



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, August 20, 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

Rev. Dr. Joseph LaGuardia, First Baptist Church of Vero Beach

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Commissioner Loar requested Items 13.D. and 13.E. be deleted from the Agenda, preferring to revisit the items in late October. County Attorney Bill DeBaal noted that Item 13.D. was not drafted by his office; it was drafted by a different department and placed under the Attorney's Matters.

A motion was made by Commissioner Loar, seconded by Commissioner Moss, to approve the Agenda as amended, deleting Items 13.D. and 13.E. 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.** [24-0679](#) Presentation of Proclamation Honoring William K. DeBaal for 21 Years of Distinguished Service to the Indian River County Board of County Commissioners

Recommended Action: Read and Present

Attachments: [Proclamation](#)

County Attorney Bill DeBaal was joined by his family as he was lauded for his 21 years of service to the Board of County Commissioners. The Commissioners each in turn shared personal stories of their time working with Mr. DeBaal and his accomplishments from the time he was the County Forester up to his time as the County Attorney. Attorney DeBaal thanked his mentors, staff, the Board, and especially his wife for supporting him throughout his career.

Read and Presented

- 5.B.** [24-0569](#) Proclamation Honoring Blake Alan Bartholomew On His Retirement From Indian River County Department of Emergency Services Fire Rescue Division

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Indian River County Fire Rescue Chief David Johnson was joined by several members of the division as the Board lauded Mr. Bartholomew's 35-year career, which saw him rise from Emergency Medical Services Paramedic to an Engineer specializing in Aircraft Rescue and Firefighting (AARF). The Board thanked him for his service, and Chief Johnson praised his inspirational leadership and sense of humor. Mr. Bartholomew was joined by his family as he expressed appreciation for the support he received and urged everyone to maintain a healthy sense of humor.

Read and Presented

- 5.C.** [24-0680](#) Presentation of Proclamation Supporting the Annual Vero Beach Tunnel to Towers 5K Run & Walk

Recommended Action: Read & Present

Attachments: [Proclamation](#)

A spokesperson for the Tunnel to Towers Foundation accepted the Proclamation and encouraged participation in this year's run/walk race which would be held on September 7, 2024 at Riverside Park. The Foundation raised money to house gold-star families and injured veterans.

Read and Presented

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of June 4, 2024, and June 18, 2024, 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. [24-0621](#) Regular Meeting of June 04, 2024

Recommended Action: Approve

Attachments: [0604024 BCC Draft](#)

Approved

6.B. [24-0633](#) Regular Meeting of June 18, 2024

Recommended Action: Approve

Attachments: [06182024 BCC Draft](#)

Approved

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

7.A. [24-0568](#) 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 as of 7-1-24](#)

No Action Taken or Required

7.B. [24-0674](#) Indian River County Code Chapter 309, Fair Housing - Annual Report

Attachments: [Staff Report](#)

No Action Taken or Required

7.C. [24-0601](#) 3rd Quarter FY 2023/2024 Budget Report

Recommended Action: No Action Required

Attachments: [Staff Report](#)
 [3rd Quarter Budget Report](#)

No Action Taken or Required

7.D. [24-0592](#) Florida Public Service Commission Consummating Order PAA Order
PSC-2024-0223-PAA-EI, approving Florida Power and Light's AFUDC rate,
effective 1/1/24; is available for review in the Office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

7.E. [24-0593](#) Florida Public Service Commission Consummating Order Final Order
PSC-2024-0227-S-EI approving stipulations; docket to be closed administratively
once the true-up compliance filing and revised tariff have been received, reviewed and
approved by staff, is available for review in the Office of the Clerk to the Board

Recommended Action: Information Only

No Action Taken or Required

7.F. [24-0594](#) Florida Public Service Commission Consummating Order PAA Order
PSC-2024-0231-PAA-EQ approving Florida Power and Light's revised renewable
energy tariff and standard offer contract; if no protest, order to become final and
effective on issuance of a CO, if order becomes final, docket to be closed and is
available for review in the Office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

7.G. [24-0607](#) Florida Public Service Commission Consummating Order PSC-2024-0260-CO-EI,
approval of change in rate used to capitalize allowance for funds used during
construction (AFUDC) from 6.37% to 6.76% effective 1/1/2024, is available for
review in the Office of the Clerk to the Board

Recommended Action: Information Only

No Action Taken or Required

- 7.H. [24-0624](#) Florida Public Service Commission Consummating Order PSC-2024-0281-CO-EQ, approval of renewable energy tariff and standard offer contract, by Florida Power and Light Company and is available for review in the Office of the Clerk to the Board. (File ID: 24-0624)

Recommended Action: Information Only

No Action Taken or Required

- 7.I. [24-0611](#) St. Johns River Water Management District Revised 2024 Governing Board Meeting Schedule.

Recommended Action: Information Only

Attachments: [St. Johns River Water Management District](#)

No Action Taken or Required

- 7.J. [24-0615](#) Dori Slosberg Driver Education Safety Act - Driver Education Program Trust Fund Report - Cumulative Reporting through 06/30/24

Recommended Action: No action required

Attachments: [Comptroller Division Staff Report](#)

No Action Taken or Required

- 7.K. [24-0626](#) SWDD Closures and Collection Service Changes for Labor Day

Recommended Action: No action required - for informational purposes only

Attachments: [Staff Report](#)

Chairman Adams made mention of the schedule changes for the holiday.

No Action Taken or Required

- 7.L. [24-0631](#) 2025 Holiday Schedule

Recommended Action: None required. Informational only.

Attachments: [Staff Report](#)

No Action Taken or Required

7.M. [24-0658](#) Event Calendar

Recommended Action: Informational item, no action required.

