



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, December 13, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

2 ROLLCALL

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

Pastor Gregory Sempsrott, Vero Bible Fellowship

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams, Vice Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Chairman Earman asked for the Board's consideration to add Item 14.A.1. Residency Requirements and Salary for New County Administrator.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to add Item 14.A.1. Residency Requirements and Salary for New County Administrator to the Agenda. The motion carried by the following vote:

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

MOVED: Item 15.A.1. to be heard following the Consent Agenda.

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

5.A. [22-1009](#) Presentation by Marc Seagrave of Florida City Gas re: Status of Beachside Project

Marc Seagrave, Senior Director Strategy & Business Development, Florida City Gas (FCG), introduced Forrest Smalley, Business Development Manager and Tim Knutson, Senior Customer Advisor. He spoke of FCG plans to extend natural gas service to the barrier island and their contract with Peninsula Pipeline to build an 11.5 mile intrastate pipeline extension under the Indian River Lagoon to the barrier island and provided a general project description. He concluded that FCG would be coming before the Board in the near future to discuss the distribution of renewable natural gas in the County. He stated if all goes to plan, Indian River County would be the first to be supplied from the capture of methane gas from the landfill.

Presented

- 5.B. [22-1079](#) Presentation from Florida Power & Light Company re: Storm Secure Underground Program Overview

Michele Murrell, External Affairs for Florida Power & Light (FPL), gave an overview of FPL Storm Secure Underground Program (SSUP) to help enhance the reliability of service, and speed the restoration of power. She introduced Amy Bonilla who would be leading the program in Indian River County.

Ms. Amy Bonilla, FPL Customer Outreach Leader, in a PowerPoint presentation, went over FPL's initiatives that fall under the SSUP and pointed out there was no upfront costs to their customers to receive this benefit. She stated the number one cause of power outages during Hurricane Irma was due to vegetation issues, noting the core of the SSUP was specifically targeted to benefit those customers and neighborhood electric lines. She informed the Board that portions within Indian River County had met FPL's specific liability criteria necessary to allow this FPL benefit to the residents. She detailed the specific criteria over a time period that allowed FPL to rank properties in order to bring the power lines underground and the process.

Ron Edgecomb, Lead Project Manager, discussed obtaining the necessary easements and detailed the construction to bring the lines underground. He stated the method of construction used was done in a way there would be no impact to the customer's property.

Commissioner Flescher provided feedback on FPL's SSUP which had been done in Sebastian.

Presented

6. APPROVAL OF MINUTES

- 6.A. [22-1073](#) Regular Meeting of September 20, 2022

Recommended Action: Approve

Attachments: [09202022 BCC Granicus](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Minutes of the Regular Meeting of September 20, 2022 as presented. The motion carried by the following vote:

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

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

7.A. [22-1053](#) Closure and Collection Service Changes for the Christmas and New Year's Day Holidays

Recommended Action: For informational purposes only - no action required

Attachments: [Staff Report SWDD](#)

Susan Flak, Recycling Education and Marketing Coordinator for the Solid Waste Disposal District, presented the Holiday Garbage and Recycling Service Schedule.

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 amended, pulling Items 8.L. and 8.M. 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. [22-1010](#) Checks and Electronic Payments November 4, 2022 to November 10, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 4, 2022 to November 10, 2022

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [22-1011](#) Checks and Electronic Payments November 11, 2022 to November 17, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 11, 2022 to November 17, 2022

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [22-1027](#) Checks and Electronic Payments November 18, 2022 to November 24, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 18, 2022 to November 24, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.D. [22-1054](#) Checks and Electronic Payments November 25, 2022 to December 1, 2022
Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of November 25, 2022 to December 1, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.E. [22-1045](#) Quarterly OPEB Trust Report for the Quarter Ending 09/30/22
Recommended Action: Accept the report.

Attachments: [Investment Committee OPEB Report](#)

Accepted

- 8.F. [22-1046](#) Quarterly Investment Report for the Quarter Ending 09/30/22
Recommended Action: Accept the report.

