



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

Shauna James, Deputy Clerk

Tuesday, September 9, 2025

9:00 AM

Commission Chambers

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

Commissioner Deryl Loar, Vice Chairman

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Vice Chairman Loar sought to table items 14.A. and 14.B., which pertained to the County Attorney and the County Administrator's contracts. He expressed concerns about modifying employment contracts midstream, suggesting it was inappropriate to consider these addenda at this time, especially given ongoing investigations. Commissioner Adams disagreed, arguing that the Board was the appropriate forum for discussing contract modifications and that the timing was right based on received reports from the Clerk of Court and Comptroller Ryan Butler.

Chairman Flescher supported Vice Chairman Loar's view, citing the need to wait for an official agency review. Mr. Butler emphasized the importance of the Board addressing the issue to avoid complications with ongoing audits and potential

investigations. Commissioners Earman and Moss also advocated for resolving the matter promptly, while emphasizing the need to respect the ongoing inquiry and avoid politicizing the debate. The discussion reflected a divide between those wanting to postpone decisions for further review and those advocating for immediate action to clarify the situation.

A motion was made by Vice Chairman Loar to table Item 14.A. and Item 14.B. The motion failed for lack of a second.

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation Designating September 20, 2025, As International Coastal Cleanup Day

Recommended Action: Recommend read & present.

Coastal Connections Founder Kendra Bergman and Program Specialist Jeanna Kent expressed their gratitude for the community's recognition of this significant day. With over a thousand participants in volunteer trash clean-up efforts each year, they highlighted the substantial impact of their collective efforts on local habitats. Kendra and Jeanna thanked the community for their support.

Read and Presented by Commissioner Earman

6. APPROVAL OF MINUTES

6.A. Regular Meeting of July 1, 2025

Recommended Action: Approve

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approved the Regular Meeting Minutes of July 01, 2025, as written. The motion carried by the following vote:

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

6.B. Regular Meeting Minutes of July 15, 2025

Recommended Action: Approve

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approved the Regular Meeting Minutes of July 15, 2025, as written. The motion carried by the following vote:

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

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

7.A. Recognition of Melissa Meisenburg – Recipient of the Lagoon Champion Award

Chairman Flescher recognized Melissa Meisenburg for receiving the Lagoon Champion Award from the Clean Water Coalition (CWC), acknowledging her dedicated work and the significant impact of her contributions to lagoon restoration. CWC President Judy Orcutt commended Ms. Meisenburg for her leadership in creating the Lagoon Management Plan and her initiatives, including large-scale seagrass restoration, the Living Docks Program, and community science efforts. Ms. Meisenburg emphasized the importance of collaboration with various organizations and expressed gratitude to other County departments involved in the Lagoon restoration efforts.

No Action Taken or Required

7.B. Event Calendar

Recommended Action: Informational item, no action required

No Action Taken or Required

8. PUBLIC COMMENT: AGENDA-RELATED MATTERS (EXCEPT FOR PUBLIC HEARINGS)

9. CONSENT AGENDA

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 9.Q. for discussion. The motion carried by the following vote:

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

9.A. Approval of Checks and Electronic Payments August 2, 2025 to August 8, 2025

Recommended Action: Approve the list of checks and electronic payments for the time period of August 2, 2025 to August 8, 2025

Approved

9.B. Approval of Checks and Electronic Payments August 9, 2025 to August 15, 2025

Recommended Action: Approve the list of checks and electronic payments for the time period of August 9, 2025 to August 15, 2025

Approved

9.C. County Capital Asset Inventories

Recommended Action: Approve the removal of the listed assets from the inventory system

Approved

9.D. Request to Extend Tax Roll

Recommended Action: Approve the request to extend the tax roll

Approved

9.E. Quarterly Tourist Development Tax Report for Quarter Ending 06/30/2025

Recommended Action: Accept the report

Accepted

9.F. Quarterly OPEB Trust Report for Quarter Ending 06/30/2025

Recommended Action: Accept the report

Accepted

9.G. Dori Slosberg Driver Education Safety Act - Driver Education Program Trust Fund Report - Cumulative Reporting Through 06/30/25

Recommended Action: Accept the report

Accepted

9.H. Authorization to Increase Blanket Purchase Orders for FY 24/25

Approved staff's recommendation

9.I. Award of Bid 2025058 for As Needed Culvert Replacement and Repair

Recommended Action: Staff recommends the Board award bid 2025058 to Hinterland Group, Inc., Johnson Davis, Inc., and Shenandoah General Construction, approve the sample agreement and authorize the Chairman to execute the agreements after review and approval by the County Attorney as to form and legal sufficiency.

Approved staff's recommendation**9.J. Award of RFP 2025054 Vending Machine Services**

Recommended Action: Staff recommends the Board approve the final ranking of firms, approve the agreement, and authorize the Chairman to execute it, after review and approval by the County Attorney as to form and legal sufficiency, and after approval of the required insurance by the Risk Manager. Staff also recommends the Board authorize the Procurement Manager to renew the agreement at the same rates for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal is in the best interest of the County.

Approved staff's recommendation**9.K. Award of Bid 2025059 for Indian River County Shooting Range Stands**

Recommended Action: Staff recommends the Board award Bid 2025059 to A. Thomas Construction, Inc. approve the agreement and authorize the Chairman to sign the agreement after receipt and approval of the agreement by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager. So long as there are no changes in the dollar amount under the agreement, upon adequate completion of the work set forth in the agreement, staff is directed to make final payment and release any retainage to A. Thomas Construction Inc., after review and approval by the Procurement Manager and the County Attorney's Office.

Approved staff's recommendation**9.L. Ratification of Amendment to Article 9.4 - Availability of the Collective Bargaining Agreement between Indian River County and Teamsters Local Union No. 769 Effective October 1, 2024 through September 30, 2027**

Recommended Action: Staff respectfully recommends approval of the Amendment and requests that the Board of County Commissioners authorize its Chairman to sign the Memorandum of Agreement, resolve the outstanding grievance providing for additional compensation, as well as authorize staff to update the Administrative Policy Manual to provide the same level of compensation for non-union hourly employees who are also working during the declared emergency.

Approved staff's recommendation**9.M. Revision to Administrative Policy Manual - AM-505.1 Tuition Assistance Policy**

Recommended Action: Staff respectfully requests approval of the Revision to AM-505.1 Tuition Assistance policy to include distance learning fees.

Approved staff's recommendation**9.N.** Quarterly Investment Report for Quarter Ending 06/30/2025

Recommended Action: Accept the report

Accepted**9.O.** Work Order No. 6 for Bowman Consulting Group, Ltd. for Lift Station 201 Upgrade, Captain Hiram's Resort, IRCDUS Project ID: 21.25.504

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners approve Work Order No. 6 for Bowman Consulting Group, Ltd., for the Lift Station 1201 Upgrade (Captain Hiram's Resort) project in the amount of \$57,440 plus \$2,560 for contingency and authorize the Chair to execute the same. So long as there are no changes in the dollar amount under the work order and upon adequate completion of the services set forth in the work order, staff is directed to make final payment to Bowman Consulting Group, Ltd.

Approved staff's recommendation**9.P.** Approval to Submit an FWC Bulk Derelict Vessel Removal Grant Application

Recommended Action: Staff recommends the Board of County Commissioners (Board) authorize the Chair to execute the FWC Bulk Derelict Vessel Removal Grant Application. In addition, staff recommends the Board authorize the County Administrator to execute the contract documents upon concurrence by the County Attorney if funds are awarded.

Approved staff's recommendation**9.Q.** Kimley Horn Associates Work Order 6 Amendment 2 for Services Related to Gifford Elevated Storage Tank Rehabilitation and Structural Upgrade Phase 2, IRCDUS Project ID 13.23.538

Recommended Action: Staff recommends that the Board of County Commissioners approve the Second Amendment to Work Order 6 to Kimley-Horn and Associates, Inc. (KHA) to provide further engineering, design, and construction phase services for the Gifford Elevated Storage Tank Rehabilitation and Structural Upgrade project in the amount of \$16,050.87, and authorize the Chair to execute the same. So long as there are no changes in the dollar amount under the amount approved, upon adequate completion of the work set forth in the work order, staff is directed to make final payments to KHA after review and approval by the Purchasing Manager and the County Attorney's Office.

Chairman Flescher stated that the Gifford Water Tower Project had expanded to encompass a complete repainting. He proposed adding the name "Gifford" to both sides of the tower to enhance its visibility. This suggestion was inspired by community feedback, aiming to help people recognize the landmark from any direction. Currently, the name was only displayed on the east side, but residents had requested that it be on both sides so it could be seen from all angles. Vice Chairman Flescher mentioned that placing the name on the west side would not only fulfill those requests but also assist travelers on U.S. Highway 1 (US-1) in identifying that they had arrived at the Gifford Water Tower.

