



# Indian River County Florida

## Draft Meeting Minutes

### Board of County Commissioners

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

*Joseph H. Earman, District 3, Chairman*

*Susan Adams, District 1, Vice Chairman*

*Joseph Flescher, District 2*

*Deryl Loar, District 4*

*Laura Moss, District 5*

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

**William K. DeBaal, County Attorney**

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

**Randi Wardlow, Deputy Clerk**

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Tuesday, October 31, 2023

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

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

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

#### 2.B. INVOCATION

**Chaplain Lou Tropf, IRC Jail**

#### 3. PLEDGE OF ALLEGIANCE

**Commissioner Susan Adams**

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

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

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

#### 5. PROCLAMATIONS and PRESENTATIONS

**5.A.** Presentation of Proclamation Honoring Mike Rozier on His Retirement From the Indian River County Sheriff's Department

Mr. Rozier received congratulations on his 36-year career with the Sheriff's Department, retiring as Fleet Services Manager. Commissioner Loar shared anecdotes of his time with Mr. Rozier, with Commissioner Flescher describing him as the most admired non-uniform personnel in the Sheriff's Department. Mr. Rozier thanked his extended family for their support and expressed appreciation for his coworkers who were in attendance. Sheriff Eric Flowers and Captain William Luther appeared and spoke on his behalf.

**Read and Presented**

**5.B.** Presentation of Proclamation Honoring Deputy Jerry Montanaro on his Retirement from the Indian River County Sheriff's Office

Mr. Montanaro was celebrated by the Board for his loyalty during his more than 28-year career, most of which was served protecting Courthouse personnel and the public. He was joined by his wife, and declared he would spend his retirement doing anything he and his wife wanted. Sheriff Eric Flowers spoke on his behalf both personally and professionally.

**Read and Presented by Commissioner Loar**

**5.C.** Presentation of Proclamation Commending Friends After Diagnosis

Executive Director Carolyn Thornton Nelson accepted the Proclamation on behalf of Friends After Diagnosis, an organization that assists women in the community diagnosed with cancer. Ms. Thornton shared her experience with the organization which provided support and assistance for a family member diagnosed with cancer. Commissioner Moss discussed some of the organization's fundraising efforts, and highlighted the types of assistance offered.

**Read and Presented by Commissioner Moss**

**5.D.** Presentation of Proclamation in Support of Unity

A large, diverse group of the County's civic leaders gathered to receive the Proclamation in support of kindness and unity. Rabbi Michael Birnholz shared the inspiration for the viral kindness campaign and the shirts worn by the group which read, "Spread Sunshine not Hate". He thanked the Board and the County for coming together in a message of positivity and support. Dr. Peggy Jones also spoke in support of the group's message.

**Read and Presented by Chairman Earman**

**6. APPROVAL OF MINUTES**

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of September 26, 2023, and October 3, 2023 as written. The motion carried by the following vote:**

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

**6.A.** Regular Meeting of September 26, 2023

**Approved as written**

**6.B.** Regular Meeting of October 3, 2023

**Approved as written**

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

**7.A.** 4th Quarter FY 2022/2023 Budget Report

**No Action Taken or Required**

**7.B.** Sebastian River Improvement District Fiscal Year 2023/2024 Regular Board Meeting Schedule

**No Action Taken or Required**

**7.C.** Children's Services Advisory Committee - District 4 Appointee Seat - Resignation & Appointment

Commissioner Loar thanked Michele Falls for her service and announced his choice of Jeff Andros for the District 4 Appointee to the Children's Services Advisory Committee.

