

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

Tuesday, March 7, 2023

9:00 AM

Commission Chambers

Board of County Commissioners

Joseph H. Earman, District 3, Chairman

Susan Adams, District 1, Vice Chairman

Joseph Flescher, District 2

Deryl Loar, District 4

Laura Moss, District 5

Michael C. Zito, Interim County Administrator

Dylan Reingold, County Attorney

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

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

Wesley Davis, Indian River County Property Appraiser

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Item 10.B.2
Moved: Item 12.D.1 to follow Item 15.B.5

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. [23-0131](#) Presentation of Proclamation Recognizing the Week of March 19-25, 2023, as National Surveyors Week

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Florida Director of Survey at Bowman Consulting Steve Brickley accepted the Proclamation and thanked the Board for the recognition.

Read and presented by Commissioner Loar

5.B. [23-0134](#) Presentation of Proclamation Recognizing Children's Home Society of Florida

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Children's Home Society (CHS) Statewide Board Chair Dale Jacobs was joined by

folks from the Treasure Coast CHS, as he appreciated the opportunity and thanked the Board for the Proclamation. Mr. Jacobs stated CHS was celebrating 120 years of being the largest Statewide provider of Social Services to children and families at risk.

CHS Regional Executive Director Sabrina Barnes thanked the Board for the opportunity and stated she could talk all day about the good that they do on the Treasure Coast. Ms. Barnes thanked the Board for the time, investment, and services that CHS provides and the that County has been very gracious to the organization. She stated they were excited to be here and it was all about serving the community, ensuring the lives touched are better now and for generations to come.

Read and presented by Commissioner Moss

- 5.C.** [23-0178](#) Presentation of Proclamation Designating March 2023 As A Month Celebrating the Older Americans Act Nutrition Program

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

President/CEO of Senior Resource Association Karen Deigl, Adult and Senior Services Director Emily Snow, and Community Relations Manager Ben Earman were present to receive the Proclamation. Ms. Deigl thanked the Board for the ongoing support.

Read and presented by Vice Chairman Adams

- 5.D.** [23-0181](#) Presentation of Proclamation Dedicating the Wabasso Scrub Conservation Area Overlook in Honor of Joe Carroll

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Ms. Faith Carroll was present to accept the Proclamation and stated it was such an honor to receive on behalf of her husband Joe Carroll's achievements. Director of Parks and Recreation Beth Powell stated it had been a pleasure to work with Joe for the past 20 years. Ms. Powell commented that professionals like Joe and many others make a difference in protecting these beautiful areas.

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 December 13, 2022, December 20, 2022, and January 17, 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. [23-0213](#) Regular Meeting of December 13, 2022

Recommended Action: Approve

Attachments: [12132022 BCC Draft](#)

Approved

6.B. [23-0216](#) Regular Meeting of December 20, 2022

Recommended Action: Approve

Attachments: [12202022 BCC Draft](#)

Approved

6.C. [23-0220](#) Regular Meeting of January 17, 2023

Recommended Action: Approve

Attachments: [01172023 BCC Draft](#)

Approved

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

7.A. [23-0151](#) Proclamation Honoring Michael T. Wyatt on his Retirement From Indian River County Board of County Commissioners Department of Utility Services/Water Production Division

Recommended Action: Informational Purposes Only

Attachments: [Proclamation](#)

Chairman Earman recognized Michael T. Wyatt on his retirement from the Department of Utility Services/Water Production Division.

No Action Taken or Required

7.B. [23-0172](#) Indian River County Venue Event Calendar Review

Recommended Action: Informational item only; no Board action required

Attachments: [Venue Event Calendar](#)

Chairman Earman highlighted the following March Calendar events: Firefighters County Fair, the Extreme Survival Course, the dedication of the Joe Carroll Wabasso Scrub Conservation Area, and the Senior Expo.

No Action Taken or Required

- 7.C. [23-0179](#) Clerk of the Circuit Clerk and Comptroller Jeffrey R. Smith announces Operation Green Light 2023 Event to be held March 17, 2023 through March 24, 2023 from 8:30 a.m. until 4:30 p.m. at the Courthouse.

Recommended Action: Information Only

Attachments: [Operation Green Light 2023](#)

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith appeared before the Board to promote Operation Green Light, a program to help drivers reinstate their licenses which would be held March 17 - 24, 2023. Those with a suspended drivers license could either come to the Courthouse or go online to pay their traffic fines without collection fees.

