

# Indian River County Florida

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



## Meeting Minutes - Final

**Tuesday, May 16, 2023**

**9:00 AM**

**Commission Chambers**

### **Board of County Commissioners**

*Joseph H. Earman, District 3, Chairman*

*Susan Adams, District 1, Vice Chairman*

*Joseph Flescher, District 2*

*Deryl Loar, District 4*

*Laura Moss, District 5*

**John A. Titkanich, Jr., County Administrator**

**Dylan Reingold, County Attorney**

**Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller**

## 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

**Pastor Jimmy Hill, Salt of the Earth Ministry**

## 3. PLEDGE OF ALLEGIANCE

**Commissioner Susan Adams, Vice Chairman**

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

Moved: Item 9.A. to follow Item 5.B.

**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.**     [23-0425](#)     Proclamation Honoring Cynthia M. Corrente on Her Retirement from the Indian River County Board of County Commissioners Department of Utility Services/General & Engineering Division

**Recommended Action:** Recommend Read and Present

**Attachments:** [Proclamation](#)

Ms. Corrente was joined by staff and many utilities employees as she accepted the proclamation for her 19 year career. She expressed respect and appreciation for those in her department, and specifically thanked former Director of Utility Services Erik Olson for his mentorship. Ms. Corrente received compliments from the Board and staff, as well as Sean Lieske, Utility Services Director; Himanshu Mehta, SWDD Managing Director; and Lisa Patton, Customer Service Manager.

**Read and Presented by Chairman Earman**

- 5.B. [23-0342](#) Presentation by Indian River County Clerk of Circuit Court and Comptroller, Jeffrey R. Smith-- Announcement of New Service: Access to Justice Self Help Center

**Recommended Action:** No action needed

**Attachments:** [Finance Department Staff Report](#)

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith utilized a PowerPoint presentation to inform of the opening of the new Access to Justice/Self Help Center (Center) at the Courthouse. Mr. Smith highlighted the assistance available for Family Law, Small Claims, and Residential disputes. He added there would be legal services such as low-cost attorney consultations, and a kiosk for do-it-yourself forms to streamline the process. The presentation closed with thanks to the community partners who joined forces to fund and establish the Center.

*[Clerk Note: Additional discussion continued under Item 9.A.]*

**Presented**

- 5.C. [23-0309](#) Presentation from Curtis Paulisin, Vietnam Veterans of Indian River County, Inc. re: 2023 Mary Snyder Annual Golf Tournament

**Recommended Action:** No action required

**Attachments:** [Flyer](#)

Representatives from the Vietnam Veterans of Indian River County including Curtis Paulisin, Vic Diaz, and Craig Waskow announced details of their organization's annual fundraiser, the Mary Snyder Golf Tournament, which supported housing programs for County veterans. The tournament would be held on Saturday, June 17, 2023, at Sandridge Golf Club, and would be followed by a car show on Sunday, June 18, 2023.

**Presented**

- 5.D. [23-0352](#) Presentation of Proclamation - Recognizing the Week of May 14-20, 2023, as National Police Week

**Recommended Action:** Read & Present

**Attachments:** [Proclamation](#)

Commissioner Flescher thanked members of law enforcement for keeping the community safe, and urged residents to express their thanks to police officers. Indian River County Sheriff Eric Flowers expressed appreciation for the support his department received from the community, and recognized police officers across the country who lost their lives in the line of duty.

**Read and Presented by Commissioner Flescher**

- 5.E. [23-0418](#) Presentation of Proclamation - Recognizing May 2023 as Mental Health Awareness Month

**Recommended Action:** Read & Present.

**Attachments:** [Proclamation](#)

Tracy Hernandez, Suncoast Mental Health Center, Director of Development, expressed appreciation for raising awareness of mental health needs in the community, especially among adolescents. Ms. Hernandez provided statistics regarding those they serve in the community, and sought to end the stigma associated with mental health issues in order to promote healing. Program Manager Derek Weintraub discussed the impact of trauma and resources for assistance.

**Read and Presented by Vice Chairman Adams**

- 5.F. [23-0420](#) Presentation of Proclamation - Recognizing National Safe Boating Week

**Recommended Action:** Read & Present

**Attachments:** [Proclamation](#)

Coast Guard Auxiliary Flotilla 56 (Flotilla) members Gary Barth, Paul Deery, and Richard Martucci were present to accept the Proclamation and advocate for boating safety. Mr. Barth informed of the Flotilla's monthly boater safety courses, and urged boaters to wear life jackets when out on the water. He invited the public to their open house at the Fort Pierce Coast Guard Station on June 3, 2023.

