



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.indianriver.gov

Susan Adams, District 1, Chairman

Joseph Flescher, District 2, Vice Chairman

Joseph H. Earman, District 3

Deryl Loar, District 4

Laura Moss, District 5

John A. Titkanich, Jr., County Administrator

William K. DeBaal, County Attorney

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

Randi Wardlow, Deputy Clerk

Tuesday, May 21, 2024

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Reverend Timothy Womack, First Presbyterian Church

3. PLEDGE OF ALLEGIANCE

William K. DeBaal, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Approved as presented

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation Marie Louise Ambrose Centennial Recognition

Ms. Ambrose was accompanied by her son, Steven, and daughter-in-law to receive congratulations and a Happy Birthday serenade from the Board in honor of her 100th birthday. Steven Ambrose told the Board how happy and active his mother was living in Vero Beach. The Commissioners added their well wishes and congratulations in honor of Ms. Ambrose's milestone.

Read and presented by Commissioner Moss

5.B. Presentation of Proclamation Honoring Carol Bergeron On Her Retirement From Indian River County Board of County Commissioners Office of Management and Budget

Ms. Bergeron recounted her years of experience working for the Clerk of Court as well as the County, and received praise from her supervisor Kristin Daniels, Director of Management and Budget. Ms. Bergeron shared she will spend her summers in New England and return to Vero to continue volunteering at the Emergency Operations Center which brought her much happiness.

Read and presented by Chairman Adams

5.C. Presentation of Proclamation Honoring James "Chip" Boyette On His Retirement From Indian River County Board of County Commissioners Public Works/Engineering Division

[Clerk Note: Ms. Bergeron and Mr. Boyette chose to receive their Proclamations in tandem.]

The Board commended Mr. Boyette on his 31 years of dedication to the County and lamented the loss of his institutional knowledge. Mr. Boyette, a native of Indian River County, shared his love for his hometown in an emotional farewell. Kirsten Leiendecker, Interim Public Works Director, praised his achievements and hard work.

Mr. Boyette and Ms. Bergeron received their Proclamations and vowed to return to Indian River County to continue the volunteer work they both enjoy.

Read and presented by Commissioner Earman

5.D. Presentation of Proclamation Designating May 18th Through May 24th As National Safe Boating Week In Indian River County

Mark Cannon of the United States Coast Guard Auxiliary, Flotilla 5-6, a volunteer unit of the Coast Guard, appeared before the Board to accept the Proclamation and promote boating safety. He informed of the Auxiliary's monthly boating safety classes (free for teens), and courtesy vessel safety inspections. Mr. Cannon urged all boaters to wear their life jackets, carry and register a beacon device, and to have a marine radio onboard to ensure the safest outcomes.

Read and presented by Vice Chairman Flescher

5.E. Proclamation Designating May 19-25, 2024 as National Travel and Tourism Week

Ben Earman, Vice President of Tourism and Marketing, Indian River County Chamber of Commerce, presented the Board with the latest statistics regarding increases in the number of visitors, local visitor spending, tourist tax revenue, and the positive financial impact of visitors to the County. Mr. Earman debuted the latest "Chill. Inspire." advertising campaign, which was designed and produced in-house, and presented the Commissioners with themed promotional items.

Read and presented by Vice Chairman Flescher

6. APPROVAL OF MINUTES

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Regular Meeting minutes of April 9, 2024 and April 23, 2024, as written. The motion carried by the following vote:

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

6.A. Regular Meeting of April 09, 2024

Approved as written

6.B. Regular Meeting of April 23, 2024

Approved as written

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

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Consent Agenda as amended, pulling Item 8.G. for discussion. The motion carried by the following vote:

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

8.A. Award of Bid No. 2024036, C.R. 512 & N. Broadway Street Drainage Restoration (IRC-2006)

Approved staff's recommendation

8.B. Amendment No. 1 to Work Order 22 with MBV Engineering, Inc., Trans-Florida Railway Trail from Fellsmere to W. of I-95 (IRC-2115)

Approved staff's recommendation

- 8.C.** Final Payment Including Release of Retainage for Bid No. 2022019 for Hallstrom Farmstead Parking Lot, Trail, and Restroom Construction

Approved staff's recommendation

- 8.D.** Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Section 5311 Grant

Approved staff's recommendation and Resolution 2024-021, authorizing the executions of a Public Transportation Grant Agreement with the Florida Department of Transportation.

