



Indian River County Florida

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

Meeting Minutes - Final

Board of County Commissioners

Joseph H. Earman, District 3, Chairman

Susan Adams, District 1, Vice Chairman

Joseph Flescher, District 2

Deryl Loar, District 4

Laura Moss, District 5

Jason E. Brown, County Administrator

Dylan Reingold, County Attorney

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

Tuesday, November 22, 2022

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

Deacon Freddie Woolfork, Progressive Civic League of Gifford

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman

3.A. OATH OF OFFICE BOARD OF COUNTY COMMISSIONERS

-The Honorable David C. Morgan will administer the Oath of Office for Commissioner Joseph E. Flescher

Commissioner Joseph E. Flescher was joined by his family as he was sworn in for his fifth term as the County Commissioner for District 2.

-The Honorable Robert L. Pegg will administer the Oath of Office for Commissioner Deryl Loar

Deryl Loar was sworn in for his first term as the County Commissioner for District 4.

Read and Presented

3.B. ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN

County Attorney Dylan Reingold opened the floor for nominations for the seat of Chairman of the Indian River County Board of County Commissioners.

Commissioner Earman was nominated for Chairman of the Board by Commissioner Flescher.

A motion was made by Commissioner Adams, seconded by Commissioner Flescher, to close the floor for nominations for Chairman of the Board of County Commissioners. The motion carried by the following vote:

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

County Attorney Dylan Reingold called for a vote on the nomination of Commissioner Earman to serve as Chairman of the Board.

The Board, by a 5-0 vote, approved the election of Commissioner Earman to serve as Chairman of the Board of County Commissioners.

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

3.C. ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN

County Attorney Dylan Reingold opened the floor for nominations for the seat of Vice Chairman of the Indian River County Board of County Commissioners.

Commissioner Flescher was nominated for Vice Chairman of the Board by Commissioner Loar.

Commissioner Adams was nominated for Vice Chairman of the Board by Commissioner Earman.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to close the floor for nominations for Vice Chairman of the Board of County Commissioners. The motion carried by the following vote:

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

County Attorney Dylan Reingold called for a vote on the nomination of Commissioner Flescher to serve as Vice Chairman of the Board of County Commissioners.

The Board, by a 2-3 vote, failed to approve the election of Commissioner Flescher to serve as Vice Chairman of the Board of County Commissioners. The motion failed by the following vote:

Aye: 2 - Commissioner Flescher, and Commissioner Loar

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

County Attorney Dylan Reingold called for a vote on the nomination of Commissioner Adams to serve as Vice Chairman of the Board of County Commissioners.

The Board, by a 3-2 vote, approved the election of Commissioner Adams to serve as Vice Chairman of the Board of County Commissioners. The motion carried by the following vote:

Aye: 3 - Chairman Earman, Vice Chairman Adams, and Commissioner Moss

Nay: 2 - Commissioner Flescher, and Commissioner Loar

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 7.A. Discussion of Municipal elections

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, 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

6. APPROVAL OF MINUTES

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

- 7.A. 22-1018** Discussion of Municipal Elections by Commissioner Laura Moss
- Commissioner Moss recounted the results of City Council elections in Vero Beach and Sebastian.
- No Action Taken or Required**

8. CONSENT AGENDA

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

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

- 8.A. [22-0974](#)** Approval of a Memorandum of Understanding between Humane Society Vero Beach & Indian River County Florida, Inc., and the Indian River County Board of County Commissioners

Recommended Action: Staff is recommending the Board approve and execute the Memorandum of Understanding for Animal Shelter Services between the Humane Society of Vero Beach & Indian River County Florida, Inc., and Indian River County Board of County Commissioners.

Attachments: [Staff Report](#)
[Humane Society MOU Extension Nov 2022](#)

Approved staff's recommendation

- 8.B. [22-0992](#)** Treasure Coast Consulting, Inc. Assignment of Agreement re: RFP 2022059

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the Consent to Assignment of Agreement to DeAquino Concessions, Inc. and authorize the Chair to execute the same after review and approval by the County Attorney.

Attachments: [Staff Report](#)
[Agreement](#)
[Consent to Assignment of Agreement](#)

Approved staff's recommendation

- 8.C.** [22-0993](#) FDOT Small County Outreach Program (SCOP) Supplemental Agreement No. 2 and Authorizing Resolution Construction and Construction and Engineering Inspection (CEI) Services for Milling and Resurfacing 6th Avenue from SR-5/US-1 to 21st Street - Project No. IRC-1638, FM No. 438074-1-54-01

Recommended Action: Staff recommends the Board approve the Supplemental Agreement No. 2 (FM No. 438074-1-54-01) and Resolution and authorize the Chairman to execute the same.

