



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

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

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

Tuesday, October 31, 2023

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Chaplain Lou Tropf, IRC Jail

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [23-0910](#) Presentation of Proclamation Honoring Mike Rozier on His Retirement From the Indian River County Sheriff's Department

Recommended Action: Read & Present

Attachments: [Proclamation](#)

Mr. Rozier received congratulations on his 36-year career with the Sheriff's Department, retiring as Fleet Services Manager. Commissioner Loar shared anecdotes of his time with Mr. Rozier, with Commissioner Flescher describing him as the most admired non-uniform personnel in the Sheriff's Department. Mr. Rozier thanked his extended family for their support and expressed appreciation for his coworkers who were in attendance. Sheriff Eric Flowers and Captain William Luther appeared and spoke on his behalf.

Read and Presented

- 5.B. [23-0906](#) Presentation of Proclamation Honoring Deputy Jerry Montanaro on his Retirement from the Indian River County Sheriff's Office

Recommended Action: Read & Present

Attachments: [Proclamation](#)

Mr. Montanaro was celebrated by the Board for his loyalty during his more than 28-year career, most of which was served protecting Courthouse personnel and the public. He was joined by his wife, and declared he would spend his retirement doing anything he and his wife wanted. Sheriff Eric Flowers spoke on his behalf both personally and professionally.

Read and Presented by Commissioner Loar

- 5.C. [23-1000](#) Presentation of Proclamation Commending Friends After Diagnosis

Recommended Action: Read & Present

Attachments: [Proclamation](#)

Executive Director Carolyn Thornton Nelson accepted the Proclamation on behalf of Friends After Diagnosis, an organization that assists women in the community diagnosed with cancer. Ms. Thornton shared her experience with the organization which provided support and assistance for a family member diagnosed with cancer. Commissioner Moss discussed some of the organization's fundraising efforts, and highlighted the types of assistance offered.

Read and Presented by Commissioner Moss

5.D. [23-1004](#) Presentation of Proclamation in Support of Unity

Recommended Action: Read and Present

Attachments: [Proclamation](#)

A large, diverse group of the County's civic leaders gathered to receive the Proclamation in support of kindness and unity. Rabbi Michael Birnholz shared the inspiration for the viral kindness campaign and the shirts worn by the group which read, "Spread Sunshine not Hate". He thanked the Board and the County for coming together in a message of positivity and support. Dr. Peggy Jones also spoke in support of the group's message.

Read and Presented by Chairman Earman

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of September 26, 2023, and October 3, 2023 as written. The motion carried by the following vote:

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

6.A. [23-0996](#) Regular Meeting of September 26, 2023

Recommended Action: Approve

Attachments: [09-26-2023 BCC - Draft](#)

Approved as written

6.B. [23-1002](#) Regular Meeting of October 3, 2023

Recommended Action: Approve

Attachments: [10032023 BCC Draft](#)

Approved as written

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**7.A.** [23-0976](#) 4th Quarter FY 2022/2023 Budget Report

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[4th Quarter Budget Report](#)

No Action Taken or Required

- 7.B. [23-1001](#) Sebastian River Improvement District Fiscal Year 2023/2024 Regular Board Meeting Schedule

Recommended Action: Information Only

Attachments: [SRID Meeting FY23-24 Schedule](#)

No Action Taken or Required

- 7.C. [23-1005](#) Children's Services Advisory Committee - District 4 Appointee Seat - Resignation & Appointment

Recommended Action: Informational Item

Attachments: [Memorandum](#)
[Michele Falls - Resignation Email](#)
[Jeff Andros - CSAC District 4 Appointee](#)

Commissioner Loar thanked Michele Falls for her service and announced his choice of Jeff Andros for the District 4 Appointee to the Children's Services Advisory Committee.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Consent Agenda as amended, pulling Item 8.N. for discussion. The motion carried by the following vote:

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

- 8.A. [23-0988](#) Resolution Cancelling Taxes - Purchased from Harish and Deepti Sadhwani

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the property purchased by or donated to Indian River County for a public purpose, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)
[Resolution](#)
[Warranty Deed](#)

Approved staff's recommendation and Resolution 2023-067, canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

- 8.B. [23-0951](#) Approval of Updated Statewide Mutual Aid Agreement between Indian River County and the Florida Division of Emergency Management

Recommended Action: Staff recommends approval of the Resolution and updated 2023 Statewide Mutual Aid Agreement between Indian River County and the Florida Division of Emergency Management.

Attachments: [Staff Report](#)
[Mutual Aid Agreement](#)
[Resolution](#)

Approved staff's recommendation and Resolution 2023-068, for adoption of [an updated] Statewide Mutual Aid Agreement. (Indian River County and the Florida Division of Emergency Services).

