



# 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**

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Tuesday, February 7, 2023

9:00 AM

Commission Chambers

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#### 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

**Rev. Dr. Brad Klostreich, Westminster Presbyterian Church**

#### 3. PLEDGE OF ALLEGIANCE

**Michael Zito, Interim County Administrator**

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

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

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

#### 5. PROCLAMATIONS and PRESENTATIONS

**5.A.**     [23-0069](#)     Presentation of Proclamation Honoring the Reverend Andrew Jefferson

**Recommended Action:** Read and Present

**Attachments:** [Proclamation](#)

Commissioner Flescher stated it was a grand honor and privilege to present the Proclamation to Reverend Andrew Jefferson. Reverend Jefferson was joined by his wife Ruth, and students from Gifford Middle School and Saint Peter's Academy as he thanked the Commissioners for the recognition. Many members of his community spoke highly of Reverend Jefferson. Ashland Tomlinson, a student, read a message to Reverend Jefferson on behalf of the children of Saint Peters Academy.

**Read and presented by Commissioner Flescher**

**5.B.**     [23-0070](#)     Presentation of Proclamation Honoring Tyrone McGriff, Sr.

**Recommended Action:** Read and Present

**Attachments:** [Proclamation](#)

Chairman Earman stated he was honored to present the Proclamation recognizing the late Tyrone McGriff Sr. for his civic contributions. Tyrone McGriff Jr. thanked Chairman Earman and the Commissioners for recognizing his father, which would have meant so much to him.

**Read and presented by Chairman Earman**

**6. APPROVAL OF MINUTES****7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****8. CONSENT AGENDA**

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

**8.A.**     [23-0054](#)     Checks and Electronic Payments January 6, 2023 to January 12, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 6, 2023 to January 12, 2023

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.B.**     [23-0112](#)     Checks and Electronic Payments January 13, 2023 to January 19, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 13, 2023 to January 19, 2023

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.C.**     [23-0113](#)     Checks and Electronic Payments January 20, 2023 to January 26, 2023

**Recommended Action:** Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 20, 2023 to January 26, 2023

**Attachments:** [Finance Department Staff Report](#)

**Approved**

**8.D.**     [23-0084](#)     Second Extension and Amendment to Agreements for Custodial Services at County-Owned Facilities

**Recommended Action:** Staff recommends the Board approve the Second Extension and Amendment and authorize the Chairman to executed then after review and approval by the County Attorney as to form and legal sufficiency.

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

[Second Extension and Amendment - CER](#)

[Second Extension and Amendment - Clean Space](#)

**Approved staff's recommendation**

**8.E.**     [23-0099](#)     Hanlex Vero Beach LLC Developer's Agreement

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the Hanlex Vero Beach LLC Developer's Agreement with the County, and authorize the Chairman to execute the agreement to reimburse Hanlex Vero Beach LLC in the amount of \$111,000.00 for the work performed in the agreement

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

[Developers Agreement Hanlex Group](#)

**Approved staff's recommendation**

- 8.F. [23-0101](#) April 1, 2022 Addendum to RX Benefits Administrative Services Agreement dated October 1, 2021 - Removing Per Claim Fee of \$0.40 for Out of Pocket Protection + SaveOnSP Program

**Recommended Action:** Staff respectfully requests the Board of County Commissioners approve and authorize the Board Chairman to sign the 2023 administrative services agreement addendum with RX Benefits after review and approval by the County Attorney.

**Attachments:** [Staff Report](#)  
[2023 ASA Addendum effective April 1, 2022](#)  
[2022 ASA Addendum effective April 30, 2022](#)  
[2021 ASA Addendum Exhibit - Pricing effective October 1, 2021](#)  
[2018 ASA Original Agreement effective May 1, 2018](#)

**Approved staff's recommendation**

- 8.G. [23-0107](#) Revision to Administrative Policy AM-702.1 Sick Leave

**Recommended Action:** Staff respectfully requests the Board of County Commissioners approve the revisions to AM-702.1 Sick Leave

