

Indian River County, Florida

*Indian River County Administration Complex
1801 27th Street
Vero Beach, Florida 32960
indianriver.gov*



Meeting Minutes - Final

Tuesday, November 5, 2024

9:00 AM

Commission Chambers

Board of County Commissioners

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

John A. Titkanich, Jr., County Administrator
Jennifer W. Shuler, County Attorney
Ryan L. Butler, Clerk of the Circuit Court and Comptroller

1. CALL TO ORDER

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

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

2.B. INVOCATION

Commissioner Loar

3. PLEDGE OF ALLEGIANCE

Jennifer Shuler, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. [24-0894](#) Presentation of Proclamation Dedicating November 17th-23rd As National Apprenticeship Week

Recommended Action: Recommend Read & Present

Attachments: [Proclamation](#)

Colleen Gill, the Apprenticeship Navigator for Career Source Treasure Coast, was accompanied by Brian Bower, the CEO. She expressed gratitude to the Board for acknowledging National Apprenticeship Week. The apprenticeship program connects employers with job seekers, offering free on-the-job training. This initiative helps reduce turnover rates, increases productivity, lowers recruitment costs, and ensures safety at job sites.

Read and Presented By Chairman Adams

5.B. Presentation of Proclamation Recognizing November 11, 2024, as Veterans Day.

Lance Lunceford, President of the Indian River County Taxpayers Association, was accompanied by Veterans Council Board members Captain Philip Wolf and Tracey Zudans. Mr. Lunceford thanked the Board for their time and willingness to include this

Proclamation on the agenda.

Captain Wolf emphasized that Florida's Veterans Council (Council) was unique. In partnership with the Veterans Administration (VA) and the Veterans Services Organization (VSO), it offered daily assistance and counseling to veterans in need and transportation to appointments. In Indian River County, 177,000 veterans benefit from collaborative partnerships essential to the Council's mission.

Ms. Zudans thanked the Board for the Proclamation.

Community Services Director Cindy Emerson highlighted the Veterans Council's achievements over the past year, including a 40% increase in forms prepared for the VA and a 10% rise in appeals submitted. Through the reorganization and walk-in support on Wednesdays and Thursdays, the Council now served 17% more clients, with an overall wait time for inquiries reduced to 35 days. In support of Veterans, the Council was participating in Operation Greenlight by turning the lights green and encouraging all civilians to participate.

Read and presented by Commissioner Moss

6. APPROVAL OF MINUTES

6.A. [24-0895](#) Regular Meeting Minutes of August 20, 2024

Recommended Action: Approve

Attachments: [08202024 BCC Draft](#)

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Regular Meeting Minutes of August 20, 2024. The motion carried by the following vote:

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

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

7.A. [24-0872](#) 4th Quarter FY 2023/2024 Budget Report

Recommended Action: No Action Required

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

No Action Taken or Required

7.B. [24-0874](#) Residential Paper Shredding Event on November 16, 2024

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the Fall

Residential Paper Shredding Event to be held on November 16, 2024

Attachments: [Staff Report](#)
[Contract MOU with Waste Management, Inc. of Florida](#)

No Action Taken or Required

7.C. [24-0875](#) SWDD Closures and Collection Service Changes for Thanksgiving

Recommended Action: No action required - for informational purposes only

Attachments: [Staff Report](#)
[Thanksgiving Day garbage pick up 2024](#)

No Action Taken or Required

7.D. [24-0882](#) Operation Green Light

Recommended Action: Information Item Not Requiring Board Action

Attachments: [Operation Green Light Overview 2024](#)

No Action Taken or Required

7.E. [24-0903](#) Children's Services Advisory Committee - District 1 Appointee Seat

Recommended Action: Informational Only.