Attachments: [Investment Committee Report](#)

Accepted

- 8.G. [22-1047](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 09/30/22
Recommended Action: Accept the report.

Attachments: [Finance Department Staff Report](#)

Accepted

- 8.H. [22-1069](#) Quarterly Tourist Development Tax Report for the Quarter Ending 09/30/22
Recommended Action: Accept the report.

Attachments: [Finance Department Staff Report](#)

Accepted

8.I. [22-1070](#) Internal Audit Division Annual Report

Recommended Action: Accept the report.

Attachments: [2022 Internal Audit Report](#)

Accepted

8.J. [22-0904](#) Fourth Modification of the Agreement with the Environmental Learning Center for the Replacement of the Main Dock

Recommended Action: Staff respectfully recommends that the Board approve the fourth modification to the Lease between the Board of County Commissioners and the Environmental Learning Center, and adopt the corresponding Resolution, and authorize the Chairman to execute said documents. Additionally, staff respectfully requests authorization for staff to apply for additional funds through the FIND 2023 Waterway Assistance Program. Finally, staff recommends the Board reject the bids submitted in response to invitation to bid 2022065.

Attachments: [Staff Report](#)
[Fourth Modification to Lease](#)
[ELC 2022 Draft resolution](#)

Approved staff's recommendation and Resolution 2022-099, authorizing application for the Florida Inland Navigation District Waterways Assistance Program for the Environmental Learning Center Main Dock replacement project; and providing for an effective date.

8.K. [22-1065](#) Ansin Riverfront Conservation Area Proposed FPL Easement

Recommended Action: Staff respectfully requests that the Board approve the Easement and authorize the Chairman to sign the FPL Underground Easement (Business), which will provide FPL authorization for use of the 100ft2 easement area within the Ansin Riverfront Conservation Area.

Attachments: [Staff Report](#)
[Underground Easement](#)
[Exhibit A - Sketch and Description](#)

Approved staff's recommendation

8.L. [22-1030](#) Award of Bid 2023014 for County Beach Parks Post Hurricane Emergency Dune Repairs

Recommended Action: Staff recommends the Board award Bid 2023014 to Guettler Brothers Construction, LLC, approve the sample agreement, and authorize the Chairman to execute the agreement after approval by the County Attorney as to form and legal sufficiency.

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

Commissioner Flescher requested discussion on the post hurricane emergency dune repairs at the County Beach Parks.

County Administrator Jason Brown briefed the Board of the bid award to Guettler Brothers Construction, LLC. to restore the dunes at six of the eight County Beach Parks and he informed the Board seven of the eight parks were opened. He stated there was significant damage at the Tracking Station and that it was currently closed. He added the Tracking Station would be added to the top of the priority list for repairs in order to get the beach park back open.

A discussion followed on the dune repairs being completed prior to Turtle Season and funding.

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

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

- 8.M.** [22-1043](#) American Rescue Plan Act of 2021 - Low Income Housing Tax Credit (LIHTC) award recommendation.

Recommended Action: Staff and the Loan Review Committee recommend that the Board of County Commissioners offer \$340,000 from the Indian River County Low Income Housing Tax Credit (LIHTC) program as a matching contribution to the HTG Vero Shores project proposed by the Housing Trust Group, LLC on the condition that it is formally selected as a 9% LIHTC awardee (2022-201 RFA).

Attachments: [Staff Report](#)
 [Grant Application Package](#)

Commissioner Moss recalled the Board approved the American Rescue Plan's Low Income Housing Tax Credit (LIHTC) program in July 2022, and directed staff to begin implementation of the program. She indicated Housing Trust Group, LLC, submitted an application to develop low income affordable multi-family units intended for the senior demographic. She thanked Community Development Director Phil Matson, Chief of Long Range Planning John Stoll, and Planning Assistant Bill Collins for their efforts with the program.