**Attachments:** [Staff Report - Sick Leave](#)  
[702.1 Sick Leave 2-7-2023 Draft](#)

**Approved staff's recommendation**

- 8.H. [23-0108](#) GRBK GHO High Pointe, LLC's Request for Final Plat Approval for a Subdivision to be known as High Pointe PD Phase 1 [PD-18-07-03 / 98100081-91447]

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

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

**Approved staff's recommendation**

- 8.I. [23-0109](#) Jones' Pier Conservation Area Public Access Improvements - Final Completion and Release of Retainage

**Recommended Action:** Staff respectfully recommends approval of Application for Payment Holdback-REV-3, in the amount of \$75,922.17, to XGD Systems, Inc., which will release any further obligations of the County from the Contractor.

**Attachments:** [Staff Report](#)  
[Final Pay Request](#)

**Approved staff's recommendation**

- 8.J. [23-0111](#) Jones Pier Conservation Area Use Agreement Between the Town of Indian River Shores and Indian River County

**Recommended Action:** Staff respectfully requests that the Board of County Commissioners approve the Jones' Pier Conservation Area Use Agreement Between the Town of Indian River Shores and Indian River County and authorize the Chairman to execute the Agreement on their behalf after review and approval by the County Attorney, County Risk Manager, and upon receiving written approval by the Florida Communities Trust.

**Attachments:** [Staff Report](#)  
[Jones Pier MOU](#)

**Approved staff's recommendation**

- 8.K. [23-0116](#) Five Guys Letter of Intent for Lease

**Recommended Action:** Staff recommends the Board approve the Letter of Intent as proposed for Five Guys Restaurant and authorize the Chairman to execute a final Lease Agreement on behalf of the Board once finalized and approved by the County Attorney's Office.

**Attachments:** [Staff Report](#)  
[Letter of Intent](#)

**Approved staff's recommendation**

- 8.L. [23-0117](#) Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for RG Ambulance Service, Inc., d/b/a All County Ambulance to Provide Interfacility Ambulance Transportation Services.

**Recommended Action:** Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "B" Certificate of Public Convenience and Necessity for RG Ambulance Service, Inc., d/b/a All County Ambulance, to be effective for a period of two (2) years from February 9, 2023 to February 9, 2025.

**Attachments:** [Staff Report](#)  
[COPCN Renewal Application - All County Ambulance](#)

**Approved staff's recommendation**

- 8.M. [23-0118](#) Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for RG Ambulance Service, Inc., d/b/a American Ambulance Service to Provide Interfacility Ambulance Transportation Services

**Recommended Action:** Staff respectfully recommends that the Board of County Commissioners approve renewal of the Class "B" Certificate of Public Convenience and Necessity for RG Ambulance Service, Inc., d/b/a American Ambulance Service, to be effective for a period of two (2) years from February 9, 2023 to February 9, 2025.

**Attachments:** [Staff Report](#)  
[COPCN Renewal Application-American Ambulance Service](#)

**Approved staff's recommendation**

- 8.N. [23-0122](#) Florida Department of Transportation (FDOT) Locally Funded Agreement (LFA) for CR50 (CR512 - 87th Street) FM No. 405606-7-52-01 (IRC-2230)

**Recommended Action:** Although the expense of \$337,857 is not currently budgeted, a budget amendment utilizing Optional Sales Tax-Cash Forward-Oct 1st will be needed. Funds will be paid out of Optional Sales Tax/Road & Bridge/CR 510/512 to 82nd Avenue, Account # 31521441-066510-23026.

**Attachments:** [Staff Report](#)  
[Locally Funded Agreement FM No. 405606-7-52-01](#)  
[Authorizing Resolution](#)

**Approved staff's recommendation and Resolution 2023-007, authorizing the Chairman's execution of a Locally Funded Agreement (LFA) FM No. 405606-7-52-01 with the Florida Department of Transportation for mast arm painting, construction of a 6-inch fiber-mesh reinforced concrete sidewalk and the maintenance of both for CR510 (CR512 – 87th street) upon final acceptance by the County of the improvements constructed by the Florida Department of Transportation. The motion carried by the following vote:**

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

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**10. PUBLIC ITEMS**

PROOF OF PUBLICATION FOR THESE HEARINGS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

**A. PUBLIC HEARINGS**

**10.A.1. [23-0114](#)** Public Hearing -- County Administrator Residency Requirement Ordinance (LEGISLATIVE)

**Recommended Action:** The County Attorney’s Office recommends that the Indian River County Board of County Commissioners open the public hearing, take any public comments, close the public hearing and approve the proposed ordinance.

