



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, December 12, 2023

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 4 - Chairman Susan Adams
Vice Chairman Joseph Flescher
Commissioner Laura Moss
Commissioner Deryl Loar

Absent: 1 - Commissioner Joe Earman

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

2.B. INVOCATION

Pastor Randy Fullerton, Glendale Baptist Church

3. PLEDGE OF ALLEGIANCE

John A. Titkanich, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 8.P. Utility Work by Highway Contractor Agreement with FDOT

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

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

Absent: 1 - Commissioner Earman

5. PROCLAMATIONS and PRESENTATIONS

Chairman Adams took a moment to congratulate George Streetman, former president and general manager of Hogan & Sons, who will be inducted into the Florida Citrus Hall of Fame in March of 2024.

- 5.A. [23-0973](#) Proclamation Honoring Robin Miller on her Retirement from Indian River County Board of County Commissioners

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

The Commissioners lauded Ms. Miller's career as the Rental Assistance Program Manager, noting her knowledge and advancements to the program earned the US Department of Housing and Urban Development's highest designation. Staff also spoke highly of her dedication to public service and the legacy she will leave behind.

Read and Presented by Chairman Adams

- 5.B. [23-1127](#) Presentation of Water Quality & Potable Water Treatment Facility Evaluation to Indian River Board of County Commissioners, IRCBUS Project ID 12.23.540

Recommended Action: Staff recommends that the Board of County Commissioners approve Tetra Tech, Inc. to present Water Quality & Potable Water Treatment Facility Evaluation to Indian River Board of County Commissioners

Attachments: [Staff Report](#)

Director of Utility Services Sean Lieske recalled the Board had previously approved conducting a second water quality analysis in response to continuing customer complaints of pipe leaks. The analysis sought to ensure the water treatment system was performing well and meeting regulatory requirements.

James Christopher, Tetra Tech Vice President, presented the Board with the evaluation criteria, sampling results, and various causes of copper corrosion. The study concluded that the County's water supply was compliant with regulatory standards and consistent with industry practices for corrosion control; recommendations to optimize water quality were also provided.

The Board entered into discussion with Mr. Christopher and received confirmation that the County's water was where it needed to be in terms of corrosion inhibition and quality. Directory Lieske discussed the process to implement Tetra Tech's optimization recommendations. Measures to prevent damage for homeowners were discussed, and it was noted a link to the study would be on the County's website.

Presented

6. APPROVAL OF MINUTES

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

7.A. [23-1091](#) Administrator Approved Work Orders

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

Attachments: [Staff Report](#)
 [Administrator Approved Work Orders](#)

No Action Taken or Required

7.B. [23-1093](#) Florida Public Service Commission Consummating Order No. PSC-2023-0354-PCO-EI, Petition for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Ian and Nicole, by Florida Power & Light Company, is on file for review in the Office of the Clerk to the Board

Recommended Action: Information Only

No Action Taken or Required

7.C. [23-1133](#) 2024 Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee (TCRPC CEDS) District Appointment Member Listing

Recommended Action: Informational Only

Attachments: [Staff Report](#)
 [Ltr. TCRPC re: CED Appointments](#)

Chairman Adams announced Kevin Borwick was appointed as the representative from District 2.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Consent Agenda as amended, adding Item 8.P. The motion carried by the following vote:

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

Absent: 1 - Commissioner Earman

8.A. [23-1132](#) Request for Approval of Golf Now, LLC Services Agreement

Recommended Action: Staff respectfully recommends approval of the GolfNow Agreement and requests that the Board authorize its Chairman to sign agreement.

Attachments: [Staff Report](#)
 [GolfNow, LLC Contract](#)
 [Terms and Conditions](#)

Approved staff's recommendation

8.B. [23-1074](#) Miscellaneous Budget Amendment 01

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

Attachments: [Staff Report](#)
 [2023 2024 Resolution](#)
 [Exhibit "A"](#)

Approved staff's recommendation and Resolution 2023-078, amending the Fiscal Year 2023-2024 budget.