Attachments: [Staff Report](#)

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, pulling Items 8.U., 8.A.I., and 8.A.O. 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. [24-0545](#) Checks and Electronic Payments June 7, 2024 to June 13, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of June 7, 2024 to June 13, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.B. [24-0546](#) Checks and Electronic Payments June 14, 2024 to June 20, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of June 14, 2024 to June 20, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.C. [24-0567](#) Checks and Electronic Payments June 21, 2024 to June 27, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of June 21, 2024 to June 27, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

- 8.D. [24-0590](#) Checks and Electronic Payments June 28, 2024 to July 4, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of June 28, 2024 to July 4, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

- 8.E. [24-0595](#) Checks and Electronic Payments July 5, 2024 to July 11, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of July 5, 2024 to July 11, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

- 8.F. [24-0602](#) Checks and Electronic Payments July 12, 2024 to July 18, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of July 12, 2024 to July 18, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

- 8.G. [24-0616](#) Checks and Electronic Payments July 19, 2024 to July 25, 2024

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller Division for the time period of July 19, 2024 to July 25, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

- 8.H. [24-0635](#) Checks and Electronic Payments July 26, 2024 to August 1, 2024

Recommended Action: Approve the list of checks and electronic payments issued from July 26, 2024 to August 1, 2024

Attachments: [Comptroller Division Staff Report](#)

Approved

8.I. [24-0620](#) County Capital Asset Inventories

Recommended Action: Approve the list of assets to be removed from the inventory system

Attachments: [Comptroller Division Staff Report](#)

Approved

8.J. [24-0622](#) Quarterly Tourist Development Tax Report for Quarter Ending 06/30/2024

Recommended Action: Accept the report

Attachments: [Comptroller Division Staff Report](#)

Accepted

8.K. [24-0663](#) Quarterly OPEB Trust Report for the Quarter Ending 06/30/2024

Recommended Action: Accept the report

Attachments: [Comptroller Division Staff Report](#)

Accepted

8.L. [24-0664](#) Quarterly Investment Report for the Quarter Ending 06/30/2024

Recommended Action: Accept the report

Attachments: [Comptroller Division Staff Report](#)

Accepted

8.M. [24-0605](#) Approval of Resolution Establishing Utility Rates for Housing Choice Voucher Program for Fiscal Year 2025

Recommended Action: Staff respectfully recommends that the Board of County Commissioners approve the utility rate resolution for Fiscal Year 2025 and authorize the Chairman to execute the resolution on behalf of the Board.

Attachments: [Staff Report](#)
[Utility Allowance](#)
[Resolution](#)

Approved staff's recommendation and Resolution 2024-034, approving revisions to the Housing Choice Voucher Program Utility Allowance Schedule for Fiscal Year 2024.

8.N. [24-0637](#) Partial Release of Conservation Easement - Town of Orchid

Recommended Action: Staff request the Board grant the partial release of conservation easement allowing the chair to sign said release upon payment of fee-in-leu to the County for area to be released.

Attachments: [Staff Report](#)
 [Partial Release with Sketch and Legal](#)
 [Copy of Recorded Conservation Easement](#)
 [Sketch of Area to be Released](#)

Approved staff's recommendation

8.O. [24-0645](#) Resolution Cancelling Taxes - Keith Morgan, Jr., Trustee - J.R. Graves AOE

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

Attachments: [Staff Report](#)
 [Resolution](#)
 [Right-of-Way Deed](#)

Approved staff's recommendation and Resolution 2024-035, cancelling certain taxes on publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Morgan)

- 8.P. [24-0681](#) Resolution Cancelling Taxes on Properties Purchased for Public Purpose - Ryall Development Group, LLC - Right-of-Way and Retention Pond - Liberty Park

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

Attachments: [Staff Report](#)
[Resolution](#)
[Right-of-Way Deed](#)
[Special Warranty Deed](#)
[Receipt Pro-Rated Taxes](#)

Approved staff's recommendation and Resolution 2024-036, cancelling certain taxes on publicly owned lands, pursuant to Section 196.28, Florida Statutes. (Ryall)

- 8.Q. [24-0609](#) Approval of Replacement Marine Vessel

Recommended Action: Staff recommends that the Board authorize the purchase of the marine vessel and authorize the Purchasing Division to issue a Purchase Order to Life Proof Boats in the amount of \$542,693.17

Attachments: [Staff Report](#)
[Life Proof Quote](#)

Approved staff's recommendation

- 8.R. [24-0610](#) Approval of 2024-2025 State Funded Subgrant Agreement (T0363) To Update Indian River County's Hazards Analysis

Recommended Action: Staff recommends Approval of 2024-2025 State funded Subgrant Agreement (T0363) To Update Indian River County's Hazards Analysis.

Attachments: [Staff Report](#)
[HA Grant Agreement](#)
[IRC Grant Form](#)

Approved staff's recommendation

8.S. [24-0587](#) Approval of Blue Medicare Advantage Renewal

Recommended Action: Staff recommends and respectfully requests that the Board approve the renewal of the Blue Medicare Advanced Platinum PPO plan effective October 1, 2024 through September 30, 2025 and authorize the Chairman to execute the renewal agreement

Attachments: [Staff Report](#)
 [BlueMedicare Advanced Platinum PPO](#)
 [BlueMedicare Master Agreement](#)

Approved staff's recommendation

8.T. [24-0632](#) Information Technology Acceptable Use Policy Revision

Recommended Action: Staff recommends that the Board approve the revisions to the Acceptable Use Policy (AM-1200.21) and replace the existing Acceptable Use Policy in the APM.