Director Matson thanked Commissioner Moss for the kind words and he planned to work closely with the community to make sure that only a product that serves the community is delivered.

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

- 8.N.** [22-1052](#) Final Pay to Kimley-Horn and Associates, Inc. for Work Order No. 55, 66th Avenue Phase II Roadway Improvements - Utility-Related Work

Recommended Action: Staff recommends that the Board of County Commissioners approve the payment in the amount of \$21,500.00, which represents final payment of Work Order No. 55 to Kimley-Horn & Associates, Inc.

Attachments: [Staff Report](#)
 [Invoice No 22901249](#)

Approved staff's recommendation

- 8.O. [22-1068](#) Memorandum of Understanding with Bridge MP Partners, LLC for Former Bristol Bay Site

Recommended Action: Staff recommends the Board of County Commissioners approve the Memorandum of Understanding with Bridge MP Partners, LLC and authorize the Chairman to execute the Memorandum on behalf of the Board.

Attachments: [Staff Report](#)
[Memorandum of Understanding](#)

Approved staff's recommendation

- 8.P. [22-1080](#) Utility Work By Highway Contractor Agreement (at FDOT Expense) with FDOT for the Extension and Relocation Services of Utility Main Lines for the Interchange at I-95 and Oslo Road

Recommended Action: Staff recommends that the Board of County Commissioners approve the Florida Department of Transportation - Utility Work by Highway Contractor Agreement (at FDOT Expense), and authorize the Chairman to execute and sign on their behalf

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

Approved staff's recommendation

- 8.Q. [22-1081](#) Utility Work By Highway Contractor Agreement with FDOT for the Relocation Services of Utility Main Lines for the Oslo Road Widening from SW 82nd Avenue to 58th Avenue

Recommended Action: Staff recommends that the Board of County Commissioners approve the Florida Department of Transportation - Utility Work by Highway Contractor Agreement, and authorize the Chairman to execute and sign on their behalf

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

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [22-1008](#) Indian River County Supervisor of Elections Leslie Swan re: request for revenue received from conducting the November 8, 2022 municipal elections be rolled into the Supervisor of Elections 2022/2023 budget.

Recommended Action: Approve

Attachments: [Reimbursement of City Revenues](#)

Supervisor of Elections Leslie Swan came before the Board to request the revenue received from conducting the November 8, 2022 municipal elections be rolled into the Supervisor of Elections' 2022/2023 budget.

Ms. Swan announced the Supervisor of Elections would be conducting a mail-in ballot election on January 24, 2023, for those residents that reside within the Town of Indian River Shores and were registered to vote. She indicated the reason the election could be done by mail was because there were no candidates, only eleven Charter amendment questions.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the request to roll \$37,439.00 of revenue from conducting the November 8, 2022 municipal elections into the Supervisor of Elections' 2022/2023 budget. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

NOTICE OF PUBLIC HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

10.A.1 [22-1044](#)

County Initiated Request to Amend the 5 Year Capital Improvements Program and the Capital Improvements Element of the Comprehensive Plan for the Period of FY 2022/23-2027/27 (Legislative)

Recommended Action: Based on the analysis conducted, staff recommends that the Board of County Commissioners approve the update to the 5 Year Capital Improvements Program for the period FY 2022/23-2026/27 and supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan by adopting the proposed ordinance.

Attachments: [Staff Report](#)
[Comprehensive Plan Text Amendment Adoption Ordinance](#)
[Draft 2022 Capital Improvement Element](#)
[Strikethrough and Underline Version of CIE](#)
[5-Year Schedule of Capital Improvements](#)
[Appendix B-D](#)

Chief of Long Range Planning John Stoll, in a PowerPoint presentation, reviewed the purpose of Comprehensive Plan Text Amendment, the Capital Improvements Element (CIE) adoption process, and indicated unlike other elements, the CIE must be amended every year in accordance with state regulations. He mentioned the total five year Capital Improvements Plan (CIP) expenditures increased by 4% from \$456,310,360 to the proposed \$474,689,529 and noted Transportation was the largest category of total expenditures. Chief Stoll stated in the year 2016, the Board directed staff to commit to spending 20% of the proceeds of the first five years of the extended one-cent local option sales tax on lagoon-related projects and reviewed the Lagoon Benefiting Projects.

