



Indian River County, Florida

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

Draft Meeting Minutes

Board of County Commissioners

Joseph Flescher, District 2, Chairman

Deryl Loar, District 4, Vice Chairman

Susan Adams, District 1

Joseph H. Earman, District 3

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

Shauna James, Deputy Clerk

Tuesday, January 14, 2025

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Reverend Dale Glading, Risk Takers for Christ

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A.

Jorge Herrera, Chief Executive Officer of Nopetro Eco-District (Nopetro), presented an update on the Vero Beach Renewable Natural Gas Project. The PowerPoint presentation showed the project's progression, including the completion of the gas collection system and the construction of the gas processing facility, and

offered what was next as Nopetro prepared for startup and commissioning.

Mr. Herrera highlighted key community benefits, including improvements to Waste Management Services and the introduction of a local natural gas source that would meet 80% of Indian River County's needs, enhancing resilience during natural disasters. He mentioned that in case of interruptions in the interstate pipeline, the County would have a reliable supply directly from the landfill. Nopetro's initiative also emphasized educational opportunities through collaboration with the school district to empower future leaders. Finally, he stressed the importance of community engagement, acknowledging the integral role of the Commissioners, the Solid Waste Disposal District, and their partnership in achieving significant advancements for the County.

Chairman Flescher recognized the team's exceptional safety and focus during a recent tour and expressed gratitude to Mr. Herrera for his support in the initiative. Commissioner Earman congratulated Mr. Herrera on overcoming challenges and praised the project's significance for the Oslo Corridor and the landfill. Commissioner Moss shared her initial skepticism, but was pleased to see progress. Commissioner Adams highlighted the project's uniqueness in Indian River County, commending the transformation of landfill byproducts into usable resources and the impressive sustainability efforts at the landfill.

No Action Taken or Required

6. APPROVAL OF MINUTES

6.A. Regular Meeting of November 05, 2024

A motion was made by Vice Chairman Loar, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of November 05, 2024 as written. The motion carried by the following vote:

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

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

7.A. Internal Audit Division Annual Report

No Action Taken or Required

7.B. Florida Public Service Commission Consummating Order PSC-2024-0503-PCO-EI, approving Florida Power and Light's interim storm cost recovery charge related to Hurricanes Debby, Helene, and Milton, is available for review in the Office of the Clerk to the Board.

No Action Taken or Required

7.C. Event Calendar
No Action Taken or Required

7.D. St. Johns River Water Management District (SJRWMD) 2025 Governing Board Meeting Schedule
No Action Taken or Required

8. PUBLIC COMMENT: AGENDA-RELATED MATTERS (EXCEPT FOR PUBLIC HEARINGS)

9. CONSENT AGENDA

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

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

9.A.
Approved

9.B. Checks and Electronic Payments November 23, 2024 to November 29, 2024
Approved

9.C. Checks and Electronic Payments November 30, 2024 to December 6, 2024
Approved

9.D. Checks and Electronic Payments December 7, 2024 to December 13, 2024
Approved

9.E. Checks and Electronic Payments December 14, 2024 to December 20, 2024
Approved

9.F. Checks and Electronic Payments December 21, 2024 to December 27, 2024
Approved

9.G. Designation of Excess Equipment as Surplus and Authorization for Trade-In
Approved staff's recommendation

9.H. Award of Annual Bid 2025014 for Natural Areas & Exotic Vegetation Management/Mowing
Approved staff's recommendation

