



# 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.ircgov.com

*Joseph H. Earman, District 3, Chairman*

*Susan Adams, District 1, Vice Chairman*

*Joseph Flescher, District 2*

*Deryl Loar, District 4*

*Laura Moss, District 5*

**Michael C. Zito, Interim County Administrator**

**Dylan Reingold, County Attorney**

**Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller**

**Randi Wardlow, Deputy Clerk**

---

Tuesday, January 31, 2023

9:00 AM

Commission Chambers

---

#### 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

**Reverend Dr. Anna V. Copeland, Community Church of Vero Beach**

#### 3. PLEDGE OF ALLEGIANCE

**Dylan Reingold, County Attorney**

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

Moved: Item 7.A. to follow Item 5.B.

Items under 15.B. Solid Waste Disposal District to follow Consent Agenda

Deleted: Items 5.C. and 8.G.

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

**4.A.** Deletion of 5.C. Presentation of Proclamation Recognizing the Education Foundation of Indian River County

**Deleted**

- 4.B. Deletion of 8.G. First Amendment to Aircraft Rescue and Firefighting (ARFF) Agreement  
**Deleted**

**5. PROCLAMATIONS and PRESENTATIONS**

- 5.A. Presentation of Proclamation Honoring Sandra M. Gebert on Her Retirement From the Indian River County Board of County Commissioners Department of General Services, Library Services Division

Ms. Gebert was joined by Beth Powell, Director of Parks and Recreation, and library staff as she was honored for her 20-plus years of service. Ms. Gebert also received the County's 20-year Service Award, presented by Interim County Administrator Michael Zito, who commended her contributions to the community.

**Read and presented by Chairman Earman**

- 5.B. Presentation of Proclamation Honoring Patrick White on his Retirement from the Indian River County Sheriff's Office

Captain Patrick White was joined by his family and many members of the Indian River County Sheriff's Office as Commissioners Flescher and Loar recounted Captain White's distinguished 26-year career. He received accolades for his bravery and level-headedness from the Board, Interim County Administrator Michael Zito, and Undersheriff Thomas Raulen. Captain White stated he was honored, and retirement was bittersweet.

**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 November 15, 2022, and November 22, 2022 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. Regular Meeting of November 15, 2022  
**Approved**

- 6.B. Regular Meeting of November 22, 2022  
**Approved**

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

**7.A.** Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting

Ryan Butler, Chief Deputy Legal, appeared before the Board to accept the Certificate of Appreciation for the Annual Comprehensive Financial Report (ACFR), an honor the Comptroller's office has received for 39 consecutive years. Mr. Butler credited Finance Director Elissa Nagy and Assistant Finance Director Raeanne Cone for their hard work, and acknowledged production of the ACFR was a team effort.

**No Action Taken or Required**

**7.B.** State Housing Initiatives Partnership (SHIP) Program Loans and SHARP (American Rescue Plan) Grants Approved on January 24, 2023, by Local Housing Assistance Loan Review Committee

Commissioner Laura Moss highlighted the County's housing assistance programs.

**No Action Taken or Required**

**7.C.** 1st Quarter FY 2022/2023 Budget Report

**No Action Taken or Required**

**7.D.** Appointment of Katie Mieras to the Children's Services Advisory Committee Representing District 3

Chairman Earman noted his appointment of Ms. Mieras as District 3 Representative to the Children's Services Advisory Committee.

**No Action Taken or Required**

**7.E.** Florida Public Service Commission Consummating Order PSC-2023-0043-CO-EI, issued on December 21, 2022, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code.

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, 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.** Agreement with Meeks Plumbing for North County and West Wabasso Septic to Sewer Private Side Connections

**Approved staff's recommendation**

- 8.B.** First Extension to Agreements for Temporary Staffing Services  
**Approved staff's recommendation**
- 8.C.** Award of RFP 2023004 for Housing Program Inspection Services  
**Approved staff's recommendation**
- 8.D.** Second Extension and Amendment to the Agreement for Operations of the Biosolids Dewatering Facility, Sludge Dewatering, and Hauling  
**Approved staff's recommendation**
- 8.E.** Workers Compensation Settlement; Justin House  
**Approved staff's recommendation**
- 8.F.** First Renewal of Sublease Agreement with the Senior Resource Association for the Main Transit Hub  
**Approved staff's recommendation**
- 8.H.** Appointment of Chairman to Children's Services Advisory Committee  
**Approved staff's recommendation**
- 8.I.** Work Order Number 2, Amendment No. 1 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No1. Fran B. Adams North County Regional Park (Playground and Soccer Complex Area)  
**Approved staff's recommendation**
- 8.J.** Template Emergency Beach Access Agreement  
**Approved staff's recommendation**
- 8.K.** Jackie Robinson Training Complex Ticket Office Renovations Change Order No. 1 and Release of Retainage (IRC-2020)  
**Approved staff's recommendation**
- 8.L.** Sector 5 Beach and Dune Restoration Project (IRC1923) APTIM, Work Order No. 2018029-11, Year 3 Post-Construction Environmental Monitoring  
**Approved staff's recommendation**
- 8.M.** Resolution Cancelling Taxes  
**Approved Resolution 2023-003, cancelling certain taxes upon public owned lands, pursuant to Section 196.28, Florida Statutes. (RaceTrac)**

