



# Indian River County Florida

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

## Meeting Minutes - Final

### Board of County Commissioners

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

**John A. Titkanich, Jr., County Administrator**  
**Dylan Reingold, County Attorney**  
**Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller**

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Tuesday, June 6, 2023

9:00 AM

Commission Chambers

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#### 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 Jack Diel, Our Savior Lutheran Church**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Deryl Loar**

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

Move: Item 13.A to be heard after Consent Agenda  
Move: Item 14.A.1 to be heard following Item 12.F.1  
Move: Item 15.A to be heard following Item 13.A

**A motion was made by Commissioner Moss, seconded by Commissioner Flescher, 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. [23-0477](#) Presentation of Proclamation - Honoring Brian Reimsnyder on his Retirement from the Indian River County Sheriff's Office

**Recommended Action:** Read and Present.

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

Before presenting the Proclamation, Commissioner Flescher took a moment to reminisce about his experience with Deputy Brian Reimsnyder during their time at the academy. He expressed gratitude to Mr. Reimsnyder and his loved ones for their unwavering dedication to Indian River County.

Deputy Reimsnyder received his Proclamation in the company of his family, Sheriff Flowers, and fellow deputies from the Sheriff's office. Accompanying him was retired canine officer, Kobe.

**Read and presented by Commissioner Flescher**

## 6. APPROVAL OF MINUTES

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the regular Meeting Minutes of April 04, 2023 and April 18, 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. [23-0488](#) Regular Meeting of April 04, 2023

**Recommended Action:** Approve

**Attachments:** [04042023 BCC Draft](#)

**Approved**

- 6.B. [23-0495](#) Regular Meeting of April 18, 2023

**Recommended Action:** Approve

**Attachments:** [04182023 BCC Draft](#)

**Approved**

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

- 7.A. [23-0434](#) Informational Report Designating May 25, 2023 as Family Abduction Awareness Day

**Recommended Action:** Read & Present.

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

Read and presented by Chairman Earman

**No Action Taken or Required**

- 7.B. [23-0436](#) Florida Public Service Commission Consummating Order PSC-2023-0159-PCO-EI. Petition for approval of revisions to underground residential tariff, underground commercial differential tariff, and overhead to underground conversion tariff, 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.C. [23-0463](#) Proclamation Honoring Sharon Marie Franks on Her Retirement From Indian River County Board of County Commissioners Animal Control/Department of Emergency Services

**Recommended Action:** Informational Item

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

**No Action Taken or Required**

- 7.D. [23-0490](#) District #3 Appointee to the Planning and Zoning Commission (PZC)

**Recommended Action:** Informational Purposes Only

**Attachments:** [Commissioner's Memo](#)

Chairman Earman announced Calvin Reams would be the District 3 appointee to the Planning and Zoning Commission (PZC).

**No Action Taken or Required**

7.E. [23-0492](#) District #3 Appointee to the Environmental Lands Acquisition Panel (ELAP)

**Recommended Action:** Informational Purposes Only

**Attachments:** [Commissioner's Memo](#)

Chairman Earman announced Daniel Bott would be the District 3 appointee to the Environmental Lands Acquisition Panel (ELAP).

**No Action Taken or Required**

7.F. [23-0446](#) Indian River County Venue Event Calendar Review

**Recommended Action:** Informational item only; No Board action required

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

Chairman Earman highlighted the following on the June 2023 event calendar:

Hurricane Preparedness Expo  
Mary Snyder Annual Golf Tournament

**No Action Taken or Required**

7.G. [23-0459](#) Florida Public Service Commission Consummating Order No. PSC-2023-0167-CO-EI makes Order No. PSC-2023-0142-PAA-E1, request for approval of change in rate used to capitalize allowance for funds used during construction (AFUDC) from 6.22% to 6.37%, effective January 1, 2023 by Florida Power & Light Company is effective and final. Order is available for review in the Office of the Clerk to the Board

**Recommended Action:** Information Only

**No Action Taken or Required**

7.H. [23-0447](#) Planning and Zoning Commission Vacancy

**Attachments:** [Staff Report](#)  
[Curtis Carpenter - Email Resignation](#)

Chairman Earman announced Curtis Carpenter had resigned as the District 3 appointee to the Planning and Zoning Commission (PZC).