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

Approved staff's recommendation

- 8.F.** Approval to Submit an FWC Bulk Derelict Vessel Removal Grant Application

Approved staff's recommendation

- 8.G.** Environmental Health Fee Increase

Commissioner Loar first requested input regarding the typical process for the County's involvement in Florida State agencies and their fees. Julianne Price, Department of Health (DOH) Manager, informed that Environmental Health Service fees were County-based, and varied across the State. Ms. Price noted the fees had not been increased in more than five (5) years, and analysis of surrounding Counties showed Indian River County as having some of the lowest fees. She added the stagnant fees were problematic because costs had gone up and the DOH was borrowing funds from general revenue to make up the shortfall.

Commissioner Loar asked County Administrator John Titkanich to confirm whether an item such as this would usually appear under Consent or under Administrator Matters. Administrator Titkanich agreed he could place similar items under his matters on the Agenda.

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

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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

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.**Local Option Gas Tax Distribution Percentages**

Acting Public Works Director Kirstin Leiendecker appeared before the Board to request approval of the revenue distribution for the six cent (\$.06) Local Option Gas Tax, as required by Chapter 206 of the County Code. Ms. Leiendecker informed the tax revenue was shared among the five (5) municipalities in the County, and read aloud the formula which has been in effect for the last 37 years.

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

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

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

B. PUBLIC DISCUSSION ITEMS**10.B.1.**

Request to Speak from K.Vanderbogart re: green space, planning

Speaker not present

No Action Taken or Required

10.B.2.

Request to Speak from Dr. Miles Conway, South Beach Property Owners Association, Inc. re: Public and BCC Provision of Pertinent Search Information, Candidate Profile, and Identification of Next County Attorney

[Clerk Note: This Item was heard following Item 11.A.]

Dr. Conway appeared on behalf of the South Beach Property Owner's Association (SBPOA) to provide the Board with some due diligence assistance in hiring the next County attorney, based on the collective experience of its members. Before starting his presentation, Dr. Conway received clarification on a detail regarding the County's updated organization chart.

Using a slide presentation, Dr. Conway analyzed the County Attorney's proposed salary, and listed the amount of money the County spent on outside legal services since 2013. The purpose of the analysis was to provide context for a candidate the SBPOA recommended; the candidate's redacted resume was displayed. Dr. Conway explained the SBPOA felt the path to finding the best candidates was to actively recruit existing County Attorneys rather than wait for applications. He offered to share the name of their proposed candidate, and requested subsequent Board presentations to share two other recommended candidates.

Chairman Adams suggested the candidates utilize the County's hiring process, rather than a public speaking agenda item, to gain the Board's consideration. Dr. Conway chose to end his presentation noting the Board and the SBPOA had fundamental differences in their approach to hiring the next County Attorney.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**11. COUNTY ADMINISTRATOR MATTERS**

11.A. Information Technology Acceptable Use Policy Revision

County Administrator John Titkanich informed that Florida Statute 282.3185 required counties with a population of 75,000 or more to make their cybersecurity standards consistent with the best practices of the National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF). The County's Information Technology Department has been working toward aligning their standards with the NIST CSF, and had produced a revised Acceptable Use Policy (AM-1200.21) for the Board's approval.

Commissioner Loar sought to ensure County employees would receive and acknowledge the new policy. Administrator Titkanich informed new hires would receive the policy during onboarding, and existing employees would receive the policy change via email with receipt verification. Additional discussion was had regarding employees who did not have email access and the plan to coordinate policy distribution through the relevant department heads.

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

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

12. DEPARTMENTAL MATTERS

A. Community Services

B. Emergency Services

C. Human Resources

D. Information Technology

E. Natural Resources

12.E.1. Anchoring Limitation Area Update

Melissa Meisenburg, Senior Lagoon Plan Environmental Specialist, appeared before the Board to present the revised Interlocal Agreement (Option III) for the Anchoring Limitation Areas (ALAs) as directed by the Board at the May 7, 2024 Regular Meeting. Before starting, she informed Commissioners of a request from the City of Vero Beach (City) to table the Item until the City could review Option III. The Chairman opted to move forward with discussion.*(as the information had been provided prior)*

Ms. Meisenburg noted Option III had merged Options I & II and listed highlights which included: assigning responsibility to the County for holding the permit with the Florida Fish and Wildlife Conservation Commission (FWC) which determined the number and placement of signs and buoys; hiring a consultant to oversee the bidding, construction and installation of the markers; assigning municipalities the responsibility of monitoring, maintaining, and enforcing the areas; and reimbursement to the County for 100% of the associated costs with consequences for non-payment. An estimated \$255,000 to \$329,000 in costs would be provided up front from the Florida Boating Fund with reimbursement by the municipalities.

