



Indian River County Florida

Draft Meeting Minutes

Board of County Commissioners

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

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
Shauna James, Deputy Clerk

Tuesday, January 9, 2024

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

Christina Moore, Sr. Pastor, Rhema Apostolic International Deliverance Center

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Proclamation Recognizing Human Trafficking Awareness in Indian River County

Michele Kollig, representing Florida Faith Alliance, expressed her gratitude to the Commissioners for raising awareness of the fastest-growing crime in the world. She stated human trafficking was the second largest criminal industry in the world

and was a form of modern-day slavery in which human beings are controlled, abused, and exploited for profit through labor and sex. Ms. Kollig informed the Commissioners that the Florida Faith Alliance had produced a powerful anti-trafficking video called “Don't Take the Bait,” specifically for middle and high school students to educate them on the dangers of human trafficking. She also mentioned that Florida State House Representative Toby Overdorf recently presented Bill 745, which would hold businesses, motels, and theaters accountable for not taking necessary precautions to prevent human trafficking through their establishments.

Ms. Kollig stated that Florida Faith Alliance and Catch the Wave of Hope are working to alert Indian River County to the immediate crisis and the need for all to become educated and to promote services and therapy for victims. Ms. Kollig urged the County Commissioners and citizens to attend the free awareness presentation on Tuesday, January 30, 2024, at the Indian Rivers Shores Community Center at 7:00 p.m.

Read and presented by Vice Chairman Flescher

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Regular Meeting Minutes of November 7, 2023, and November 21, 2023 as written. The motion carried by the following vote:

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

6.A. Regular Meeting of November 7, 2023

Approved as written

6.B. Regular Meeting of November 21, 2023

Approved as written

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

7.A. Proclamation Honoring Mable Mills On Her Retirement From Indian River County Board of County Commissioners Solid Waste Disposal District

No Action Taken or Required

7.B. Proclamation Honoring Amy L. Cosner on her Retirement from Indian River County Board of County Commissioners, Department of Utility Services/Water Distribution Division

No Action Taken or Required

7.C. 2024 Committee Assignments by Commissioner

No Action Taken or Required

7.D. 2024 Treasure Coast Regional Planning Council (TCRPC) Appointments

No Action Taken or Required

7.E. City of Vero Beach, Notice of Voluntary Annexation: Ordinance No. 2023-24 for 4.07 acres of property located at 2301 43rd Avenue.

No Action Taken or Required

7.F. St. Johns River Water Management District (SJRWMD) 2024 Governing Board Meeting Schedule.

No Action Taken or Required

7.G. Indian River County Venue Event Calendar Review

Chairman Adams invited everyone out for a “frogtastic” good time at the 33rd Annual Fellsmere Frog Leg Festival, with the proceeds benefiting youth recreation.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Consent Agenda as amended, pulling Item 8.T. and Item 8.U. for discussion. The motion carried by the following vote:

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

8.A. Checks and Electronic Payments November 10, 2023 to November 16, 2023

Approved

8.B. Checks and Electronic Payments November 17, 2023 to November 23, 2023

Approved

8.C. Checks and Electronic Payments November 24, 2023 to November 30, 2023

Approved

8.D. Checks and Electronic Payments December 1, 2023 to December 7, 2023

Approved

8.E. Quarterly Investment Report for Quarter Ending 09/30/2023

Accepted

8.F. Quarterly OPEB Trust Report for Quarter Ending 09/30/2023

Accepted

8.G. Updates to the Cash Surplus Funds Investment Policy

Accepted

8.H. Interest Rate Change on All County Financing (Petition Paving, Utility Assessment Projects, Utility Impact Fees, etc.)

Approved staff's recommendation

8.I. Updates to the Other Post-Employment Benefits Investment Policy

Accepted

8.J. Final Pay to Kimley-Horn and Associates, Inc. for Work Order No. 8, North County Water Plant Discharge Permit Renewal

Approved staff's recommendation

8.K. Fence Encroachment Agreement with Florida Power and Light

Approved staff's recommendation

8.L. Approval of Continuing Geotechnical Engineering Consulting Services Agreements

Approved staff's recommendation

8.M. Approval of Continuing Architectural Consulting Services Agreements

Approved staff's recommendation

8.N. Renewal of Annual Bid 2022027 for Natural Areas and Exotic Vegetation Management/ Mowing

Approved staff's recommendation

8.O. First Extension and Amendment to Agreement for Professional Roof Design, Evaluation, and Construction Oversight Services (RFQ 2020031)

