



# 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

### Board of County Commissioners

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

**John A. Titkanich, Jr., County Administrator**  
**William K. DeBaal, County Attorney**  
**Ryan L. Butler, Clerk of the Circuit Court and Comptroller**

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Tuesday, March 5, 2024

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

**Present:** 5 - Chairman Susan Adams  
Vice Chairman Joseph Flescher  
Commissioner Joe Earman  
Commissioner Laura Moss  
Commissioner Deryl Loar

#### 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

#### 2.B. INVOCATION

Wesley Davis, IRC Property Appraiser

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

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

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Agenda as amended, deleting Item 5.B. The motion carried by the following vote:**

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

#### 5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [24-0153](#) Presentation of Proclamation Designating March 2024 As A Month Celebrating March for Meals

**Recommended Action:** Recommend Read and Present

**Attachments:** [Proclamation](#)

Vice President of Philanthropy for the Senior Resource Association Liz Bruner spoke on the importance of recognizing the needs of seniors and how Meals on Wheels provided nutrition and social interaction. She expressed her gratitude to the Board and the 250 volunteers who enable Meals on Wheels to deliver over 450 meals every day. Ms. Bruner highlighted that Meals on Wheels served over 106,000 meals to seniors in need in 2023 and had a waiting list of 350 seniors, with 10 new seniors joining the list every month. Chairman Adams added that Meals on Wheels also had an emergency meals program for seniors recovering from a medical procedure or illness and a pet food delivery service for seniors with pets.

**Read and presented by Chairman Adams**

Commissioner Moss invited City of Sebastian Mayor Ed Dodd to speak on the Sebastian Centennial. Mayor Dodd mentioned that the City of Sebastian celebrated its Centennial Anniversary on December 8, 2023. The celebration would take place during the weekend of March 15, 2024, featuring a special parade, fireworks, and the Clydesdales with their stagecoach. Mayor Dodd also stated that the City of Sebastian would celebrate at least once a month throughout 2024. The public could find the calendar of events on the City of Sebastian website.

- 5.B. [24-0180](#) Presentation by the Boys & Girls Club for Junior Youth of the Year and Youth of the Year

**Recommended Action:** Recommend & Present

**Deleted**

## 6. APPROVAL OF MINUTES

**A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Regular Meeting Minutes of January 9, 2024, and January 23, 2024 as written. The motion carried by the following vote:**

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

**6.A.**     [24-0218](#)     Regular Meeting Of January 9, 2024

**Recommended Action:** Approve

**Attachments:** [01092024 BCC Draft](#)

**Approved as written**

**6.B.**     [24-0220](#)     Regular Meeting of January 23, 2024

**Recommended Action:** Approve

**Attachments:** [01232024 BCC Draft](#)

**Approved as written**

**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.**     [24-0193](#)     Indian River County Venue Event Calendar Review

**Recommended Action:** Informational item only, no Board action required

**Attachments:** [March Event Calendar Review](#)

Chairman Adams highlighted the Firefighters Fair and the Livestock Show and Auction on the Calendar of Events.

**No Action Taken or Required**

**7.B.**     [24-0199](#)     Notice of Extension to Contract for Construction of Required Roadway Improvements (Re: Right-Of-Way Permit No. 2022031525) Restoration (Removal of Temporary Construction Entrance) Project, Lucaya Pointe Developer - GRBK GHO Lucaya Pointe

**Recommended Action:** For Information Only

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

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Consent Agenda as amended, pulling Item 8.T. for discussion. The motion carried by the following vote:**

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

- 8.A.**     [24-0140](#)     Checks and Electronic Payments January 19, 2024 to January 25, 2024  
**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of January 19, 2024 to January 25, 2024  
  
**Attachments:**   [Comptroller Division Staff Report](#)  
  
          **Approved**
- 8.B.**     [24-0141](#)     Checks and Electronic Payments January 26, 2024 to February 1, 2024  
**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of January 26, 2024 to February 1, 2024  
  
**Attachments:**   [Comptroller Division Staff Report](#)  
  
          **Approved**
- 8.C.**     [24-0170](#)     Checks and Electronic Payments February 2, 2024 to February 8, 2024  
**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of February 2, 2024 to February 8, 2024  
  
**Attachments:**   [Comptroller Division Staff Report](#)  
  
          **Approved**
- 8.D.**     [24-0181](#)     Checks and Electronic Payments February 9, 2024 to February 15, 2024  
**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of February 9, 2024 to February 15, 2024  
  
**Attachments:**   [Comptroller Division Staff Report](#)  
  
          **Approved**
- 8.E.**     [24-0200](#)     Checks and Electronic Payments February 16, 2024 to February 22, 2024  
**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of February 16, 2024 to February 22, 2024  
  