**8.N.** General Obligation Bond Resolution

**Approved Resolution 2023-004, authorizing the issuance of not exceeding \$50,000,000 in aggregate principal amount of Indian River County, Florida General Obligation Bonds at one time or from time to time, to finance the cost of acquiring and preserving environmentally sensitive lands and constructing public access improvements related thereto within the County; making certain covenants and agreements in connection therewith; providing for the rights of the holders of such bonds; providing other matters; and providing an effective date.**

**8.O.** Amendment 1 to Work Order No. 51 - Kimley-Horn and Associates, Inc., Aviation Boulevard Extension - Alternative Alignment Study (IRC-1761)

**Approved staff's recommendation**

**8.P.** Utility Work By Highway Contractor Agreement with FDOT for the Adjustment of Utility Valves for the SR-60 Resurfacing from West of CR-512 to West of 94th Drive

**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 WITH THE OFFICE OF THE CLERK TO THE BOARD.

**10.A.1.** Miscellaneous Budget Amendment 02

Management and Budget Director Kristin Daniels referred to her department's report for details of Amendment 02 to the County's FY 2022-2023 budget. She noted any time an amendment included actual cash balance dollars, the Florida Statutes required a public hearing be held.

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

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve Resolution 2023-005, amending the Fiscal Year 2022-2023 Budget.**

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

**B. PUBLIC DISCUSSION ITEMS**

**10.B.1.** Request to Speak from Susan Mehiel, Alliance for Safe Trains re: Brightline Update

Susan Mehiel, Alliance for Safe Trains, appeared before the Board with an update on the Brightline (fka All Aboard Florida) high-speed trains, which included numbers of train-related deaths in the four-county area, lack of regulations for higher-speed rail, the possibility of transporting liquefied natural gas on the rails, and needed safety enhancements.

**No Action Taken or Required**

**10.B.2.** Request to Speak from George Colon, Advocate re: Fentanyl Awareness

George Colon, Certified Recovery Coach and Sober Companion, addressed the Board to raise awareness of the dangers of fentanyl in Indian River County. He advocated for increased monitoring of sober houses, and detailed his efforts to gain assistance. Mr. Colon praised Indian River County Sheriff Eric Flowers, and Commissioner Moss for bringing attention to the impact of fentanyl on County residents.

**No Action Taken or Required**

**10.B.3.** Request to Speak from Joann McGrath re: Safety & Protection of Gopher Tortoises in IRC

Joann McGrath discussed the plight of the gopher tortoise which was losing its habitat due to increased land development. Ms. McGrath called for greater enforcement of required environmental surveys to detect the tortoise's burrows, amending Ordinances to require surveys for parcels less than one (1) acre, and the establishment of a public-led protection committee.

**No Action Taken or Required**

The Chairman called a recess at 10:37 a.m., and reconvened the meeting at 10:50 a.m. with all members present.

**C. PUBLIC NOTICE ITEMS**

**10.C.1.** Public Notice of Public Hearing for February 7, 2023, to Consider an Ordinance

County Attorney Dylan Reingold read the public notice announcement into the record.

**No Action Taken or Required**

**10.C.2.** Public Notice of Public Hearing for February 7, 2023, for Ordinance Amending Section 100.03 “Amendment or Repeal of Ordinances” of Chapter 100 “General Provisions” of the Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 144

County Attorney Dylan Reingold read the public notice announcement into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.** Appointment of District 19 Medical Examiner

Interim County Administrator Michael Zito sought the Board's input on the performance of incumbent Medical Examiner for District 19, Patricia A. Aronica, MD, per the State Medical Examiners Commission request.