**Read and Presented by Commissioner Loar**

**5.G**     [23-0426](#)     Presentation of Proclamation - Recognizing Memorial Day 2023

**Recommended Action:** Read & Present

**Attachments:** [Proclamation](#)

Commissioner Moss informed the public of the two Memorial Day ceremonies in the County, one at Riverside Park in Vero Beach, and the other at Riverview Park in Sebastian. Cynthia Ryan, Executive Director of the Veterans Council of Indian River County, accepted the Proclamation and informed of their community partnerships which provided various levels of assistance to veterans. Ms. Ryan also gave kudos to the County Veterans Service Officers. The Board expressed thanks for the service and sacrifice of Veterans.

**Read and Presented 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 March 7, 2023, the Special Call Meeting Minutes of March 21, 2023, and the Regular Meeting Minutes of March 28, 2023. The motion carried by the following vote:**

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

**6.A.**     [23-0392](#)     Regular Meeting of March 07, 2023

**Recommended Action:** Approve

**Attachments:** [03072023 BCC Draft](#)

**Approved**

**6.B.**     [23-0404](#)     Special Call Meeting of March 21, 2023

**Recommended Action:** Approve

**Attachments:** [03212023 BCC Draft](#)

**Approved**

**6.C.**     [23-0405](#)     Regular Meeting of March 28, 2023

**Recommended Action:** Approve

**Attachments:** [03282023 BCC Draft](#)

**Approved**

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

**7.A.**     [23-0403](#)     Appointment of James L. Connaughton ELAP

**Recommended Action:** For Informational Purposes

**Attachments:**   [Commissioner's Memorandum](#)  
                          [Resume of James L. Connaughton](#)

Commissioner Moss announced that James L. Connaughton would serve as the District 5 appointee to the Environmental Lands Acquisition Panel (ELAP), and provided his relevant qualifications.

**No Action Taken or Required**

**7.B.**     [23-0422](#)     WWII Merchant Marine Veterans Memorial Unveiling Ceremony

**Recommended Action:** For Information

**Attachments:**   [Commissioner's Memorandum](#)  
                          [Ceremony Announcement](#)

Commissioner Moss informed and extended an invitation to the unveiling ceremony for the World War II Merchant Marines memorial on Monday, May 22, 2023, at Veterans Memorial Island Sanctuary.

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the Consent Agenda as amended, pulling Items 8.L., 8.M., and 8.W. for discussion. The motion carried by the following vote:**

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

**8.A.**     [23-0345](#)     Checks and Electronic Payments April 7, 2023 to April 13, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 7, 2023 to April 13, 2023

**Attachments:**   [Finance Department Staff Report](#)

**Approved**

**8.B.**     [23-0356](#)     Checks and Electronic Payments April 14, 2023 to April 20, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 14, 2023 to April 20, 2023

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.C.**     [23-0387](#)     Checks and Electronic Payments April 21, 2023 to April 27, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 21, 2023 to April 27, 2023

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.D.**     [23-0397](#)     Checks and Electronic Payments April 28, 2023 to May 4, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of April 28, 2023 to May 4, 2023

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.E.**     [23-0355](#)     Award of Bid 2023035 for Exterior Painting at Indian River County Courthouse

**Recommended Action:** Staff recommends the Board award Bid 2023035 to Quick Painting Group., approve the agreement, and authorize the Chairman to sign the agreement after review and approval by the County Attorney as to form and legal sufficiency, after receipt and approval of the required insurance by the Risk Manager, and after the contractor is actively registered with the Building Division.

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

**Approved staff's recommendation**

- 8.F. [23-0371](#) First Extension and Amendment to Agreements for Annual Sewer Services (BID 2020045)

**Recommended Action:** Staff recommends the Board approve the first extensions and amendments to the agreements with Meeks Plumbing, Inc., Hinterland Group, Inc., Southeast Services of the Treasure Coats, Inc., and Envirowaste Services Group, Inc., and authorize the Chairman to sign them after review and approval by the County Attorney as to form and legal sufficiency.

**Attachments:** [Staff Report](#)  
[First Extension and Amendment - Meeks](#)  
[First Extension and Amendment - Hinterland](#)  
[First Extension and Amendment - South East](#)  
[First Extension and Amendment - Envirowaste](#)

**Approved staff's recommendation**

- 8.G. [23-0390](#) Approval of Continuing Consulting Engineering Services Rates for Agreements

**Recommended Action:** Staff recommends the Board approve the hourly rates attached for the listed firms, and authorize the Chairman to execute the agreements, after the County Attorney has reviewed and approved as to form and legal sufficiency.

