



Indian River County Florida

Meeting Minutes - Draft

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

Randi Wardlow, Deputy Clerk

Tuesday, April 18, 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

Deacon Wilfred Hart, Friendship Missionary Baptist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman, Chairman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Deleted: Item 10.B.3.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, 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

Prior to Item 5., Chairman Earman took the opportunity to introduce the new County Administrator, John Titkanich, Jr. at his first Board meeting. Mr. Titkanich thanked the Commissioners for the warm welcome he received.

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [23-0335](#) Presentation of Proclamation Honoring Lieutenant Bruce Weimann Upon the Occasion of His Retirement From Indian River County Department of Emergency Services

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Commissioners and staff praised Lieutenant Weimann for his knowledge and mentorship during his 32-year career with the Department of Emergency Services. Fire Chief Dave Rattray, Chief Director of Emergency Services David Johnson, and Assistant Chief Sean Gibbons recounted the impact Lt. Weimann had in their lives and careers. Lt. Weimann expressed appreciation for the support he received as he strove to be a servant leader for the Department.

Read and Presented by Chairman Earman

- 5.B. [23-0219](#) Presentation of Proclamation Designating April 23-29, 2023, as Crime Victims' Rights Week in Indian River County

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Indian River County Victims' Rights Coalition (Coalition) President Paul Zelno was joined by Patty Bruzzese as he received the Proclamation in recognition of Crime Victims' Rights Week. Mr. Zelno provided information about the Coalition and expressed thanks for the support received from law enforcement. He announced the Coalition's annual Memorial Vigil would be held on Thursday, April 28, 2023, at Riverside Park. Captain Joe Abollo, Indian River County Sheriff's Office, praised the work of advocates in assisting crime victims.

Read and Presented by Commissioner Flescher

- 5.C. [23-0334](#) Presentation of Proclamation Designating the Month of April, 2023 As Child Abuse Prevention Month

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Sheryl Overcash, Director of Village Operations, Hibiscus Children's Center, appeared before the Board and informed of the Center's programs for children who

were victims of abuse. Joe Walsh, Exchange Club of the Treasure Coast, told of the Club's mission to raise and donate funds to local organizations that support prevention of child abuse.

Read and Presented by Commissioner Loar

- 5.D. [23-0318](#) Presentation of Proclamation - Designating the Week of April 23 - 29, 2023 as National Library Week

Recommended Action: Read and Present.

Attachments: [Proclamation](#)

Director of Library Services Elizabeth "Betsy" Stenger accepted the Proclamation and presented the Board with a comprehensive review of the Library's programs and resources for all ages, including games, STEM carts, a maker's space, passes to the Museum of Art, genealogy department, technology access, research sources, and career online high school, as well as many groups and community gatherings. She closed with mention of the special programs running during National Library Week.

Read and Presented by Commissioner Moss

- 5.E. [23-0252](#) Presentation of Proclamation - Designating April 22, 2023 as Earth Day

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Sue Flak, Recycling Coordinator and Marketing Director, discussed the origin and importance of Earth Day, which was the largest civic event in the world. Ms. Flak gave thanks to the Sunrise Rotary, Sustainable Events, the Treasure Coast Community Fridge, and other local environmental groups for their sustainability efforts.

Read and Presented by Vice Chairman Adams

- 5.F. [23-0328](#) Presentation by Conservation Lands Division -- Celebration of Earth Week in Indian River County

Recommended Action: Presentation, no Board action required

Attachments: [Staff Report - Earth Week](#)

Conservation Lands Manager Wendy Swindell informed the Board of her Department's events in honor of Earth Day before introducing Beth Powell, Director of Parks and Recreation, who recounted the successes of the County's Scrub-Jay conservation efforts. She thanked staff and the volunteers who monitor and collect data on the Florida Scrub-Jay, as well as the Board for their support.

Monica Folk, Wild Folk, LLC, used a PowerPoint presentation to discuss in depth the Scrub-Jay monitoring program in Indian River County, which led to population increases in the federally threatened species. Ms. Folk described and mapped the Scrub-Jay's habitat, monitoring activities, dedication of the Jane Schnee Scrub Preserve, and the importance of volunteers.

Ms. Swindell made mention of the volunteers in attendance at the meeting, and thanked the Board for their support.

