



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.indianriver.gov

Meeting Minutes - Final

Board of County Commissioners

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
William K. DeBaal, County Attorney
Ryan L. Butler, Clerk of the Circuit Court and Comptroller

Tuesday, November 21, 2023

9:00 AM

Commission Chambers

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

Leslie Swan, Supervisor of Elections

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

3.A. ELECTION OF BOARD OF COUNTY COMMISSION CHAIRMAN

Outgoing Chairman Joseph Earman expressed appreciation for his fellow Commissioners and staff, and recapped achievements made during his tenure.

County Attorney Bill DeBraul opened the floor for nominations for the seat of Chairman of the Indian River County Board of County Commissioners.

Commissioner Adams was nominated for Chairman of the Board by Commissioner Moss.

There being no further nominations, County Attorney DeBraul closed the floor.

A motion was made by Commissioner Moss, seconded by Commissioner Earman, to elect Commissioner Susan Adams as Chairman of the Board of County Commissioners. The motion carried by the following vote:

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

3.B. ELECTION OF BOARD OF COUNTY COMMISSION VICE CHAIRMAN

County Attorney Bill DeBraul opened the floor for nominations for the seat of Vice Chairman of the Indian River County Board of County Commissioners.

Commissioner Flescher was nominated for Vice Chairman of the Board by Commissioner Earman.

There being no further nominations, County Attorney DeBraul closed the floor.

A motion was made by Commissioner Earman, seconded by Chairman Loar, to elect Commissioner Joseph Flescher as Vice Chairman of the Board of County Commissioners. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Agenda as presented. 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

6. APPROVAL OF MINUTES

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

7.A. [23-1053](#) Proclamation Honoring Emory J. Bailes II on his Retirement from Indian River County Board of County Commissioners, Department of Utility Services/Wastewater Collection Division

Recommended Action: For informational purposes only - no action required

Attachments: [Proclamation](#)

Chairman Adams wished Mr. Bailes well in his retirement.

No Action Taken or Required

7.B. [23-1050](#) Proclamation Designating World Prematurity Day November 17, 2023

Recommended Action: Informational Purposes Only

Attachments: [Proclamation](#)

Commissioner Adams noted there would be an opportunity to contribute to the March of Dimes following the meeting.

No Action Taken or Required

7.C. [23-1038](#) City of Sebastian Resolution No. R-23-24 Septic to Sewer Funding Opportunities

Recommended Action: Information Only

Attachments: [City of Sebastian Resolution R-23-24](#)

No Action Taken or Required

7.D. [23-1052](#) Results from the 2023 Sea Turtle Nesting Season

Recommended Action: There is no action required by the BCC as this is being presented for informational purposes only.

Attachments: [Staff Report](#)

Coastal Resource Manager Quintin Bergman provided the Board with an update on the 2023 turtle nesting season in Indian River County. Referring to his presentation, Mr. Bergman shared details of the County's sea turtle program, and reported nest counts which showed that Leatherback nests had declined, but Loggerhead and Green turtles saw increases; a graph showed nest counts over time. Turtle nesting season runs from March 1st to October 31st.

No Action Taken or Required

8. CONSENT AGENDA

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

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

8.A. [23-1044](#) Quarterly Tourist Development Tax Report for the Quarter Ending 09/30/2023

Recommended Action: Accept the report

Attachments: [Comptroller Division Staff Report](#)

Accepted

8.B. [23-1045](#) Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 09/30/2023

Recommended Action: Accept the report

Attachments: [Comptroller Division Staff Report](#)

Accepted

8.C. [23-1047](#) Resolution Cancelling Taxes - Purchased from Myron J. Madsen, Jr. and Davene Madsen

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

Attachments: [Staff Report](#)
[Resolution Cancelling Taxes](#)
[Warranty Deed](#)
[Receipt from IRC Tax Collector](#)

Approved staff's recommendation and Resolution 2023-073, cancelling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.D. [23-1041](#) Approval of Advance Purchase for Fire Rescue Apparatuses

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Purchase Order in the amount of \$3,812,520.

Attachments: [Staff Report](#)
[IRC Proposal For 3 Engines](#)
[Sourcewell Worksheet Pumper](#)
[IRC Proposal Component List \(3\)](#)

Approved staff's recommendation

- 8.E. [23-1048](#) E911 CPE Hardware Refresh Work Authorization, AK Associates One-Year Maintenance Agreement, Sole Source Designation, and Application for 911 State Grant Program

Recommended Action: Staff recommends the Board declare AK Associates as the sole source provider for E911 CPE system service and parts, approve the quotes for the Solacom hardware refresh and the CPE hardware maintenance, authorize the 911 Emergency Communications Coordinator to sign the quotes, authorize the Purchasing Division to issue purchase orders, as necessary. Staff also recommends the Board approve the Application for E9-1-1 State Grant Program for the CPE Upgrade, and authorize the Chairman to execute and authorize the Director of Emergency Services to sign any documents necessary with the Florida E9-1-1 State Grant to execute the work, after review and approval by the County attorney as to form a legal sufficiency.