- 8.C. [23-0963](#) Acceptance and Approval of Expenditures of Emergency Management Program Grant (EMPG) Federally-Funded Subgrant Agreement; Agreement Number: G0440

Recommended Action: Staff recommends approval of the EMPG Federally-Funded Subgrant Agreement (G0440), associated expenditures, and authorization of the Chairman to execute the agreement between Indian River County Emergency Management and the State of Florida, Division of Emergency Management

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

Approved staff's recommendation

- 8.D. [23-0972](#) Second Amendment for Sandridge Golf Club Maintenance

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the Second Amendment to International Golf Maintenance (IGM) agreement and authorize Chairman to sign.

Attachments: [Staff Report](#)
[IGM Agreement](#)
[IGM Request 2022](#)
[IGM Request 2023](#)
[IGM First Amendment](#)
[IGM Second Amendment](#)

Approved staff's recommendation

- 8.E. [23-0975](#) Florida Inland Navigation District Project Agreement for the Environmental Learning Center Dock Replacement Part 2, Project #IR-23-77

Recommended Action: Staff respectfully recommends the Board accept the Project Agreement for Environmental Learning Center Dock Replacement Part 2, Project #IR-23-77, and authorize the Chairman to execute the Agreement after review and approval by the County Attorney.

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

Approved staff's recommendation

- 8.F. [23-0969](#) Revision to AM-503.1 Holiday Schedule (Personal Day)

Recommended Action: Staff respectfully requests the Board of County Commissioners approve staff's recommendation to revise AM-503.1 Holiday Schedule clarifying the Personal Day.

Attachments: [Staff Report](#)
[AM-503.1 Holiday Schedule](#)

Approved staff's recommendation

- 8.G. [23-0986](#) Work Order No. 5 - Morgan & Eklund, Inc., 2024 Beach Profile Monitoring Surveys (WINTER)

Recommended Action: The recommendation of staff is for the BCC to approve Work Order No. 5 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc., in the amount of \$62,978.50 and authorize the Chairman to sign the Work Order on behalf of the County.

Attachments: [Staff Report](#)
[Morgan and Eklund IRC Winter 2024 WO No. 5](#)
[Work Order No. 5 Agreement Execution](#)

Approved staff's recommendation

8.H. [23-0933](#) Designation of Excess Equipment as Surplus and Authorization for Disposal

Recommended Action: Staff recommends the Board declare the items on the Excess List for 10-31-2023 Agenda as surplus, and authorize their disposal

Attachments: [Staff Report](#)
[Excess List](#)

Approved staff's recommendation

8.I. [23-0953](#) Interfund Borrowing Fiscal Year 2022/2023

Recommended Action: Staff recommends approval for interfund borrowing as necessary to cover any cash deficits of individual funds that may occur.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.J. [23-0978](#) Ratification of Increase to Purchase Order 94330

Recommended Action: Staff recommends the Board ratify the increase of Purchase Order 94330 to \$87,700.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.K. [23-0979](#) Award of RFP 2024007 for Banking and Lockbox Services

Recommended Action: Staff recommends the Board approve the final ranking of firms, award the RFP to TD Bank, 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.L. [23-0980](#) Award of Bid 2023046 for Hosie Shumann Park Restroom Construction

Recommended Action: Staff recommends the Board award Bid 2023046 to Jobear Contracting, Inc., approve the agreement, and authorize the Chairman to sign the agreement after receipt and approval of the agreement and the required public construction bond by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager. So long as there are no changes in the dollar amount under the agreement, upon adequate completion of the work set forth in the agreement, staff is directed to make final payment and release any retainage to Jobear Contracting, Inc., after review and approval by the Purchasing Manager and the County Attorney's Office.

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

Approved staff's recommendation

8.M. [23-0981](#) Award of Bid 2023047 for Kiwanis Hobart Park New Restroom and Sewer Connection

Recommended Action: Staff recommends the Board award Bid 2023047 to Close Construction Services, LLC, approve the agreement, and authorize the Chairman to sign the agreement after receipt and approval of the agreement and the required public construction bond by the County Attorney as to form and legal sufficiency, after the Contractor has reactivated its status with the Building Division, and after receipt and approval of the required insurance by the Risk Manager. So long as there are no changes in the dollar amount under the agreement, upon adequate completion of the work set forth in the agreement, staff is directed to make final payment and release any retainage to Close Construction Services, LLC, after review and approval by the Purchasing Manager and the County Attorney's Office.

