

# Indian River County Florida



## Draft Meeting Minutes

### 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*

**John A. Titkanich, Jr., County Administrator**

**William K. DeBaal, County Attorney**

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

**Shauna James, Deputy Clerk**

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

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Tuesday, August 29, 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 Crystal Bujol, Gifford Youth Orchestra**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Joseph E. Flescher**

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

Commissioner Flescher moved to delete Item 14.E.1; each Commissioner weighed in on the matter, deciding to refer it back to the Children's Services Advisory Committee (CSAC) for discussion at their regular meeting.

**A motion was made by Commissioner Flescher, seconded by Chairman Earman, to delete Item 14.E.1. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

In addition, the following changes were made to the Agenda:

Deleted: Item 8.H.

Moved: Item 14.A.1 after Consent

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

**5. PROCLAMATIONS and PRESENTATIONS**

**6. APPROVAL OF MINUTES**

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

**7.A.** Proclamation Honoring Kevin Ivers-Osthus on his Retirement from Indian River County Board of County Commissioners, Department of Utility Services

Chairman Earman acknowledged the retirement of Kevin Ivers-Osthus from the Indian River County Department of Utility Services.

The Director of Utility Services, Sean Lieske, stated that Kevin served in the Utilities Department for almost 30 years and made significant contributions to the field of GIS. The maps that were currently available on the County website had been developed by him and were frequently used by staff. Kevin took great pride in his work and put in a lot of effort to get them to where they are today. The department was saddened to see him leave as he was a valuable asset to the department.

**No Action Taken or Required**

**7.B.** SWDD Closures and Collection Service Changes for Labor Day

**No Action Taken or Required**

**7.C.** Florida Public Service Commission Consummating Order No. PSC-2023-0253-TRF-EI, Petition for approval of revisions to underground residential tariffs, underground commercial differential tariffs, and overhead to underground conversion tariff for Florida Power & Light Company, is on file for review in the Office of the Clerk to the Board.

**No Action Taken or Required**

**7.D.** Dismissal of Request to Amend Vacation Rental Fine Ordinance

**No Action Taken or Required**

**8. CONSENT AGENDA**

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Consent Agenda as amended, deleting Item 8.H. 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 August 4, 2023 to August 10, 2023  
**Approved**
- 8.B.** Checks and Electronic Payments August 11, 2023 to August 17, 2023  
**Approved**
- 8.C.** Quarterly Tourist Development Tax Report for the Quarter Ending 06/30/2023  
**Accepted**
- 8.D.** Dori Slosberg Driver Education Safety Act - Indian River County Traffic Education Program Trust Fund Report - Cumulative Reporting Through 06/30/23  
**Accepted**
- 8.E.** Quarterly OPEB Trust Report for the Quarter Ending 06/30/2023  
**Accepted**
- 8.F.** Quarterly Investment Report for the Quarter Ending 06/30/2023  
**Accepted**
- 8.G.** County Capital Asset Inventories  
**Approved**
- 8.H.** Indian River County Grant Contract Subrecipient Awards  
**Deleted**
- 8.I.** First Extension and Amendment to Agreement for Real Estate Broker Services (RFP #2021011)  
**Approved staff's recommendation**
- 8.J.** Sole Source Designation  
**Approved staff's recommendation**
- 8.K.** Approval of Agreement for Ambulance Billing and Coding Services with EMS|MC  
**Approved staff's recommendation**

- 8.L.** Award of RFP 2023053 for Other Post Employment Benefits Actuary Services  
**Approved staff's recommendation**
- 8.M.** Award of RFP 2023042 for Parks and Recreation Master Plan  
**Approved staff's recommendation**
- 8.N.** Amendment No. 1 to APTIM Work Order No. 2018006-14, Sector 3 Beach and Dune Restoration Project (IRC1925) Post Construction Environmental Monitoring  
**Approved staff's recommendation**
- 8.O.** Approval of Agreement with Coastal Tech for Design and Permitting for Sector 4 Dune Restoration  
**Approved staff's recommendation**
- 8.P.** Award of Bid No. 2023052 Information Technology Security Upgrades (Clerk of Courts), IRC-2206  
**Approved staff's recommendation**
- 8.Q.** Work Order No. 1, MBV Engineering, Inc. 11th Drive and 37th Street Intersection Improvements, IRC-2001  
**Approved staff's recommendation**
- 8.R.** Purchase of Mitigation Credits for IRC Public Shooting Range Sporting Clays Course, IRC-1847  
**Approved staff's recommendation**
- 8.S.** Sector 5 Beach and Dune Restoration Project (IRC1923) APTIM, Work Order No. 2018029-12, Year 3 Post-Construction Engineering Monitoring Report  
**Approved staff's recommendation**
- 8.T.** Award of Bid No. 2023049 Information Technology Office & Finance Office Remodel, IRC-2004 & 2205  
**Approved staff's recommendation**
- 8.U.** Sector 3 Beach and Dune Restoration Project (IRC1925) APTIM, Work Order No. 2018006-16, Year 1 Post-Construction Engineering Monitoring Report  
**Approved staff's recommendation**
- 8.V.** Memorandum of Agreement CBA 2022-2025 Article 18.07 Promotion of Lieutenant Fire Inspector  
**Approved staff's recommendation**