Director of Utilities Sean Lieski mentioned that the proposal to add 'Gifford' to the other side of the tower could be further explored. He noted that local towers usually display a single name or emblem for consistency and estimated the cost of adding the name at \$5,000 to \$10,000.

Chairman Flescher acknowledged that the issue at hand was a significant concern for the community. He noted that the community water tower served as a landmark. Vice Chairman Loar requested that the Utilities Department investigate all potential funding options, ideally minimizing the use of taxpayer dollars.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve staff's recommendation with the addendum of adding "Gifford" to the other side of the water tower and not to exceed a reasonable amount. The motion carried by the following vote:

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

9.R. Approval of Resolution Establishing Utility Rates for Housing Choice Voucher Program for Fiscal Year 2026

Recommended Action: Staff respectfully recommends the Board of County Commissioners approve the resolution setting the Utility Rates for Fiscal Year 2026 and authorize the Chairman to execute the resolution on behalf of the Board.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, approved staff's recommendation and Resolution 2025-038, approving revisions to the Housing Choice Voucher Program Utility Allowance Schedule for Fiscal Year 2026. The motion carried by the following vote:

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

10. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

11. PUBLIC ITEMS

A. PUBLIC HEARINGS

11.A.1. 74th Avenue Property Exchange (Hawks Grove)

Recommended Action: Staff recommends the Board approve the property exchange and authorize the chairman to execute the property exchange agreement and resolution approving the property swap along with the deeds needed to complete the transaction.

Deputy County Attorney Susan Prado discussed potential improvements to 74th Avenue due to a new development by GHO Homes (GHO). A meeting was held, which included representatives from GHO, the Sebastian River Improvement District, and Public Works, focusing on roadway upgrades. The current alignment of 74th Avenue was misaligned, with a paved section from SR60 to 26th Street and an unpaved segment from 26th to 33rd Street. Plans involved an exchange agreement with the Sebastian River Improvement District to create a straight road, with a deed executed by GHO affirming rights-of-way. Ms. Prado requested the Board open the public hearing to receive public comments, noting that the advertisement for the hearing met Florida Statute 125.411 requirements.

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

There was no further discussion on this Item.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve staff's recommendation and Resolution 2025-039, approving an exchange of property with the Sebastian River Improvement District. The motion carried by the following vote:

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

11.A.2. Consideration of the 2025 Indian River County Comprehensive Plan Evaluation and Appraisal Report (EAR) Based Amendments

Recommended Action:

County Staff and the Planning and Zoning Commission recommend the BCC review the attached comprehensive plan EAR-based amendments, identify any additional needed changes, and direct County staff to transmit the County's Comprehensive Plan EAR-based amendments to Florida Department of Commerce for its review.

County Administrator John Titkanich began by stating this was a continuance of the Indian River County Comprehensive Plan Evaluation and Appraisal Report (EAR) discussion. After Chief of Long-Range Planning Patrick Murphy presented the Comprehensive Plan (Plan), he would address several addenda based on the comments received. He emphasized the importance of identifying the

organizations and individuals who provided feedback. He noted that all the subject matter experts related to the Plan were present to address any questions that might arise. Mr. Titkanich advised the Board that he believed a structured approach, similar to what worked well at the Planning and Zoning Board meeting, could benefit this session. He suggested discussing the Elements of the Plan one by one, beginning with the Future Land Use Element. This way, comments could be narrowed down to specifics related to each element. He encouraged anyone wishing to comment on other Elements to do so at the appropriate time.

Chairman Flescher pledged to address the community's inquiries by reviewing the discussion Element by Element, acknowledging the validity of concerns. He thanked the Planning and Zoning Commission for their extensive volunteer hours spent reviewing over 80 pages of information and deliberating the issues, as well as appreciating the citizens who voiced their concerns, which varied from material interpretations to specific revisions.

Mr. Murphy utilized a PowerPoint presentation to present the significant changes to the following Elements: Future Land Use Element, Sanitary Sewer Sub-element, Potable Water Sub-element, Solid Waste Sub-element, Stormwater Sub-element, Transportation Element, Housing Sub-element, Conservation Element, Coastal Management Element, and Recreation and Open Space Element. There were no significant changes proposed to the remaining Elements, which were the Intergovernmental Coordination Element, the Public Schools Facilities Element, and the Property Rights Element. Mr. Murphy also provided the EAR process timeline per State Statute 163.3184(4).

****Future Land Use Element - Proposed Policy 1.38****
Building Heights

Administrator John Titkanich highlighted recent public engagement efforts, noting that six workshops were conducted (four virtually) with about 300 in-person attendees and nearly 250 survey responses gathered to address local concerns. Correspondence was received from various entities, including the City of Sebastian and the Pelican Island Audubon Society, which were on file in the Clerk to the Board Office. He discussed the Future Land Use Element, specifically Objective One, which sought to achieve compact, energy-efficient, and low-density land use in Indian River County while accommodating future development. Proposed changes to remove the 1.75 residential units per acre limit within the Urban Service Boundary (USB) raised enforcement concerns, as existing categories allowed for higher densities. Concerns also emerged regarding setback policies for schools and building height regulations. A proposed revision

aimed to maintain height limitations in Land Development Regulations (LDRs), ensuring the preservation of low-density neighborhoods and low-intensity commercial areas.

Chairman Flescher sought confirmation that there had been no changes to the height limitations that had been in place for several years. Administrator Titkanich confirmed that there had indeed been no changes. All height limitations proposed in the policy back in 2008 had been adopted into the respective Zoning District regulations and the current LDRs. The policy, as written, stated that the County would maintain building height limitations in the LDRs and respective zoning district regulations to preserve the low-density character of neighborhoods and protect the low-intensity commercial nodes.

Commissioner Moss raised concerns about proposed changes that involved moving certain standards from the Plan to LDRs. She strongly objected, particularly regarding the Future Land Use Element, as the LDRs could be changed more easily without community input, unlike the Plan, which required formal approval from Tallahassee. This shift threatened long-standing community standards, such as height restrictions. Commissioner Moss expressed gratitude for the thorough discussions during a subsequent PZC meeting and emphasized the importance of retaining Elements within the Plan to protect the community's character and lifestyle.

Commissioner Adams sought clarification as there appeared to be some misinformation about how the Plan related to LDRs and, in turn, how those related to zoning. Acting Planning and Development Services Director Ryan Sweeney clarified that Policy 1.38 specifically applied to "New Towns." This policy was the only reference in the Plan's Future Land Use Element that mentioned building heights. He explained that height restrictions were not detailed for other land uses, such as L1 and CI. According to the policy, residential buildings could be up to 35 feet tall, while non-residential or mixed-use buildings could reach up to 50 feet. This allowed heights greater than 35 feet in "New Towns," especially west of Interstate 95, which were outside the Urban Service Boundary (USB). Mr. Sweeney noted that there were no other references to building heights in the Future Land Use Element.

Commissioner Adams addressed the broader conceptual issue of the Plan and its relationship to the LDRs. She asked if everything included in the LDRs was also part of the Plan. Then, for the sake of efficiency, could the Board eliminate one or the other. In response, Mr. Sweeney suggested an alternative perspective. He explained that there was a policy stating that the building's height shall not exceed

35 feet Countywide. However, in a low-density residential area, the LDR can set a lower limit, capping it at 25 feet. The Plan establishes an upper limit, while the LDRs can be more restrictive. For instance, the L1 LDR allows up to three units per acre, the RS2 zoning permits two units per acre, and the RS3 zoning allows three units per acre. The LDRs can have more stringent regulations. LDRs establish definitive parameters like building coverage, setbacks, and lot sizes, which would not be appropriate to include at the Plan level.

Administrator Titkanich followed up by outlining that the Plan was the underlying foundation governing the use of land, including what can happen and when. Specifically, when discussing the Future Land Use Element, it identified specific land use designations, their intensity or density, and the policies that regulate growth. The County went through the proper process and adopted those regulations into the LDRs. It was important to note that the LDRs, as described in the Statute, were crucial to the development process. Municipalities must assign a Land Development Plan during annexations, but until that was completed, the County's LDRs still applied. These regulations served as the implementing mechanism to achieve the goals and objectives of the Plan, a structure established since 1985 with the Growth Management Act. The Plans were the foundation, and the LDRs served as the means to implement them. It was also noteworthy that LDRs require an Ordinance that involved two public hearings and must be advertised. While staff can propose changes, they must go through the same process as any applicant seeking to amend the Land Development Code. Since 2011, the process has undergone significant changes due to the dissolution of the Department of Community Affairs, which was transferred to the Florida Department of Economic Opportunity and now falls under the Florida Department of Commerce. This shift has emphasized local control, with the Ordinance being the primary area where such control can be exercised. When reviewing site plans and related matters before the Board, it was essential to determine whether they were consistent with the Planning and Zoning District regulations. What was proposed was that the County maintain building height limitations in the LDRs as per the respective zoning district regulations. Each zoning district would have defined height limitations and setbacks in place to preserve the County's low-density neighborhood character and protect low-intensity commercial areas and nodes. The County may adopt provisions or incentives that support this policy. Maintaining the limitations on residential structures to 35 feet and commercial buildings to a maximum of 50 feet, with a possible architectural allowance of an additional 15 feet, was a decision that rested with the Board and the community.

