

Indian River County Florida

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



Meeting Minutes - Final

Tuesday, October 8, 2024

9:00 AM

Commission Chambers

Board of County Commissioners

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

**John A. Titkanich, Jr., County Administrator
Jennifer W. Shuler, County Attorney
Ryan L. Butler, Clerk of the Circuit Court and Comptroller**

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**

Pastor Chris Drinnon, Grace Baptist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams, Chairman

Chairman Adams announced that a State of Emergency had been declared for Indian River County due to Hurricane Milton. The Emergency Operations Center (EOC) would be fully activated on October 8, 2024, at 8 am. General population shelters would open at 2 p.m., and the Special Needs Shelter would be located at Treasure Coast Elementary. Waste and recycling services would be temporarily suspended.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Agenda as written. 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. [24-0732](#)**

Presentation of Proclamation Declaring the Month of October As National Domestic Violence Awareness Month

Recommended Action: Read & Present

Attachments: [Proclamation](#)

Jennifer Fox, CEO of Safespace, Inc., expressed her heartfelt gratitude to the Board for declaring October as Domestic Violence Awareness Month. She emphasized the tremendous efforts of the Safespace team in actively raising awareness about domestic violence in Indian River County, where an average of 250 crisis phone calls

were received every month. She noted that through collaboration with community partners, Safespace was dedicated to providing comprehensive support services and aimed to expand its impact through community education.

Read and presented by Vice Chairman Flescher

- 5.B.** [24-0815](#) Presentation of Proclamation Designating October 2024 As Manufacturing Month In Indian River County, Florida

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Helene Caseltine, Economic Development Director at the Indian River County Chamber of Commerce, conveyed her sincere appreciation to the Board for acknowledging the pivotal role played by the manufacturing industry in Indian River County. She underscored the significance of the diverse spectrum of manufacturing businesses that are actively contributing to the county's economic landscape.

Read and presented by Chairman Adams

- 5.C.** [24-0837](#) Presentation of Proclamation Recognizing the Month of October 2024 As Cybersecurity Awareness Month In Indian River County, Florida

Recommended Action: Recommend Read and Present.

Attachments: [Proclamation](#)

Acting Director of Information Technology Zac Portwood, expressed his gratitude to the Board for their time and support. He emphasized the importance of keeping everyone educated and aware of cybersecurity challenges. He stated the department had doubled its cybersecurity team and was committed to continuous improvement through regular exercises and audits, with a focus on education and awareness.

Read and presented Commissioner Earman

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Budget Workshop Minutes of July 10, 2024, Special Call Meeting Minutes of August 08, 2024, and Utility Rate Study Workshop Minutes of August 22, 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.** [24-0816](#) Budget Workshop of July 10, 2024

Recommended Action: Approve

Attachments: [07-10-2024 Budget Workshop Draft](#)

Approved

6.B. [24-0818](#) Special Call Meeting of August 08, 2024

Recommended Action: Approve

Attachments: [08-08-2024 Special Call Draft](#)

Approved

6.C. [24-0819](#) Utility Rate Study Workshop of August 22, 2024

Recommended Action: Approve

Attachments: [08222024 Utility Rate Study Draft](#)

Approved

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

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.G., 8.H., and 8.I. 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. [24-0802](#) Checks and Electronic Payments September 7, 2024 to September 13, 2024

Recommended Action: Approve the list of checks and electronic payments issued for the time period of September 7, 2024 to September 13, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.B. [24-0822](#) Checks and Electronic Payments September 14, 2024 to September 20, 2024

Recommended Action: Approve the list of checks and electronic payments issued for the time period of September 14, 2024 to September 20, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.C. [24-0812](#) County Capital Asset Inventories

Recommended Action: Approve the removal of the list of assets from the inventory system

Attachments: [Comptroller Division Staff Report](#)

Approved staff's recommendation

8.D. [24-0821](#) Department of Health Request for Interdepartmental Budget Transfer

Recommended Action: Request Approval

Attachments: [Memorandum from Dept of Health](#)

Approved staff's recommendation

8.E. [24-0814](#) Acceptance and Approval of Expenditures of Emergency Management Program Grant (EMPG) Federally-Funded Subgrant Agreement. Agreement Number: G0558

Recommended Action: Staff recommends approval of the EMPG Federally-Funded Subgrant Agreement (G0558), associated expenditures, and authorization of the Chairman to execute this agreement between Indian River County Emergency Management and the State of Florida, Division of Emergency Management.