- 8.W.** Memorandum of Agreement CBA 2022-2025 Article 33.07 Rescue Sergeant Special Operations Incentive Pay  
**Approved staff's recommendation**
- 8.X.** Renewal of a cost-share agreement with the St. Johns River Water Management District for abandoned artesian well plugging  
**Approved staff's recommendation**
- 8.Y.** Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for Intercounty Bus Service  
**Approved staff's recommendation and Resolution 2023-048, authorizing the execution of a Public Transportation Grant agreement with the Florida Department of Transportation (FDOT).**
- 8.Z.** Indian River County Library State Aid to Libraries Grants  
**Approved staff's recommendation**
- 8.AA.** Amendment to HUD Continuum of Care (CoC) Grant Agreements - FL0116L4H092215 - HMIS Coordinated Entry and FL0418L4H092210 - Data Quality  
**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 IN THE OFFICE OF THE CLERK TO THE BOARD.

- 10.A.1.** Public Hearing to Consider an Ordinance Imposing an Additional Cent of Tourist Development Taxes and Reallocating the Authorized Uses of Tourist Development Tax Revenue (Legislative)

Director of Management and Budget Kristin Daniels stated on July 11, 2023, the Board approved a one-cent increase in Tourist Development Tax, and the Ordinance before the Board today memorialized that decision.

The Chairman opened the Public Hearing.

Ben Earman, the Director of Marketing at the Indian River Chamber of Commerce, expressed his appreciation for the Ordinance that aims to provide renourishment to the beaches and boost the tourism industry. He stated the

Chamber was currently doing a lot to promote tourism, and this initiative would enable them to do even more. The beaches play a vital role in bringing the community together and attracting visitors.

Indian River Chamber of Commerce President Dori Stone stated that the Indian River Chamber of Commerce's Board of Directors fully supported the beach renourishment project. It benefited the community by reducing the burden on taxpayers and provided more opportunities to promote Indian River County to the world. The Chamber appreciated the Board's efforts in bringing this project forward.

There were no additional speakers; the Chairman closed the public hearing.

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve staff's recommendation and adopt Ordinance 2023-012, amending Section 210.01 (Taxing District and Levy) and Section 210.03 (Authorized Uses of Revenue) of Chapter 210 (Tourist Development Tax) of the Code of Indian River County, Florida in order to impose an additional cent of Tourist Development Taxes and reallocate the authorized uses of the Tourist Development Tax revenue; and providing for codification, severability, repeal of conflicting provisions, 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

*[Clerks note: Vice Chairman Susan Adams exited the meeting at 9:20 am]*

## **B. PUBLIC DISCUSSION ITEMS**

### **10.B.1.**

Public Discussion Request from J. Naclerio re: ECHB Hearing Board Fine

Chairman Earman as a reminder stated the Chamber that this was a public discussion item and that the Commission usually takes no action unless a Commissioner wishes to bring it back at a later Board meeting.

John Naclerio, a resident, appeared before the Board to request a waiver or reduction of a \$31,500 fine imposed by the Environmental Control Board (ECB) for a code violation. Mr. Naclerio represented his cousin, the residence's owner, and explained that the septic tank in front of the house had gone bad. He stated his cousin had been sick and had no funds to fix the tank. Mr. Naclerio stated he had appealed to the ECB without resolution. He explained it took six weeks and \$10,500 to have the tank dug up and repaired. He stated that neither the owner nor he could pay the fine as he had already laid out the money to repair the septic tank, and the only solution would be to sell the house.

Commissioner Flescher stated an appeal process could not happen with the Board and that Mr. Naclerio's only option would be to appeal to the Circuit Court.

County Attorney Bill DeBraul stated that Mr. Naclerio had 30 days to appeal the order with the Circuit Court. If he needed help, a paralegal was available to assist with the notice of appeal and the various documents that would need to be filed.

Assistant County Attorney Susan Prado could not provide the exact date of the order, but clarified that the ECB, which was different from the Code Enforcement Board, did not have a specific time frame for appeals under Rule 85.427. However, pursuant to the judicial review time frame, Mr. Naclerio had 30 days to appeal. She noted there were multiple orders in this case; the second order imposing fines had already passed the 30-day limit for appeal, while the most recent order was still within the 30-day time frame. It was also noted that the ECB did not have the authority to reduce any fines, nor was such authority delegated to it.

Mr. Naclerio stated he was willing to pay some amount. Commissioner Loar reiterated that the Board could not make that decision and it would have to be filed with the Circuit Court.