Attachments: [Commissioners Memo](#)
[Resume](#)

No Action Taken or Required

8. CONSENT AGENDA

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

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

8.A. [24-0838](#) Checks and Electronic Payments September 21, 2024 to September 27, 2024

Recommended Action: Approve the list of checks and electronic payments for the time period of September 21, 2024 to September 27, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.B. [24-0851](#) Checks and Electronic Payments September 28, 2024 to October 4, 2024

Recommended Action: Approve the list of checks and electronic payments issued for the time period of September 28, 2024 to October 4, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.C. [24-0858](#) Checks and Electronic Payments October 5, 2024 to October 11, 2024

Recommended Action: Approve the list of checks and electronic payments issued for the time period of October 5, 2024 to October 11, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.D. [24-0870](#) Checks and Electronic Payments October 12, 2024 to October 18, 2024

Recommended Action: Approve the list of checks and electronic payments issued for the time period of October 12, 2024 to October 18, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.E. [24-0841](#) Change Order #1 Bid 2023054 - Hosie Shumann Basketball Court Replacement

Recommended Action: Staff recommends the Board approve Change Order #1 authorizing the additional work to Sport Surfaces, LLC in the amount of \$6,750.00, for a new contract total of \$70,250.00, and authorize the Chairman to execute it, after review and approval by the county attorney as to form and legal sufficiency, and authorize staff to make final payment for the project.

Attachments: [Staff Report](#)
[Change Order 01](#)

Approved staff's recommendation

8.F. [24-0853](#) Miscellaneous Budget Amendment 08

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2023-24 budget.

Attachments: [Staff Report](#)
[Budget Resolution](#)
[Exhibit "A"](#)

Approved staff's recommendation and Resolution 2024-065, amending the Fiscal Year 2023-2024 budget.

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

8.G. [24-0854](#) Interfund Borrowing - Fiscal Year 2023/2024

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.H. [24-0867](#) Designation of Excess Equipment as Surplus and Authorization for Disposal

Recommended Action: Staff recommends the Board declare the items on the Excess List for 110524 Agenda as surplus and authorize their disposal.

Attachments: [Staff Report](#)
[Excess List for 110524](#)

Approved staff's recommendation

8.I. [24-0868](#) First Extension to Agreements for Annual Asphalt Paving & Resurfacing Services (Bid 2024011)

Recommended Action: Staff recommends the Board approve the first extension to the agreements with M&M Asphalt Maintenance, Inc., dba All County Paving and Ranger Construction Industries, Inc. and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency.

Attachments: [Staff Report](#)
[First Extension - M&M](#)
[First Extension - Ranger](#)

Approved staff's recommendation

8.J. [24-0871](#) Waiver of Requirement for Bids for Annual Physical Exams

Recommended Action: Staff recommends the Board waive the requirement for bids and authorize the

Purchasing Division to issue a purchase order in the amount of \$ 220,898.00 to Life Extension Clinics, Inc., DBA Life Scan Wellness Centers.

Attachments: [Staff Report](#)
[LifeScan Quote](#)

Approved staff's recommendation

8.K. [24-0901](#) Approval for Advance Purchase of Fire Rescue Apparatus

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Purchase Order in the amount of \$1,800,000.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.L. [24-0900](#) Stonehill Innovation Contract Extension

Recommended Action: Staff recommends the Board authorize the County Administrator to extend this contract with the provided option of 90 days to assist in the transition from Stonehill's engagement to our new Director of Information Technology.

Attachments: [Staff Report](#)
[Email from Stonehill Innovation](#)

Approved staff's recommendation

8.M. [24-0887](#) Approval of Amendment No. 4 - FDEP Grant Agreement No. S0839 for Construction of an Oyster Reef Along Foot Island in the Indian River Lagoon

Recommended Action: Approve Amendment No. 4 to FDEP Grant Agreement No. S0839 and authorize the Chairman to execute it on behalf of the County.

Attachments: [Staff Report](#)
[S0839 Amendment No. 4](#)
[S0839-IRC Oyster Bed Project](#)

Approved staff's recommendation

8.N. [24-0880](#) Florida Inland Navigation District Grant Agreement for the Wabasso Causeway Park Improvements Phase 1

Recommended Action: Staff respectfully recommends that the Board of County Commissioners accept the

Florida Inland Navigation District Waterways Assistance Program grant for “Wabasso Causeway Park Improvements Phase 1,” and authorize the Chairman to execute the Agreement between the Florida Inland Navigation District and Indian River County after review and approval by the County Attorney.