- 9.I.** Indian River County Subaward and Grant Agreement for Hurricane Milton
Approved staff's recommendation
- 9.J.** Interest Rate Change on All County Financing (Petition Paving, Utility Assessment Projects, Utility Impact Fees, etc.)
Approved staff's recommendation
- 9.K.** Fourth Extension and Amendment to Agreement for Operations of the Biosolids Dewatering Facility, Sludge Dewatering and Hauling (Bid 2021021)
Approved staff's recommendation
- 9.L.** First Amendment to Agreement for Continuing Consulting Environmental, Ecological, and Biological Support Services (RFP 2023060)
Approved staff's recommendation
- 9.M.** Ratification of Purchase Order 101387
Approved staff's recommendation
- 9.N.** Rejection of Bids for 2025015 for Sandridge Golf Club Lakes Course Restroom
Approved staff's recommendation
- 9.O.** Revision to AM-502.1 Vacation Leave
Approved staff's recommendation
- 9.P.** Approval to Submit an FWC Bulk Derelict Vessel Removal Grant Application
Approved staff's recommendation
- 9.Q.** Amendment No. 5 - FDEP Grant Agreement No. 17IR2 (Wabasso (Indian River Sector 3) Beach Restoration)
Approved staff's recommendation
- 9.R.** Amendment No. 4 - FDEP Grant Agreement No. 19IR2 (Indian River County Hurricane Irma Recovery Project - Sector 7 Beach and Dune Restoration)
Approved staff's recommendation
- 9.S.** Florida Department of Environmental Protection Local Government Funding Request Grant 21IR1, Amendment #2, Indian River County's Sector 5 Beach and Dune Restoration (2020) Cost-Share Funding Assistance
Approved staff's recommendation
- 9.T.** Work Order No. 07 - Morgan & Eklund, Inc., 2025 Beach Profile Monitoring

Surveys (SUMMER & WINTER)

Approved staff's recommendation

- 9.U.** Waiver of Fees for MLK Day Event / Victor Hart Sr. Community Enhancement Complex

Approved staff's recommendation

- 9.V.** Final Payment for Bid No. 2024045 for Trans Florida Rail Trail Boardwalk Repairs

Approved staff's recommendation

- 9.W.** Pulte Home Company, LLC's Request for Final Plat Approval for Costa Pointe PD Phase 1B [PD-21-06-07 / 99040218-96745]

Approved staff's recommendation

- 9.X.** Addendum to Deputy County Administrator's Employment Agreement Providing Additional Compensation in the Form of an Employer Contribution to the County 457 Deferred Compensation Plan.

Approved staff's recommendation

10. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

11. PUBLIC ITEMS

A. PUBLIC HEARINGS

- 11.A.1.** Consideration of Staff-Initiated Land Development Regulation (LDR) Amendments to Remove Duplexes from the County's Site Plan Review Requirements [Legislative]

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

Ryan Sweeney, Assistant Planning & Development Services Director, utilized a PowerPoint presentation to present amendments to the Land Development Regulations (LDR) to remove duplexes from the County's Site Plan Review requirements. Duplexes undergo a minor site-plan review process that could take 3-6 months and require significant documentation. The amendments, prompted by the Affordable Housing Advisory Committee (AHAC), sought to reduce these burdens and lower construction costs for duplexes on individual lots. Although duplexes were already exempt from many stormwater and traffic/parking requirements, they must comply with zoning regulations and obtain necessary permits if located in floodplains. The Planning and Zoning Commission (PZC) unanimously recommended the proposed amendments for adoption in a public

hearing on December 12, 2024.

Commissioner Moss expressed her concerns about the proposal to streamline the building permit process for duplexes, particularly regarding the lack of affordability requirements. She suggested creating an incentive package for various affordable housing types, including duplexes and apartments, to ensure they met affordability standards.

County Administrator John Titkanich emphasized the annual review of the Local Housing Assistance Plan (LHAP) and its incentives. The focus was on streamlining the building and permitting process, allowing staff to approve up to 25 residential units without Planning and Zoning Board approval. The program, proposed by the AHAC, used consistent incentives and required an annual progress report.

Commissioner Adams responded to Commissioner Moss that the AHAC was conducting a thorough examination of housing incentives this year, aiming to align proposals with broader visioning efforts. Duplex construction was being emphasized, with many lots already developed by affordable housing providers. There were concerns about the potential for luxury duplexes to exploit these incentives. However, most duplexes were funded through land donations or acquisitions by affordable housing providers, maximizing lot usage. The initiative aimed to streamline processes, removing obstacles for providers.

Commissioner Loar emphasized the policy change aligned with the collaborative efforts over the past year. The focus was on monitoring policy, budget, and legislative issues. This move was seen as a necessary step forward for the County to prioritize actions that should have been previously addressed.

