

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 3, 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

John A. Titkanich, Jr., County Administrator

William K. DeBraal, County Attorney

Ryan L. Butler, 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

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

3. PLEDGE OF ALLEGIANCE

Chairman Joseph H. Earman

Following the Pledge of Allegiance, the Vero Beach High School Choir sang the Star Spangled Banner.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted 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. [23-0926](#) Presentation of Proclamation - College Sports & Academic Achievement Game Day in Indian River County

Recommended Action: Read & Present

Attachments: [Proclamation](#)

The Second Annual College Game Day kicked off with Deputy County Administrator Michael Zito announcing the Board and staff, who entered to the sounds of game-day pep tunes and through a blast of confetti. Game Day mascot Mariner Pete, representing Marine Bank, was present to cheer everyone on.

School Board Superintendent Dr. David K. Moore was introduced with a recounting of his career highlights and accomplishments. Dr. Moore celebrated the student athletes, and proudly informed of the School District's achievements in graduation

rates, and academic ranking. He acknowledged School Board staff, and thanked the teachers and school staff members who made the District successful.

The Vero Beach High School Fighting Indians Marching Band entered the Chamber playing their fight song as Principal Shawn O'Keefe thanked staff. Athletic Director Lenny Jankowski took the podium to introduce several student athletes representing a variety of sports and to discuss their college plans.

Next, the Sebastian River High School Marching Sharks performed as Principal Christopher Cummings took the podium to thank staff and introduce Athletic Director Terri Amy. Ms. Amy introduced a representative group of student athletes, and detailed their high school careers and plans following graduation.

Last up was St. Edward's School and their new Athletic Director Eileen Pliske, who thanked the Board for including her school in the celebration. Coach Steve Fenning introduced their student athlete who committed to attending the University of Miami as a competitive swimmer.

Game Day wrapped up with appearances from former local athletes who had gone on to have careers in sports. Rick Hatcher, former baseball player and current CEO at Play Treasure Coast Sports Tourism, provided words of inspiration. Mr. Hatcher urged the student athletes to be thankful for their families and teachers, be prepared to take advantage of opportunities, and make a good first impression. Gary Parris, a multi-sport athlete who went on to play professional football, and returned to live in and serve Vero Beach, spoke next. He thanked the Board for supporting the local sports community, discussed his love of coaching, and regaled with anecdotes from his professional football days.

Read and presented by Chairman Earman

5.B. [23-0914](#) Presentation of Proclamation Honoring Perry Morgan

Recommended Action: Read & Present

Attachments: [Proclamation](#)

Commissioner Moss presented a posthumous Proclamation in memory of Perry Morgan, locally celebrated as the "Horn Man", for the rallying horn he blew from the stands at Vero Beach High School football games. Members of his family were present to accept the honor, and described Mr. Morgan as humble, mild-mannered and dedicated. Commissioner Flescher, assisted by Mr. Morgan's nephew, blew the horn in his memory.

Read and presented by Commissioner Moss

The Chairman called for a recess at 10:33 a.m., and reconvened the meeting at 10:55 a.m. with all members present.

- 5.C. [23-0864](#) Presentation of Proclamation in Recognition of Fire Prevention Week, October 8-14, 2023

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Assistant Fire Chief Richard Marini was joined by members of the Fire Rescue Department to discuss kitchen safety tips such as turning pot handles, using oven mitts and microwave-safe vessels. Mr. Marini thanked the Board for helping spread public awareness of fire danger in the home, and accepted the recognition on behalf of his safety team and leadership.

Commissioner Flescher advocated for home fire extinguishers, and Mr. Marini advised on proper usage and disposal.

Read and presented by Commissioner Flescher

- 5.D. [23-0913](#) Presentation of Proclamation in Recognition of National 4-H Week October 1 - 7, 2023

Recommended Action: Read & Present

Attachments: [Proclamation](#)

Jennifer Penn, President of the Indian River County 4-H Foundation, appeared before the Board to accept the Proclamation and discuss 4-H youth programs in the County. Ms. Penn was joined by 4-H members Joseph and Giorgio Semprevivo who shared their interest in 4-H which extended beyond agriculture and animals to include leadership training, public speaking opportunities, and real-world legislative experience.

The Board and staff complimented the Semprevivo brothers and discussed the benefits of 4-H's youth programs.