Attachments: [Staff Report](#)
[EMPG - #G0558](#)
[IRC Grant Form](#)

Approved staff's recommendation

8.F. [24-0820](#) Microsoft Enterprise Agreement Renewal

Recommended Action: The Department of Information Technology recommends that the Board approve the agreement with Insight Public Sector and authorize the Chairman to sign it after review and approval by the County Attorney as to form and legal sufficiency. Our yearly cost will be \$476,654.87. The services provided from Microsoft through Insight will cover all of the County's needs for the coming Fiscal Year.

Attachments: [Staff Report](#)
[Microsoft Agreement and Supplements](#)
[Insight Public Sector Quote](#)
[CDW Quote](#)
[SHI Quote](#)

Approved staff's recommendation

8.G. [24-0827](#) New Cingular Cell Radio Lease for King's Highway

Recommended Action: Staff recommends the approval of this Reinstated and Amended Agreement. Staff asks that the board authorize the Chairwoman to execute the agreement on their behalf.

Attachments: [Staff Report](#)
[Lease Agreement Kings Hiwy](#)
[Original Lease](#)
[Second Amendment](#)
[Third Amendment](#)

Commissioner Moss inquired about the calculation and negotiation of revenue and the changes to the contracts over time due to varying start dates and lengths.

Assistant County Attorney Chris Hicks explained that the County had hired James Kennedy, CEO of SteepSteel Consulting, to negotiate the tower rates based on height and availability. He mentioned that the Gifford Tower, owned by T-Mobile, required \$100,000 for structural repairs and upgrades. Mr. Kennedy negotiated \$150,000 for the tower's upgrade, and the County had upcoming negotiations with Verizon. Attorney Hicks assured Commissioner Moss that he was maintaining regular communication with Mr. Kennedy to oversee the progress of these agreements.

A motion was made by Commissioner Moss, 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

8.H. [24-0829](#) MetroPCS Cell Radio Lease King's Highway First Amendment

Recommended Action: Staff recommends the approval of this amended agreement. Staff asks that the board authorize the Chairwoman to execute the agreement on their behalf.

Attachments: [Staff Report](#)
[MetroPCS Lease Agreement First Amendment](#)
[Original Lease](#)

[Clerks note: See Item 8.G. for discussion]

A motion was made by Commissioner Moss, 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

8.I. [24-0831](#) T-Mobile Cell Radio Lease Gifford Third Amendment

Recommended Action: Staff recommends the approval of this renewed agreement. Staff asks that the board authorize the Chairwoman to execute the agreement on their behalf.

Attachments: [Staff Report](#)
[T-Mobile Lease Agreement Third Amendment](#)
[Original Lease Agreement](#)

[Clerks note: See Item 8.G. for discussion]

A motion was made by Commissioner Moss, 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

- 8.J.** [24-0832](#) Blanket Travel Authorization for Commissioners, County Officers, and Staff for Fiscal Year 2024-2025 (October 1, 2024, through September 30, 2025)

Recommended Action: Approval is recommended for Commissioners, County Officers, and Staff to travel out-of-county for current and future assigned committee meetings and the programs, meetings, and hearings listed on the staff report in the Description and Conditions during the 2024-2025 Fiscal Year.

Attachments: [Memorandum](#)

Approved staff's recommendation

- 8.K.** [24-0834](#) Grant Agreement for the Florida Department of State, Division of Historical Resources Small Matching Grant for the Gifford Parks "Tour Through Time."