Administrator Titkanich proposed that a policy statement be submitted regarding

maintaining building heights, reflecting the suggested revisions, “to preserve the County's low-density neighborhood character and protect low-density commercial areas and nodes. Residential structures shall be limited to a maximum height of 35 feet, while non-residential and mixed-use structures shall be limited to a maximum height of 50 feet. For all structures, architectural embellishments may exceed the maximum height limitation by no more than 15 feet”. This policy would integrate the existing height regulations, clearly stating that the County aimed to uphold building height limitations in line with the LDRs and Zoning District Regulations, thereby preserving the local character. According to this statement, residential structures would be capped at a maximum height of 35 feet, while non-residential and mixed-use buildings could reach up to 50 feet.

****Future Land Use Element - Proposed Policy 4.1****

Land Use District

Administrator Titkanich discussed the Land Use District. He emphasized that urban development should be concentrated to discourage urban sprawl. Although the consultants noted that this idea was redundant and referenced in other sections, staff believed that retaining the policy was appropriate and aligned with the expressed desires of residents who participated in the workshops and the online survey. Therefore, it was recommended to keep the policy as written, without any deletions.

****Future Land Use Element - Proposed Policy 4.8****

Reviewing Amendments to the Future Land Use Element

Administrator John Titkanich discussed Policy 4.8, which states that when reviewing amendments to the Future Land Use Element, the County shall consider the impact of proposed amendments on job-housing balance, as well as North Central County and South County, among others. Staff proposed to delete this policy for now. The Economic Development Element would need to be updated further once the Economic Development Strategic Action Plan was in place. If the new language from this strategic plan included policy recommendations, staff would incorporate those when the Economic Development Action Plan was updated. It was important to ensure that any revisions align with what currently exists. This amendment will be presented to the entire community and the Board for review.

Commissioner Adams emphasized that the intention of the Economic Development Study had always been to make revisions that enhance the Economic Development Element and align it with the current economy and conditions in the County. She noted

that while the previous study was well-conceived at the time, it was somewhat superficial due to the lack of programs in place. She agreed that the current language in the study adequately addressed these concerns.

****Future Land Use Element - Proposed Policy 6.9****

The proposal sought to eliminate the "2011 deadline" by which the County must adopt Development Regulations.

Administrator John Titkanich discussed Policy 6.9, which previously included a specific date by which the County should adopt regulations related to compatible industrial uses in agricultural areas. The recommendation was to adopt the proposed policy. Following the adoption of the EAR, staff planned to evaluate and propose strategies that support the preservation of agricultural lands as a key policy within the existing Comprehensive Plan. This would also include exploring opportunities to create agricultural-industrial corridors west of I-95, near Oslo Road and State Road 60, to prevent residential encroachment on agricultural lands. The goal was to promote flexibility in agricultural land use, encourage the retention of agricultural lands, and recognize the compatibility of certain agricultural and industrial uses.

****Future Land Use Element - Proposed Policy 13.3****

Proposed to eliminate "2018" and revise the policy to delete, "develop criteria for annexation decisions, and execute interlocal agreements with the County to formalize these criteria."

Administrator John Titkanich mentioned that the staff recommended adopting the revised policy, which encourages the consideration of Interlocal Service Boundary Agreements and Joint Planning Agreements. Furthermore, he noted that Chapter 171, Part One, of the Florida Statutes sets forth the requirements and procedures for municipal annexation and contraction.

****Future Land Use Element - Proposed Objective 18****

Revised to remove the corresponding policies that called for the County to "adopt LDRs and establish the Traditional Neighborhood Design (TND) Zoning District."

Administrator John Titkanich stated that several issues have been brought to his attention. The revisions aimed to remove the corresponding policies that prompted the County to adopt LDRs establishing the TND zoning district. The TND regulations and

criteria were adopted as Section 915.21 in Ordinance 2012-029 of the Indian River County Code. The groundwork was laid in 2008, and it was finalized in 2012. Therefore, staff recommended that the County revise the directive to state that the County shall maintain and update the TND regulations as appropriate. By 2045, 5% of new residential dwelling units in unincorporated Indian River County should be part of TND projects.

Commissioner Adams received confirmation that the information presented was defined in the existing LDRs. Administrator Titkanich stated that every word in the Plan has been carried forward and was codified in the LDRs.

During the discussion, Commissioner Moss expressed concern about the removal of large paragraphs from the Plan and suggested that a definition be added to clarify the content. Administrator Titkanich emphasized that each zoning or Future Land Use Designation typically included a definition. Commissioner Adams proposed that including the definition of a TND from the relevant section of the LDRs could alleviate some concerns. Administrator Titkanich agreed to add that definition.

****Sanitary Sewer Sub-Element Proposed Policy 1.1****

County Administrator Titkanich discussed the proposed Policy 1.1 regarding new developments within the unincorporated portion of the County. It was suggested to strike specific wording related to Municipalities, emphasizing that approvals would only be granted when the capacity for the sanitary sewer was needed, either on-site or off-site. The recommendation was to keep the policy as is, removing the reference to Municipalities but retaining the focus on the unincorporated portion.

To clarify the policy further, He recommended adding two notes:

Note 1: The County and the City of Sebastian adopted an Interlocal Agreement (ILA) on September 20, 1995, which provided for the transfer of the City of Sebastian's Water and Wastewater System. The County acknowledged that it would provide Sanitary Sewer Services within the corporate limits of the City of Sebastian, in accordance with the provisions outlined in the ILA. This ensured clarity regarding the County's commitment to providing sanitary sewer and water services in that area.

Note 2: The City of Fellsmere currently operated its own sanitary sewer collection system, while the County treated Fellsmere's wastewater effluent through an agreement. This agreement could be amended by mutual consent of both the County and the City, allowing flexibility should the City of Fellsmere wish to revisit and

expand the agreement in the future. It also recognized the current conditions while allowing for potential developments.

****Sanitary Sewer Sub-Element Objective 2****

County Administrator Titkanich stated that Objective 2 has been revised with an updated time frame, changing from 2025 to 2045. The new long-range goal was to ensure that 60% of all users were connected to the County's Sanitary Sewer System. This was a shift from the previous expectation that at least 60% of users would be connected.

He highlighted that the 2030 mandate required connections to the sanitary sewer system when available or the replacement of conventional septic systems with Enhanced Nutrient-Reducing on-site treatment and disposal systems. He stated that the County acknowledged that achieving the 60% goal may be challenging, but it remained important to have this goal in place.

Administrator Titkanich noted that the estimated public investment could range from \$500 million to \$1 billion, with an additional \$500 million in private investment. This funding would be used to collectively expand plant capacity, build a new plant, and extend sanitary lines.

Commissioner Moss raised a question about the implications of a target for 2045, especially considering the existing 2030 mandate from Tallahassee. Administrator Titkanich emphasized the importance of a strategic approach to meet the 2030 goals while also aiming for a long-term target of 60% by 2045. Commissioner Moss acknowledged that the 60% goal was more realistic than current requirements and suggested recognizing the unfunded mandate from Tallahassee in the Plan. Administrator Titkanich outlined specific policies aimed at improving water quality and regulating septic systems, highlighting ongoing efforts to support the goals being discussed. Administrator Titkanich recommended retaining the revised policy, establishing a long-range goal of at least 60% by 2045, and ensuring that the mandates were addressed.

Administrator Titkanich emphasized the importance of addressing a key point concerning the Sanitary Sewer and Potable Water Elements before moving on to the Potable Water Sub-Element. He highlighted the significance of reuse and alternative water supply strategies, particularly in relation to discussions surrounding Nanofiltration, which has seen successful implementation. This technology served as a crucial stepping stone toward a more integrated approach to water management,

often referred to as "One Water" or "Toilet to Tap." He pointed out that the references to "reuse" in the Plan mainly focus on using reclaimed water for irrigation and industrial purposes, rather than drinking water. Administrator Titkanich made it clear that when mentioning alternative water supplies, he was referring to various options, such as surface water reservoirs and other methods to reduce the dependence on potable water. He also clarified that the Plan, particularly concerning the Sanitary Sewer and Potable Water Elements, does not currently endorse a move toward the "One Water" model. While these concepts may warrant further consideration in the future, they were not immediate priorities for the current planning cycle.

****Potable Water Sub-Element Proposed Policy 4.8****

Administrator Titkanich stated that the proposed Policy 4.8 revises a requirement for all new subdivisions and projects with 25 or more lots. It encouraged developers within a quarter mile of an effluent reuse line to contact utility services to discuss the feasibility and parameters for constructing an effluent reuse line. In essence, if a project was within a quarter mile of an effluent reuse line or a reclaimed water line, they need to consider the possibility of connecting to that line. This would help reduce the use of potable water for purposes such as watering lawns or for other commercial or industrial activities that could utilize reuse water.

