



# 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.ircgov.com

*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**

**Shauna James, Deputy Clerk**

**Tuesday, May 2, 2023**

**9:00 AM**

**Commission Chambers**

#### 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 Vincent Sigel, Good Shepherd Church of God**

**Deacon Wilfred Hart, Friendship Missionary Baptist Church, gave the invocation**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Joseph E. Flescher**

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

Moved: Item 7.E. to Item 5.E.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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.** Presentation of Programs, Projects, and Progress at the Jackie Robinson Training

### Complex

Mike Zito, Assistant County Administrator, shared some interesting facts about the Jackie Robinson Training Complex (JRTC). He mentioned that in 2008 the Dodgers played their last game at Holman Stadium. Since then, there had been various plans for the facility. He stated in 2012, Indian River County joined hands with Dodgers owner Peter O'Malley to manage the 73-acre site as a multi-sport complex and resort. He pointed out that Major League Baseball (MLB) had invested millions in the complex, and their commitment to it remained strong.

Mr. Zito introduced Ms. Rachele Madrigal, Managing Director, JRTC. Ms. Madrigal utilized a PowerPoint presentation to outline the recently completed and future facility improvements, and highlighted the 2023 featured events at the JRTC.

Chairman Earman thanked Mr. Zito and Ms. Madrigal and looked forward to bigger and better things at JRTC.

### **No Action Taken or Required**

#### **5.B.** Presentation of Proclamation - National Correctional Officers and Employees Week

Sheriff Eric Flowers was joined by members of his corrections team to accept the Proclamation. Sheriff Flowers thanked the Board for the recognition and planned to celebrate with the team, as they were truly a group of heroes.

Commissioner Flescher, Vice Chairman Adams, Commissioner Moss, and County Administrator John Titkanich each thanked the team for their commitment and service to the community.

### **Read and presented by Commissioner Loar**

#### **5.C.** Presentation of Proclamation - National Nurses Week May 6 - 12, 2023

Cynthia Tagliaferri, Regional Director, Christine E. Lynn College of Nursing, along with Lori McCormick, nurse leader, and her remarkable team of nurses expressed their gratitude for the recognition from the Board.

The Board and County Administrator John Titkanich stated their appreciation for nurses and their contribution to health care.

### **Read and presented by Commissioner Moss**

#### **5.D.** Presentation of Proclamation - Mental Health Association in Indian River County and May 2023 as Mental Health Awareness Month

Mental Health Association in Indian River County CEO Dr. Phil Cromer was joined by Amy Wagner, Director of Philanthropy and Marketing, Laura Saputo, Clinical

Manager, and Board Member Wilfred Hart to accept the Proclamation.

Dr. Cromer thanked the Board for the honor. He also thanked the entire staff at the Mental Health Association and Mr. Hart for their tireless work to provide a full array of mental health services.

**Read and presented by Vice Chairman Adams**

**5.E.** Derelict Vessel Process and Update

Natural Resources Manager Eric Charest introduced Lieutenant (Lt.) Grant Eller and Officer Richard Marroquin of the Florida Fish and Wildlife Conservation Commission (FWC). Lt. Eller stated that the FWC had sixteen (16) open derelict vessel cases in Indian River County, and the law require a due process in assessing these vessels, including vessels damaged during the last two hurricanes. He explained that the investigative process was lengthy but crucial in a derelict vessel case.

Officer Marroquin detailed the Florida Vessel Turn-In Program (VTIP), which allowed vessel owners who have received a written citation or warning for their vessel being at risk to voluntarily surrender their unwanted vessel to the FWC at no cost to the owner.

Chairman Earman commented that the presentation was encouraging and that removing derelict vessels was tedious.

Mr. Charest mentioned that the County submitted a grant application to the FWC seeking full reimbursement for removing eight (8) derelict vessels. He also thanked Lagoon Plan Environmental Specialist Melissa Meisenburg for putting the information together.