Recommended Action: Staff respectfully recommends that the Board of County Commissioners accept the Florida Department of State, Division of Historical Resources Small Matching Grant for the Gifford Parks "Tour Through Time," and authorize the Chairman to execute the Agreement between the Florida Department of State, Division of Historical Resources and Indian River County after review and approval by the County Attorney.

Attachments: [Staff Report](#)
[Grant Award Agreement](#)
[Grant Form](#)

Approved staff's recommendation

- 8.L.** [24-0828](#) Request for Release of an Easement at 8815 Lakeside Circle

Recommended Action: Staff recommends that the Board, through adoption of the attached resolution,

approve the subject release of the County-dedicated drainage and utility easement at 8815 Lakeside Circle.

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

Approved staff's recommendation and Resolution 2024-063, releasing an easement (or portion thereof) on Lot 57, Sea Oaks River Homes subdivision Unit IIIB.

- 8.M.** [24-0806](#) 11th Drive and 37th Street Roadway & Intersection Improvements, (IRC-2001) - Final Payment, Release of Retainage and Change Order No. 2

Recommended Action: Staff recommends approval of Change Order No. 2 and payment of Contractor's Application for Payment No. 2001-16 to Dickerson Infrastructure, Inc., dba Dickerson Florida, Inc. in the amount of \$188,070.91 for final payment and release of retainage.

Attachments: [Staff Report](#)
[Change Order No. 2](#)

Approved staff's recommendation

- 8.N.** [24-0835](#) Kimley-Horn and Associates, Inc. Work Order 8 Amendment 1 for Floridan Aquifer Well S-1 Replacement, IRCDUS Project ID 11.22.503

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners approve Work Order 8 Amendment 1 to Kimley-Horn and Associates, Inc. in the amount of \$98,949.00 for Floridan Aquifer Well S-1 Replacement project, for additional engineering services for bid and construction phase services, wildlife site survey, extended hydrogeologist work hours, and final deliverables, and authorize the Chairman to sign it on their behalf

Attachments: [Staff Report](#)
[Work Order 8 Amendment 1](#)

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. [24-0830](#)

Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ± 7.97 Acres from CG, General Commercial District to MED, Medical District (99070136-96957)
[Quasi-Judicial]

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from CG to MED.

Attachments: [Staff Report](#)
[Zoning Map](#)
[Future Land Use Map](#)
[Rezoning Application](#)
[Draft Ordinance](#)
[2024-11-13 request for continuance](#)

Chairman Adams stated the Item proposed an amendment to the Zoning Ordinance. 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.

Chief of Long Range Planning Chris Balter stated the applicant had requested to postpone the Public Hearing until the Tuesday, November 19, 2024, Commission meeting.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to postpone the public hearing to the November 19, 2024, Commission meeting. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS**10.B.1. [24-0813](#)**

Request to Speak by R. Wooten re: Metal detectors and planned lawful concealed carry harassment at the Firefighters County Fair

Recommended Action: No action required

Attachments: [Request to Speak R.Wooten](#)

Fellsmere resident Robert Wooten, a retired military officer, raised concerns about the plan to implement metal detectors and baggage checks at the upcoming Firefighters Fair. He believed this plan may constitute harassment and violate certain laws and constitutional rights. Mr. Wooten urged the County Commission to consider a Resolution affirming the right to carry concealed weapons on County-owned property. Mr. Wooten stated that if the plan proceeds, he would seek a court-ordered injunction to stop these actions, emphasizing the potential financial impact in terms of legal expenses and damages for the County.

No Action Taken or Required

10.B.2. [24-0824](#) Request to Speak from B. Rigby regarding Federal and State Funding

Recommended Action: No action required

Attachments: [Request-to-Speak B. Rigby](#)

Bill Rigby, a member of the West Wabasso Progressive Civic League, spoke to the Board about the need for fair treatment of minority-owned and disabled veteran-owned businesses. He pointed out that these businesses were being excluded from County contracts and urged the Board to address this issue. He also suggested that the County was misusing grant funds and claimed that the County's request for proposal (RFP) for recycling collection program was illegal and invalid. Mr. Rigby requested transparency regarding the County's receipt of Federal and State funding grants and asked for documentation related to contractual agreements.