Administrator Titkanich responded to Commissioner Earman, explaining that contacting Utilities was not required because there may be specific parameters or environmental factors that could affect the appropriateness of the project. It was noted that the intention was to at least evaluate the feasibility of constructing the reuse line.

Department of Utility Services Director Sean Lieske emphasized the importance of ensuring a sufficient reclaimed water supply for the community. He stated that they do not want to mandate connections when there was not enough supply available. This approach was part of a system of checks and balances to guarantee that adequate resources were in place should the community meet the necessary requirements.

****Potable Water Sub-Element Proposed Objective 9****

Administrator Titkanich noted that Objective 9 was proposed along with the corresponding Policies 9.1, 9.2, and 9.3. The Objective stated that by 2015, all reverse osmosis water treatment plants discharging brine directly into the Indian River Lagoon would be eliminated. It was proposed to revise this to indicate that the

County shall eliminate brine discharge from the Nanofiltration water treatment process. Additionally, all subsequent policies regarding the various locations in the south and north, as well as the reverse osmosis plants, have been accomplished.

Mr. Leiske stated that the County received a Consent Decree in the early 2000s requiring them to eliminate the direct discharge from their Nanofiltration or Reverse Osmosis (RO) system. They have since started using the RO and Nanofiltration processes, but previously, brine disposal was made directly into either lagoons or canals. By implementing the Spoonbill Marsh project and creating Osprey Acres, the County effectively eliminated that direct discharge. Therefore, it was recommended that this requirement be removed altogether.

****Natural Groundwater Sub-Element Proposed Policy 2.5****

Administrator Titkanich indicated that Policy 2.5 was proposed to be revised as outlined. This policy could be found on page 296 of the agenda packet. The proposed policy for the Natural Groundwater Element stated that the County would promote the use of wet detention and retention ponds for irrigation to maximize the beneficial use of stormwater runoff. He stated that a common concern was raised, prompting the Planning staff to make several adjustments. The County required that all wet detention and retention ponds, where practical and feasible, be utilized for irrigation to take advantage of stormwater runoff. It was noted that ensuring every wet retention pond was available for irrigation when stormwater was collected was essential. He noted that these discussions highlighted that some ponds might have become too low and could have been impractical for this purpose. As a result, it was decided to specify that the requirement would apply only where it was both practical and feasible. This suggestion underscored an important consideration regarding what constituted practical and feasible. In conclusion, this policy aimed to limit the use of consumptive water for irrigating grass.

****Natural Groundwater Sub-Element Proposed Policy 2.6****

Administrator Titkanich proposed deleting Policy 2.6, which required the County to contact the U.S. Geological Survey by 2011 to obtain an updated countywide Geo-Hydrologic Survey. This proposal aligned with Conservation Policy 3.8, which mandates a similar requirement, although it was phrased differently. Staff noted that the policy was not particularly relevant, as the St. Johns River Water Management District (SJRWMD) had a core mission centered on water supply and water quality. This agency was responsible for managing, evaluating, and monitoring water supply, and for issuing consumptive-use permits for potable water. He noted that Indian River

County staff met with representatives from the SJRWMD on two occasions and that the SJRWMD would not fund or undertake the update of the Geo-Hydrologic Survey.

Commissioner Moss emphasized the importance of updating the 1988 Hydrologic Study conducted by the United States Geological Survey (USGS), highlighting concerns about saltwater intrusion into aquifers due to increased water pumping and unmonitored leaks from wells. She noted that an updated study would clarify issues related to groundwater waste and rising salinity, which impacts water treatment costs. Chairman Flescher and Mr. Leiske discussed the County's transition from Reverse Osmosis to Nano-filtration and the need for monitoring saltwater intrusion. Commissioner Moss argued that updating the study was not prohibitively expensive and would aid in conservation efforts, while acknowledging that the Indian River County Soil and Water Conservation District has the authority to pursue this initiative. Commissioner Adams pointed out that this topic had been discussed multiple times and supported staff's recommendation to delete Policy 2.6. Commissioner Earman mentioned past cost estimates of around \$400,000, reporting that the SJRWMD showed no interest in funding the project. He agreed with Commissioner Adams and also supported staff's recommendation.

****Stormwater Sub-Element Proposed Policy 7.9****

Administrator Titkanich proposed revisions and updates to Policy 7.9. Staff recommended to adopt the revised policy with the deletion of, "Indian River County Property Appraiser shall provide this material to all Agricultural Exempt properties at the time of application or renewal".

****Conservation Element Proposed Policy 5.5****

Administrator Titkanich proposed revisions stating that the County would continue to accept fee-in-lieu payments as a last alternative for the mitigation of wetland alterations when on-site mitigation was not practicable. This acceptance was allowed only when it was consistent with the state's uniform mitigation assessment method and applicable only in cases where the affected wetland was small. Specifically, this applied to wetlands that were less than 0.5 acres in size and were isolated. The previous policy referred to "isolated, disturbed wetlands with minimal functional value." Funds obtained from fee-in-lieu payments were earmarked for the acquisition, restoration, or management of similar wetlands within the County. Staff comments indicated that while the policy change had been acknowledged, there were concerns

about the potential for cumulative impacts. There was fear that larger wetlands could be incrementally depleted, with alterations permitted each time a small portion was approved. However, the revised policy clarified that the affected wetland had to be less than half an acre and had to meet other qualifying criteria, such as it had to be isolated, disturbed, and possess minimal functional value. This ensured that the policy did not allow for the systematic reduction of a larger wetland, such as a 100-acre site, through multiple small alterations. The language of the revised policy aligned with the state's uniform mitigation assessment method.

****Conservation Element Proposed Policy 6.4****

Administrator Titkanich proposed revisions to remove the factors that should have been considered when assessing and prioritizing land acquisition proposals. A thorough and deliberate process was followed with the Environmental Lands Acquisition Panel (ELAP), with input from Conservation staff and Parks and Recreation. The Panel reviewed all factors related to the evaluation and prioritization of land for acquisition through the bond referendum. The ELAP guide underwent a thorough discussion within the ELAP and received comprehensive input. Following this comprehensive review, the guide was presented to the Board, which approved it at its regular meeting on December 12, 2023. It was important to note that these factors already existed in the Plan. The requested objectives had been achieved and were included in a policy or program guide that would have necessitated changes by the Board.

The Chairman called for a recess at 11:15 a.m. and reconvened at 11:35 a.m. with all members present.

Chairman Flescher resumed the meeting and stated that updates and discussions had been received regarding various public inquiries. He emphasized the importance of reviewing each element to ensure everything was covered, highlighting that the document would be submitted to Tallahassee for review, and he wanted to get it right the first time. He then turned the discussion over to staff. Chairman Flescher noted that if any member of the public or any Commissioner had questions, they would address them at that time for a more direct discussion.

County Administrator Titkanich confirmed that everything presented, as well as any suggestions brought forward by the public, would be taken into consideration. If a member of the public proposed a change, such as agreeing to something or suggesting that certain items be retained rather than delete them, staff would incorporate those

changes before submitting them to Tallahassee.

.

The Chairman opened the floor for public comment. The following people addressed the Board.

Future Land Use Element

Mike Johanson expressed confusion regarding how the County defined Traditional Neighborhood Design (TND) and inquired about its location in the Plan.

Commissioner Adams clarified that the definition was included in the Land Development Regulations (LDRs). She noted that the Board had agreed to include a clear definition in Section 18.1. This revision would reintroduce the necessary information. Mr. Johanson thanked the Board for resolving the issue he had with height limitations.

■

Richard Bialosky noted the effectiveness of section 18.1 in the LDRs but acknowledged concerns about the restrictive 5% requirement for 2045.

■

Heather Wasell advocated for refining the regulations and highlighted the importance of public engagement to ensure community transparency and inclusion in any potential development.

■

Donna Keys initiated a discussion centered on the importance of maintaining specific policies in the Comprehensive Plan (Plan), particularly height restrictions, to support future legal challenges and ensure consistent development guidelines. Ms. Keys emphasized that removing these standards could weaken the legal justification for LDRs. Commissioner Adams noted challenges in submitting the Plan to Tallahassee, highlighting a decline in thorough reviews since the transition from the Department of Community Affairs to the Department of Economic Opportunity. Both agreed on the significance of the Plan's relationship to LDRs, as it outlined community goals while LDRs provide rules for implementation. Administrator Titkanich clarified that while some standards were revised, the overall policy was not being deleted. He also noted that the removal of previous administrative rules related to comprehensive planning led to a lack of guiding documents since 2011. Ms. Keys concluded by stressing the importance of getting the final wording right before submitting the Plan to Tallahassee.