Attachments: [Staff Report](#)
 [AM-1200.21 - Acceptable Use v1.3](#)

Approved staff's recommendation

8.U. [24-0651](#) Anchoring Limitation Area Interlocal Agreement

Recommended Action: Staff requests approval from the Board of County Commissioners on the draft Interlocal Agreements establishing the responsibilities of the County and municipalities in the establishment, maintenance, and enforcement of the proposed Anchoring Limitation Areas. Staff also requests approval from the Board of County Commissioners to execute each Interlocal Agreement upon approval and receipt from the associated municipality and upon concurrence from the County Attorney.

Attachments: [Staff Report](#)
 [May 21.2024 BCC Agenda Item 12.E.1](#)
 [ILA for the City of Sebastian](#)
 [ILA for the City of Vero Beach](#)
 [ILA for the Town of Indian River Shores](#)

Commissioner Moss thanked Municipal partners, activists, and staff who worked to bring the anchoring limitations to fruition. Vice Chairman Flescher added his recommendation for increased information and awareness throughout the boating community.

A motion was made by Commissioner Moss, seconded by Chairman Adams, 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.** [24-0662](#) Sector 4, Hurricanes Ian and Nicole Pre-Construction Late Season Sea Turtle Services, Coastal Technology Work Order No. 2023051-03

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2023051-03 to the contract with Coastal Technology Corporation and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
 [Coastal Tech Work Order](#)
 [Fee Schedule](#)
 [Agreement Execution](#)

Approved staff's recommendation

- 8.W.** [24-0596](#) First Extension and Amendment to Agreements for Annual Fiber Optic Engineering, Design, Material, Supplies and Installation (Bid 2023056)

Recommended Action: Staff recommends the Board approve the first extension and amendment to the agreement with Bore Tech Utilities & Maintenance, Inc., and the first extensions to the agreements with Precision Contracting Services, Inc., and Gerelcom, Inc., and authorize the Chairman to sign them after approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Bid - First Extension & Amendment - Bore Tech](#)
 [Bid - First Extension - Gerelcom](#)
 [Bid - First Extension - PCS](#)

Approved staff's recommendation

- 8.X.** [24-0600](#) Miscellaneous Budget Amendment 06

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 2024-037, amending the Fiscal Year 2023-2024 Budget.

8.Y. [24-0619](#) Award of Bid 2024056 for Trans Florida Rail Trail Boardwalk Repairs 2

Recommended Action: Staff recommends the Board award Bid 2024056 to Southeastern Marine Services Group, Inc., approve the agreement, and authorize the Chairman to sign the agreement after receipt and approval of the agreement by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

8.Z. [24-0625](#) Award of Bid 2024051 for Fran Adams (North County Park) Restroom/Concession Remodel

Recommended Action: Staff recommends the Board award Bid 2024051 to Island Harbor Custom Builders, Inc., approve the agreement, and authorize the Chairman to sign the agreement after receipt and approval of the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

8.AA. [24-0639](#) Amendments to Banking and Lock Box Agreements

Recommended Action: Staff recommends the Board approve the amendments to the Regions Bank and TD Bank agreements, and authorize the Chairman to sign, after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [First Amendment to the Agreement](#)
 [Amendment to Regions Bank MSA](#)

Approved staff's recommendation

- 8.AB.** [24-0641](#) First Amendment to Agreement for Annual Custodial Services for the County Administration Complex (Bid 2022022)

Recommended Action: Staff recommends the Board approve the first amendment to the agreement with General Building Maintenance dba Pritchard Industries and authorize the Chairman to sign them after the County Attorney's approval as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager.

Attachments: [Staff Report](#)
 [First Amedment](#)

Approved staff's recommendation

- 8.AC.** [24-0642](#) Award of Bid 2024055 - Annual Bid for Utility Operations Warehouse Stock

Recommended Action: Staff recommends the Board award Bid 2024055 to Core & Main, LP and authorize the Purchasing Division to issue blanket purchase orders for the purchase of contract items Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.AD.** [24-0643](#) Approval of Direct Purchase of Pedestrian Bridge for JRTC Walking Trail Project

Recommended Action: Staff recommends the Board approve the purchase of the bridge, as authorized by the County Administrator.

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

Approved staff's recommendation

- 8.AE.** [24-0644](#) Rejection of Bid 2024060 for Medical Supplies for Persons with Special Needs Shelter

Recommended Action: Staff recommends the Board reject the bid received in response to invitation to bid 2024060.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.AF. [24-0650](#) Award of RFP 2024050 Gifford Customer Convenience Center Beautification Project

Recommended Action: Staff recommends the Board approve the final ranking of firms, approve the agreement, and authorize the Chairman to execute it, after review and approval by the County Attorney as to form and legal sufficiency, and after approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

8.AG. [24-0669](#) Authorization to Increase Blanket Purchase Orders

Recommended Action: Staff recommends the Board of County Commissioners waive the requirement for bids and authorize increases to the listed Purchase Orders, as approved by Budget.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.AH. [24-0670](#) Approval of Purchase Order for Bent Pine Culvert Replacement to CK Contractors & Development, LLC

Recommended Action: Staff recommends the Board approve the purchase order for repairs to the culvert and authorize the Purchasing Manager to approve change orders for unanticipated conditions, up to a total PO amount of \$100,000.