**No Action Taken or Required**

- 7.I. [23-0467](#) Notice of Expired Lease for Moore's Point Roadside Park

**Recommended Action:** This is an informational item. No Board action is required.

**Attachments:** [Staff Report](#)  
[Notice of Lease Termination](#)  
[Moore's Point Lease](#)

**No Action Taken or Required**

## 8. CONSENT AGENDA

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

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

- 8.A. [23-0401](#) Designation of Excess Equipment as Surplus and Authorization for Disposal

**Recommended Action:** Staff recommends the Board declare the items on the Excess List for 060623 Agenda as surplus, and authorize their disposal.

**Attachments:** [Staff Report](#)  
[Excess List for 060623](#)

**Approved staff's recommendation**

- 8.B. [23-0413](#) Award of Bid 2023038 - Fairgrounds Expo Center & Ag Pavilion Painting and Rust Removal

**Recommended Action:** Staff recommends the Board award Bid 2023035 to Quick Painting Group., 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.

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

**Approved staff's recommendation**

- 8.C. [23-0443](#) Cancellation of Work Order Number 8, Continuing Architectural Services Contract RFQ 2018063 Victor Hart Sr Community Enhancement Complex (Gifford Park) - Restroom / Concession Stand Architectural Services

**Recommended Action:** Staff respectfully recommends cancelation of Work Order Number 8 Continuing Architectural Services Contract RFQ 2018063 Victor Hart Sr Community Enhancement Complex (Gifford Park) - Restroom / Concession Stand Architectural Services, with Edlund, Dritenbas, Binkley Architects and Associates, P.A. (Granicus File No. 23-0139).

**Attachments:** [Staff Report](#)  
[Work Order No. 8](#)  
[Proposal for Architectural Services](#)

**Approved staff's recommendation**

- 8.D. [23-0465](#) Work Order Number 1, Amendment No. 3 - Continuing Engineering Services RFQ 2018008 - 58th Ave Ballfield Expansion and Renovation

**Recommended Action:** Staff respectfully recommends approval of Work Order Number 1, Amendment No. 3 for revisions to the 58th Ave Ballfield Expansion and Renovation Plans, Continuing Consulting Engineering Services Agreements for RFQ 2018008, Amendment and Renewal No. 1 with Masteller & Moler, Inc., authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Amendment No. 3, Work Order Number 1.

**Attachments:** [Staff Report](#)  
[IRC-1759 WO1 Amend No. 3 23-0502](#)  
[WO1 Amend No. 3 Manhours Exhibit](#)

**Approved staff's recommendation**

- 8.E. [23-0466](#) Review and Update to Administrative Policy 908.1, "Indian River County Disposal of Indigent Bodies (Burial and Cremation)"

**Recommended Action:** Staff recommends that the Board of County Commissioners update the Disposal of Indigent Bodies Policy by increasing the rate of reimbursement to funeral homes for cremation services and authorize necessary budget amendments, if needed.

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

**Approved staff's recommendation**

8.F. [23-0461](#) Extension of License Amendment for the Vero Beach Amateur Radio Club

**Recommended Action:** Staff respectfully recommends the Indian River County Board of County Commissioners accept the license agreement extension with Vero Beach Amateur Radio Club, Inc. and authorize the Chair to execute the same.

**Attachments:** [Staff Report](#)  
[VBAmateur Radio Club 1st Extension](#)  
[VBAmateur Radio Club License Agmt](#)

**Approved staff's recommendation**

8.G. [23-0448](#) Release of Retainage and Change Order No. 1, 61st Court Full Depth Reclamation from 47th ST. to 49th ST. (IRC-2216)

**Recommended Action:** Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 2 Timothy Rose Contracting, Inc. in the amount of \$7,133.41 for release of retainage.

**Attachments:** [Staff Report](#)  
[Change Order 1](#)

**Approved staff's recommendation**

8.H. [23-0458](#) Right of Way Purchase from Willie James Cobb for 41st Street Left Turn Lane (EB) at US1

**Recommended Action:** Staff recommends the Board approve the Purchase Agreement in the amount of \$22,400.00, with an estimated \$700.00 in closing costs to be paid by the County for purchase of the 0.07 acres of the property located at 2155 41st Street, Vero Beach, FL 32960, and authorize the Chairman to execute the purchase agreement on behalf of the Board. The Legal Department recommends Jason Beal at Atlantic Coastal Title Company, LLC handle the closing.

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

**Approved staff's recommendation**

- 8.I. [23-0460](#) Final Payment, Release of Retainage and Change Order No. 2, Indian River County Tax Collector's Office Expansion, IRC-2030

**Recommended Action:** Staff recommends approval of Change Order No. 2 and payment of Contractor's Application for Payment No. 6 to Don Hinkle Construction Inc. in the amount of \$31,733.45 for final payment and release of retainage.

