



# 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.ircgov.com](http://www.ircgov.com)

*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**

**Randi Wardlow, Deputy Clerk**

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**Tuesday, August 15, 2023**

**9:00 AM**

**Commission Chambers**

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#### **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**

**Wesley Davis, Property Appraiser**

#### **3. PLEDGE OF ALLEGIANCE**

**John Titkanich, County Administrator**

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

Prior to discussion of the Agenda, Chairman Earman received an update from IT Director Dan Russell regarding the upgraded media equipment in Chambers and in the Emergency Operation Center.

Added: Item 9.C.: Trim Notices

Moved: Item 7.C. to Item 11.C.

Moved: Item 14.B. to Item 9.D.

Deleted: Item 8.A.I.

Deleted: Item 8.A.J.

**A motion was made by Commissioner Moss, seconded by Commissioner Flescher, 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.**

Presentation of Proclamation Designating August 31, 2023 as International Overdose Awareness Day

Carrie Lester, Executive Director, Substance Awareness Center, thanked the Board for bringing attention to the growing number of overdoses due to fentanyl. Ms. Lester invited the community to attend the Opioid Summit held on August 31, 2023, International Overdose Awareness Day. Vero Beach Police Chief David Curry assured the community that prevention and recovery efforts were being taken.

**Read and Presented by Commissioner Loar**

**5.B.** Presentation of Proclamation Recognizing Colonel Marty Zickert

Martin "Marty" Zickert was represented by his son and daughter-in-law as Commissioner Moss read the proclamation in memory of Mr. Zickert, and spoke of his many interests and community contributions including the Blue Angels Air Show and veteran's services. The Commissioners shared their memories of Mr. Zickert's larger-than-life personality and leadership. The Martin J. Zickert Memorial Fund would be established to continue advocating for veterans.

The following people spoke on behalf of Mr. Zickert:

Michael Zickert

Cynthia Ryan, Executive Director, Veterans Council of Indian River County

Carroll Oates, Military Officer's Association of America

Jason Patzer, NextGen Veterans

Stephen Hume, Vice Chairman, Veterans Council of Indian River

Anthony Brown, Indian River County NAACP President

**Read and Presented by Commissioner Moss**

**6. APPROVAL OF MINUTES**

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of June 06, 2023, and June 20, 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.** Regular Meeting of June 06, 2023

**Approved**

**6.B.** Regular Meeting of June 20, 2023

**Approved**

**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** Florida Public Service Commission Consummating Order No. PSC-2023-0197-CO-EQ. Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company, is on file for review in the Office of the Clerk to the Board. (File ID: 23-0650)

**No Action Taken or Required**

**7.B.** Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2022, is on file in the Office of the Clerk to the Board.

**No Action Taken or Required**

7.C. Note: Item 7.C. was moved to be heard as Item 11.C.

**7.D.** Indian River County Venue Event Calendar Review

Chairman Earman encouraged residents to check out the many events at County venues this month.

**No Action Taken or Required**

**7.E.** 2024 Holiday Schedule

Chairman Earman noted the County Holiday Schedule was published.

**No Action Taken or Required**

**7.F.** WeatherSTEM Phase 1 Extension of State-Funded Maintenance Costs

**No Action Taken or Required**

**7.G.** Route 60 Hyundai and The Chiarenza Agency Parks & Recreation Sponsorship

Chairman Earman thanked Route 60 Hyundai and the Chiarenza Agency for their one-year sponsorship of the Parks and Recreation Department in the amount of \$24,000.

**No Action Taken or Required**

**7.H.** Notice of Extension to Contract for Construction of Required Roadway  
Improvements to 8th Street for Hampton Park PD (Re:  
Right-Of-Way Permit No. 2022010843)

