



Indian River County Florida

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

Meeting Minutes - Final

Board of County Commissioners

Joseph H. Earman, District 3, Chairman

Susan Adams, District 1, Vice Chairman

Joseph Flescher, District 2

Deryl Loar, District 4

Laura Moss, District 5

Michael C. Zito, Interim County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, January 31, 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

Reverend Dr. Anna V. Copeland, Community Church of Vero Beach

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 7.A. to follow Item 5.B.

Items under 15.B. Solid Waste Disposal District to follow Consent Agenda

Deleted: Items 5.C. and 8.G.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, 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

- 4.A. [23-0003](#) Deletion of 5.C. Presentation of Proclamation Recognizing the Education Foundation of Indian River County

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Deleted

- 4.B. [23-0060](#) Deletion of 8.G. First Amendment to Aircraft Rescue and Firefighting (ARFF) Agreement

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the First Amendment to Aircraft Rescue and Firefighting (ARFF) Agreement and authorize the chair to execute the First Amendment after review and approval by the County Attorney.

Attachments: [Staff Report](#)
[First Amendment Draft](#)

Deleted

5. PROCLAMATIONS and PRESENTATIONS

- 5.A. [23-0073](#) Presentation of Proclamation Honoring Sandra M. Gebert on Her Retirement From the Indian River County Board of County Commissioners Department of General Services, Library Services Division

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Ms. Gebert was joined by Beth Powell, Director of Parks and Recreation, and library staff as she was honored for her 20-plus years of service. Ms. Gebert also received the County's 20-year Service Award, presented by Interim County Administrator Michael Zito, who commended her contributions to the community.

Read and presented by Chairman Earman

- 5.B. [23-0067](#) Presentation of Proclamation Honoring Patrick White on his Retirement from the Indian River County Sheriff's Office

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Captain Patrick White was joined by his family and many members of the Indian River County Sheriff's Office as Commissioners Flescher and Loar recounted Captain White's distinguished 26-year career. He received accolades for his bravery and level-headedness from the Board, Interim County Administrator Michael Zito, and Undersheriff Thomas Raulen. Captain White stated he was honored, and retirement was bittersweet.

Read and presented by Commissioner Flescher

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of November 15, 2022, and November 22, 2022 as written. The motion carried by the following vote:

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

- 6.A. [23-0089](#) Regular Meeting of November 15, 2022

Recommended Action: Approve

Attachments: [11152022 BCC Draft](#)

Approved

- 6.B. [23-0091](#) Regular Meeting of November 22, 2022

Recommended Action: Approve

Attachments: [11222022 BCC Draft](#)

Approved

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

- 7.A. [23-0087](#) Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting

Recommended Action: Inform

Attachments: [Commissioner's Memorandum](#)
[Award Announcement & Press Release](#)

Ryan Butler, Chief Deputy Legal, appeared before the Board to accept the Certificate of Appreciation for the Annual Comprehensive Financial Report (ACFR), an honor the Comptroller's office has received for 39 consecutive years. Mr. Butler credited Finance Director Elissa Nagy and Assistant Finance Director Raeanne Cone for their hard work, and acknowledged production of the ACFR was a team effort.

No Action Taken or Required

- 7.B. [23-0100](#) State Housing Initiatives Partnership (SHIP) Program Loans and SHARP (American Rescue Plan) Grants Approved on January 24, 2023, by Local Housing Assistance Loan Review Committee

Recommended Action: Inform

Attachments: [Commissioner's Memorandum](#)

Commissioner Laura Moss highlighted the County's housing assistance programs.

No Action Taken or Required

- 7.C. [23-0056](#) 1st Quarter FY 2022/2023 Budget Report

Recommended Action: No Action Required

Attachments: [Staff Report](#)
[1st Quarter Budget Report](#)

No Action Taken or Required

- 7.D. [23-0086](#) Appointment of Katie Mieras to the Children's Services Advisory Committee Representing District 3

Recommended Action: Inform

Attachments: [Commissioner's Memorandum](#)
[Mieras Application & Resume](#)

Chairman Earman noted his appointment of Ms. Mieras as District 3 Representative to the Children's Services Advisory Committee.

No Action Taken or Required

- 7.E. [23-0050](#) Florida Public Service Commission Consummating Order PSC-2023-0043-CO-EI, issued on December 21, 2022, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code.