**Attachments:** [Staff Report](#)  
[Exhibit 2](#)

**Approved staff's recommendation**

- 8.H. [23-0395](#) Third Amendment to Agreement for Lift Station Rehabilitation (Bid 2019047)

**Recommended Action:** Staff recommends the Board approve the third amendment to the agreement, and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency.

**Attachments:** [Staff Report](#)  
[Third Amendment](#)

**Approved staff's recommendation**



- 8.I. [23-0382](#) FDOT Local Agency Program (LAP) Agreement and Resolution Authorizing the Chairman's Signature for Trans-Florida Railway Trail from Fellsmere to West of I-95 Phase 1 & 2, FM No. 446073-1-58-01 (IRC-2115)

**Recommended Action:** Staff recommends approval of the Local Agency Program (LAP) Agreement FM No. 446073-1-58-01 and recommends adopting the Resolution and authorizing the Chairman to sign the Agreement.

**Attachments:** [Staff Report](#)  
[IRC Grant Form](#)  
[Authorizing Resolution](#)  
[FDOT Local Agency Program Agreement](#)

**Approved staff's recommendation and Resolution 2023-019, authorizing the Chairman's execution of Local Agency Program (LAP) Agreement with the Florida Department of Transportation for Trans-Florida Railway Trail from Fellsmere to west of I-95 Phase 1 & 2.**

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

- 8.J. [23-0385](#) Stormwater Partnership with The Learning Alliance

**Recommended Action:** Staff requests approval from the Indian River County Board of County Commissioners for staff to participate in the Moonshot Summer Academy Program again this year and authorize the Chair to execute the Memorandum of Understanding (MOU) after review and approval of the MOU by the County Attorney's office

**Attachments:** [Staff Report](#)  
[Moonshot Academy IRC Summer Program MOU](#)

**Approved staff's recommendation**

- 8.K. [23-0388](#) Amendment No. 1 to the Agreement for Professional Services for Emergency Operations Center Expansion, RFQ No. 2022062 (IRC-2302)

**Recommended Action:** Staff recommends approving Amendment No. 1 to Agreement for Professional Services for Emergency Operations Center Expansion with Spiegle and requests the Board authorize the Chairman to execute Amendment No. 1 to the Agreement on their behalf for a lump sum amount of \$3,600. The new total agreement price will be \$70,100.

**Attachments:** [Staff Report](#)  
[Amendment No. 1](#)

**Approved staff's recommendation**

**8.L.**     [23-0389](#)     Local Option Gas Tax Distribution Percentages

**Recommended Action:** Staff recommends approval of the 2023/2024 revenue distribution percentages

**Attachments:**   [Staff Report](#)  
                          [2023 LOGT Chart-Spreadsheet](#)

County Administrator John Titkanich informed there was a revised and republished spreadsheet attached to this item regarding the Local Option Gas Tax distribution percentages.

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

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

**8.M.**     [23-0384](#)     Acceptance of School Board Property

**Recommended Action:** The County Attorney's Office recommends that the Board authorize the County Attorney's Office and County staff take the necessary actions to accept the property and authorize the chairman to execute any and all documents necessary to accept the property.

**Attachments:**   [Staff Report](#)  
                          [School Property Site](#)

County Attorney Dylan Reingold provided background regarding the 18-acre County property at 17th Street SW, which had been deeded to the School Board and would revert to the County.

**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

- 8.N.**     [23-0396](#)     FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 1 and Resolution Authorizing the Chairman's Signature for CEI and Construction of 66th Avenue from 69th Street to CR-510/85th Street (IRC-1505B) FM No. 436379-2-54-01

**Recommended Action:** Staff recommends the Board of County Commissioners approve the Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 1 and Resolution and authorize the Chairman to execute the same

**Attachments:**   [Staff Report](#)  
                      [Authorizing Resolution](#)  
                      [TRIP Agreement](#)

**Approved staff's recommendation and Resolution 2023-020, authorizing the Chairman's execution of Transportation Regional Incentive Program Supplemental Agreement No. 1 with the Florida Department of Transportation for CEI and construction of 66th Avenue roadway widening from 69th Street to CR-510/85th Street.**

- 8.O.**     [23-0419](#)     Resolution Accepting Deed to Mike's cut Rate Furniture Property

**Recommended Action:** Staff recommends the Board approve the Resolution authorizing the acceptance of the warranty deed and the real property described therein and providing for the recording of the deed in the Public Records of Indian River County, Florida, for the proposed Aviation Boulevard expansion

