction to have the County Administrator sign the agreement; the document was to go through the regular routing procedures.

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

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

8.AP. Treasure Coast Food Bank License Agreement

Approved staff's recommendation

8.AQ. Amendment to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for Intercounty Bus Service

Approved staff's recommendation and Resolution 2024-038, authorizing the execution of a Public Transportation Amendment to the Public Transportation Grant Agreement with the Florida Department of Transportation.

8.AR. Request for Authorization to Submit an Application for Section 5311 Grant for Rural Transit Operating Assistance Funds

Approved staff's recommendation and Resolution 2024-039, authorizing the submission of a Grant Application for 49 USC CH. 53, Section 5311 Public Transit Operating Assistance.

8.AS. Resolution of Support for Congestion Management Process Project

Approved staff's recommendation and Resolution 2024-040, supporting the update and installation of new traffic signal equipment on the State Highway System within Indian River County for the Congestion Manage[ment] Process (CMP) application for the Florida Department of Transportation (FDOT).

8.AT. Pulte Home Company, LLC's Request for Final Plat Approval for Costa Pointe PD Phase 1A [PD-21-06-07 / 99040218-95683]

Approved staff's recommendation

8.AU. Amendment to Work Order No. 21 with MBV Engineering, Inc. for Design of GoLine Bus Shelter Locations

Approved staff's recommendation

8.AV. Award of Bid No. 2024057, Indian River County Tax Collector Floor Replacement (IRC-2411)

Approved staff's recommendation

8.AW. Release of Retainage, Final Payment and Change Order No. 2 (IRC-0853), Construction of Intersection Improvements at SR60 and 43rd Avenue

Approved staff's recommendation

8.AX. Award of Bid No. 2024052, Victor Hart Park Restroom/Concession Building (IRC-2420)

Approved staff's recommendation

- 8.AY.** Award of Bid No. 2024041, Indian River County Fire Station 7 (IRC-1911)
Approved staff's recommendation
- 8.AZ.** Release of Retainage Part B, Moorhen Marsh Low Energy Aquatic Plant System (LEAPS), (IRC-2107)
Approved staff's recommendation
- 8.BA.** Amendment No. 1 to RFQ No. 2021015 (IRC-1505), Consor Engineers, LLC, CEI Services for 66th Ave from 49th Street to 69th Street Roadway Widening, FDOT FM No. 436379-1-54-01
Approved staff's recommendation
- 8.BB.** Award of Bid No. 2024043 and FDOT Supplemental Agreement No. 1 for 43rd Avenue Bicycle & Pedestrian Improvements (12th Street to 16th Street) IRC-1818, FDOT FM 444270-1-54-01
Approved staff's recommendation and Resolution 2024-041, authorizing the Chairman's execution of Small County Outreach Program (SCOP) supplemental Agreement No. 1 with the Florida Department of Transportation for Construction and CEI of 43rd Avenue (12th Street to 18th Street).
- 8.BC.** Final Pay to Gray Matter Systems LLC for Professional Design Services for Industrial Control System Network Project (PID 00.23.545)
Approved staff's recommendation
- 8.BD.** Reams Glen Subdivision Water Main Extension Cost Share Developer's Agreement with Novaland, LLC, IRCDUS PID: 13.24.523
Approved staff's recommendation
- 8.BE.** North County Water and Sewer System Phase 2, Amendments to Meeks Plumbing, Inc. Agreement (RFP 2023007) and Masteller & Moler, Inc. Work Order No.6, and Hydra Service, Inc. Quotation for Sewer Connection of Roseland United Methodist Church, IRCDUS Project ID 21.17.513B
Approved staff's recommendation
- 8.BF.** Interlocal Agreement Between Indian River County (IRC) & St. Lucie County for IRC to Provide Water Service to William Emerson Property In St. Lucie County
Approved staff's recommendation

- 8.BG.** Approval of Amendment No.1 to Agreement No. WG023 between Florida Department of Environmental Protection and Indian River County for Floravon Shores Septic to Sewer Project, IRCDUS PID: 21.19.55

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1.

Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for ±9.91 Acres from CG, General Commercial District to CH, Heavy Commercial District (RZON2023020007-96591) [**Quasi-Judicial**]

The parties for the proceeding were Patriot Response Group, LLC (Applicant) and Indian River County.

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the public hearing.

Chris Balter, Chief of Long Range Planning, utilized a PowerPoint presentation to analyze the Applicant's request to rezone their property from CG, General Commercial District, to CH, Heavy Commercial District. The analysis showed the request was compatible with the area, consistent with the County's Comprehensive Plan and Land Development Regulations, and suitable for CH zoning. Additionally, the Planning and Zoning Commission unanimously approved the request at their June 13, 2024 public hearing.

Commissioner Moss was informed the Applicant planned to use the property as headquarters for their contractor trade business. A formal traffic study would be done at a later stage in development.