**Attachments:**   [Comptroller Division Staff Report](#)  
  
          **Approved**

- 8.F. [24-0138](#) Quarterly Tourist Development Tax Report for Quarter Ending 12/31/2023

**Recommended Action:** Accept the report

**Attachments:** [Comptroller Division Staff Report.pdf](#)

**Accepted**

- 8.G. [24-0139](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 12/31/23

**Recommended Action:** Accept the report

**Attachments:** [Comptroller Division Staff Report.pdf](#)

**Accepted**

- 8.H. [24-0190](#) Quarterly OPEB Trust Report for Quarter Ending 12/31/2023

**Recommended Action:** Accept the report

**Attachments:** [Comptroller Division Staff Report](#)

**Accepted**

- 8.I. [24-0191](#) Quarterly Investment Report for Quarter Ending 12/31/2023

**Recommended Action:** Accept the report

**Attachments:** [Comptroller Division Staff Report](#)

**Accepted**

- 8.J. [24-0109](#) Approval of Modification #2 of Emergency Management Program Grant (EMPG) Federally-Funded Subgrant Agreement; Agreement Number G0371

**Recommended Action:** Staff recommends the Approval of Modification #2 for the Federally-Funded Subgrant Agreement (G0371) between Indian River County Emergency Management and the State of Florida, Division of Emergency Management.

**Attachments:** [Staff Report](#)  
[Modification 2](#)

**Approved staff's recommendation**

- 8.K. [24-0202](#) Amendment No. 2 - FDEP Grant Agreement No. 19IR2 (Indian River County Hurricane Irma Recovery Project (Sector 7 Beach and Dune Restoration))

**Recommended Action:** Staff recommends the Board approve FDEP Amendment No. 2 to FDEP LGFR Grant Agreement No. 19IR2 for the time extension through September 30, 2024, and authorize the Chairman to sign the Amendment on behalf of the County. Following Board approval, the County will transmit the partially executed Amendment to the State for final signatures. Upon receipt of the fully executed FDEP Grant Agreement 19IR2 Amendment No. 2 from the State, staff will transmit to the Clerk to the Board of County Commissioners for filing. County Staff will continue to work with the FDEP on Amendment No. 3 and the reallocation of Task funding which will be brought before the BCC for consideration when issued.

**Attachments:** [Staff Report](#)  
[Amendment No 2](#)

**Approved staff's recommendation**

- 8.L. [24-0175](#) Award of RFP 2024018 for Environmental Land Acquisition Consultant Services

**Recommended Action:** Staff recommends the Board approve the final ranking of firms, award the RFP to NorthStar Contracting Group, Inc., LLC, approve the agreement, and authorize the Chairman to execute it, after review and approval by the County Attorney as to form and legal sufficiency.

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

**Approved staff's recommendation**

- 8.M.**     [24-0194](#)     Resolution of the Board of County Commissioners Authorizing Funding for a Florida Inland Navigation District Waterways Assistance Program Grant for the Wabasso Causeway Park

**Recommended Action:** Staff respectfully recommends that the Board approve the attached Resolution for the FIND 2024 Waterways Assistance Program Grant for the Wabasso Causeway Park Improvements Project.

**Attachments:**   [Staff Report](#)  
                      [Resolution for Wabasso Causeway FIND WAP](#)  
                      [Grant Form](#)

**Approved staff's recommendation and Resolution 2024-008, Florida Inland Navigation District Waterways Assistance Program Funding for Wabasso Causeway Park Phase I Design and Engineering of Wabasso Causeway Park Improvements.**

- 8.N.**     [24-0195](#)     Work Order Number 26, Amendment No. 4 - Hosie Schumann Renovations, Restroom Connections and Utility Service Plans

**Recommended Action:** Amendment No. 4 to Work Order Number 26, Kimley-Horn and Associates, Inc. - Continuing Engineering Services RFP 2018008, Amendment and Renewal No. 1 - Hosie Schumann Park Renovations, Restroom Connections, and Utility Service Plans

**Attachments:**   [Staff Report](#)  
                      [Work Order 26 Amendment 4](#)

**Approved staff's recommendation**

- 8.O.**     [24-0196](#)     Bowman Consulting Group, Ltd. Work Order Number 3, RFQ 2023015 - Indian River Lagoon Greenway Boardwalk

**Recommended Action:** Staff respectfully requests that the Board of County Commissioners approve Bowman Consulting Group, Ltd. Work Order Number 3 - Continuing Consulting Engineering Services RFQ 2023-015 for the Indian River Lagoon Greenway Boardwalk and authorize the Chairman to execute Work Order Number 3 after review and approval by the County Attorney.