The Board expressed their favorable impressions of Dr. Aronica, praising her experience, clarity, and desire to improve the service and the infrastructure of the Medical Examiner's office.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve a favorable recommendation for reappointment of Patricia A. Aronica, MD to the position of District 19 Medical Examiner. The motion carried by the following vote:**

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

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services**

**12.C.1.** Consideration for Adopt-A-Park Program

Beth Powell, Interim General Services Director/Parks and Recreation Director, described the efforts of a local Cub Scout Pack to initiate an Adopt-A-Park program, similar to the Adopt-A-Road program, in Indian River County. Ms. Tammy Denino, a leader in Cub Scout Pack 595, described her pack's focus on conservation service projects, and the need for a volunteer park beautification program.

The Commissioners expressed support for the program, and directed applicants to the County's website [ircgov.com/parksandrecreation](http://ircgov.com/parksandrecreation) for additional information.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve staff's direction and Resolution 2023-006, approving an Adopt-A-Park program and authorizing the Parks and Recreation Director to enter into agreements for the program. The motion carried by the following vote:**

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

**D. Human Resources****E. Information Technology****12.E.1.** Information Technology Policy Additions to the Administrative Policy Manual

Information Technology Director Dan Russell referred to his memorandum dated January 31, 2023, which presented policy additions to the Administrative Policy Manual. Mr. Russell noted new State statutes specified additional requirements for local government cyber security, and alignment with the National Institute of Standards and Technology (NIST) recommendations.

**A motion was made by Vice Chairman Adams, 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

**F. Office of Management and Budget****G. Public Works**



**12.G.1.**

Change Order No. 3 66th Avenue Roadway Widening (49th Street to 69th Street), Construction of 53rd Street Signalized Intersection, IRC-1505

Director of Public Works Richard Szpyrka presented a change order to construct a signalized intersection at 53rd Street and 66th Avenue in order to improve safety and accommodate future traffic. Director Szpyrka noted this intersection was being expanded as part of the 66th Avenue widening project, and was also important to the future path of 53rd Street, west of 58th Avenue.

**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

**12.G.2.**

Request for Stormwater Summer Camp 2023

Stormwater Educator Alexis Peralta requested approval to host two 2-week sessions (4 weeks total) of Stormwater Summer Camp in 2023. Ms. Peralta explained the planned extension of the camp to a 2-week program, and the partnership with the Pelican Island Audubon Advocates program. Ms. Peralta utilized a slide presentation to detail the activities and curriculum of the camp, and showed a promotional video with endorsements from past campers.

Donna Halleran, Executive Director, Pelican Island Audubon Society, discussed the Audubon's programs for underserved students with an interest in science.

Assistant County Administrator Michael Zito suggested promoting Stormwater Camp at the upcoming STEAM Fest on March 4, 2023.

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

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

**H. Utilities Services****13. COUNTY ATTORNEY MATTERS**

**13.A.** City of Sebastian - Graves Brothers Annexation Update

County Attorney Dylan Reingold referred to the City of Sebastian's (City) latest draft of the Graves Brothers annexation agreement, which was attached to his memo dated January 23, 2023. Attorney Reingold discussed adding a potential 20,000 people to the area, and the County's responsibility to provide essential services such as roads, water/sewer, and firefighters. He expressed disappointment the language addressing those needs was eliminated from the agreement, and sought direction from the Board in addressing the County's concerns.

The Commissioners weighed-in with the need for consistency with the County's Visioning Plan, and the concern the County may not be able to meet the infrastructure expectations of future development. They agreed on the need to have a plan before annexation, and supported outlining their concerns in a letter to the City.

Director of Utility Services Sean Lieske stressed the importance of advance planning, and recommended getting a commitment from the developers to set aside land for future utility needs. Interim County Administrator Michael Zito mentioned concerns over being able to expand the County's Consumptive Use Permit (CUP).

Sebastian Council Member Bob McPartlan received information from Mr. Lieske regarding the fact that current water capacity was spoken for, and the County did not have capacity for the scale of development being contemplated. Mr. Lieske reiterated the need to specify an allotment of land for future utility infrastructure.

The Chairman opened the item to public discussion. The following people expressed their concerns with the annexation agreement:

Graham Cox, Sebastian resident  
Dan Lamson, Executive Director, Indian River Neighborhood Association  
Dr. Richard Baker, President, Pelican Island Audubon Society  
Donna Halleran, Executive Director, Pelican Island Audubon Society

**A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to approve directing staff to send a letter to the City of Sebastian, in advance of the February 8, 2023 City Council meeting, outlining the County's concerns regarding the latest draft of the Graves Brothers Annexation agreement. The motion carried by the following vote:**

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

**13.B.**

## 2023 Committees Vacancies and Appointments

County Attorney Dylan Reingold presented candidates for the Beach and Shore Preservation Advisory Committee (Committee). Chairman Earman noted that as the Board liaison to the Committee, he had interviewed all the candidates he was not already familiar with.