A motion was made by Commissioner Adams, seconded by Vice Chairman Loar, to approve staff's recommendation and Ordinance 2025-001, amending Section 912.04 (Applicability and Relationship to other Regulations) and Section 912.08 (Drainage; Stormwater Management and Flood Protection) of Chapter 912 (Single-Family Development); and Section 914.04 (Applicability) and 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: 4 - Chairman Flescher, Vice Chairman Loar, Commissioner Adams, and Commissioner Earman

Nay: 1 - Commissioner Moss

11.A.2. Leopaldo Llonch, Jr.'s Request to rezone approximately ± 5.70 acres from CL,

Limited Commercial District to CG, General Commercial District
(RZON2024090035-97304)[**Quasi-Judicial**]

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

Chairman Flescher introduced the parties to the proceeding as Indian River County and Leopaldo Llonch, Jr., LLC (Applicant). As requested by the Chairman, each Commissioner disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Chairman opened the public hearing, and the Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Senior Planner, Long Range Planning, Cindy Thurman utilized a PowerPoint presentation to show the subject property was a ±5.70-acre portion of a 7.91-acre parcel located between Old Dixie Highway and 39th Avenue, north of 73rd Street. The applicant sought to rezone it from CL (Limited Commercial District) to CG (General Commercial District) to allow for more diverse commercial use. This request aligned with the property's Commercial/Industrial future land use designation. The applicant argued that the current CL zoning restricts potential commercial opportunities, which were no longer viable due to changes in the economy and business practices.

Planning & Development Services Director Chris Balter responded to Commissioner Moss, stating that a traffic impact statement was unnecessary for the current rezoning, as the changes were minimal and consistent with the previous zoning.

Commissioner Moss inquired about using the indoor space as a "man cave" for parking and storage, asking if it would include more storage units. Mr. Balter indicated the applicant should address this but advised the Board not to include specific uses when determining zoning categories.

Joseph Schulke, representing the applicant, addressed Commissioner Moss's concerns regarding a proposed Indian River Motor House, clarifying that it was a storage condominium, not a rental storage facility. This model allowed individuals to purchase units rather than rent them, leading to minimal traffic impacts. The design was concrete and tasteful, similar to existing structures on 41st Street. The company had previously developed several motor houses in the area and was proposing this new location.

There being no other speakers, the Chairman closed the public hearing.

A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to approve staff's recommendation and Ordinance 2025-002, amending the Zoning Ordinance and the accompanying zoning map for approximately 5.70 acres located at the terminus of 73rd street and Old Dixie Highway, west of U.S. Highway 1, from CL, Limited Commercial District, to CG, General Commercial District; and providing codification, severability, and effective date . The motion carried by the following vote:

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

B. PUBLIC NOTICE ITEMS

11.B.1. Public Notice of a Public Hearing for January 28, 2025 to Consider an Ordinance Amending Section 103.22 of the County Code Relating to the Children's Services Advisory Committee

Read into the record by County Attorney Jennifer Shuler

12. COUNTY ADMINISTRATOR MATTERS

13. DEPARTMENTAL MATTERS

- A. Building and Facilities Services**
- B. Community Services**
- C. Emergency Services**
- D. Human Resources**
- E. Information Technology**
- F. Natural Resources**
- G. Office of Management and Budget**
- H. Parks, Recreation, and Conservation**
- I. Planning and Development Services**

13.I.1. Consideration of Treasure Coast Diagnostic Laboratory, Inc.'s Request for a Local Jobs Grant

Planning and Development Services Director Chris Balter used a PowerPoint presentation to outline a grant application for Treasure Coast Diagnostic Laboratory Inc., which was seeking local job creation incentives in Indian River

County. The grant proposal included financial awards of \$3,000, \$5,000, and \$7,000 based on the percentage of the County's average wage for the jobs created. The laboratory, which would be located in Vero Beach and classified in the Life Sciences Industry, requested a total of \$27,000 to support the creation of seven jobs. These jobs were planned to be established in two phases, with five jobs anticipated in 2024 for a total of \$19,000 and an additional two jobs by January 15, 2025, amounting to \$8,000. Payments from the grant would be made in two installments of \$13,500 each, distributed after the jobs had been in place for one year, covering fiscal years 2025-26 and 2026-27. The Economic Development Council recommended unanimous approval of this grant application.