■

Fellsmere City Attorney Warren Dill discussed land use changes, emphasizing the importance of the City Plan over LDRs and proposed amendments to the Sanitary Sewer Element of the Plan. He raised concerns about language changes that could restrict development capacity in Fellsmere, stressing the need to ensure sufficient sewer capacity for new developments and suggesting revisions to include Fellsmere in the existing definitions.

County Attorney Jennifer Shuler acknowledged Mr. Dill's concerns, noting existing Interlocal Agreements for sewage management, but cautioned against committing to broader agreements without careful consideration. Administrator Titkanich supported this caution, highlighting the need for compliance with the 2030 environmental mandates and suggesting that Fellsmere establish its own commitments for sewer service.

Deputy County Attorney Susan Prado proposed adding language to address potential growth limitations, advocating for collaboration with the new City Administration.

Utilities Director Sean Leiske discussed the Integrated Water Master Plan, focusing on ensuring water and sewer capacity align with community growth over the next 20 to 30 years. The discussion highlighted the complexities of coordinating sewer services and managing growth between Fellsmere and surrounding municipalities.

Administrator Titkanich clarified that the Plan pertained only to the unincorporated area of the County, and addressed concerns about formalizing policies on septic systems and water management, suggesting potential mutual amendments for future development. Chairman Flescher highlighted hesitations around development plans due to perceived utility resource limitations and emphasized the need for infrastructure investment during annexation. Administrator Titkanich noted the City of Fellsmere's plan would guide its growth but expressed concerns about accountability for capacity and the restrictive nature of specific phrasing regarding infrastructure costs. Commissioner Adams advocated for clarity in agreements with Sebastian and Fellsmere, proposing to replace "notes" with "acknowledgement". Administrator Titkanich offered to adjust the language for better coherence.

■

Fellsmere City Manager Armando Martinez shared his enthusiasm after just five days in his new position. He reflected on a productive discussion with the County Administrator that cleared up around 90% of the ongoing issues. Looking forward, Mr. Martinez stressed his commitment to fostering a strong partnership between the City and the County, leveraging his successful history of collaboration with County officials. He also recognized Commissioner Adams for her valuable input and support in tackling the matters at hand.

■

Yenkatesh Yerramsetty represented a group of 400 individuals (Group) advocating for the development of a 7,000-acre property west of I-95, primarily for residential purposes. Many members of the group were semi-retired Software Engineers who

have been considering a move to Vero Beach for years. They expressed concerns about urban sprawl, land-use restrictions, and the challenges related to affordable housing, feeling that the County was not providing adequate support for development, particularly given the area's designation as an opportunity zone.

Administrator Titkanich inquired about specific policies related to the proposed amendments to the Future Land Use Map. Mr. Yerramsetty clarified his ownership of an AG-2 zoned agricultural property, which was limited to one residential unit, arguing that the County was restricting growth potential in a prime area.

Commissioner Earman referenced his earlier communications with the Group's Attorney concerning concerns raised by property owners about the proposed amendments to the 2025 plan, which aimed to establish a "New Town" development framework. The Group was opposed to the amendments, believing they significantly deviated from the existing Land Use Policies. Commissioner Earman confirmed that there have been no changes or discussions regarding zoning for the property, which remained designated for agricultural use. He also noted that no changes were expected until they were deemed appropriate.

Administrator Titkanich added that Senate Bill 180 prevents the County from implementing more restrictive Comprehensive Plan amendments until 2027, which protects the group's existing rights. Mr. Yerramsetty stressed the need for the County to embrace a pro-development approach, as many local voices support this vision. Commissioner Earman also referenced the opposition from the St. John's Improvement District to the "New Town" policy, noting that this policy had been in place since 2008 and did not impact the rights of existing landowners, while still allowing for development within planned development frameworks.

■
Kelly Jackson emphasized the importance of local voices in decision-making processes, believing that genuine community engagement was crucial for fostering a healthier and more sustainable environment.

■
Lisa Snycerski recognized the need for economic development, urging a more thoughtful approach that considers local wildlife and habitats. She concluded by expressing her discontent with the direction her community was headed in.

■
Gerry-Ana Jones from the Gopher Tortoise Alliance appreciated the review of the Plan, emphasizing the need to address both the Plan and outdated LDRs for streamlined public input. She raised concerns about Exemption 927.06 in the LDR and requested a discussion about adjustments after the plan was completed. Administrator Titkanich noted the Plan typically takes about 75 days for feedback and 180 days for final responses, after which the Board would focus on

implementation and updating the LDRs to meet new requirements.

■

Vice Mayor Fred Jones of the City of Sebastian expressed support for proposed amendments to the Sanitary Sewer Sub-element, which focused on the unincorporated areas of the County rather than municipalities. The City also backed language that affirmed the County's commitment to a 1995 Interlocal Agreement ensuring sanitary sewer services to Sebastian. The City appreciated the efforts of County staff in crafting this language, which addressed concerns that previous proposals might have had an adverse impact on the City of Sebastian.

The Chairman called for a recess at 1:20 pm and reconvened at 1:29 pm with all members present.

Potable Water Sub-element.

There was no comment on the Potable Water Sub-element.

Solid Waste Sub-element

Commissioner Moss raised a concern regarding Policy 4.2, noting that the Solid Waste Disposal District (SWDD) was supposed to evaluate the need and level of service required at the Customer Convenience Centers. However, the policy had been marked as completed. She expressed uncertainty about whether it should have been considered complete, particularly given the shift toward Universal Collection. She questioned whether there would be a chance to revisit it.

Chairman Flescher responded that an assessment and evaluation had been conducted, which is why it was marked as completed. He explained that a series of evaluations regarding the Convenience Centers were reviewed. Six years prior, there had been discussions about eliminating two out of the five centers, but ultimately, the centers remained unchanged. He agreed that with the universal application, their usage would be monitored. However, he firmly believed that the assessment was complete and that changes had been implemented effectively for the Convenience Centers.

Utilities Director Sean Leiske noted that it was agreed not to consider the Convenience Centers at this time. Still, this decision does not rule out revisiting the issue in the future. In response to Commissioner Moss's viewpoint, he suggested that the second sentence could be retained, indicating that the Board would continue to evaluate the need for a certain level of service. Mr. Leiske believed the goal should be achieved by 2030, approximately halfway through the contract. Chairman Flescher agreed.

Mr. Sweeney stated that he would make the necessary edits and transmit the information. He received confirmation regarding the changes being made: the policy would remain completely intact except for the year. However, the first provision was to be struck, and the focus would shift directly to the second provision. The revised text would state that "the SWDD shall evaluate the need and level of service required from the Customer Convenience Center".

Natural Ground Water Sub-element

Richard Baker from the Pelican Island Audubon Society emphasized the critical connection between drinking water and groundwater, noting that 65% of the County's drinking water was used for lawns, increasing to 88% in summer due to shallow-rooted sod. He advocated replacing sod with native ground covers that require less water and warned of a potential drinking water crisis. Mr. Baker suggested using reclaimed water and reducing sod regulations coverage from 50% to 15% of the landscape area to promote native plant growth, essential for local wildlife. He also emphasized the importance of planting native trees rather than palm trees to enhance ecological benefits. He urged that these ideas be incorporated into the Plan, prioritizing trees and water for the community's future.

In response to Mr. Baker's comments, Commissioner Moss referenced Policy 3.3, which required new developments to incorporate at least 50% water-conserving materials. She noted a change from the term "Xeriscape" to "Florida Native Plantings" in the Landscape Ordinance and sought clarification on the meaning of this update. Commissioner Adams responded that both terms refer to the same concept of using native plants for low water consumption.

Stormwater Sub-Element

Chip Landers sought information regarding Stormwater Policy 1.2, specifically about the figures '6' and '18' inches above flood level that had been removed. He asked whether he would still receive a discount on flood insurance for building above certain levels.

Mr. Sweeney responded that the Freeboard requirements would be included in the LDRs, as indicated in the opening sentence, which states "any required appropriate Freeboard protection". He emphasized the importance of avoiding specific freeboard requirements in the plan. Currently, for example, Zone AE mandates a minimum freeboard of 6 feet, whereas Zone A requires a freeboard of 18 feet above the road's crown. This approach enables a more flexible policy that accommodates a range of

sources.

Mr. Landers then asked if this was acceptable to the organizations that establish credits for flood insurance, expressing concern that this would become a significant factor.

Public Works Director Addie Javed stated that his department reviewed base flood elevation requirements, with a specific focus on the 100-year flood elevation standards for new developments. Additionally, for existing developments, staff worked to tighten floodplain regulations in response to ongoing concerns about flooding. Staff members plan to present amendments to LDRs in the coming months. Staff were collaborating with a consultant and Federal Emergency Management Agency (FEMA) representatives to assess existing policies and regulations. The goal was to propose updated measures to the Board for final approval, including necessary Freeboard protection to safeguard residents better. This initiative aimed to enhance participation in the National Flood Insurance Program, offering residents potential benefits for flood insurance coverage.