No Action Taken or Required

- 7.D. [23-0187](#) CSAC Main Advisory Committee - Member-at-Large Resignation

Recommended Action: Informational Item

Attachments: [Memorandum](#)
[CSAC Resignation Letter](#)

Chairman Earman announced there was an opening for the Children's Services Advisory Committee (CSAC) as Ms. Blaxill-Deal had resigned to serve solely on the CSAC Grant Subcommittee; if anyone was interested to let the committee know.

No Action Taken or Required

- 7.E. [23-0210](#) Four County Affordable/Attainable Housing Task Team

Recommended Action: No action required

Attachments: [Commissioners Memo](#)
[Attachment](#)

Vice Chairman Susan Adams stated the Four County Affordable/Attainable Housing Task Team would have its first meeting in April in Indian River County with representatives from Indian River, Martin, Port St Lucie, and Okeechobee counties attending. She mentioned the first order of business would be to review Senate Bill 102, coordinate implementation across the region, and discuss how to better address support for the affordable housing issues from a regional perspective.

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 amended, pulling Item 8.F. for discussion.

The motion carried by the following vote:

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

8.A. [23-0137](#) Checks and Electronic Payments January 27, 2023 to February 2, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 27, 2023 to February 2, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [23-0144](#) Checks and Electronic Payments February 3, 2023 to February 9, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 3, 2023 to February 9, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [23-0177](#) Checks and Electronic Payments February 10, 2023 to February 16, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 10, 2023 to February 16, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.D. [23-0196](#) Checks and electronic payments February 17, 2023 to February 23, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of February 17, 2023 to February 23, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.E. [23-0142](#) Consideration of the 2023 Title VI Program Update for Public Transportation

Recommended Action: Staff recommends that the Board of County Commissioners approve the Title VI

Program Update and direct staff to submit the program to the Federal Transit Administration.

Attachments: [Staff Report](#)
[Title VI Program](#)

Approved staff's recommendation and Resolution 2023-008, authorizing the submission of a Triennial Title VI Program update to the Federal Transit Administration.

8.F. [23-0186](#) D.R. Horton, Inc's Request for Final PD Plan/Plat Approval for a Subdivision to be known as Grande Hammock PD [PD-13-11-04 / 2013100058-91467]

Recommended Action: Staff recommends that the Board of County Commissioners grant final PD plan/plat approval for Grand Hammock PD.

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

Chief of Current Development Ryan Sweeney replied to Commissioner Moss's question in regard to the timeline, as it appeared it might have expired. Mr. Sweeney stated the preliminary PD Plan was originally approved in 2004/2005 and had been extended and re-approved a number of times. He pointed out once the subdivision started construction it becomes vested and does not expire as long as construction continued forward. He confirmed the planned development was extended through the proper course of approvals.

A motion was made by Commissioner Moss, 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

8.G. [23-0158](#) Renewal of Agreement for Food Concession Services and Lease at Sandridge Golf Club

Recommended Action: Staff respectfully requests that the Board approve the renewal term under the existing lease and authorize the Chairman to execute the document.

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

Approved staff's recommendation

8.H. [23-0200](#) Jones' Pier Conservation Area - Modification of Existing Purchase Order to Accommodate Unforeseen Work Associated with the Elevation of the Historic

Bungalow

Recommended Action: Staff respectfully recommends the Board approve Gordian Work Order Modification #108749.01, in the amount of \$7,436.93, and authorize the Purchasing Division to increase the Purchase Order by that amount. In order to ensure timely completion of the project, and to eliminate any future delays should the contractor encounter additional unforeseen work, staff recommends that the Board authorize the County Administrator to authorize additional modifications to PO #95258 up to \$20,000.

Attachments: [Staff Report](#)
[Change order](#)

Approved staff's recommendation

- 8.I. [23-0203](#) Jones' Pier Conservation Area - Architectural & Structural Plan Modifications;
Donadio Amendment No. 2 to Work Order No. 3

Recommended Action: Staff respectfully recommends the Board accept Work Order Number 3, Amendment No. 2 - Donadio & Associates, Continuing Architectural Services RFQ 2018063, renewed November 2, 2021, for design services associated with the Jones' Pier Bungalow House Renovations, authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Amendment No. 2, Work Order Number 3

Attachments: [Staff Report](#)
[Amendment No 2 to WO 3](#)
[Contract Addendum](#)

Approved staff's recommendation

- 8.J. [23-0174](#) Miscellaneous Budget Amendment 03

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

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

Approved staff's recommendation and Resolution 2023-009, amending the fiscal year 2022-2023 budget.