Attachments: [Staff Report](#)
 [Authorizing Resolution](#)
 [FDOT Supplemental Agreement No. 2](#)

Approved Resolution 2022-089, authorizing the Chairman’s execution of Small County Outreach Program (SCOP) Supplemental Agreement No. 2 with the Florida Department of Transportation for Construction (milling and resurfacing) and Construction Engineering Inspection (CEI) services for 6th Avenue from SR-5/US-1 to 21st Street.

- 8.D.** [22-0994](#) FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 4 for 66th Avenue Roadway Widening (49th Street to 69th Street) FM No. 436379-1-54-01;436379-1-54-02 (IRC-1505)

Recommended Action: Staff recommends the Board of County Commissioners approve FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 4 and Authorizing Resolution and authorize the Chairman to execute the same.

Attachments: [Staff Report](#)
 [Authorizing Resolution](#)
 [Supplemental Agreement](#)

Approved Resolution 2022-090, authorizing the Chairman’s execution of Transportation Regional Incentive Program Supplemental Agreement No. 4 with the Florida Department of Transportation for 66th Avenue roadway widening from 49th Street to 69th Street for Construction and Construction Engineering Inspection (CEI) services.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [22-0990](#) Request to Speak from Bill Rigby re: Community Development Districts Due Process

Recommended Action: No Action Required

Attachments: [Public Discussion Request B. Rigby](#)

Mr. Bill Rigby appeared before the Board on behalf of the West Wabasso Progressive Civic Club with complaints about the process which was followed in the approval of the LP Community Development District (CDD) for the development of Liberty Park (LP). He referred to Florida Statute Chapter 190, and stated his organization felt left out of the planning and was not asked to provide input.

County Attorney Dylan Reingold commented this was not the forum to re-litigate the two decisions regarding Liberty Park and the LP CDD. Vice Chairman Adams recounted the notifications, workshops, and public hearing that preceded the final approval of the LP CDD, and pointed out the infrastructure benefits for the Wabasso neighborhood.

Mr. Rigby continued to assert that the process lacked transparency. Chairman Earman offered Mr. Rigby and his organization a meeting with the Community Development staff so that West Wabasso's needs could be articulated. Mr. Rigby suggested incorporating Wabasso into a Village, thereby allowing long-time residents a measure of control over development in the community.

County Administrator Jason Brown added that the County had a Wabasso Corridor Development Plan which was created in 2017 with input from the community.

Mr. Rigby asserted the Wabasso corridor and his concerns were being dismissed. He closed by informing the Board there were rules and regulations regarding the approval process for the establishment of CDDs.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. [22-0983](#) Medical Examiner Facility Interlocal Agreement

Recommended Action: Staff recommends that the Board of County Commissioners approve the interlocal agreement and authorize the Chairman to sign the agreement

Attachments: [Staff Report](#)
[Medical Examiner Facility ILA](#)

County Administrator Jason Brown referred to staff's memo dated November 8, 2022, as he recalled the meetings and negotiations which led up to the proposed Interlocal Agreement for the construction of a new Medical Examiner Facility. He noted Indian River State College had committed to leasing the land for \$1 per year for two (2) 30-year terms.

The Board added their comments in support of the agreement, and discussed possible reinstatement of State funding assistance.

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

11.B. [22-0985](#) Interim County Administrator--tabled from 11/8/22

Recommended Action: Board Discussion

Attachments: [Staff Report](#)

Commissioner Flescher opened discussion by stating his support for Assistant County Administrator Michael Zito for the position of Interim County Administrator. The other Commissioners added their support for Mr. Zito as interim administrator, but also sought assurance that he did not intend to seek the position permanently.

Mr. Zito appeared before the Board to state he was not interested in being the administrator permanently, and would only do so if it was the Board's will. Vice Chairman Adams reiterated the necessity of remaining neutral to avoid dissuading potential candidates from applying. The Board continued discussion before opening the topic for public comment.

Joseph Paladin, Black Swan Consulting, spoke in favor of Mr. Zito's qualifications for the interim and beyond.

Peter Robinson, County resident, commented that top candidates may not apply if they perceived an in-house candidate was a shoo-in.

Bob McPartlan, Sebastian City Councilmember, revisited his suggestion to have County Attorney Dylan Reingold serve as Interim County Administrator.

Mr. Zito clarified for the Board the personal and professional reasons he was not interested in the administrator position permanently, and stated his commitment to a successful transition.

Commissioner Flescher received additional information from Attorney Reingold regarding Mr. Zito's contract, and proposed a 15% raise in Mr. Zito's current salary in light of the additional responsibilities. Chairman Earman called for a vote on the nomination of Mr. Zito for the interim position before addressing the salary issue.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the appointment of Assistant County Administrator Michael Zito as Interim County Administrator. The motion carried by the following vote:

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

The Chairman called for a recess at 10:18 a.m. and reconvened the meeting at 10:28 a.m. with all members present.