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

Approved staff's recommendation

- 8.O.** [24-0881](#) Grant Agreement for the Florida Recreation Development Assistance Program (FRDAP) Grant for West Wabasso Park Playground Replacement

Recommended Action: Staff respectfully recommends that the Board of County Commissioners accept the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program Grant for the West Wabasso Park Playground Replacement and authorize the Chairman to execute the Agreement between the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program and Indian River County after review and approval by the County Attorney.

Attachments: [Staff Report](#)
[West Wabasso FRDAP Agmt](#)
[West Wabasso Grant Form](#)

Approved staff's recommendation

- 8.P.** [24-0893](#) Approval of Work Order for Exploratory and Remedial Work for Floridan (Artesian) Well and Repairs at North County Aquatic Center

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve funding for investigative and remedial work to be performed on the well at North County Aquatic Center not to exceed \$224,371.

Attachments: [Staff Report](#)
[Exhibit A - Proposal](#)

Approved staff's recommendation

- 8.Q.** [24-0896](#) Intergenerational Recreation Center/Dick Bird Park Improvements (AKA South County Regional Park Improvements) Bid Number 2025011

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve funding

in the amount of \$342,722.50 to complete the Intergenerational Recreation Center/Dick Bird Park Improvements (AKA South County Regional Park Improvements). Staff also recommends the Board award bid 2025011 to GRSC, Inc., approve the Agreement, and authorize the Chairman to execute it, after review and approval of the agreement and required public construction bond by the County Attorney as to form and legal sufficiency, and after GRSC has reactivated its registration with the Building Division.

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

Approved staff's recommendation

- 8.R.** [24-0850](#) D.R. Horton's Request for Final Plat Approval for Orchid Reserve Villas
[SD-22-05-02 / 2004050460-96125]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Orchid Reserve Villas.

Attachments: [Staff Report](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation

- 8.S.** [24-0859](#) Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Section 5311 Grant

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Grant Agreement and adopt the resolution authorizing the Chairman to sign the agreement.

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[FDOT PTGA](#)
[Grant Budget Form](#)

Approved staff's recommendation and Resolution 2024-066, authorizing the execution of a Public Transportation Grant Agreement amendment with the Florida Department of Transportation.

- 8.T.** [24-0869](#) Release of Retainage and Change Order No. 2, Indian River County Tax Collector Floor Replacement (IRC-2411)

Recommended Action: Staff recommends approval of Change Order No. 2 and payment of Contractor's Application Payment No. 2411-2 to Jim's Complete Construction, LLC in the amount of \$4,120.28 for release of retainage.

Attachments: [Staff Report](#)
[Contractor's Application for Payment No. 2411-2](#)
[Change Order No. 2](#)

Approved staff's recommendation

- 8.U.** [24-0886](#) Approval of Florida Department of Environmental Protection Grant Agreements LG010 for Hobart Landing and LG011 for Orchid Island Estates Septic-to-Sewer Projects, IRCDUS Project ID's 21.24.507 (Orchid Island Estates) and 21.24.508 (Hobart Landing)

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners approve agreements with Florida Department of Environmental Protection, LG010 for \$9,900,000.00 for Orchid Island Estates Septic-to-Sewer project (\$7,425,000.00, or 75%, grant funds with \$2,475,000.00, or 25%, local match funds), and LG011 for \$4,400,000.00 for Hobart Landing Septic-to-Sewer project (\$3,300,000.00, or 75%, grant funds with \$1,100,000.00, or 25%, local match funds) and authorize the Chairman to sign both agreements after review and approval by the County Attorney as to form and legal sufficiency

Attachments: [Staff Report](#)
[FDEP Agreement LG011 \(Orchid Island\)](#)
[FDEP Agreement LG010 \(Hobart Landing\)](#)
[Grant Form for Orchid Island Estates S2S Project](#)
[Grant Form for Hobart Landing S2S Project](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.** [24-0904](#) Amended - IRC DATF Award Application

Recommended Action: Discussion

Attachments: [Memo - DATF Grant Application](#)

County Administrator John Titkanich presented the request from the 19th Judicial Circuit Court for the Board to approve funds of \$50,000 to assist the problem-solving courts in offsetting costs associated with participant program requirements. Transportation Services was not initially included in their list. The Court was not asking for additional services or extra funds; only to include transportation as part of the wraparound services to address the challenges faced by those needing these services.