8.C. [23-1100](#) Sole Source Designation Requests and Utilization Update

Recommended Action: Staff recommends the Board of County Commissioners declare the vendors and products indicated as “new,” “update,” or “renew” on the list of sole source vendors as sole source for a three-year period, and authorize the Purchasing Division to issue purchase orders in lieu of formal bids or quotes, and as funding is approved by the Budget Department.

Attachments: [Staff Report](#)
 [BCC Sole Source List](#)

Approved staff's recommendation

8.D. [23-1106](#) Award of Annual Bid for Day Labor (Bid 2024022)

Recommended Action: Staff recommends the Board make primary award of Bid 2024022 to HireQuest Direct. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency and after the required certificates of insurance have been received and approved by the Risk Manager.

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

Approved staff's recommendation

8.E. [23-1109](#) Proposed Interlocal Agreement Fiscal Agent Services for the State Attorney's Victim Services Department

Recommended Action: Staff recommends that the Board of County Commissioners approve the proposed Interlocal Agreement dedicating SLC as the fiscal agent for the State Attorney's Victim Services Department.

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

Approved staff's recommendation

8.F. [23-1113](#) Award of RFP 2023055 for Replacement of Playgrounds at Treasure Shores, Round Island Oceanside, and Golden Sands Beach Parks

Recommended Action: Staff recommends the Board approve the final ranking of firms, award the RFP to GameTime, and authorize the Purchasing Division to issue Purchase Orders for the purchase and installation of the equipment.

Attachments: [Staff Report](#)
[Selected Designs](#)
[Price Proposals](#)

Approved staff's recommendation

- 8.G. [23-1077](#) Revision to Administrative Policy 908.1, Indian River County Disposal of Indigent Bodies (Burial and Cremation)

Recommended Action: Staff recommends that the Board of County Commissioners approve the proposed revisions to Administrative Policy 908.1 and authorize the County Administrator to sign the same for incorporation into the County Administrative Policy Manual

Attachments: [Staff Report](#)
[Revised Administrative Policy 908.1](#)

Approved staff's recommendation

- 8.H. [23-1124](#) Renewal of Florida Power and Light (FP&L) Care to Share Agreement

Recommended Action: Staff respectfully recommends the Board approve the renewal of the Care to Share agreement with Florida Power & Light and authorize Chairman to sign the Agreement

Attachments: [Staff Report](#)
[Agreement FP&L Care to Share](#)

Approved staff's recommendation

- 8.I. [23-1116](#) Resolution Cancelling Taxes - Purchased from Go Life Holding, LLC

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](#)
[Warranty Deed Venetian Grove, 12th, 16th, 98th](#)
[Venetian Grove - Warranty Deed, 8th St](#)
[Payment Receipt from Tax Collector](#)

Approved staff's recommendation and Resolution 2023-079, cancelling certain taxes upon publicly owned land, pursuant to Section 196.28, Florida Statutes (Go Life Holding LLC).

8.J. [23-1079](#) Waiver of Requirement for Bids for Annual Physical Exams

Recommended Action: Staff recommends the Board waive the requirement for bids and authorize the Purchasing Division to issue a purchase order in the amount of \$ 200,495.00 to Life Extension Clinics, Inc., DBA Life Scan Wellness Centers.

Attachments: [Staff Report](#)
 [Life Scan Wellness 2024 Quote](#)
 [Attachment F Fee Schedule](#)

Approved staff's recommendation

8.K. [23-1112](#) Florida Division of Emergency Management Hazard Mitigation Agreement D1495 and Resolution for Dune Restoration within Beach Management Sector 4

Recommended Action: Staff recommends the Board of County Commissioners approve the DEM Hazard Mitigation Grant D1495 Agreement and Resolution and authorize the Chairman to execute the same.

Attachments: [Staff Report](#)
 [Grant Form](#)
 [Authorizing Resolution](#)
 [Hazard Mitigation Grant Agreement](#)

Approved staff's recommendation and Resolution 2023-080, authorizing the Chairman's execution of Hazard Mitigation Grant D1495 with the Florida Division of Emergency Management for Sector 4 Dune Restoration project costs.