**No Action Taken or Required**

**8. CONSENT AGENDA**

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

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

**8.A.** Resolution Cancelling Taxes - Purchased from Harish and Deepti Sadhwani

**Approved staff's recommendation and Resolution 2023-067, canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.**

- 8.B.** Approval of Updated Statewide Mutual Aid Agreement between Indian River County and the Florida Division of Emergency Management  
**Approved staff's recommendation and Resolution 2023-068, for adoption of [an updated] Statewide Mutual Aid Agreement. (Indian River County and the Florida Division of Emergency Services).**
- 8.C.** Acceptance and Approval of Expenditures of Emergency Management Program Grant (EMPG) Federally-Funded Subgrant Agreement; Agreement Number: G0440  
**Approved staff's recommendation**
- 8.D.** Second Amendment for Sandridge Golf Club Maintenance  
**Approved staff's recommendation**
- 8.E.** Florida Inland Navigation District Project Agreement for the Environmental Learning Center Dock Replacement Part 2, Project #IR-23-77  
**Approved staff's recommendation**
- 8.F.** Revision to AM-503.1 Holiday Schedule (Personal Day)  
**Approved staff's recommendation**
- 8.G.** Work Order No. 5 - Morgan & Eklund, Inc., 2024 Beach Profile Monitoring Surveys (WINTER)  
**Approved staff's recommendation**
- 8.H.** Designation of Excess Equipment as Surplus and Authorization for Disposal  
**Approved staff's recommendation**
- 8.I.** Interfund Borrowing Fiscal Year 2022/2023  
**Approved staff's recommendation**
- 8.J.** Ratification of Increase to Purchase Order 94330  
**Approved staff's recommendation**
- 8.K.** Award of RFP 2024007 for Banking and Lockbox Services  
**Approved staff's recommendation**
- 8.L.** Award of Bid 2023046 for Hosie Shumann Park Restroom Construction  
**Approved staff's recommendation**

- 8.M.** Award of Bid 2023047 for Kiwanis Hobart Park New Restroom and Sewer Connection  
**Approved staff's recommendation**
- 8.N.** Waiver of Requirement for Bids to Procure Road Base Materials  
Commissioner Flescher requested information regarding the waiver of bids for the procurement of road base materials. County Administrator John Titkanich explained there was fluctuation in the availability and price of materials. Staff requested the waiver to save time, and to have the flexibility to purchase materials on an as-needed and available basis. Under discussion with Commissioner Flescher, Administrator Titkanich offered further explanation of the process used to confirm availability and prices with local mines, and assured the process would be fair and equitable.  
**A motion was made by Commissioner Flescher, seconded by Chairman Earman, to approve staff's recommendation. The motion carried by the following vote:**  
**Aye:** 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss
- 8.O.** Final Ranking of Firms and Authorization to Negotiate - RFQ 2023061 for Continuing Geotechnical Engineering Consulting Services  
**Approved staff's recommendation**
- 8.P.** Waiver of Requirement for Bids for Tagmarshal  
**Approved staff's recommendation**
- 8.Q.** Final Ranking of Firms and Authorization to Negotiate - RFQ 2023062 for Continuing Architectural Consulting Services  
**Approved staff's recommendation**
- 8.R.** Award of Bid No. 2024006 and FDOT FM No. 440673-1-58-01 Local Agency Program (LAP) Supplemental Agreement No. 1 and Resolution Authorizing the Chairman's Signature for the Trans-Florida Railway Trail from Fellsmere to West of I-95  
**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve staff's recommendation and Resolution 2023-069, authorizing the Chairman's execution of Local Agency Program (LAP) Supplemental Agreement No. 1 with the Florida Department of Transportation for Trans-Florida Railway Trail from Fellsmere to west of I-95 Phase 1 & 2. The motion carried by the following vote:**  
**Aye:** 5 - Chairman Earman, Vice Chairman Adams, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

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## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

### 10. PUBLIC ITEMS

#### A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THESE HEARINGS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

##### 10.A.1.

Consideration of an Ordinance of Indian River County, Florida, Amending the Future Land Use Map of the Comprehensive Plan by Changing the Future Land Use Map Designation for ±1.65 Acres Located on the East Side of US Highway 1 Between Jackson Street and 132nd Street from M-1, Medium Density Residential (up to 8 Units per Acre) to C/I, Commercial/Industrial-  
-LEGISLATIVE

Senior Planner Cindy Thurman utilized a PowerPoint presentation to detail the request to amend the Future Land Use Map by changing the zoning of the subject parcels from M-1, Medium Density to C/I, Commercial Industrial. Ms. Thurman noted the change would correct an inconsistency with the existing zoning, and align the properties' usage with the County's Comprehensive Plan. The presentation also showed the purpose, impact to public facilities, consistency, compatibility and impact on environmental quality. It was noted the Planning and Zoning Commission approve the request at their September 28, 2023 meeting.

The Chairman opened the public hearing.

Dwayne Dickerson, attorney with Dunay Miskel Backman, appeared before the Board on behalf of the property owner and supported staff's recommendation.

There being no further comments, the Chairman closed the public hearing.