Attachments: [Staff Report](#)
[Sole Source Letter](#)
[AK Associates Budgetary Quote](#)
[AK Maintenance Quote](#)
[Grant Application 1](#)

Approved staff's recommendation

- 8.F. [23-1046](#) Additional Service No. 4, for Additional Civil Engineering Services - St John's River Water Management District Permit Modification for Sandridge Golf Club - New Clubhouse

Recommended Action: Staff recommends approving Additional Service No. 4 authorizing the \$4,620.00 increase to the contract with Sparcdesign and authorizing the Chairman to sign the Additional Service #4 on behalf of the Board. The new total contract price will be \$458,155.00

Attachments: [Staff Report](#)
[Agreement](#)
[Additional Service #1](#)
[Additional Service #2](#)
[Additional Service #3](#)
[Additional Service #4](#)

Approved staff's recommendation

- 8.G.** [23-0752](#) 6th Avenue Milling & Resurfacing, FM No. 438074-1-54-01, IRC-1638 Final Payment, Release of Retainage, and Change Order No. 1

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 15 to OHL, USA, Inc. in the amount of \$69,812.34 for final payment and release of retainage.

Attachments: [Staff Report](#)
 [Change Order No. 1](#)

Approved staff's recommendation

- 8.H.** [23-1032](#) Award of Bid No. 2023059, Traffic Operations Facility, IRC-2104

Recommended Action: Staff recommends the project be awarded to Proctor Construction Company, LLC in the amount of \$5,310,348.97. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

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

Approved staff's recommendation

- 8.I.** [23-1033](#) Award of Bid No. 2024011, Annual Asphalt Paving and Resurfacing, IRC-2304

Recommended Action: Staff recommends the project be awarded to both M&M Asphalt Maintenance Inc. and Ranger Construction Industries, Inc. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of the agreement by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

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

Approved staff's recommendation

- 8.J. [23-1034](#) CR603/Indian River Boulevard Resurfacing from 53rd Street to the Merrill Barber Bridge, IRC-1707, FDOT FM 441919-1-54-01, Release of Retainage and Change Order No. 1

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor’s Application for Payment No. 1707-12 to C.W. Roberts Contracting, Inc. in the amount of \$234,426.87 for release of retainage.

Attachments: [Staff Report](#)
[Change Order No. 1](#)

Approved staff’s recommendation

- 8.K. [23-1043](#) Revision to AM-703.1 Leaves of Absence

Recommended Action: Staff respectfully requests the Board of County Commissioners approve staff’s recommendation to revise AM-703.1 Leaves of Absence.

Attachments: [Staff Report](#)
[AM 703.1 Leaves of Absence](#)

Approved staff’s recommendation

- 8.L. [23-1055](#) Streaming Video Licensing Agreement with Steve Billig, dba Live Pickleball Courts for Cameras at Dick Bird (South County) Regional Park.

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the Streaming Video Licensing agreement with Steve Billig, dba Live Pickleball Courts and authorize the Chairman to execute the agreement after review and approval by the County Attorney for legal sufficiency.

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

Approved staff’s recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.** [23-1030](#) Clerk of the Circuit Court & Comptroller 2022/2023 Financial Statement & 2023 Excess Fee Report

Attachments: [Clerk Of Circuit Court & Comptroller](#)

Ryan Butler, Clerk of the Court and Comptroller, presented the Board with a check for \$283,162.45 in unspent funds from the Comptroller's budget, and excess user fees from the Official Records Division. Mr. Butler thanked the Finance Department's staff for their work.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to accept the 2022/2023 Financial Statement and 2023 Excess Fee Report from the Clerk of the Circuit Court and Comptroller's Office. The motion carried by the following vote:

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

- 9.B.** [23-1062](#) Property Appraiser 2022/2023 Annual Report

Attachments: [Property Appraiser Annual Report](#)

Wesley Davis, Indian River County Property Appraiser, submitted his annual report and noted his office would return \$535,500 to the County. Mr. Davis discussed the technological improvements made to shorten turnaround time without adding staff.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to accept the 2022/2023 Annual Report from the Property Appraiser's Office. The motion carried by the following vote:

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

9.C. [23-1064](#) Sheriff's Office 2022/2023 Annual Report

Attachments: [Sheriff Reversion Letter](#)

Indian River County Sheriff Eric Flowers presented the Board with the return of excess fees, and also requested the return of some fees for outstanding purchase orders and increased costs from Treasure Coast Community Health for the management of the jail's medical unit. Sheriff Flowers recapped the following numbers: the General Fund had an excess of \$1,211,627.79, with \$1,001,627 requested returned; the Law Enforcement Trust Fund had an excess of \$115,009.68, with \$24,900 requested returned; and the Offender Fees Fund had an excess of \$3,410.68, with the full amount requested returned.

