



Indian River County, Florida

Indian River County
Administration Complex
1801 27th Street
Vero Beach, Florida 32960
indianriver.gov

Draft Meeting Minutes

Board of County Commissioners

Joseph Flescher, District 2, Chairman

Deryl Loar, District 4, Vice Chairman

Susan Adams, District 1

Joseph H. Earman, District 3

Laura Moss, District 5

John A. Titkanich, Jr., County Administrator

Jennifer W. Shuler, County Attorney

Ryan L. Butler, Clerk of the Circuit Court and Comptroller

Tuesday, August 12, 2025

9:00 AM

Commission Chambers

Special Call Meeting

1. CALL TO ORDER

Present: 5 - Chairman Joseph Flescher
Vice Chairman Deryl Loar
Commissioner Susan Adams
Commissioner Joe Earman
Commissioner Laura Moss

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

2.B. INVOCATION

Dr. Christina Moore, Rhema Apostolic International Deliverance Center

3. PLEDGE OF ALLEGIANCE

John A. Titkanich, Jr., County Administrator

4. PUBLIC HEARINGS

4.A. Consideration of the 2025 Indian River County Comprehensive Plan Evaluation and Appraisal Report (EAR) Based Amendments

Chairman Flescher opened the meeting with a description of the process and input used to update the Indian River County Comprehensive Plan Evaluation and Appraisal Report (EAR), which was last submitted to the State in 2008. Chief of Long Range Planning Patrick Murphy presented an overview of the Comprehensive Plan (Plan) which would guide the County's growth over the next 10 to 20 years and was done in conjunction with Kimley-Horn. His presentation then listed the 13 Comprehensive Plan Elements, followed by public input, the timeline to create the EAR, and concluded with staff's recommendation. The EAR would then be transmitted to Florida Commerce within 10 days of Board approval for review and amendments.

The Chairman began discussion by thanking staff, and noting that community feedback indicated residents liked the County's lifestyle. Commissioner Moss stated there was inadequate time to review such a large report, and the process did not make use of the advisory boards, especially the Planning and Zoning Commission (PZC). She questioned whether there was time for another meeting and discussion before submitting the EAR. Mr. Murphy explained that the timeline to evaluate the Plan elements was up to the County, and any element could be evaluated at any time; transmittal of the EAR, however, had to be done following the public hearings. County Attorney Jennifer Shuler confirmed there was a 10-day deadline following completion of the public hearing(s) to transmit the report. She recommended continuing this public hearing to a time-certain one if the Board wanted to take more time.

Vice Chairman Loar noted this was a fluid document, and that all the changes had previously been brought before the Board. Commissioner Earman was not ready to make a final decision today and favored an additional meeting. Chairman Flescher echoed Vice Chairman Loar's comments that the content was not new, but noted there was discomfort among the Board with making a decision today, and he was open to continuing the hearing. Commissioner Adams requested starting the policy discussion during this meeting, even if a second meeting was held.

County Administrator John Titkanich added that any additional meetings needed to be completed in time to send the report before October 1, 2025. He also noted the proposed policies were published July 7, 2025 for public review, with the matrix of changes coming before the Board on November 12, 2024. Additional discussion was had regarding the process that followed the transmittal of the EAR, allowing time for comments and concerns, and giving the Planning and Zoning Committee additional review time. There was also reiteration that the EAR report was meant to capture statutory changes, while the County could do a deep dive into the 13 Comprehensive

Plan Elements at any time.

Chairman Flescher opened the floor for public comments. The following people addressed the Board:

David Cox, Beach and Shore Advisory Committee, was in favor of additional review time, and mentioned a new nonprofit - the Gopher Tortoise Alliance.

Gerry-Ana Jones, Gopher Tortoise Alliance, provided the Board with proposed language changes to further protect the tortoises.

Jeff Andros requested information regarding the amount of money the County has spent on consultants to assist staff.

Rusty Banack questioned the coordination and cooperation efforts between the County and Municipalities regarding land regulations, especially on annexed land. He also spoke about the connection between current land policies and high housing costs.

Lisa Snyckerski spoke in favor of land conservation amid rapid development.

Diane Morgan underscored support for protecting the habitats of the gopher tortoises and the manatees.

Donna Halleran, Executive Director of Pelican Island Audubon Society, highlighted her concerns: the capacity to provide water and sewer service to annexed land, the urgency of septic to sewer conversions, Indian River Lagoon restoration, building heights, opening school playgrounds, retaining agricultural land, and sod in swales.

Richard Baker, Pelican Island Audubon Society, advocated for more native plants and trees, and less reliance on turf grass.

Bob Bruce advocated for more affordable housing.

TP Kennedy spoke of the public's desire for affordable single family homes, as opposed to multi-family homes, and compared the County's municipalities to Port St. Lucie in regard to infrastructure and growth.