Attachments: [Staff Report](#)
 [CK Quote](#)

Approved staff's recommendation

- 8.AI.** [24-0564](#) Work Order Number 4 - Amendment 1, Dune Crossover Replacement of Two Dune Crossover Structures and One Dune Crossover Ramp Repair at the Tracking Station Beach Access

Recommended Action: Staff respectfully requests the Chairman approve Work Order 4 Amendment 1, Coastal Waterways Design & Engineering, LLC Continuing Engineering Services RFQ2010008- Dune Crossover Replacement of Two Dune Crossover Structures and One Dune Crossover Ramp Repair at Tracking Station Beach Access, and the County Administrator execute Work Order 4 Amendment 1 under the signing authority granted by the Board of County Commissioners at the July 2, 2024 BCC meeting, and after review and approval by the County Attorney.

Attachments: [Staff Report](#)
 [Tracking Station Dune WO4A1](#)

Parks Recreation and Conservation Director Beth Powell brought the item to the Board's attention in order to modify staff's recommendation. She requested removal of the direction to have the County Administrator sign the agreement; the document was to go through the regular routing procedures.

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

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

- 8.AJ.** [24-0617](#) United Way Pickleball Tournament License Agreement

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the License Agreement with United Way of Indian River County Inc. and authorize the Chairman to execute the agreement after review and approval for legal sufficiency by the County Attorney.

Attachments: [Staff Report](#)
 [United Way Pickle Ball Agreement](#)

Approved staff's recommendation

- 8.AK.** [24-0654](#) Final Payment Including Release of Retainage for Bid No. 2021007 for Kroegel Homestead Improvements

Recommended Action: Staff respectfully requests approval of Payment Applications No. 4 & No.5, in the amount of \$17,341.63, to PRP Construction Group, LLC, which will release any further obligations of the County from the Contractor.

Attachments: [Staff Report](#)
 [PRP Pay App No. 4](#)
 [PRP Pay App No. 5](#)

Approved staff's recommendation

- 8.AL.** [24-0656](#) Earman Island Phase IV Revegetation - Final Completion and Payment of the 180-day Maintenance Period

Recommended Action: Staff respectfully recommends approval of Invoice #3611, in the amount of \$47,421.25, to Sandhill Environmental Services, LLC, which will release any further obligations of the County from the Contractor

Attachments: [Staff Report](#)
 [Invoice #3611](#)

Approved staff's recommendation

- 8.AM.** [24-0659](#) The Vero Beach Rotary Foundation Inc. Kids Triathlon License Agreement

Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the License Agreement between Indian River County and The Rotary Club of Vero Beach and authorize the Chairman to execute the same after review and approval for legal sufficiency by the County Attorney.

Attachments: [Staff Report](#)
 [Rotary Club License Agmt](#)

Approved staff's recommendation

8.AN. [24-0660](#) National Park and Recreation Association Memorandum of Understanding for Million Coaches Challenge Grant Program

Recommended Action: Staff respectfully requests that the Board of County Commissioners accept the Million Coaches Challenge Grant and authorize the Chairman to execute the Memorandum of Understanding after review and approval by the County Attorney.

Attachments: [Staff Report](#)
 [NRPA Million Coaches MOU](#)

Approved staff's recommendation

8.AO. [24-0661](#) Work Order Number 25 - Amendment 4, Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No. 1 Hobart Park Restroom Connections and Utility Service Plans Revisions

Recommended Action: Staff respectfully requests that the Chairman approve Amendment No. 4 to Work Order 25, Kimley Horn and Associates, Inc. Continuing Engineering Services RFQ2010008 Hobart Park Restroom Connections and Utility Service Plans Revisions and the County Administrator execute Amendment No. 4 to Work Order 25, under the signing authority granted by the Board of County Commissioners at the July 2, 2024, BCC meeting, and after review and approval by the County Attorney.

Attachments: [Staff Report](#)
 [Hobart Restroom WO25A4](#)

Parks Recreation and Conservation Director Beth Powell brought the item to the Board's attention in order to modify staff's recommendation. She requested removal of the direction to have the County Administrator sign the agreement; the document was to go through the regular routing procedures.

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

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

8.AP. [24-0678](#) Treasure Coast Food Bank License Agreement

Recommended Action: Staff respectfully request that the Board of County Commissioners approve the fee waiver request, which waives the \$135 daily non-profit acreage fee for the four requested dates, by the Treasure Coast Food Bank at the Indian River County Fairgrounds and authorize the Parks, Recreation and Conservation Director to execute the License Agreement after review and approval for legal sufficiency by the County Attorney.

Attachments: [Staff Report](#)
[License Agreement](#)
[Exhibit A and B](#)
[Attachment - Letter](#)

Approved staff's recommendation

8.AQ. [24-0628](#) Amendment to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for Intercounty Bus Service

Recommended Action: Staff recommends that the Board of County Commissioners approve the Public Transportation Amendment to the Public Transportation Grant Agreement and adopt the proposed resolution authorizing the Chairman to sign the agreement.

Attachments: [Staff Report](#)
[Amendment to the PTGA](#)
[Authorizing Resolution](#)
[Grant Budget Form](#)

Approved staff's recommendation and Resolution 2024-038, authorizing the execution of a Public Transportation Amendment to the Public Transportation Grant Agreement with the Florida Department of Transportation.

- 8.AR. [24-0629](#)** Request for Authorization to Submit an Application for Section 5311 Grant for Rural Transit Operating Assistance Funds

Recommended Action: Staff recommends that the Board of County Commissioners adopt the resolution authorizing the filing of the Section 5311 grant application.

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[Section 5311 Grant Application](#)
[Grant Budget Form](#)

Approved staff's recommendation and Resolution 2024-039, authorizing the submission of a Grant Application for 49 USC CH. 53, Section 5311 Public Transit Operating Assistance.

- 8.AS. [24-0636](#)** Resolution of Support for Congestion Management Process Project

Recommended Action: Staff recommends that the Board of County Commissioners approve the Resolution of Support and direct staff to submit to FDOT.