Recommended Action: Information Only

Attachments: [PSC-2023-0043-CO-EI](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the Consent Agenda as presented. The motion carried by the following vote:

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

- 8.A. [23-0022](#) Agreement with Meeks Plumbing for North County and West Wabasso Septic to Sewer Private Side Connections

Recommended Action: Staff recommends the Board approve the agreement, including the addition of the West Wabasso residences, and authorize the Chairman to execute the agreement after the County Attorney has approved it as to form and legal sufficiency, and after Meeks is actively registered in SAM.gov.

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

Approved staff's recommendation

- 8.B. [23-0048](#) First Extension to Agreements for Temporary Staffing Services

Recommended Action: Staff recommends the Board of County Commissioners approve the First Extensions, and authorize the Chairman to execute them, after approval by the County attorney as to form and legal sufficiency, and after receipt and approval of required insurance by Risk Management.

Attachments: [Staff Report](#)
[First Extension - Altrian](#)
[First Extension - AUE Staffing](#)
[First Extension - Blue Arbor](#)
[First Extension - LFI](#)

Approved staff's recommendation

8.C. [23-0051](#) Award of RFP 2023004 for Housing Program Inspection Services

Recommended Action: Staff recommends the Board award RFP 2023004 to SoFI Corporation, approve the agreement, and authorize the Chairman to sign after the County Attorney has approved it 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.D. [23-0052](#) Second Extension and Amendment to the Agreement for Operations of the Biosolids Dewatering Facility, Sludge Dewatering, and Hauling

Recommended Action: Staff recommends the Board approve the second extension and amendment to the agreement and authorize the Chairman to execute it, after review and approval by the County attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [Second Extension and Amendment](#)

Approved staff's recommendation

8.E. [23-0062](#) Workers Compensation Settlement; Justin House

Recommended Action: This claim was evaluated by the County's excess Worker's Compensation carrier and it is recommended that the Board of County Commissioners approve the final settlement of \$398,167.50 to resolve this claim.

Attachments: [Staff Report -- Workers Comp](#)

Approved staff's recommendation

8.F. [23-0064](#) First Renewal of Sublease Agreement with the Senior Resource Association for the Main Transit Hub

Recommended Action: Staff recommends that the Board of County Commissioners approve the sublease and authorize the Chairman to execute the lease.

Attachments: [Staff Report](#)
 [First Renewal](#)
 [Sublease 2017](#)

Approved staff's recommendation

- 8.H. [23-0065](#) Appointment of Chairman to Children's Services Advisory Committee
Recommended Action: Staff respectfully requests that the Board of County Commissioners appoint Miranda Swanson as Chairman of the Children's Services Advisory Committee

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.I. [23-0071](#) Work Order Number 2, Amendment No. 1 - Continuing Engineering Services RFQ 2018008 - Renewal and Amendment No1. Fran B. Adams North County Regional Park (Playground and Soccer Complex Area)

Recommended Action: Staff respectfully recommends approval of Work Order Number 2, Amendment No. 1, with Masteller and Moler Inc., authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Amendment No 1., Work Order Number 2.

Attachments: [Staff Report](#)
[Amendment 1](#)

Approved staff's recommendation

- 8.J. [23-0072](#) Template Emergency Beach Access Agreement
Recommended Action: Staff respectfully requests that the Board of County Commissioners approve the template agreement and authorize the Parks and Recreation Director to sign agreements on their behalf upon review and approval by the County Public Works Director, Natural Resources Manager, Risk Manager, and County Attorney.

Attachments: [Staff Report](#)
[Template Emergency Beach Access Agreement](#)

Approved staff's recommendation

- 8.K. [23-0075](#) Jackie Robinson Training Complex Ticket Office Renovations Change Order No. 1 and Release of Retainage (IRC-2020)

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 5 to De La Hoz Builders, Inc. in the amount of \$20,689.52 for release of retainage.

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

Approved staff's recommendation

- 8.L. [23-0083](#) Sector 5 Beach and Dune Restoration Project (IRC1923) APTIM, Work Order No. 2018029-11, Year 3 Post-Construction Environmental Monitoring

Recommended Action: Staff recommends the BCC authorize Work Order No. 2018029-11 in the total lump sum amount of \$93,129.12. Additionally, staff recommends the BCC authorize the Chairman to execute Work Order No. 2018029-11

Attachments: [Staff Report](#)
[APTIM Work Order No. 2018029-11](#)
[Work Order No 2018029-11 Agreement](#)

Approved staff's recommendation

- 8.M. [23-0078](#) Resolution Cancelling Taxes

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the properties 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 Cancelling Taxes](#)
[Warranty Deed](#)

Approved Resolution 2023-003, cancelling certain taxes upon public owned lands, pursuant to Section 196.28, Florida Statutes. (RaceTrac)

- 8.N. [23-0081](#) General Obligation Bond Resolution

Recommended Action: The County Attorney's Office recommends the Board approve the General Obligation Bond Resolution.