**Attachments:** [Staff Report](#)  
[County Administrator Residency Ordinance](#)  
[Affidavit of Publication - Administrator Residency](#)

County Attorney Dylan Reingold stated the attorney's office had drafted the ordinance adding language into Section 101.05 of the Indian River County Code of Ordinances stating that the County Administrator need not be a resident of the County at the time of appointment, but during his or her tenure in office shall reside within the County.

There was no discussion on this Item.

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

**A motion was made by Vice Chairman Adams, seconded by Commissioner Moss, to adopt Ordinance 2023-004 amending Section 101.05 (the County Administrator) of Chapter 101 (Government Organization) of the Code of Indian River County in order to require the County Administrator to reside in Indian River County during his or her term in office; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:**

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

**10.A.2. [23-0115](#)**

Public Hearing for Amendment to 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 (LEGISLATIVE)

**Recommended Action:** Open the public hearing, take public comment, close the public hearing, and adopt the ordinance to codify and publish the ordinances published in The Code of Indian River County up to and including Supplement 144.

**Attachments:** [Staff Report](#)  
[annual code codification 2023](#)  
[Affidavit of Publication - Affidavit of Publication – Code Codification](#)

County Attorney Dylan Reingold stated Florida Statute Section 125.68(1)(a) requires counties to maintain a current codification of all Ordinances and such codification shall be published annually by the Board.

There was no discussion on this Item.

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 adopt Ordinance 2023-005, amending section 100.03 “Amendment or Repeal of Ordinances” of Chapter 100 “general provisions” of the Code of Indian River County (“the Code”), codifying and publishing the Ordinances up to and including Supplement 144 thereto, readopting the Code, designating the Code as the best evidence of the current law of Indian River County, Florida, and providing for severability, codification, and an 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**

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**



11.A. [23-0080](#) Designated Point Persons for 2023 State Legislative List of Priorities

**Recommended Action:** Discussion

**Attachments:** [Staff Report](#)  
[Legislative Assignment List](#)

Legislative Affairs and Communications Manager Kathy Copeland stated the Legislative session would begin in March and presented a chart showing the designated point person and alternate for the 2023 State Legislative List of Priorities. Ms. Copeland explained the information was just a guideline and did not prevent any Board member from engaging at any time on any topic or Bill. Chairman Earman stated this template was not written in stone and was open to any ideas or suggestions.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to adopt the Commissioner Assignment List for the 2023 Legislative Priorities as presented. The motion carried by the following vote:**

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

12. DEPARTMENTAL MATTERS

- A. Community Development
- B. Emergency Services
- C. General Services
- D. Human Resources

**12.D.1. [23-0123](#)** Proposed Interview Schedule for County Administrator

**Recommended Action:** Staff respectfully requests the BOCC provide direction to CB&A and staff regarding the Indian River County interview process for County Administrator scheduled for March 2nd and March 3rd.

**Attachments:** [Staff Report](#)  
[The Interview Process Memo & FAQs](#)  
[White Paper - The Typical Interview Process](#)  
[Interview Schedule - Indian River County - Draft](#)  
[Interview Schedule - St. Lucie County - 6th Draft](#)

Human Resources Director Suzanne Boyll outlined in detail the next steps in the hiring process for a new County Administrator. Ms. Boyll provided a draft of a typical outline of the interview process that was supplied by the executive recruitment services firm Colin Baenziger & Associates (CB&A), who had been selected for this process. Lynelle Klein with CB&A joined the discussion via telephone to answer any questions the Board may have had.

A discussion ensued between the Board, staff, and Ms. Klein regarding the various phases of the interview process, and how CB&A would complete the vetting of the applicants in order to get the applicant pool of 50 down to 10, plus two internal candidates.