In response, Chairman Adams advised Mr. Rigby to file a public records request for the grant and contractual agreement information. Deputy County Attorney Susan Prado offered to assist Mr. Rigby with his request.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

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

13. COUNTY ATTORNEY MATTERS

- 13.A.** [24-0770](#) Resolution For Special Assessment Providing for The Replacement of Culverts for Waters Edge Phase II Subdivision

Recommended Action: County staff recommends that the Board approve the draft Resolution authorizing the Special Assessment to cover the costs of the Waters Edge Plat Two (Waters Edge Phase II) Culvert Replacement and requiring compliance with the procedures outlined in Chapter 206 of the Code.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Special Assessment Plat](#)

Assistant County Attorney Chris Hicks stated that in October 2006, the Waters Edge Phase II Subdivision transferred ownership of the roads and road easements to the County, making the County responsible for maintaining and repairing the roads. This transfer did not include the subdivision's drainage infrastructure, specifically the culverts allowing passage of the Indian River Farms Water Control District Sub-Lateral B-5 Canal on 1st Street SW. The culvert pipes at both entry points into the subdivision were deteriorating and needed to be replaced.

He noted that on June 18, 2024, the Board approved a contract with Timothy Rose Contracting, Inc. to construct replacement culverts at a total cost of \$1,366,739.45. The County and the Waters Edge Phase II Homeowner's Association reached an agreement to share the replacement costs. The County would cover the majority of the project, contributing \$828,764.95 (including a contingency fund of \$100,000.00), and the residents would be responsible for the remaining \$537,974.50 (including a

contingency fund of \$80,000.00).

Attorney Hicks stated that the County and Waters Edge Phase II HOA negotiated a special assessment, allowing property owners to pay their share of \$6255.52 per lot over 15 years at a rate of \$417.04 per year. Upon project completion, hearings would be held to readjust the amounts owed based on unused reserves.

Commissioner Loar thanked Attorney Hicks and Deputy County Attorney Susan Prado for bringing this to fruition.

The Board and staff discussed that this process was not setting a precedent, as the precedent had already been set. Unfortunately, it placed a heavy financial burden on residents. Based on recent history, this practice had become standard.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve staff's recommendation and Resolution 2024-064, providing for Waters Edge culvert replacement for Waters Edge Plat Two subdivision (Waters Edge Phase II) in Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

14.A.1. [24-0840](#) Proposed Proclamation Policy Proposal

Recommended Action: Request Discussion and Support

Attachments: [Commissioner's Memo](#)
[Proclamation Policy \(Current\)](#)
[Proclamation Policy Proposal](#)

Chairman Adams discussed potential changes to the Proclamation Policy. She proposed the introduction of a Certificate of Recognition to streamline the process of achieving recognition objectives. Additionally, she highlighted the need to enhance the submission process for Proclamations to manage recognition requests effectively. Chairman Adams also provided an overview of the specific requirements for both Proclamations and Certificates of Recognition, clearly outlining the criteria.

The Board engaged in a detailed dialogue focusing on the distinctions between Proclamations and Certificates of Recognition. The discussion also delved into the

possibility of issuing impromptu Proclamations and the associated flexibility. Furthermore, the Board deliberated on acknowledging acts of heroism and extraordinary achievements, emphasizing the Chairman's discretionary authority in such matters.

Chairman Adams requested that the County Attorney formalize the Proclamation Policy proposal according to legal and grammatical standards.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation and the County Attorney to formalize the document according to legal and grammatical standards. The motion carried by the following vote:

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

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Joseph H. Earman

D. Commissioner Deryl Loar

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 10:17 am.