**No Action Taken or Required**

**6. APPROVAL OF MINUTES**

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

**7.A.** 2nd Quarter FY 2022/2023 Budget Report

**No Action Taken or Required**

**7.B.** City of Sebastian, Notice of Voluntary Annexation in Accordance with F.S. 171.044(3): Ordinance No. O-23-01 for property located at 8925 86th Avenue, Sebastian. Copies of the adopted ordinance with maps and legal description are on file in the Office of the Clerk to the Board.

**No Action Taken or Required**

- 7.C.** Florida Public Service Commission Order PSC-2023-0142-PAA-EI approving change in rate for allowance for funds used during construction effective January 1, 2023, by Florida Power & Light Company. A copy of the document is available for review in the Office of the Clerk to the Board.

**No Action Taken or Required**

- 7.D.** Indian River County Venue Event Calendar Review

**No Action Taken or Required**

- 7.E.** Derelict Vessel Process and Update

[Clerks Note: This Item was moved to Presentations and Proclamations as Item 5.E.]

**No Action Taken or Required**

- 7.F.** Environmental Lands Acquisition Panel Appointment - District 2

Commissioner Flescher appointed Ms. Janice Broda as the District 2 representative, Environmental Lands Acquisition Panel (ELAP).

**No Action Taken or Required****8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve as the Consent Agenda as amended pulling Item 8.E. 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.** Sandridge Golf Course Group Policy

**Approved staff's recommendation**

- 8.B.** Designation of Excess Equipment as Surplus and Authorization for Disposition

**Approved staff's recommendation**

- 8.C.** Rejection of Bids - 2023020 for Fiber Optic Engineering, Design, Material, Supplies, and Installation

**Approved staff's recommendation**

- 8.D.** Approval of Continuing Consulting Engineering Services Agreements

**Approved staff's recommendation**

- 8.E.** Resolution of Support for 43rd Avenue Sidewalk from 45th Street to 49th Street

Metropolitan Planning Organization Staff Director Brian Freeman presented an aerial photo of the proposed 43rd Avenue sidewalk project. Mr. Freeman stated the project would construct a new 6' wide concrete sidewalk along the east and west side of 43rd Avenue from 45th Street to 49th Street. It would also replace the existing narrower sidewalks within the same corridor. The project would also include pedestrian crossing, bike lanes and bus stop improvements at the 43rd Avenue and 45th Street intersection and the 43rd Avenue and 49th Street intersection.

No further discussion was had on this Item.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve staff's recommendation and Resolution 2023-015 supporting the construction of new sidewalks and reconstruction of existing sidewalks along 43rd Avenue from 45th Street to 49th Street for the 2023 Transportation Alternatives Program (TAP) application for the Florida Department of Transportation (FDOT). The motion carried by the following vote:**

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

**8.F.** Request for Authorization to Submit an Application for Section 5311 Grant for Rural Transit Operating Assistance Funds

**Approved staff's recommendation and Resolution 2023-016 authorizing the submission of a grant application for 49 USC CH.53, Section 5311 Public Transit Operating Assistance.**

**8.G.** Resolution Cancelling Taxes - Cal's Extra Space Storage

**Approved staff's recommendation and Resolution 2023-017 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes (1950 Old Dixie Hwy SW).**

**8.H.** County Administrator Travel

**Approved staff's recommendation**

**8.I.** Change Directive No.1 to Atlantic Roofing II of Vero Beach for the Central (Gifford) Wastewater Treatment Facility Roof Replacement Project

**Approved staff's recommendation**

**8.J.** Change Order #3 to TLC Diversified, Inc., for the South County Water Treatment Plant Membrane and Retrofit Project

**Approved staff's recommendation**

**8.K.** Property Exchange for Right-of-Way Acquisition on 39th St

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS****A. PUBLIC HEARINGS****B. PUBLIC DISCUSSION ITEMS****10.B.1.**

Request to Speak from Dr. Miles Conway, President South Beach Property Owners Association, Inc. re: Request for BOCC to direct a rehearing of the Code Enforcement Board to correct a misapplication of County Regulation and Mandate of the Circuit and Trial Courts of Nineteenth Judicial Circuit

Chairman Earman stated that the Board typically does not take action on public speaking. However, if the Commissioners desired to advance the topic, it may be addressed in a future meeting under their matters.