**No Action Taken or Required**

**7.I.** Indian River County Draft Lagoon Management Plan Comment Period Update

**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 Item 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.** Checks and Electronic Payments June 30, 2023 to July 6, 2023  
**Approved**
- 8.B.** Checks and Electronic Payments July 7, 2023 to July 13, 2023  
**Approved**
- 8.C.** Checks and Electronic Payments July 14, 2023 to July 20, 2023  
**Approved**
- 8.D.** Checks and Electronic Payments July 21, 2023 to July 27, 2023  
**Approved**
- 8.E.** Checks and Electronic Payments July 28, 2023 to August 3, 2023  
**Approved**
- 8.F.** Approval of Public Official Bond for Constitutional Officer - Ryan L. Butler  
**Approved**
- 8.G.** Agreement between PCP Tactical, LLC and The Board of County Commissioners  
Indian River County Florida  
**Approved staff's recommendation**
- 8.H.** Amendment No.1 to Work Order No. #2 for Carter Associates, Inc. for Design and  
Engineering Services for the Public Access Improvements on Sebastian Harbor  
Preserve Conservation Area.  
**Approved staff's recommendation**
- 8.I.** Florida Inland Navigation District Project Agreement Amendment for #IR-20-69  
(Jones' Pier Museum Exhibits)  
**Approved staff's recommendation**
- 8.J.** Florida Inland Navigation District Project Agreement Amendment for #IR-21-71  
(Environmental Learning Center Dock Replacement)  
**Approved staff's recommendation**
- 8.K.** Approval of Amendment 3 with the Florida Fish & Wildlife Conservation  
Commission (FWC) Contract No 00252  
**Approved staff's recommendation**

- 8.L.** Modification to Subgrant Agreement Between the Division of Emergency Management and Indian River County for the Elevation of the Historic Jones (Contract Number H0566)
- Approved staff's recommendation**
- 8.M.** Award of Bid 2023054 - Hosie Shumann Basketball Court Replacement
- Resident Tom Sullivan requested discussion of this item to express concern over the bids for the basketball court replacement at Hosie Shumann Park. Mr. Sullivan sought to ensure that the bids, which seemed low in his opinion, reflected replacement and not just resurfacing of the courts. County Administrator John Titkanich offered assurance that the specifications called for removal of one court, and installation of two new basketball courts.
- A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve staff's recommendation. The motion carried by the following vote:**
- Aye:** 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss
- 8.N.** Waiver of Requirement for Bids for Vac-Con Hydro-Excavator Truck
- Approved staff's recommendation**
- 8.O.** Second Amendment to Supplemental Building Inspector Services Agreement with M.T. Causley, LLC
- Approved staff's recommendation**
- 8.P.** Second Extension and Amendment to Agreement for Annual Beach Parks Mowing and Grounds Maintenance (Bid #2020036)
- Approved staff's recommendation**
- 8.Q.** Miscellaneous Budget Amendment 07
- Approved staff's recommendation and Resolution 2023-047, amending the Fiscal Year 2022-2023 Budget.**
- 8.R.** Designation of Excess Equipment as Surplus and Authorization for Disposal and Donation
- Approved staff's recommendation**
- 8.S.** Revision to Administrative Policy AM 1000.1 - Claim settlement authority
- Approved staff's recommendation**

- 8.T.** Rejection of Bids for 2023030 - Upper Floridan Aquifer South Well No. 1 Replacement  
**Approved staff's recommendation**
- 8.U.** Authorization to Purchase Replacement Rescue Unit  
**Approved staff's recommendation**
- 8.V.** Final Ranking of Firms and Authorization to Negotiate - RFQ 2023051 for Engineering and Biological Support Services for Sector 4 Dune Renourishment Project  
**Approved staff's recommendation**
- 8.W.** Dish Network Cell Site Lease Amendment  
**Approved staff's recommendation**
- 8.X.** First Amendment to TIGR Acquisitions III, LLC, Easement Agreement  
**Approved staff's recommendation**
- 8.Y.** Consideration of the Indian River County SHIP Program 2023 Annual Report  
**Approved staff's recommendation**
- 8.Z.** GRBK GHO North Beach, LLC's Request for Final Plat Approval for a Subdivision to be known as Seaglass PD [PD-19-12-06 / 2004120424-92471]  
**Approved staff's recommendation**
- 8.AA.** Acceptance and Approval of Expenditures for Emergency Management Preparedness Assistance (EMPA) State-Funded Subgrant Agreement (Agreement # A0370)  
**Approved staff's recommendation**
- 8.AB.** Legal Services - Labor and Employment Matters  
**Approved staff's recommendation**
- 8.AC.** Approval of Blue Medicare Advantage Renewal  
**Approved staff's recommendation**
- 8.AD.** Approval of Renewal of County's Stop Loss Policy with OptumHealth FY23/24  
**Approved staff's recommendation**