There was no further discussion on this item.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the use of the previously approved amount of up to \$50,000 and to include transportation services for fiscal year 2024/2025. The motion carried by the following vote:

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

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

10.B.1. [24-0905](#) Request to Speak from Bill Rigby re: Protest of the RFP - Waste Hauler Contract

Recommended Action: No action required

Attachments: [Request to Speak B. Rigby 11.5.24](#)

Bill and Ardra Rigby addressed the Board about the Indian River County's procurement process regarding the recycling collection services contract. Bill Rigby protested the renewal of the Waste Management contract held by one company for over 20 years, citing concerns about transparency and compliance with laws. He stated that renewing the contract without including minority-owned and disabled veteran-owned businesses violated federal and state laws, explicitly mentioning the Florida Small Business Assistance Act, which required promoting these businesses in public contracts.

Chairman Adams addressed Bill and Ardra Rigby and noted this was the second meeting since Bill Rigby had mentioned making a public records request, which he had not done yet. She reminded them that staff had shared the County's grant compliance checklist with them months ago and encouraged them to work with staff to clarify questions and resolve issues.

Bill Rigby stated they had not received all requested documents and he was unaware the Interlocal Agreement had been canceled. He inquired about the minutes explaining the guidelines for the agreement, which the County Commissioners and legal counsel claimed to have provided but he claimed they do not have. Bill Rigby again requested the minutes from the 1992 interlocal agreement and the related grants, particularly the sections on recyclable materials for residential garbage, commercial waste, and gas. Chairman Adams stated that it was her understanding the County did not use a grant for recycling.

Solid Waste Disposal District Director Himanshu Mehta confirmed that when the County sought interlocal agreements with municipalities, there was discussion about potential grant opportunities. However, the County had not applied for or received any grants from these programs for recycling services.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. [24-0888](#) American Rescue Plan Act of 2021 - Proposed Spending Plan Revisions

Recommended Action: Staff recommends that the Board consider the proposed spending plan (see attachment) as further detailed above totaling \$31,063,168, consider any changes, and approve the attached plan with any amendments as needed. Staff further proposes that any unencumbered funds in the proposed categories remaining as of December 1, 2024 be reallocated to Reduction in Revenues/Road Resurfacing and Restriping category in order to ensure all funds are encumbered by the December 31, 2024 deadline.

Attachments: [Staff Report](#)
[ARP Proposed Spending Plan](#)

County Administrator John Titkanich stated that the American Rescue Plan Act (ARP) of 2021 required that all funds be obligated or encumbered by December 31, 2024. He noted that the Office of Management and Budget staff had evaluated the ability to handle any remaining, unallocated funds. Staff proposed reallocating the remaining balance of the \$31,063,168 to cover other eligible expenses, ensuring compliance with federal regulations and procurement processes, which had already been followed for repaving and restriping projects. Mr. Titkanich recommended allocating the unspent funds of \$2,424,047 toward repaving and restriping. He also asked the Board to consider the proposed spending plan detailed in the memo dated October 23, 2024.

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

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

11.B. [24-0898](#) Proposed Commission Meeting Dates for CY 2025

Recommended Action: Staff recommends approval of the proposed dates listed for the 2025 Board of County Commissioners meetings, contingent on approval of the code change

approval.

Attachments: [Staff Report Meeting Dates](#)

County Administrator John Titkanich referred to staff's memo regarding the proposed Commission meeting dates for the calendar year 2025. He noted that the proposed schedule indicated that meetings on January 28th, February 25th, and March 25th would take place on the last Tuesday of each month. For this to happen, the proposed meeting schedule required the approval of an amendment to the Indian River County Code of Ordinances, Section 102.01(1). The proposed calendar was contingent upon the amendment of the Code.