**Attachments:** [Staff Report](#)  
[Change Order 2](#)

**Approved staff's recommendation**

- 8.J. [23-0464](#) Post Significant Erosional Event Rapid Land and Hydrographic Beach Profile Surveys

**Recommended Action:** The recommendation of staff is for the BCC to approve Work Order No. 4 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc., in the amount of \$120,000.00 and authorize the Chairman to sign the Work Order on behalf of the County. Public Works Department Coastal Engineering Division staff will not authorize the contractor to perform any surveys covered in this Workorder unless field conditions justify the expenditure.

**Attachments:** [Staff Report](#)  
[Morgan and Eklund Post-Hurricane WO No. 4](#)  
[Work Order No. 4 Agreement Execution](#)

**Approved staff's recommendation**

- 8.K. [23-0484](#) Traffic Monitoring System Technology Update Project FDOT Project Funding Agreement

**Recommended Action:** Staff recommends the Board of County Commissioners approve the attached State Highway System Project Funding Agreement with the FDOT for \$225,000 and adopt the attached resolution authorizing the Chairman to execute the same.

**Attachments:** [Staff Report](#)  
[Funding Agreement – Technology Update](#)  
[Resolution](#)

**Approved staff's recommendation and Resolution 2023-023 authorizing the Chairman's execution of a State Highway System Project Funding Agreement with the Florida Department of Transportation (FDOT) for traffic monitoring system technology update.**



- 8.L.**     [23-0474](#)     Extension of the Transit Service Agreement and Transit Administration Facility Lease with Senior Resource Association

**Recommended Action:** Staff recommends the Board approve the extensions of the Transit Service Agreement and the Transit Administration Facility Lease with Senior Resource Association

**Attachments:**   [Staff Report](#)  
                          [2018 Agreement](#)  
                          [Transit Service Extension](#)  
                          [Lease Extension](#)

**Approved staff's recommendation**

- 8.M.**     [23-0470](#)     GRBK GHO Central Vero, LLC's Request for Final Plat Approval for a Subdivision to be known as Bella Rosa East [SD-20-06-01 / 2013110019-92496]

**Recommended Action:** Staff recommends that the Board of County Commissioners grant final plat approval for Bella Rosa East.

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

**Approved staff's recommendation**

- 8.N.**     [23-0478](#)     Release of Retainage to Centerline, Inc., for North Sebastian Septic to Sewer and Water Project Phase 2

**Recommended Action:** Staff recommends that the Board of County Commissioners approve payment in the amount of \$211,888.39, which will release any further obligations of the County from the Contractor

**Attachments:**   [Staff Report](#)  
                          [Pay Application No 16](#)

**Approved staff's recommendation**

- 8.O. [23-0479](#) Acceptance of Utility Easements - Spirit of Sebastian PUD Pod 2 (Located Within the Municipal Boundaries of the City of Sebastian)

**Recommended Action:** Staff recommends that the Board of County Commissioners accept the Dedications of Utility Easements and Limited Access Easements as depicted on the proposed plat of Spirit of Sebastian PUD Pod 2, and authorize the Chairman to execute the Acceptance of Dedications by Indian River County on Sheet 1 of the plat of Spirit of Sebastian PUD Pod 2 at such time as the mylar becomes available for signature

**Attachments:** [Staff Report](#)  
[Proposed Plat of Spirit of Sebastian PUD Pod 2](#)

**Approved staff's recommendation**

- 8.P. [23-0487](#) Joint Regional Next Generation 9-1-1 Systems and Services MOU and Application for 911 State Grant Program

**Recommended Action:** Staff recommends the Board approve the Joint Regional Next Generation 9-1-1 System and Services Project MOU and authorize the chairman to execute the MOU and any other documents necessary to effectuate the MOU. Additionally, staff recommends the Board to authorize the Chairman to execute to execute the attached E911 State Grant Application.

**Attachments:** [Staff Report](#)  
[Joint Regional NG911 Services MOU](#)  
[911 Grant Programs Application](#)

**Approved staff's recommendation**

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

### 10. PUBLIC ITEMS

#### A. PUBLIC HEARINGS

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

**10.A.1** [23-0452](#) Public Hearing to Consider an Ordinance Amending the Children's Services Advisory Committee Membership Requirements - LEGISLATIVE

**Recommended Action:** The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

**Attachments:** [Staff Report](#)  
[CSAC Membership Ordinance](#)  
[Affidavit of Publication - CSAC Membership June 6](#)

County Attorney Dylan Reingold stated that on May 16, 2023, the Board directed the County Attorney's office to draft an Ordinance changing the Ordinance code to allow for the Superintendent of the School Board to appoint a designee to attend the Children's Services Advisory Committee (CSAC) meetings in the event the Superintendent was not able to attend.