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

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve staff's recommendation and adopt Ordinance 2024-008, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±9.91 acres located south of and adjacent to 71st Street, north of 69th Street, east of and adjacent to Old Dixie Highway, and west of and adjacent to U.S. Highway 1, from CG, General Commercial District, to CH, Heavy Commercial District; and providing codification, severability, and 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.2.

Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for ± 1.45 Acres from IL, Light Industrial District to CG, General Commercial District

(RZON93110032-96539) **[Quasi-Judicial]**

The parties for the proceeding were Mr. Jody Miller (Applicant) and Indian River County.

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the public hearing.

Chris Balter, Chief of Long Range Planning, utilized a PowerPoint presentation to analyze the Applicant's request to rezone the property from IL, Light Industrial Zoning District, to CG, General Commercial Zoning District, in order to open a recreational sports center. The analysis showed the request was compatible with the area, consistent with the County's Comprehensive Plan and Land Development Regulations, and suitable for CG zoning. Additionally, the Planning and Zoning Commission unanimously approved the request at their June 13, 2024 meeting.

Commissioner Moss raised the subject of the traffic impact for the proposed racquet club. Mr. Balter noted that the traffic analysis passed the test of not decreasing the level of service on the affected road, and informed of the pre-application process.

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

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation and adopt Ordinance 2024-009, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ± 1.45 acres located on the west side of Highway US 1, .17 of a mile south of 53rd Street, north of 49th Street, on the east side of Old Dixie Highway, from IL, Light Industrial to CG, General Commercial, and providing codification, severability, and 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.

Jonathan D. Barkett's Request for Abandonment of a 25' Wide Platted Right-of-Way [ROW-24-05-02 / 99070136-96169] (LEGISLATIVE)

Chief of Current Development Brandon Creagan presented the request to abandon the right-of-way (ROW) at 19th Court. Mr. Creagan informed that the request had been reviewed and approved internally, no easement was needed, and the property was not needed for County roadway access.

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

A motion was made by Commissioner Earman, seconded by Vice Chairman Flescher, to approve staff's recommendation and Resolution 2024-042, providing for the closing, abandonment, vacation and discontinuance of the [entirety] of a 25' wide unimproved, right-of-way known as 19th Court, east of the Jackson Brothers subdivision and south of 41st Street in the Jackson Brothers subdivision located 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**C. PUBLIC NOTICE ITEMS****10.C.1.**

Public Notice of Public Hearing for September 10, 2024, to Consider a Resolution Adopting a Non-Ad Valorem Special Assessment Roll on Hospitals for the Local Provider Participation Fund

County Attorney Bill DeBraal read the notice into the record. He added this was an annual process the hospitals had to go through to receive certain Medicaid funds.

Read into the record

11. COUNTY ADMINISTRATOR MATTERS**12. DEPARTMENTAL MATTERS****A. Community Services****B. Emergency Services****C. Human Resources****D. Information Technology**

E. Natural Resources**F. Office of Management and Budget****G. Parks, Recreation, and Conservation****H. Planning and Development Services****I. Public Works****J. Utilities Services****12.J.1.** 4230 20th Avenue - Bad Debt Write Off of Utility Account (1050798/029174) and Future Continuation of Service

Director of Utility Services Sean Lieske sought the Board's direction regarding a delinquent utilities account on a foreclosed property at 4230 20th Avenue, which the County now owned. Staff recommended the Board write off the uncollectible balance of \$37,334.48, but needed guidance regarding the sewer ERU (Equivalent Residential Unit) which would continue accruing service charges. Director Lieske reviewed the three options for the ERU: 1) assign it to another department; 2) relinquish the ERU back to the Utility Department; or 3) have the County pre-pay 6 months of fees until the County could dispose of the property.

Commissioner Adams supported staff's recommendation for Option 3 as it would help facilitate affordable housing development by avoiding the cost to re-establish the ERU by the future property owner.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation to write-off the debt and pre-pay the sewer usage fees for six months while the County disposes of the property (Option 3). The motion carried by the following vote:

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

13. COUNTY ATTORNEY MATTERS

13.A.

Authorization to Move Forward with Injunctive Action against Code enforcement case number 2023080033 (Helsel)

Deputy County Attorney Susan Prado recounted the history of code enforcement violations and daily fines accrued within the last year by the property owners who constructed a berm on their property from land clearing debris, which was in violation of County code. Because the property was never brought into compliance, as explained by Attorney Prado, the Code Enforcement Board issued an order declaring the property a Public Nuisance. The County was seeking an injunction to stop the depositing of any additional debris.

Steven Hitt, Principal Environmental Planner, gave additional details regarding the history of the property as well as the recent remedies undertaken by the property owners. He noted the property was moving toward compliance, and was awaiting a permit from the County. Mr. Hitt confirmed for Chairman Adams that the engineering plan called for a modified berm on the property, and the zoning was A-2 (Agricultural Residential).