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

Approved staff's recommendation and Resolution 2024-040, supporting the update and installation of new traffic signal equipment on the State Highway System within Indian River County for the Congestion Manage[ment] Process (CMP) application for the Florida Department of Transportation (FDOT).

- 8.AT. [24-0638](#)** Pulte Home Company, LLC's Request for Final Plat Approval for Costa Pointe PD Phase 1A [PD-21-06-07 / 99040218-95683]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Costa Pointe PD Phase 1A.

Attachments: [Staff Report](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation

- 8.AU.** [24-0653](#) Amendment to Work Order No. 21 with MBV Engineering, Inc. for Design of GoLine Bus Shelter Locations

Recommended Action: Staff recommends the Board approve Amendment No. 1 to Work Order No. 21 with MBV Engineering, Inc. for design of GoLine bus shelter locations.

Attachments: [Staff Report](#)
 [Amendment to Work Order](#)

Approved staff's recommendation

- 8.AV.** [24-0606](#) Award of Bid No. 2024057, Indian River County Tax Collector Floor Replacement (IRC-2411)

Recommended Action: Staff recommends the project be awarded to Jim's Complete Construction, LLC in the amount of \$78,016.53. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

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

Approved staff's recommendation

- 8.AW.** [24-0608](#) Release of Retainage, Final Payment and Change Order No. 2 (IRC-0853), Construction of Intersection Improvements at SR60 and 43rd Avenue

Recommended Action: Staff recommends approval of Change Order No. 2 and payment of Contractor's Application for Payment No. 0853-42 in the amount of \$688,231.05 and U-19 to Timothy Rose Contracting, Inc. in the amount of \$47,068.62.

Attachments: [Staff Report](#)
 [IRC-0853 Change Order 2](#)

Approved staff's recommendation

8.AX. [24-0612](#) Award of Bid No. 2024052, Victor Hart Park Restroom/Concession Building (IRC-2420)

Recommended Action: Staff recommends the project be awarded to Don Hinkle Construction, Inc. in the amount of \$873,556.50. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager and after the Contractor has become actively registered with the Building Division.

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

Approved staff's recommendation

8.AY. [24-0613](#) Award of Bid No. 2024041, Indian River County Fire Station 7 (IRC-1911)

Recommended Action: Staff recommends the project be awarded to W & J Construction Corporation in the amount of \$7,130,185.74. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager and after the Contractor has become actively registered with the Building Division.

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

Approved staff's recommendation

8.AZ. [24-0618](#) Release of Retainage Part B, Moorhen Marsh Low Energy Aquatic Plant System (LEAPS), (IRC-2107)

Recommended Action: Staff recommends approval and payment of Contractor's Application for Payment No. 31 to Allen Concrete and Masonry Inc. in the amount of \$585.12 for release of retainage of Part B.

Attachments: [Staff Report](#)
 [Application for Payment No. 31](#)

Approved staff's recommendation

- 8.BA.** [24-0648](#) Amendment No. 1 to RFQ No. 2021015 (IRC-1505), Consor Engineers, LLC, CEI Services for 66th Ave from 49th Street to 69th Street Roadway Widening, FDOT FM No. 436379-1-54-01

Recommended Action: Staff recommends approving Amendment No. 1 to the Agreement with Consor Engineers, LLC, and requests the Board authorize the Chairman to execute Amendment No. 1 to the Agreement on their behalf for a not-to-exceed amount of \$599,859.00. The new total agreement price will be \$5,098,392.42.

Attachments: [Staff Report](#)
 [Amendment No. 1 with Consor Engineers, LLC](#)

Approved staff's recommendation

- 8.BB.** [24-0676](#) Award of Bid No. 2024043 and FDOT Supplemental Agreement No. 1 for 43rd Avenue Bicycle & Pedestrian Improvements (12th Street to 16th Street) IRC-1818, FDOT FM 444270-1-54-01

Recommended Action: Staff recommends approval of FDOT Supplemental Agreement No. 1 (FM No. 444270-1-54-01) and recommends adopting the Resolution and authorizing the Chairman to sign Supplemental Agreement No. 1. Staff further recommends the project be awarded to Timothy Rose Contracting, Inc. in the amount of \$5,517,900.05. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager

Attachments: [Staff Report](#)
 [IRC Grant Form](#)
 [Authorizing Resolution](#)
 [FDOT Supplemental Agreement No. 1](#)
 [Sample Agreement](#)

Approved staff's recommendation and Resolution 2024-041, authorizing the Chairman's execution of Small County Outreach Program (SCOP) supplemental Agreement No. 1 with the Florida Department of Transportation for Construction and CEI of 43rd Avenue (12th Street to 18th Street).

- 8.BC.** [24-0652](#) Final Pay to Gray Matter Systems LLC for Professional Design Services for Industrial Control System Network Project (PID 00.23.545)

Recommended Action: Staff recommends that the Board of County Commissioners approve the final pay invoice number SIN040409 to Gray Matter Systems LLC in the amount of \$4,034.91, to provide design services for its Industrial Control System Network project, and direct staff to make the payment

Attachments: [Staff Report](#)
 [Final Pay Invoice](#)

Approved staff's recommendation

- 8.BD.** [24-0655](#) Reams Glen Subdivision Water Main Extension Cost Share Developer's Agreement with Novaland, LLC, IRCBUS PID: 13.24.523

Recommended Action: Staff recommends that the Board of County Commissioners approve the Reams Glen Subdivision Water Main Extension Developer's Agreement with the County and authorize the Chairman to execute the agreement to reimburse Novaland, LLC, in the amount of \$126,016.80 for the work performed in the agreement