■

Tim Glover, President of Friends of the St. Sebastian River, stated that in reviewing Policy 2.4, he believed that the policy was not clearly written and appeared to reference an outdated Florida statute concerning stormwater management. The updated statute, 373.4131, was approved in June 2024 and was outlined in the Environmental Resource Permit Applicants Handbook, Volume 1, Section 8, which became effective on June 28, 2024. He stated that it appeared that the County's LDRs referenced an outdated Statute. Therefore, he believed that a review of these documents was necessary.

■

Commissioner Moss questioned policy 3.4, which related to the establishment of a Stormwater Utility (Utility) intended to fund maintenance and improvements. She noted that the timeline for consideration had been pushed from 2012 to 2030 and expressed concern, as the policy had not been discussed since she became Commissioner in 2020.

Administrator Titkanich explained that the County was in the process of developing a Stormwater Master Plan. This plan included the identification of a Stormwater Utility as a potential funding source for improvements, although it did not require the immediate establishment of such a Utility. He emphasized that changes could impact the timing of decisions in Property Tax legislation and the County's revenue sources.

Natural Resources Director Kylie Yanchula added that the necessity of establishing a utility would also depend on regulatory requirements related to the Basin Management

Action Plan (BMAP).

Transportation Sub-element

Commissioner Moss addressed the issue of removing the Traffic Impact Study requirements, suggesting a shift to relying on the County Code. She emphasized the necessity of traffic impact studies, noting that traffic remained a recurrent concern evident not only in daily experiences and correspondence but also in past studies. For instance, the Urban Service Boundary (USB) study identified traffic as a significant problem, revealing excessive congestion. She argued against relinquishing the requirement for traffic impact studies in favor of the County Code, particularly given the community's ongoing concerns regarding traffic.

Chief of Long-Range Planning Patrick Murphy responded that the Policy currently under consideration would still require Traffic Impact Studies. However, it referred back to Chapter 952 of the Transportation Sub-element, which outlined specific parameters that the study must follow. The existing language in the policy is somewhat outdated, as it was based on an older approach to evaluating studies. Staff now have a new method for assessing additional intersections and understanding how traffic dispersed throughout the network, as detailed in Chapter 952, which the policy being amended would reference.

Commissioner Adams stated that this approach aligned more with what Commissioner Moss sought regarding the expansion of traffic studies and the areas being examined.

Economic Development Sub-element

Administrator Titkanich informed the Board that updates to the Economic Development Strategic Action Plan would be reviewed individually to ensure alignment with the Comprehensive Plan. He noted that outdated language from 2007-2008 was being removed and emphasized the importance of infill development, referencing Policy 1.2. He suggested that retaining this policy could benefit community confidence and stated it would be incorporated into the Economic Development Element based on public feedback.

Commissioner Moss raised concerns about Policy 2.2, which had its mention of all residentially designated land within the Urban Services Boundary (USB) removed. She argued for retaining this statement for clarity on accommodating population growth. Administrator Titkanich explained that the development community often looks to the Future Land Use Element for guidance. Commissioner Adams expressed

confusion about why only part of Policy 2.2 should be kept.

After discussion, it was confirmed that Policy 2.2 would retain the statement regarding residential land within the USB. Commissioner Moss clarified that she intended to ensure expectations for population growth within the existing USB were clear. Mr. Sweeney proposed establishing a separate policy acknowledging the USB study's findings, which the Board agreed to formalize.

Capital Improvement Sub-element

There was no discussion on the Capital Improvement Sub-element.

Conservation Lands Sub-Element

Commissioner Moss commented on Objective 5, quoting, "There will be no net loss of the natural functions and values of wetlands or deep-water habitats in Indian River County." She noted that the phrase "to the greatest extent possible" had been added, which she found to be unnecessary. She believed that this hedging undermined commitment; it should either adhere to the Objective or not. She expressed a preference for the original wording.

Commissioner Adams expressed that she does not necessarily disagree; she questioned whether committing to a strict no-net-loss policy would provide enough flexibility to adapt in the event of unforeseen circumstances, noting that such a finite statement might limit their ability to maneuver.

Administrator Titkanich suggested using language that has previously worked, specifically, the language "practical and feasible". In other words, a study would be conducted to demonstrate that the approach taken was indeed practical and feasible. This aligned with the phrase used earlier, "to the greatest extent possible," while offering clearer guidelines.

Ms. Yanchula stated that part of the reason this was worded in such a manner was that it allowed for mitigation. The process of mitigation banking could have resulted in potential changes to the value of the wetlands. Additionally, natural changes may occur in wetlands that could affect their functional value.

■

Chip Landers raised concerns about the County's efforts to find a relocation site for displaced Gopher Tortoises, noting that no site had been established yet. He highlighted that relocating tortoises was expensive, costing between \$8,000 - \$10,000 per Tortoise.

In response, Parks, Recreation, and Conservation Director Beth Powell acknowledged the challenges in creating suitable relocation sites. She mentioned that Indian River County had successfully relocated about 80 Tortoises from the Lost Tree development without needing a recipient site. The County faced limitations due to existing Tortoise occupancy in current conservation areas, although many sites were in good condition for such efforts. Ms. Powell indicated that the County was exploring new acquisitions and strengthening Conservation Easement Agreements to facilitate future relocations. She noted that the goal was to develop strategies for potential recipient sites and that they could set parameters in line with the Florida Fish and Wildlife Conservation Commission (FWC) guidelines. Although the County held a Gopher Tortoise permit, the overall financial implications remained significant, and efforts to acquire additional land were ongoing.

Coastal Management Sub-Element

Commissioner Earman inquired about the status of the Manatee Protection Plan, emphasizing the need to establish it in the relevant document. Ms. Yanchula responded that the County had a manatee protection plan in place, but it required an update due to its outdated 2006 version. Ongoing consultations with the FWC were focusing on potential updates and necessary addenda. The FWC planned to vote on speed zone changes related to the Manatee Protection Plan in February 2026. An initial meeting was scheduled for September 23, 2025, to kick off the speed zone process.

Commissioner Moss addressed Policy 7.8 regarding the Derelict Vessel Ordinance, which involved establishing procedures to remove marine debris. She suggested that the existing Ordinance should be referenced in the plan, explicitly mentioning the issue of abandoned boats in the Indian River Lagoon. She clarified that while she wanted to keep the current text intact, she believed it necessary to reference the Derelict Vessel Ordinance in the Plan. Administrator Titkanich commented that staff would add “the County shall maintain procedures”. Specifically, these procedures should align with the local mitigation strategy to address the removal of marine debris, including abandoned boats in the Indian River Lagoon.

Commissioner Moss discussed Objective 9, which focused on minimizing adverse impacts to the historic integrity of roads, sites, or structures that were significant in Indian River County. Commissioner Moss highlighted the Jungle Trail as a prime example. Administrator Titkanich emphasized that the objective applied to all historically significant roads, sites, and structures. Ms. Yanchula suggested that staff reference the Jungle Trail Management Plan in Policy 9.6, ensuring it aligned with the

management of other recognized historic roads in the area.

Commissioner Moss addressed Objective 12, which pertained to Anchoring Limitation Areas (ALA) and their relation to boating safety and law enforcement. She noted that while some paragraphs were crossed out in the document, it was important to acknowledge past efforts in these areas and suggested that there might be a way to include this information. Ms. Yanchula stated staff could add the "ALA Ordinance established for municipalities in connection to Objective 12".

Commissioner Moss then discussed Objective 6, which pertained to hurricane evacuation. It stated that through 2040, Indian River County aimed to maintain an estimated evacuation time of 12 hours or less for a Category 3 Hurricane. Notably, this timing has remained unchanged since 2008. Commissioner Moss expressed concerns about whether this timeframe was still adequate, considering the population growth and development observed since then. Administrator Titkanich noted that improvements to evacuation routes, such as widening County road 510 and 512, could enhance evacuation times, especially for residents on the northern Barrier Islands. Commissioner Earman added that while evacuating the entire County within 12 hours may be unrealistic, it was achievable to move people off the Barrier Islands in that timeframe.

Recreation and Open Space Sub-element

Commissioner Moss raised concerns about Policy 1.1, which previously set a standard of 6.614 acres of recreational space per thousand residents. She questioned why the County was adopting a lower national standard of 3.13 acres per 1,000 population, particularly given the County's emphasis on open and recreational space.

Ms. Powell clarified that the proposed new standard was actually four acres per 1,000 residents, which was higher than the National Recreation and Park Association's (NRPA) standard. She explained that the previous calculations had included a weighted seasonal population, which was difficult to ascertain. By focusing solely on permanent residents in the unincorporated area, she indicated that the revised standard would be more straightforward and of equal value.

Mr. Sweeney supported this by confirming that the updated policy would insert the new standard of four acres for every 1,000 permanent residents, aligning the County's goals with a more manageable metric.