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

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

12. DEPARTMENTAL MATTERS

A. Community Services

B. Emergency Services

C. Human Resources

D. Information Technology

E. Natural Resources

12.E.1. [24-0892](#) Coastal Construction Access Policies

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners adopt the attached policy titled "Private Use of County Property for Non-Emergency Coastal Construction Access" upon concurrence by the County Attorney and establishes the BOCC as the authority to approve or deny requests under this policy. Staff recommends that the Indian River County Board of County Commissioners adopt the attached policy titled "Private Use of County Property for Emergency Coastal Construction Access" and establishes the County Administrator as the authority to approve or deny requests under this policy, and upon concurrence from the County Attorney, sign and execute license agreements pertaining to this policy. Staff recommends that the Indian River County Board of County Commissioners adopt the attached resolution setting the fees in Exhibit A upon concurrence by the County Attorney.

Attachments: [Staff Report](#)
[Non Emergency Construction Access](#)
[Emergency Construction Acces](#)
[Draft Resolution](#)
[Exhibit A](#)

Natural Resources Director Kylie Yanchula utilized a PowerPoint presentation to present the Coastal Construction Access Policies to the Board. She gave a brief history, stating that on January 31, 2023, the Board approved emergency beach access agreements for dune renourishment projects following Hurricanes Ian and Nicole, which caused significant coastal erosion. Eleven agreements were executed for property owners to access County land for their renourishment efforts. On March 5, 2024, the Board considered a late request to close Tracking Station Beach for private construction, but ultimately denied it due to insufficient information and timing. The Board directed staff to create a policy for handling similar requests in the future. Two policy documents were created, one for Non-emergency Coastal Construction Access and another for Emergency Access. Both outline eligibility criteria, application processes, fees, and inspection procedures and included a draft license agreement. The policies were presented to the Beach & Shores Advisory Committee on October 7, 2024, and all feedback was considered and incorporated into the drafts. In her presentation, she reviewed the eligibility criteria for non-emergency and emergency access, the approval process, and use fees.

The Board and staff discussed the particulars of each policy. Commissioner Earman took issue with County Parks being closed to the public for private construction. Under discussion, it was stated that it was the property owner's responsibility to find a way to transport the sand from point A to point B. There was concern that the County would face criticism for the idea of closing a County Park to facilitate private beach renourishment on private property.

Parks, Recreation & Conservation Director Beth Powell responded to Commissioner Earman that, to her knowledge, the County had not granted any authorization outside of Emergency Restoration due to the lack of an established process. She questioned whether previously authorized projects would meet the current parameters, as no formal process existed at that time.

Ms. Yanchula pointed out that the policy explicitly stated that permission granting the use of a County Park; does not allow access through any private property between their property and the park. Therefore, property owners must plan their route during low tide to travel through that area.

County Attorney Jennifer Shula stated that to be eligible for the policy, the property owner must demonstrate that they have no practical access to complete their construction project. This policy defined "practical access" as to clarify that financial disadvantage or inconvenience to the owner would not qualify as a valid reason for eligibility. The property owner must prove they cannot proceed with the project without utilizing County parks. Furthermore, the Board might consider specifying that individuals were not eligible if they had created their own lack of access by refusing to grant an easement. This could be an important factor for the Board to consider when determining eligibility.

Discussions continued between the Board and staff regarding the distinction between an emergency and a non-emergency with the project. To respond to significant coastal erosion caused by storms, staff would assess the risks to nearby buildings and infrastructure. If erosion put infrastructure at risk, a disaster declaration would be made. This would activate emergency access for coastal construction immediately after the declaration. After each storm, staff would check the coastline to see how much erosion occurred. This would separate emergency situations from non-emergency situations. During non-emergency times, staff would only close one public beach at a time to reduce disruption to the community.