Chairman Earman invited the candidates in attendance to speak before the Board. Bob Bruce and Shelby Graziani spoke of their backgrounds and interest in serving on the Committee.

Chairman Earman stated he supported Michael W. Sole and Ms. Graziani for the appointments, before seeking input from the Board.

Commissioner Flescher discussed Mr. Bruce's success in aiding beach restoration. Vice Chairman Adams supported Mr. Sole's technical experience, and Ms. Graziani's fresh outlook. Commissioner Loar stated he was impressed with Mr. Sole's experience. Commissioner Moss nominated Michael T. Korpar and spoke of his knowledge; she liked Mr. Sole's resume as well.

Public Works Director Richard Szyrka updated the Board on the Department of Environmental Protection's allocation of funds among the County's beach sectors.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to appoint Michael W. Sole to the Beach and Shore Preservation Advisory Committee. The motion carried by the following vote:**

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

Commissioner Flescher added to his reasons for supporting Bob Bruce. Under discussion, Commissioner Adams noted she gave weight to the liaison's preferences, and thought Mr. Bruce would continue to be an advocate for the beaches regardless of his appointment.

Commissioner Moss again nominated Mr. Korpar.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to appoint Bob Bruce to the Beach and Shore Preservation Advisory Committee. The motion failed by the following vote:**

**Aye:** 2 - Commissioner Flescher, and Commissioner Loar

**Nay:** 3 - Chairman Earman, Vice Chairman Adams, and Commissioner Moss

**A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to appoint Shelby L. Graziani to the Beach and Shore Preservation Advisory Committee. 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

#### 14.A.1. Proposed Cover Letter and Revised Beach Renourishment Project Easement

Chairman Earman brought forth a final attempt to secure easements from the residents of the Sector 7 beach area which would allow replacement of sand lost to erosion. The Chairman looked for the Board's input on his cover letter and revised easement which would be sent to all residents who previously declined or deferred allowing beach renourishment in their Sector.

Commissioner Flescher expressed support for the revised easement, and sought clarification regarding those residents who had signed a previous version of the easement. The Chairman advised that the revised easement mirrored language from utility and construction easements the County routinely engaged in.

County Attorney Dylan Reingold discussed the various ways to protect public access to the beach, and why it was important to County residents. He favored waiting until the March 17, 2023 deadline called for in the Chairman's letter before addressing any concerned residents who had previously signed an easement.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to direct staff to circulate the Chairman's cover letter and revised easement to Sector 7 beach front residents. 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

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**

*[Clerk's Note: SWDD Items were heard following the Consent Agenda]*

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve the SWDD meeting minutes of November 15, 2022, and November 22, 2022, as written. The motion carried by the following vote:**

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

**15.B.1.** Approval of SWDD Meeting Minutes of November 15, 2022

**Approved**

**15.B.2.** Approval of SWDD Meeting Minutes of November 22, 2022

**Approved**

**15.B.3.** Amendment No. 1 to Agreement between SWDD and KCI for Franchise Collection Procurement Assistance

Solid Waste Disposal District (SWDD) Director Himanshu Mehta discussed the rationale behind hiring Kessler Consulting, Inc. (KSI) to perform a Waste Generation Study and how the results would inform changes needed to the SWDD's rate structure.

Chas Jordan, Senior Consultant, Kessler Consulting, Inc., presented background on SWDD assessments, scope of project, methodology, data on waste generation and recommendations. KSI's report recommended both increases and decreases to the County's Waste Generation Unit (WGU) calculations based on the study's quantified data. KSI also recommended following up with a Rate Study of all revenue sources, which was last done almost 30 years ago.

Vice Chairman Adams expressed concern the study recommended doubling the fees for restaurants. Director Mehta explained that a gradual increase in assessments based on a holistic view of their funding was most likely. Mr. Jordan informed the Board of rate studies done by other counties.

**A motion was made by Vice Chairman Adams, 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

**15.B.4.**

Nineteenth Amendment to Republic Services

Solid Waste Disposal District Director Himanshu Mehta briefly described the amendment regarding the cost to operate and maintain the landfill's gas system.

**A motion was made by Vice Chairman Adams, 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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:37 p.m.