Attachments: [Staff Report](#)
 [Developers Agreement Novaland, LLC](#)

Approved staff's recommendation

- 8.BE.** [24-0657](#) North County Water and Sewer System Phase 2, Amendments to Meeks Plumbing, Inc. Agreement (RFP 2023007) and Masteller & Moler, Inc. Work Order No.6, and Hydra Service, Inc. Quotation for Sewer Connection of Roseland United Methodist Church, [IRCDUS Project ID 21.17.513B](#)

Recommended Action: Staff recommends the Board of County Commissioners to approve: a) the Second Amended Exhibit 1 to the Agreement - Pricing with Meeks Plumbing, Inc. to add labor to the proposal pricing for the Duplex Lift Station Construction at \$21,264.00 and authorize the Chairman to execute the same, and the corresponding Cost Sheet for the Roseland United Methodist Church sewer connection, for the total amount of \$37,046.90 and authorize staff to sign; b) Amendment 1 to Work Order No.6 with Masteller & Moler, Inc. for \$6,740.00 to perform services during construction and authorize the Chairman to execute the same; c) Quotation 240718-2JS from Hydra Service, Inc. for the duplex pump station, in the amount of \$29,993.00 and authorize staff to issue a Purchase Order for the same, and d) the total budget of \$84,846.90 that includes a Management Reserve of \$11,067 to be retained by Indian River County Department of Utility Services for the sole purpose of covering cost escalations and/or risks impacting costs to the project. Upon satisfactory completion of the Roseland United Methodist Church sewer, staff is directed to make final payments and release any retainage to the aforementioned parties, after review and approval by the Purchasing Manager and the County Attorney's Office

Attachments: [Staff Report](#)
 [Meeks 2nd Amended Exhibit 1 to the Agreement](#)
 [Meeks Price Sheet - Roseland United Church](#)
 [M&M WO6 Amendment 1 for Construction Services](#)
 [HSI Quote for Roseland Methodist Church](#)

Approved staff's recommendation

- 8.BF.** [24-0667](#) Interlocal Agreement Between Indian River County (IRC) & St. Lucie County for IRC to Provide Water Service to William Emerson Property In St. Lucie County

Recommended Action: It is recommended that the Board of County Commissioners approve the proposed Interlocal Agreement between Indian River County (IRC) and St. Lucie County 9SLC) for IRC to provide water service to Mr. William Emerson's property located at 149 25th Street SE in SLC, and authorize the Chairman to sign upon review by the Legal Department

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

Approved staff's recommendation

- 8.BG.** [24-0672](#) Approval of Amendment No.1 to Agreement No. WG023 between Florida Department of Environmental Protection and Indian River County for Floravon Shores Septic to Sewer Project, IRCDUS PID: 21.19.55

Recommended Action: Staff recommends the Board of County Commissioners authorize the Director of Utility Services to sign Amendment No.1 to Agreement No. WG023 between Florida Department of Environmental Protection and Indian River County and all necessary documents to effectuate the grant agreement

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

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

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. [24-0603](#)

Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for ±9.91 Acres from CG, General Commercial District to CH, Heavy Commercial District (RZON2023020007-96591) [**Quasi-Judicial**]

Recommended Action: Staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject properties from CG, General Commercial to CH, Heavy Commercial.

Attachments: [Staff Report](#)
[Existing Zoning Map](#)
[Future Land Use Map](#)
[Rezoning Application](#)
[Ordinance](#)

The parties for the proceeding were Patriot Response Group, LLC (Applicant) and Indian River County.

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the public hearing.

Chris Balter, Chief of Long Range Planning, utilized a PowerPoint presentation to analyze the Applicant's request to rezone their property from CG, General Commercial District, to CH, Heavy Commercial District. The analysis showed the request was compatible with the area, consistent with the County's Comprehensive Plan and Land Development Regulations, and suitable for CH zoning. Additionally, the Planning and Zoning Commission unanimously approved the request at their June 13, 2024 public hearing.

Commissioner Moss was informed the Applicant planned to use the property as headquarters for their contractor trade business. A formal traffic study would be done at a later stage in development.

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

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve staff's recommendation and adopt Ordinance 2024-008, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±9.91 acres located south of and adjacent to 71st Street, north of 69th Street, east of and adjacent to Old Dixie Highway, and west of and adjacent to U.S. Highway 1, from CG, General Commercial District, to CH,

Heavy Commercial District; and providing codification, severability, and effective date. The motion carried by the following vote:

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

10.A.2. [24-0604](#)

Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for ± 1.45 Acres from IL, Light Industrial District to CG, General Commercial District

(RZON93110032-96539) **[Quasi-Judicial]**

Recommended Action: Staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from IL, Light Industrial to CG, General Commercial.

Attachments: [Staff Report](#)
[Existing Zoning Map](#)
[Existing Future Land Use Map](#)
[Rezoning Application](#)
[Ordinance](#)

The parties for the proceeding were Mr. Jody Miller (Applicant) and Indian River County.

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the public hearing.

Chris Balter, Chief of Long Range Planning, utilized a PowerPoint presentation to analyze the Applicant's request to rezone the property from IL, Light Industrial Zoning District, to CG, General Commercial Zoning District, in order to open a recreational sports center. The analysis showed the request was compatible with the area, consistent with the County's Comprehensive Plan and Land Development Regulations, and suitable for CG zoning. Additionally, the Planning and Zoning Commission unanimously approved the request at their June 13, 2024 meeting.

Commissioner Moss raised the subject of the traffic impact for the proposed racquet club. Mr. Balter noted that the traffic analysis passed the test of not decreasing the level of service on the affected road, and informed of the pre-application process.