Community Development Director Phil Matson, in response to a question by Commissioner Moss, explained the difference in the level-of-service "D", "E", "B", and "C" for traffic circulation.

Vice Chairman Adams sought and received confirmation from Public Works Director Richard Szpyrka that the North Indian River Drive Stormwater Project was located between Indian River Drive and Old Dixie, south of Roseland Road.

Chairman Earman opened the Public Hearing. There being no speakers, the Chairman closed the hearing.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve staff's recommendations and adopt Ordinance 2022-015, amending the text of the Comprehensive Plan's Capital Improvements Program (CIP) schedule and related data and analysis sections; and

providing severability and effective date. The motion carried by the following vote:

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

10.A.2 [22-1049](#)

Request from East Coast Ambulance, LLC., for a Class "B" Certificate of Public Convenience and Necessity to Provide Non-Emergency Ambulance Inter-Facility Transports Originating from Indian River County and Class "C" Non-Emergency Inter-Facility Transports Requiring a Physician's Order - ADMINISTRATIVE

Recommended Action: Staff recommends that the Board approve and grant a Class "B" and Class "C" COPCN to East Coast Ambulance, LLC for a period of two (2) years.

Attachments: [Staff Report](#)
[Application East Coast Ambulance, LLC](#)

Director of Emergency Services David Johnson was present to answer any questions. There was no discussion on this item.

Chairman Earman opened the Public Hearing. There being no speakers, the Chairman closed the hearing.

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

10.A.3 [22-1057](#) Biosolids Moratorium Extension Ordinance - LEGISLATIVE

Recommended Action: The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

Attachments: [Staff Report](#)
[Ordinance Extension](#)

County Attorney Dylan Reingold presented a draft ordinance consistent with Senate Bill (SB) 712, extending the Biosolids Moratorium until January 1, 2024.

Commissioner Moss wanted to see something permanent on restricting the land application of Class B Biosolids, than to extend the moratorium each year.

In response, County Attorney Reingold stated if the Board was interested in exploring more expansive options, he would be happy to research the issue.

Vice Chairman Adams recalled when the statute was passed, the County already had a moratorium in place and hence the reason the Board continued to extend the moratorium versus putting an ordinance into place. She explained going from a moratorium to an ordinance that was not in place when the statute was created would be counter to the statute.

Chairman Earman opened the Public Hearing.

David Cox, representing the Indian River Soil and Water Conservation District (IRSWCD), stated the IRSWCD was in support of extending the moratorium for another year. He felt sooner or later the Board would need to codify the ordinance to allow the County to regulate the land application of Class B Biosolids.

County Attorney Reingold, in response to Mr. Cox, clarified that there were two aspects of the moratorium, the land application of biosolids and the transportation of materials to County facilities consistent with the regulations in place. He went on to say that the State had given the local governments who had previously adopted a moratorium the ability to continue moratoriums in the future.

Mr. Joseph Paladin, representing the Indian River Neighborhood Association (IRNA), stated their support for extending the moratorium.

There being no further speakers, the Chairman closed the hearing.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve staff's recommendation and adopt Ordinance 2022-016, authorizing an extension of the temporary moratorium for an additional 1 year, or until a comprehensive review of the impact on the County's ecosystem is completed, within the unincorporated areas of Indian River County prohibiting land application activities of Class B Biosolids; providing for additional study and possible regulation of Class B Biosolids application activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, and an effective date. The motion carried by the following vote:

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

10.A.4 [22-1058](#)

Public Hearing to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Street Paving in the Oslo Park Area - LEGISLATIVE

Recommended Action: The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft resolution and the draft agreement with the Tax Collector and Property Appraiser.