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

Approved staff's recommendation

8.N. [23-0982](#) Waiver of Requirement for Bids to Procure Road Base Materials

Recommended Action: Staff recommends the Board of County Commissioners waive the requirement for bids and authorize the Purchasing Division to issue purchase orders to the three local mines, as needed, up to the amount approved by the Budget Department.

Attachments: [Staff Report](#)

Commissioner Flescher requested information regarding the waiver of bids for the procurement of road base materials. County Administrator John Titkanich explained there was fluctuation in the availability and price of materials. Staff requested the waiver to save time, and to have the flexibility to purchase materials on an as-needed and available basis. Under discussion with Commissioner Flescher, Administrator Titkanich offered further explanation of the process used to confirm availability and prices with local mines, and assured the process would be fair and equitable.

A motion was made by Commissioner Flescher, seconded by Chairman Earman, 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.O. [23-0990](#) Final Ranking of Firms and Authorization to Negotiate - RFQ 2023061 for Continuing Geotechnical Engineering Consulting Services

Recommended Action: Staff recommends the Board approve the final ranking of firms, and authorize negotiations with the recommended firms, in accordance with FS 287.055.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.P. [23-0993](#) Waiver of Requirement for Bids for Tagmarshal

Recommended Action: Staff recommends the Board waive the requirement for bids, approve the Terms and Conditions, authorize the Chairman to execute the Terms and Conditions document, and authorize the Purchasing Manager to execute any necessary lease documents, after review and approval by the County Attorney as to form and legal sufficiency

Attachments: [Staff Report](#)
 [Tagmarshal Terms and Conditions](#)

Approved staff's recommendation

- 8.Q. [23-0994](#) Final Ranking of Firms and Authorization to Negotiate - RFQ 2023062 for Continuing Architectural Consulting Services

Recommended Action: Staff recommends the Board approve the final ranking of firms, and authorize negotiations with the recommended firms, in accordance with FS 287.055.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.R. [23-0992](#) Award of Bid No. 2024006 and FDOT FM No. 440673-1-58-01 Local Agency Program (LAP) Supplemental Agreement No. 1 and Resolution Authorizing the Chairman's Signature for the Trans-Florida Railway Trail from Fellsmere to West of I-95

Recommended Action: Staff recommends approval of FDOT LAP Supplemental Agreement No. 1 (FM No. 440673-1-58-01) and adopting the Resolution and authorizing the Chairman to sign FDOT LAP Supplemental Agreement No. 1. Staff further recommends the project be awarded to Timothy Rose Contracting, Inc. in the amount of \$1,097,499.00 and recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager. The Federal Highway Administration (FHWA) has issued an updated FHWA 1273, "Required Contract Provisions Federal-Aid Construction Contracts" and this update will be incorporated into the contract documents for the project.

Attachments: [Staff Report](#)
[LAP Supplemental Agreement No. 1](#)
[Authorizing Resolution](#)
[Sample Agreement](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve staff's recommendation and Resolution 2023-069, authorizing the Chairman's execution of Local Agency Program (LAP) Supplemental Agreement No. 1 with the Florida Department of Transportation for Trans-Florida Railway Trail from Fellsmere to west of I-95 Phase 1 & 2. The motion carried by the following vote:

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

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. [23-0943](#)

Consideration of an Ordinance of Indian River County, Florida, Amending the Future Land Use Map of the Comprehensive Plan by Changing the Future Land Use Map Designation for ± 1.65 Acres Located on the East Side of US Highway 1 Between Jackson Street and 132nd Street from M-1, Medium Density Residential (up to 8 Units per Acre) to C/I, Commercial/Industrial-
-LEGISLATIVE

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve the proposed future land use map amendment and change the future land use designation on the subject property from M-1 to C/I.

Attachments: [Staff Report](#)
[Proposed Future Land Use Map](#)
[Existing Future Land Use Map](#)
[Application LUDA](#)
[Ordinance LUDA October 2023 \(SJP\)](#)

Senior Planner Cindy Thurman utilized a PowerPoint presentation to detail the request to amend the Future Land Use Map by changing the zoning of the subject parcels from M-1, Medium Density to C/I, Commercial Industrial. Ms. Thurman noted the change would correct an inconsistency with the existing zoning, and align the properties' usage with the County's Comprehensive Plan. The presentation also showed the purpose, impact to public facilities, consistency, compatibility and impact on environmental quality. It was noted the Planning and Zoning Commission approve the request at their September 28, 2023 meeting.

The Chairman opened the public hearing.

Dwayne Dickerson, attorney with Dunay Miskel Backman, appeared before the Board on behalf of the property owner and supported staff's recommendation.

