



# Indian River County Florida

## Draft Meeting Minutes

### Board of County Commissioners

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

*Joseph H. Earman, District 3, Chairman*

*Susan Adams, District 1, Vice Chairman*

*Joseph Flescher, District 2*

*Deryl Loar, District 4*

*Laura Moss, District 5*

**Michael C. Zito, Interim County Administrator**

**Dylan Reingold, County Attorney**

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

**Randi Wardlow, Deputy Clerk**

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Tuesday, March 28, 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

**Reverend Ardra Rigby, New Bethel AME Church**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Deryl Loar**

#### 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.** Announcement of Renewal of HUD High Performer

Community Development Director Phil Matson provided an overview of federal, state and local affordable housing initiatives along with nonprofit partnerships. He then introduced Robin Miller, Director of Section 8 Programs, and congratulated her department for being awarded the High Performer distinction from the Department of Housing and Urban Development (HUD).

Ms. Miller thanked her staff before presenting the Board with an overview of the Federal Housing Choice Voucher Programs, available through the County's Rental Assistance Department. Included in her presentation was a review of the programs, details of the process, high performer advantages, priorities, success rates, and goals. The Commissioners expressed appreciation for the hard work and dedication of Ms. Miller and her staff.

**Presented****5.B.** Presentation of Proclamation Honoring Anthony Consalo on His Retirement from the Indian River County Sheriff's Office

Captain Anthony "Tony" Consalo was joined by his family as he accepted accolades for his twenty-seven-year career with the Indian River County Sheriff's Department. He vowed to continue serving the community through his retirement. The Commissioners and staff praised Captain Consalo's work, commitment, and service to the community.

**Read and Presented by Commissioner Loar****5.C.** Presentation of Proclamation Honoring Paul Fafeita on Lifetime of Service to Indian River County

The Board commended Paul Fafeita with heartfelt thanks for his years of service to Indian River County, from his time as a Sheriff's Deputy to his years as an advocate for the betterment of the environment through the Indian River Clean Water Coalition. Mr. Fafeita urged the Board to keep working toward improving the health of the Indian River Lagoon as he announced he would be leaving Florida. Michael Johannsen recounted his experience working with Mr. Fafeita on lagoon-related projects.

**Read and Presented by Chairman Earman**

**5.D.** Presentation of Proclamation - Recognizing Indian River County as a Moonshot Community for Literacy

Ray Oglethorpe, Chairman of the Board and founder of The Learning Alliance, discussed the importance of reading skills, and the County's goal to achieve 90 percent literacy among third graders. He recounted the success of the Moonshot Moment program in raising the County's literacy rank state-wide, and warned of the ramifications for below-average literacy in children.

Commissioner Moss announced an event to benefit the Moonshot Moment program at Riverside Park on April 29, 2023.

**Read and Presented by Vice Chairman Adams**

**6. APPROVAL OF MINUTES**

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of January 31, 2023, and February 7, 2023, 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.** Regular Meeting of January 31, 2023

**Approved**

**6.B.** Regular Meeting of February 7, 2023

**Approved**

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

**7.A.** Distinguished Budget Presentation Award

Director of Management and Budget Kristin Daniels appeared before the Board to accept recognition for having received the Distinguished Budget Presentation Award from the Government Finance Officers Association for the 32nd consecutive year.

**No Action Taken or Required**

**7.B.** District #3 Appointee to the Environmental Lands Acquisition Panel (ELAP)

Chairman Earman announced Calvin D. Reams would be the District 3 appointee to the Environmental Lands Acquisition Panel (ELAP). The Chairman encouraged his fellow commissioners to submit their district appointees as soon as possible.

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Consent Agenda as amended, pulling Item 8.R. for discussion. The motion carried by the following vote:**

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

- 8.A.** Checks and Electronic Payments February 24, 2023 to March 2, 2023  
**Approved**
- 8.B.** Checks and Electronic Payments March 3, 2023 to March 9, 2023  
**Approved**
- 8.C.** Checks and Electronic Payments March 10, 2023 to March 16, 2023  
**Approved**
- 8.D.** Quarterly OPEB Trust Report for the Quarter Ending 12/31/22  
**Accepted**
- 8.E.** Quarterly Investment Report for the Quarter Ending 12/31/22  
**Accepted**
- 8.F.** Quarterly Tourist Development Tax Report for the Quarter Ending 12/31/22  
**Accepted**
- 8.G.** Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 12/31/22  
**Accepted**
- 8.H.** Award of Bid 2023021 - Replacement Pontoon Boat Dock at the Environmental Learning Center (Re-bid)  
**Approved staff's recommendation**
- 8.I.** Designation of Excess Equipment as Surplus and Authorization for Disposal  
**Approved staff's recommendation**
- 8.J.** Award of RFP 2023029 Sandridge Golf Cart Fleet Replacement  
**Approved staff's recommendation**