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

Approved Resolution 2023-004, authorizing the issuance of not exceeding \$50,000,000 in aggregate principal amount of Indian River County, Florida General Obligation Bonds at one time or from time to time, to finance the cost of acquiring and preserving environmentally sensitive lands and constructing public access improvements related thereto within the County; making certain covenants and agreements in connection therewith; providing for the rights of the holders of such bonds; providing other matters; and providing an effective date.

8.O. [23-0095](#) Amendment 1 to Work Order No. 51 - Kimley-Horn and Associates, Inc., Aviation Boulevard Extension - Alternative Alignment Study (IRC-1761)

Recommended Action: Staff recommends the Board of County Commissioners approve Amendment No. 1 with Kimley-Horn and Associates, Inc. for an amount not to exceed \$28,500.00 and authorize the Chairman to execute the amendment.

Attachments: [Staff Report](#)
 [Amendment 1 to Work Order 51](#)

Approved staff's recommendation

8.P. [23-0097](#) Utility Work By Highway Contractor Agreement with FDOT for the Adjustment of Utility Valves for the SR-60 Resurfacing from West of CR-512 to West of 94th Drive

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

Attachments: [Staff Report](#)
 [FDOT - Utility Work Agreement](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

10.A.1. [23-0061](#) Miscellaneous Budget Amendment 02

Recommended Action: Staff recommends that after the public hearing, the Board of County Commissioners approve the budget resolution amending the fiscal year 2022-2023 budget.

Attachments: [Staff Report](#)
[Public Hearing Advertisement](#)
[2022 2023 Resolution](#)
[Exhibit "A"](#)

Management and Budget Director Kristin Daniels referred to her department's report for details of Amendment 02 to the County's FY 2022-2023 budget. She noted any time an amendment included actual cash balance dollars, the Florida Statutes required a public hearing be held.

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

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve Resolution 2023-005, amending the Fiscal Year 2022-2023 Budget.

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

B. PUBLIC DISCUSSION ITEMS**10.B.1. [23-0057](#)** Request to Speak from Susan Mehiel, Alliance for Safe Trains re: Brightline Update

Recommended Action: No action required

Attachments: [Public Discussion Request S.Mehiel](#)

Susan Mehiel, Alliance for Safe Trains, appeared before the Board with an update on the Brightline (fka All Aboard Florida) high-speed trains, which included numbers of train-related deaths in the four-county area, lack of regulations for higher-speed rail, the possibility of transporting liquefied natural gas on the rails, and needed safety enhancements.

No Action Taken or Required

10.B.2. [23-0059](#) Request to Speak from George Colon, Advocate re: Fentanyl Awareness

Recommended Action: No Action Required

Attachments: [Public Discussion Request G. Colon](#)

George Colon, Certified Recovery Coach and Sober Companion, addressed the Board to raise awareness of the dangers of fentanyl in Indian River County. He advocated for increased monitoring of sober houses, and detailed his efforts to gain assistance. Mr. Colon praised Indian River County Sheriff Eric Flowers, and Commissioner Moss for bringing attention to the impact of fentanyl on County residents.

No Action Taken or Required

10.B.3. [23-0063](#) Request to Speak from Joann McGrath re: Safety & Protection of Gopher Tortoises in IRC

Recommended Action: No action required

Attachments: [Public Discussion Request J.McGrath](#)

Joann McGrath discussed the plight of the gopher tortoise which was losing its habitat due to increased land development. Ms. McGrath called for greater enforcement of required environmental surveys to detect the tortoise's burrows, amending Ordinances to require surveys for parcels less than one (1) acre, and the establishment of a public-led protection committee.

No Action Taken or Required

The Chairman called a recess at 10:37 a.m., and reconvened the meeting at 10:50 a.m. with all members present.

C. PUBLIC NOTICE ITEMS**10.C.1. [23-0055](#)** Public Notice of Public Hearing for February 7, 2023, to Consider an Ordinance

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the public notice announcement into the record.