CSAC Board member Bob McPartlan stated this Ordinance was necessary in case the Superintendent had a conflict. Mr. McPartlan encouraged the Board as well as the public to attend the CSAC meetings to see the tremendous work the non-profits are doing.

Commissioner Moss thanked Attorney Reingold for his work and his attendance at the CSAC meetings.

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

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve staff's recommendation and adopt Ordinance 2023-008, amending Section 103.22 (appointment to the Children's Services Advisory Committee) of Part II (Children's Advisory Committee) of Chapter 103 (Commissions and Boards) to update membership requirements of the Children's Services Advisory Committee; and providing for codification, severability, repeal of conflicting provisions; and an effective date. The motion carried by the following vote:**

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

**10.A.2** [23-0475](#)

FY 2023 Grant Application for Capital and Operating Assistance (Section 5307) and Bus Replacement (Section 5339) from the Federal Transit Administration

**Recommended Action:** Staff recommends that the Board of County Commissioners adopt the resolution authorizing the filing of the FY 2023 grant application for the Section 5307 and Section 5339 programs.

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

[Grant Application](#)

[Resolution](#)

[Budget Form](#)

Andy Sobczak, Interim Community Development Director, provided the Board with information regarding the two Federal Transit Administration grants that the Metropolitan Planning Organization (MPO) would utilize to support the GoLine and the Community Coach. These grants covered most of the operating and replacement expenses. Director Sobczak mentioned that a Resolution was necessary to allow the staff to submit the grant request and to hold a public hearing. MPO Staff Director Brian Freeman used a PowerPoint presentation to display the County's route services and GoLine ridership. Mr. Freeman also presented the Section 5307/5339 Grant Application in the amount of \$3,053,879, for the capital and operating assistance of \$2,841,623 and bus replacement assistance of \$212,256.

A discussion between Commissioner Flescher and Mr. Freeman ensued in regard to the population growth in the County. Mr. Freeman stated that the population was expected to reach 200,000 before 2024. Commissioner Flescher thanked the staff for their excellent work with the transportation system. Ms. Deigl and the Senior Resource Association were also acknowledged for their contribution.

Chairman Earman opened the Public Hearing.

Transportation Disadvantage Local Coordinating Board Member Bob McPartlan commended the Board on their support for Public Transportation. He commended Ms. Deigl, Chris Stevenson from the Senior Resource Association, and the MPO staff for their contributions.

There being no further speakers the Chairman Closed the Public Hearing.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve staff's recommendation and Resolution 2023-024, authorizing the filing of applications for grant funding assistance from the Federal Transit Administration. The motion carried by the following vote:**

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

**10.A.3** [23-0455](#)

Public Hearing - An Ordinance of the Board of County Commissioners of Indian River County, Florida, Amending Section 104.03 (Retirement System) and Creation of Section 104.03.1 (Defined Contribution Plan) of Chapter 104 (Human Resources) to Modify the County Retirement Benefits; and Providing for Codification, Severability, Repeal of Conflicting Provisions; and an Effective Date

**Recommended Action:** Staff respectfully requests that the Board of County Commissioners open the public hearing, take any public comment, close the public hearing and approve the ordinance amending Section 104.03 (Retirement System) and creating Section 104.03.01 (Defined Contribution Plan)

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

Human Resources Director Suzanne Boyll referred to staff's memo, dated May 26, 2023, to discuss the proposed Ordinance which would amend Section 104.03 (Retirement System) and create Section 104.03.01 (Defined Contribution Plan). She pointed out that the State County entities are required to participate in the Florida Retirement System (FRS). Ms. Boyll stated that a portion of the County workforce had been deemed ineligible due to already having earned a retirement benefit from the FRS through a prior career. The proposed Ordinance amendment would allow the County to offer a retirement benefit under a defined contribution plan at no additional cost to the County and allow the County to provide a retirement benefit to those deemed ineligible under the FRS.

County Administrator John Titkanich stated that the amendment would aid in attracting potential employees who had retired from the FRS. He believed that offering this benefit to all employees was a matter of fairness and equity.