Attachments: [Staff Report](#)
[Resolution Oslo Park MSBU](#)
[Affidavit of Publication - MSBU Oslo Park Paving Reso](#)

County Attorney Dylan Reingold recalled the Board last year initiated the process of creating a Municipal Service Benefit Unit (MSBU) for the Oslo Park area to raise funds for future road paving projects; however, due to the expected time of the project the Board deferred taking action. He stated staff would like to move forward with initiating the assessment process under section 197.3632, Florida Statutes allowing for the assessments to be collected on the tax bills that go out in the fall of 2023, noting the assessment amount remained unchanged from last year. He concluded with a review of the process going forward.

Chairman Earman opened the Public Hearing. There being no speakers, the Chairman closed the hearing.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2022-100, electing to use the uniform method for the levy, collection, and enforcement of Non Ad valorem assessments pursuant to Florida Statute 197.3632 to recover the costs of street paving in the Oslo Park Area. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

- 10.B.1** [22-1059](#) Request to Speak from Small Business Administration--Office of Disaster Assistance re: Informational Update on Available SBA Disaster Assistance Resources--Economic Injury

Attachments: [Public Discussion Request SBA Disaster Assistance](#)

Sandra Lawson with the Small Business Administration (SBA) - Office of Disaster Assistance out of Atlanta, Georgia, spoke on the SBA Economic Injury Assistance program available to small businesses and private non-profits located in a declared disaster area. They were eligible to apply for disaster assistance through SBA's online application process. She mentioned that the SBA worked hand in hand with the Federal Emergency Management Agency (FEMA).

No Action Taken or Required

10.B.2 [22-1074](#) Request to Speak from Mr. Douglas DeMuth re: City of Vero Beach New Wastewater Plant Project

Recommended Action: No action required

Attachments: [Public Discussion Request D. DeMuth](#)

Douglas DeMuth, South Beach resident, followed up on the City of Vero Beach's (City) new Wastewater Plant Project and the resident's concerns in regard to water and sewer service. He felt the City needed to provide to the public a detailed project cost, its degree of accuracy, and its impact on future rates. He also felt that the City should provide the public with current plant demolition and site remediation costs and questioned when would these costs be added to the rate estimates. He asked that the Board look into the matter and notify the County rate payers of their future rates, and for County staff to revise their previous South Beach connection estimates for the southern wastewater treatment plant, and provide a rate increase projection for that service. He furthered discussed the franchise agreement, franchise fees, and equalization charges.

Mr. DeMuth requested the Board form a Blue Ribbon Committee to assess the City's water and sewer service situation, the potential impacts of their wastewater treatment plant on the unincorporated rate payers, and recommendations for remedies. He asked that the Board be clear with County rate payers through a published report on what was transpiring with the water and sewer rates, and what could be done to ensure the City's rates were fair, transparent, and predictable.

County Attorney Dylan Reingold commented that the City's staff along with County staff have been working hard to come up with a franchise agreement, and anticipated bringing back an agreement to the January 17, 2023 meeting. He read an email from the City's Manager Monte Falls, for clarification on the franchise fee and equalization charge issue.

A discussion followed on the franchise fees among Mr. DeMuth, County Attorney Reingold, and County Administrator Jason Brown. County Administrator Brown clarified the franchise fees were not set aside for the City's utility issues, but put in place to offset property taxes in the unincorporated area. Mr. DeMuth concluded there had not been a franchise fee agreement since 2017, and felt the fees should be returned back to the rate payers.

No Action Taken or Required

The Chairman called for recess at 10:47 a.m., and reconvened the meeting at 11:00 a.m., with all members present.