County Administrator John Titkanich added that he would support reviving the original offer to share the costs 50/50 with the municipalities, as the effort was part of the Lagoon Management Plan. Commissioner Loar added his support of the cost-sharing suggestion and noted the funds were derived from boat registration fees. Administrator Titkanich pointed out that a survey would be required by the permitting agencies, and addressed the City of Sebastian's concern regarding maintenance.

Discussion was had regarding the benefits of splitting the responsibilities as outlined in Option III. The Board revisited the suggestion to change the language from "45 consecutive days" to "45 cumulative days" time limit. Administrator Titkanich informed the language was built into the statute, so it would have to be adhered to while the County lobbied for change.

A motion was made by Commissioner Moss, seconded by Commissioner Loar, to approve staff's recommendation for Option III, with the addition of an offer from the County to split the costs 50/50 with participating municipalities. The motion carried by the following vote:

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

F. Office of Management and Budget

G. Parks, Recreation, and Conservation**H. Planning and Development Services****12.H.1.** Waiver of Development Application and Inspection Fees for Affordable Housing Projects

Planning and Development Services Director Andy Sobczak presented the Board with a plan to modify the County's Planning and Development Services (PDS) fee schedule to allow waiver of development application and/or inspection fees for affordable housing projects. Mr. Sobczak discussed the need to motivate builders to create affordable housing, which according to statute would cost \$250,000 in Indian River County. He also provided in-depth description of the fees involved and other incentives already in place for affordable housing projects.

Chairman Adams thanked staff for bringing this forward and mentioned the work of the County's Affordable Housing Advisory Committee (AHAC).

A motion was made by Commissioner Loar, seconded by Chairman Adams, to approve staff's recommendation and Resolution 2024-022, establishing revised development review fee schedules for Planning and Public Works for affordable housing projects. The motion carried by the following vote:

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

I. Public Works**J. Utilities Services****13. COUNTY ATTORNEY MATTERS**

13.A.

Service Agreement with Southeast Florida Behavioral Health Network for Administration of Opioid Class Action Lawsuit Settlement Fund Allocation

County Attorney Bill DeBaal informed the Board that Indian River County's size (under 300,000 residents) required partnering with a third party, approved by the Florida Department of Children and Family Services, to receive and distribute Opioid settlement funds. Staff recommended contracting with the Southeast Florida Behavioral Health Network (Southeast) to distribute funds totaling \$1,841,140 for fiscal year 2023-24. Coordinated Opioid Recovery (CORE) services would receive \$825,000 with the balance going to organizations previously approved by the Board on a reimbursement basis. Attorney DeBaal noted the funds can "roll over" to the next fiscal year.

Commissioner Loar added that Southeast would be dealing with the selected agencies directly, managing the disbursement and handling the record-keeping.

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

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

13.B.

Approval of License to Occupy and Improve County Property located at 1235, 1239 and 1247 16th Street

County Attorney Bill DeBaal referenced a map of the area in question on 16th Street and Old Dixie Highway. He recounted the strip of land had been dedicated to the County by the Florida Department of Transportation in 1982, and had been used for parking by three adjacent businesses since then. A license agreement had been in place for one of the business owners to maintain the strip in exchange for usage; the agreement expired in 2012. At the request of business owner Ocean Research and Conservation Association, Inc., whose lender required a license agreement, a new one was drawn up under the same conditions for maintenance in exchange for usage by the three businesses which abutted the lot.

Chairman Adams clarified that this agreement was codifying a use that had been ongoing for more than 40 years.