Chairman Earman sought clarification from County Attorney Dylan Reingold for transparency and stated that the Ordinance could affect some members of the Board in regard to participation. Attorney Reingold stated that what was presented today was not automatic, and staff could opt out. He stated he had researched what other Jurisdictions and Commissioners had done and personally did not believe this was an issue of additional compensation under this statute. Chairman Earman stated it would benefit the County to recruit employees and attract retirees to join the workforce. Attorney Reingold stated that the Clerk had no opposition to the plan and supported the program.

Additional discussion was had between the Board and staff regarding participation and the opportunity to offer retirement benefits to current and future

employees.

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

**A motion was made by Commissioner Moss, seconded by Commissioner Loar, to adopt Ordinance 2023-009, amending Section 104.03 (Retirement System) and creation of Section 104.03.1 (Defined Contribution Plan) of Chapter 104 (Human Resources) to modify the County Retirement Benefits; and providing for codification, severability, repeal of conflicting provisions; and an effective date. 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**

**10.C.1** [23-0473](#) Notice of Scheduled Public Hearing for Budget Amendment for June 20, 2023 meeting

**Recommended Action:** No Action Required

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

County Attorney Dylan Reingold read the notice into the record

**No Action Taken or Required**

## **11. COUNTY ADMINISTRATOR MATTERS**

## **12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology**

**F. Office of Management and Budget**

The Chairman called for a recess at 11:02 a.m., and reconvened the meeting at 11:10 a.m. with all members present.



**12.F.1** [23-0476](#) Tourist Development Council 2023/2024 Budget Recommendations

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the funding amounts recommended by the Tourist Development Council as shown in Table 2 for a total allocation of \$1,678,781 and authorize the County Attorney to prepare standard grant agreements for all funding recipients.

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

Office of Management and Budget Director Kristin Daniels provided a budget overview of the Tourist Development Council's (TDC) revenues and expenses. She shared the TDC's award recommendations for the Fiscal Year 2023/2024. Ms. Daniels utilized a PowerPoint presentation to display the budget revenues, expenses, and TDC's recommendations. She stated that the TDC had approved all eligible agency requests and allocated the \$214,420 in Cash Forward to the Indian River County Chamber of Commerce. She explained the new cash forward line as a placeholder due to the total applications received being less than the total revenue amount of \$1,678,781.

Commissioner Loar sought and received from Ms. Daniels the number of dollars returned to the County from the TDC for the FY 2021/2022 budget. Commissioner Loar voiced his concern about the 40% increase to the Chamber and requested specifics of what the additional \$214,420 would be used for. Ms. Daniels replied \$7,000 for benefits, \$5,000 for supplies, \$15,000 for printing and publications, \$3,000 for tours, and \$184,420 for advertising. Commissioner Loar wondered if there were any large outreach programs that perhaps those dollars could be used for by the Chamber.

Indian River County Chamber of Commerce President Dori Stone explained that the Chamber always had projects but was not always aware of the amount of funding. Ms. Stone stated that one major project was to do more marketing campaigns throughout the West Coast of Florida and to target other markets outside of Florida.

Vice Chairman Adams sought and received clarification from County Attorney Dylan Reingold regarding what particular portion of the TDC pennies had specific allocations under the statute requirements.

A discussion ensued between Commissioner Flescher and Ms. Daniels on the Fund Balance and how it works, the Chamber's funding, the tourism study done by Indian River State College, and revisiting the study. He supported allocating the Cash Forward funds to the Chamber.

Vice Chairman Adams reiterated that of the money expended through TDC, 70% of

the funding off the top, per the Ordinance, could go to the Chamber. She stated that the Chamber was the marketing arm of the County and was in support of the Chamber receiving the funds in the Cash Forward. She brought up revisiting the Tourism Study, stating there were dollars in the Fund Balance. She pointed out that the Reserve for Contingency was used for those mid-year events that come up but also to put money aside in the good years for when there may be a downturn in the economy.

Commissioner Moss told of the robust year in tourism and pointed out that all the funding requests made by the agencies were met; however, she wanted to plan ahead to the future and see the Cash Forward funds go into Reserve.

County Administrator John Titkanich stated that Ms. Daniels had provided him with the 2020 study, which was really a profile of who the visitors were and their spending patterns. He thought it might be appropriate to work with the tourist component with the Chamber to revisit a study that not just looks at the County's profile but how the County does in terms of strategies to enhance and support the tourism industry.