The Board resumed discussion of choosing a continuation date which would accommodate PZC review and the October deadline with the State.

The Chairman then called for a recess at 10:37 a.m., and resumed the meeting at 10:48 with all members present.

Bob Bruce again addressed the Board, asking for consideration of the EAR, the Comp Plan, and LDR (Land Development Regulations) concurrently.

Patrick Mugan, representing Dark Sky International, advocated for intelligent use of outdoor lighting and submitted the organization's annual report on artificial light at night.

Bob Adair, Chairman of the Indian River Soil and Water Conservation District Supervisors, spoke about the County's water supply and advocated for a survey of permitted wells in the County.

There being no further speakers, the Chairman closed the floor for comments.

The Chairman polled the Board for a continuation date, suggesting the next scheduled regular Board meeting. Commissioner Adams advocated for allowing time for Board comments on the EAR and suggested the September 9, 2025 regular Board meeting. Administrator Titkanich suggested a special call meeting for the PZC review. Commissioner Moss received confirmation that staff's report would be the guiding document for the Board's discussion at the September meeting.

A motion was made by Vice Chairman Loar, seconded by Commissioner Earman, to approve continuing discussion of the 2025 Indian River County Comprehensive Plan Evaluation and Appraisal Report (EAR) amendments at the September 9, 2025, BCC Regular Meeting. The motion carried by the following vote:

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

4.B. Initial Assessment Resolution for Waters Edge Phase II Culvert Replacement Project

[Clerk Note: Commissioner Adams was excused from the Meeting.]

Public Works Director Addie Javed presented the topic of replacing culvert pipes in the Waters Edge Phase II neighborhood (WEII) by outlining the timeline and expenses involved. He mentioned that staff recommended approving the Initial Assessment Resolution and planned the final special assessment meeting for September 10, 2025. County Attorney Jennifer Shuler clarified that this was not a new Resolution. Instead, the Attorney's office aimed to cancel the earlier approved special assessment Resolution and create a new one following the County's updated master Ordinance. Assistant County Attorney Chris Hicks offered more information about the culvert replacement, mentioning that some residents were confused about how this assessment was approved to be applied to their properties.

To promote clarity, Mr. Hicks and Vice Chairman Loar recapped the events that resulted in the special assessment Resolution before the Board. Essentially, the WEII community had two entrances from 1st Street SW that used culverts to go over a canal controlled by the Indian River Farms Water Control District (IRF). The pipes that were initially put in the culverts were breaking down and needed replacing. Evidence was shown that the WEII residents were responsible for the pipes that went over the IRF's canal and would need to cover the costs for their replacement. At the same time, the County discovered that a culvert pipe under 1st Street SW was failing, and proposed synchronizing the street repair work with the WEII project to help the residents save on mobilization costs. Following multiple meetings between the County and WEII Homeowners Association's (HOA) attorney at the time, Peter J. Sweeney, Jr., an agreement was reached to join the projects, with the County funding the road repairs, and the residents paying for the culvert replacements through a special assessment. Chairman Flescher engaged in discussions with staff who recounted several emails and meetings between Attorney Sweeney and the County, including an email message confirming consent from WEII's HOA. Moreover, Attorney Shuler shared details about the communication between the HOA and their new lawyer in response to concerns and confusion from the community.

The Chairman opened the floor for discussion.

Allisen Giordano, HOA President of Waters Edge, appeared before the Board to discuss the residents' understanding of the situation. Ms. Giordano expressed her confusion with the process, and maintained the position that WEII was not responsible for the culvert replacement costs for several reasons. First, Ms. Giordano stated the HOA never signed an agreement to the costs and had not received any information on meetings regarding the assessment. Attorney Shuler clarified that a

written agreement was not standard practice and explained the required notification process.

The next item of contention was the corrugated pipes themselves that failed. Residents stated the original permit had called for a concrete pipe, and asserted the County had erroneously approved installation of an inferior corrugated pipe. Ms. Giordano relayed that the residents felt the County committed the permitting error, and therefore the County should pay the replacement costs. Staff explained that the original developer chose to use metal rather than concrete, which was allowable at the time. Additionally, the IRF owned the canal and was responsible for approving the permit; the County had no input in the original construction of the culverts.

County Attorney Shuler then discussed the recently received letter from the HOA's new attorney that argued the cost should be spread among all homes along that stretch of 1st Street SW, not just the WEII residents. Attorneys Shuler and Hicks explained that the culvert under 1st Street SW provided a public benefit because it was a public road, making it the County's responsibility. The crossover culverts offered a private benefit only to the subdivision's homeowners; the County could not assume responsibility since the culverts did not benefit the public.

Attorney Hicks then provided a timeline of communication exchanged between the County and Attorney Sweeney, including the October 9, 2023 email of Attorney Sweeney's approval on behalf of the HOA to accept the assessment and start work, and a January 31, 2024 email from the Attorney Sweeney asking why the project had not started given the HOA's approval.