Economic Development Director at Indian River County Chamber of Commerce Helene Caseltine stated that Treasure Coast Diagnostic Laboratory was expected to make official employee offers soon, in collaboration with CareerSource Research Coast. While discussions had taken place, no offers had been made. Ms. Caseltine emphasized that, despite its small size, the company would have a significant economic impact, contributing to the local economy and benefiting businesses.

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

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

J. Public Works

K. Sandridge Golf Club

L. Utilities Services

14. COUNTY ATTORNEY MATTERS

14.A.

Indian River County Committees - Annual Member Reappointments for 2025

County Attorney Jennifer Shuler stated that on December 3, 2024, the Board reappointed the County Attorney's Office to monitor member terms of specific committees. Resolution 2011-072 outlined the responsibilities of the committee monitor, which included:

1. Contacting Board-appointed committee members whose terms were expiring to see if they wished to be considered for reappointment.
2. Presenting a list of members seeking reappointment to the Board, which would then decide on reappointments as deemed appropriate.
3. Creating and posting a list of committee vacancies on the County website.

Christina Moore of the County Attorney's Office had contacted committee members whose terms were ending. Ms. Shuler referenced her December 31, 2024, memorandum for the reappointment requests and highlighted that several vacancies existed in addition to members not seeking reappointment. Ms. Shuler suggested the Board go through each committee one by one because some of the committee members had been appointed by a Commissioner and served at their discretion.

Chairman Flescher stated, as noted by Attorney Shuler, that some appointees were under a Commissioner's authority. This was the Commissioners chance to decide whether to keep or change these appointments as the Board planned to confirm all committees as presented.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to reappoint the Affordable Housing Advisory Committee: Jeff Francisco, Linda Morgan, David Meyers, and Kenneth "Chip" Landers. The motion carried by the following vote:

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

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to reappoint the Agricultural Advisory Committee: Pamela Hund, Anna Kirkland, and Sean Sexton. The motion carried by the following vote:

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

Commissioner Earman inquired about the distinction between members appointed by the Board of County Commissioners (BCC) and Members-At-Large. He emphasized that both groups served at the Board's discretion and were voted on collectively. He also sought clarification on the appointment process and suggested establishing an application process for these positions. Commissioner Earman proposed waiting 30 days before approving any new members to allow time for additional applications and to then reconvene in February. He noted ongoing confusion regarding the transitions of oversight between the County Attorney's office and the BCC office, which needed to be addressed and documented.

Attorney Shuler reviewed the Resolution that established the Children's Services Advisory Committee (CSAC). Unlike other Boards that typically have representatives from each Commissioner and At-Large Members, the CSAC had a different structure. Seven (7) of the voting members were appointed by the Board of County Commissioners. The remaining voting members were appointed by their designated entity. Understanding these distinctions was important for clarifying the committee's composition and function.

Discussion ensued between the Board and Attorney Shuler and centered on posting vacancies. There was uncertainty about the appropriateness of listing these since current committee members would be noted. Instead, the suggestion was to invite applicants for consideration. Historically, At-Large positions have been filled indefinitely if no other applicants emerged, but there were concerns from individuals wanting to apply who felt the position may already be filled. To address this, it would be wise to postpone decisions and allow more applicants to come forward.

The recommendation was to let current committee members continue their roles for the time being while also inviting new applications via an announcement on the County website. The Board could evaluate the committee's composition based on any new applications received. Additionally, verifying that this strategy aligned with legal requirements and exploring options for recalling a member, if necessary, after their appointment was important. This approach would ensure a diverse and capable committee moving forward. The aim was to create opportunities for new applicants in the future by not automatically renewing BCC appointees or At-Large positions without considering others. It was suggested that current positions be left unchanged for now. Advertise for new applicants, compare them with current members, and discuss any potential changes at the February 25, 2025 BCC meeting.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to table the vote on committee members for the Beach and Shore Preservation Advisory Committee, Children Services Advisory Committee, Code Enforcement Board, Construction Board of Adjustment and Appeals, Economic Development Council, Environmental Control Hearing Board, Planning & Zoning Commission, and the Tourist Development Council until the February 25, 2025, BCC meeting. The motion carried by the following vote:

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

14.B.