Read and presented by Vice Chairman Adams

6. APPROVAL OF MINUTES

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

7.A. [23-0919](#) Indian River County Venue Event Review Calendar

Recommended Action: Informational item only, no Board action required

Attachments: [IRC Venue Event Calendar](#)

Chairman Earman made mention of the calendar, and directed everyone to the County's revamped website (indianriver.gov) for complete information.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to approve the Consent Agenda as amended, pulling Items 8.O. and 8.P. 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. [23-0861](#) Checks and Electronic Payments September 1, 2023 to September 7, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 1, 2023 to September 7, 2023

Attachments: [Comptroller Division Staff Report](#)

Approved

8.B. [23-0885](#) Checks and Electronic Payments September 8, 2023 to September 14, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of September 8, 2023 to September 14, 2023

Attachments: [Comptroller Division Staff Report](#)

Approved

8.C. [23-0921](#) First Addendum to Liberty Park, Phase 1A and 1B Developer's Agreement Between Indian River County and Ryall Development Group, LLC

Recommended Action: Staff recommends the Board approve the First Addendum to Liberty Park Phase 1A and 1B Developer's Agreement and authorize the chairman to execute the addendum on behalf of the Board

Attachments: [Staff Report](#)
[First Addendum to Developer's Agreement](#)
[Exhibit A-F](#)

Approved staff's recommendation

8.D. [23-0911](#) Transit Development Plan (TDP) Major Update

Recommended Action: Staff recommends that the Board of County Commissioners approve the Transit Development Plan

Attachments: [Staff Report](#)
[Transit Development Plan](#)

Approved staff's recommendation

8.E. [23-0920](#) Duck Head Island Revegetation - Final Completion and Release of Retainage

Recommended Action: Staff respectfully recommends approval of Invoice #3459, in the amount of \$11,432.39, to Sandhill Environmental Services, LLC, which will release any further obligations of the County from the Contractor

Attachments: [Staff Report](#)
[Final Duck Head Invoice 3459](#)

Approved staff's recommendation

8.F. [23-0924](#) Jones' Pier Conservation Area - Construction Administration Services; Donadio Amendment No. 3 to Work Order No. 3

Recommended Action: Staff respectfully recommends the Board accept Work Order Number 3, Amendment No. 3 - Donadio & Associates, Continuing Architectural Services RFQ 2018063, renewed November 2, 2021, for construction administration 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. 3, Work Order Number 3

Attachments: [Staff Report](#)
[Amendment 3 to WO 3](#)
[Attachment A](#)

Approved staff's recommendation

8.G. [23-0876](#) Designation of Excess Equipment as Surplus and Authorization to Donate

Recommended Action: Staff recommends the Board declare the listed items as surplus, and authorize their donation to Treasure Coast Educational Media, Inc.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.H. [23-0877](#) Award of RFP 2023050 for Employee Compensation and Classification Study

Recommended Action: Staff recommends the Board approve the final ranking of firms, approve the agreement, and authorize the Chairman to execute it, after review and approval by the County Attorney as to form and legal sufficiency, and after approval of the required insurance by the Risk Manager

Attachments: [Staff Report](#)

[Agreement](#)

Approved staff's recommendation

8.I. [23-0904](#) Approval of Final Ranking of Firms and Authorization to Negotiate for RFQ 2023057, Design Services for Oslo Park Paving and Drainage Project (IRC-2308)

Recommended Action: Staff recommends the Board approve the Committee's final ranking of firms, and authorize negotiations with the top ranked firm in accordance with FS 287.055, and the subsequently ranked firms, should negotiations with the top ranked firm fail

Attachments: [Staff Report](#)

Approved staff's recommendation

8.J. [23-0909](#) Third Amendment to Staffing Agreement with HireQuest Direct for Temporary Day Laborers

Recommended Action: Staff recommends the Board approve the Third Amendment, and authorize the Chairman to execute it, after approval by the County Attorney as to form and legal sufficiency

Attachments: [Staff Report](#)

[Third amendment](#)

[Request for Increase](#)

Approved staff's recommendation

8.K. [23-0915](#) Ixora Park Sewer Rehabilitation, Approval for FDEP Grant Agreement

Recommended Action: Staff recommends the Board of County Commissioners authorize the Chairman to sign the Florida Department of Environmental Protection Grant Agreement No. LPA0306, and all necessary documents in order to effectuate the grant agreement

Attachments: [Staff Report](#)
[FDEP Agreement No LPA0306](#)
[Grant Form](#)

Approved staff's recommendation

- 8.L.** [23-0916](#) Kimley-Horn and Associates, Inc. Construction Phase Services for Utility Work by Highway Contractor Projects