- 8.K. [23-0185](#) Donation of Laptops to North Port Florida Fire Rescue District

Recommended Action: Staff recommends the Board authorize the donation of the laptops to the City of North Port Fire Rescue District.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.L. [23-0188](#) Award of Bid 2023024 - Annual Bid for Bulk Carbon Dioxide

Recommended Action: Staff recommends the Board award Bid 2023024, at the negotiated price, to Airgas USA, and authorize the Purchasing Manager to execute renewals with no change to terms or pricing.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.M. [23-0189](#) Award of Bid 2023027 - Relocation of Lakes Course #10 Tee

Recommended Action: Staff recommends the Board award Bid 2023027 to A. Thomas Const. Inc., approve the agreement, and authorize the Chairman to sign the agreement after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)

[Agreement](#)

Approved staff's recommendation

8.N. [23-0194](#) Resolution Cancelling Taxes

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the properties purchased by or donated to Indian River County for a public purpose, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)

[Resolution Cancelling Taxes](#)

[Warranty Deed](#)

Approved staff's recommendation and Resolution 2023-010, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.8 Florida Statutes. (Old Dixie 4086, LLC.)

8.O. [23-0182](#) Work Order No. 5 - Andersen Andre Consulting Engineers, Inc. 11th Drive & 37th Street Roadway and Intersection Improvements Project, Geotechnical Testing Services (IRC-2001)

Recommended Action: Staff recommends approval of Work Order No. 5 to Andersen Andre Consulting Engineers, Inc. authorizing the professional services as outlined in the Scope of Services (Exhibit A) and requests the Board to authorize the Chairman to execute Work Order No. 5 on their behalf for a not to exceed amount of \$43,851.00.

Attachments: [Staff Report](#)
[Work Order No. 5](#)

Approved staff's recommendation

- 8.P.** [23-0184](#) Change Order No. 1-Release of Retainage 66th Avenue and 8th Street Signalization Improvements IRC-2002

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 5 in the amount of \$32,031.27 for release of retainage.

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

Approved staff's recommendation

- 8.Q.** [23-0191](#) Extension of the Memorandum of Understanding between Indian River County and Sebastian Inlet District for Coordination of Supplemental Downtide Nourishment and Related Coastal Activities

Recommended Action: Staff recommends approval of the extension of the attached Memorandum of Understanding (MOU) between the County and the Sebastian Inlet District.

Attachments: [Staff Report](#)
[Extension of MOU](#)
[2013 Original MOU Between County and District](#)
[2019 Renewal of MOU](#)

Approved staff's recommendation

- 8.R.** [23-0197](#) Timothy Rose Contracting, Inc. proposed donation of 110 pieces of Barrier Wall

Recommended Action: Staff recommends the Board of County Commissioners accept the donation of the proposed material from Timothy Rose Contracting, Inc.

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

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.** [23-0190](#) Indian River County Property Appraiser Wesley Davis re: New Tax Distribution Feature on Property Appraiser's website

Attachments: [Property Appraiser Memo](#)

Indian River County Property Appraiser Wesley Davis reported his office had added millage rates to the Property Appraisers website. Mr. Davis also presented a list of Notaries that had been associated with fraudulent deeds. Utilizing a PowerPoint presentation, he demonstrated the steps for residents to register their name and any aliases to ensure any time a document gets recorded at the Clerk's office with their name on it, they would receive a notification.

Clerk of the Circuit Court and Comptroller Jeffrey Smith thanked Wesley Davis for his acknowledgement of potential fraud and his innovation since he became the County Property Appraiser. Mr. Smith recommended residents not only register their formal name, but all other aliases in order to better protect themselves from fraud.

Vice Chairman Adams thanked Mr. Davis for bringing this item and sharing the information with the community.