Commissioner Loar agreed with Commissioner Moss that the cash forward funds should be put into the reserves for the future.

Commissioner Flescher felt the study should be updated and utilize the TDC funds for the study. Ms. Stone stated she would be happy to use the additional \$214,420 for a study. Vice Chairman Adams was in agreement that the study needed to be updated and that it was important for the TDC and the Board have a combined conversation on what the study entails, utilized for, and what the County wanted to gain from the study.

Chairman Earman sought and received information from Ms. Daniels in regard to the Reserve Contingency fund. He stated his support of the funding recommendations by the TDC.

County Attorney Dylan Reingold sought clarification on the motion from Vice Chairman Adams.

Bob McPartlan, Sebastian City Council, agreed with the increases for the Chamber because they were doing their job. He pointed out that the money the County was giving to these groups to promote the County was bringing in more tourist dollars, so the County was getting a return on its investment.

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to 1) approve staff's recommendation; 2) direct the Tourist Development Council (TDC) to have a discussion about the possibility of a tourism study and to**

develop a plan base on how the study should look; and 3) request that the TDC bring back to the Board a recommendation if they deem a tourism study would be necessary. The motion carried by the following vote:

**Aye:** 3 - Chairman Earman, Vice Chairman Adams, and Commissioner Flescher

**Nay:** 2 - Commissioner Loar, and Commissioner Moss

**G. Public Works**

**H. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**

**13.A.** [23-0442](#) Opioid Settlement Spending Plan

**Recommended Action:** The County Attorney's Office recommends that the Board approve utilizing the opioid settlement funds on assessment, treatment, testing and wrap around services, such as housing and transportation as part of the alternative court programs.

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

*[Clerks note: Item 13.A. was heard after the Consent Agenda]*

County Attorney Dylan Reingold stated that at the April 4, 2023 meeting, the Board directed the County Attorney's office to work with Commissioner Loar as a liaison to focus on using settlement proceeds in the Alternative Court programs. It was suggested at the meeting attended by Attorney Reingold, Commissioner Loar, Judge Cox, Judge Stone, and Judge Menz that the funds from the opioid settlement be utilized for assessments, treatment testing, and wraparound services in conjunction with the Alternative Courts. The Hospital District was in full support of utilizing the Opioid Settlement funds in that direction. Attorney Reingold conveyed his appreciation to Commissioner Loar, the Judges, and the Hospital District for their discussion and recommendations on the matter.

Judge Menz expressed her gratitude to the Commission for acknowledging the value of Alternative Courts as a wise allocation of the settlement funds. The judge also appreciated that the funds would be distributed among all the Alternative Courts in dire need rather than being restricted to just one.

Commissioner Loar stated it was an honor to have met with the Judges and Attorney Reingold. He mentioned that the Problem-Solving Courts had been instrumental in the community.

Bob McPartlan, Sebastian City Council, expressed his belief that the Opioid Settlement was inadequate compared to the harm caused by opioids in our community. However, he remained optimistic that the courts would properly allocate the funds to address the issue.

Commissioner Flescher commended Judge Menz for the exemplary conduct of the Courts. He invited the public to witness the positive relationships the Judges established with each individual and the successful reduction in recidivism rates.

**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.** [23-0444](#) Economic Development Council Appointment

**Recommended Action:** The County Attorney recommends that the Board review the applicant's résumé and application, and determine whether to appoint him to fill the unexpired term ending in January 2027, for the "Healthcare Industry" representative to the Economic Development Council.

**Attachments:** [Staff Report](#)  
[Application - Stevie Ray Stark](#)  
[Resume - Stevie Ray Stark](#)

County Attorney Dylan Reingold presented Stevie Ray Stark's application to the Board for consideration to fill the Health Care Industry vacancy on the Economic Development Council (EDC).

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve to approve staff's recommendation to appoint Stevie Ray Stark to the Economic Development Council. The motion carried by the following vote:**

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

**13.C.** [23-0445](#) Environmental Lands Acquisition Panel Appointment

**Recommended Action:** The County Attorney recommends that the Board review the applicants' résumés and applications, and determine whether to appoint one of the applicants to fill the "Natural Resource" representative position to the Environmental Lands Acquisition Panel.

**Attachments:** [Staff Report](#)  
[Application - Jeff Beal](#)  
[Resume - Jeff Beal.pdf](#)  
[Application - Eleanor \(Ellie\) K Van Os](#)  
[Resume - Eleanor \(Ellie\) K Van Os.pdf](#)

County Attorney Dylan Reingold presented two applications, Jeff Beal and Eleanor (Ellie) K Van Os, to the Board for consideration to fill the Natural Resources representative position on the Environmental Lands Acquisition Panel (ELAP).