**8.K.** Final Ranking of Firms and Authorization to Negotiate - RFQ 2023031 for Engineering Consulting Services for Landfill Closure, Landfill Gas System Expansion, and Cell Construction

**Approved staff's recommendation and the following ranking of firms: 1) Geosyntec Consultants, Inc.; 2) Jones Edmunds and Associates, Inc.; and 3) Tetra Tech, Inc.**

**8.L.** Adoption of Modifications to Purchasing Manual

**Approved staff's recommendation**

**8.M.** Rejection of Bid 2023028 for Street Sweeping

**Approved staff's recommendation**

**8.N.** Fourth of July Fireworks Funding

**Approved staff's recommendation**

**8.O.** Termination of Bid 2023024 - Annual Bid for Bulk Carbon Dioxide for Water Treatment Plants

**Approved staff's recommendation**

**8.P.** Final Ranking of Firms and Authorization to Negotiate - RFQ 2023017 WRWWTF Reuse Storage Tank and Pump Station Engineering Consulting Services

**Approved staff's recommendation and the following ranking of firms: 1) Kimley-Horn and Associates, Inc.; 2) Infrastructure Solution Services, LLC; 3) Atkins North America, Inc.; and 4) Masteller & Moler, Inc.**

**8.Q.** Appointments to the Economic Opportunities Council of Indian River County, Inc.

**Approved staff's recommendation**

**8.R.** Right-of-Way Consent Agreement for Construction of the Trans-Florida Railroad Trail through FP&L Easement

Vice Chairman Adams was excited to note that this project would complete the Trans-Florida Railroad Trail (Trail), which was awarded to the County by the Florida Department of Transportation under the Rails to Trails Program. Director of Community Development Phil Matson commended MPO staff for hammering out the consent agreement, and expressed enthusiasm for the Trail.

**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

- 8.S.** Award of RFQ No. 2022072 (IRC-1505B) CEI Services for 66th Avenue (69th Street to CR-510/85th Street)  
**Approved staff's recommendation**
- 8.T.** Approval of Facilities Relocation Agreement between Indian River County and Florida Power and Light Company for the Relocation of Transmission Facilities Required for Construction of 66th Avenue Phase 1B (IRC-1505B)  
**Approved staff's recommendation**
- 8.U.** Work Order No. 3 - Morgan & Eklund, Inc. 2023 Beach Profile Monitoring Surveys (SUMMER)  
**Approved staff's recommendation**
- 8.V.** Final Payment to National Metering Services, Inc.  
**Approved staff's recommendation**
- 8.W.** Griffon Residences, LLC dba Crest Griffon, LLC Developer's Agreement  
**Approved staff's recommendation**
- 8.X.** West Wabasso Phase 3 Septic to Sewer (S2S) Approval of FDEP Cost-Share Funding Agreement  
**Approved staff's recommendation**
- 8.Y.** Amendment 2 to the Lost Tree Preserve , LLC, Developers Agreement  
**Approved staff's recommendation**
- 8.Z.** Final Pay to CDM Smith for Work Order No. 5, Groundwater Modeling and Impact Evaluations  
**Approved staff's recommendation**

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

**9.A.** Indian River County Tax Collector Carole Jean Jordan re: Delinquent Tax Advertising

Indian River County Tax Collector Carole Jean Jordan was joined by Jordan Abbey, Manager of Taxes and Licenses, to request the Board's approval to publish the annual delinquent tax advertisements in the Hometown News newspaper. Ms. Jordan informed that the Hometown News met the statutory requirements and would save almost \$13,000 versus publishing in the Indian River Press Journal.

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the request from Indian River County Tax Collector Carole Jean Jordan to switch to the Hometown News newspaper for publication of annual delinquent tax advertisements. The motion carried by the following vote:**

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

**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.** Residency Restrictions for Registered Sex Offenders (LEGISLATIVE)

County Attorney Dylan Reingold recounted the Board's decision at its September 20, 2022 regular meeting, which directed his office to work with the Sheriff's Department on modifying residency restrictions for sexual offenders. Attorney Reingold advised that the proposed Ordinance would add definitions for various terms under section 306.06 of the Indian River County Code of Ordinances.

The Chairman opened the public hearing for comments. There being none, the Chairman closed the public hearing.