A motion was made by Commissioner Earman, seconded by Commissioner Moss, to accept the Sheriff's Office 2022/2023 Annual Report. The motion carried by the following vote:

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

9.D. [23-1008](#) Tax Collector 2022/2023 Financial Statements & 2023 Excess Fee Report

Attachments: [Agenda Item Fiscal Year End 2023](#)
 [Agenda Item Excess Fee Report 2023](#)

Indian River County Tax Collector Carole Jean Jordan appeared before the Board with members of her staff to present a check for \$2,554,421.81 in excess fees. Ms. Jordan discussed her Department's expansion, record number of transactions handled, and improvements made for faster service.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to accept the Tax Collector's 2022/2023 Annual Report. The motion carried by the following vote:

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

9.E. [23-1063](#) Supervisor of Elections 2022/2023 Annual Report

Attachments: [Supervisor of Elections Annual Report](#)

Supervisor of Elections Leslie R. Swan discussed State Senate Bill 7050 which was approved after her Department's budget had been submitted, and called for unfunded changes to many election materials. Ms. Swan thanked the Board for allocating the additional funds needed, and expressed gratitude for her staff. She reported a return of \$12,693.01 to the County.

A motion was made by Commissioner Earman, seconded by Commissioner Moss to accept the Supervisor of Elections' 2022/2023 Annual Report. The motion carried by the following vote:

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

9.F. [23-1061](#) Supervisor of Elections Leslie R. Swan re: Municipal Elections Revenue

Recommended Action: Request to have revenue received from November 7th municipal elections rolled into the Supervisor of Elections 2023/2024 budget

Attachments: [Supervisor of Elections Memo](#)

Supervisor of Elections Leslie R. Swan appeared before the Board to request the return of costs to conduct Municipal Elections in the cities of Sebastian and Vero Beach on November 7, 2023 in the amount of \$91,383.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the request to have revenue collected from the November 7, 2023 municipal elections rolled into the Supervisor of Elections 2023/2024 budget. 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**

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

- 10.A.1. [23-1040](#) Enterprise Leasing Company of Florida, LLC's Request for Abandonment of a 30' Wide Platted Right-of-Way [ROWA-23-06-02 / 94070074 - 94465] (LEGISLATIVE)

Recommended Action: Staff recommends that the Board of County Commissioners abandon its rights to the subject portion of right-of-way, and authorize the chairman to execute the proposed abandonment resolution.

Attachments: [Staff Report](#)
[Location Map](#)
[Resolution](#)

Chief of Current Development Brandon C. Creagan presented a summary of the request for right-of-way (ROW) abandonment by Enterprise Leasing Company (Enterprise) as a map of the location was displayed. It was reported that all relevant departments had recommended approval, and the applicant had coordinated with the FEC Railway which ran along the western border of the property.

Chairman Adams received clarification that the ROW spanned across two properties and would be used for the planned expansion of Enterprise.

The Chairman opened the floor of the public hearing for comments.

Peter Waldman, attorney for Enterprise, appeared before the Board to answer any questions. There were none.

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

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation and Resolution 2023-074, providing for the closing, abandonment, vacation and discontinuance of a portion of a 30' wide unimproved, unnamed right-of-way, west of Lot 7 and east of the FEC railroad in the Vero Land Company subdivision located in Indian River County, Florida. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

- 10.C.1. [23-1059](#) Public Notice of Public Hearing for December 5, 2023, to Consider Amending an Ordinance Imposing An Additional Cent of Tourist Development Taxes

Attachments: [Staff Report](#)

County Attorney Bill DeBaal read the public hearing notice into the record. Commissioner Earman requested staff provide a timeline for the referendum process at the public hearing.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

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

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

- A. Commissioner Joseph H. Earman
- B. Commissioner Susan Adams
- 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

15.B.1. [23-1054](#) Twenty Second Amendment and Extension to Republic Services

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve the Twenty Second Amendment and Extension to Republic Services; and authorize the Chairman to execute the agreement

Attachments: [Staff Report](#)
[Twenty-Second Amendment & Extension](#)

Ronnie Jones, Assistant Managing Director, Solid Waste Disposal District, appeared before the Board to request approval of an extension to the existing contract with Republic Services for landfill operations. The extension would be for nine months, from January 1, 2025 through September 30, 2025, to better align it with the Department's fiscal year budget as well as other contracts.

A motion was made by Commissioner Earman, 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 9:53 a.m.