



# Indian River County Florida

## Draft Meeting Minutes

### Board of County Commissioners

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

*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. DeBraul, County Attorney**

**Ryan L. Butler, Clerk of the Circuit Court and Comptroller**

**Randi Wardlow, Deputy Clerk**

**Tuesday, March 19, 2024**

**9:00 AM**

**Commission Chambers**

#### 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

**Sheriff Eric Flowers**

#### 3. PLEDGE OF ALLEGIANCE

**William K. DeBraul, County Attorney**

#### 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 presented. 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.** Presentation of Proclamation Recognizing the Week of March 17, 2024 as National Surveyors Week
- Vice President of the Indian River chapter of the Florida Surveying and Mapping Society Bob Johnson accepted the Proclamation and discussed the variety of surveyors' work from infrastructure planning to property boundary determination. He made mention there was a need for surveyors, and entered into discussion with the Board on the evolution of the profession and the importance of safety considerations.

**Read and Presented by Commissioner Loar**

- 5.B.** Presentation of Proclamation Achieving Excellence: Proclamation for the School District of Indian River County Attaining an "A" Grade
- Superintendent of the School District of Indian River County (SDIRC) Dr. Moore acknowledged the time and effort teachers, administrators, staff, and coaches put into their jobs to make the SDIRC an A-rated district. The Board thanked Dr. Moore and the representatives from the SDIRC who joined in accepting the Proclamation.

**Read and Presented by Commissioner Moss**

- 5.C.** Presentation of Proclamation Recognizing Indian River County as a Moonshot Community For Literacy
- Barbara Hammond, CEO and Co-Founder of the Learning Alliance, shared the organization's journey to increase literacy rates in the County using science and research. At the ten-year mark of the Moonshot Moment, the County had reached a 63 percent literacy rate among third graders, and ranked number five (5) in the state. School Superintendent Dr. Moore thanked the Learning Alliance for their dedication and service to the County's children.

**Read and Presented by Chairman Adams**

## **6. APPROVAL OF MINUTES**

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

- 7.A.** Distinguished Budget Presentation Award

**No Action Taken or Required**

**7.B.** Code Enforcement Complaint Intake

Commissioner Loar requested clarification regarding the practice of having Commissioners stand-in as complainants for constituents who wished to report code violations anonymously. Deputy County Attorney Susan Prado informed Florida State Statute 162.21(3)(b) required citizens to leave a name and address when reporting a code violation; staff could not respond to anonymous complaints. However Attorney Prado confirmed there was no precedent barring Commissioners from acting as complainant on behalf of their constituent, if they chose.

Chairman Adams noted the issue had been raised at a recent Florida Association of Counties' (FAC) meeting, and it was not an uncommon practice for an elected official to act as the complainant on behalf of a constituent who wished to remain anonymous when reporting a code violation.

**No Action Taken or Required**

**7.C.** The Hospital District's Public Official Bonds for Michael Kint, Paul Westcott, William Cooney, and Continuation Certificates for Marybeth Cunningham and Kerry Bartlett have been received from the Law Offices of Attorney Jennifer D. Peshke. The Bonds are on File in the Office of the Clerk to the Board.