8.L. [23-1121](#) Florida Communities Trust Guaranty for Indian River Land Trust - 36 Acre Sebastian Greenway Parcel

Recommended Action: Staff respectfully requests that the Board of County Commissioners consider the request made by the Land Trust and, if approved, authorize the Chairman to execute the Management Guaranty letter dated December 12, 2023, after review and approval by the County Attorney.

Attachments: [Staff Report](#)
 [Management Guaranty Letter](#)
 [St. Sebastian Greenway Map](#)

Approved staff's recommendation

- 8.M.** [23-1058](#) Updated Fee Schedule for the Indian River County Public Shooting Range
- Recommended Action:** Staff respectfully recommends that the Board approve the proposed Fee Schedule as outlined in the table above with an effective date of January 1, 2024.

Attachments: [Staff Report](#)
 [FWC Contract Amendment 3](#)

Approved staff's recommendation

- 8.N.** [23-1123](#) Information Technology Security Upgrades, IRC-2206, 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. 2 to Don Hinkle Construction, Inc. in the amount of \$3,208.38 for final payment and release of retainage.

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

Approved staff's recommendation

- 8.O.** [23-1126](#) Kimley Horn Work Order 6 (RFQ 2023015) for Services Related to Gifford Elevated Storage Tank Rehabilitation and Structural Upgrade, IRCDUS Project ID 13.23.538
- Recommended Action:** Staff recommends that the Board of County Commissioners approve Work Order 6 to Kimley-Horn and Associates, Inc. to provide Engineering, Design, and Construction Phase services for the Gifford Elevated Storage Tank Rehabilitation and Structural Upgrade project in the amount of \$65,396.00, and authorize the Chair to execute the same. So long as there are no changes in the dollar amount under the amount approved, upon adequate completion of the work set forth in the work order, staff is directed to make final payments to Kimley-Horn and Associates, Inc., after review and approval by the Purchasing Manager and the County Attorney's Office

Attachments: [Staff Report](#)
 [Kimley-Horn WO 6](#)

Approved staff's recommendation

- 8.P. [23-1141](#) Utility Work by Highway Contractor Agreement with FDOT for the Adjustment of Utility Valves for the SR-60 Resurfacing from West of CR-512 to West of 94th Drive - Additional Funds Due

Recommended Action: Staff recommends that the Board of County Commissioners approve the Florida Department of Transportation - Utility Work by Highway Contractor Agreement, and authorize the Chairman to execute and sign on their behalf

Attachments: [Staff Report](#)
[Utility Work by Highway Contractor Agreement](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A. [23-1110](#) Sheriff Eric Flowers re: Arcades in Indian River County

Recommended Action: Discussion

Attachments: [Sheriff's Memo](#)

Indian River County Sheriff Eric Flowers discussed the negative impacts of adult arcades in the County, and his department's investigation which led to issuance of cease and desist letters notifying these businesses they were operating illegally per the Gaming Control Commission. Sheriff Flowers requested the Board direct the County Attorney to draft an Ordinance stating arcades would not be tolerated in the County. Chairman Adams sought to ensure the County would not be exposed to any legal action; Sheriff Flowers referred to Jacksonville's Ordinance as a model. Commissioner Moss spoke in favor of directing the County Attorney to proceed with drafting an Ordinance.

Under discussion, the Board and staff considered ways to approach the Sheriff's request to address complaints and associated crime related to arcades. Sheriff Flowers noted the Gaming Commission ruled that arcades were not allowed in Indian River County, but State regulations had been passed that prevented an outright ban. The Commissioners discussed the Jacksonville Ordinance, which heavily regulated arcades, and debate was had regarding whether the County's code enforcement staff or the Sheriff's deputies would be a more expedient and effective avenue to shut down locations which persisted. Consensus was reached to have the Sheriff's legal counsel draft an Ordinance, with the County's input, and return before the Board to discuss the matter further.