Presented

6. APPROVAL OF MINUTES

6.A. [23-0300](#) Regular Meeting of February 21, 2023

Recommended Action: Approve

Attachments: [02212023 BCC Draft](#)

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

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

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

7.A. [23-0315](#) Hurricane Ian Proof of Loss Summary

Recommended Action: No action needed

Attachments: [Staff Report](#)
[Statement of Loss](#)
[Scheduled Locations Summary Report](#)

No Action Taken or Required

7.B. [23-0323](#) Notice of Extension to Contract for Construction of Required Roadway Improvements (Re: Right-Of-Way Permit No. 2022031449) - Old Dixie Highway Roadway Improvements

Attachments: [Staff Report](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve the Consent Agenda as amended, pulling Items 8.F., 8.L., 8.O., 8.P., and 8.R. The motion carried by the following vote:

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

8.A. [23-0279](#) Checks and Electronic Payments March 17, 2023 to March 23, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 17, 2023 to March 23, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [23-0303](#) Checks and Electronic Payments March 24, 2023 to March 30, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 24, 2023 to March 30, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [23-0324](#) Checks and Electronic Payments March 31, 2023 to April 6, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 31, 2023 to April 6, 2023

Attachments: [Finance Department Staff Report](#)

Approved

8.D. [23-0310](#) Annual Financial Report

Recommended Action: Approve the report and authorize Chairman to execute any related documents.

Attachments: [Finance Department Staff Report](#)
[Annual Financial Report, 2022](#)

Approved staff's recommendation

8.E. [23-0280](#) Rejection of Bid 2023006 for Annual Dump Truck Hauling Services

Recommended Action: Staff recommends the Board reject the response to Bid 2023006.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.F. [23-0306](#) Award of Bid 2023032 for Earman Island Phase IV Re-Vegetation

Recommended Action: Staff recommends the Board award bid 2023032 to Sandhill Environmental, in the amount of \$258,353.18, approve the agreement, and authorize the Chairman to execute it after approval by the County Attorney as to form and legal sufficiency, and receipt and approval of the required public construction bond. So long as there are no changes in the dollar amount, upon satisfactory completion of the work set forth in the agreement, staff is directed to make final payment and release any retainage to Sandhill Environmental Services, LLC, after review and approval by the Purchasing Manager and County Attorney.

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

Conservation Lands Manager Wendy Swindell provided an update on the Lost Tree Islands Restoration project beginning with the Duck Head Island clearing and replanting. Earman Island, she continued, had been cleared of invasive exotics and was ready for replanting with local species. Ms.Swindell noted the Earman Island replanting was funded by a grant from the National Estuary program, and she mentioned upcoming funding opportunities for the Lost Tree Islands Restoration and Enhancement project.

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

8.G. [23-0308](#) Rejection of Bid 2023012 for Jackie Robinson Training Center Walking Trail

Recommended Action: Staff recommends the Board reject the response to Bid 2023012, and authorize staff to re-advertise the bid with a longer time to complete, and longer period before acceptance of bids.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.H. [23-0317](#) Final Ranking of Consultants and Authorization to Negotiate - RFQ 2023015 for Continuing Consulting Engineering Services

Recommended Action: Staff recommends the Board approve the final ranking of firms, and authorize negotiations with the recommended firms, in accordance with FS 287.055.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.I.** [23-0297](#) Approval of Service Agreement Addendum WEX Health, Inc. d/b/a WEX (Benefits Express Services, LLC) effective May 1, 2023 through April 30, 2024

Recommended Action: Staff respectfully requests the Board of County Commissioners approve the recommendation to renew with WEX Health Inc. to provide benefit administration technology and services for the County's comprehensive employee benefit program effective May 1, 2023 through April 30, 2024 and to authorize the Board Chairman to sign the service agreement addendum after review and approval by the County Attorney.

Attachments: [Staff Report](#)

[WEX Health, Inc. Service Agreement Addendum](#)

[Benefit Express Services, LLC Agreement](#)

Approved staff's recommendation

- 8.J.** [23-0305](#) Memorandum of Understanding for Use of County Owned Bucket Trucks with the Sheriff's Department

Recommended Action: Staff recommends the Board approve the Memorandum of Understanding for Use of County Owned Bucket Trucks with the Sheriff's Department, and authorize the Chairman to execute the Release on behalf of the Board.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.K.** [23-0321](#) Work Order Number 9, Continuing Architectural Services RFQ 2018063 - New Victor Hart Sr. Complex Restroom/Concession Building

Recommended Action: Staff respectfully recommends approval of Work Order Number 9, for the New Victor Hart Sr Complex Restroom/Concession Building, in accordance with the Continuing Architectural Services Agreements for RFQ 2018063, with Edlund, Dritenbas, Binkley Architects & Associates, Inc., authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Work Order Number 9.