No Action Taken or Required

- 10.C.2.** [23-0058](#) Public Notice of Public Hearing for February 7, 2023, for Ordinance Amending Section 100.03 “Amendment or Repeal of Ordinances” of Chapter 100 “General Provisions” of the Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 144

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the public notice announcement into the record.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS

- 11.A.** [23-0079](#) Appointment of District 19 Medical Examiner

Recommended Action: My recommendation is to respond with a Favorable recommendation. I am looking for Board direction to respond.

Attachments: [Staff Report - Medical Examiner](#)
[Memo - State Medical Examiners Commission](#)

Interim County Administrator Michael Zito sought the Board's input on the performance of incumbent Medical Examiner for District 19, Patricia A. Aronica, MD, per the State Medical Examiners Commission request.

The Board expressed their favorable impressions of Dr. Aronica, praising her experience, clarity, and desire to improve the service and the infrastructure of the Medical Examiner's office.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve a favorable recommendation for reappointment of Patricia A. Aronica, MD to the position of District 19 Medical Examiner. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

- A. Community Development**
- B. Emergency Services**
- C. General Services**

12.C.1. [23-0066](#) Consideration for Adopt-A-Park Program

Recommended Action: Staff respectfully requests that the Board approve the implementation of an Adopt-A-Park program for Indian River County and adopt the corresponding Resolution. Additionally, staff requests that the Board approve the Adopt-A-Park Program Agreement upon review and approval by the County Attorney and Risk Manager.

Attachments: [Staff Report](#)
[Adopt a Park resolution](#)
[Adopt-A-Park Agreement](#)
[Adopt-A-Park Program](#)
[AM 1000.9](#)

Beth Powell, Interim General Services Director/Parks and Recreation Director, described the efforts of a local Cub Scout Pack to initiate an Adopt-A-Park program, similar to the Adopt-A-Road program, in Indian River County. Ms. Tammy Denino, a leader in Cub Scout Pack 595, described her pack's focus on conservation service projects, and the need for a volunteer park beautification program.

The Commissioners expressed support for the program, and directed applicants to the County's website ircgov.com/parksandrecreation for additional information.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve staff's direction and Resolution 2023-006, approving an Adopt-A-Park program and authorizing the Parks and Recreation Director to enter into agreements for the program. The motion carried by the following vote:

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

D. Human Resources**E. Information Technology**

12.E.1. [23-0094](#) Information Technology Policy Additions to the Administrative Policy Manual

Recommended Action: Staff recommends that the Board approve the addition these policies to the APM.

Attachments: [Staff Report](#)

[AM-1200.01 - Contingency Planning](#)

[AM-1200.02 - Incident Response](#)

[AM-1200.03 - Awareness and Training](#)

[AM-1200.04 - Program Management \(002\)](#)

[AM-1200.05 - Planning](#)

[AM-1200.06 - Identification and Authentication](#)

[AM-1200.07 - System and Communications Protection](#)

[AM-1200.08 - Configuration Management](#)

[AM-1200.09 - Access Control](#)

[AM-1200.10 - Audit and Accountability](#)

[AM-1200.11 - Assessment Authorization and Monitoring](#)

[AM-1200.12 - Maintenance](#)

[AM-1200.13 - System and Information Integrity](#)

[AM-1200.14 - Media Protection](#)

[AM-1200.15 - Physical and Environmental Protection](#)

[AM-1200.16 - Personnel Security](#)

[AM-1200.17 - System and Services Acquisition](#)

[AM-1200.18- Risk Assessment](#)

[AM-1200.19 - Supply Chain Risk Management](#)

[AM-1200.20 - Personally Identifiable Information Processing and
Transparency](#)

[AM-1200.21 - Acceptable Use](#)

Information Technology Director Dan Russell referred to his memorandum dated January 31, 2023, which presented policy additions to the Administrative Policy Manual. Mr. Russell noted new State statutes specified additional requirements for local government cyber security, and alignment with the National Institute of Standards and Technology (NIST) recommendations.

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

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

F. Office of Management and Budget

G. Public Works

12.G.1. [23-0076](#) Change Order No. 3 66th Avenue Roadway Widening (49th Street to 69th Street), Construction of 53rd Street Signalized Intersection, IRC-1505

Recommended Action: Staff recommends the Board approve Change Order No. 3, authorizing the additional funding in the amount of \$814,277.14. The new total contract amount will be \$34,329,232.34.