Sheriff Flowers was directed to return before the Board with language regarding regulation of Arcades in the County.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1. [23-1136](#) Amendment to Indian River Code Chapter 210 Tourist Development Tax

Recommended Action: Staff recommends the Board conduct the Public Hearing on the proposed ordinance amendment, take testimony from interested parties, approve the proposed amendment repealing the “sixth cent” of Tourist Tax, but retain the current allocation of funds, and authorize the Chairman to execute the amendment on behalf of the Board.

Attachments: [Staff Report](#)
[Proposed Ordinance Amendment](#)

County Attorney Bill DeBraul recalled that on August 29, 2023, the Board approved an ordinance amendment which added an additional cent to the County's Tourist Development Tax, earmarked for beach renourishment. The County was subsequently informed that the State had amended requirements regarding local Tourist Taxes to require increases be approved via referendum at a general election. The ordinance before the Board would repeal the additional cent passed in August, and the item would return for a vote via referendum at the November 2024 general election.

The Chairman opened the public hearing for comments.

Ben Earman, Director of Tourism Marketing with Visit Indian River County, spoke in favor of the increase to the Tourist Tax which would preserve the County's beaches.

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

Attorney DeBraul noted the deadline to submit the referendum for the November election ballot was August 15, 2024, and staff would return before the Board with the final language for it.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve staff's recommendations and to adopt Ordinance 2023-018, amending Section 210.01 (Taxing District and Levy) and Section 210.03 (Authorized Uses of Revenue) of Chapter 210 (Tourist Development Tax) of the Code of Indian River County, Florida to reallocate the authorized uses of the tourist development tax revenue; and providing for codification, severability, repeal of conflicting provisions, and an effective date. The motion carried by the following vote:

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

Absent: 1 - Commissioner Earman

10.A.2. [23-1095](#) 2023 Indian River County Amended Wind Speeds Maps

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed ordinance amending Section 401.07 of the Code of Indian River County, approving the amended Wind Speeds Risk Maps.

Attachments: [Staff Report](#)
[Current – Exhibit 1 Wind Speeds Risk Categories 1-3 Map](#)
[Current – Exhibit 2 Wind Speeds Risk Category 4 Map](#)
[New – Exhibit 1 Wind Speeds Risk Categories 1-3 Map](#)
[New – Exhibit 2 Wind Speeds Risk Category 4 Map](#)
[Proposed Ordinance](#)

[Clerk Note: This Item was heard following the recess for the Item 12.D.1., Executive Session]

Andy Sobczak, Planning and Development Services Director, appeared before the Board to present a recommended update to the Florida Building Code (FBC) Wind Speeds Risk Maps. He noted the boundaries for the wind speed lines were locally determined, and also explained the risk categories, scaled one (1) through four (4), for different structures. Maps were displayed showing I-95 as the County's threshold for 140 mph wind speed risk in categories 1, 2, and 3, and compared that with maps showing the State's new boundary along CR 512 to the west. Staff recommended updating the wind speed map boundaries in the County's code to align with the State's map.

Chairman Adams entered into discussion with the County's Building Official, Scott McAdam, regarding the ramifications of moving the boundary west, and she expressed concern for potentially increasing the cost of construction in a low income area. Mr. McAdam did not believe the change would affect insurance rates, as with flood zone boundaries. Commissioner Moss received confirmation that the State's recommendations were more than three years old. County Administrator John Titkanich received confirmation adherence to codes was not retroactively required, however, Mr. McAdam declined to speculate how insurance companies would react. Vice Chairman Flescher discussed the impact to the housing market.

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

Chairman Adams expressed concern for the timing and financial impact of the changes, while acknowledging the increased safety. Discussion ensued with an exploration of the impact to future development, especially in the area surrounding the future Oslo/I-95 interchange. Opinions expressed included the benefits of

having higher standards in place before anticipated new construction, mitigating insurance premiums for underbuilt structures, hardening new construction against wind damage, and the benefit of aligning the County with the State's standards.