Attachments: [Staff Report](#)

[WO9](#)

[Scope of Work](#)

Approved staff's recommendation

8.L. [23-0325](#) Children's Services Advisory Committee's Annual Report, FY 2021-2022

Recommended Action: Staff recommends the Board accept the Children's Services Advisory Committee's Annual Report for FY 2021-2022, as submitted.

Attachments: [Staff Report](#)
 [CSAC Annual Report FY 22](#)

Vice Chairman Adams discussed the latest Children's Services Advisory Committee's Annual Report, and touched on the information provided regarding goals, accountability, and transparency. Commissioner Moss noted the revised structure of the Children's Services Advisory Committee (CSAC), and thanked staff for their help during the transition.

Bob McPartlan, CSAC Board member, pledged his dedication to supporting the life-saving programs funded by CSAC.

Doug DeMuth, CSAC Board member, recommended skepticism when evaluating the accomplishments of CSAC programs.

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

8.M. [23-0326](#) Approval of a License Agreement with Nerija of Vero Beach SA Company for use of the Intergenerational Recreation Center for Church Services

Recommended Action: Staff respectfully recommends the Indian River County Board of County Commissioners accept the License Agreement with Nerija of Vero Beach SDA Company, and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

Attachments: [Staff Report](#)
 [Nerija License Agreement 2023.04.04](#)
 [Nerija of Vero Beach SDA Company COI](#)
 [Nerija of Vero Beach SDA Company- 501c3 letter](#)
 [Tax Exemption](#)
 [IRS Tax Exempt Letter for GC](#)

Approved staff's recommendation

8.N. [23-0327](#) Approval of Text to 911 Contract with INdigital

Recommended Action: Staff recommends the Board approve the INdigital Agreement and authorize the Chairman to execute the agreement.

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

Approved staff's recommendation

8.O. [23-0331](#) Approval to Submit Letters of Intent for the National Estuary Program's Coastal Watershed Grant

Recommended Action: Staff recommends the Board of County Commissioners approve the request to submit two Letters of Intent for the Coastal Watershed Grant

Attachments: [Staff Report](#)
 [NEP Coastal Watershed Grant Program](#)

Eric Charest, Natural Resources Manager, requested the Board's support in applying for grants to support an oyster-bed restoration project at Lauren's Island, and a survey of the muck levels in the Indian River Lagoon to aid in sea grass restoration.

In response to Chairman Earman, Mr. Charest noted that the deadline to apply for Florida Inland Navigation District (FIND) grants had passed. He added that his department was working in conjunction with Florida Institute of Technology (FIT) to develop a plan which would provide the basis for future grant applications.

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

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

8.P. [23-0332](#) FDOT Supplemental Agreement No. 4 to Agreement FM No. 431759-2-54-01 and Resolution Authorizing the Chairman's Signature for the Construction of Intersection Improvements at SR-60 and 43rd Avenue, IRC-0853

Recommended Action: Staff recommends the Board of County Commissioners approve Supplemental Agreement No. 4 to the CIGP Agreement FM No. 431759-2-54-01 and Resolution and authorize the chairman to execute the same.

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[Supplemental Agreement No. 4](#)

Chairman Earman applauded the progress that had been made in the improvements to SR-60 and 43rd Avenue. Public Works Director Richard Szyrka informed the Board that this item was a suggestion from the Florida Department of Transportation (FDOT) for a time extension to address final close-out items. He added the intersection was open and functioning well, and shared the positive feedback he received.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2023-013, authorizing the Chairman's execution of Supplemental Agreement No. 4 to the County Incentive Grant Program (CIGP) Agreement FM Number 431759-2-54-01 with the Florida Department of Transportation for Construction and Construction Engineering Inspection services for intersection improvements at State Road 60 and 43rd Avenue. The motion carried by the following vote:

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

8.Q. [23-0336](#) Sebastian Inlet Technical Advisory Committee Update

Recommended Action: Staff requests that the Board continue to support Staff as approaches towards updating the MOU are discussed, with the MOU being brought back before the BCC at a later date for approval.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.R. [23-0341](#) Children's Services Advisory Committee's Recommendation of Request for Proposal, Grant Application and Agency Grant Contract for FY 2023-2024

Recommended Action: Staff recommends that the Board accept the FY23-24 Children's Services Program Request for Proposal, the FY23-24 Children's Services Program Grant Application, and the FY23-24 Children's Services Program Sample Agency Grant Contract as submitted.