Chairman Earman resumed discussion with a suggestion to pay Mr. Zito the same salary as the existing County Administrator. In response to a request from Commissioner Moss, Attorney Reingold recapped his discussion with the Human Resources Department regarding extra pay for temporary assignments. Attorney Reingold noted the 15% pay increase previously suggested by Commissioner Flescher was comparable to the current Administrator's salary.

Commissioner Loar suggested making the salary increase effective immediately as Mr. Zito's workload would be increasing immediately. Human Resources Director Suzanne Boyll discussed the County's policy of including a minimum 5% salary increase for temporary assignments with the Board's discretion to offer more.

Joseph Paladin added his support for the pay raise.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve paying the Interim County Administrator at the same pay rate as the County Administrator position effective immediately. The motion carried by the following vote:

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

11.C. [22-0999](#) Preliminary 2023 Legislative Priorities

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners accept the Preliminary Legislative Package, with any changes as deemed appropriate by the Board, with the understanding these priorities might be revised following the Four County Commission meeting, the FAC Legislative Conference, and as time draws closer to the beginning of legislative session.

Attachments: [Staff Report](#)
[State Legislative Program Draft](#)

Kathy Copeland, Legislative Affairs and Communications Manager, highlighted the 2023 legislative priorities identified by staff which included Lagoon health, beach restoration, broadband support, and home rule for vacation rentals. Ms. Copeland noted this was a draft document and reviewed important dates, guiding principles, and appropriations.

Under discussion, the Commissioners brought forward their own priorities of funding for mental health assistance, cost of living increases for state pension recipients, the needs of 9-1-1 operators, and beach restoration.

County Attorney Dylan Reingold confirmed the Board's support for the presented priorities plus modifications, and requested input in classifying the urgency of the additional items. The Board agreed to classify the additions as "items of concern" pending active legislation.

Consensus was reached by the Board to approve the preliminary draft Legislative Priorities package, as amended to include mental health funding, Florida Retirement System plan benefits, Emergency Operator's hi-risk retirement package, and beach restoration as items of concern.

12. DEPARTMENTAL MATTERS**A. Community Development**

12.A.1. [22-0991](#) Consideration of Kessel Medical, Inc's Request for a Local Jobs Grant

Recommended Action: Staff and the Economic Development Council recommends that the Board of County Commissioners: 1. Approve a local job grant of up to \$106,000 for Kessel Medical, Inc. 2. Authorize the Chair to sign the Jobs Grant Agreement for Kessel Medical, Inc after approval of the agreement by appropriate county staff and the county attorney's office.

Attachments: [Staff Report](#)
[Jobs Grant Application](#)
[Draft Jobs Grant Agreement](#)

Helene Caseltine, Economic Development Director, Indian River County Chamber of Commerce, presented Kessel Medical, Inc.'s (Kessel) application for a local jobs grant of up to \$106,000. Ms. Caseltine discussed the vetting process and benefits to the County.

Jack Griffis, Co-founder, Kessel Medical, presented information about the company's medical device manufacturing business and its growth plan.

John Stoll, Chief of Long Range Planning, presented staff's analysis of the Kessel application which determined the company was eligible to receive assistance from the County's Local Jobs Grant Program. He noted the County's Economic Development Council voted to approve the grant at its November 15, 2022 meeting.

Under discussion, Vice Chairman Adams received confirmation that the grant was dispensed as a reimbursement.

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

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

B. Emergency Services**C. General Services****D. Human Resources****E. Information Technology**

F. Office of Management and Budget

G. Public Works

12.G.1. [22-0997](#) Florida Department of Transportation (FDOT) Highway Maintenance Memorandum of Agreement (MMOA) for CR510 (85th Street), FM No. 405606-7-52-01 (IRC-2230)

Recommended Action: Staff recommends the Board of County Commissioners approve the Authorizing Resolution for acceptance of the MMOA and authorize the Chairman to execute the same.

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[Maintenance Memorandum of Agreement](#)

Public Works Director Richard Szyrka referred to staff's memo dated November 15, 2022, as he discussed the construction phase of the CR510 (85th Street) project, which would widen the road from CR512 to 87th Street. He noted that the Florida Department of Transportation (FDOT) required a Highway Maintenance Memorandum of Agreement (MMOA) which outlined the County's post-construction maintenance responsibilities.

Vice Chairman Adams was advised this phase of construction would take 24 months.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve Resolution 2022-091, authorizing the Chairman's execution of a District Four Highway Maintenance Memorandum of Agreement FM Number 405606-7-52-01 with the Florida Department of Transportation for maintenance of CR510 (85th Street) widening from CR512 to 87th Street upon final acceptance by the County of the improvements constructed by the Florida Department of Transportation. 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. [22-1004](#) Indian River County Committees - Member Reappointments

Recommended Action: The County Attorney recommends that the Board consider the list of committee members requesting reappointment, and reappoint such members as the Board deems appropriate.