Director Sobczak discussed his department's methods to disseminate the information to the building community, which included meeting directly with builders.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to adopt Ordinance 2024-019, amending Section 401.07 (the Indian River County Wind Borne Debris Region and Basic Wind Speed Map) of Part I (Standard Codes Generally) of Chapter 401 (Building Codes) of the Code of Indian River County, to replace the existing wind speed map with two updated wind speed maps; and providing for codification; severability; conflict of ordinances; and effective date of the ordinance. The motion carried by the following vote:

Aye: 3 - Vice Chairman Flescher, Commissioner Moss, and Commissioner Loar

Nay: 1 - Chairman Adams

Absent: 1 - Commissioner Earman

B. PUBLIC DISCUSSION ITEMS

10.B.1. [23-1120](#) Request to Speak from D. Remole re: Request for a Traffic Light at the Intersection of 58th Ave and 16th St.

Attachments: [Request to speak D.Remole](#)

Darrell Remole appeared before the Board to discuss a request for a traffic light at the intersection of 58th Avenue and 16th Street which had been denied based on a survey done by the County. Mr. Remole disagreed with the finding and took issue with a traffic light installation at the less-busy intersection of 58th Avenue and 69th Street. He discussed the danger and recent accidents at the 16th Street intersection.

Vice Chairman Flescher discussed the County's process to assess and install traffic lights, and noted the factors for those choices may not be obvious to the public.

Chairman Adams confirmed for Mr. Remole that the Board had received the letter and petition from the residents of the Segovia Lakes subdivision requesting a traffic light at the 58th Avenue and 16th Street intersection.

No Action Taken or Required

10.B.2. [23-1138](#) Request to Speak T.Kenny re: CSAC

Recommended Action: No Action Required

Attachments: [Public Discussion Request T.Kenny](#)

Thomas Kenny, Moms for Liberty, addressed the Board with his concerns regarding accounting oversight for the Children's Services Advisory Committee (CSAC). Mr. Kenny explained his rationale for specifically taking issue with CSAC funds awarded to the Learning Alliance; the money was used to support literacy programs in the County's public schools.

Chairman Adams noted the County funded programs, not agencies, and referred him to the new guidelines CSAC was issuing for the process of awarding money. Commissioner Moss invited Mr. Kenny to the next CSAC meeting and offered to speak with him regarding his concerns.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**11. COUNTY ADMINISTRATOR MATTERS****11.A. [23-1039](#)** American Rescue Plan Act of 2021 - Proposed Spending Plan Revisions

Recommended Action: Staff recommends that the Board consider the proposed spending plan (see attachment) as further detailed above totaling \$31,063,168, consider any changes, and approve the plan with any amendments as needed. Staff further recommends that the Board authorize the Chair to execute the City of Fellsmere Broadband Agreement and any agreements with the funding partners that is consistent with our Federal requirements.

Attachments: [Staff Report](#)
[ARP Proposed Spending Plan](#)
[City of Fellsmere Broadband Agreement](#)

County Administrator John Titkanich referred to staff's memo dated November 30, 2023, in presenting the proposed spending plan revisions for the County's \$31 million share of the American Rescue Plan (ARP) funds. Descriptions of projects were given for each of the spending categories: Response to the Public Health Emergency (COVID), Workers Performing Essential Work, Water/Sewer or Broadband Infrastructure, and Constitutional Officer Expenses.

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

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

Absent: 1 - Commissioner Earman

12. DEPARTMENTAL MATTERS

A. Community Services

B. Emergency Services

C. Human Resources

D. Information Technology

12.D.1. [23-1075](#) TIME CERTAIN 10:30 am -- Executive Session

County Attorney Bill DeBraul read into the record the opening remarks of the Attorney-Client Session scheduled for 10:30 am. The estimated time of the closed Attorney-Client Session was 60 minutes. Those in attendance were Susan Adams (Chairman), Joseph E. Flescher (Vice Chairman), Commissioners Joseph Earman, Deryl Loar and Laura Moss. Also in attendance were County Attorney Bill DeBraul, County Administrator John Titkanich, Information Technology Director Dan Russell, and a certified court reporter.