**Attachments:**   [Staff Report](#)  
                      [Bowman Work Order 3](#)

**Approved staff's recommendation**

8.P. [24-0208](#) Request to Apply to Florida Blue Foundation for Teen Wellness Program

**Recommended Action:** Staff respectfully recommend that the Board authorize staff to submit a grant proposal to the Florida Blue Foundation which, if awarded, will be brought back to the Board for approval.

**Attachments:** [Staff Report](#)  
[Florida Blue Foundation - Notice of Funding Availability](#)  
[IRC Grant Form](#)

**Approved staff's recommendation**

8.Q. [24-0149](#) J. Richard Graves Marital Trust A & B's Request for Affidavit of Exemption (AOE) Approval with Dedications to the County for the J.R. Graves AOE [AOE-22-07-02 / 2022020085-92307]

**Recommended Action:** Staff recommends that the Board of County Commissioners accept the dedication of the limited access easements and ROW and authorize the chairman to execute the J.R. Graves Affidavit of Exemption.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[AOE Layout Plan](#)

**Approved staff's recommendation**

8.R. [24-0201](#) Gifford Youth Achievement Center, Payment for gymnasium roof replacement for major capital expenditures

**Recommended Action:** Staff recommends approval of the transfer in the amount of \$40,000.00 from the Renewal and Replacement Account 001-247021 to the Gifford Youth Achievement Center's expense account 00111072-088820

**Attachments:** [Staff Report](#)  
[Lease Agreement, January 6, 1998](#)  
[Resolution 2002-100, November 19, 2002](#)  
[Lease Agreement November 19, 2002](#)  
[Proposal for roof repair](#)

**Approved staff's recommendation**



- 8.S. [24-0204](#) North Sebastian Phase II Water and Sewer Project, **FDEP** Cost-Share Funding Agreement (LPQ 0019) Amendment No. 4, Project IDs: 21.17.513A and 21.17.513B

**Recommended Action:** Staff recommends the Indian River County Board of County Commissioners authorize the Director of Utility Services to execute the Florida Department of Environmental Protection, Grant Agreement LPQ0019 Amendment No. 4 and all necessary documents to effectuate the amendment.

**Attachments:** [Staff Report](#)  
[Amendment No 4 to Agreement No LPQ0019](#)

**Approved staff's recommendation**

- 8.T. [24-0206](#) Work Order No. 9 to Kimley-Horn and Associates, Inc., Indian River Boulevard Pedestrian & Bicycle Access Improvements Utility Relocation Project, IRCDUS PID 41.21.021

**Recommended Action:** Staff recommends the Indian River County Board of County Commissioners approve Work Order No. 9 to Kimley-Horn and Associates, Inc. in the amount of \$ 149,880.00, to provide engineering, design, permitting, and construction phase services related to utility conflicts for the Indian River Boulevard Pedestrian & Bicycle Access Improvements Utility Relocation Project. So long as there are no changes in the dollar amount under the amount approved, upon adequate completion of the work set forth in the work order, 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](#)  
[WO No 9](#)

Commissioner Moss inquired about the width of the bicycle lane on the Indian River Boulevard Pedestrian and Bicycle Access Improvements Utility Relocation Project. County Administrator John Titkanich responded that the previously approved width was five feet. However, the seven-foot lane was subject to the availability of right-of-way. Due to conflicts with other utilities in the area, the County could not move forward with the wider width of seven feet.

Acting Public Works Director Sean Lieske confirmed that the width of the right-of-way could not accommodate the seven-foot bike lanes, as there were drainage issues and other utility conflicts. He stated future projects, provided they had the right-of-way width to accommodate seven-foot bike lanes, would be evaluated.

Discussion ensued between the Commissioners and Mr. Lieske on the intention to assess the feasibility of accommodating seven-foot bike lanes. If it was possible, the County would proceed with implementing them since that was the standard being aimed for. However, there were some limitations that could not be overcome, like canals, limited right-of-way, and utilities.

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

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

**Nay:** 1 - Commissioner Moss

- 8.U.**     [24-0207](#)     West Wabasso Phase 3 Septic-to-Sewer Project, Saint Johns River Water Management District, Contract No. 36526 Amendment No. 3, IRCDUS PIDs 21.21.512A and 21.21.512B

**Recommended Action:** Staff recommends the Board of County Commissioners authorize the Director of Utility Services or designated representative to sign Contract No. 36526 Amendment No. 3 and all necessary documents to effectuate the grant time extension.