Attachments: [Staff Report](#)
[Change Order No.3](#)

Director of Public Works Richard Szpyrka presented a change order to construct a signalized intersection at 53rd Street and 66th Avenue in order to improve safety and accommodate future traffic. Director Szpyrka noted this intersection was being expanded as part of the 66th Avenue widening project, and was also important to the future path of 53rd Street, west of 58th Avenue.

A motion was made by Commissioner Loar, 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

12.G.2. [23-0082](#) Request for Stormwater Summer Camp 2023

Recommended Action: Staff requests approval from the Board for Indian River County Stormwater Staff to participate in and lead Summer Camp sessions hosted at the Pelican Island Audubon House in Summer 2023

Attachments: [Staff Report](#)

Stormwater Educator Alexis Peralta requested approval to host two 2-week sessions (4 weeks total) of Stormwater Summer Camp in 2023. Ms. Peralta explained the planned extension of the camp to a 2-week program, and the partnership with the Pelican Island Audubon Advocates program. Ms. Peralta utilized a slide presentation to detail the activities and curriculum of the camp, and showed a promotional video with endorsements from past campers.

Donna Halleran, Executive Director, Pelican Island Audubon Society, discussed the Audubon's programs for underserved students with an interest in science.

Assistant County Administrator Michael Zito suggested promoting Stormwater Camp at the upcoming STEAM Fest on March 4, 2023.

A motion was made by Commissioner Moss, 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. [23-0077](#) City of Sebastian - Graves Brothers Annexation Update

Attachments: [Staff Report](#)
[Draft Annexation Agreement](#)
[County Comments on Draft Agreement](#)

County Attorney Dylan Reingold referred to the City of Sebastian's (City) latest draft of the Graves Brothers annexation agreement, which was attached to his memo dated January 23, 2023. Attorney Reingold discussed adding a potential 20,000 people to the area, and the County's responsibility to provide essential services such as roads, water/sewer, and firefighters. He expressed disappointment the language addressing those needs was eliminated from the agreement, and sought direction from the Board in addressing the County's concerns.

The Commissioners weighed-in with the need for consistency with the County's Visioning Plan, and the concern the County may not be able to meet the infrastructure expectations of future development. They agreed on the need to have a plan before annexation, and supported outlining their concerns in a letter to the City.

Director of Utility Services Sean Lieske stressed the importance of advance planning, and recommended getting a commitment from the developers to set aside land for future utility needs. Interim County Administrator Michael Zito mentioned concerns over being able to expand the County's Consumptive Use Permit (CUP).

Sebastian Council Member Bob McPartlan received information from Mr. Lieske regarding the fact that current water capacity was spoken for, and the County did not have capacity for the scale of development being contemplated. Mr. Lieske reiterated the need to specify an allotment of land for future utility infrastructure.

The Chairman opened the item to public discussion. The following people expressed their concerns with the annexation agreement:

Graham Cox, Sebastian resident
Dan Lamson, Executive Director, Indian River Neighborhood Association
Dr. Richard Baker, President, Pelican Island Audubon Society
Donna Halleran, Executive Director, Pelican Island Audubon Society

A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to approve directing staff to send a letter to the City of Sebastian, in advance of the February 8, 2023 City Council meeting, outlining the County's concerns regarding the latest draft of the Graves Brothers Annexation agreement. The motion carried by the following vote:

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

13.B. [23-0085](#) 2023 Committees Vacancies and Appointments

Recommended Action: The County Attorney recommends that the Board review the applicants' résumés and applications, and determine whether which applicants to appoint for the Beach and Shore Preservation Advisory Committee.

Attachments: [Staff Report](#)
[Vacancy List](#)

County Attorney Dylan Reingold presented candidates for the Beach and Shore Preservation Advisory Committee (Committee). Chairman Earman noted that as the Board liaison to the Committee, he had interviewed all the candidates he was not already familiar with.

Chairman Earman invited the candidates in attendance to speak before the Board. Bob Bruce and Shelby Graziani spoke of their backgrounds and interest in serving on the Committee.

Chairman Earman stated he supported Michael W. Sole and Ms. Graziani for the appointments, before seeking input from the Board.

Commissioner Flescher discussed Mr. Bruce's success in aiding beach restoration. Vice Chairman Adams supported Mr. Sole's technical experience, and Ms. Graziani's fresh outlook. Commissioner Loar stated he was impressed with Mr. Sole's experience. Commissioner Moss nominated Michael T. Korpar and spoke of his knowledge; she liked Mr. Sole's resume as well.

Public Works Director Richard Szpyrka updated the Board on the Department of Environmental Protection's allocation of funds among the County's beach sectors.