The Board reconvened in the Chambers at 11:20 am, and the Chairman closed the Attorney-Client Session. The County Commission meeting resumed with Item 10.A.2.

No Action Taken or Required

E. Natural Resources

F. Office of Management and Budget

G. Parks, Recreation, and Conservation

12.G.1. [23-1057](#) Environmental Lands Acquisition Panel (ELAP) Recommendation for Finalization of Draft Environmental Lands Program (ELP) Guide

Recommended Action: Staff respectfully recommends that the Board of County Commissioners review the proposed recommendations from the ELAP for the ELP Guide, and provide staff with their comments and direction for finalization of the document.

Attachments: [Staff Report](#)
[Full ELPG with ELAP Revisions 12.05.23](#)
[ELPG with ELAP Revisions TRACK CHGS](#)

Parks, Recreation and Conservation Director Beth Powell opened the presentation with an overview of the County's Conservation Lands Program, then discussed the creation of the Environmental Lands Program (ELP) Guide which provided a framework for the Environmental Land Acquisition Panel (ELAP) to follow. Conservation Lands Manager Wendy Swindell then reviewed the changes included in the revised ELP. She noted the bulk of the revisions were made to the land acquisition process/procedures, and land evaluation considerations.

Under discussion with Commissioner Moss, Ms. Swindell informed of ELAP's evaluation prioritization criteria; safeguards to protecting land; minimizing public impact in conservation areas; and finding the best and highest use for the land. Ms. Swindell informed the ELAP had issued an RFP for an acquisition consultant, and the Panel's recommendation would be brought before the Board for approval. Vice Chairman Flescher thanked all who served on the ELAP.

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

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

Absent: 1 - Commissioner Earman

H. Planning and Development Services

I. Public Works

J. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [23-1111](#) Charging Criminal Defendants Additional Fees

Recommended Action: Discuss and decide whether the Board wishes to direct staff to amend the code in order to charge for additional court costs in criminal cases.

Attachments: [Staff Report](#)

County Attorney Bill DeBraul explained that Florida Statutes allowed counties to charge \$65 in court fees to a defendant found guilty of a crime; the funds were allocated to programs for the community. Recently, the State affirmed the practice of charging defendants a \$65 court fee for each count of a crime that returned a guilty verdict. It was estimated the collected fees could bring in an additional \$300,000 for community programs, if the board chose to amend the County's code. Attorney DeBraul warned that the 19th Circuit's Public Defender would likely challenge this practice.

Vice Chairman Flescher spoke in favor of the change, and acknowledged the Court may not collect all the fees assessed.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve directing staff to amend the Code in order to charge for additional court costs in criminal cases. The motion carried by the following vote:

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

Absent: 1 - Commissioner Earman

13.B. [23-1115](#) Approval of Opioid Settlement Proceeds

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners discuss the recommended allotments made by the Public Safety Council for Criminal Justice, Mental Health and Substance Abuse and adopt the authorizing Resolution and authorize the Chairman to execute the Resolution on behalf of the Board.

Attachments: [Staff Report](#)
[Resolution](#)
[Schedules A and B from MOU with AG](#)

County Attorney Bill DeBaal informed the County would receive approximately \$1.2 million in fiscal year 2023-24 from Opioid Settlement proceeds to be used for opioid use disorder treatment programs. The funds would be distributed, at the Board's direction, by the Southeast Florida Behavioral Health Network (Southeast). In November 2023, the Board-created Public Safety Council for Criminal Justice, Mental Health and Substance Abuse (Council) heard presentations from groups requesting funds and recommended awarding the following organizations: Indian River County Sheriff, Substance Awareness Center, IRC Mental Health Collaborative, 19th Judicial Circuit Drug Court, and the Treasure Coast Homeless Council. Attorney DeBaal requested the Board's consideration of the recommendations.

Chairman Adams questioned accountability, allocations and expressed concern over the seeming lack of a master plan for these funds over the next 18 years. Discussion ensued between the Board and Attorney DeBaal regarding allocations, measurable outcomes, and the need to ramp-up programs before evaluating them. The Chairman continued to express the need for an over-arching plan, and suggested giving funds to already-established programs.