Attachments: [Staff Report](#)
[RFP Notification](#)
[Grant Application](#)
[Evaluation Form](#)
[Sample Grant Contract](#)
[Termination of MOA](#)

Doug DeMuth, CSAC Board member, referred to staff's report to highlight that Children's Services funding had been approved for FY 2023/2024, but that spending

would not be approved until a new managing director was brought in, a needs assessment was completed, and revisions to reporting criteria were done. He suggested modifying the supporting document to reflect this information.

Assistant County Administrator Michael Zito clarified that the needs assessment would be funded in October, to be concurrent with the start of FY 2023/24.

Bob McPartlan, CSAC Board member, noted the success of the Moonshot Moment program, and encouraged the Board to be similarly informed regarding infant mortality and barriers to medical care.

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

The Chairman called for a recess at 10:47 a.m., and reconvened the meeting at 10:59 a.m. with all members present.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

- 9.A.** [23-0320](#) Indian River County Clerk of Circuit Court and Comptroller, Jeffrey R. Smith: Notice of Annual Comprehensive Financial Report and Popular Annual Financial Report Completion for Fiscal Year 2021-2022

Recommended Action: Accept the reports

Attachments: [Finance Department Staff Report](#)

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, appeared before the Board to present the County's Annual Comprehensive Financial Report (ACFR) and the Popular Annual Financial Report (PAFR) which were also available online (indianriverclerk.com). Mr. Smith highlighted the major initiatives and accomplishments undertaken the previous year, and provided an overview of the County's revenues and expenditures.

Commissioner Moss received clarification that the Hospital District was not one of the County's Special Taxing Districts.

Mr. Smith thanked his staff, and County staff who helped produce the report.

Accepted the report

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

- 10.A.1. [23-0275](#)** Treasure Coast Community Health, Inc. request to Rezone Approximately ±4.46 Acres from CH, Heavy Commercial District and CG, General Commercial District to MED, Medical District (RZON2005090174-93779)
[Quasi-Judicial]

Recommended Action: Based on the analysis, staff and the PZC recommend that the Board of County Commissioners approve this request to rezone the Subject Properties from CH and CG, to MED.

Attachments: [Staff Report](#)
[Existing Zoning Map](#)
[Existing Future Land Use Map](#)
[Rezoning Application](#)
[Table of Uses for Commercial Zoning Districts](#)
[Future Land Use to Zoning Dist Comp Table](#)
[Ordinance for Execution](#)

Chairman Earman introduced the parties for the proceeding as being Treasure Coast Community Health, Inc. (TCCH) 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.

Andy Sobczak, Interim Community Development Director, presented TCCH's request to rezone property adjacent to their Oslo Road location to Medical District (MED) to allow expansion of their medical facility. Mr. Sobczek introduced the new Chief of Long Range Planning, Chris Balter, who continued the presentation using PowerPoint slides. Included in the analysis of the request were future land use designations and accompanying map, concurrency, consistency with County plans and regulations, environmental impact, and compatibility with surrounding areas. He concluded with staff's support, and noted the Planning and Zoning Commission approved the rezoning request at their March 9, 2023 meeting.

Bob McPartlan, Sebastian City Councilmember, praised TCCH's positive impact on the community and supported the not-for-profit organization's request.

The Chairman closed the public hearing.

Commissioner Flescher expressed his support for TCCH's expansion. Commissioner Moss praised TCCH CEO Vicki Soulé and staff.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve staff's recommendation and adopt Ordinance 2023-006, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±4.46 acres located south of and adjacent to 9th Street Southwest, from CH, Heavy Commercial District and CG General Commercial District, to MED, Medical District; and providing codification, severability, and effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

10.B.1. [23-0307](#) Request to Speak from Catherine Keller re: Fence Built on County-owned Land

Recommended Action: No action required

Attachments: [Public Discussion Request Keller](#)

Catherine Keller appeared before the Board to follow up on a Code Enforcement Board Order Finding Violation issued on June 7, 2022, on a property at 7985 100th Avenue. The Board had previously considered various remedies to the Keller's encroachment issue at the BCC regular meeting of March 7, 2023, and had decided to continue with the code enforcement process. After meeting individually with the Commissioners in March, Ms. Keller was hopeful the Board had found a compromise to her situation.