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

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation and adopt Ordinance 2024-009, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±1.45 acres located on the west side of Highway US 1, .17 of a mile south of 53rd Street, north of 49th Street, on the east side of Old Dixie Highway, from IL, Light Industrial to CG, General Commercial, and providing codification, severability, and effective date. The motion carried by the following vote:

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

10.A.3. [24-0649](#)

Jonathan D. Barkett's Request for Abandonment of a 25' Wide Platted Right-of-Way [ROW-24-05-02 / 99070136-96169] (LEGISLATIVE)

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

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

Chief of Current Development Brandon Creagan presented the request to abandon the right-of-way (ROW) at 19th Court. Mr. Creagan informed that the request had been reviewed and approved internally, no easement was needed, and the property was not needed for County roadway access.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Commissioner Earman, seconded by Vice Chairman Flescher, to approve staff's recommendation and Resolution 2024-042, providing for the closing, abandonment, vacation and discontinuance of the [entirety] of a 25' wide unimproved, right-of-way known as 19th Court, east of the Jackson Brothers subdivision and south of 41st Street in the Jackson Brothers subdivision located in Indian River County, Florida. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

- 10.C.1. [24-0673](#)** Public Notice of Public Hearing for September 10, 2024, to Consider a Resolution Adopting a Non-Ad Valorem Special Assessment Roll on Hospitals for the Local Provider Participation Fund

Attachments: [Staff Report](#)

County Attorney Bill DeBraal read the notice into the record. He added this was an annual process the hospitals had to go through to receive certain Medicaid funds.

Read 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**
- H. Planning and Development Services**
- I. Public Works**
- J. Utilities Services**

12.J.1. [24-0666](#)

4230 20th Avenue - Bad Debt Write Off of Utility Account (1050798/029174) and Future Continuation of Service

Recommended Action:

Staff recommends the Board of County Commissioners (BCC) direct staff to:

Write off the uncollectible account balance for the subject property in the amount of \$37,334.48, release the related utility lien, and further, Once the account is brought current after the write off, address whether to continue services going forward. Options for consideration include: 1. The County determine which department will be the administrator of the property so that the Indian River County Department of Utility Services (IRCDUS) can continue billing that department the monthly sewer availability charges of \$17.73 per month until such time as the land is turned over to a developer; or, 2. Stop the future IRCDUS service availability charges incurred by Indian River County on this account by relinquishing the sewer impact fee related to the subject property. If the impact fee is relinquished, the eventual future developer of the property will be required to pay the current impact fees to re-establish service for the property; or, 3. Have the County General Fund pre-pay six months of the sewer service availability fees estimated to total \$145.00 to allow time for the County to dispose of the property. IRCDUS recommends the BCC pursue option 3 regarding the continuation of services.

Attachments: [Staff Report](#)

Director of Utility Services Sean Lieske sought the Board's direction regarding a delinquent utilities account on a foreclosed property at 4230 20th Avenue, which the County now owned. Staff recommended the Board write off the uncollectible balance of \$37,334.48, but needed guidance regarding the sewer ERU (Equivalent Residential Unit) which would continue accruing service charges. Director Lieske reviewed the three options for the ERU: 1) assign it to another department; 2) relinquish the ERU back to the Utility Department; or 3) have the County pre-pay 6 months of fees until the County could dispose of the property.

Commissioner Adams supported staff's recommendation for Option 3 as it would help facilitate affordable housing development by avoiding the cost to re-establish the ERU by the future property owner.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation to write-off the debt and pre-pay the sewer usage fees for six months while the County disposes of the property (Option 3). The motion carried by the following vote:

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

13. COUNTY ATTORNEY MATTERS

- 13.A. [24-0646](#) Authorization to Move Forward with Injunctive Action against Code enforcement case number 2023080033 (Helsel)

Recommended Action: Staff recommends the Board authorize staff to move forward with the filing of the petition for injunctive relief with the circuit court.

Attachments: [Staff Report](#)
[Public Nuisance Warranting County Abatement - Helsel](#)

Deputy County Attorney Susan Prado recounted the history of code enforcement violations and daily fines accrued within the last year by the property owners who constructed a berm on their property from land clearing debris, which was in violation of County code. Because the property was never brought into compliance, as explained by Attorney Prado, the Code Enforcement Board issued an order declaring the property a Public Nuisance. The County was seeking an injunction to stop the depositing of any additional debris.

Steven Hitt, Principal Environmental Planner, gave additional details regarding the history of the property as well as the recent remedies undertaken by the property owners. He noted the property was moving toward compliance, and was awaiting a permit from the County. Mr. Hitt confirmed for Chairman Adams that the engineering plan called for a modified berm on the property, and the zoning was A-2 (Agricultural Residential).

Attorney Lynne Larkin appeared on the property owner's behalf, informing the Board she had recently been hired to help the property owners navigate the code violations. Ms. Larkin stated her clients were well-intentioned, but misinformed regarding the County's code and compliance requirements. She requested delaying the injunction as the owners had made strides to come into compliance.

Chairman Adams noted she had been contacted by several neighbors over the last year regarding the land debris, mulching, and incinerator in the residential neighborhood. She added that meaningful redress only started with notice of the injunction and possible foreclosure. The Chairman was in favor of letting the injunction proceed so the County had a tool should the code-violating dumping resume.

Attorney Larkin agreed with the County's need to protect itself; she was most concerned with the impending foreclosure filing.

Attorney Prado added there were time frame requirements, and if the owners were found to be in compliance then the injunction would not go through. Other Commissioners added their support for staff's recommendation.