No Action Taken or Required

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

- 10.B.1.** [23-0223](#) Request to Speak from Ms. Sylvia Telezinski re: Widening the North End of Old Dixie to 2 Full Lanes

Recommended Action: No action required

Attachments: [Request to Speak S. Telezinski](#)

Sylvia Telezinski, a resident, proposed widening the north end of Old Dixie to two (2) full lanes at Roseland Road. Ms. Telezinski stated the road narrows from approximately 275 inches to 202 inches, and the center line and the outside lines disappear. She commented it's uncomfortable and very dangerous especially if there are walkers or bikers, and she has had to stop her vehicle to allow the opposite vehicle to pass with her tires going off the pavement several times. Ms. Telezinski mentioned with the development of Pelican Key, an additional 48 to 50 families will generate more traffic.

Commissioner Laura Moss stated it was a reasonable request and thanked Ms. Telezinski for her comments. Interim County Administrator Mike Zito responded that this had been analyzed by Public Works Director Rich Szpyrka.

No Action Taken or Required

- 10.B.2.** [23-0192](#) Request to Speak from Bill Rigby, West Wabasso Progressive Civic League re: Shared Usage of the Old Douglas School Building

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

Deleted

C. PUBLIC NOTICE ITEMS

- 10.C.1.** [23-0183](#) Public Notice of Public Hearing for March 28, 2023, to Consider an Ordinance Concerning Residency Requirements for Registered Sex Offenders

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**

- 12.A.1.** [23-0180](#) Consideration of the Purchase of County-Owned Property to Remedy Private Encroachments on Lot 8, Block E, Unit L of Vero Lake Estates

Recommended Action: Staff recommends that the Board consider the purchase of a strip of County-owned property by a private resident to remedy the encroachments identified in this report, and provide conditional approval (subject to completing the steps outlined in this report), or denial, for the purchase.

Attachments: [Staff Report](#)

[June 27, 2022, Order Finding Violation](#)

[Survey of Lot 8 and Lot 9 of VLE Unit L, Block E](#)

[Aerial Map Lot 8 & Lot 9, eight lots in VLE](#)

[Street-view of 7985 100th Av, Dec 2007 and Sept 2022](#)

Chief of Environmental Planning & Code Enforcement Rebeca Guerra brought before the Board a request for a conditional approval to purchase county-owned property to remedy private encroachments on Lot 8, Block E, Unit L of Vero Lake Estates. Ms. Guerra utilized a PowerPoint presentation to illustrate the violation. She stated that on May 10, 2022, the Public Works Department identified possible unpermitted private encroachments on the County-owned

property. The encroachments included a fence, accessory structure, retaining wall, culvert, and driveway. On May 11, 2022, staff issued a Notice of Code Violation and the case was brought before the Code Enforcement Board (CEB) on June 27, 2022. Ms. Guerra reported that the tenants contacted Public Works Director Rich Szyrka to determine if a portion of the County-owned property could be purchased to remedy the encroachments. Before the remedy could be considered, Director Szyrka told of certain conditions that would need to be met.

The Board entered into a lengthy discussion, Commissioners posed questions to staff and expressed opinions with respect to the purchase of County-owned property and/or remedy of the violations.

Vice Chairman Adams questioned what the homeowner would have to do if the purchase was not approved. Ms. Guerra stated the homeowner would have to remove anything that encroached on County land, restore and remove any improvements that were done within the easement, including drainage and driveway improvements, and relocate or remove the shed.

Deputy County Attorney Bill DeBaal responded to Commissioner Loar that this was the first time he could recall where the homeowner asked for forgiveness instead of permission. Commissioner Loar commented he was not in favor of the sale and that it would set a standard allowing bad behavior.

Commissioner Loar made a motion to move forward with the Code Enforcement process and reverse or remove the non-permitted encroachments.

Ms. Guerra responded to Commissioner Moss's question that the homeowner stated she did not know where the property line was and thought it would be okay; she had expressed remorse for her actions.

With a Motion on the floor to have staff stop the concept of working on a resolution with the property owner to purchase County owned property and to continue moving forward with the code enforcement process. Further discussion was had between the Board and staff with the Board majority not being in favor of selling the property to the homeowner and they preferred restoring and removing any improvements made on the County owned property.

The following people spoke against the sale as it would create a precedent in future code violations:

Joseph Paladin, Black Swan Consulting
Tuck Ferrell, Resident and member Beach and Shores Preservation Advisory Committee
David Barney, Resident

Further discussion was had between the Board and staff to allow staff to continue to work with the property owner to come into compliance.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to direct staff to stop working on the concept of purchasing a portion of County owned property and to have staff continue with the code enforcement process. The motion carried by the following vote:

- Aye:** 4 - Chairman Earman, Commissioner Flescher, Commissioner Loar, and Commissioner Moss
Nay: 1 - Vice Chairman Adams

The Chairman called for a recess at 10:56 a.m., and reconvened the meeting at 11:06 a.m. with all members present.