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Order Nos. 3, 4, and 5 with Kimley-Horn and Associates, Inc. in the amounts of \$95,240.00, \$106,940.00, and \$24,135.00, respectively, to provide construction phase services, and authorize the Chair to execute the same. So long as there are no changes in the dollar amount under the work orders, upon adequate completion of the work set forth in the work orders, staff is directed to make final payments to Kimley-Horn and Associates, Inc., after review and approval by the Purchasing Manager and the County Attorney's Office

Attachments: [Staff Report](#)
[Kimley-Horn WO 3](#)
[Kimley-Horn WO 4](#)
[Kimley-Horn WO 5](#)

Approved staff's recommendation

- 8.M.** [23-0917](#) Sector 4 Hurricanes Ian and Nicole Dune Restoration Project, Coastal Tech Work Order No. 2023051-02, Design, Permitting, and Bidding Services

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2023051-02 to the contract with Coastal Technology Corporation and authorize the Chairman to sign on behalf of the County

Attachments: [Staff Report](#)
[WO #2023051-02](#)
[Agreement](#)

Approved staff's recommendation

- 8.N.** [23-0922](#) Purchase of Mitigation Credits for IRC Fire Rescue Station #7, IRC-1911

Recommended Action: Staff recommends approval of purchasing 0.10 UMAM mitigation bank credits from the Basin 22 Mitigation Bank in the amount of \$26,500.00 for offsetting the proposed wetland impacts to the project area as outlined in the Agreement and requests the Board authorize the Chairman to execute the Agreement on their behalf

Attachments: [Staff Report](#)
[Mitigation Bank Credit Agreement](#)

Approved staff's recommendation

- 8.O.** [23-0932](#) Five Guys at Sebastian Corners Use of County Parking Spaces Agreement, 1929-1931 US Highway 1 & 1921-1923 US Highway 1, Vero Beach, FL 32958

Recommended Action: Staff recommends the Board approve the agreement and authorize the Chairman to execute the Use of Parking Spaces Agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Use of Parking Spaces Agreement](#)

Commissioner Flescher referred to the proposed Parking Spaces Agreement between the County and Five Guys Burgers and Fries, which allowed Five Guys to use eight (8) additional parking spaces at the Sebastian Corner Center after 4:00 p.m. The Tax Collector's office raised safety concerns as they use the lot to train and test for driver's licenses, and was open until 5:00 p.m. The Department of Veterans Services, a tenant at the Center, expressed safety concerns as well. The Commissioner expressed concern over the compatibility of the businesses, and suggested referring the item back to staff for additional vetting.

County Administrator John Titkanich suggested delaying the hours of use until 6:00 p.m., after the Tax Collector's office closed, and approving the agreement with that change. Commissioner Flescher was not in favor of approving the agreement before the change had been accepted by Five Guys. County Attorney Bill DeBraul recommended pulling the item, negotiating the revision, and then bringing the item back before the Board. Chairman Earman recommended deferring the item until the next meeting on October 17, 2023. County Attorney DeBraul also suggested staff include an exhibit that showed the parking situation when the item was brought back.

A motion was made by Commissioner Flescher, seconded by Chairman Earman, to Table the Item. Staff was directed to readdress parking concerns and return to the Board with a modified agreement and visual aid at the October 17, 2023 meeting. The motion carried by the following vote:

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

- 8.P.** [23-0931](#) Sole Source Designation for Saviak Consulting, LLC (Strategic Plan)

Recommended Action: Staff recommends the Board waive the requirement for bids and authorize the County Attorney to prepare a formal agreement to memorialize the expectations, deliverables, costs, and terms. The total amount for this phase of strategic planning shall not exceed \$30,000, excluding work-related expenses.

Attachments: [Staff Report](#)
[Saviak Bio](#)
[Levey Bio](#)

Commissioner Flescher raised concern over the use of a sole-source provider and bypassing the RFP (Request for Proposal) process to secure a vendor for strategic planning consultation. He added that while the County Administrator had the right to approve the dollar amount of this contract without Board approval, the Commissioner was concerned over the urgency in the matter, creating a long-term commitment, and the optics of not putting the contract out to bid. Vice Chairman Adams received confirmation that Commissioner Flescher was in favor of strategic planning, but objected to bypassing the bid process for a vendor that the County may be involved with on a long-term basis.