**Attachments:**   [Staff Report](#)  
                      [Resolution](#)

**Approved staff's recommendation and Resolution 2023-021, authorizing the acceptance of a Warranty Deed and Real Property described therein and providing for the recording of the deed in the public records of Indian River County, Florida, for the proposed Aviation Boulevard expansion project.**

- 8.P. [23-0424](#) Resolution Cancelling Taxes - 41st Street Turn Lanes - Harbor Bluff's PD - Phase 1 (The Virginia W. Russell Family Limited Partnership)

**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](#)  
[Right-of-Way Deed](#)

**Approved staff's recommendation and Resolution 2023-022, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.**

- 8.Q. [23-0394](#) Approval of UKG Telestaff Contract

**Recommended Action:** Staff recommends that the Board authorize the use of the Omnia cooperative contract, approve the proposal and order form, and authorize the Purchasing Manager to sign the order form and issue Purchase Orders user fees, as funding is approved by the Budget office.

**Attachments:** [Staff Report](#)  
[Telestaff Proposal](#)  
[Telestaff Contract](#)

**Approved staff's recommendation**

- 8.R. [23-0399](#) Request for Execution of the Grant Form "Notice of Site Dedication and Limitation of Use" to Accompany Close-out Documents for the Hallstrom Farmstead Conservation Area FDEP Land and Water Conservation Fund Grant (LWCF Project No. 12-00695).

**Recommended Action:** Staff respectfully recommends that the Chairman execute the Florida Department of Environmental Protection Land and Water Conservation Fund Form "Notice of Site Dedication and Limitation of Use," to be included in the documents provided to request grant reimbursement for LWCF Project No. 12-00695, for the improvements to the Hallstrom Farmstead Conservation Area.

**Attachments:** [Staff Report](#)  
[Hallstrom LWCF Form w Attachment A](#)

**Approved staff's recommendation**

**8.S.**     [23-0406](#)     Approval of Contract with OpenGov for Purchase of Asset Management Software

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the amount of \$82,782.52 to cover the cost of replacing the existing asset management software, SEMS, with an updated and improved software program, Cartegraph, and authorize the chair to execute any and all documents necessary to effectuate the purchase

**Attachments:**   [Staff Report](#)  
                      [OpenGov Proposal](#)  
                      [OpenGov Software Services Agreement](#)

**Approved staff's recommendation**

**8.T.**     [23-0407](#)     Work Order 34 Final Pay to Kimley-Horn and Associates for Professional Engineering Services for South Regional Wastewater Treatment Facility Reclaimed Water Pump Station

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the final pay invoice number 24610580 to Kimley-Horn and Associates for the amount of \$2,832.50

**Attachments:**   [Staff Report](#)  
                      [Final Pay Invoice No 24610580 from KHA](#)

**Approved staff's recommendation**

**8.U.**     [23-0408](#)     Final Pay to Paragon Electric of Vero, Inc., for Installation of Variable Frequency Drives and Electronic Controls at the South Regional Wastewater Treatment Facility

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the final pay and release of retainage to Paragon Electric of Vero, Inc., for a total of \$40,111.95

**Attachments:**   [Staff Report](#)  
                      [Paragon Electric Final Pay App](#)

**Approved staff's recommendation**

- 8.V.**     [23-0409](#)     Work Order 10 to Kimley-Horn and Associates for Engineering Services to Design a New Sand Separator for the Oslo Water Treatment Plant

**Recommended Action:** Staff recommends that the Board of County Commissioners approve Work Order No. 10 with Kimley-Horn and Associates, Inc., to provide professional services for the Sand Strainer replacement at the South Water Treatment Plant in the amount of \$52,427.00, and authorize the Chairman to sign on their behalf. So long as there are no changes in the dollar amount under the Work Order, upon adequate completion of the work set forth in the Work Order, staff is directed to make final payment and release any retainage to Kimley-Horn and Associates, Inc., after review and approval by the Purchasing Manager the County Attorney's office

**Attachments:**   [Staff Report](#)  
                          [Work Order No](#)

**Approved staff's recommendation**

- 8.W**     [23-0428](#)     Disposition of Excess Equipment at Jackie Robinson Training Center

**Recommended Action:** Staff recommends the Board accept the donation of the exercise equipment from MLB, declare the exercise equipment on the attached list as surplus, authorize the Administrator to declare additional items located at the facility after the date of this list as excess, and authorize staff to dispose of the equipment in the manner suggested above.