Attorney Lynne Larkin appeared on the property owner's behalf, informing the Board she had recently been hired to help the property owners navigate the code violations. Ms. Larkin stated her clients were well-intentioned, but misinformed regarding the County's code and compliance requirements. She requested delaying the injunction as the owners had made strides to come into compliance.

Chairman Adams noted she had been contacted by several neighbors over the last year regarding the land debris, mulching, and incinerator in the residential neighborhood. She added that meaningful redress only started with notice of the injunction and possible foreclosure. The Chairman was in favor of letting the injunction proceed so the County had a tool should the code-violating dumping resume.

Attorney Larkin agreed with the County's need to protect itself; she was most concerned with the impending foreclosure filing.

Attorney Prado added there were time frame requirements, and if the owners were found to be in compliance then the injunction would not go through. Other Commissioners added their support for staff's recommendation.

A motion was made by Commissioner Moss, seconded by Chairman Adams, 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

13.B.

Authorization to proceed with foreclosures on Code enforcement cases: (2023070014) Arreola, (2021100064) Lund, (2020090001) Lund, and (2023080033) Helsel

Discussion of this Item began with the Helsel case (2023080033) Deputy County Attorney Susan Prado added to the evidence presented under Item 13.A., noting that the property owners had been accruing a \$250-per-day fine resulting from the Code Enforcement Board's (CEB) hearing on January 22, 2024. She added that compliance was always the goal of the County's actions but foreclosure was sought because of the long-standing issues which still had not been addressed.

Attorney Lynne Larkin noted her clients did not have a chance to submit evidence at the CEB hearing as they lacked representation. She asked the Board to hold off on the foreclosure as the property owners were making strides to come into compliance.

Chairman Adams explained the Board supported the CEB's ruling, and encouraged the property owners to keep working toward compliance to avoid foreclosure. Attorney Larkin expressed her concerns and requested a week's delay as she got up to speed on the case.

Steven Hitt, Principal Environmental Planner, informed that the property owners were awaiting permit approval before remedial work could continue. Attorney Prado explained there was time to work toward compliance before the foreclosure was filed with the Court.

The Board directed staff to explore expedited permit approval. They also expressed frustration that issues had persisted for more than a year, and Chairman Adams stated the Board would not go against the CEB's ruling by extending the timeline.

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

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

Deputy County Attorney Susan Prado relayed the code violations which stemmed from a dilapidated structure on the property located at 8890 99th Avenue (2023070014 Arreola). Despite the \$100-per-day fine issued at the Code Enforcement Board's November 27, 2023 compliance hearing, the property was never brought into compliance. Attorney Prado noted there was no contact from the property owners.

A motion was made by Commissioner Loar, seconded by Chairman Adams, to approve staff's recommendation (Arreola). The motion carried by the following vote:

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

Deputy County Attorney Susan Prado gave the facts of the case for foreclosure on the property at 7885 129th Street (2021100064 Lund). Code violations began in 2021 with a complaint of a missing/expired building permit for an electrified shed. The Code Enforcement Board ruled at the July 25, 2022, evidentiary hearing that the property was not in compliance and issued a \$100-per-day fine. Attorney Prado mentioned an unresolved issue between the landlord and renter; the property was never brought into compliance.

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

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

Deputy County Attorney Susan Prado informed code enforcement action started in 2020 with a complaint regarding junk, trash and debris on the property (2020090001 Lund). At the Code Enforcement Board's October 25, 2021 compliance hearing, it was found the owner did not take any steps to bring the property in compliance. Attorney Prado noted that at last check, there appeared to be an increased amount of junk, trash, and debris on the property.

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

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

13.C.

County Attorney Contract

Chairman Adams noted Ms. Shuler would start in her position as the County Attorney on September 16, 2024. There was no discussion regarding this item.

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

13.D.

Addendum to Deputy County Attorney Contract

Deleted from Agenda

13.E.

Employment Contracts for the Deputy and Assistant County Attorneys

Deleted from Agenda

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

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.

- A. Emergency Services District**
- B. Solid Waste Disposal District**

15.B.1. Approval of SWDD Meeting Minutes of June 18, 2024

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Solid Waste Disposal District Minutes of June 18, 2024 as written. The motion carried by the following vote:

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

15.B.2. Florida Specialty License Plate - Recycle

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, introduced the creation of a new Florida recycle specialty license plate. Sue Flak, Recycling Education and Marketing Coordinator, was joined by staff members as she displayed the plate which would reestablish funding for recycling grants. Ms. Flak informed the funds raised would go to the Recycle Florida Today (RFT) Foundation to support programs for food insecurity, food waste reduction, and impact studies. Staff requested permission to hang a banner in the administration building advertising the plate.

Chairman Adams praised the program and commended Ms. Flak for her design which was chosen for the specialty plate.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, 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

15.B.3.

Approval of Amendment No. 2 to Work Order No. 1 to Geosyntec for Phase 2, Segment 3, Cell 3 Engineering Services

There was no discussion regarding this item.

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:10 a.m.