Commissioner Flescher advised that the avenue to appeal a code enforcement violation was through the Court. He recounted that he had met with Ms. Keller in April, but noted the absence of mitigating circumstances meant the code enforcement ruling would stand, and she would have to come into compliance as specified in the order.

County Attorney Dylan Reingold advised the window for appeals was 30 days following the date the order was issued by the Code Enforcement Board.

No Action Taken or Required

10.B.2. [23-0312](#) Request to Speak from Ryan Holmes re: Mandatory Polygraph Tests Given to County Employees Accused of Misconduct

Recommended Action: No action required

Attachments: [Request to Speak R. Holmes 4.18.23](#)

Speaker not present

10.B.3. [23-0337](#) Request to Speak from Bill Rigby re: Insurance

Recommended Action: No Action Required

Attachments: [Public Discussion Request B. Rigby 4.18.23](#)

Deleted

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

F. Office of Management and Budget

12.F.1. [23-0316](#) Self-Insurance Funds and Property & Casualty Insurance Program

Recommended Action: Staff recommends the Board approve the proposed renewal and authorize staff to bind coverage for May 1, 2023 through April 30, 2024 with a current premium of \$4,042,976.11. The renewal premium is based upon the current schedule of values, coverage selections and includes the annual broker fee of \$175,000.

Attachments: [Staff Report](#)
[Executive Summary](#)

County Risk Manager Cynthia Stanton referred to staff's memo dated April 18, 2023, as she presented renewals for the County's property and casualty insurance. She noted there was an overall increase of almost 28% in premiums due to a volatile insurance market in the wake of last year's hurricane season. Ms. Stanton continued with an in-depth reporting of the lowered coverage and increased rates across all categories which were necessary due to budget

constraints; she made mention that all counties in the state were forced to make similar choices.

Management and Budget Director Kristin Daniels forecast the increased costs across several sectors in advance of an expectedly difficult fiscal year.

Commissioner Flescher thanked Ms. Stanton for making the difficult choices in order to best manage the County's risk exposure.

Bob McPartlan, Sebastian City Council member, discussed the insurance market's impact on homeowners and the County, and wondered if multiple counties could join to negotiate better insurance rates.

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

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

G. Public Works

12.G.1. [23-0322](#)

Acquisition of Right-Of-Way for Aviation Boulevard and US-1 Improvements from Myron and Davene Madsen

Recommended Action: Staff recommends the Board approve the Agreement to Purchase and Sell Real Estate for the Madsen's property and approve the Assignment of Agreement to Purchase, Sell, and Lease Real Estate Between CREC Capital And/Or Assigns And Myron Madsen Jr & Davene Madsen and authorize the Chairman to execute the documents on behalf of the Board. Staff also requests the Board to authorize the Office of Budget and Management to request written checks, if needed for the amounts of \$25,000 and \$50,000 for escrow payment.

Attachments: [Staff Report](#)
[Agreement to Purchase and Sell with Exhibits](#)
[Assignment of Agreement to Purchase, Sell, and Lease](#)

Public Works Director Richard Szyrka presented a proposed property purchase at the corner U.S. Highway 1 and 32nd Street which would aid in the Aviation Boulevard extension, and increase traffic capacity by creating a right-turn lane at the intersection. He recapped discussions with the County's Realtor and the Florida Department of Transportation (FDOT) regarding the purchase price and value to the future planning of this area.

Chairman Earman expressed support for the purchase and hoped it would speed the process of creating the Aviation Boulevard extension to 37th street.

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

12.G.2. [23-0340](#) Request for Funding and Authorization to Purchase a Motor Grader

Recommended Action: Based on the availability and specifications for graders used by the County, Staff recommends the Board authorize funding in the amount of \$315,501.00 from Transportation Fund, fund balance for the purchase of a 2023 Caterpillar 120 motor grader

Attachments: [Staff Report](#)

Vice Chairman Adams asked if this grader purchase would translate to additional roads which could be graded, or hopefully reduce the time between grading. Public Works Director Richard Szyrka advised that the additional machine would reduce grading time across several neighborhoods, and advised his department's overall goal was to keep grading time to within 10 days on all routes.