**Attachments:**   [Staff Report](#)

Commissioner Moss brought forth a request from staff to keep the excess training equipment for staff's use. County Administrator John Titkanich informed that, through discussions with Assistant County Administrator Michael Zito, it would not be appropriate to keep the equipment in light of liability and logistical concerns.

**A motion was made by Commissioner Moss, 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

The Chairman called for a recess at 10:30 a.m., and reconvened the meeting at 10:37 a.m. with all members present.

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [23-0423](#) Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller: Legal Aid Program Funding for the Access to Justice/Self Help Center

**Recommended Action:**

**Attachments:** [Clerk Smith Memo](#)

*[Clerk note: This item was heard following Item 5.B.]*

Following the presentation given by Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, discussion turned to a request for funding for the Access to Justice/ Self Help Center (Center) established at the Courthouse to provide legal aid. Mr. Smith noted the County was required to provide funds for legal aid services, and currently did so through Florida Rural Legal Services based in Fort Pierce. He requested reallocating some or all of those funds to the Center which was a local program.

County Attorney Dylan Reingold confirmed staff was looking for guidance from the Board on how to allocate the mandated legal aid funds currently in the budget. Vice Chairman Adams advocated for reallocating all the legal aid funds to the Center since it would directly benefit County residents. Attorney Reingold thanked Mr. Smith for establishing the Center.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to direct staff to allocate the Section 29.008(3)a funds to the United Way/Clerk's Office Access to Justice/Self Help Center for the budget year beginning October 1, 2023. 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

**10.A.1. [23-0386](#)**

Public Hearing to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Street Paving in the Oslo Park Area - LEGISLATIVE

**Recommended Action:** The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance or in the alternative direct staff to begin a special assessment project under Chapter 206 of the Indian River County Ordinance Code.

**Attachments:** [Staff Report](#)  
[Draft Ord](#)  
[Assessment Roll](#)

County Attorney Dylan Reingold provided a recap of previous Board direction from the December 13, 2022 meeting, to use the uniform method for the collection of assessments under the statute for the Oslo Park Paving Municipal Service Benefit Unit (MSBU). He informed that staff's proposal was for each property to be assessed \$500 per year for 20 years, and the County would contribute 25 percent of the costs. Attorney Reingold then turned the item over to the County Administrator for additional comments.

County Administrator John Titkanich raised concerns regarding the \$500 per year amount, as the project had not been designed or formally estimated. He suggested pausing this project and pursuing the assessment for paving under a different methodology. Administrator Titkanich proposed staff should be directed to secure the design, engineering, and preliminary estimates; staff would also contact affected residents to try and gather the required 67 percent approval.

The Chairman opened the public hearing.

The following residents addressed the Board:

Barbara Ingram  
Dellar Lattimore  
Sabrina Williams  
Premier Christian Church  
Denise (inaudible)

Ms. Ingram requested clarification regarding the uncertainties and delays. Administrator Titkanich entered into discussion and elaborated upon the revised cost estimate and resident support thresholds which led to his recommendation. Attorney Reingold provided that the existing process for Oslo Park paving was pursued to facilitate the work, and to account for the less-than 67 percent resident approval, as discussed before the Board on October 19, 2021.



The Board and staff entered into discussion with residents who came forward to express confusion about the methodology, affordability, length of the assessment, and differing estimates. The residents agreed the road paving was necessary for safety, and asked the Board to consider financial assistance for those in need.

Bob McPartlan, Sebastian Council member, advocated for financial assistance in consideration of the residents on fixed incomes.

Trevor Loomis, CEO, Indian River Habitat for Humanity, requested communication from the County regarding timing and construction details, as it may impact the homes Habitat was planning to build in the area.

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

**A motion was made by Commissioner Loar, seconded by Chairman Earman, to deny approval of the draft Ordinance and to pause the existing plan to pave streets in Oslo Park until staff could have the project designed, estimated, and approved by a majority of the residents. The motion carried by the following vote:**

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

**10.A.2. [23-0402](#)**

Public Hearing to Consider a Resolution Electing to Use the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Water Portion of North County Septic to Sewer Project - LEGISLATIVE

**Recommended Action:** The County Attorney's Office recommends that after the public hearing the Board vote to approve the draft ordinance.

**Attachments:** [Staff Report](#)  
[Draft Ordinance](#)  
[Assessment Roll](#)

County Attorney Dylan Reingold recalled that at their December 20, 2022 meeting, the Board approved initiating the assessment process for the water portion of the North County Septic to Sewer Project, which allowed for assessments to be collected on tax bills starting Fall 2023. Attorney Reingold noted residents could pay the full \$2,247.76 assessment within 90 days of May 2, 2023 to avoid paying interest; after 90 days, the assessment would be levied over 10 years at 3.5% interest.