- 8.AE.** 66th Avenue from 69th Street to CR-510/85th Street Amendment No. 11 -  
Kimley-Horn & Associates, Inc. (IRC-1505B)  
**Approved staff's recommendation**
- 8.AF.** Amendment No. 1 to Work Order No. 8 Ecological Associates, Inc. HCP Sea  
Turtle Monitoring North and South County  
**Approved staff's recommendation**
- 8.AG.** Approval of Extension to Memorandum of Understanding between Humane Society  
of Vero Beach & Indian River County Florida Inc. and the Indian River County  
Board of County Commissioners  
**Approved staff's recommendation**
- 8.AH.** Request from National Health Transport, Inc. for a Class "B" Certificate of Public  
Convenience and Necessity to Provide Non-Emergency Ambulance Inter-Facility  
transports Originating from Indian River County  
**Approved staff's recommendation**
- 8.AI.** Approval of Resolution Establishing Fair Market Rental Rates for Housing Choice  
Voucher Program  
**Deleted**
- 8.AJ.** Approval of Resolution Establishing Utility Rates for Housing Choice Voucher  
Program for Federal Fiscal Year 2024  
**Deleted**
- 8.AK.** Request to move forward with Voluntary Dismissal of Claim against Suncor Ft.  
Pierce, LLC.  
**Approved staff's recommendation**
- 8.AL.** Resolution Cancelling Taxes - Purchased from Willie James Cobb  
**Approved staff's recommendation and Resolution 2023-048, cancelling certain  
taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.**
- 8.AM.** Contract for Deputy County Attorney Susan Prado  
**Approved staff's recommendation**
- 8.AN.** Approval of Medical Examiners Building Ground Lease  
**Approved staff's recommendation**



**8.AO.** Work Order No. 2 to Bowman Consulting Group, LTD., for West Wabasso Septic to Sewer Phase 3A Construction Phase Services

**Approved staff's recommendation**

**8.AP.** Payment for Replacement of Backflow Device and Installation of Protective Cage at Gifford Youth Achievement Center

**Approved staff's recommendation**

**8.AQ.** Amendment 2 to Kimley-Horn Work Order No.15 - Ixora Park Sewer Rehabilitation

**Approved staff's recommendation**

**8.AR.** Termination of Reclaimed Water Agreement with John's Island Water Management

**Approved staff's recommendation**

**8.AS.** Application for Florida Recreation Development Assistance Program (FRDAP) Grant for West Wabasso Park Playground

**Approved staff's recommendation**

**8.AT.** Indian River County Code Chapter 309, Fair Housing - Annual Report

**No Action Taken or Required**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.** Supervisor of Elections Leslie Rossway Swan re: Approval to Trade In EViD Compact Units for the EViD Edge Model

Supervisor of Elections Leslie R. Swan sought approval to utilize funds to upgrade the electronic poll books to the EVID Edge model which was compatible with ballot-on-demand printers planned for use in the November 7, 2023 Municipal elections. The existing poll books would be traded-in.

**A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to approve the Supervisor of Elections request to upgrade the Department's electronic poll books to the latest model. The motion carried by the following vote:**

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

**9.B.** Indian River County Sheriff Eric Flowers re: FY23 Auction Proceeds

Indian River County Sheriff Eric Flowers sought approval to use net proceeds from the online auction of surplus property in the amount of \$183,653.23 for the purchase of new, like-kind property.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to approve the Sheriff's request to use net proceeds from the auction of surplus property and vehicles to purchase new, like-kind property. The motion carried by the following vote:**

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

**9.C.** Property Appraiser's Office TRIM notice notification

Indian River County Property Appraiser Wesley Davis advised the public that TRIM (Truth in Millage) notices had been mailed, and urged homeowners to review their property values and exemptions for accuracy. He noted the deadline to contact the Property Appraiser's Office for corrections was September 5, 2023. TRIM notices could also be obtained on the website at [ircpa.org](http://ircpa.org).

**No Action Taken or Required**

**9.D.** Oslo Cemetery

Vice Chairman Adams sought the Board's approval for Mr. Ron Meadows to secure burial plots for himself and his immediate family at the Oslo Cemetery. The Vice Chairman explained that policies for the cemetery had not been finalized because a survey still needed to be completed. According to interim policies, Mr. Meadows and his family were entitled to burial rights at Oslo because Mr. Meadows' twin brother was buried there, qualifying them as a pioneer family.

County Attorney Bill DeBaal referred Mr. Meadows to Deputy County Attorney Susan Prado for assistance.

Mr. Meadows spoke before the Board in support of his request. He also requested the placement of plot markers to define the family's space and to prevent inadvertent usage of the plots.