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve staff's recommendation to appoint Jeff Beal to the Environmental Lands Acquisition Panel (ELAP). The motion carried by the following vote:**

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

- 13.D. [23-0449](#) Approval of Mediation Settlement Agreement for a Parcel of Right-Of-Way Located at 6600 65th Street, Vero Beach, Owned by Harish and Deepti Sadhwani

**Recommended Action:** Staff recommends the Board approve the Mediation Settlement Agreement with the Sadhwanis.

**Attachments:** [Staff Report](#)  
[Aerial photo](#)  
[Sketch and Legal Description 1](#)  
[Sketch and Legal Description 2](#)  
[Mediation Settlement Agreement](#)

Deputy County Attorney William DeBraul referred to staff's memorandum dated May 19, 2023, and provided the history of negotiations along with a detailed description of the mediation settlement agreement for a parcel located at 6600 65th Street, Vero Beach, owned by Harish and Deepti Sadhwani. A sketch and aerial photo of the location were shown. He stated the County needed 7.8 acres to be used for 5.5 acres of right-of-way and 2.3 acres for a pond site. Attorney DeBraul stated the amount due under the agreement was \$1,056,447 after the credit of \$314,364 already paid into the registry of the court.

There was no further discussion on the Item.

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

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

## 14. COMMISSIONERS MATTERS

### A. Commissioner Joseph H. Earman, Chairman

*[Clerks note: Item 14.A.1 was heard in conjunction with Item 12.F.1]*

**14.A.1** [23-0494](#) Proposed Increase of the Tourist Tax From 4 to 5 cents

**Recommended Action:** Discussion and Support

**Attachments:** [Commissioners Memo](#)  
[Proposed Increase of Tourist Tax](#)

Chairman Earman proposed raising the tourist tax by one penny (\$.01 cents), increasing it from four (\$.04) to 5 (\$.05) cents. He proposed that a portion of the additional revenue would be allocated for beach restoration. Chairman Earman referred to his memorandum dated May 30, 2023, and presented a graph demonstrating the revenue comparisons from October 2020 thru March 2023, which indicated that Indian River County had surpassed expectations for tourist tax collection so far this fiscal year. He also noted that neighboring counties had already implemented the fifth-cent tax collection.

County Attorney Dylan Reingold explained, per Florida Statute 125.0104, the uses of the fifth cent and how the penny could be utilized for beach restoration. However, a rework of the tourist tax allocations would be required to make use of this penny for that purpose and detailed the process.

Commissioner Moss explained why she was not prepared to support increasing the tourist tax until she had a clearer understanding of the funding sources for the beach restoration projects and the current funding situation. In response, Chairman Earman pointed out that the additional \$.01 cent was not just for beach restoration but also to promote tourism to bring people to the County to enjoy the beaches.

Additional discussion ensued between the Board and staff on the additional funding, the promotion of tourism by making the County's beaches tourism friendly, and how an additional quarter (1/4) of a penny could go to beach restoration.

A discussion followed in regard to Commissioner Moss's concerns and the regulations on what each of the cents could be used toward.

Chairman Adams received confirmation from Ms. Daniels that the additional .01 cents would increase the .067 tourism promotion to a full \$.02 cents and referred to the Tourism Tax Revenue Matrix and explained that the first, second, and third pennies could be used for anything. She continued to explain that the fourth penny, which was technically the County's fifth penny but was referred to as the sixth penny due to statutory limitations. The County was unable to levy the fifth penny as it was not considered a high-impact tourism County. Ms. Daniels pointed out that if the County adopted the sixth cent, the County would reallocate the funding for all of the pennies

because the code was very specific on which items each penny could fund. She noted that the County's code would need to be changed, as well as the Outside Agency funding policy, to reflect the differences.

A discussion ensued among the Board and staff on the process of adding the sixth cent, the timeline, and a request for staff to bring back additional information on the distribution of pennies. Attorney Reingold stated it was simply a super-majority vote of the Board. Ms. Daniels informed the timeline for the start of the allocation would be the first day of the second month, following the super-majority vote of approval. She stated the ideal date was October 1, 2023, being a new fiscal year, and to allow the Clerk of the Circuit Court time to advertise and contact those folks who levy and collect the tax and to update their software. Vice Chairman Adams felt that if Chairman Earman wanted a vote today on the increase to the Tourist/Bed Tax, he would not get the supermajority. She felt the Board wanted additional information from staff on the breakdown and analysis of how the pennies are used and how the pennies could be distributed both under the County's Code and statute in order to have a more in-depth conversation.