Approved staff's recommendation

8.P. Award of Bid 2024012 - Annual Bid for County Parks Athletic Field Maintenance

Approved staff's recommendation

8.Q. Award of Bid 2024013 Demolition of Retail and Residential Structures

Approved staff's recommendation

8.R. Second Extension to Agreements for Temporary Staffing Services (Bid 2022017)

Approved staff's recommendation

8.S. Agreement with Carter Associates, Inc. for Design Services for Oslo Park Paving and Drainage Project (IRC-2308)

Approved staff's recommendation

8.T. Pulte Home Company, LLC's Request for Final Plat Approval for Harbor Isle Phase I [SD-20-11-04 / 99070005-94300]

Commissioner Moss requested and received clarity from Ryan Sweeney, Assistant Planning & Development Services Director, regarding the proposed development plan for Harbor Isle, Phase I. The plan aimed to increase the density of the entire platted area while maintaining an overall density of approximately four units per acre. As per the first phase of the plan, 90 units were to be constructed and divided by the entire area, resulting in a density of 0.88 units per acre. The Board would be approving the construction of these 90 units.

Commissioner Moss requested that the minutes of the Planning and Zoning Commission (PZC) meeting be attached to the backup in the future. A discussion ensued between the Board and staff as to the relevance of the minutes of past PCZ meetings. Chairman Adams stated including the minutes mentioned in the staff report would provide context for the project. However, the minutes may not contain all the necessary information. A final plat was a legal document that created lots. The preliminary dealt with subdivision approval, and would be unnecessary to include.

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

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

8.U. Sunburst/Encore, LP's Request for Final Plat Approval for the Sunshine Travel RV Resort Expansion [SD-21-06-02 / 2001010166-93624]

Commissioner Moss sought and received the history of the Sunshine Travel RV Resort, which received approval in the mid-1980s and has since received various approvals to add more RV lot spaces and amenities.

Assistant Planning & Development Services Director Ryan Sweeney stated that the Sunshine Travel RV resort occupied the southern two-thirds of the site and had received numerous approvals from the Planning and Zoning Commission or staff for lots, clubhouse, pool, and other amenities. The current expansion phase was focused

on the northern portion of the site. He clarified the code allowed for staff-level approval for anything less than 25 lots. This project had been decades in the making, and now that the infrastructure was built, this phase was primarily focused on establishing individual RV spaces for full build-out.

A motion was made by Commissioner Moss, 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

8.V. FDOT Transportation Regional Incentive Program (TRIP) Supplemental Agreement No. 2 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

Approved staff's recommendation and Resolution 2024-001, authorizing the Chairman's execution of Transportation Regional Incentive Program Supplemental Agreement No. 2 with the Florida Department of Transportation (FDOT) for CEI and construction of 66th Avenue roadway widening from 69th Street to CR-510/85th Street.

8.W. Updated Guidebook for The Children's Services Advisory Committee

Deleted

8.X. Amendment No. 2 - FDEP Grant Agreement No. 19IR3 (Vero Beach Restoration - Beach Management Sector 5)

Approved staff's recommendation

8.Y. Southeastern Fastpitch Inc. License Agreement dated January 9, 2024

Approved staff's recommendation

8.Z. St. John's River Water Management District Cost Share Agreement Contract #38600 - Indian River County South Oslo Riverfront Conservation Area Floodplain Restoration Project

Approved staff's recommendation

8.AA. Florida Department of Health EleGARD Grant

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS**10.B.1.** Request for Public Discussion by Barry Shapiro re: Annual Vero Beach Sock Drive

Bob Standley, who represents the Vero Beach Sock Drive, shared that the drive began with modest expectations. Initially, the goal was to collect 200 to 300 pairs of socks to send to a charity that helped the homeless. However, the drive exceeded expectations and collected over 1,000 pairs, which were delivered to three different charities.

After four years, the drive collected and distributed over 15,000 pairs of socks to the homeless and less fortunate through 12 charitable organizations, all thanks to the generosity and support of the County's great community. Last year, the drive collected 18,881 pairs of socks, which were distributed throughout Indian River County and Palm Beach County. Socks were the number one requested item at homeless shelters. Mr. Standley thanked the volunteers for their time and efforts to help and stated the sock collection boxes were now in over 40 locations throughout the Treasure Coast.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**10.C.1.** Public Notice of Public Hearing for January 23, 2024, to Consider an Ordinance Authorizing an Extension of the Temporary Moratorium for an Additional 1 Year with regard to Class B Biosolids

County Attorney Bill DeBraul read the notice into the record

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

12.G.1. Indian River County Shooting Range Standard Operating Procedure Guide

Director of Parks and Recreation Beth Powell utilized a PowerPoint presentation to highlight updates to the Indian River County Public Shooting Range Standard Operating Procedures. Ms. Powell stated the Indian River County Public Shooting Range opened in 2001 through a partnership between the County and the Florida Fish and Wildlife Conservation Commission; she acknowledged the generous support received with funding from the U.S. Fish and Wildlife Service.