**Attachments:**   [Staff Report](#)  
                          [Amendment No 3 to Contract No 36526](#)

**Approved staff's recommendation**

- 8.V.**     [24-0205](#)     Additional Service No. 5, for Additional Architectural Services - Sparc Design - New Clubhouse at Sandridge Golf Club

**Recommended Action:** Staff recommends approving Additional Service No. 5 authorizing the \$26,650 increase to the contract with Sparcdesign and authorizing the Chairman to sign the Additional Service #5 on behalf of the Board. The new total contract price will be \$754,705.

**Attachments:**   [Staff Report](#)  
                          [Executed Agreement](#)  
                          [Add'l Service #1](#)  
                          [Add'l Service #2](#)  
                          [Add'l Service #3](#)  
                          [Add'l Service #4](#)  
                          [Add'l Service #5](#)

**Approved staff's recommendation**

- 8.W.**     [24-0217](#)     Upgrade of Seats for the New Golf Carts

**Recommended Action:** Staff respectfully request that the Board of County Commissioners approve the purchase of the Custom Touring Seats for the Yamaha Golf Cart Fleet.

**Attachments:**   [Staff Repot](#)  
                          [Sales Order](#)  
                          [Award of RFP](#)

**Approved staff's recommendation**

8.X. [24-0178](#) Approval of Work Order 2 - Renovation Project for Fire Station 2

**Recommended Action:** Staff recommends that the Board authorizes approval of work order 2.

**Attachments:** [Staff Report](#)  
[Work Order 2](#)

**Approved staff's recommendation**

8.Y. [24-0179](#) Approval of Florida Inland Navigation District - Waterways Assistance Grant

**Recommended Action:** Staff recommends that the Board authorize the submission of the Application for the Florida Inland Navigation District - Waterway Assistance Grant.

**Attachments:** [Staff Report](#)  
[Grant Application](#)  
[County Grant Form](#)  
[Station 2 Preliminary Drawing](#)

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**B. PUBLIC DISCUSSION ITEMS**

**C. PUBLIC NOTICE ITEMS**

10.C.1. [24-0172](#) Notice of Scheduled Public Hearing for Budget Amendment 03 for the March 19, 2024 Board Meeting

**Recommended Action:** No Action Needed

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

**County Attorney Bill DeBraul read the notice into the record.**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.** [24-0145](#) Building A and Parking Lot Use for Volunteers with Vero Beach Air Show

**Recommended Action:** Staff recommends authorizing the use of the Indian River County Administration Complex parking lots and Building “A” by the Vero Beach Air Show volunteers to park and have access to shelter and restrooms during the May 2024 Vero Beach Air Show.

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

County Administrator John Titkanich stated the United States Navy Blue Angels were returning to Vero Beach for the Vero Beach Air Show on May 4 - 5, 2024. They had requested the Board allow the air show volunteers to park and ride from the County Administration Complex, Building A. He stated the building would be open to help them get out of any inclement weather from 7:00 a.m. to 6:00 p.m., and all the other doors would be locked. Only the foyer area would be open with available access to the restrooms.

There was no further discussion on the Item.

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

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

**11.B. [24-0230](#)** IRC School District Use of Commission Chambers

**Recommended Action:** Grant approval to the School District of Indian River County the use of the Board Chambers for the purpose of the Superintendent's Workshop and Awards Ceremony, School District's Board meeting and a subsequent business meeting. Approval will include use of the Board Chambers during the hours of noon to 9pm. The use will be at no charge to the School District and will include staff to assist in operation of the equipment.

**Attachments:** [Staff Report](#)  
[Policy AM-608.1](#)

County Administrator John Titkanich stated that during the discussion at the BCC meeting on February 20, 2024, he had mentioned that he had verbally communicated to the School District's Superintendent they could use the Chambers for their workshop and award ceremony. This was due to the Election Day activities occurring at the school district headquarters. The purpose of this formal codification was to ensure consistency with the policy. The school district had stated that they would cover all costs, including an AV person to work in conjunction with the County AV staff. He requested the Board grant approval to the school district for the purpose of a superintendent workshop and award ceremony.

Vice Chairman Flescher agreed that the workshop should be held in this governmental chamber due to its nature as a governmental entity.

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

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

**12. DEPARTMENTAL MATTERS**

- A. Community Services**
- B. Emergency Services**
- C. Human Resources**
- D. Information Technology**
- E. Natural Resources**

**F. Office of Management and Budget**

**G. Parks, Recreation, and Conservation**

**12.G.1. [24-0192](#)**

Consideration for Temporary Beach Access Permit for Dune Restoration Work - Tracking Station Beach Park

**Recommended Action:** Staff respectfully request that the Board of County Commissioners consider the requested proposed herein and provide direction to Staff.