B. Emergency Services

C. General Services

- 12.C.1. [23-0201](#)** South Oslo Riverfront Conservation Area - FDEP Resiliency Grant and Development of a Cost-Share Agreement with the St. John's River Water Management District

Recommended Action: Staff respectfully recommends the Board authorize the County Attorney to work with the SJRWMD staff to develop a cost share agreement for completion of the re-connection of the SORCA impoundment to the Indian River Lagoon. The draft agreement will be presented to the Board for consideration and approval.

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

Conservations Lands Manager Wendy Swindell utilized a PowerPoint presentation to provide a background on Senate Bill 1954, which ensured a coordinated approach to Florida's coastal and inland resiliency with nearly \$20 million allocated for projects for FY 2021-2022. Ms. Swindell described the South Oslo Riverfront Conservation Area (SORCA), consisting of three parcels totaling approximately 143 acres, acquired between 2000 and 2005. She stated in January 2021, staff was contacted by the St. Johns River Water Management District (SJRWMD) Estuaries section to solicit potential projects to meet the resiliency goals for the stretch of the Indian River Lagoon Estuary Program

(IRLEP) specifically on conservation lands. Consequently, County staff had identified a SORCA impoundment was no longer part of the Rotational Impoundment Management (RIM) process, and that removal of this perimeter dike would restore a natural connection to the IRL. This re-connection would allow for the open exchange of waters, which would benefit wildlife habitats, specifically fisheries. The re-connection also increases the resiliency of the system by reducing the potential for long-term flooding. Ms. Swindell reported that current funding was \$100,000 from the Federal Department of Environmental Protection (FDEP) and \$50,000 from SJRWMD, and additional grant funding could be pursued toward the construction of the project.

Chairman Earman thanked staff for their hard work and agreed that when the water cannot move back and forth naturally, it debilitates the resources.

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.C.2. [23-0202](#)

Indian River County Environmental Bond - Review Committee Selection Process

Recommended Action: Staff respectfully recommends that the Board provide a timeline for providing the five (5) designated district appointees to the ELAP to the County Attorney's office. Additionally, it is recommended that the Board initiate the application process for selection of the (4) "at large" positions on the ELAP. Staff will assemble the list of applications and present the list at a future BOCC meeting for consideration. Staff respectfully requests that the BOCC provide direction on the time frame for approval of the ELAP members.

Attachments: [Staff Report](#)

Conservation Lands Manager Wendy Swindell referred to Resolution 2022-016 which called for a Board Referendum Election for the issuance of general obligation bonds. Ms. Swindell stated in March 2022, the Referendum was put on the November 2022 ballot and passed providing \$50 million in environmental bond monies towards the purchase of environmentally sensitive lands.

Staff was directed to update the Environmental Lands Program (ELP) Guide. She stated the draft ELP Guide proposed the formation of an Environmental Lands Acquisition Panel (ELAP), which would be comprised of five (5) members: One (1) from each of the Commissioner's districts and four (4) at large positions with specific expertise that would aid in reviewing environmentally sensitive lands.

Ms. Swindell advised before staff could move forward, the Panel would need to be appointed. Ms. Swindell requested the Commissioners provide their designated district appointee to serve on the ELAP and, in addition, begin the application process for the four “at large” positions.

County Attorney Dylan Reingold responded to Commissioner Moss’s question that the committees have specific requirements. The person applying for these positions would need to indicate their interest in serving and their expertise. Attorney Reingold stated the attorneys’ office would coordinate with the planning staff to get the word out that these committee positions were available.

Interim County Administrator Mike Zito stated there was a Bond validation hearing on April 27, 2023, and would prefer the committee selection could be completed by the end of March 2023.

County Attorney Dylan Reingold confirmed a motion was not required as the Item was for public awareness only.

No Action Taken or Required

D. Human Resources

[Clerks note: This Item was heard after Item 15.B.6]

12.D.1. [23-0195](#) Place Holder - County Administrator Selection

Recommended Action: Staff respectfully requests the BOCC vote to select the next County Administrator and authorize staff to extend a conditional offer of employment to include negotiation of an employment contract to be approved by the BOCC at a future meeting.