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to adopt Ordinance 2023-005, amending Section 306.06 (Residency Restrictions for Registered Sex Offenders) and creating Section 306.065 (Prohibitions, Exceptions and Penalties) of Chapter 306 (Miscellaneous Offenses And Programs) of the Code of Indian River County in order to update terms and definitions; 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

**B. PUBLIC DISCUSSION ITEMS**

**10.B.1.** Request to Speak from Bill and Ardra Rigby, West Wabasso Progressive Civic League re: Shared Usage of the Old Douglas School Building

Mr. Bill Rigby and Mr. Ardra Rigby, West Wabasso Progressive Civic Club (Club), appeared before the Board to discuss the agreement for the Club's monthly use of the Old Douglas School Building (formerly Dasie Hope Center). The Rigbys requested an explanation of the term "shared usage", and expressed frustration with communication regarding the Board's decision to have the Health Department lease and move into the facility.

County Attorney Dylan Reingold referred to the Board's meeting of May 10, 2022, where the Rigbys were present while the Health Department's lease was discussed, and described the standard facility use agreement the Club received. Mr. Ardra Rigby again expressed frustration regarding communication, and felt his protests were ignored.

Discussion with staff returned to the topics of shared usage, the state-mandated requirement for liability insurance, and an explanation of permissive use. Chairman Earman suggested the Rigbys work directly with the Health Department to resolve their use agreement issues. Attorney Reingold posited the Club was unhappy with Health Department's prohibition against political events, and were attempting to relitigate the 2022 decision.

The Rigbys continued to express frustration with the Health Department's lease and shared use rights, and suggested the Club was receiving differential treatment. Chairman Earman advised the use agreement's terms were state-mandated and not subject to change. The Chairman then called for an end to the discussion.

**No Action Taken or Required**

The Chairman called for a recess at 10:34 a.m., and reconvened the meeting at 10:47 a.m., with all members present.

**C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS**

**12. DEPARTMENTAL MATTERS**

**A. Community Development**



**12.A.1.**

Consideration of Roadway Jurisdictional Transfers to the Florida Department of Transportation

Community Development Director Phil Matson used a PowerPoint presentation in his request for the Board's approval of roadway jurisdictional transfers to the Florida Department of Transportation (FDOT). Mr. Matson provided an overview of the MPO's Transportation Improvement Program (TIP) which planned the use of federal and state dollars to fund major roadway projects. He noted that with the exception of a few state-owned roads, roadways were maintained with County funds.

Mr. Matson reported that staff and the FDOT have long been in discussion to transfer a selection of roads onto the state highway system in the interest of equity; the proposed roads were County Road (CR)510, CR512 from I-95 to US1, and Oslo Road from I-95 to US1 (CR606). He noted the benefits of relinquishing the roads to FDOT included increased access to gas tax funding, and transfer of costs to FDOT for future maintenance and resurfacing.

Under discussion, the Board expressed their approval and received confirmation from Mr. Matson that the only downside would be minimal loss of local permitting control, but the benefits outweighed it. He estimated the process would take six (6) months from draft agreement to final approval.

**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.A.2.** Application for a Federal Transit Administration Grant for Low or No Emission Buses

MPO Staff Director Brian Freeman was joined by Karen Deigl, CEO, Senior Resource Association, to discuss applying for a new Federal Transit Administration (FTA) grant to transition the county's buses from gas to no/low emissions (electric).

Ms. Deigl used a PowerPoint presentation to provide an overview of the County's GoLine and Community Coach systems, which received most of their funding from the FTA. She noted that the FTA would require no/low emission vehicles by 2035, and replacement of the fleet was included in the MPO's Development Plan. She presented findings from government consultant Calstart, and an analysis of the conversion considerations and costs to switch to an electric bus fleet. She encouraged the Board to approve application for this grant in order to take advantage of federal dollars.

The Board expressed their support for the grant application and thanked Ms. Deigl for her proactive presentation.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve application to the Federal Transit Administration's Low or No Emission Program. The motion carried by the following vote:**

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

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology**

**F. Office of Management and Budget**

**G. Public Works**

**12.G.1.**

FDOT Small County Outreach Program (SCOP) Supplemental Agreement No. 1 and Resolution for Construction (Milling and Resurfacing) and Construction Engineering Inspection (CEI) Services of CR-603/Indian River Boulevard from Merrill Barber Bridge to 53rd Street.

Public Works Director Richard Szpyrka presented the Small County Outreach Program (SCOP) supplemental agreement from the Florida Department of Transportation (FDOT), which would increase funding to the roadwork project by \$475,818.

Director Szpyrka made mention that his department's staff was able to find a way to increase the width of the bike lanes to 6 feet along this stretch of Indian River Boulevard from the Merrill Barber Bridge to 53rd Street (CR603). The Board thanked Director Szpyrka for addressing the concerns of the bicycle-riding community.