**Attachments:** [Staff Report](#)  
[Emergency Beach Access Agreement](#)

County Administrator John Titkanich referred to staff's memo dated February 20, 2024, regarding a request to close Tracking Station Beach Park for one week for a renourishment project at 965 Pebble Lane. However, some unique circumstances related to this request, including overlapping previously planned beach park closures, private construction nearby, and a lack of alternative beach access.

Beth Powell, Director of Parks, Recreation & Conservation, informed the Board that they received a second request from another property owner for another beach access for around ten days. She stated there was no process for staff to approve or deny such requests. The timing of the Pebble Lane request was also not ideal due to the ongoing Sea Turtle nesting season and the need for additional staff to monitor the beach. Commissioners and staff discussed creating an application process for approval of requests that would require homeowners to "piggyback" on an existing County projects.

Commissioner Loar stated in light of the issues, he motioned to deny the permit. Following the motion to deny, the discussion turned to the process required for the second property and how it differed from the first property.

Eric Charest, Natural Resources Manager, stated that the second property had requested the beach closure for the installation of Dune Cores, which were designed to protect the property owner's dune. The project would require that the Dune Cores be covered by three feet of sand at all times and would need multiple maintenance events. However, this installation would also interfere with the Sea Turtle nesting season, and the County would have to bear the liability of any adverse impacts.

Deputy County Administrator Mike Zito suggested having a policy that required contractors to "dovetail" or "piggyback" with an existing County project, and with reasonable notice. This would ensure that the County had all the necessary information to make an informed decision before approving a project application. Mr. Zito also emphasized the importance of considering the implications of private



projects during sea turtle nesting season to avoid penalties from Florida Fish and Wildlife Conservation Commission (FWCC).

Chairman Adams recommended holding the requests until a policy could be created. She did not see how the Board could vet these with all the variables today or anytime soon to give them definitive answers. A decision could not be made until a process was developed. She suggested there needed to be an application fee, mitigation, and definitive answers regarding the date and time frames of these requests in the future.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to deny the request for temporary beach access at Tracking Station Beach Park, and for staff to create a policy for future requests for beach closures. The motion carried by the following vote:**

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

#### **H. Planning and Development Services**

#### **I. Public Works**

#### **J. Utilities Services**

12.J.1. [24-0211](#) CR-612/8th Street Utilities Relocation at 74th Avenue Bridge, Notice of Intent #6 Sewer Line Delay, IRCDUS Project ID 41.20.502

**Recommended Action:** Staff recommends that the Board of County Commissioners authorize the Indian River County Department of Utility Services to remit payment to Florida Department of Transportation in the amount of \$235,325.81 for Notice of Intent #6 Sewer Line Delay from Cone & Graham, Inc., and authorize the Chairman to execute any related agreement, subject to legal department review, on their behalf.

**Attachments:** [Staff Report](#)  
[Utility Work Schedule](#)  
[DOT Letter re Notice of Non-Pursuit](#)  
[DOT Letter re Notice of Potential Delay](#)  
[IRCDUS Plan to Bring Dept into Compliance](#)  
[FDOT Invoice Letter](#)

Sean Lieske, Director of Utility Services, stated that the Florida Department of Transportation (FDOT) project to relocate a bridge at 8th Street and 74th Avenue required the relocation of a 24” force main sewer pipe. Indian River County Department of Utilities Services (IRCDUS) was granted the necessary permits to work in the jurisdictional waterway by the Department of Environmental Protection (DEP) and the US Army Corps of Engineers (USACE).

He stated that on June 7, 2023, IRCDUS received two letters from FDOT expressing concerns about their ability to complete work within the signed Utility Work Schedule (UWS) timeframe. On June 12, 2023, IRCDUS submitted a plan to bring the project into compliance. On June 20, 2023, the Board of County Commissioners approved the bids from Core & Main and CK Contractors to complete the project. However, due to permitting delays, construction started later, causing a delay in the construction of the bridge pilings that conflicted with the 24” force main being relocated. Mr. Lieske stated that IRCDUS completed the force main relocation on September 18, 2023, with a net savings of \$537,187.41.

On January 29, 2024, FDOT assessed final charges of \$235,325.81 to IRCDUS for delays to Cone & Graham. IRCDUS received the FDOT Invoice Letter for the IRC Force Main Conflict and Notice of Intent (NOI) #6 Resolution on February 20, 2024, requesting payment of \$235,325.81 within thirty (30) calendar days.

Commissioner Earman acknowledged miscommunication regarding the bridge but stated that it was completed and looked good. He added that other issues with the rest of the road would be addressed at a later date.