The discussion turned to concern about sea turtle nesting, and that beach renourishment should not occur during the nesting season. However, current policies allow homeowners to perform work during that time, creating a double standard. It was mentioned that in such cases, an emergency field order may be issued with guidelines stating that projects must not harm hard-bottom or coral reef communities, seagrass habitats, or existing marine turtle nesting areas. Additionally, the work must not contribute to the erosion of nearby properties, emphasizing the importance of protecting these species.

Ms. Powell stated that the current policy was well constructed, she thanked the efforts of the Natural Resources and Coastal teams and thorough attorney reviews. However, if legally possible, the Board may need to consider requiring easements for public benefits.

Commissioner Earman requested that the Board make separate motions for each policy.

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

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

Nay: 1 - Commissioner Earman

A motion was made by Commissioner Moss, seconded by Chairman Adams, to approve staff's recommendation for the Non-Emergency Coastal Construction Access policy. The motion carried by the following vote:

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

Nay: 1 - Commissioner Earman

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve Resolution 2024-067, establishing fee schedule for private use of County property for non-emergency and emergency coastal construction access. The motion carried by the following vote:

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

The Chairman called for a recess at 10:41 am and reconvened the meeting at 10:46 with all members present.

F. Office of Management and Budget

G. Parks, Recreation, and Conservation

12.G.1. [24-0857](#) Approval to Record a Restrictive Covenant Declaring Jones' Pier Bungalow Federal Hazard Mitigation Assistance and Perpetual Maintenance of Flood Insurance

Recommended Action: Staff respectfully requests approval to record a restrictive Covenant Declaring Jones' Pier Bungalow Federal Hazard Mitigation Assistance and Perpetual Maintenance of Flood Insurance.

Attachments: [Staff Report](#)
[RESTRICTIVE COVENANT \(Jones Pier\)](#)
[EXHIBIT A \(Jones Pier Covenant\)](#)

Parks, Recreation & Conservation Director Beth Powell utilized a PowerPoint presentation to shine a spotlight on the historic Jones Pier Conservation Area. It was important to recognize staff and partners who had worked hard over the many years to ensure that a piece of the County's precious history was preserved.

The Jones Pier House, built in the early 1900s by a pioneering family on Barrier Island, that was severely flooded during Hurricane Matthew. Additionally, parts of the historic Jungle Trail were washed out due to the flooding and damage caused by the storm. The County was in the process of renovating the bungalow into an Interpretive Center to highlight the history of the Jungle Trail and the Jones family, as required by the Florida Communities Trust.

After the hurricane, the County applied for a Hazard Mitigation grant from the Florida Department of Emergency Management (FDEM) to raise and strengthen the building. In June 2021, FDEM awarded \$78,981. On November 2022, the Board approved a Job Order Contract (JOC) for \$460,629.70, which was completed in January 2023. FDEM later increased the grant to \$456,121, which the Board approved on August 15, 2023, contingent on the County providing permanent flood insurance for the bungalow. The FDEM project also included concrete entry steps and additional structural work, which were not part of the JOC. The renovation bid was awarded in November 2023, with substantial completion expected by September 30, 2024.

Ms. Powell took a moment to celebrate the County's achievements at Jones Pier, particularly after the damage caused by Hurricane Milton in Indian River County. Despite concerns about flooding, the newly renovated Interpretive Center showed no damage, debris, or standing water, as if the Hurricane Milton had missed it altogether. She emphasized that by restoring the early 19th-century Bungalow Cottage, the County could preserve the stories of Orchid Island and its pioneering families.

Vice Chairman Flescher commented that after reviewing the developments, he confidently stated that the County now possesses a true gem. He noted that it was fortunate the Bungalow did not sustain any damage, which he attributed to the hard work of staff, proper engineering, and the effective use of resources and materials, all executed with great patience. He expressed gratitude to everyone involved in this effort, acknowledging that it had been a long journey over many years. Commissioner Earman echoed Vice Chairman Flescher's sentiments.