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve creation of an interim policy regarding the Oslo Cemetery to allow Mr. Ron Meadows to secure six (6) burial plots for him and his family, including the addition of corner markers to designate his family's plots. 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**

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

**10.A.1.** Public Hearing to Adopt SWDD Rate Resolution 2023-001 (Legislative)

Director of Utility Services Sean Lieske presented the Resolution to memorialize new Solid Waste Disposal District rates which had been previously approved by the Board at the April 4, 2023 meeting. Mr. Lieske noted the Resolution also included rates for crushed concrete.

The Chairman opened the public hearing for comments. There being none, the Chairman closed the public hearing.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve staff's recommendation and SWDD Resolution 2023-001, modifying the schedule of Waste Generation Units and the Schedule of Rates and Fees of the Solid Waste Disposal District of Indian River County, Florida. 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.** Public Discussion Request from SCLCIRC-GEMPO, M. Wright re: The Gentrification of Gifford

Speaker not present

**No Action Taken or Required**

**10.B.2.** Public Discussion Request from SCLCIRC-GEMPO, D. Jennings re: The Gentrification of Gifford

Speaker not present

**No Action Taken or Required**

**10.B.3.** Public Discussion Request from SCLCIRC-GEMPO, W. Crawford re: The Gentrification of Gifford

*[Note: Terry Booty, President, Urban Farmer's Inc., spoke in place of M. Wright]*

Terry Booty spoke on behalf of the SCLC (Southern Christian Leadership Conference) to help create opportunities for people of color in this region through affordable housing. In conjunction with subsidized housing, Mr. Booty discussed the importance of allowing people to participate in the economic cycle to ensure a better future. He appealed to the Board to take a closer look at procurement standards for those entities receiving SHIP (State Housing Initiatives Partnership) funds, and requested inclusion for local residents with jobs that would help provide a bridge to success.

**No Action Taken or Required**

**10.B.4.** Public Discussion Request from SCLCIRC-GEMPO, E. Holmes re: The Gentrification of Gifford

Edward Holmes discussed the available pool of skilled labor in the Gifford community, where several construction projects were planned, and advocated for providing jobs to local construction tradespeople. He noted the disparity in income between Gifford and the rest of affluent Indian River County, and requested inclusion and support from the Board by providing job opportunities for the betterment of its residents.

**No Action Taken or Required**

**10.B.5.** Public Discussion Request from SCLCIRC-GEMPO, A. Stewart re: The Gentrification of Gifford

Anthony Stewart provided packets of information to the Board regarding his discussion of the gentrification of Gifford. Mr. Stewart referenced the book, *The Injustice of Place*, as he talked about the history of neglect, crime, and poverty in Gifford, and the connection to the upcoming redevelopment. Mr. Stewart mentioned the example of Vero Village, a community planned to be built in Gifford, which set aside less than 1/3 of the units as affordable housing, and would not provide jobs to local residents. He advocated for providing more job opportunities to help residents help themselves out of poverty.

**No Action Taken or Required**

**10.B.6.**

Public Discussion Request from SCLCIRC-GEMPO, J.B. Jennings re: The Gentrification of Gifford

J. Blayne Jennings appeared before the Board to discuss an affordable housing project planned for construction in Gifford. He requested the Board consider hiring local residents to construct the housing project in order to support the community by providing jobs.

**No Action Taken or Required**

**10.B.7.**

Public Discussion Request from Miss B's Learning Bees re: Fees for Renting iG Center

Mrs. B's Learning Bees CEO Latoya Bullard recounted the growth of the Mrs. B's program (the Program), which provided after school tutoring for underserved children in the County. She informed that her organization had been paying \$35,000 per year to rent rooms at the County's iG Center, and with their recent expansion, the cost to use the iG Center had increased to \$50,000 per year. She requested the Board's assistance with the fee increase.

Sara Smith, volunteer with Mrs.B's Learning Bees, advocated for the Program's results and requested the board's assistance on the program's behalf.

Chairman Earman suggested Director of Parks and Recreation Beth Powell may be able to assist. Deputy County Administrator Mike Zito informed the Board that the Program was already the recipient of a 25% non-profit agency discount, as well as an extra Board-approved 25% discount.

Vice Chairman Adams discussed the standing policy that public discussion items were not actionable, and if a Commissioner wished to bring the item back before the Board they could.

**No Action Taken or Required**

The Chairman called a recess at 10:50 a.m., and reconvened the meeting at 11:00 a.m., with all members present.