Commissioner Flescher advocated for communication, publicly and individually, regarding the timing and impact to upcoming tax bills.

The Chairman opened the public hearing.

Bob McPartlan, Sebastian Council member, received confirmation from Utility Services Director Sean Lieske that this assessment covered installing the water infrastructure, but water hook-up fees were additional. Mr. McPartlan requested consideration of a hardship program for those who were challenged by the assessment.

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

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve staff's recommendation and adopt Ordinance 2023-007, concerning the water portion of the North County Water and Sewer Project – Phase 2; purpose; levy of assessment, adoption of budget; disposition of proceeds from the levy of assessment; providing for severability; and providing for an effective date. The motion carried by the following vote:**

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

**B. PUBLIC DISCUSSION ITEMS**

10.B.1. [23-0314](#) Request to Speak from Ryan Holmes re: Citizens Review Board

**Recommended Action:** No action required

**Attachments:** [Request to Speak r. Holmes 5.16.23](#)

Speaker not present.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

12.D.1. [23-0414](#) Proposed Amendment to County Code of Ordinances Section 104.03  
Retirement System - Permission to Advertise

**Recommended Action:** Staff respectfully requests that the Board of County Commissioners authorize staff to advertise for a public hearing to be held on June 6, 2023 to consider an ordinance amending the Indian River County Code of Ordinances to provide for a defined contribution plan.

**Attachments:** [Staff Report](#)  
[Draft Ordinance Section 104.03.01](#)

County Administrator John Titkanich requested the Board's approval to advertise for a public hearing regarding an amendment to County code to establish a defined contribution plan. Administrator Titkanich explained that individuals who retired from the Florida Retirement System (FRS) and were re-hired by the County were not eligible for renewed FRS membership. He proposed the creation of a separate retirement plan to provide benefits for those employees. Administrator Titkanich added that a defined contribution plan would also be a valuable recruiting tool.

Chairman Earman expressed his support for the suggestion, and received confirmation from County Attorney Dylan Reingold that it was not a conflict of interest for him to vote on compensation that would affect him. Commissioner Loar received confirmation that there was an opt-out option.

**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

**12.D.2. [23-0415](#)**

Recommendation to Transition Health Plan Administrative Services (ASO) from Blue Cross Blue Shield of Florida, Inc. (aka Florida Blue) to Blue Cross Blue Shield National Alliance effective October 1, 2023 through September 30, 2026

**Recommended Action:** Staff respectfully requests the BOCC approve the recommendation to transition health plan administrative services (ASO) from Blue Cross Blue Shield of Florida, Inc. (aka Florida Blue) to Blue Cross Blue Shield National Alliance effective October 1, 2023 through September 30, 2026 and authorize the Board Chair to execute the agreement with Blue Cross Blue Shield National Alliance after review and approval by the County Attorney.

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

Human Resources Director Suzanne Boyll referred to staff's memo dated May 5, 2023, as she explained the rationale for changing the health care plan administrator to Blue Cross Blue Shield National Alliance. Ms. Boyll referenced a comparison chart in staff's memo, and noted the new provider would be able to integrate with the County's plan for a health clinic, and would also save money.

Bob McPartlan, Sebastian Council member, received assurance that Surgery Plus would still be available as a benefit under the new plan administration.

**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

**E. Information Technology****F. Office of Management and Budget****G. Public Works**

**12.G.1. [23-0416](#)**

Indian River County Beaches - Sector 4 Post Hurricanes Ian and Nicole

**Recommended Action:** At this time, staff is seeking Board direction regarding the next steps pertaining to Sector 4. Staff recommends the BCC continue to support Staff's on-going discussions with FEMA, FDEM, FDEP and the regulatory permitting agencies in order to continue to pursue funding sources for any potential future dune repair project addressing the Sector 4 impacts from Hurricanes Ian and Nicole

**Attachments:** [Staff Report](#)  
[Sector 4 Storm Damage Report](#)

Natural Resources Manager Eric Charest utilized a PowerPoint presentation to discuss the status of the Sector 4 beach area which suffered damage to its dunes in the wake of Hurricanes Ian and Nicole in 2022. Photos illustrated the deep erosion of the dunes which posed a threat to infrastructure. Mr. Charest noted that though the width of the dunes was severely diminished, the sand was displaced but not lost; this would impact the qualifications for assistance.