County Administrator John Titkanich noted it was within his authority to approve the contract, and he brought this forward in the interest of transparency. Additionally, he discussed why this was an urgent matter, as the County's strategic plan was outdated and it was important to set goals and priorities ahead of impending budget planning. He added that the consultant, Saviak Consulting, LLC, would not necessarily be contracted for all future phases of planning.

Commissioner Moss spoke in favor of using a sole-source provider in this instance due to the critical timing. Commissioner Loar agreed this was an urgent matter, and supported Administrator Titkanich's leadership on the matter. Chairman Earman was informed it would take three to four months at a minimum to complete the bidding process, and received Administrator Titkanich's rationale for choosing this vendor. Commissioner Flescher reiterated his concern with waiving the bidding process in this instance.

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

Aye: 4 - Chairman Earman, Vice Chairman Adams, Commissioner Loar, and Commissioner Moss

Nay: 1 - Commissioner Flescher

8.Q. [23-0934](#) Notice of Grant Award from Florida Blue Foundation-Park-Based Senior Wellness Activities to Assist in the Development of Holistic Partnerships/Networks of Service to Address Mental/Behavioral Health

Recommended Action: Staff respectfully recommends that the Board accept this grant from Florida Blue Foundation and authorize the Chairman to execute the Florida Blue Foundation, Mental Well-Being Grant Agreement after review and approval by the County Attorney as to form and legal sufficiency.

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

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

- 10.B.1.** [23-0928](#) Public Discussion Request from Lance Lunceford; Chair, TPA Community Council re: Community Council Recognition

Attachments: [Public Discussion Request Lunceford](#)

Lance Lunceford, Taxpayers Association of Indian River County, was joined by Carole Jean Jordan, Indian River County Tax Collector, to thank the Board for their participation in the recent Inaugural Community Council meeting to discuss the future of the community. He noted the sense of unity among the participants, and thanked all who assisted in coordinating the event.

Ms. Jordan praised the coherence exemplified at the Council meeting, and thanked Mr. Lunceford for putting it together. Chairman Earman and Commissioner Moss were pleased by the attendance and participation from all sectors of the County.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

F. Office of Management and Budget

G. Public Works

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Joseph H. Earman, Chairman

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

15.B.1. [23-0834](#) Solid Waste Disposal District Meeting Minutes of July 11, 2023

Recommended Action: Approve

Attachments: [07112023 SWDD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Minutes of July 11, 2023 as written. The motion carried by the following vote:

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

15.B.2. [23-0855](#) Solid Waste Disposal District Meeting Minutes of July 12, 2023

Recommended Action: Approve

Attachments: [07122023 SWDD Budget Workshop Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Budget Workshop Minutes of July 12, 2023 as written. The motion carried by the following vote:

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

15.B.3. [23-0896](#) Approval of Solid Waste Disposal District Meeting Minutes of August 15, 2023

Recommended Action: Approve

Attachments: [08152023 SWDD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Minutes of August 15, 2023 as written. The motion carried by the following vote:

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

15.B.4. [23-0902](#) Approval of Solid Waste Disposal District Meeting Minutes of August 29, 2023

Recommended Action: Approve

Attachments: [08292023 SWDD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Minutes of August 29, 2023 as written. The motion carried by the following vote:

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

15.B.6. [23-0925](#) An Additional Update on Franchise Collection Procurement Process

Recommended Action: Solid Waste Disposal District staff recommends the Board approve the updated scoring system to be utilized in the Solid Waste and Recycling Services Request for Proposal solicitation package

Attachments: [Staff Report](#)

Solid Waste Disposal District Director Himanshu Mehta appeared before the Board to provide an update on the status of the RFP (Request for Proposal) to procure a new franchise agreement for solid waste collection in unincorporated Indian River County. Director Mehta noted the RFP was in the draft stage, and staff recommended updating the scoring system used to judge a potential hauler's qualifications, references, and technical proposal. He explained that the decision would likely come down to price, but staff wanted to do their due diligence to choose a qualified provider.

County Attorney Bill DeBraal recommended taking a formal vote on the changes in order to preserve the record.

Vice Chairman Adams sought clarification on the ability of vendors to pick and choose the services to bid on in the RFP. Director Mehta explained there were four options: subscription service with or without carted yard waste, and universal service with or without carted yard waste. He explained that vendors could decide to decline pricing certain services, as long as they did so in writing. Ultimately, the selection committee would provide an analysis and recommendation for the Board to review and approve.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the recommended changes to the Request for Proposal. 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 12:00 p.m.