Attachments: [Staff Report](#)
[Straw Preference Poll for County Administrator](#)

Human Resource Director Suzanne Boyll distributed the final straw poll sheets for the Board to cast their vote for one of the final two candidates for County Administrator.

Commissioner Loar was embarrassed by the way the process worked and stated his disappointment with the background information the Board had received on each of the candidates.

Commissioner Moss contended the process was complicated and a bit confusing but

it was clear there was one front-runner and she was comfortable with the vote result.

Commissioner Flescher agreed it had been a challenging day. He then proposed a motion to appoint John Titkanich as the new County Administrator.

Joseph Paladin of Black Swan Consulting added his support for the motion.

Mr. Steve Myers spoke in support of Mr. Titkanich.

A motion was made by Commissioner Flescher, seconded by Chairman Earman, to extend an offer to Mr. John Titkanich for the County Administrator position. The motion carried by the following vote:

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

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to direct staff to move ahead with the job offer and negotiations with Mr. John Titkanich. The motion carried by the following vote:

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

E. Information Technology

F. Office of Management and Budget

12.F.1. [23-0198](#) Children's Services Funding Allocation for Fiscal Year 2023/24

Recommended Action: Staff recommends that the Board of County Commissioners approve funding for Children's Services agencies in the amount of \$3,705,240 for FY 2023/2024, which is an increase of 51.6% or \$1,261,634 from the current year's funding level.

Attachments: [Staff Report](#)
[Children's Services Funding History](#)

Director of Management and Budget Kristin Daniels utilized a PowerPoint presentation to outline the Children's Services Funding Allocation for the fiscal year 2023-2024. Budget Director Daniels reported that the current allocation for 2023 was \$2,443,606 and was funded at the maximum of 1/8th of a mill as outlined in the Children's Services Advisory Committee (CSAC) Ordinance. On May 17, 2022, the Board revised the Ordinance to double the millage cap bringing it to 1/4 of a mill. Budget Director Daniels stated although the funding was approved, a funding plan was not outlined.

At the budget workshop for the fiscal year 2023, Commissioner Peter O'Bryan

recommended to the Board that the funding be phased in over a three (3) year period. By phasing in the millage it would lessen the burden on the general fund and the County taxpayers. Budget Director Daniels displayed a table that showed the 3-year phase-in at an increase of \$1,261,634 or 51.6% and stated the phase-in could be paused in the event of an economic downturn. She explained the increase was a twofold result due to the tax roll that increased 13.5% last year and the increase of the millage at 33.6 %

Chairman Earman was astonished by the 51%, Budget Director Daniels explained it was based on the prior year's tax roll which had seen the largest tax roll increase at 13.5%. She presented to the Board funding options of two-year, four-year, and five-year phases to the Board. A discussion ensued between the Board and staff regarding the Boards concerns of where the money was going, how the money was being spent, and whether it was being spent correctly.

Interim County Administrator Mike Zito stated that CSAC was committed to accountability in holding the grant recipients to specific and measurable outcomes. Mr. Zito stated they had hired a very qualified Managing Director who would begin to implement and recommend policies that would serve those purposes, and not only be a steward of the taxpayer dollars, but also make sure the outcomes are met and the programs are performing well.

Acting General Services Director Beth Powell introduced Ms. Roberta Katz as the new Human Services Managing Director. Ms. Katz stated she was ready to advocate for quality programs in Indian River County.

A lengthy discussion ensued between the Board, as the Board expressed their concerns and reasons for either supporting or opposing the increase.

Chairman Earman and Vice Chairman Adams outlined the need for CSAC funding and agreed on phasing-in funding over a four (4) year period. The goal was to give CSAC the resources to be able to invest in the community. Chairman Earman stated it was time to do what needed to be done to make the CSAC Board more efficient and more accountable.

Commissioner Moss, Commissioner Loar, and Commissioner Flescher were in favor of pausing the increase and leaving it at the current funding of 1/8th of a mill. Commissioner Moss agreed that the Board did make the commitment and planned to honor that commitment, but, thought it was wise to pause the funding at this time.