Vice Chairman Flescher, a member of the Council, discussed the justice system process drug addicts faced, the need to build dedicated treatment beds, and the presentations made before the Council which led to the decisions. In response to the Chairman's and Commissioner Loar's discomfort with limited information, a suggestion was made to have the awarded agencies appear before the Board with a short version of their presentations. It was noted there was a sense of urgency to start creating spaces to help treat addicts who would not otherwise receive assistance through the criminal justice system.

Consensus was reached to table the item until the January 9, 2024 Board meeting when the five (5) agencies would appear before the Board to present their plans for the funds. Staff was requested to provide the Commissioners with background information ahead of the next meeting.

Miranda Swanson, Indian River County Health Officer, agreed with the need for a structured plan and made a plea on behalf of families struggling with affects of opioid addiction whose only path was through the jail system. She added the Health Department's support for the Item.

Consensus was reached to table the Item and to bring it back to the Board at their next meeting on January 9, 2024, where the five (5) organizations chosen to receive funds would present their plans before the Board.

13.C. [23-1118](#)

Authorization to proceed with foreclosures on Code enforcement case number 2017040073 (Ledford)

Recommended Action: Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases.

Attachments: [Staff Report](#)
[Ledford Order Imposing Fine](#)
[Ledford Deed](#)

Deputy County Attorney Susan Prado brought forward a proposal for foreclosure of a property at 136 15th Street SW. Attorney Prado detailed the code violations which stretched back to 2017, and noted the accumulated fines of \$229,900 far outweighed the \$30,000 assessed value of the property. She recommended proceeding with foreclosure, and estimated \$7,000 in legal fees.

Chairman Adams agreed it was important to clean up the property and move forward.

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

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

Absent: 1 - Commissioner Earman

The Chairman called for a recess at 1:08 p.m., and reconvened the meeting at 1:14 p.m. with all members present, except Commissioner Earman who was absent.

13.D. [23-1134](#) PFAS Class Action Settlement; In Re: Aqueous Film Forming Foams Product Liability Litigation

Recommended Action: The County Attorney's Office recommends the BOCC resolve to opt-in to the class action lawsuit because we would fall into class members. The County Public Water Systems immediately complete baseline testing and submit results on the relevant Claims Forms, the Claimant Information Form, as well as the Public Water System Settlement Claims Form to the Claims Administrator. The County Attorney's Office also recommends it consider taking steps to eliminate PFAS from our public drinking water.

Attachments: [Staff Report](#)

Keith Jackman, Assistant County Attorney, informed the Board of two (2) class-action lawsuit settlements surrounding forever-chemicals known as PFAS. He provided information about PFAS and their ill-effects on health before describing the two settlements, and the testing needed to file a claim. Mr. Jackman made mention of the County's nano-filtration systems in place for PFAS, and warned of expected EPA (Environmental Protection Agency) regulations.

Utility Services Director Sean Lieske provided additional information on the County's filtration systems and the extremely low levels of PFAS detected in the drinking water supply; he noted settlement funds would be used to enhance the County's efforts. Director Lieske also discussed the EPA's focus on the issue, and that the additional testing would leave the County well-positioned to address any regulation.

Chairman Adams received confirmation the lawsuits' opt-out deadlines had passed, and briefly reviewed staff's recommendations.

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

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

Absent: 1 - Commissioner Earman

13.E. [23-1135](#) Developer's Agreement Between Mandala Village, LLC and Indian River County

Recommended Action: Staff recommends the Board approve the Developer's Agreement with Mandala Village LLC and authorize the Chairman to execute it on behalf of the Board.

Attachments: [Staff Report](#)
[Aerial photo](#)
[Comparison of Developer's Agreements](#)
[Proposed Developer's Agreement](#)

County Attorney Bill DeBaal brought forward the Developer's Agreement between Mandala Village, LLC and the County to construct certain improvements as required in the Planned Development Traditional Neighborhood Design rezoning. Attorney DeBaal displayed a map as he detailed the improvements: dedication of right-of-way (ROW) along the 53rd Street border; paving for 53rd Street; turn lane improvements; drainage; and ROW for 58th Avenue between 49th Street and 57th Street. He added there was one change to the agreement which extended the deadline for ROW dedication from 60 days to 90 days.