10.B.3 [22-1075](#) Request to Speak from Bill Rigby re: Community Development District

Recommended Action: No Action Required

Attachments: [Public Discussion Request B. Rigby 12.13.22](#)

Bill Rigby, Vice President of the West Wabasso Civic Club (Civic Club), came before the Board requesting an opportunity for the Civic Club to sit down with the County to discuss the Community Development District (CDD) process. He also asked for the Board's consideration to change the name of the Douglas Subdivision formerly known as "Colored School Subdivision", to the West Wabasso Black Wall Street Subdivision.

Chairman Earman extended an invitation to Mr. Rigby to sit down and discuss the issues.

A discussion ensued between Commissioner Flescher and Mr. Rigby on Liberty Park CDD and a feasibility study. County Attorney Reingold, in response to a public record request made by Mr. Rigby for a copy of the invoice, a petition to establish a LP CDD, and a feasibility study, stated there was statement of regulatory cost which contained a lot of information similar to a feasibility study in the petition to establish a LP CDD. He concluded that a copy of information Mr. Rigby had requested was awaiting for pickup and noted all the information he had requested except the invoice was also available online as part of the October 18, 2022 agenda packet.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

County Attorney Dylan Reingold read the notices into the record.

10.C.1 [22-1055](#) Public Notice of Public Hearing for December 20, 2022, to Consider an Ordinance Prohibiting Certain Smoking Activities at County Owned Parks

Attachments: [Staff Report](#)
[Affidavit of Publication - Park Smoking Ordinance – Public Hearing](#)

No Action Taken or Required

- 10.C.2** [22-1056](#) Public Notice of Public Hearing for December 20, 2022, to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non Ad Valorem Assessments

Attachments: [Staff Report](#)

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** [22-1051](#) Four County Joint Board Meeting

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners adopt the new resolution authorizing a date and time change for the joint meeting with the Board of County Commissioners for St. Lucie County, the Board of County Commissioners for Martin County, and the Board of County Commissioners for Okeechobee County to discuss joint legislative priorities in anticipation of the State of Florida's 2023 legislative session.

Attachments: [Staff Report - Four County Meeting Resolution](#)

Legislative Affairs and Communication Manager Kathy Copeland stated the Resolution before the Board was to change the date of the Four County Joint Board Meeting originally scheduled for December 15, 2022 to be moved to January 11, 2023.

A motion was made by Vice Chairman Adams, seconded by Commissioner Moss, to approve staff recommendations, and Resolution 2022-101, to authorize the Indian River County Commission to participate in a joint meeting with the St. Lucie County Commission, the Okeechobee County Commission, and the Martin County Commission to discuss and plan matters of mutual interest; and providing for an effective date. The motion carried by the following vote:

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

11.B. [22-1077](#) Lobbyist for 2023 Legislative Session

Recommended Action: County Administration staff recommends that the Board enter into an agreement with Anfield Consulting, Inc., for lobbying services for the term of January 1, 2023, to December 31, 2023, and authorize the Interim County Administrator/Assistant County Administrator to execute the referenced agreement.

Attachments: [Staff Report](#)
[Anfield Contract 2023](#)

Legislative Affairs and Communication Manager Kathy Copeland stated Anfield Consulting, Inc. had assisted the County with various legislative issues including obtaining funding for water projects and was highly regarded statewide.

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

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

- 13.A. [22-1072](#) Authorization to proceed with foreclosure on Code enforcement cases: 2022020001 SLP Tractor Services

Recommended Action: Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement case for the property located at 30 S. Oleander Street.

Attachments: [Staff Report](#)
[Recorded Order Imposing Fine](#)
[30 S. Oleander Street Deed](#)

Assistant County Attorney Susan Prado presented Case No. 2022020001 (12376 91st Street, Fellsmere) (SLP Tractor Services; Felipe and Elena Gomez) for authorization to proceed with foreclosure. She stated SLP Tractor Services was operating a business on a residential property and storage of business equipment without site plan approval. She had reached out to the City of Fellsmere for the status of the site plan approval; however, until the site plan was approved there could be no storage of vehicles for the business on the residential property. She stated the site of violation is homesteaded property and cannot be foreclosed upon; however, the respondent SLP Tractor Services, Inc. also owns a property at 30 S. Oleander Street in Fellsmere.