**10.B.8.** Public Discussion Request from Dr. Miles Conway, President of the South Beach Property Owners Inc. re: State of Florida Proposed Legislation to Preempt to the State Indian River County Authority to Regulate Rentals

Dr. Miles Conway, President, South Beach Property Owners, Inc. (SBPO), appeared before the Board to discuss the rules regarding short term rentals in the County. Mr. Conway warned that planned fees and restrictions on short-term rentals would nullify the protection of home-rule and would cause the County to have their ability to regulate the industry removed. He requested the Board orchestrate a lobbying effort, led by Commissioner Loar, to avoid preemption and preserve home rule.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**10.C.1.** Public Notice of Public Hearing for August 29, 2023, to Consider an Ordinance Concerning Fines For Vacation Rental Violations

County Administrator John Titkanich requested withdrawal of the Ordinance in light of the proposed State legislature bill which threatened to preempt home rule and limit County regulations regarding short-term rentals. Chairman Earman agreed the matter deserved further consideration in light of the legislative climate.

Administrator Titkanich discussed the existing fee schedule and posited there may be room to enhance fees without resorting to enhanced fines as described in the Ordinance. County Attorney Bill DeBaal expressed his support for a wait-and-see approach with regard to the legislature. Commissioner Flescher noted the County's policies have brought additional scrutiny, and the County should be prepared to defend home rule.

Dr. Miles Conway suggested following the rules in place to revoke licenses as a means of censure against rentals which violated County regulations. The Board and staff discussed the pros and cons of this process.

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the deletion of the Public Hearing from the August 29, 2023 Agenda, and to approve tabling the Ordinance. The motion carried by the following vote:**

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

- 10.C.2.** Public Notice of Public Hearing for August 29, 2023, to Consider an Ordinance Imposing An Additional Cent of Tourist Development Taxes and Reallocating the Authorized Uses of Tourist Development Tax Revenue

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

**No Action Taken or Required**

## **11. COUNTY ADMINISTRATOR MATTERS**

- 11.A.** First Amendment to the Collective Bargaining Agreement between Indian River County and Teamsters, Local Union No. 769 - FY23/24 General Wage Increase  
County Administrator John Titkanich reviewed details of the First Amendment to the Collective Bargaining Agreement between the County and Teamsters Local Union No. 769. He requested the Board's approval of the negotiated wage increase.

**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

**11.B.** Memorandum of Agreement between Indian River County/Indian River County Emergency Services District and IAFF, Local Union No. 2201 - FY2023/24 Providing General Wage Increase and Returning to Average Pay

County Administrator John Titkanich reviewed details of the Memorandum of Agreement between the Indian River County Emergency Services District and IAFF, Local Union No. 2201. He requested the Board's approval of the negotiated wage increase, and returning to providing an average biweekly wage.

Commissioner Loar received clarification from Administrator Titkanich regarding the variable pay rate which was dependent upon the number of Kelly days (additional days off).

Deputy County Administrator Mike Zito thanked staff for their assistance and noted the paperwork included in the backup did not have a signature block for the Chairman; it would be added before final execution of the document.

Christen Brewer, Union President, and Emergency Services District Director David Johnson thanked the Board for their support.

Chairman Earman thanked staff on both sides of the negotiating table for smoothly reaching an agreement.

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

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

**11.C.** 3rd Quarter FY 2022/2023 Budget Report

*[Clerk's note: This Item was heard following Item 12.G1.]*

County Administrator John Titkanich sought to inform the Board of trends reflected in the quarterly budget report. He noted that while general fund revenue was up, there were important declines in traffic impact fees, building department revenues, and housing starts. These statistics aligned with economic forecasts for slowdowns in growth, and Administrator Titkanich wanted the Board and the public to be aware.

Commissioner Loar echoed the Administrator's words, and noted the same warning was discussed during the County's Budget Workshop meeting on July 12, 2023.

**No Action Taken or Required**



**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**

**12.G.1.**

## CR-510 FDOT Widening Concept - Possible Closure of Existing Old Dixie Railway Crossing

Public Works Director Richard Szyrka appeared before the Board to discuss a Project Development and Environmental (PD&E) study the Florida Department of Transportation (FDOT) was conducting as part of the plan to widen CR-510 to four lanes from 58th Avenue to east of US-1. At issue was the Florida East Coast (FEC) railroad crossing at CR-510 and US-1 and FEC's policy that when lanes are added to a crossing, those lanes must be compensated for by closing another crossing in the general area.