Ms. Powell discussed the Indian River County Public Shooting Range Standard Operating Procedure Guide, which would govern the use of the facility, outline Range rules, and formalize commonly held business and operational practices.

Updates to the Guide included:

- General Range Safety Rules and Best Management Practices
- Guest Services and Point of Sale/Cash Handling for Staff
- Independent Contractor Instructions & Policy
- Emergency Action Plan - Weather, Wildfire, Critical Incidents
- Employee Onboarding and Staffing Responsibilities
- Administrative Policies & Procedures
- Facility Reservations & License Agreements

The Commissioners discussed the facility and its public benefits.

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

H. Planning and Development Services

I. Public Works

J. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. Opioid Class Action Lawsuit Settlement Fund Allocation

In November 2023, the Public Safety Council for Criminal Justice, Mental Health, and Substance Abuse recommended five groups for Opioid Class Action Settlement

funds. The Board discussed recommendations on Dec. 12, 2023, and invited those groups to present at a future Board Meeting. County Attorney DeBral stated that the Southeast Florida Behavioral Health Network would administer these funds as Indian River County was too small to administer and distribute them.

Linda Kane, Director, Southeast Florida Behavioral Health Network, oversees the Substance Use System of Care in multiple counties, including Indian River County, which had been allocated \$1,177,000 for fiscal year 2024. Ms. Kane explained the process of administering these funds.

The following individuals presented their proposed allocations of the Opioid Class Settlement funds.

Captain Angela Jones proposed the conversion of a currently vacant wing at the jail to create a space for individuals arrested on drug crimes or drug-related offenses who suffer from Opioid Use Disorder (OUD). These inmates required more intensive medical treatment due to withdrawal and detox symptoms that could not be adequately addressed in the regular medical section of the jail. The award amount for this proposal was \$350,000.

Carrie Lester, the Executive Director of Substance Awareness Center (SAC), along with Kyleigh Savoie, the Data & Outcomes Manager, utilized a PowerPoint presentation to propose strategies to address the opioid crisis in Indian River County. Those strategies included conduct needs assessment & strategic plan, establish jail treatment programs, launch mobile outreach van, provide training, and expand SAC's treatment & prevention Services. The allocated amount for this proposal was \$200,000.

Wes Samons, the Executive Director of the Indian River County Mental Health Collaborative, proposed educating the community to prevent opioid abuse. Funding would secure social media campaigns, radio hits, and educational programs. The success of the campaign would be assessed throughout the year. The allocated amount for this proposal was \$40,000.

Patty Harris, Court Administrator of the 19th Judicial Circuit, announced that funds would be allocated to participants in Problem-Solving Court programs. These programs include Felony Drug Court, Veterans Treatment Court, and Mental Health Court, and had over 150 active participants. The funds would be used for treatment and wraparound services to reintegrate participants into their communities in a productive way, with the objective of long-lasting public safety. The allocated amount for this proposal was \$305,000.

Rayme Nuckles, Visionary Leader, Treasure Coast Homeless Services Council (TCHSC), proposed to provide housing for individuals struggling with Opioid Use Disorder (OUD). This offer would be extended to those who have completed inpatient rehab or have been released from incarceration after participating in jail treatment programs. TCHSC claimed that they could provide up to 10 units of housing, with each unit accommodating two people for a year. The allocated amount for this proposal was \$282,000.

Each Commissioner weighed in on the proposals presented; Chairman Adams expressed her concern regarding the current programs that were being funded with the opioid settlement dollars. She stated although these programs had been successful, they were mainly designed for individuals involved in the legal system.

Chairman Adams stated that it was important to consider the needs of the wider population while allocating funds for assistance programs. Currently, the County seem to be distributing funds based on trial and error, without a clear understanding of where they should be directed. While there may have been some success with certain programs in the past, she further stated she was apprehensive about the sheriff's request for \$350,000. There was a need for detox beds in Indian River County, but the need was for detox beds that were open to everyone, regardless of whether they had been arrested or not. It was not the Board's goal to reallocate the funding, yet she felt it was too early to fund the Sheriff's request as there were no cost estimates available, and the program's financial burden was uncertain.