South Beach Property Owners Association Inc. (SBPOA) President Dr. Miles Conway distributed a packet to the Board and staff that contained information to back up his request for the Board to direct the Code Enforcement Board (CEB) to re-hear case # 2022111011 and issue a ruling and fines consistent with County regulations. Dr. Conway provided a detailed history of the neighborhood impacted by short-term renters dating back to October 2015. He stated that many long-term residents had moved or were preparing to move due to this ongoing issue. Dr. Conway referred to Parking Ordinance 2015-014, and his information showed that the rental property often had ten or more cars present, with many of them parked on the grass. It also detailed how many times Code Enforcement and the Sheriff's office had been contacted to report this property owner. He pointed out that on January 5, 2015, the Circuit Court for the Nineteenth Judicial Circuit in Indian River County determined that the provisions of Section 911.15(4)(b) of the Code of Indian River County did not apply to visitors and in March 2020, January 2023, and May 2023, the property owner was found guilty of violating Section 911.15(9)(d)9 of the Indian River County Code of Ordinances.

Commissioner Moss suggested a meeting with Dr. Conway and County Administrator John Titkanich and bring this item back to the Board under her matters.

Commissioner Loar stated that if the County staff or Board members were unaware of any judicial matters, they would take responsibility for the oversight. He assured Dr. Conway that better measures would be taken in the future.

Chairman Earman stated he was at the CEB meeting and acknowledged there had been an error made by a CEB staff member in reference to the Code. He did not agree it had been a total failure since the outcome remained the same. Chairman Earman did not see a need for the CEB to reexamine the complaint.

Commissioner Flescher thanked Dr. Conway for his dedication to his community.

Assistant County Attorney Bill DeBaal stated that neither the Board of County Commissioners nor the CEB could request a re-hearing of a matter that had already been decided. The only option for appealing the decision of the CEB was to go through the Circuit Court.

**No Action Taken or Required**

The Chairman called a recess at 10:55 a.m., and reconvened the meeting at 11:04 a.m. with all members present.

**C. PUBLIC NOTICE ITEMS**

- 10.C.1.** Public Notice of Public Hearing for May 16, 2023, to Consider the Establishment of the Oslo Park Street Paving District Municipal Service Benefit Unit and Amending Section 200.11 of Chapter 200, Municipal Service Taxing or Benefit Unit, of the Indian River County Code

**Deputy County Attorney Bill DeBaal read the notice into the record**

- 10.C.2.** Public Notice of Public Hearing for May 16, 2023, to Consider an Ordinance for the Assessment for the Water Portion of the North County Water and Sewer Project - Phase 2

**Deputy County Attorney Bill DeBaal read the notice into the record**

**11. COUNTY ADMINISTRATOR MATTERS**

- 11.A.** Request for Use of Holman Stadium for Annual Sawbones vs Jawbones Event to be held May 19, 2023

Mike Zito, Assistant County Administrator, sought approval for the use of Holman Stadium to host the annual game between the Sawbones and Jawbones, a co-ed softball match involving local doctors and attorneys. The event was aimed at raising funds for the United Way organization.

Commissioner Flescher encouraged the public to attend the event.