Vice Chairman Adams spoke on the ongoing issue with the property at 12376 91st Street, noting the County has had to fix the street multiple due to the heavy equipment.

Attorney Prado, in response to Chairman Earman, stated the issue with the Homestead Exemption on the property was another department's matter; however, the County could take assets other than real property.

Attorney Prado for the record stated a letter was sent to the owners of the property and SLP Tractor Services notifying them of the meeting.

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

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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph H. Earman, Chairman

14.A.1. [22-1078](#) Use of Commission Chambers by COVB City Council

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Chairman Earman stated the City of Vero Beach (City) Mayor John Cotugno had requested use of the Commission Chambers on February 7 and 21 at 1:00 p.m. to hold their City Council meetings while the City's facility was unavailable due to AV equipment installation.

Commissioner Flescher expressed concern with the Board having only two meetings in the month of February on the same day, the meetings may go a little longer, and recommended the City start their meeting at 3:00 p.m.

Commissioner Moss was onboard with the City's use of the facilities and suggested letting staff determine the time.

County Administrator Jason Brown stated staff could work with the City to determine a time and details on broadcasting the meeting.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to allow the City of Vero Beach Council to utilize the Commission Chamber on February 7, 2023 and February 21st with a recommended time of 3:00 p.m. The motion carried by the following vote:

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

14.A.2. [22-1089](#) Request to Add Item 14.A.2.-- Residency Requirements and Salary for New County Administrator

Recommended Action: Discuss

Attachments: [Commissioner's Memorandum](#)

Chairman Earman sought clarification for the residency requirement for the future County Administrator. A discussion followed with County Attorney Reingold stating staff would bring back to the Board an ordinance incorporating the residency requirement.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the residency requirement for the future County Administrator; and directing staff to bring back to the Board, an Ordinance incorporating the residency requirement. The motion carried by the following vote:

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

Chairman Earman led a discussion on the recommendation of a salary range for the new County Administrator position between \$190,000 to \$220,000. There was no opposition from the Board.

It was the consensus of the Board for a salary range between \$190,000 to \$220,000 for the new County Administrator.

B. Commissioner Susan Adams, Vice Chairman

C. Commissioner Joseph E. Flescher

D. Commissioner Deryl Loar

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

[Clerk's Note: This Item was heard following the Consent Agenda]

A. Emergency Services District

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

15.A.1 [22-1060](#)

Approval of FY 2022/2023 EMS County Awards Grant: Purchase of Capital/Operating Equipment Using Non-Matching EMS Grant Funds and Grant Resolution

Recommended Action: Staff recommends approval of the FY 2022/2023 EMS Grant and resolution to purchase the equipment as noted in the attachments. Staff further recommend the Board authorize the Chairman to execute the necessary documents to obtain funds from the Department of Health in the amount of \$36,014.00 and authorize budget amendments, as required, to receive and expend the grant funds. In order to comply with the requirements of this Grant, staff is also seeking authorization for the establishment of a unique accounting code designator for all County Awards Grant deposits, disbursements, interests accrual and rollover of funds, as they are required to be maintained in a separate fund or account for inspection by the State EMS Monitoring and Compliance Unit.

Attachments: [Staff Report](#)
[2022-2023 County Allocations](#)
[Grant Application](#)
[Gaumard Quote](#)
[Resolution](#)

County Attorney Dylan Reingold for the record clarified that this agenda item for the Emergency Management Services County Awards Grant purchase of capital operating equipment included a waiver of the bid process allowing for the authorization to use a purchase order.

Emergency Services Director David Johnson was available to answer any questions. There was no discussion in regard to this item.

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

The Board of Commissioners adjourned the Emergency Services District meeting and reconvened as the Board of County Commissioners of the regular meeting, resuming the meeting with Item 9.A.

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:52 a.m.