Mr. Charest went on to describe the assistance programs from the Florida Department of Environmental Protection (FDEP) and the Federal Emergency Management Agency (FEMA). The FDEP repeatedly denied classifying Sector 4 as a Critically Eroded Shoreline, which meant the County could not apply for cost share funding to repair the dunes. Mr. Charest pointed out that the County would have only been eligible for a 2.3 percent cost share because of limited public access in this sector. Next, Mr. Charest reviewed findings from FEMA, which classified Sector 4 as an Unimproved Natural Beach. As such, Sector 4 was ineligible for funding received by other sectors which were categorized as Engineered Beaches. FEMA also declared Sector 4 could not receive emergency berm rehabilitation funding because FEMA measured the height, not width of the dune.

This information was also presented to the Beach and Shores Preservation Advisory (BSPAC) Committee on April 17, 2023, which resulted in two (2) recommendations: 1) perform a dune-only restoration project in Sector 4; 2) perform a feasibility study to have Sector 4 declared an Engineered Beach for full restoration. Costs to study and secure permits were given for both options. Obstacles included obtaining easements, the rising cost of sand, and funding, as Federal and State funds were not an option in either scenario, even with the revised classification.

Chairman Earman discussed timing of Option 1 (dune only) with Mr. Charest who estimated late November or early December as the best case scenario. The Chairman also suggested reaching out to the County's State representatives for

assistance.

Commissioner Moss made a motion to approve both of the BSPAC's recommendations. Commissioner Flescher seconded the motion for discussion purposes. The Commissioners entered into discussion with Mr. Charest who informed that due to classification requirements and the way sand-loss was calculated, the County would not be eligible to receive state or federal assistance regardless of which BSPAC recommendation the County pursued. He elaborated that a dune-only project (Option 1) was estimated to cost \$50,000 to study/permit and \$5 million to restore the dunes. Option 2 was estimated to cost up to \$600,000 to study/permit and similar renourishment projects had cost upwards of \$20 million.

Commissioner Flescher withdrew his second for the motion on the floor. Discussion continued with concerns for securing easements, funding, and the access challenges specific to Sector 4. Commissioner Moss restated her motion to direct staff to pursue a dune-only project.

The Chairman called for a recess at 12:38 p.m., and reconvened the meeting at 12:46 p.m. with all members present.

Chairman Earman invited public comments to the discussion and motion on the floor.

James Harpring, Town Manager, Town of Indian River Shores (Town), made mention that this sector represented a disproportionately large amount of ad valorem revenue for the County, and expressed appreciation for the Board's willingness to address their needs. He pledged assistance from residents in the Town, and urged the Board also to consider a long-term plan for this area of the beach.

David Fisher, Town resident, expressed support for the motion, noting the dunes were an important defense for infrastructure.

Harry Dixon, Town resident, questioned the amount of money other beach sectors had received for restoration, and suggested the Board also consider a long-term strategy to garner State and Federal funding in the future.

Chairman Earman confirmed the easement used would be the latest Sector 7 version, and discussed funding options for the estimated \$6 million cost to repair the dunes. Mr. Fisher stated the Town's residents were willing to contribute to the cost in a public-private partnership. Vice Chairman Adams clarified this item would start the permitting, estimating, and securing of easements while funding

would be ironed out once an estimate was obtained. County Attorney Dylan Reingold noted for the record that the latest easement did not include customary use protection language to ensure the public's access to the beach, and homeowners may be able to bar access without that provision.

**A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to approve a dune-only project for Sector 4, and directed staff to move forward with a feasibility study, to obtain the necessary permits, and begin collecting easement agreements. Staff to return before the Board to discuss funding based on the findings of the study. 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

#### 13.A. [23-0383](#) County Attorney's Annual Employment Agreement

**Recommended Action:** The County Attorney recommends that the Board review the proposed agreement, and decide whether to approve the agreement and authorize the Chairman to sign it.

**Attachments:** [Staff Report](#)  
[Contract \(2023-2024\)](#)

County Attorney Dylan Reingold announced his contract would expire July 1, 2023, and brought forward the renewal for the Board's consideration. He noted the only change from the previous year was to his salary.

Clerk of the Circuit Court and Comptroller Jeffrey R. Smith expressed appreciation for Attorney Reingold professionally and personally.

Sebastian Council member Bob McPartlan expressed appreciation for Attorney Reingold's appearance at CSAC meetings. Mr. McPartlan described him as a gem, and suggested adding a severance package to his employment contract.