Attachments: [Staff Report](#)
[Committee Members Term Renewal](#)
[221108 Non-Renewal Vacancies List - Term Exp 2023](#)

County Attorney Dylan Reingold referred to staff's memo dated November 8, 2022, which listed committee members who have requested reappointment after their term expires in January 2023. He requested the Board's approval and/or modifications of the renewal list, and also brought to their attention individual appointments and vacancies.

Under discussion, Chairman Earman received confirmation that election to the Mosquito Control District Board did not violate the state's rule against holding dual offices, as district boards were ruled exempt.

Commissioner Moss then suggested term limits, in particular for members of the Tourist Development Council (TDC), and provided her reasoning. The Commissioners noted there were statutory requirements for non-elected TDC members, and limited availability of candidates with required hospitality experience. It was also noted the TDC was successful in building tourist revenue, and the Board expressed reluctance to making changes. The Commissioner later received confirmation that a candidate could be elected even if not present at the meeting.

Assistant County Administrator Michael Zito requested clarification of rules for membership on the Children's Services Advisory Committee (CSAC). Attorney Reingold confirmed "at-large" members had a two-term limit. Mr. Zito also noted difficulty finding members to serve on the Needs Assessment or Grants Subcommittees given the rule prohibiting service on more than one committee at a time. He relayed the CSAC Board's preference to merge the two subcommittees as a solution. The Board agreed to consider CSAC regulations at a future meeting.

Bob McPartlan, CSAC member, commented that lack of attendance at CSAC meetings was hindering progress as a quorum often could not be reached. Attorney Reingold advised there were attendance requirements and consequences for excessive absences. He planned to return in January 2023 with an updated list of confirmed reappointments and vacancies.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the list of reappointments for committee members as

presented, and to return to in December 2022 with discussion of the Children's Services Advisory Committee's structure. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

14. COMMISSIONERS MATTERS

A. Commissioner Deryl Loar

14.A.1. [22-1005](#) County Commissioners' Administrative Assistants' Assignments

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Commissioner Loar addressed the Board with a request to hire two additional Commissioners' administrative assistants so Commissioners would not have to share administrative resources. He discussed the benefits of additional staff, and also requested limiting applications to internal candidates only.

Under discussion, Commissioners Flescher and Moss expressed their reasons for supporting Commissioner Loar's suggestion. Vice Chairman Adams was advised the new hires would add approximately \$130,000 to the budget, and she expressed concern for the cost and logistics of reassignments. Chairman Earman noted there were other departments such as Community Development which were short-handed and deserved priority if new hires were being considered.

County Attorney Dylan Reingold received direction from the Board that new administrative assistants should be regular full-time employees (as opposed to at-will) chosen from internal candidates, the existing management structure would remain in place, and the Board would decide staff assignments among themselves.

A motion was made by Commissioner Loar, seconded by Commissioner Moss, to approve hiring two (2) additional full-time, permanent Commissioners' assistants to be chosen from internal candidates. The motion carried by the following vote:

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

Nay: 2 - Chairman Earman, and Vice Chairman Adams

B. Commissioner Joseph H. Earman

C. Commissioner Susan Adams

D. Commissioner Joseph E. Flescher

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. [22-1000](#) Request for General Funds - PACE Project and Other Community Projects
FY2022-23

Recommended Action: Staff recommends the Board of County Commissioners authorize up to \$9,000.00 to be donated to various Protocol for Assessing Community Excellence (PACE), Indian River Farms Water Control District, and miscellaneous illegal dumping projects for the sole purpose of paying associated landfill fees

Attachments: [Staff Report](#)
[Letter from Health Department](#)

Himanshu Mehta, Managing Director, Solid Waste Disposal District, requested the Board's consideration for funding the costs associated with the County's efforts to improve safety and health standards in several communities. Director Mehta described the projects which included demolishing abandoned homes and clean-up of illegal dumping. He noted the labor and machinery were donated, but money was needed to cover landfill disposal fees.

A motion was made by Vice Chairman Adams, 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

15.B.2. [22-1001](#) Work Order No. 18 to Geosyntec for Segment 3, Cell 3 Site Preparations

Recommended Action: Solid Waste Disposal District staff recommends that its Board approves and authorizes the Chairman to sign Work Order No. 18 authorizing Geosyntec to provide engineering services for a not to exceed fee of \$171,304.71

Attachments: [Staff Report](#)
[Geosyntec Work Order No 18](#)

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 12:08 p.m.