In response to a question raised by Commissioner Moss, Mr. Zito stated that the fees for the event were waived due the existing Facility Use Agreement between the County and VeroTown, LLC. According to the agreement, the County was entitled to use the facility for up to two (2) days per year for educational, entertainment, and

community enrichment purposes.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, 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. DEPARTMENTAL MATTERS

### A. Community Development

### B. Emergency Services

### C. General Services

### D. Human Resources

### E. Information Technology

### F. Office of Management and Budget

### G. Public Works

#### 12.G.1.

Indian River County Beaches - Sectors 3 and 5 Post Hurricanes Ian and Nicole

Natural Resources Manager Eric Charest provided an update through a PowerPoint presentation on Sectors 3 and 5 beach status after Hurricanes Ian and Nicole. Mr. Charest pointed out the County's coastline suffered significant erosional losses to the beach and dune system. He stated the County had entered into an agreement with the coastal consultant Aptim to prepare draft damage assessment reports that would be used to further the County's efforts for receiving or seeking funding from Federal Emergency Management Agency (FEMA) for losses that were encountered from hurricanes Ian and Nicole. He reviewed the estimates to repair the damages from the 2022 Hurricane season for Sectors 3 and 5 and stated the County was working with FEMA to schedule dune restoration activities for the November 2023/March 2024 construction season.

Commissioner Flescher thanked Mr. Charest for his commitment to ensuring the citizens of Indian River County get the fair dollar and value they deserve.

**No Action Taken or Required**

#### 12.G.2.

Sector 7 Beach and Dune Restoration Project Easement Status and Project Options

Natural Resources Manager Eric Charest provided in a PowerPoint presentation

an update on the Sector 7 Beach and Dune Restoration Project. He gave an overview of the Sector 7 project timeline and the issue with obtaining the easements needed to reach the required 90%. During the Beach and Shore Preservation Advisory Committee (BSPAC) meeting held on April 17, 2023, Mr. Charest informed the Committee that County staff had provided an update on the Sector 7 Beach and Dune Restoration Project. Per the Committee members' recommendations, Option 3 was revised to include modified language that acknowledged the lack of stakeholder support for the current project that fell short of the required 90%, making it non-constructible. Mr. Charest presented the options to the Board and sought direction on proceeding with the Sector 7 project.

Chairman Earman was perplexed why some individuals refused to sign the easement. He emphasized that signing it would enhance their property and raise its value. It was worrisome to him that the stakeholders involved did not share this viewpoint. The BSPAC had recommended that the lack of signed easements made the project non-constructible. To tackle this problem, Chairman Earman proposed that the Board grant Sandpointe Place resident Doug DeMuth a 30-day window to gather more easement signatures by approaching residents door-to-door.

A discussion ensued among the Board and staff in regard to Option 3 and allowing Mr. DeMuth an additional 30 days to obtain the signatures for the easements. Staff pointed out that construction on Sector 7 would not be feasible for the 2023/2024 construction season, and explained the reasoning for the 90% requirement for the number of easements, redesigning the project within the constraints of the permit, and their concern whether the Federal Emergency Management Association (FEMA) would grant another extension for the Sector 7 project funding or reallocate the funding already received for Sector 7 to Sectors 3 and 5. Vice Chairman Adams and Commissioner Loar both stated they were not in favor of Option 3.

Dr. Miles Conway, South Beach Property Owners Association, stated they had conducted a poll regarding the concerns of Sector 7 community members, which became very important to him as many of these individuals were also association members. He remarked he had just met Mr. DeMuth in the lobby to discuss Code Enforcement and believed Mr. DeMuth should clarify the foundation as to his thoughts on obtaining the additional signatures. Dr. Conway felt it was a fool's errand as the coalition of homeowners had been advised by their attorneys not to sign due to the perpetual nature of the easement.

Doug DeMuth, representing the Coalition of Homeowners Associations of Indian

River County, shared that their association spoke for around 70% of homeowners in South Beach. He mentioned that they had been in touch with a group of residents, mainly from the southern area, who expressed their concerns regarding the perpetual nature of the easement. Mr. DeMuth remarked he had the information of the residents who had yet to respond or had turned it down. He believed the opportunity was there to revisit the residents from R99 South with a personal touch that would allow the County to provide the maintenance of the 2.2 area mile of the beach, which had been critically eroded. Mr. DeMuth stressed the importance of taking action to save the beaches. He aimed to obtain signatures from 7 of the 14 properties, despite potential difficulty locating "snowbird" owners.