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

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

H. Planning and Development Services

I. Public Works

J. Utilities Services

13. COUNTY ATTORNEY MATTERS

- 13.A.** [24-0876](#) Authorization to Proceed with Foreclosures on Code Enforcement Cases:
(2009070001) Hicks

Recommended Action: Staff requests the Board's opinion whether or not to move forward with outside counsel in the filing of foreclosure on the above-named code enforcement cases.

Attachments: [Staff Report](#)
[Hicks Order Imposing Fine](#)
[Hicks Deed 9-18-24](#)

County Attorney Jennifer Shuler referred to case number 2009070001 (Hicks), located at 20757th Ct SW. She stated that under Florida Statute Section 162.09; the Code Enforcement Board (CEB) was required to recommend initiating the foreclosure process. This recommendation was made during the CEB hearing on September 23, 2024. Attorney Shuler utilized a PowerPoint presentation to detail the history of the property. She explained that on September 28, 2009, the CEB held a public hearing in which the property was found in violation due to overgrown grass and weeds. During a compliance hearing on November 23, 2009, the CEB determined that the Order Finding Violation had not been complied with and issued a fine of \$100 per day which currently stood at \$524,000. As of September 23, 2024, the property remained out of compliance. Attorney Shuler also noted that the property was not classified as a homestead, which meant it could be subject to foreclosure by the County.

Chairman Adams remarked that it seemed that the property owner had given up on the situation, and the County may end up acquiring the property. She was concerned about the significant lien attached to the property. She noted in the past, the Board had moved forward with foreclosures in similar cases. Currently, it was difficult to see that there was a house on the property, which indicated that it was not only a blight on the community, but also posed health and safety concerns.

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

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

- 13.B.** [24-0877](#) Authorization to Settle Foreclosure Case on Collins Code Enforcement Case Number 2014050077

Recommended Action: Staff recommends the Board approve the Settlement Agreement and authorize the Chair to execute the Settlement Agreement on the

above-named code enforcement foreclosure case.

Attachments: [Staff report](#)
[Collins IRC Settlement Agreement w-Exhibits 10-24-2024](#)

Attorney Shuler stated that the Board had authorized the County Attorney's Office to proceed with foreclosure on the Collins Code Enforcement Case, Case Number 2014050077. One of the respondents in the case expressed willingness to settle and agreed to a final judgment for foreclosure if the County refrained from taking personal action against him. She believed this settlement would benefit the County by saving time and reducing attorney fees, even though he was not the only respondent in the case.

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

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

13.C. [24-0885](#) Code Foreclosure Case Clarification and Update

Attachments: [Staff Report](#)

Attorney Shuler asked the Board for guidance on whether to pursue foreclosures to encourage compliance. She mentioned that foreclosures had worked in some of the 30 authorized cases, but only a few led to actual foreclosures. Overall, this strategy helped to get property owners to comply. She stated that a senior mortgage or lien on the property had priority, and the Board must decide whether to proceed with foreclosure, knowing it might not receive payment since the senior mortgage would be paid first. However, the Board could recover attorney's fees from the foreclosure sale proceeds.

Chairman Adams believed the Board should tackle these issues on a case-by-case basis. This tool had proven effective, and weighing the costs against the potential benefits was important, especially when securing properties is uncertain. By addressing challenges proactively, the Board could prevent prolonged issues, particularly with outdated or bank-owned properties. She saw this tool as a valuable resource and looked forward to discussing specific cases to identify the best strategies moving forward.

Board directed the County Attorney's office to proceed with the foreclosure process on a case-by-case basis in an attempt to obtain compliance with the Code.

13.D. [24-0891](#) Permission to Advertise Public Hearing Amending Indian River County Code Sections 102.01(1), 102.04.

Recommended Action: The County Attorney recommends that the Board discuss the proposed ordinance amendments, recommend changes if needed, and approve advertisement for a public hearing on the amendments to the IRC Code Sections 102.01 and 102.04.