Intergovernmental Coordination Sub-element

Administrator Titkanich confirmed that the comment made earlier in the meeting regarding the City of Fellsmere was relevant. He referred to Policy 2.7. The policy stated that the County shall coordinate with local municipalities to evaluate the financial and operational viability of consolidating or revising existing Utility Service Areas. The findings from this assessment would be presented to the Board for consideration. As part of this process, the County will also review its Interlocal Agreements regarding the provision of utility services. He believed this addressed some of the concerns that were raised that the Board was willing to meet.

Public School Facilities Sub-element

There was no discussion on the Public School Facilities Sub-element.

Property Rights Sub-element

Mr. Sweeney explained that Policy 1.3, which was crossed out, was adopted in an earlier year but somehow didn't make it into the Plan. He noticed that this detail had been overlooked and left out. The policy had received approval as written; it was simply omitted and was being reinstated in the Plan.

Final Comments

Administrator Titkanich reminded the Board that, with the proposed changes, this document would serve as the transmittal. He stated that if anything had been missed, the review process would continue when the actual adoption returned. He expressed confidence that if errors were identified, they would be brought to his attention and addressed accordingly. He believed that with the Planning staff, his oversight, and all the notes taken, along with collaboration from the County Attorney's Office and the Subject Matter Experts who had been present at various times regarding their areas, everything would be done correctly.

A discussion ensued between the Board and staff regarding whether the final document could be presented to the Board at a future meeting before submission.

Deputy County Attorney Susan Prado stated that the Board was bound by Florida Statute Subsection 163.3184, which clearly specified that each local governing body proposing a plan or plan amendment mentioned in paragraph 2C was required to transmit the complete proposed Comprehensive Plan or Plan Amendments to the reviewing agencies within 10 working days after the first public hearing. Therefore, unless the Board decided to continue the public hearing, the proposal must be transmitted within 10 days from this meeting.

Chairman Flescher recognized the tight schedule the Board was facing, noting that they were in a difficult position unless a further extension of the public hearing was granted. The proposed changes had been thoroughly reviewed, and there was confirmation that the staff had listened to the concerns and made the necessary adjustments.

It was the consensus of the Board not to extend the public hearing.

The Chairman closed the public hearing.

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to direct staff to transmit the County's Comprehensive Plan Evaluation and Appraisal Report based amendments as described and incorporated to the Florida Department of Commerce for its review. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

B. PUBLIC NOTICE ITEMS

- 11.B.1.** Public Notice of a Public Hearing for September 23, 2025, to Consider an Ordinance amending Chapter 400 of the Indian River County Code entitled: Chapter 400. Regulation of Contractors.

Recommended Action: N/A

Read into the record by County Attorney Jennifer Shuler

12. COUNTY ADMINISTRATOR MATTERS

13. DEPARTMENTAL MATTERS

A. Building and Facilities Services

B. Community Services

C. Emergency Services

D. Human Resources

E. Information Technology

F. Natural Resources

G. Office of Management and Budget

H. Parks, Recreation, and Conservation**I. Planning and Development Services****J. Public Works****K. Sandridge Golf Club****L. Utilities Services****13.L.1. Modification of Descriptions and Footnotes to Indian River County Department of Utility Services (IRCDUS) Rate Schedule**

Recommended Action: Staff recommends that the Board of County Commissioners (BCC) approve the resolution to modify the descriptions and foot notes of the Indian River County Department of Utility Services - Rates, Fees, and Charges Schedule as presented in Exhibit A for fiscal year 2025/2026, effective October 1, 2025.

Utility Services Finance Manager Brian Beavers presented a Resolution to modify the rate structure scheduled for October 21, 2025. The adjustments involved some changes to footnotes and line descriptions.

He provided a brief history stating that a rate increase for utilities had been approved by the Board approximately a year ago. He noted that from 1999 to 2019, utility rates remained unchanged, resulting in the lowest rates on the Treasure Coast. Minor adjustments were made between 2020 and 2024, resulting in a cumulative increase of 12% over the 5-year period. In contrast, the national average for water and wastewater utility rates rose by 210% during the same period. The Board implemented the rate increase in two steps: Step 1, effective January 1, 2025, raised the average bill from \$50.67 to \$60.44, a \$9.77 increase. Step 2, scheduled for October 1, 2025, would raise the average bill from \$60.44 to \$67.70, a \$7.26 increase.

Mr. Beavers noted that this served as a reminder that the rate increase would take effect on October 1, 2025. Following the second increase, the utility continued to offer the lowest rates. This rate adjustment was a significant step toward addressing the previous lag and making the rates more competitive. He described the requested changes. First, the descriptions for the water and sewer volumetric charges needed to be modified to explain better that the highest tier charge applied to consumption greater than 12,000 gallons per month. Second, a footnote would be added to the deposit section to clarify the timing related to the refunding of deposits. Next, the descriptions for the service connection charges needed to be modified to differentiate between force main and gravity main sewer

connections. Additionally, a footnote would be added to the sewer service connection section to clarify the cost obligations of the property owner versus those of Indian River County Utilities regarding gravity main sewer service connections. Finally, a footnote would be included in the service line extensions section to clarify that the charge was applicable if the property owner had not previously paid for the service line extension through an assessment.

Chairman Flescher stated that he understood the explanation, but he sought clarification on the rationale behind the changes. Director of Utility Services Sean Leiske explained that the changes were for clarification purposes. He stated this was just a reminder that the rate increase was part of a two-year implementation plan. To accommodate these changes, staff needed to adjust the rate book so that when people looked up the information online, it accurately reflected the rates as of October 1, 2025. Staff was clarifying some of the rates and their meanings in accordance with the County's standards. For example, one footnote clarified that there was a deposit of \$40 for water and \$80 for sewer. These amounts would increase slightly on October 1, 2025. The footnote would inform customers that, after 24 months of on-time payments, these deposits would be refundable. This process was stipulated in the Ordinance; staff was simply ensuring that this information was clear in the rate book.

A motion was made by Commissioner Earman, seconded by Commissioner Adams, to approve staff's recommendation and Resolution 2025-040, modifying the Indian River County Department of Utility Services rate schedule descriptions and footnotes. The motion carried by the following vote:

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

13.L.2. Department of Utility Services Integrated Water Master Plan Q4 Update to the Indian River County Board of County Commissioners, IRCDUS Project ID: 00.23.547

Recommended Action: No action is required. This item will be a presentation by the Department of Utility Services staff to the Indian River County Board of County Commissioners on the current progress of the Integrated Water Master Plan project.

Utility Services Director Sean Leiske, accompanied by Capitol Projects Manager Howard Richards, provided the quarterly update on the Integrated Water Master Plan (IWMP). Mr. Richards stated that the last IWMP had been finalized in December 2004. The Board had engaged HDR, Inc. to assist the Indian River County Department of Utility Services (IRCDUS) in developing a new Integrated Water Master Plan (IWMP) that encompassed drinking water, wastewater, and reuse.

During his PowerPoint Presentation, Mr. Richards outlined the objectives of the IRCDUS for the IWMP, which included conducting a thorough analysis and assessment of projected demand for water, wastewater, and reuse services. Furthermore, the plan sought to identify both short- and long-term capital improvements for the Department. It was designed to be adaptive, with updates expected every five to seven years. These updates were to assess development trends changing conditions throughout the County, review policies, goals, objectives, and strategies, evaluate the status of capital projects and their outcomes, and guide management decisions and actions.

Mr. Richards noted that the project had commenced on October 28, 2024, with an anticipated completion date of July 16, 2025, allowing just under 22 months for project completion. He presented the 10 prioritization criteria and goals, which involved comparing existing performance against regulatory standards and recommended targets, identifying areas for future improvements and capacity expansion, and developing recommendations for future monitoring. He also mentioned that the Board had already pre-approved the contingency funds for the project.

Chairman Flescher thanked staff for the update, there were no further comments.

No Action Taken or Required

The Chairman called for a recess at 3:06 pm, and reconvened with all members present at 3:16 pm.

14. COUNTY ATTORNEY MATTERS

14.A. Addendum to County Attorney Employment Agreement

Recommended Action: The County Attorney respectfully requests that the Board approve the attached Addendum to the County Attorney Agreement and also approve an annual progression pay increase for the County Attorney upon her September 16, 2025 employment anniversary.

County Attorney Jennifer Shuler presented a proposal for an annual pay increase effective September 16, 2025. She highlighted her unique situation of not having a direct supervisor for assessments and argued that it was unfair for her to miss salary progression opportunities while her subordinates received raises. She requested an addendum to her employment agreement for annual pay increases based on performance evaluations and suggested establishing a formal evaluation process.

Commissioner Earman expressed concerns about the appropriateness of the proposed increase, given Attorney Shuler's \$200,000 salary and the different evaluation processes for contract employees. Vice Chairman Loar supported establishing a formal appraisal system and suggested a progressive pay structure in the next contract addendum.