A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to appoint Michael W. Sole to the Beach and Shore Preservation Advisory Committee. The motion carried by the following vote:

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

Commissioner Flescher added to his reasons for supporting Bob Bruce. Under discussion, Commissioner Adams noted she gave weight to the liaison's preferences, and thought Mr. Bruce would continue to be an advocate for the beaches regardless of his appointment.

Commissioner Moss again nominated Mr. Korpar.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to appoint Bob Bruce to the Beach and Shore Preservation Advisory Committee. The motion failed by the following vote:

Aye: 2 - Commissioner Flescher, and Commissioner Loar

Nay: 3 - Chairman Earman, Vice Chairman Adams, and Commissioner Moss

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to appoint Shelby L. Graziani to the Beach and Shore Preservation 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

14.A.1. [23-0088](#) Proposed Cover Letter and Revised Beach Renourishment Project Easement

Recommended Action: Discuss

Attachments: [Commissioner's Memorandum](#)
[Cover Letter & Revised Easement](#)

Chairman Earman brought forth a final attempt to secure easements from the residents of the Sector 7 beach area which would allow replacement of sand lost to erosion. The Chairman looked for the Board's input on his cover letter and revised easement which would be sent to all residents who previously declined or deferred allowing beach renourishment in their Sector.

Commissioner Flescher expressed support for the revised easement, and sought clarification regarding those residents who had signed a previous version of the easement. The Chairman advised that the revised easement mirrored language from utility and construction easements the County routinely engaged in.

County Attorney Dylan Reingold discussed the various ways to protect public access to the beach, and why it was important to County residents. He favored waiting until the March 17, 2023 deadline called for in the Chairman's letter before addressing any concerned residents who had previously signed an easement.

A motion was made by Commissioner Loar, seconded by Vice Chairman Adams, to direct staff to circulate the Chairman's cover letter and revised easement to Sector 7 beach front residents. The motion carried by the following vote:

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

B. Commissioner Susan Adams, Vice Chairman

C. Commissioner Joseph E. Flescher

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

[Clerk's Note: SWDD Items were heard following the Consent Agenda]

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to approve the SWDD meeting minutes of November 15, 2022, and November 22, 2022, as written. The motion carried by the following vote:

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

15.B.1. [23-0090](#) Approval of SWDD Meeting Minutes of November 15, 2022

Recommended Action: Approve

Attachments: [11152022 SWDD Draft](#)

Approved

15.B.2. [23-0092](#) Approval of SWDD Meeting Minutes of November 22, 2022

Recommended Action: Approve

Attachments: [11222022 SWDD Draft](#)

Approved

15.B.3. [23-0096](#) Amendment No. 1 to Agreement between SWDD and KCI for Franchise Collection Procurement Assistance

Recommended Action: Solid Waste Disposal District staff recommends that the Board approve the Amendment No. 1 to Agreement, and authorize the Chairman to sign it after review and approval by the County Attorney as to form and legal sufficiency

Attachments: [Staff Report](#)
[Amendment No 1 to Agreement with SWDD and KCI](#)

Solid Waste Disposal District (SWDD) Director Himanshu Mehta discussed the rationale behind hiring Kessler Consulting, Inc. (KSI) to perform a Waste Generation Study and how the results would inform changes needed to the SWDD's rate structure.

Chas Jordan, Senior Consultant, Kessler Consulting, Inc., presented background on SWDD assessments, scope of project, methodology, data on waste generation and recommendations. KSI's report recommended both increases and decreases to the County's Waste Generation Unit (WGU) calculations based on the study's quantified data. KSI also recommended following up with a Rate Study of all revenue sources, which was last done almost 30 years ago.

Vice Chairman Adams expressed concern the study recommended doubling the fees for restaurants. Director Mehta explained that a gradual increase in assessments based on a holistic view of their funding was most likely. Mr. Jordan informed the Board of rate studies done by other counties.

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

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

15.B.4. [23-0098](#) Nineteenth Amendment to Republic Services

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve the Nineteenth Amendment to Republic Services landfill contract for the additional landfill gas operation and maintenance services; and authorize the Chairman to execute the agreement

Attachments: [Staff Report](#)
[Nineteenth Amendment to Republic Services](#)
[SCS Field Services Proposal](#)

Solid Waste Disposal District Director Himanshu Mehta briefly described the amendment regarding the cost to operate and maintain the landfill's gas system.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:37 p.m.