Indian River County Clerk of the Circuit Court and Comptroller Jeffery Smith

stated he respected Commissioner Moss's stance and fully supported her. He appreciated Vice Chairman Adams and Chairman Earman for sticking to their guns on the commitment that the Board had previously made. Mr. Smith asserted the auditors do a thorough job of looking into the agencies to assure what they were claiming was what they are doing.

The following speakers expressed their support for the funding increase:

Mr. Michael Kint stated there was a need for quality programs and to use the funds as an investment for the community.

CSAC member Bob McPartlan commented taking a pause does no one any good and was in favor of either the three (3) year or four (4) year phase-in.

Ms. Caryn Toole commented on what the CSAC was doing for the children and that the CSAC funding was a good use of taxpayer dollars.

The following speakers expressed their reasons for opposing the increase:

Ms. Susan Mehiel wanted to see the CSAC organization brought up to speed before pouring more money into the bucket.

Mr. Doug Demuth agreed with the Commissioners who were in favor of pausing the increase.

A motion was made by Commissioner Moss, seconded by Commissioner Loar, to pause the increase in the funding level for Children's Services Agencies and keep the funding at 1/8th mil. The motion carried by the following vote:

Aye: 3 - Commissioner Flescher, Commissioner Loar, and Commissioner Moss

Nay: 2 - Chairman Earman, and Vice Chairman Adams

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [23-0206](#) Authorization to proceed with foreclosures on Code enforcement cases 2022030038 (Denyes)

Recommended Action: Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases.

Attachments: [Staff Report](#)
[Recorded order Imposing Fine](#)
[Denyes Deed 2-3-23](#)

Assistant County Attorney Susan Prado, through a PowerPoint presentation, provided the history of Case number 2022030038 (8555 104th Court). Attorney Prado stated this case came in front of Code Enforcement in 2022 regarding junk, trash, and debris. An aerial photo from January 2023 showed the junk, trash, and debris still on the property along with a vehicle, a boat, and a recreational vehicle being used for living purposes, which was not allowed. Ms. Prado stated the owners had been granted two extensions one on July 25, 2022, and one on August 22, 2022. On September 26, 2022, the Code Enforcement Board (CEB) held a compliance hearing and found the property still not in compliance and imposed a fine of \$250 per day. The current amount due was \$18,750. The property was not a homestead property so the county does have the ability to foreclose on the property pursuant to Florida Statute Section 162.09 (3).

Commissioner Flescher stated he understood mitigation attempts had not been met and if the fines were reduced to the bare minimum the administrative costs would be a costly endeavor. He did not want to wait until the Brazilian Pepper Trees on the property took care of the problem.

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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph H. Earman, Chairman

14.A.1. [23-0204](#) Discussion on Development of Dredge Material Management Areas (DMMA's)

Recommended Action: Discuss

Attachments: [Commissioner's Memo](#)

Public Works Director Richard Szyrka utilized a PowerPoint presentation to illustrate the Beach & Shore Preservation Advisory Committee (BSPAC) meeting recommendations. BSPAC recommended the Board of County Commissioners direct County staff to research the development of Dredge Material Management Areas (DMMA's) and allow for over-harvesting from borrow areas for future projects.

County Attorney Dylan Reingold commented on his understanding of DMMA's.

Director Szyrka responded that DMMA's could be twofold: finding a place to put the sand and having an agreement with an entity to place the sand.

Sebastian Inlet District Seat 4, Commissioner David Barney stated the Sebastian Inlet District maintained a DMMA due to how often the sand trap in the channel was done. He stated the only viable area for a DMMA in Indian River County would be Round Island Park due to it being both ocean and riverfront. Mr. Barney's concern was that there was not going to be any sand available in the state of Florida. He recommended capturing the 3 million cubic yards of beach-quality sand located one and a quarter miles off of Round Island Beach Park.

Chairman Earman's recommendation was to direct staff to research the development of DMMA's and allow for any over-harvesting of borrow areas for the storage of sand.

Commissioner Flescher sought and received information from Mr. Barney that there would be some bad material in addition to the good material. He discussed the process of segregating the materials, and that the "bad" material could be used for other processes such as paving, and maintaining access roads.

Chairman of the Beach and Shores Advisory Committee Tuck Ferrell commented that Indian River County does have a sand need and that the Barrier Island sand dune protected everyone and if it were to erode it would affect everyone as it did in Naples during Hurricane Ian.