Commissioner Moss thought the Sheriff's treatment wing was a good idea. It was a physical asset that could provide help to people for a longer period of time. Other solutions may help individuals in the short term; having a permanent treatment wing would make a lasting impact.

Commissioner Earman agreed with Commissioner Moss but would prefer more details on the allocation of the \$350,000 for the Sheriff's office.

With a motion on the floor, Attorney Bill DeBraul proposed increasing the allocation for the Substance Awareness Counsel by \$50,000, making the total allocation \$250,000. This would provide \$100,000 for the needs study and \$150,000 for jail treatment, both of which were urgent needs. This had been requested by Ms. Lester previously in her presentation

Commissioner Loar was not comfortable with Attorney DeBraul's proposal due to the fact that the Safety Council had already established the dollar amounts.

A motion was made by Commissioner Earman, seconded by Commissioner Loar, to approve the recommendations of the Public Safety Council and Resolution 2024-002, approving the allocation of the Opioid Class Action Lawsuit settlement funds. The motion carried by the following vote:

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

Nay: 1 - Chairman Adams

The Chairman called for a recess at 11:13 and reconvened at 11:23 with all members present.

13.B.

Sale/Donation of Former Gifford Gardens Apartments Property to Indian River County Habitat for Humanity, Inc.

County Attorney Bill DeBaal stated that the Gifford Gardens property once had apartment buildings with 55 units spread across 3.3 acres. However, due to their age, the buildings fell into disrepair, and rehabilitating them would have cost more than their value. The County demolished them in June 2011 for \$85,000. The property was then purchased at a tax deed sale for the amount of unpaid taxes, which was \$84,900. The Code Enforcement demolition liens did not drop off in the tax deed sale, and as a result, the Board purchased the property from the then-owner, Leonard Green, for \$10,000. Additionally, the County paid the outstanding taxes for the past two years, amounting to \$9,600. Attorney DeBaal stated the Board had reserved the property for affordable housing and received a proposal from Habitat for Humanity, which intended to establish single-family homes using its homeownership program. The Board earmarked \$500,000 from the American Recovery and Reinvestment Act for the planning and construction of affordable housing, which was included in Habitat for Humanity's presentation. Attorney DeBaal requested the Board dedicate the property so that Habitat for Humanity could move forward with the project.

Chairman Adams stated that the signing of the documents had been long-awaited by the Affordable Housing Advisory Committee (AHAC), and appreciated that it was finally moving 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: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

14.A. Proposed Resolution in Support of the Indian River County Strict Rainy Season Ban Urban Fertilizer Ordinance

Chairman Adams stated that legislation was being passed at the State level that would limit the County to enforce the ban on rainy season urban fertilizer. She stated that the Sierra Club and other organizations across the State had also requested their local governments to approve a Resolution that urged the State to respect home rule.

Indian River Neighborhood Association Executive Director Daniel Lamson thanked the Board for considering this resolution. He stated he was working with a coalition of organizations across the State of Florida trying to get counties that have passed strong fertilizer Ordinances similar to Indian River County to send a Resolution to the state asking them not to preempt these Ordinances. He stated the State had been taking power away from local municipalities for the past decade, which was not something the County wanted to see happen, especially with something as important and low-cost as a solution to nutrient pollution. Mr. Lamson suggested sending a copy of the Resolution to Senator Erin Grall and Representative Robert Brackett, the County's representatives in Tallahassee.

Commissioner Flescher mentioned that the County's efforts to enforce compliance with local vendors had yielded excellent results. Many distribution points were now selling fertilizers containing zero harmful chemicals. This was a positive development as it allowed people to fertilize their gardens with a clean conscience. It was essential to continue to promote the use of environmentally friendly fertilizers.

Richard Baker, Director, Pelican Island Audubon Society, discussed the benefits of native plants. Turf grass requires more water and chemicals, which harms the environment. In Florida, 64% of drinking water is used for lawns, rising to 88% in summer months, and residents must cut back on the use of grass to protect resources. He thanked Alexis Peralta, Fertilizer Enforcement Officer, for teaching kids about birds and stormwater. He stated more enforcement was needed to prevent pesticide spraying during the ban.