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

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

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

B. Commissioner Joseph E. Flescher, Vice Chairman

C. Commissioner Joseph H. Earman

D. Commissioner Deryl Loar

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1. Approval of SWDD Special Call Meeting Minutes of March 20, 2024

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve minutes of the Solid Waste Disposal District Special Call Meeting of March 20, 2024 as written. The motion carried by the following vote:

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

15.B.2. Final Pay to Geosyntec for Work Order No. 2 - Groundwater Monitoring/Reporting and RAPM No. 4 Pre-Injection Investigation and Design at the South Gifford Road Landfill

There was no discussion regarding this Item.

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

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

15.B.3. Renewal No. 4 with Tiger Inc for Sale and Purchase of Natural Gas

There was no discussion regarding this item.

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

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

15.B.4.

Final Pay to Geosyntec for Work Order WO No. 3 - Title V Air Operation Permit Revision Application

There was no discussion regarding this item.

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

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

The Chairman called for a recess at 10:50 a.m., and reconvened the meeting at 11:00 a.m. with all members present.

k15.B.**5.**

Recommendation for Franchise Award for Solid Waste and Recyclables Collection Services (RFP#2024020)

Solid Waste Disposal District (SWDD) Director Himanshu Mehta began his presentation with a recap of the events leading to staff's recommendation for franchise award of the County's solid waste and recyclables collection service. Previously, the SWDD Board voted in favor of carted yard waste, and directed staff to obtain a Best and Final Offer (BAFO) for universal and subscription services from the top two ranked vendors: FCC Environmental Services of Florida, Inc. (FCC), and Waste Management, Inc. of Florida (WM).

Before presenting the final offers, Director Mehta reviewed results of an audit of recycling cart use. The results showed a large percentage of non-subscribers using their recycling carts for garbage versus few households in universal service municipalities doing the same. He detailed the County's commitment to recycling and discussed reasons for supporting it.

The presentation next detailed the procurement process and then the BAFO process and evaluation criteria for subscription and universal services (Options 3 & 4). Summarizing the bids, Director Mehta noted FCC predominantly lowered their price on commercial services and WM lowered their price on residential services, which resulted in a re-ranking of the vendors. Current residential subscription service with recycling was \$14.10 per month. The final bids for residential subscription service with carted yard waste were \$25.36 (FCC) and \$18.65 (WM); final bids for residential universal service with carted yard waste was \$22.84 (FCC) and \$18.60 (WM). Multifamily complexes would remain on commercial service as the cost for universal service was prohibitively high.

Staff's analysis of the options and final bids led to the recommendation of Option 4, universal service with carted yard waste. Rationale included annual costs savings, uniform service, cleaner recycling, and less illegal dumping and burning of garbage. Director Mehta made mention of exploring the use of existing County assistance programs to provide financial aid for those who needed it.

Under discussion, the Board stated their support for staff's recommendation for reasons including: less contaminated recycling, better lagoon health, improved pricing, planning for the County's growth, and fewer code enforcement calls. Commissioner Moss was the lone dissenter, stating she would rather keep subscription service in light of constituents' financial hardship concerns. Commissioners received confirmation that municipalities could piggy-back onto the County's rates for all or some of the services offered.

The following people spoke on the Item:

Rob Canciamille, FCC, enumerated the reasons why he felt the RFP process had been violated. He requested the Board table their vote and either re-start the RFP process or open the BAFO process to all firms who submitted bids.

Julianne Price, Health Department Manager, commented that universal service could reduce dumping and sanitary nuisances, saving her department time and resources.

Bill Rigby, County resident, received information regarding future price increases and the relevance of the Commerce Clause. He was in favor of revisiting the RFP to be more inclusive of other vendors.

Myra Ferguson, Gifford Economic Development Council, explained her rationale for requesting revisiting the RFP bidding process and questioned if Waste Management was a monopoly.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve the first part of staff's recommendation, the implementation of Universal Collection for Unincorporated Indian River County with multi-family collection remaining as commercial collection services. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

Director Mehta then requested a vote on the rest of staff's recommendations.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendations to award the Solid Waste and Recycling Collection Franchise to Waste Management, Inc. of Florida, and to authorize staff to finalize the sample agreement, and return with a final agreement for SWDD Board approval. The motion carried by the following vote:

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

15.B.6.

Work Order No. 6 to Geosyntec for One Year of Groundwater Monitoring/Reporting at the Former South Gifford Road Landfill

[Clerk Note: This Item was heard following Item 15.B.4.]

There was no discussion regarding this Item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:19 a.m.