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to direct staff to bring back to the Board a breakdown and analysis of the increase of the Tourist/Bed Tax by one penny (1 cent) to five (5 cents), the distribution of the pennies, and changing the County's Code to allow as much of the additional penny as possible to go toward beach renourishment.

The Board and staff weighed in regarding the intent of the motion. It was stressed that no modifications would be made at this time.

Bob McPartlan expressed his gratitude to Chairman Earman for presenting the Item and expressed his support for discussing it further at a future Board meeting.

**A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to direct staff to bring back to the Board a breakdown and analysis of the increase of the "Tourist/Bed/Tax". by one penny (1 cent) to five (5 cents), the distribution of the pennies, and changing the County's Code to allow as much of the additional penny as possible to go toward beach renourishment. 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

*[Clerks note: Item 15. was heard after Item 13.A]*

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.

### A. Emergency Services District

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Emergency Services District meeting minutes of November 8, 2022, December 13, 2022, January 17, 2023, and February 21, 2023 as written. The motion carried by the following vote:**

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

**15.A.1** [23-0029](#) Approval of the Emergency Services District Meeting Minutes of November 08, 2022

**Recommended Action:** Approve

**Attachments:** [11082022 ESD Draft](#)

**Approved**

**15.A.2** [23-0214](#) Approval of the Emergency Services District Meeting Minutes of December 13, 2022

**Recommended Action:** Approve

**Attachments:** [12132022 ESD Draft](#)

**Approved**

**15.A.3** [23-0221](#) Approval of the Emergency Services District Meeting Minutes of January 17, 2023

**Recommended Action:** Approve

**Attachments:** [01172023 ESD Draft](#)

**Approved**

15.A.4 [23-0301](#) Approval of the Emergency Services District Meeting Minutes of February 21, 2023

**Recommended Action:** Approve

**Attachments:** [02212023 ESD Draft](#)

**Approved**

15.A.5 [23-0471](#) Approval of Third Renewal of Third Amendment of Property Lease for Temporary Location of Fire Station # 7

**Recommended Action:** Staff recommends approval of the third renewal of property lease.

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

[Third Renewal Second Amendment Lease Agreement](#)

Emergency Services Director Chief David Johnson stated he hoped this would be the final amendment for Station 7 as the progress on the new facility had been slow. He informed the Board the District was just now getting the permits through the Water Control District to cross their canal and hoped to be moving dirt for utilities this summer.

Chief Johnson responded to Chairman Earman that the District was currently looking for property for Station 15.

County Administrator John Titkanich stated that the development for Station 15 that was proposed had not progressed forward therefore the dedication of the property for that station location was not in play at this time.

Commissioner Flescher sought and received confirmation from Chief Johnson that all the funding for Station 7 and Station 15 was encumbered for the development of the two buildings.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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

## **B. Solid Waste Disposal District**

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Solid Waste Disposal District meeting minutes of April 04, 2023, April 18, 2023 as written. 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 meeting of the Emergency Services District and 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** [23-0489](#) Approval of the Solid Waste Disposal District Meeting Minutes of April 04, 2023

**Recommended Action:** Approve

**Attachments:** [04042023 SWDD Draft](#)

**Approved**

**15.B.2** [23-0496](#) Approval of the Solid Waste Disposal District Meeting Minutes of April 18, 2023

**Recommended Action:** Approve

**Attachments:** [04182023 SWDD Draft](#)

**Approved**

**15.B.3** [23-0481](#) Approval for Continued Laboratory Services

**Recommended Action:** Staff recommends the Solid Waste Disposal District Board authorize the Purchasing Division to amend and increase the existing Purchase Order 95537 by \$50,000.

**Attachments:** [Staff Report](#)  
[Geosyntec Updated Monitoring Schedule](#)

Himanshu Mehta, the Managing Director of the Solid Waste Disposal District, stated that Geosyntec Consultants collect and submit samples to the state. Additionally, samples are sent to Eurofins Environmental who are tasked with conducting additional chemical analysis of the monitoring wells. Mr. Mehta mentioned that the installation of additional monitoring wells on the property resulted in higher laboratory costs.

There was no further 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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:23 p.m.