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve staff's recommendation and Resolution 2024-003, in support of the Indian River County strict Rainy Season Ban Urban Fertilizer Ordinance. The motion carried by the following vote:

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

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Joseph H. Earman

D. Commissioner Deryl Loar

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

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

B. Solid Waste Disposal District

15.B.1. Approval of SWDD Meeting Minutes of November 7, 2023

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Solid Waste Disposal District Meeting Minutes of November 7, 2023 as written. The motion carried by the following vote:

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

15.B.2. Approval of SWDD Meeting Minutes of November 21, 2023

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Solid Waste Disposal District Meeting Minutes of November 21, 2023 as written. The motion carried by the following vote:

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

15.B.3. Work Order No. 5 to Geosyntec for Annual Permit, Compliance Monitoring, and Reporting for 2024

Director of Utility Services, Sean Lieske, on behalf of the Solid Waste Disposal District, presented an amendment to Work Order No. 5. The amendment was related to the landfill's annual permits, which include a Class I landfill permit, an air permit, and a stormwater permit. The agreement with Geosyntec Consultants was to assist with managing these permits, including monitoring and reporting requirements. The cost of this agreement was \$296,305.68.

There was no further discussion on this Item.

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

15.B.4.

Amendment No. 4 to Landfill Gas Agreement with Nopetro Eco District, LLC Utility Services Director Sean Lieske referred to staff's memo dated December 28, 2023, as there had been a series of amendments associated with the agreement with Nopetro Eco District, LLC (NED), the most recent being Amendment No. 3 Agreement to grant 12 months to the Natural Landfill Gas (LFG) agreement commencement date from June 30, 2023, to June 30, 2024. Mr. Lieske presented Amendment No. 4, which was strictly to extend the contract based on the requirement of their project financing entity to ensure that the termination of the agreement would be beyond the project schedule for completion.

Under discussion, Vice Chairman Flescher, Commissioner Loar, and Commissioner Moss expressed their discomfort with the language in the contract, specifically the use of gross receipts versus net proceeds. They stated that they did not favor moving forward with the contract.

County Attorney Bill DeBraal received confirmation that the 10-year extension to the 20-year contract was no longer on the table. NED CEO Jorge Herrera stated during the last meeting that an extension of three and a half months beyond the outside date had been requested, citing factors that were within their control at the time. Their main concern was that if there was a delay and they could not finish by the deadline, they would not be able to close on their construction loan.

Commissioner Loar stated his concern regarding the recent changes and extensions made to the Amendments. He requested from NED and Assistant County Attorney Keith Jackman a more precise definition of the gross receipts.

Attorney Jackman suggested postponing the discussion until the January 23, 2024, BCC meeting, as there were concerns regarding the contract's legal sufficiency. The County's gross receipts appeared to cover NED's consumables, taxes, and operational costs, creating ambiguity. The contract should reflect this if the County intended to cover these costs.

Chairman Adams expressed frustration with this ongoing project that began in 2019, which incurred numerous costs and several improvements at the county landfill. The leachate issue was addressed by installing a landfill evaporator to access the landfill gas. The plan was to convert the landfill gas into electricity, but

the County decided on the pipeline instead, which led to the leachate issue. She stated the Florida City Gas commissioner had used this potential project to get a gas line extension to the beach, but getting the necessary agreements had been a challenge. All amendments, including Amendment Three, had been approved, and additional language was added as requested by the County. However, new attorneys had interpreted the Amendments differently, delaying the project's final phase. An extension of the contract for this project was needed to secure funding.

Chairman Adams was concerned that the time between now and the January 23rd meeting was not enough time to vet everything. Amendment No. 4 was presented as a simple extension to acquire funding. Delaying it would require budget input, vetting on different market conditions, and comparing contracts from Jacksonville and Indian River County. She stated even if the County Attorney's office and all the other staff focused solely on this, it would still take longer than the funding deadline. If there was no funding, the project would not happen. Chairman Adams was glad to see progress in the willingness to have conversations on both sides but worried that there would be nothing to discuss if the decision was delayed.

A lengthy discussion ensued about whether the Attorney's office and representatives from NED could renegotiate the contract language before the BCC Meeting on January 23, 2024.

A motion was made by Commissioner Moss, seconded by Commissioner Loar, to postpone the vote until the January 23, 2024 regular meeting, to allow for requested changes to the language in the existing contract. The motion carried by the following vote:

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

Nay: 2 - Chairman Adams, and Commissioner Earman

C. Environmental Control Board

16. ADJOURNMENT

There being no further business the Chairman adjourned the meeting at 1:01 PM