**No Action Taken or Required**

**7.D.** Introducing the Opening of the New Dick Bird Disc Golf Course

**No Action Taken or Required**

**7.E.** WWII Tribute March 23, 2024

**No Action Taken or Required**

**8. CONSENT AGENDA**

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

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

**8.A.** Miscellaneous Budget Amendment 04

**Approved staff's recommendation and Resolution 2024-009, amending the fiscal year 2023-2024 budget.**

**8.B.** Award of Bid 2024031 for New Restroom Facility at Fran B. Adams North County Regional Park

**Approved staff's recommendation**

- 8.C.** Award of Bid 2024033 - Annual Right-of-Way Mowing  
**Approved staff's recommendation**
- 8.D.** Approval of Agreement for RFP 2024014 - Jones' Pier Conservation Area Design & Fabrication of Interpretive Center Exhibits  
**Approved staff's recommendation**
- 8.E.** Second Extension and Amendment to Agreement for Disaster Debris Monitoring Services (RFP 2019062)  
**Approved staff's recommendation**
- 8.F.** Award of Bid 2024038 - Annual Custodial Services for County Buildings  
**Approved staff's recommendation**
- 8.G.** Award of RFP 2024032 for a Vulnerability Assessment Study  
**Approved staff's recommendation**
- 8.H.** Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for Coastal Health Systems of Brevard, Inc. to Provide Interfacility Ambulance Transportation Services  
**Approved staff's recommendation**
- 8.I.** Indian River County Stormwater Management Plan, Environmental Science Associates, Work Order No. 1  
**Approved staff's recommendation**
- 8.J.** Dick Bird (South County) Regional Park Disc Golf Course Adopt-A-Park by Discography Disc Golf  
**Approved staff's recommendation**
- 8.K.** Request for Use of Holman Stadium for Annual Sawbones vs. Jawbones Event to be held May 17, 2024  
**Approved staff's recommendation**
- 8.L.** Memorandum of Agreement between the Florida Fish and Wildlife Conservation Commission and Indian River County for Boating Ramp Projects and Maintenance  
**Approved staff's recommendation**

**8.M.** Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Service Development Grant

**Approved staff's recommendation and Resolution 2024-010, authorizing the execution of a Public Transportation Grant Agreement with the Florida Department of Transportation.**

**8.N.** Request for Release of a Ten-Foot Conservation Easement at 5180 95th Street

**Approved staff's recommendation and Resolution 2024-011, releasing a conservation easement of Lot 3 of the River Boat Club Subdivision.**

**8.O.** West Wabasso Phase 3 Septic to Sewer (S2S) FDEP Cost-Share Funding Agreement (DEP Agreement No. WG001) Change Order No. 1

**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

**10.A.1.** Miscellaneous Budget Amendment 03

County Attorney Bill DeBaal introduced the item and noted that State Statute required a public hearing when the budget was amended to allocate actual cash balance dollars.

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

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve Resolution 2024-012, amending the fiscal year 2023-2024 budget. The motion carried by the following vote:**

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

**10.A.2.** Consideration of Mod Units LLC., Request For an Economic Development Ad Valorem Tax Exemption (Tax Abatement) [Legislative]

Chief of Long Range Planning Chris Balter presented Mod Units LLC.'s request for tax abatement, as the company expanded its existing location and projected the creation of twenty-four (24) full-time jobs building modular housing units. Mr. Balter's presentation detailed the review process, evaluation scorecard, conclusion, and staff's recommendation for approval. It was noted the Indian River County Chamber of Commerce and the Economic Development Council (EDC) had recommended approval of the tax abatement request.

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

**A motion was made by Commissioner Moss, seconded by Vice Chairman Flescher, to adopt Ordinance 2024-006, creating a new Section 1100.16 (Economic Development Ad Valorem Tax Exemption granted to Mod Units LLC. ("Business")) of Chapter 1100 (Economic Development Ad Valorem Tax Exemption) of Title XI (Economic Development Ad Valorem Tax Exemption) of the Code of Indian River County granting an economic development ad valorem tax exemption to Mod Units LLC.; making findings and providing for severability, codification and an effective date. The motion carried by the following vote:**

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

**B. PUBLIC DISCUSSION ITEMS**

**10.B.1.** Request to Speak from Siobhan McGoorty of State Attorney's Office re: Sexual Assault Awareness Month

County Administrator John Titkanich provided details of Sexual Assault Awareness Month, filling in for Siobhan McGoorty who was unable to present. Administrator Titkanich furnished statistics on the prevalence of sexual assault, and discussed events during the month of April to raise awareness of sexual violence.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.** IRC Strategic Plan Formulation

County Administrator John Titkanich led discussion of the proposal to create a Five-year Strategic Plan (Plan) for the County which would operationalize the goals from the Goal-Setting Workshop which were accepted on February 20, 2024. A proposal for the Plan was submitted by Drs. Saviak and Levey, who led the previous workshop. Administrator Titkanich reviewed the steps, which included public input, and estimated the completion of the Plan in November of 2024. He requested the requirement for bids be waived for consistency and experience.

Commissioner Loar noted it had been more than twenty (20) years since the County had a strategic plan. Commissioner Moss received confirmation that a web page could be created with a section for the public to submit comments.