Construction Board of Adjustment and Appeals Member Appointment

Vice Chairman Loar pointed out that this candidate was stepping up to fill a crucial position that had been vacant for five years.

Commissioner Adams noted that Item 14.A. was not an aggregate call for all appointments and that this was a new applicant for a long-unfilled vacancy. She proposed to modify the initial motion to separate Duane Millar's application for individual consideration.

Resident Tom Sullivan raised concerns about the term "At-Large" and its implications for Board appointments. He noted that historically, if no new candidates applied for a position, the previous member would be reappointed. Mr. Sullivan expressed worry that some critical Board members remain in their roles for too long, which could lead

to stagnation. He inquired with Attorney Shuler about the procedure for dismissing a member due to their absence from meetings. Attorney Shuler explained that a member would be removed after failing to attend three unexcused meetings. If a member misses three consecutive meetings without authorization from the Board they belong to, the Board may regard this as a forfeiture of their position.

Chairman Flesher stated that the Construction Board Appointment for the Adjustment and Appeals member was Duane Millar. His application was on file and he had been vetted.

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

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

15. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

B. Commissioner Deryl Loar, Vice Chairman

C. Commissioner Susan Adams

Commissioner Adams announced the 34th Annual Fellsmere Frog Leg Festival, scheduled for Thursday, January 16th, through Sunday, January 19th, 2024. She encouraged everyone to come out and enjoy a fun-filled weekend while supporting youth recreation. Last year, the festival raised nearly \$300,000 for the community.

No Action Taken or Required

D. Commissioner Joseph H. Earman

E. Commissioner Laura Moss

16. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

17. PUBLIC COMMENT: NON-AGENDA-RELATED MATTERS

Resident Tom Sullivan apologized for missing the earlier discussion regarding the Costa Pointe development. Initially, the plan was for 624 units on 78 acres. Things changed when the developer sold 20 acres, which affected the entire property's rights. As a result, 287 units were built on just 19 acres. Because of this, the total number of planned units dropped from 624 to 487, which pleased many people. He wondered if the Board wanted to allow situations like this to happen in the future.

Chairman Flescher responded that the proposal aligned with the plat, indicating that the overlay was designed to fit seamlessly, just as it did in the previous application.

No Action Taken or Required

Vero Beach Realtor Carolyn Lang addressed the Board regarding the presence of fluoride in the public water supply, emphasizing the importance of this issue. Fluoride is classified as a medication, and in Indian River County, it was present in the water at levels ranging from 77% to 100%. She noted that the addition of fluoride presented several legal and ethical concerns, particularly related to the necessity of informed consent, as outlined by the Nuremberg Code and the Medical Freedom Act. There were growing concerns about fluoride's potential neurotoxin effects and its impact on cognitive development, particularly in children. Fluoride was considered a waste product, leading to questions about the legality of administering it through municipal water supplies without consent. Additionally, the Environmental Protection Agency (EPA) does not regulate fluoride levels in drinking water, further complicating the situation. In Vero Beach, approximately \$32,000 was spent annually to fluoridate the water supply, prompting increased scrutiny regarding the safety and legality of this practice. Ms. Lang concluded that, given fluoride's classification as a medication, and was inappropriate for inclusion in municipal water systems.

Deana Accardi noted that a federal court ruling has linked fluoride to harmful effects on brain development, particularly concerning children's IQs. This information raised public health concerns and suggested further examination of the fluoride program's implications under Florida Statute 859.01. She mentioned that thirty-six counties had removed fluoride from their water supplies, and others were exploring similar actions. Ms. Accardi requested the Board include an agenda item for next month to discuss the potential removal of fluoride from the County's water supply.

No Action Taken or Required

18. ADJOURNMENT

There being no further business the Chairman adjourned the meeting at 10:42 a.m.