**A motion was made by Commissioner Earman, seconded by Commissioner Loar, to authorize payment of \$235,325.81 from the Indian River County Department of Utility Services to the Florida Department of Transportation. The motion carried by the following vote:**

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

### 13. COUNTY ATTORNEY MATTERS

#### 13.A. [24-0203](#) 22 Beachfront Litigation Update

**Recommended Action:** Staff request the Board to determine which action they would like to take moving forward.

**Attachments:** [Staff Report](#)  
[Memorandum from Outside Council](#)  
[Final Order](#)

Deputy County Attorney Susan Prado provided an update on the 22 Beach Front Customary Use Litigation case that began in October 2018. She stated a final order had been issued. However, due to the manner in which the final order was rendered, the County Attorney's office was seeking guidance from the Board on how to proceed. Ms. Prado further explained that the County Attorney's office and outside Counsel did not recommend an appeal as it would not be advantageous to the County. She stated that settling the case would involve paying only the costs awarded in the order, which amounted to approximately \$35,000 for the respondent in this case.

There was no further discussion on the Item.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve outside Counsel to move forward with settling the Twenty-two Beach Front litigation case. The motion carried by the following vote:**

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

**13.B.** [24-0213](#) Manufacturers and Retail Opioid Class Action Settlement Payouts

**Recommended Action:** The County Attorney's Office recommends that the Board discuss the payouts and allotments from the Retail and Manufacturers Settlements.

**Attachments:** [Staff Report](#)  
[Retail Settlement Exhibit A](#)  
[Manufacturers Settlement Exhibit B](#)

County Attorney Bill DeBraal provided a brief history on the opioid crisis. To help public entities affected by the opioid crisis, the Attorney General's office offered to act as a broker and negotiate deals on their behalf with cities, counties, hospital districts, and others. Major retailers and distributors, such as CVS, Walmart, and Walgreens, settled to assist local governments affected by the opioid crisis. He stated the class action suit was settled, and the County received two payouts from the opioid class action settlements.

Attorney DeBraal responded to Chairman Adams's question and stated the funds could only be used for anything related to Opioid Use Disorder (OUD). He further noted that any money allotted to the County could be rolled over to the following fiscal year. He stated the County's first payout from the Retail Settlement was \$139,604.16, which was paid in December 2022. The Retail Settlement for Fiscal Year 2023-24 of \$305,751.08 was paid in December 2023, and payment would continue until 2039. He presented to the Board Exhibit A, showing the City/County funding projections, and Exhibit B, showing the allotment payout over the next 18 years.

Cynthia Ryan, Executive Director of the Veterans Council, urged the County Commissioners to consider veterans when allocating opioid settlement funds. Over 10% of the population in Indian River County are veterans, and they face complex issues related to their combat service, increasing the risk of opioid misuse. Combat-wounded veterans are particularly susceptible to opioid misuse, with overdose deaths increasing by 53% from 2010 to 2019. The council provided programs ranging from case management to outreach and advocacy to address diverse needs and connect veterans with vital resources.

Attorney DeBraal responded to Commissioner Moss's question that the 19th Circuit Drug Court would encompass the Veterans Court and anyone qualified for Alternative Court programs.

**No Action Taken or Required**

**13.C.**    [24-0221](#)    Additional Allotment of Opioid Class Action Lawsuit Settlement Payout from Manufacturers Settlement

**Recommended Action:** The County Attorney's Office recommends that the Indian River County Board of County Commissioners discuss the recommended allotments made by the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse and allot the funds as the Board deems appropriate.

**Attachments:**    [Staff Report](#)

Commissioner Loar inquired about the eligibility criteria for attending the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse (Council) meetings and who would be entitled to the funds. Other organizations may also be interested in receiving a share of the funds, and the Board relied on the Council's recommendations for distributing funds. In response, Vice Chairman Flescher explained that the Council was an appointed committee, but members of the public were also welcome to attend. The Council heard presentations related to the settlement from both members and non-members. Vice Chairman Flescher also mentioned that if the Veterans Council had participated in the meeting, they could have applied for a portion of the funds.

Chairman Adams stated that the Board had discussed the need for a Needs Assessment after evaluating where to allocate funds and supported the Council's recommendations. She favored funding the Needs Assessment as it would provide the necessary data. She stated the Board needed a straightforward process similar to the Tourist Development Council (TDC) or the Children's Services Advisory Council (CSAC). The Board was tasked with using the funds appropriately and the need to monitor their performance since the funds would diminish over the next 18 years. She agreed with Vice Chairman Flescher that the Council had done an excellent job with limited information and ever-changing parameters.