The FDOT suggested closing a nearby crossing where the FEC railroad crossed Old Dixie Highway in order to compensate for the CR-510 widening, as shown in presented photographs. Mr. Szyrka showed that Old Dixie Highway south of the railway crossing was narrow and in disrepair. Staff sought direction from the Board on the possibility of closing this railway crossing.

Commissioner Loar was informed by Mr. Szyrka that the County could give up their rights to FEC and the FEC would close the crossing; similar compensations had been made previously. In response to Commissioner Flescher, Mr. Szyrka suggested the closure would benefit area development because the County gained an expanded intersection at CR-510 and US-1 in exchange for closing the south segment of Old Dixie Highway, which was unsuitable for heavy traffic. He mentioned unresolved negotiations with the Spirit of Sebastian Development, which wanted full access to that stretch of Old Dixie Highway, and the County which maintained safety concerns.

Mr. Szyrka also noted there were limited crossings available to satisfy the FEC's rule, and closing this low volume road segment would impact the County the least. Commissioner Moss was informed this stretch of Old Dixie Highway was not on the County's CIE list for widening. County Administrator Titkanich discussed the details of road closure procedures with Mr. Szyrka.

Karen Mechling, representing the developers of the Spirit of Sebastian, stated the developer would like to be part of the process in deciding the future of Old Dixie Highway moving forward.

Brian Benton, Sebastian Interim City Manager, supported the closure and sought to ensure the City was kept in the loop regarding future development.

Joseph Paladin, President, Black Swan Consulting, expressed support for the County's recommendation.

**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

**H. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**

**14. COMMISSIONERS MATTERS**

**A. Commissioner Joseph H. Earman, Chairman**

**B. Commissioner Susan Adams, Vice Chairman**

Note: Item 14.B. was moved to be heard as Item 9.D.

**C. Commissioner Joseph E. Flescher**

**D. Commissioner Deryl Loar**

**E. Commissioner Laura Moss**

**15. SPECIAL DISTRICTS AND BOARDS**

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

**A. Emergency Services District**

**B. Solid Waste Disposal District**

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Meeting Minutes of June 6, 2023, and June 20, 2023 as written. The motion carried by the following vote:**

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

**15.B.1.** Approval of the Solid Waste Disposal District Meeting Minutes of July 06, 2023  
**Approved**

**15.B.2.** Approval of the Solid Waste Disposal District Meeting Minutes of June 20, 2023  
**Approved**

**15.B.3.**

Agreement with Kessler Consulting for Landfill and Customer Convenience Centers Procurement Assistance and Contract Extension Request with Republic Services

Director of Utility Services Sean Lieske presented the Board with two items related to the maintenance and operation (O&M) agreement with Republic Services of Florida for the County's landfill and landfill gas system. The first was regarding a sample agreement with Kessler Consulting, Inc. (KCI) for their assistance in the procurement process for landfill O&M. Mr. Lieske noted that the County was currently contracted with Republic Services of Florida (Republic) through December 31, 2024. Staff looked to start the procurement process early to allow for any changes.

The second item, Mr. Lieske informed, was a request to enter into an agreement with Republic to extend their contract by nine months to September 30, 2025, with a 7% rate increase for those months; this would align the contract with the County's fiscal year-end.

Fulton Smith, General Manager, Republic Services, was present should the Board have any questions.

**A motion was made by Commissioner Loar, 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

**15.B.4.**

Renewal with Tiger Inc for Sale and Purchase of Natural Gas

Director of Utility Services Sean Lieske presented a contract extension with Tiger, Inc. for the sale and purchase of natural gas utilized by the Indian River Sustainability Center, LLC for the leachate evaporation project. Mr. Lieske explained the County had hoped to utilize the natural gas produced by the landfill, however, that process was still being improved to reach required output. The contract would extend the agreement seven months to February 29, 2024, at an estimated cost of \$45,000 per month.

Commissioner Loar received information regarding the variability in natural gas costs, as Mr. Lieske noted the price would be fixed to the market rate at the time of contract execution.

**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

**15.B.5.**

Amendment No. 4 to Sitecrafters of Florida

Utility Services Director Sean Lieske presented Amendment No. 4 to the Agreement with Sitecrafters of Florida, a contractor who crushes concrete on-site at the landfill. Mr. Lieske informed the Solid Waste Disposal District (SWDD) was looking into potentially selling the crushed concrete to the open market.

**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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:06 p.m.