Commissioner Moss mentioned the previously-raised concerns regarding traffic from the planned hotel. Attorney DeBaal informed staff had reviewed the plan and concluded that the two-lane road would be sufficient to handle all traffic from the development. Vice Chairman Flescher noted the agreement would allow for proper handling of traffic, and was unrelated to his previous disapproval of the project.

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

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

Absent: 1 - Commissioner Earman

14. COMMISSIONERS MATTERS

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

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District**B. Solid Waste Disposal District**

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those minutes will be approved under the next Solid Waste Disposal District meeting.

15.B.1. [23-1128](#)

Amendment Work Order No. 18 to Geosyntec for Segment 3, Cell 3 Site Preparations

Recommended Action: Solid Waste Disposal District staff recommends that its Board approves and authorizes the Chairman to sign Amendment No. 1 to Work Order No. 18 authorizing Geosyntec to provide engineering services for a not to exceed fee of \$39,783.73

Attachments: [Staff Report](#)
[WO 18 Amendment 1](#)
[Budget Estimate Geosyntec](#)
[Segment 3 Cell 3 Site Preparation Amendment 1](#)

There was no discussion regarding this item.

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

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

Absent: 1 - Commissioner Earman

15.B.2. [23-1129](#)

Work Order No. 7 to Kimley-Horn for the Solid Waste Disposal District Annual Financial Reports

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that its Board approve Work Order No. 7 with Kimley-Horn and Associates, Inc. for \$75,050 to provide engineering services related to the SWDD Annual Financial Reports; and authorize the Chairman to execute the same, as presented

Attachments: [Staff Report](#)
[Work Order No. 7 - KHA](#)

There was no discussion regarding this item.

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

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

Absent: 1 - Commissioner Earman

15.B.3. [23-1130](#) Authorization to provide LFG Easements on the Landfill Property

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that its Board approve:

- a) Approve the fifty-foot-wide temporary LFG construction easement and grant Nopetro Eco District, LLC the non-exclusive easement in accordance with the easement drawings.
- b) Approve the twenty-foot-wide sub-lateral "C-5" canal crossing LFG easement and grant Nopetro Eco District, LLC the non-exclusive easement in accordance with the easement drawings.
- c) Approve the twenty-foot-wide LFG easement and grant Nopetro Eco District, LLC the non-exclusive easement in accordance with the easement drawings.
- d) Direct the County Attorney's Office to finalize the legal documents to record the approved non-exclusive easements.
- e) Authorize the Chairman to execute the final legal documents to effectuate the granting of the approved non-exclusive easements.

Attachments: [Staff Report](#)
[50-Foot Wide Temporary Easement](#)
[20-Foot Wide Sub-Lateral C-5 Canal Easement](#)
[20-Foot Wide Sub-Lateral LFG Easement](#)
[Environmental Assessment](#)

[Clerk Note: This item was heard following Item 13.B.]

Himanshu Mehta, Solid Waste Disposal District (SWDD) Managing Director, explained the requested easements were needed to construct, install, and maintain landfill gas (LFG) lines between the SWDD landfill and the Nopetro Eco District's (NED) planned construction of a Renewable Natural Gas (RNG) processing facility. Because the NED recently acquired an alternate parcel of land for the RNG facility, new easements were required to fulfill the SWDD's obligation to the project.

Nopetro's CEO, Jorge Herrera, presented an update to the RNG plant development which included a timeline with expected LFG commencement in January 2025.

Chairman Adams received confirmation that an amendment to NED's agreement with the County to extend the original milestones by 90 days was in progress. County Attorney Bill DeBaal received information regarding additional items that were being negotiated under the forthcoming amendment.

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

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

Absent: 1 - Commissioner Earman

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:39 p.m.