Attachments: [Staff Report](#)
[Ordinance Amending Code Sections 102.01 and 102.04](#)

Attorney Shuler explained that the proposed Ordinance served to update the Commissioner's meeting procedures. The current prohibition on holding meetings on the last Tuesday of the month may be unnecessary now that there were only two meetings a month instead of three. Therefore, she recommended removing that restriction from Indian River County Code Section 102.1, Subsection 1. Additionally, she proposed changes to Section 102.04 that would update the order of business at regular meetings. Specifically, the Building and Facility Services Department and Sandridge Golf Club (Sandridge) being added under Subsection 13.

Chairman Adams raised concerns about including Sandridge Golf Course under Subsection 13, noting that Sandridge was not officially classified as a department. She questioned why Sandridge was being treated differently than the other Recreation Departments.

County Administrator John Titkanich explained that Sandridge operated as a stand-alone Enterprise Fund. Sandridge does not fall under any established department. Instead, it reports directly to the County Administrator and occasionally has its own agenda items.

Attorney Shuler also recommended that the Board revise its public comment process during meetings. She found it unusual that the website required individuals to fill out a comment card to speak despite current policies allowing public comments per Florida Statute 286.0114, which ensured the public's right to be heard. To improve accessibility, she suggested removing the advance sign-up requirement and holding public comments on agenda items at the beginning of the meeting. This change would allow individuals to express their views without needing to stay for the entire session.

The Board and staff discussed using a device or "shot clock" to limit public comments to three minutes. If more time were needed, it would be at the discretion of the Chair. There was concern about creating the perception that rules applied differently to different people. When there was a large group, the announcement would ask everyone to keep comments relevant and to avoid repetition.

A motion was made by Commissioner Moss, seconded by Vice Chairman Flescher, to approve the request to advertise a Public Hearing to amend the Indian River County Code Sections 102.01(1) and 102.04. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

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

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

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

B. Solid Waste Disposal District

15.B.1. [24-0897](#) Approval of SWDD Meeting Minutes of August 20, 2024

Recommended Action: Approve

Attachments: [08202024 SWDD Draft](#)

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Solid Waste Disposal District Minutes of August 20, 2024, as written . The motion carried by the following vote:

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

15.B.2. [24-0873](#) Agreement for Landfill Gas Wellfield Expansion Project

Recommended Action: Staff recommends the Board waive bid requirements and approve the attached landfill gas wellfield expansion agreement to SCS Field Services in the amount of \$486,050 and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency. Staff also recommends the Board authorize the County Administrator to sign any amendments to the agreement necessary, including increases in price, up to a total increase of \$560,000, to prevent delays in work

Attachments: [Staff Report](#)
[Agreement with SCS Field Services](#)
[Vertical Well and Header Installation Proposal](#)

Solid Waste Disposal District (SWDD) Managing Director Himanshu Mehta mentioned the groundbreaking ceremony for the NoPetro EcoDistrict (NED) project. Since then, they have been doing a great job, and progress is going well on their site. He was happy to report that SWDD had received the high-pressure gaskets, and NED had delivered the hydrogen sulfide (H₂S) vessels, so the project was moving forward on both sides.

He stated that eight gas wells were recently abandoned to maximize landfill waste capacity on the northern portion of Segment 3 Cell 1 area. This reduced the total landfill gas flow available for the future Renewable Natural Gas (RNG) project. It was imperative that the County replace these landfill gas wells and add additional gas wells to this area once final capacity was reached, which was anticipated by mid-November 2024.

Therefore, in the interest of time and based on utilizing SCS Field Services (SCS-FS) to install landfill gas wells in the past, staff recommended the Board waive bid requirements and award an Agreement for the landfill gas wellfield expansion project per a proposal from SCS-FS in the total amount of \$486,050. This approval would allow them to order the materials, schedule installation as soon as possible, and regain the landfill gas flow for the RNG project.

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

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

15.B.3. [24-0884](#) Final Pay to Geosyntec for Work Order No. 19 - Permit Compliance Monitoring and Reporting Indian River County Landfill Facility

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Geosyntec's final invoice amount of \$8,281.98

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

There was no discussion on this Item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business the Chairman adjourned the meeting at 11:38 a.m.