Ms. Giordano maintained the HOA had never agreed to the cost or assessment. She stated residents were present today to ask that the assessment be shared among all homeowners on 1st Street SW, or not assessed at all. The Board suggested there was a communication breakdown between the HOA and Attorney Sweeney, and the County had gone to great lengths to communicate the facts. They did sympathize with the residents for the cost factor, but noted the County's offer was intended to save them money by combining the projects and offering 15 years with no interest to repay.

Waters Edge Resident Shalini Patel questioned how this cost was her responsibility. She felt the County had failed the residents by issuing a final permit for a corrugated pipe instead of a concrete one. Mr. Javed explained IRF was the permitting agency that approved the developer's choice of construction materials, not the County, and that corrugated pipes were an allowable option at that time.

Resident Leticia Wood received clarification on from Attorney Hicks that the April assessment hearing was advertised in the newspaper, as required. The County then sent postcards to the residents informing them of this meeting so they could voice their

concerns and receive clarification. Mr. Hicks added that the issue of responsibility has been ongoing since 2014, with the County always maintaining they were not responsible for the culverts. Administrator Titkanich read from the referenced email sent by the HOA's Attorney Sweeney on October 9, 2023, which stated there was good news: the association agreed with the County's proposal and approach to the situation. Attorney Shuler also relayed a zoom meeting, attended by Ms. Giordano and Attorney Sweeney after construction had started, where they discussed the final assessment amount and date of the final hearing.

Ms. Wood expressed surprise at initially learning each resident would be assessed approximately \$6,500 each, and advocated for spreading the assessment along all homes on 1st Street SW. She received clarification that WEII was only paying for their entry culverts, while the culvert under 1st Street SW was being paid for by the County. Attorney Hicks stated that the original corrugated pipe was not a mistake; it was a permitted material at the time and was approved by IRF. Ms. Wood received updated information while she was before the Board that the approximate assessment had been revised down to \$5,800. Staff reiterated that the culverts provided benefits to only WEII residents and they bore the responsibility for it.

Ms. Giordano mentioned an email received from a past County Attorney stating there may be funds to pay for the culverts, and wondered if the County had a budget for road repairs. The Board clarified that the County budget did not include funds for private infrastructure. Ms. Wood appealed to the Board for assistance, and maintained the residents should not have to pay to rectify the inferior materials originally used in the culverts. Vice Chairman Loar explained it was not feasible to pay for all the instances of private infrastructure, and assessments were the mechanism to fund the work. Staff clarified that public infrastructure ended at 1st Street SW. The developer originally paid to have the culverts constructed, and built that cost into the price of the homes.

The following residents addressed the Board:

Bill Griffith complained about the price of the culvert replacements

Barbara Lioi received the following information: the culverts were estimated separately from the roadwork; residents were paying for their portion only; the County would assume ownership of the culverts going forward; multiple bids were secured for the work; and the HOA was advised via email of the facts. Ms. Lioi complained about the inconvenience, and posited Attorney Sweeney had not communicated clearly with the residents.

Mr. Hicks explained there were fee savings for early payment, and the 7 percent annual interest was being waived. He also clarified that each resident would receive a

statement of the costs, and the amount of the assessment.

Ms. Wood told the Board she suspected their disappointment stemmed from the impression the residents would have a say in the final cost before it was finalized.

Jim Dallhoff received confirmation from Mr. Javed that the entryway landscaping was planned to be restored, and that he would look into the matter.

Ronald Koshuta received confirmation that a house located between the culverts paid for their own repairs, and also complained about the low water levels in WEII's lakes.

Bill Griffith returned before the Board and received information on the competitive bid process and complained about the cost of the project.

There being no further comments, a motion was made to approve staff's recommendation.

A motion was made by Vice Chairman Loar, seconded by Commissioner Earman, to approve staff's recommendation and Resolution 2025-034, relating to the construction and funding of the Culvert Replacement Project within the proposed Waters Edge Phase II Municipal Service Benefit Unit; establishing the terms and conditions of proposed special assessments to fund the culvert replacement project; establishing the proposed Waters Edge Phase II Subdivision Culvert Replacement Project Municipal Service Benefit Unit; providing legislative findings, purpose and definitions; establishing the estimated capital cost; directing the preparation of the assessment roll; establishing a public hearing to consider imposition of the proposed assessments and the method of their collection; directing the provision of notice; providing for the calculation of prepayment amounts and setting forth provisions for optional and mandatory prepayments; providing for reallocation; repealing Resolution Nos 2024-064, 2025-011, and 2025-014 and providing for conflicts; providing for severability and an effective date. The motion carried by the following vote:

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

Excused: 1 - Commissioner Adams

5. BOARD COMMENTS

6. PUBLIC COMMENT

7. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:52 p.m.