Chairman Flescher raised concerns about previous unapproved disbursements and questioned the fairness of increasing compensation for high earners amidst budget constraints. Commissioner Adams emphasized the need for equitable treatment of all employees, highlighting the importance of performance appraisals and recommending the adoption of an addendum to align Attorney Shuler's contract with those of other County employees.

Commissioner Moss thanked Commissioner Adams for clarifying issues and emphasizing the urgency of addressing concerns regarding the Human Resources Director and payroll audit delays. She proposed more frequent evaluations for the Attorney and Administrator and highlighted the need to update the outdated Administrative Policy Manual.

Chairman Flescher added that the interpretation of the contract document was varied, explaining that while cost-of-living adjustments are standard, progressive pay based on employee satisfactory evaluations was unclear in the contract. He expressed concerns about the transition from one-year to three-year contracts without necessary adjustments, stressing that the focus on whether progressive pay was a benefit or salary was misdirected.

Commissioner Adams raised issues related to benefit disparities among contract employees, urging for equal rights and benefits for the Attorney and Administrator. She called for clarity and the explicit inclusion of supportive language in their contracts, advocating for a fair process to ensure these benefits were implemented appropriately. She proposed a motion to approve an addendum to the County Attorney's contract, which would allow for annual approval by the Board. She also suggested consideration of similar language in other agreements, but expressed that she was fine with the addendum as presented.

Commissioner Earman expressed concerns about the complexity of the evaluation process and the need for transparency in pay raises, advocating for open discussions before the Board to ensure accountability.

Vice Chairman Loar questioned how the Board could approve pay adjustments without an evaluation, expressing skepticism about the sudden recognition of contract

issues. He noted that the Board had to adhere to current contract terms. Chairman Flescher opposed the proposal, emphasizing the need to prevent similar situations in the future.

Attorney Shuler defended her approach, suggesting a more straightforward approval process or a comprehensive evaluation. She highlighted her efforts to improve employee conditions and address salary disparities.

The discussion also involved interpretations of contracts regarding progressive pay, with differing views on whether it was guaranteed for certain officials. Chairman Flescher criticized the motivation behind adding the issue to the agenda, noting that it had only arisen after the auditor's actions.

Ultimately, the Board aimed to establish clearer compensation practices for the future. The discussion primarily focused on the fairness and transparency of contracts for County employees, especially concerning their benefits and evaluations.

Chairman Flescher opened the floor for public comment.

Tom Sullivan expressed support for the County Administrator and Attorney, highlighting positive perceptions of their performance and agreeing with Commissioner Earman that there were no major issues.

Jeff Andros raised concerns over transparency, particularly regarding communications with the County Attorney and the modification of the meeting agenda related to her evaluation. He indicated intentions to file a public records lawsuit due to perceived lack of proper notice and unfulfilled records requests, suggesting possible undisclosed arrangements tied to contract approvals.

Attorney Shuler defended her office's handling of records requests, noting the completion of some requests and the ongoing processing of others. She emphasized her hope to resolve disputes amicably and cited fees associated with extensive records requests as a concern.

Mr. Andros countered by reiterating his concerns for his credibility and the necessity of revealing \$34 million in consulting expenses, calling for broader media involvement in seeking the same records.

Chairman Flescher shared an email regarding the retroactive adjustments for Administrator Titkanich, who had not received a performance evaluation, and noted the importance of communication in light of public records requests. Administrator

Titkanich underscored the need for transparency and highlighted the excessive delays in processing payroll information requests, indicating that actions had been taken to address this issue. Chairman Flescher concluded by suggesting that a different approach could have been taken had the issue been raised earlier, without the surrounding scrutiny.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve County Attorney Jennifer Shuler's addendum to her Employment Agreement. The motion carried by the following vote:

Aye: 3 - Commissioner Adams, Commissioner Earman, and Commissioner Moss

Nay: 2 - Chairman Flescher, and Vice Chairman Loar

14.B. Addendum to County Administrator Employment Agreement

Recommended Action: The County Attorney recommends that the Board of County Commissioners consider approval the attached Addendum to the County Administrator's Employment Agreement.

County Administrator John Titkanich began by noting that, after reviewing his contract, he found that the timeline regarding April 17, 2024, had come under scrutiny. He pointed out that this date marked the anniversary of his raise, and upon receiving his first paycheck after that date, he realized that he had not received the expected 2.5% increase. On May 9, 2025, Administrator Titkanich reached out to address the discrepancy, starting with a conversation with Suzanne Boyll, the Director of Human Resources. They agreed that he would consult with the County Attorney about the issue. Subsequently, Administrator Titkanich informed each Board member about the situation and noted that if any Commissioner had raised concerns, he would have brought the issue before the Board. In retrospect, Administrator Titkanich acknowledged that it may have been prudent to present the matter to the Board sooner. However, he emphasized that all communications regarding this topic had been documented in writing to ensure transparency.

Administrator Titkanich asserted that his integrity was called into question and that his character had been maligned, although he noted that this concern did not originate from the Board. He respectfully requested the Board's approval of his progressive pay increase, stating that his interpretation of the contract indicated he should have access to the same rights and benefits as other employees. He recommended that the Board approve the addendum presented by the County Attorney. He clarified that benefits available to employees in the County, including the Administrator, were outlined in the Indian River County Administrative Policy Manual. Had it specified a single policy, he contended, they would not be in this situation. In hindsight, Administrator Titkanich agreed with previous comments that the situation could have been handled better.

Commissioner Earman questioned Administrator Titkanich about his progressive pay increase, which Administrator Titkanich claimed the audit revealed he received \$6,500 in retroactive pay and an additional \$2,000 added later. Commissioner Earman expressed support for the County Administrator's pay increase, with conditions that future raises should be presented to the Board and that the amounts of \$6,500 and \$2,000 should be repaid to the County. He emphasized shared responsibility for the situation between the Board and Administrator and insisted that any funds collected before the agreed-upon date should be returned.

Vice Chairman Loar expressed concerns about the County Administrator's request for retroactive pay, highlighting that this issue was not addressed during his April 2024 anniversary. He noted the lack of an apology from the Administrator for the oversight and emphasized that acknowledgment of the situation was necessary. Additionally, Commissioner Loar pointed out that during a contract presentation for the Deputy Administrator in January 2024, the Administrator failed to mention his own progressive pay during the subsequent evaluation, instead communicating with the Human Resources Director and the County Attorney about his entitlement to it. Chairman Flescher expressed uncertainty about whether an apology was warranted for a controversial action that was viewed differently by various parties. He emphasized that discussions about benefits had occurred, but they were unrelated to progressive pay. He noted that he became aware of the issue only through a conversation with the Auditor, emphasizing that there had been no discussions about the approval or negotiation processes.

Both Commissioners Adams and Earman raised concerns about the lack of timely information regarding the pay increase. Commissioner Adams suggested that if any Commissioner had recognized this issue during their individual meetings with the County Administrator, it would have been added to the Board's agenda. Chairman Flescher disagreed, arguing that a mere suggestion from any Commissioner would not necessarily require an agenda item. Administrator Titkanich claimed to have informed all Commissioners about the situation, though there was disagreement on the clarity of the communication. Vice Chairman Loar recalled a vague mention of the pay increase during a one-on-one meeting, but did not affirm that he had been directly informed about the pay increase. Commissioner Moss emphasized the importance of evaluating the legal implications and noted that the issue had, unfortunately, become politicized.

Chairman Flescher opened the floor for public comment.

Jeff Andros raised concerns to the Board about the termination threshold for the County Administrator and opposed a retroactive raise for the Administrator due to

communication discrepancies. He was skeptical of Commissioner Earman's assurances regarding future issues. He submitted a public records request for all communications between the County Attorney and the County Administrator over the past two weeks, emphasizing the legal implications of withholding records and highlighting potential legal implications. Mr. Andros also questioned the accountability measures for the Administrator and whether the County would cover legal defense costs in an ongoing investigation.

Commissioner Earman responded by clarifying that the Clerk, Ryan Butler had contacted the FDLE for a preliminary inquiry into possible criminal activity but refrained from labeling it as such. He emphasized that Administrator Titkanich was presumed innocent and stated that if there had been any wrongdoing, Administrator Titkanich would have been dismissed. Commissioner Earman acknowledged that a poor decision was made, but it was not done in secrecy or malice.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve County Administrator addendum to his Employment Agreement with the stipulation that any funds received prior to September 9, 2025, be returned to the County. The motion carried by the following vote:

Aye: 3 - Commissioner Adams, Commissioner Earman, and Commissioner Moss

Nay: 2 - Chairman Flescher, and Vice Chairman Loar

15. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

B. Commissioner Deryl Loar, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

E. Commissioner Laura Moss

16. SPECIAL DISTRICTS AND BOARDS

A. Emergency Services District

B. Solid Waste Disposal District

C. Environmental Control Board

17. PUBLIC COMMENT: NON-AGENDA-RELATED MATTERS

18. ADJOURNMENT

There being no further business the Chairman adjourned the meeting at 5:25 pm.