County Attorney Bill DeBaal reported that the Council held its quarterly meeting on February 23, 2024, and discussed the distribution of a \$99,139.70 surplus from the Manufacturer's Settlement. He stated the Council recommended allotting \$60,000 to the Substance Awareness Council for a needs awareness study and adding a dashboard. The remaining \$39,139.70 would be rolled over to FY 2024-25.

Carrie Lester, Executive Director of the Substance Abuse Awareness Center (Center), stressed the need for a live dashboard. She believed monitoring progress in real-time and making data-driven decisions for the next 17 years was crucial. She called for a coordinated effort to enable the Center to track progress and take necessary actions.

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

to allow the additional allotment of \$60,000 to the Substance Abuse Awareness Center to expedite the Needs Awareness study and the creation of the dashboard. The motion carried by the following vote:

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

## 14. COMMISSIONERS MATTERS

### A. Commissioner Susan Adams, Chairman

#### 14.A.1. [24-0185](#) County Attorney Recruitment Process - Salary Range and Use of Recruiter

**Recommended Action:** Request discussion and support.

Chairman Adams presented a salary study conducted by the Florida Association of County Attorneys, which compared the salaries of attorneys and staff in different counties and jurisdictions. She noted that the lead Attorney in Indian River County earned \$202,000, and there were two other Attorneys, two Paralegals, and one Administrative Assistant in the attorney's office. Adams compared these numbers with the staff and salaries in similar counties and jurisdictions.

The topic of selecting a recruiting agency was discussed. 1) Strategic Government Resources (SGR) and Assistant Services through the Florida Association of County Attorneys. SGR had proposed a complete recruitment service for a cost of \$27,150; and 2) The Florida Association of County Attorneys offered a flat fee of \$5,000. They would assist with job description creation, vetting, and review process, but this option would require more input from the Board. Each Commissioner added their comments, resulting in a consensus to hire SGR to recruit the new County Attorney, with Commissioner Loar expressing his reluctance.

Deputy County Attorney Susan Prado emphasized the need to consider the candidate's financial capacity while hiring, as the County had a higher cost of living than neighboring counties.

**A motion was made by Commissioner Moss, seconded by Commissioner Earman, to approve the SGR proposal. The motion carried by the following vote:**

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

### B. Commissioner Joseph E. Flescher, Vice Chairman

14.B.1. [24-0215](#) Request from the Tourist Development Council for Allocation of Funds to Play Treasure Coast Sports Tourism

**Recommended Action:** Discussion

**Attachments:** [Commissioner's Memo](#)

Vice Chairman Flescher expressed his gratitude for the chance to present this item to the Board for consideration and approval. He stated that Play Treasure Coast Sports Tourism (organization) had approached the Tourist Development Council (TDC), requesting an additional \$220,000 in funding after unexpected opportunities had come about. This would allow the TDC to make the most of the tourism dollars allocated for "heads to beds".

Rick Hatcher, President of Play Treasure Coast Sports Tourism, presented a PowerPoint highlighting upcoming events sponsored by the organization, projected room nights, and estimated economic impact. Mr. Hatcher requested at the last TDC meeting to consider hosting several events in Indian River County. He stated there were two unexpected events. First, the American Junior Golf Association (AJGA) tournament; the request had come after organizations budget had already been set and approved. It would feature 150 top high school players from around the country. The AJGA had scheduled the tournament a day earlier than usual, followed by the Florida State Golf Association (FSGA) tournament. The second event was the General Tire Team Series Championship, where the top 30 anglers from across the country would compete in a made-for-television event.

Mr. Hatcher responded to Commissioner Moss's inquiry that the organization did not have reserve funds from which to draw and did not actually hold the money. Chairman Adams clarified to Commissioner Moss that the Treasure Coast Sports grant money was used to bid for sporting events, which brought economic benefits to the County. The TDC had a program for the events they bid on, such as the shooting event, which present a mid-year opportunities due to the area's excellent resources. Vice Chairman Flescher stated the funds come from tourism and are only used when necessary. Approval on this Item was needed to bid on the two events, and if successful, the funds would be available. If not, they would be returned to the contingency fund.

Deputy County Administrator Mike Zito stated the fishing event was unique and deserved special consideration. Other events generate venue fees for County facilities such as the golf course, pools, and park system. These events were vetted through the budget office, reviewed, and approved by the County Administrator's office. The system for reimbursing these events was tightly

managed and successful.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Tourist Development Council's request to allocate \$20,000 of funds to Play Treasure Coast Sports Tourism. The motion carried by the following vote:**

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

Chairman Adams called for a recess at 11:17 a.m and reconvened the meeting at 11:25 a.m. with all members present.