**A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve Option 3: (Amended) Determine whether the project is not constructible based on the lack of sufficient stakeholder support in signing the easements or revised easements and the lack of public access defined by the Florida Department of Environmental Protection (FDEP). Direct staff to pursue, study, and examine a feasible alternative project that could be designed and built with an estimated cost of \$10,000; and allow Sandpointe resident Doug DeMuth a 30-day window to collect easement signatures. The motion carried by the following vote:**

**Aye:** 3 - Chairman Earman, Commissioner Flescher, and Commissioner Moss

**Nay:** 2 - Vice Chairman Adams, and Commissioner Loar

## H. Utilities Services

### 12.H.1.

North Sebastian Septic to Sewer and Water Project Phase 2, Resolution IV

Utilizing a PowerPoint presentation, Director of Utility Services Sean Lieske shared information about the water assessment for 161 parcels that were part of the septic to sewer project in northern Indian River County. He stated that the total assessed amount was \$361,889.36, which averaged to \$2,247.76 per parcel. The Board approved Resolution 2022-104 on December 20, 2022, which allowed for this amount to be placed on the tax roll. Director Lieske mentioned that when Resolutions 1 and 2 were passed in 2020, the interest rate was 3.25%. However, it had now increased to 7.5%, which would result in an additional cost of \$525.45 for homeowners. To avoid incurring interest, homeowners could pay within 90 days.

Vice Chairman Susan Adams recommended the Board honor the 3.25% interest as it was not the intent of the Board to make money off the residents.

Director Lieske thanked his staff for their hard work throughout this project.

**A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to approve 3.25% interest rate for the assessment and Resolution**

2023-018 certifying “as-built” costs in connection with a special assessment project for water main extension confirming the special assessments in connection to serve 13700-13990 Ruffner Lane within River Trees; and 14365 78th Avenue, 14355 and 14370 80th Avenue within Ercildoune Heights Subdivision No. 1; and all properties within Ercildoune Heights subdivision no. 2; and all properties lying northwest of Bay Street (83rd Avenue), all properties within Blocks 1, 2, 3 and 4; 8240 133rd Court and 8225, 8245 and 8255 133rd Place within Block 14, 8230, 8240 and 8250 133rd Place, 8235, 8245 and 8255 134th Street within Block 15, 8240 134th Street, 13400 82nd Court, and 8235 and 8255 135th Street within Block 16, of the plat of Wauregan on Fleming Grant; and all properties within Blocks B-1 (less right-of-way), B-2, B-3 and B-4 (river front), all properties within Block b-2 (railroad front), all properties within Blocks 1, 2 and 3, and 12805 and 12835 82nd Court within Block 5, and 12820 and 12846 82nd Court within Block 6, and 12920 and 12940 82nd Court within Block 8, and 12948 and 12960 82nd Court within Block 9, and 12970 and 12980 82nd Court within Block 10, of the Townsite plat of Roseland, Florida, located within unincorporated Indian River County, Florida; providing for formal completion date, and date for payment without penalty and interest. The motion carried by the following vote:

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

### **13. COUNTY ATTORNEY MATTERS**

### **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**

### **15. SPECIAL DISTRICTS AND BOARDS**

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

#### **15.B.1.** Approval for Continued Rental of Frac Tanks and Equipment for Leachate Disposal

There was no discussion on the 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

**15.B.2.**

Final Pay to Geosyntec for Work Order No. 16 - One Year of Groundwater Monitoring/Reporting and Related Consulting Services at the South Gifford Road Landfill

There was no discussion on the Item.

**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.**

Final Pay to Geosyntec for Work Order No. 13 - 2021 Title V Air Operation Permit Renewal Application

There was no discussion on the 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 12:28 pm