A motion was made by Commissioner Moss, seconded by Chairman Adams, 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

- 13.B. [24-0647](#) Authorization to proceed with foreclosures on Code enforcement cases: (2023070014) Arreola, (2021100064) Lund, (2020090001) Lund, and (2023080033) Helsel

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](#)
[Helsel Recorded Order Imposing Fine](#)
[Helsel Deed](#)
[Lund Deed](#)
[Lund Order Imposing Fine 01 case](#)
[Lund Order Imposing Fine 64 case](#)
[Arreola Deed](#)
[Arreola Order Imposing Fine](#)

Discussion of this Item began with the Helsel case (2023080033) Deputy County Attorney Susan Prado added to the evidence presented under Item 13.A., noting that the property owners had been accruing a \$250-per-day fine resulting from the Code Enforcement Board's (CEB) hearing on January 22, 2024. She added that compliance was always the goal of the County's actions but foreclosure was sought because of the long-standing issues which still had not been addressed.

Attorney Lynne Larkin noted her clients did not have a chance to submit evidence at the CEB hearing as they lacked representation. She asked the Board to hold off on the foreclosure as the property owners were making strides to come into compliance.

Chairman Adams explained the Board supported the CEB's ruling, and encouraged the property owners to keep working toward compliance to avoid foreclosure. Attorney Larkin expressed her concerns and requested a week's delay as she got up to speed on the case.

Steven Hitt, Principal Environmental Planner, informed that the property owners were awaiting permit approval before remedial work could continue. Attorney Prado explained there was time to work toward compliance before the foreclosure was filed with the Court.

The Board directed staff to explore expedited permit approval. They also expressed frustration that issues had persisted for more than a year, and Chairman Adams stated the Board would not go against the CEB's ruling by extending the timeline.

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

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

Deputy County Attorney Susan Prado relayed the code violations which stemmed from a dilapidated structure on the property located at 8890 99th Avenue (2023070014 Arreola). Despite the \$100-per-day fine issued at the Code Enforcement Board's November 27, 2023 compliance hearing, the property was never brought into compliance. Attorney Prado noted there was no contact from the property owners.

A motion was made by Commissioner Loar, seconded by Chairman Adams, to approve staff's recommendation (Arreola). The motion carried by the following vote:

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

Deputy County Attorney Susan Prado gave the facts of the case for foreclosure on the property at 7885 129th Street (2021100064 Lund). Code violations began in 2021 with a complaint of a missing/expired building permit for an electrified shed. The Code Enforcement Board ruled at the July 25, 2022, evidentiary hearing that the property was not in compliance and issued a \$100-per-day fine. Attorney Prado mentioned an unresolved issue between the landlord and renter; the property was never brought into compliance.

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

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

Deputy County Attorney Susan Prado informed code enforcement action started in 2020 with a complaint regarding junk, trash and debris on the property (2020090001 Lund). At the Code Enforcement Board's October 25, 2021 compliance hearing, it was found the owner did not take any steps to bring the property in compliance. Attorney Prado noted that at last check, there appeared to be an increased amount of junk, trash, and debris on the property.

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

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

13.C. [24-0682](#) County Attorney Contract

Recommended Action: Staff respectfully requests the BOCC approve the County Attorney Employment Agreement and authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[County Attorney Agreement](#)

Chairman Adams noted Ms. Shuler would start in her position as the County Attorney on September 16, 2024. There was no discussion regarding this item.

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

13.D. [24-0684](#) Addendum to Deputy County Attorney Contract

Recommended Action: Staff respectfully requests the BOCC provide direction to staff.

Attachments: [Staff Report](#)
[Deputy County Attorney Employment Agreement](#)
[Addendum to Deputy County Attorney Agreement](#)

Deleted from Agenda

13.E. [24-0630](#) Employment Contracts for the Deputy and Assistant County Attorneys

Recommended Action: The County Attorney recommends the Board of County Commissioners approve the employment contract the Assistant County Attorney.

Attachments: [Staff Report](#)
[Assistant County Attorney Employment Agreement](#)

Deleted from Agenda

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

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

A. Emergency Services District

B. Solid Waste Disposal District

15.B.1. [24-0634](#) Approval of SWDD Meeting Minutes of June 18, 2024

Recommended Action: Approve

Attachments: [06182024 SWDD Draft](#)

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Solid Waste Disposal District Minutes of June 18, 2024 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. [24-0627](#) Florida Specialty License Plate - Recycle

Recommended Action: Staff is recommending we display the banner in the lobby of County Commission Building A in order to inform residents of this program and opportunity here in Indian River County. This promotion will coincide with the advertising and marketing being utilized in the County Administration Building B in the Department of Motor Vehicles

Attachments: [Staff Report](#)
[License Plate](#)

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, introduced the creation of a new Florida recycle specialty license plate. Sue Flak, Recycling Education and Marketing Coordinator, was joined by staff members as she displayed the plate which would reestablish funding for recycling grants. Ms. Flak informed the funds raised would go to the Recycle Florida Today (RFT) Foundation to support programs for food insecurity, food waste reduction, and impact studies. Staff requested permission to hang a banner in the administration building advertising the plate.

Chairman Adams praised the program and commended Ms. Flak for her design which was chosen for the specialty plate.

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

15.B.3. [24-0675](#) Approval of Amendment No. 2 to Work Order No. 1 to Geosyntec for Phase 2, Segment 3, Cell 3 Engineering Services

Recommended Action: Staff recommends that its Board approve and authorize the Chairman to sign Landfill Amendment No. 2 to Work Order No. 1 authorizing Geosyntec to provide engineering services for a not-to-exceed fee of \$170,505.20

Attachments: [Staff Report](#)
[Amendment No 2 to Work Order No 1](#)

There was no discussion regarding 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:10 a.m.