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

H. Utilities Services

13. COUNTY ATTORNEY MATTERS

13.A. [23-0329](#) Use of Optional Sales Tax for Beach Renourishment Projects

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the resolution authorizing the use of optional sales tax funds for beach and dune renourishment projects.

Attachments: [Staff Report](#)
[Optional Sales Tax - Beach and Dune System](#)

County Attorney Dylan Reingold presented the Resolution to authorize use of Optional Sales Tax funds for beach renourishment projects. Attorney Reingold cited Florida Statutes which allowed for funds to be used for infrastructure projects that have a life expectancy of five (5) or more years.

The Commissioners weighed-in on the proposal. Chairman Earman expressed caution that the sales tax should not be used as the first source of funding for beach renourishment.

Management and Budget Director Kristin Daniels assured that it would not; however, she cautioned that the Beach fund was running a negative balance while the County awaited repayment from FEMA grants. She advised that future project funding was not sustainable, and having the option of using the sales tax funds would be a useful budgeting tool.

Commissioner Moss expressed her rationale for opposing use of the funds for beach restoration, fearing that other projects would be short-changed with reallocations. Vice Chairman Adams was in favor of reviewing the funds on a case-by-case basis as needed, cautioning against whittling away at money intended for other infrastructure needs.

Ms. Daniels advised that upcoming projects in Sectors 3, 5, and 4 would require up-front funds from the County which may not be available. Attorney Reingold agreed with the Commissioners' concerns, and noted the legal basis for the Resolution in regard to beaches, dunes, and public infrastructure.

Vice Chairman Adams clarified that the Resolution would not add Optional Sales Tax money as a specific funding source for beach restoration, but would permit access to the funds if cash was not on-hand to complete those projects. Commissioners Flescher and Loar expressed support for the Resolution in light of the rationale from the County Attorney and Budget Director.

Bob McPartlan, Sebastian Council member, expressed his support for staff and proposed considering child abuse prevention as an infrastructure need.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve staff's recommendation and Resolution 2023-014, electing to use Optional Sales Tax Revenue for beach and dune construction in Sector 3 and Sector 5. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

13.B. [23-0330](#) Children Services Advisory Committee Appointment

Recommended Action: The County Attorney recommends that the Board review the applicants' applications, and determine whether to appoint him/her to fill the unexpired term for the "Member At Large" representative to the Children Services Advisory Committee

Attachments: [Staff Report](#)
[Application \(CSAC\) - CarboniDawn](#)
[Application \(CSAC\) Amber Cerda](#)
[Application \(CSAC\) - LendermanDaniel](#)
[Application \(CSAC\) - Wendy McDaniel](#)

County Attorney Dylan Reingold presented applications for candidates looking to fill the "Member at Large" representative to the Children's Services Advisory Committee (CSAC).

Vice Chairman Adams spoke of the need to have additional CSAC representation for North County and Fellsmere, and supported Amber L. Cerda for the position.

Bob McPartlan, CSAC Board member, supported Ms. Certa for the position. He also advocated for applicant Dawn M. Carboni for a position on either the Needs Assessment/Planning Committee or the Grant Review and Program Committee.

Commissioner Flescher added his support for Ms. Carboni to serve CSAC in light of her experience and expertise. Attorney Reingold confirmed the "at-large" position was the only vacancy on CSAC, but that the subcommittees would likely have openings suited for her talents.

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to approve the appointment of Amber L. Cerda for the "Member at Large" representative to the Children's Services Advisory Committee. The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

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

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. [23-0302](#)** Approval of the Solid Waste Disposal District Meeting Minutes of February 21, 2023

Recommended Action: Approve

Attachments: [02212023 SWDD Draft](#)

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve the minutes of the February 21, 2023 Solid Waste Disposal District meeting. The motion carried by the following vote:

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

- 15.B.2. [23-0338](#)** Amendment No. 2 to Wastewater Treatment Agreement with Indian River Sustainability Center

Recommended Action: Staffs recommends that its Board follow what is written in the staff report

Attachments: [Staff Report](#)

[Amendment No 2](#)

[First Amended and Restated Site Access Agreement](#)

There was no discussion regarding this 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:16 p.m.