**A motion was made by Commissioner Moss, seconded by Vice Chairman Adams, to approve the County Attorney's annual employment agreement. The motion carried by the following vote:**

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



**13.B.** [23-0391](#) Environmental Lands Acquisition Panel Appointments

**Recommended Action:** The County Attorney recommends that the Board review the applications and determine whether to appoint any of the applicants to fill the vacant positions on the Environmental Lands Acquisition Panel.

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

Vice Chairman Adams nominated the following applicants to fill the vacant at-large positions on the Environmental Lands Acquisition panel:

Heather Stapleton, Natural Resources  
John Orcutt, Real Estate or Finance  
Roland DeBlois, Planning or Engineering

Vice Chairman Adams noted there was one remaining Natural Resource position, and she would name the candidate to represent District 1 at the next meeting. Attorney Reingold noted that eight of the nine positions would be filled, which was enough for staff to begin.

**A motion was made by Vice Chairman Adams, seconded by Commissioner Moss, to approve the suggested appointments to the Environmental Lands Acquisition Panel. The motion carried by the following vote:**

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

**14. COMMISSIONERS MATTERS**

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

**14.E.1. [23-0421](#)** Children's Services Advisory Committee (CSAC) Membership

**Recommended Action:** Discussion Item

**Attachments:** [Commissioner's Memo \(CSAC\) Membership](#)  
[Indian River County, FL Code of Ordinances CSAC](#)

*[Clerk Note: This item was heard following Item 8.W.]*

Commissioner Moss requested the board's consideration to modify a portion of the Children's Services Advisory Committee (CSAC) Ordinance regarding attendance for certain members. The Commissioner informed that the Superintendent of Schools and voting member, Dr. David K. Moore, had been unable to attend meetings due to a scheduling conflict with his own monthly board meeting; CSAC rules do not allow a designee to attend in his place.

Commissioner Moss requested modifying the rules to allow for Dr. Moore to choose a person to represent the School District of Indian River County (SDIRC) at CSAC meetings.

Dr. Moore appeared before the Board to corroborate the Commissioner's request. He stated he would appoint either the Assistant Superintendent or one of his directors to be the voice of the SDIRC.

**A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to approve amending the language of the Children's Services Ordinance to allow the Superintendent of Schools to appoint a designee for instances of schedule conflict. The motion carried by the following vote:**

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

Commissioner Moss continued the item with an update on CSAC. The Commissioner discussed staffing needs, and expressed disappointment that a candidate for the Grant Review Subcommittee failed to garner enough support for reasons described as political. Discussion ensued regarding a previous program funded by CSAC which had been politicized.

Commissioner Moss went on to recommend that the Board hold a discussion specifically regarding what they thought the CSAC annual budget should be, in order to better inform staff and save time. She added this also would be an opportunity to receive input from community partners and the public on the amount of money budgeted.

Vice Chairman Adams noted that CSAC has a Needs Assessment Committee which sets the priorities, and the Board signs off on their recommendations. She felt it would be more appropriate to have budget conversations at CSAC meetings in advance of the next budget year. Chairman Earman wrapped up discussion noting the priority was to find a new Executive Director for CSAC.

**No Action Taken or Required**

## 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. [23-0393](#)** Approval of Solid Waste Disposal District Meeting Minutes of March 07, 2023

**Recommended Action:** Approve

**Attachments:** [03072023 SWDD Draft](#)

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Meeting Minutes of March 07, 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.2. [23-0410](#) Twenty First Amendment to Republic Services for Side-slope Collector System Expansion and Management, and 2023 Hurricane Response

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve the Twenty First Amendment to Republic Services landfill contract for the expansion of the landfill gas system and approve the 2023 Hurricane Plan; and authorize the Chairman to execute the agreement

**Attachments:** [Staff Report](#)  
[Twenty First Amendment to Republic Services](#)

Chairman Earman requested an explanation of a Side-slope Collector System. Solid Waste Disposal District (SWDD) Managing Director Himanshu Mehta informed the collectors allowed landfill gas to be captured faster and in larger quantities than without them. He explained this would be impactful to the SWDD's renewable natural gas project which converted landfill gas to liquefied natural gas.

**A motion was made by Vice Chairman Adams, 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.3. [23-0411](#) Final Pay to Geosyntec for Work Order No. 17 - Segment 3, Cell I Top of Waste Grades Evaluation

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve Geosyntec's final invoice amount of \$579.17

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

There was no discussion regarding this item.

**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

### C. Environmental Control Board

## 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:16 p.m.