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve staff's recommendation and to adopt Ordinance 2023-015, amending the Future Land Use Map of the Comprehensive Plan by changing the Land Use Map designation for ±1.65 acres located on the east side US Highway 1 between Jackson Street and 132nd Street from Medium Density (M-1) to Commercial Industrial (C/I), amending the Future Land Use Map and providing codification, severability, and effective date. The motion carried by the following vote:**

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

**10.A.2.**

Consideration of a Land Development Regulation (LDR) Amendment for the Site Plan Review and Approval Procedures for Solar Facilities (LDRA-23-10-01 / 2022020086-95412) LEGISLATIVE

Ryan Sweeny, Interim Assistant Planning and Development Services Director, provided an overview of the LDR (Land Development Regulation) Amendment process, and noted the Planning and Zoning Commission (PZC) approved this proposed amendment at their September 28, 2023 meeting. Mr. Sweeney went on to explain that in February 2022, the Board approved an LDR amendment which changed solar facilities to a permitted use rather than a special exception in zones A-1, A-2, and A-3. Due to their size, however, solar facilities still required PZC approval. This proposed amendment would allow approval at the staff level by treating the facilities as minor site plans; comprehensive site plan approval and LDR requirements would still be in effect.

In discussion with the Board, Mr. Sweeny confirmed the change would save staff time, and the requirements exceeded statutory requirements related to solar facilities.

The Chairman opened the public hearing.

Will Sabayrac, Florida Power and Light (FP&L) Solar Project Manager, provided an update of the 66 solar facilities they operated in Florida, including four (4) in Indian River County with two (2) more slated to open in January 2024. Mr. Sabayrac confirmed there were an additional three (3) facilities in development for Indian River County, and noted FPL would be deploying facilities in other counties across the state.

There being no further questions, the Chairman closed the public hearing.

**A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve staff's recommendation and to adopt Ordinance 2023-016, amending Section 914.06 (General Thresholds and Procedures for Site Plan Review and Approval) of Chapter 914 (Site Plan Review and Approval Procedures), of the Code of Indian River County; providing for conflict and severability; providing for codification; and providing for an effective date. The motion carried by the following vote:**

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

**B. PUBLIC DISCUSSION ITEMS****C. PUBLIC NOTICE ITEMS**

**11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS**

- A. Community Services**
- B. Emergency Services**
- C. Human Resources**
- D. Information Technology**
- E. Natural Resources**
- F. Office of Management and Budget**
- G. Parks, Recreation, and Conservation**
- H. Planning and Development Services**

**12.H.1.** Update Regarding On-Call and Weekend Hours for Code Enforcement Staff

Rebeca Guerra, Code Enforcement Chief, used a PowerPoint presentation to update the Board on Code Enforcement's expanded services. She informed there would be an on-call Code Officer evenings and weekends who could be reached at a dedicated phone number. Additionally, she provided that the Board-requested Vacation Rental Code Officer had begun work, and staff would be collecting records of the expanded activity to share with the Board in the future.

Chairman Earman expressed his support of the actions Code Enforcement was taking. The Chairman also asked Andy Sobczak, Planning and Development Services Director, for his thoughts regarding checking contractor licensing on weekends and evenings. Mr. Sobczak informed that this issue was something his department would address after analyzing the results of this recent expansion.

Commissioner Flescher entered into discussion regarding the dedicated phone number which would put residents in contact with a live person, as well as faster responsiveness to messages left outside of the expanded hours. Vice Chairman Adams discussed different scenarios regarding code enforcement violations and how they would be handled.

**No Action Taken or Required**



**12.H.2.** Stormwater Inspection Fees for Solar Facilities

Andy Sobczak, Planning and Development Services Director, brought forth a request to modify storm water inspection fees for solar facilities. Mr. Sobczak displayed the Public Works fee schedule as he discussed the request by Florida Power and Light (FP&L) to have a second look at the \$1,000 per acre inspection fee for a Major Site Plan Commercial Project. He explained that while solar projects could be hundreds of acres in size, the area of site improvements was more modest and warranted an inspection fee category specific to solar facilities. Mr. Sobczak reported staff's analysis which concluded the \$1,000 per acre fee should be applied "per acre of impervious area" (rather than total area), which was proportional to the level of staff time involved and would adequately cover County costs.

**A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve Resolution 2023-070, establishing a Public Works inspection fee for solar facilities. The motion carried by the following vote:**

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

**I. Public Works****J. Utilities Services****13. COUNTY ATTORNEY MATTERS****14. COMMISSIONERS MATTERS**

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

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

**C. Commissioner Joseph E. Flescher**

**D. Commissioner Deryl Loar**

**E. Commissioner Laura Moss**

**15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

**B. Solid Waste Disposal District**

**C. Environmental Control Board**

**16. ADJOURNMENT**

The being no further business, the Chairman adjourned the meeting at 10:37 a.m.