A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to direct staff to research the development of Dredge Material Management Areas. The motion carried by the following vote:

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

14.A.2. [23-0205](#)

Discussion on Relocation of the Northern Beach Sector 7 Boundary from R-97 to R-99

Recommended Action: Discuss

Attachments: [Commissioner's Memo](#)

Director of Public Works Rich Szyrka, utilizing a PowerPoint presentation illustrated the easement breakdown per Sector, with Sector 7 having a total of 82 properties with only 55 properties (67%) having signed the easement agreement, with a need of 19 more in order to reach 90%. Director Szyrka stated if the

project boundary at R-99 was moved 2000 feet to the south the County would only need to obtain 10 more easements to reach the 90% goal. He also informed the Board if the project boundary was moved 2000 feet to the South the County would lose the Feeder Beach. Director Szpyrka discussed the “Feeder Beach” at Sector 7 and the financial implications from funding sources by shifting the Section 7 project from R-97 to R-99.

Chairman Earman stated he would send out a personal letter to the property owners to reiterate the easement was only for beach re-nourishment.

Discussion ensued between the Board and staff regarding the timeline, obtaining the needed easements, FEMA funding, public access, and the life expectancy of the project.

The following spoke on the reasons they were not in favor of moving the Sector 7 Boundaries:

David Barney, Sebastian Inlet District Commissioner

Doug DeMuth, Sandpointe Homeowners Association Board of Directors

County Attorney Dylan Reingold discussed the rewording of the easement document to address the feedback received, specifically to remove the broader customer-use language requested by the Board.

Further discussion followed between the Board and staff on the distance from the public access point to the Sector 7 project.

A motion was made by Commissioner Moss, seconded by Chairman Earman, to direct staff to evaluate the impacts of moving the Beach Sector 7 northern boundary southward from R-97 to R-99 for the primary purpose of beach re-nourishment activities. The motion failed by the following vote:

Aye: 2 - Chairman Earman, and Commissioner Moss

Nay: 3 - Vice Chairman Adams, Commissioner Flescher, and Commissioner Loar

B. Commissioner Susan Adams, Vice Chairman

C. Commissioner Joseph E. Flescher

D. Commissioner Deryl Loar

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

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

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

- 15.B.1.** [23-0217](#) Approval of the Solid Waste Disposal District Meeting Minutes of December 20, 2022

Recommended Action: Approve

Attachments: [12202022 SWDD Draft](#)

Approved

- 15.B.2.** [23-0222](#) Approval of the Solid Waste Disposal District Meeting Minutes of January 17, 2023

Recommended Action: Approve

Attachments: [01172023 SWDD Draft](#)

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, that the Solid Waste Disposal District meeting minutes for December 20, 2022, and January 17, 2023 be approved 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.3.** [23-0207](#) Twentieth Amendment to Republic Services

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve the Twentieth Amendment to Republic Services landfill contract for the transportation and disposal of the residual waste from the leachate evaporation plant; and authorize the Chairman to execute the agreement

Attachments: [Staff Report](#)

[Twentieth Amendment to Republic Services](#)

There was no discussion regarding this Item.

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

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

15.B.4. [23-0208](#) Residential Paper Shredding Event on April 15, 2023

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the Spring Residential Paper Shredding Event to be held on April 15, 2023, and authorize the interim County Administrator to sign the Contract Memorandum of Understanding with Waste Management, Inc., of Florida

Attachments: [Staff Report](#)
[Paper Shredding Event Flyer](#)
[Contract Memorandum of Understanding](#)

Recycling Specialist Jill Brown announced the next paper shredding event was scheduled for Saturday, April 15, 2023, at the Southeast Secure Shredding location. Ms. Brown stated the last shredding event saw 441 cars and diverted 5.1 tons of paper from going to the landfill.

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

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

15.B.5. [23-0209](#) Final Pay to Kimley-Horn Work Order No. 43 - Annual Financial Reports

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Kimley-Horn's final invoice amount of \$3,750.00

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

There was no discussion regarding this Item.

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

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

15.B.6. [23-0215](#) Change Order to Crom Corporation

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve the change order to Crom Corporation for \$9,500 to complete the rehabilitation of the above-ground storage tank, and authorize the Chairman to execute the change order

- Attachments:** [Staff Report](#)
[Letter of Recommendation from KHA](#)
[Change Order from Crom Corporation](#)

There was no discussion regarding this Item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business the Chairman adjourned the meeting at 1:59 pm