Chairman Earman referenced the memo dated January 31, 2023, from Colin Baenziger on the interview process considerations. The candidates will interview one-on-one with each County Commissioner on March 3, 2023, followed by a public interview before the full Commission later that afternoon. The commission could choose the new County Administrator that day or wait until the March 7, 2023 meeting.

**A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to direct staff to move forward with the interview process as recommended by Colin Baezinger & Associates. The motion carried by the following vote:**

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

**E. Information Technology****F. Office of Management and Budget**

**12.F.1. [23-0121](#)** 2023/2024 Budget Workshop/Hearing Schedule

**Recommended Action:** Staff recommends that the Board of County Commissioners approve the budget workshop dates and the dates for the budget hearings for 2023/2024 budgets.

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

Director of Management and Budget Kristin Daniels presented to the Board the selected dates for the 2023/2024 budget workshop for July 12, 2023 and July 13 2023, (as needed), date for the Public Hearing for September 13, 2023, for the budget and proposed millage rates, and for the final budget hearing for September 20, 2023 to adopt the budget and millage rates.

**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

**G. Public Works**

**H. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**

- 13.A. [23-0125](#) Authorization to proceed with foreclosures on Code enforcement cases: 2014050077 (Collins) and 2021090105 (Paige)

**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](#)  
[Recorded Order Imposing Fine \(Paige\)](#)  
[Deed \(Paige\)](#)  
[Recorded Order Imposing Fine \(Collins\)](#)  
[Deed \(Collins\)](#)

Assistant County Attorney Susan Prado presented the following Code Enforcement cases before the Board and sought the Board's approval to start the foreclosure process.

Attorney Prado presented Case 2014050077 (Collins) 356 18th Avenue, Vero Beach, FL, which went back to 2014. In June 2014, the Code Enforcement Board (CEB) held the property owners in violation for overgrown weeds and an unmaintained swimming pool; in July 2014, the CEB found the owners not to be in compliance and issued a fine of \$100 per day. Attorney Prado utilized a PowerPoint presentation to show aerial photos of the property and confirmed the property was not homesteaded, and had no current foreclosures or mortgages on the property. Ms. Prado informed the Board, the current fine amount was \$311,700, and as of January 2023, the property had not come into compliance, additionally there was an individual (squatter) adversely possessing the property.

Attorney Prado presented Case 2021090105 (Paige) 955 37th Ave, Vero Beach, FL. In November 2021, an evidentiary hearing was held finding the property owners in violation for overgrown weeds, junk, trash, debris, pool enclosure violation, and an unmaintained swimming pool. The CEB imposed a fine of \$100 per day. Attorney Prado utilized a PowerPoint presentation to show aerial photos of the property and confirmed the property was not homesteaded, had no current foreclosures and did not appear to have a prior mortgage recorded on the property. Ms. Prado informed the Board the current fine amount was \$43,200.

Jan Spofford, who resides next door to the property at 356 18th Ave, confirmed there was a "squatter" at the property, and requested information as to how quickly the foreclosure would be done and what she could do if the person showed up at the house again. County Attorney Dylan Reingold responded that the attorney's office would move forward with the foreclosure and address the issues that need to be corrected on the property. He further suggested, and Commissioner Loar agreed, Ms. Spofford should contact the Sheriff's office and let them know there was a threat to her property.

A motion was made by Commissioner Flescher, 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

#### 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

**15.B.1. [23-0124](#)** Final Pay to Geosyntec for Work Order No. 11 - Engineering and Permitting Services for the Leachate Treatment Project

**Recommended Action:** Solid Waste Disposal District staff recommends that its Board approve Geosyntec's final invoice amount of \$1,267.26, which includes the \$250.00 Florida Department of Environmental Protection permit fee paid by Geosyntec on behalf of SWDD

**Attachments:** [Staff Report](#)  
[Project Completion Report & Final Invoice](#)

Commissioner Flescher voiced his excitement that the Leachate Treatment Project was coming to fruition in less than a year. Solid Waste Disposal District Managing Director Himanshu Mehta announced there would be a ribbon cutting ceremony in April 2023.

**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 11:01 a.m.