**A motion was made by Commissioner Loar, seconded by Chairman Adams, 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**
- H. Planning and Development Services**

**12.H.1.** Updated Liberty Park Conceptual Planned Development Plan

Assistant Planning and Development Services Director Ryan Sweeney presented updates to the Liberty Park Conceptual Planned Development Plan (Plan). Following a timeline of the project, Mr. Sweeney analyzed the changes to the Plan and confirmed that each change was consistent with the approved amended Developer's Agreement. Before and after illustrations were shown and confirmed adherence to the County's established Community Development District (CDD) guidelines. Mr. Sweeney noted these changes would typically be approved at the staff level, and this update was presented out of an abundance of caution for the County's first CDD project.

Under discussion, Chairman Adams discussed the connection of 64th Avenue to 81st Street on the eastern side of the development, which developers added in response to the community's traffic concerns. Mr. Sweeney and Andy Sobczak, Planning and Services Director, provided information to Commissioner Moss regarding the revised number of units, open space, park acreage, and greenway connection. Mr. Sweeney confirmed that though the retention ponds were larger, the park acreage remained in compliance. The Board also received confirmation the amended Developer's Agreement provided the County with land for a future fire station.

**A motion was made by Commissioner Loar, 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

**I. Public Works****J. Utilities Services**



**12.J.1.** One Water Pilot Project, Application for Funding from St Johns River Water Management District Cost-Share Program, Water Research Foundation Tailored Collaboration Program

Utility Services Director Sean Lieske appeared before the Board requesting approval to apply for participation in the One Water Pilot Project, which would study the feasibility of reuse potable water, and to apply for any related grants. Mr. Lieske noted that the County's growth necessitated exploring additional water sources, and options to dispose of reuse water. Howard Richards, Capital Projects Manager, provided statistics on water usage, and discussed other utilities in the State pursuing similar studies.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, approved staff's recommendation. 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.1.** Demolition Lien Reduction - 43 Highlands Dr SW, Vero Beach, FL 32962

Deputy County Attorney Susan Prado came before the Board on behalf of a constituent seeking a lien reduction. Prior to their purchase of the property, a demolition lien had been recorded in the amount of \$6,538.54 and now totaled \$10,814.45 with accrued interest. Ms. Prado noted in past similar cases, the Board offered to waive all but 10 percent of the interest as long as the lien plus the reduced interest was paid in 60 days. The revised cost to release the lien would be \$6,966.13; the new owners planned to build their home on the land.

**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

**14. COMMISSIONERS MATTERS**

- A. Commissioner Susan Adams, Chairman**
- B. Commissioner Joseph E. Flescher, Vice Chairman**
- C. Commissioner Joseph H. Earman**
- D. Commissioner Deryl Loar**

**E. Commissioner Laura Moss**

The Chairman called for a recess at 10:07 a.m., and reconvened the meeting at 10:13 a.m.

**15. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District****B. Solid Waste Disposal District**

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

**15.B.1.**

Renewal with Tiger Inc for Sale and Purchase of Natural Gas

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, requested the Board's approval of an extension to the agreement with Tiger, Inc. for the sale and purchase of natural gas. Director Mehta explained Tiger, Inc. was a third party which provided the natural gas used in the leachate evaporator project at a fixed cost which was less expensive than purchasing the gas directly.

**A motion was made by Commissioner Loar, 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

**15.B.2.**

Consent and Agreement with Pathward, NA for Nopetro's Landfill Gas Construction Loan

County Attorney Bill DeBraul presented the Consent and Agreement document related to the construction of the landfill gas facility project, as discussed at the January 23, 2024 Board meeting where the final Nopetro Eco District LLC's contract was approved. Nopetro's lender, Pathward, NA, requested the Consent and Agreement document as a condition of approving Nopetro's construction loan.

Attorney DeBraul further discussed the County's exposure to risk by signing the Agreement, as detailed in staff's memo dated March 14, 2024. He touched upon the language staff added to the document to better protect the County's interest while still allowing the project to proceed.

Chairman Adams led discussion by confirming the document provided the County's express consent to the bank, and that Nopetro provided indemnification and a letter of credit to help cover construction costs and lessen the County's risk exposure. The Chairman stated she was comfortable with the terms and advocated for moving forward. Commissioner Loar sought to clarify that this Agreement was a practice undertaken by other counties; County Administrator John Titkanich confirmed and provided a list of the other counties. Administrator Titkanich also expanded on a meeting attended by council, Nopetro, County staff, and the bank. He praised the work staff had done to add language to better protect the County.

**A motion was made by Commissioner Loar, seconded by Chairman Adams, 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

**C. Environmental Control Board****16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 10:22 a.m.