**A motion was made by Commissioner Moss, seconded by Commissioner Loar, to approve staff's recommendation and Resolution 2023-011, authorizing the Chairman's execution of Small County Outreach Program (SCOP) Supplemental Agreement No. 1 with the Florida Department of Transportation for Construction (Milling And Resurfacing) and Construction Engineering Inspection (CEI) Services of CR-603/Indian River Boulevard from Merrill Barber Bridge to 53rd Street. 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.** Offer of Judgment for a Parcel of Right-Of-Way Located at 6600 65th Street, Vero Beach, Owned by Harish and Deepti Sadhwani

Deputy County Attorney Bill DeBraul referred to a photograph of the property owned by Harish and Deepti Sadhwani as he recounted details of the Agreed Order of Take entered by the Court on December 21, 2020, in the County's Eminent Domain lawsuit against the Sadhwanis. He informed the Board that the County's appraiser estimated the total compensation value of the area of take to be \$379,500 for the land, improvements, and damages. The Sadhwhani's submitted an appraisal of \$1,803,725 for total compensation.

Attorney DeBraul then outlined possible steps forward. Staff sought approval to make an Offer of Judgment of \$485,000 to the Sadhwanis. He advised the County Attorney's office was simultaneously pursuing mediation and preparing for a possible trial should mediation fail.

Under discussion, staff clarified the reason for offering more than the original estimate was to set a benchmark in the event of litigation, which the County sought to disincentivize, and was not a reflection of the property's value. Additionally, it was noted that during mediation the settlement amount could differ from the Offer of Judgment. In response to the Board's question, Attorney DeBraul informed this item did not affect the progress of roadwork, as the County had ownership of the property while compensation was being negotiated.

**A motion was made by Commissioner Loar, seconded by Chairman Earman, 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**

**14.B.1.**

## 82nd Avenue Road Conditions

Vice Chairman Adams requested the Board's consideration in finding a solution to the chronically deteriorated roadway conditions on 82nd Avenue's southern end from 69th Street down to 26th Street. The Commissioner provided context regarding this stretch of the historic Citrus Highway which included an unsigned Sebastian River Improvement District (SRID) easement, a history of County maintenance, and probable turnover to FDOT. She explained the urgency of the present hazardous conditions, and forecast increased traffic from 82nd Avenue's north-end extension to CR510. The Vice Chairman presented an estimate from a group of landowners to chip seal the road at a cost of \$350,000, with a \$50,000 contribution from the landowners. Given the convoluted history and ownership, Vice Chairman Adams requested Board input on solutions to fix the road.

County Attorney Dylan Reingold noted an Interlocal Agreement (ILA) with the SRID to chip seal the road was an option, as was done in December of 2021. He also addressed Florida Statute 95.361, previously mentioned by the Board, which provided that the County could use the maintenance map process to turn this stretch of 82nd Avenue into a public road since the County had maintained it for the past seven (7) years as required.

Public Works Director Richard Szpyrka informed that the FDOT construction of 82nd Avenue's north-end extension would be complete in 2026-2027; there was no FDOT funding in place for reconstruction of the south end. Director Szpyrka discussed the proposal from the landowners, but he could not affirm the longevity of the chip seal process under the strain of heavy machinery from the sand mines and increased traffic. His recommendation was to grade the dirt/rock road in the short term, and to start work on engineering a long-term solution that would last.

As the discussion continued, the Board reviewed whether the County or SRID should manage a short-term solution, the mines' maintenance responsibility to the road, possible funding options under SRID ownership, the pursuit of long-term solutions, and the possibility of County-ownership through the maintenance map process.

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, to move forward with the chip seal short-term fix, and to have County Attorney Reingold draft an ILA to specify responsibilities. Under additional clarification discussions, the motion was refined to direct Public Works to make the road traversable and grade the road regularly in the short-term; simultaneously, the County would pursue ownership of the road to protect the

taxpayer's investment and ensure public safety.

The following people spoke on the needs of 82nd Avenue:

Tom Hammond

Dee Orr

Todd Wood

Wesley Davis

Following the vote, Vice Chairman Adams requested information on the permits which required the sand mines to maintain the road. Director Szpyrka informed that the mines had permit requirements to grade the roadway and fix potholes. He added that since Public Works would be making the road gradable, code enforcement could then pursue adherence to the mines' roadway responsibilities. County Attorney Reingold reiterated that he planned to reach out to SRID regarding long-term solutions to maintain 82nd Avenue.

**A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher to direct the Public Works staff to move forward with a plan to stabilize and maintain the south end of 82nd Avenue to make it safely traversable. Staff would return before the Board to discuss options for a long term stability solution for the south portion of 82nd Avenue in advance of the Florida Department of Transportation's (FDOT) work on the north end of the avenue. The motion carried by the following vote:**

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

**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**

**C. Environmental Control Board**

## **16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 12:46 p.m.