**No Action Taken or Required**

**10.B.2.**

Public Discussion Request from Susan Mehiel, Alliance for Safe Trains re: Haz Mat and Speed Trains Sharing Corridor

Representing the Alliance for Safe Trains, Susan Mehiel spoke about rail safety concerns, highlighting the dangers posed by hazardous materials on the rails, especially with the addition of the new high speed Brightline train. She urged the Board to take necessary measures to ensure rail transportation safety. Ms. Mehiel referred to a letter by Congressman Posey stating that hazardous materials and high-speed trains should never share the same tracks. Ms. Mehiel emphasized the need to prevent disaster rather than prepare an excuse.

**No Action Taken or Required**

**C. PUBLIC NOTICE ITEMS**

**10.C.1.**

Public Notice of Public Hearing for September 12, 2023, to Consider a Resolution Adopting a Non-Ad Valorem Special Assessment Roll on Hospitals for the Local Provider Participation Fund

County Attorney Bill DeBraul read the notice into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

**B. Emergency Services**

**C. General Services**

**D. Human Resources**

**E. Information Technology**

**F. Office of Management and Budget**

**G. Public Works**

**H. Utilities Services**

**13. COUNTY ATTORNEY MATTERS**

**14. COMMISSIONERS MATTERS**

**A. Commissioner Joseph H. Earman, Chairman**

**14.A.1.** Use of the BOCC Chambers

*[Clerk note: This item was heard following the Consent Agenda]*

Indian River County Taxpayers Association Vice President Lance Lunceford sought the Board's approval to use the BOCC Chambers to host a Community Council meeting where County staff would be required for audio/visual needs.

After discussing the matter, the Board came to a consensus to deny the use of the Chambers and directed Mr. Lunceford to request the use of the Intergenerational Center (iG) as the venue for the Community Council meeting.

**No Action Taken or Required**

**14.A.2.** Letter of Support for IRC Military Officers Association

Bethany Fortunato, Secretary, Military Officers Association of America (MOAA), expressed concern regarding the Vero Beach Community-Based Outpatient Clinic (CBOC). Stating that on October 5, 2023, no physician would



be practicing at the clinic. It was important to note that the CBOC was not run by the Veterans Affairs (VA) but by a contractor with a contract with the VA. Ms. Fortunato further stated that suggestions made by physicians to the Director of Medical Services and the Director of Administration for process improvements had been disregarded. Veterans were not being served the way they should be.

Commissioner Flescher stated not having a local facility for most of our senior military members is inappropriate, unfair, and inequitable. The Board needed to move swiftly due to the time it would take to get something back.

Commissioner Moss thanked Ms. Fortunato for leading the charge; this was critical and important for the community. She commented that the letter was right on point and supported it fully.

Chairman Earman expressed thanks to Ms. Fortunato for bringing this matter to the Board's attention, and after the vote, the letter would be sent to Cory Price, Director, West Palm Beach VA Healthcare System.

Cynthia Ryan, Executive Director of the Veterans Council, believed that opportunities like this enable the Veterans Council to reassess expectations and the level of care and treatment provided to veterans. The Veterans Council was grateful to MOAA for its initiative and expertise in bringing such issues to light. Ms. Ryan stated that on September 6, 2023, at the General Council meeting, Cory Price was invited to speak, and the community was welcome to participate to raise awareness.

Barbara Ruddy, a resident, expressed that the contribution of veterans to the United States and the world community could not be measured. It was unacceptable that such an incident would take place at the VA hospital. Ms. Ruddy hoped the Board had the ability to quickly and efficiently solve this issue.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Chairman to sign and send the letter to Cory Price, Director, West Palm Beach VA Healthcare System. The motion carried by the following vote:**

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

**Absent:** 1 - Vice Chairman Adams

**B. Commissioner Susan Adams, Vice Chairman**

**C. Commissioner Joseph E. Flescher**

**D. Commissioner Deryl Loar**

**E. Commissioner Laura Moss**

**14.E.1.** Children’s Services Advisory Committee (CSAC)

**Deleted**

**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**

**15.B.1.** Approval of the Solid Waste Disposal District Meeting Minutes of May 16, 2023

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve the Solid Waste Disposal District meeting minutes of May16, 2023, as written. The motion carried by the following vote:**

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

**Absent:** 1 - Vice Chairman Adams

**15.B.2.** Approval of Interlocal Agreement with the Town of Indian River Shores

There was no discussion on this Item.

**A motion was made by Commissioner Flescher, seconded by Chairman Earman, to approve staff’s recommendation. The motion carried by the following vote:**

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

**Absent:** 1 - Vice Chairman Adams

**15.B.3.** Amendment No. 1 to Work Order No. 19 to Geosyntec for Annual Permit, Compliance Monitoring, and Reporting for 2023

There was no discussion on the Item.

**A motion was made by Commissioner Flescher, seconded by Chairman Earman, to approve staff’s recommendation. The motion carried by the following vote:**

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

**Absent:** 1 - Vice Chairman Adams

**15.B.4.**

Lease of SWDD Property to Halley Engineering Contractors, Inc. for the Oslo Widening and I-95 Interchange Project

There was no discussion on this Item.

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

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

**Absent:** 1 - Vice Chairman Adams

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 10:18 a.m.