**C. Commissioner Joseph H. Earman**

**D. Commissioner Deryl Loar**

**E. Commissioner Laura Moss**



- 14.E.1. [24-0224](#) Request from Vero Beach Film Festival to use Commission Chambers from April 12-14, 2024 (continued from February 20, 2024)

**Recommended Action:** Discussion

**Attachments:** [Commissioner's Memorandum](#)

Commissioner Moss reopened the discussion from a previous Board meeting on allowing the Vero Beach Film Festival (VBFF) to use the Commission Chambers for their event. She stated staff had not yet concluded their review of the administrative policy on the use of the Chambers for non-governmental events, and the Board was still operating under the current policy, which allowed for non-governmental use of the Chambers on a case-by-case basis.

Commissioner Moss acknowledged the economic benefits that sporting events brought to the County but also emphasized the value of cultural events in generating tourist tax dollars. She expressed her support for the VBFF, which had used the facility for the past two years without any issues and had been a valuable contributor to the County's tourism industry.

Vice Chairman Flescher refuted Commissioner Moss's claim that the VBFF generated tourist tax dollars. He stated no entity had assessed these dollars as "heads-to-beds." There had been no organized calculation of tourist tax dollars from the VBFF. He stated the Treasure Coast Sports Commission had a dashboard and collected data from every hotel to present to the Chamber of Commerce. This process began in 2007, and it had been discussed that all entities should be doing something similar to show where revenue was generated and its outcome. He stated he did not want the public to be misled into thinking that this event was in any way related to tourism.

**A motion was made by Commissioner Moss to allow the Vero Beach Film Festival to use the Chamber on April 13-14, 2024. The motion failed for lack of a second.**

After the motion failed, further discussion was had between the Board and staff, with Commissioner Earman in favor of the VBFF utilizing the Chambers this time only. County Administrator John Titkanich stated that the Chamber had a level of sanctity and should only be utilized for government-related purposes. The proposed policy change aimed to prevent the use of the Chamber by non-government agencies or organizations not associated with a government agency was expected within the next few weeks.

**A motion was made by Commissioner Earman, seconded by Commissioner Moss, to allow the Vero Beach Film Festival to use the Chamber on April 13-14, 2024. The motion failed by the following vote:**

**Aye:** 2 - Commissioner Earman, and Commissioner Moss

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

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services 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.

**B. Solid Waste Disposal District**

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Solid Waste Disposal District Meeting Minutes of January 9, 2024 and January 23, 2024, as written. The motion carried by the following vote:**

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

**15.B.1. [24-0219](#)** Approval of SWDD Meeting Minutes of January 09, 2024

**Recommended Action:** Approve

**Attachments:** [01092024 SWDD Draft](#)

**Approved as written**

**15.B.2. [24-0222](#)** Approval of SWDD Meeting Minutes of January 23, 2024

**Recommended Action:** Approve

**Attachments:** [01232024 SWDD Draft](#)

**Approved as written**

**15.B.3. [24-0209](#)** Twenty-Third Amendment and Extension to Republic Services

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the Twenty-Third Amendment to Republic Services; and authorize the Chairman to execute the agreement.

**Attachments:** [Staff Report](#)  
[Twenty Third Amendment to Republic Services](#)

There was no discussion on this Item

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

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

**15.B.4. [24-0210](#)** Final Pay to Kimley-Horn and Associates for Work Order No. 56 - Fiscal Year 2022 Full Cost Accounting and Financial Assurance Reports

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve KHA's final invoice amount of \$3,075.00

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

There was no discussion on this Item.

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

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

- 15.B.5. [24-0212](#) Request for a Special Call Meeting for the Solid Waste and Recyclables Collection Services (RFP #2024020)

**Recommended Action:** As per the recommendations listed on the staff report

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

Solid Waste Disposal District Managing Director Himanshu Mehta requested the Solid Waste Disposal District (SWDD) Board approve a Special Call Meeting, which would be held on Wednesday, March 20, 2024, at 1:00 pm in the County Commission Chambers. He stated the purpose of holding this meeting was to provide the following information: 1) to provide a summary of the results of the RFP Number 2024024 selection committee; 2) to obtain input and recommendations from the selection committee; 3) To obtain public input regarding the four options for providing garbage, yard waste and bulk services in Indian River County's unincorporated areas; and 4) to obtain the SWDD Board's decision on which of the four options for the Solid Waste and Recyclables Collection Services Franchise they wished to pursue. Mr. Mehta utilized a PowerPoint presentation to show the updated timeline for the process of awarding the contract. He stated over 87,000 postcards would be sent to inform residents of the meeting. The funding for this effort had been approved in SWDD's current fiscal year 2023/2024 budget.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Special Call meeting on Wednesday, March 20, 2024. The motion carried by the following vote:**

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

### C. Environmental Control Board

## 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:14 pm