There being no further comments, the Chairman closed the public hearing.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve staff's recommendation and to adopt Ordinance 2023-015, amending the Future Land Use Map of the Comprehensive Plan by changing the Land Use Map designation for ± 1.65 acres located on the east side US Highway 1 between Jackson Street and 132nd Street from Medium Density (M-1) to Commercial Industrial (C/I), amending the Future Land Use Map and providing codification, 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. [23-0974](#) Consideration of a Land Development Regulation (LDR) Amendment for the Site Plan Review and Approval Procedures for Solar Facilities (LDRA-23-10-01 / 2022020086-95412) LEGISLATIVE

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed solar facilities amendment.

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

Ryan Sweeney, Interim Assistant Planning and Development Services Director, provided an overview of the LDR (Land Development Regulation) Amendment process, and noted the Planning and Zoning Commission (PZC) approved this proposed amendment at their September 28, 2023 meeting. Mr. Sweeney went on to explain that in February 2022, the Board approved an LDR amendment which changed solar facilities to a permitted use rather than a special exception in zones A-1, A-2, and A-3. Due to their size, however, solar facilities still required PZC approval. This proposed amendment would allow approval at the staff level by treating the facilities as minor site plans; comprehensive site plan approval and LDR requirements would still be in effect.

In discussion with the Board, Mr. Sweeney confirmed the change would save staff time, and the requirements exceeded statutory requirements related to solar facilities.

The Chairman opened the public hearing.

Will Sabayrac, Florida Power and Light (FP&L) Solar Project Manager, provided an update of the 66 solar facilities they operated in Florida, including four (4) in Indian River County with two (2) more slated to open in January 2024. Mr. Sabayrac confirmed there were an additional three (3) facilities in development for Indian River County, and noted FPL would be deploying facilities in other counties across the state.

There being no further questions, the Chairman closed the public hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve staff's recommendation and to adopt Ordinance 2023-016, amending Section 914.06 (General Thresholds and Procedures for Site Plan Review and Approval) of Chapter 914 (Site Plan Review and Approval Procedures), of the Code of Indian River County; providing for conflict and severability; providing for codification; 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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

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. [23-0971](#) Update Regarding On-Call and Weekend Hours for Code Enforcement Staff

Recommended Action: This is an informational item only.

Attachments: [Staff Report](#)

Rebeca Guerra, Code Enforcement Chief, used a PowerPoint presentation to update the Board on Code Enforcement's expanded services. She informed there would be an on-call Code Officer evenings and weekends who could be reached at a dedicated phone number. Additionally, she provided that the Board-requested Vacation Rental Code Officer had begun work, and staff would be collecting records of the expanded activity to share with the Board in the future.

Chairman Earman expressed his support of the actions Code Enforcement was taking. The Chairman also asked Andy Sobczak, Planning and Development Services Director, for his thoughts regarding checking contractor licensing on weekends and evenings. Mr. Sobczak informed that this issue was something his department would address after analyzing the results of this recent expansion.

Commissioner Flescher entered into discussion regarding the dedicated phone number which would put residents in contact with a live person, as well as faster responsiveness to messages left outside of the expanded hours. Vice Chairman Adams discussed different scenarios regarding code enforcement violations and how they would be handled.

No Action Taken or Required

12.H.2. [23-0989](#) Stormwater Inspection Fees for Solar Facilities

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed inspection fee for solar facilities and the associated fee resolution.

Attachments: [Staff Report](#)
[Draft Fee Resolution](#)

Andy Sobczak, Planning and Development Services Director, brought forth a request to modify storm water inspection fees for solar facilities. Mr. Sobczak displayed the Public Works fee schedule as he discussed the request by Florida Power and Light (FP&L) to have a second look at the \$1,000 per acre inspection fee for a Major Site Plan Commercial Project. He explained that while solar projects could be hundreds of acres in size, the area of site improvements was more modest and warranted an inspection fee category specific to solar facilities. Mr. Sobczak reported staff's analysis which concluded the \$1,000 per acre fee should be applied "per acre of impervious area" (rather than total area), which was proportional to the level of staff time involved and would adequately cover County costs.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve Resolution 2023-070, establishing a Public Works inspection fee for solar facilities. The motion carried by the following vote:

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

I. Public Works**J. Utilities Services****13. COUNTY ATTORNEY MATTERS****14. COMMISSIONERS MATTERS****A. Commissioner Joseph H. Earman, Chairman****B. Commissioner Susan Adams, Vice Chairman****C. Commissioner Joseph E. Flescher****D. Commissioner Deryl Loar****E. Commissioner Laura Moss**

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

The being no further business, the Chairman adjourned the meeting at 10:37 a.m.