



# 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](http://www.indianriver.gov)

*Susan Adams, District 1, Chairman*  
*Joseph Flescher, District 2, Vice Chairman*  
*Joseph H. Earman, District 3*  
*Deryl Loar, District 4*  
*Laura Moss, District 5*

John A. Titkanich, Jr., County Administrator  
William K. DeBaal, County Attorney  
Ryan L. Butler, Clerk of the Circuit Court and Comptroller  
Randi Wardlow, Deput Clerk

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Tuesday, June 18, 2024

9:00 AM

Commission Chambers

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#### 1. CALL TO ORDER

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

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

#### 2.B. INVOCATION

Pastor Joe Moore, Rivers of Living Water RHEMA Word Ministries

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Deryl Loar

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

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Agenda as amended, cancelling Item 10.B.1. The motion carried by the following vote:

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

#### 5. PROCLAMATIONS and PRESENTATIONS

**5.A.** Proclamation Recognizing Juneteenth

*[Clerk note: This Item was heard following Item 5.B]*

Members of the Hart family, including Victor Hart Sr., appeared before the Board to accept the recognition of Juneteenth on behalf of the County's residents. Mr. Hart noted that the State of Florida had a statewide day of recognition for emancipation on May 20th, and Juneteenth was the national day of recognition.

Deputy County Administrator Michael Zito informed there would be a celebration at the Victor Hart Community Enhancement Complex on Saturday, June 22nd.

**Read and Presented by Vice Chairman Flescher**

**5.B.** Recognition of UF/IFAS Extension Indian River County Volunteers

Representatives from the volunteers at the UF/IFAS Extension program in Indian River County were present to receive recognition for their volunteer work. Director Andrea Lazzari noted that the volunteers provided over 9,000 hours of their time to Extension programs, effectively doubling staff time. Master Gardener and 4H program volunteers shared their stories and interests.

Chairman Adams expressed her appreciation for the variety of programs and contributions made to the County's residents, noting this was one of the most active Extension offices in the state.

**No Action Taken or Required**

**6. APPROVAL OF MINUTES****7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** Designating the Month of July 2024, as Parks & Recreation Month and July 19, 2024, as Parks and Recreation Professionals' Day

Chairman Adams made mention of staff's hard work and dedication to their jobs.

**No Action Taken or Required**

**7.B.** SWDD Closures and Collection Service Changes for the 4th of July Holiday

**No Action Taken or Required**

**8. CONSENT AGENDA**

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

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

- 8.A.** Miscellaneous Budget Amendment 05  
**Approved Resolution 2024-027, amending the fiscal year 2023-2024 budget.**
- 8.B.** Approval of Final Ranking and Award of RFQ 2024035 Derelict Vessel Removal  
**Approved staff's recommendation**
- 8.C.** Award of Bid 2024045 for Trans Florida Rail Trail Boardwalk Repairs  
**Approved staff's recommendation**
- 8.D.** Award of Bid 2024042 - Annual Bid for Sod  
**Approved staff's recommendation**
- 8.E.** Waiver of Bid Requirement for 911 Cybersecurity Services  
**Approved staff's recommendation**
- 8.F.** Resolution Cancelling Taxes on Property Acquired By County From Diackamann Cavalier; TWR AS CST For Ebury Fund 2FL, LLC  
**Approved staff's recommendation and Resolution 2024-028, cancelling certain taxes, pursuant to Section 196.29, Florida Statutes.**
- 8.G.** Approval of the First Amendment to the Lease Agreement between Florida Inland Navigation District and Indian River County for the Recreational Use of Lands within the Dredged Material Management Area IR-14  
**Approved staff's recommendation**

**8.H.** Approval of a Resolution of the Board of County Commissioners Approving and Accepting the Final Environmental Lands Program Guide, and Establishing the Environmental Lands Acquisition Panel

Director of Parks, Recreation, and Conservation Beth Powell presented the request from the Environmental Lands Acquisition Panel (ELAP) to lower the quorum requirement to six members, down from seven. Members of the Panel made the suggestion after experiencing difficulty reaching quorum, resulting in delays to conducting business. Chairman Adams noted that six people was still a majority of the nine ELAP members.

Deputy County Attorney Susan Prado informed that County Code required a new Resolution setting forth the regulations for the ELAP.

**A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve staff's recommendation and Resolution 2024-029, approving and accepting the final Environmental Lands Program Guide, and establishing the Environmental Lands Acquisition Panel. The motion carried by the following vote:**

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

**8.I.** Pellegrino and Michelle Barone's Request for Affidavit of Exemption (AOE) Approval with Dedications to the County for the Barone 12th Street AOE [AOE-21-10-03 / 2020110039-90401]

**Approved staff's recommendation**

**8.J.** Approval of FWC Grant for Indian River County Derelict Vessel Removal Project

**Approved staff's recommendation**

**8.K.** Easement for Florida City Gas Regulator Station

**Approved staff's recommendation**

**8.L.** Award of Bid No. 2024046 Waters Edge Culvert Replacement (IRC-2201)

**Approved staff's recommendation**

**8.M.** Sporting Clays Facility Improvements (IRC-1847) Final Payment, Release of Retainage and Change Order No. 1

**Approved staff's recommendation**

- 8.N.** Ixora Park Infrastructure Improvements, Final Ranking of Design-Build Teams for RFQ 2024030 and Amendment No.1 to Agreement No. LPA0306, IRCDUS Project ID 41.23.548

**Approved staff's recommendation**

- 8.O.** Authorization Request for Staff to Apply for Funding Through FDEP's Water Quality Protection Grant Program

**Approved staff's recommendation**

- 8.P.** Amendment No. 3 to Work Order No. 14 to Bowman Consulting Group, Ltd., and Payment to Escape Ranch for North County 24-Inch Force Main Replacement, IRCDUS Project ID: 21.23.503

**Approved staff's recommendation**

- 8.Q.** First Amendment to the Agreement Pertaining to RFP 2024005, Comprehensive Utility Rate Study, to Stantec Consulting Services, Inc. for Additional Community Engagement Marketing Services

**Approved staff's recommendation**

- 8.R.** Final Ranking of Firms and Selection of HDR Engineering, Inc. for RFQ 2024039 Integrated Water Master Plan for the Department of Utility Services, IRCDUS Project ID 00.23.547

**Approved staff's recommendation**

## **9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9.A.** Supervisor of Elections Leslie R. Swan re: Request to Roll Back Revenue Into 23/24 Budget

Supervisor of Elections Leslie R. Swan requested approval to roll over revenue received from petition verifications and date list preparation back into the department's fiscal year 2023-2024 budget. Ms. Swan informed the funds would be used to create a wrap for a donated truck used to deliver election equipment across the County.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve the Supervisor of Elections' request to roll-over payments from petition verification and data list preparation back into the 2023-24 fiscal year budget to produce truck wrap graphics. The motion carried by the following vote:**

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

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**B. PUBLIC DISCUSSION ITEMS**

**10.B.1.** Request to Speak from Bill Rigby re: RFP Policies

**Speaker not present**

**C. PUBLIC NOTICE ITEMS**

**10.C.1.** Permission to Advertise for 74th Avenue Property Exchange on July 2, 2024

County Attorney Bill DeBraal read the public notice into the record.

**No Action Taken or Required**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A.**

Approval of AM-202.4 At-Will Employment Policy, Amendment to AM-212.1 Termination, Amendment to AM-801.1 Behavior of Employees; Amendment to AM-804.1 Customer Service; Amendment to AM-807.1 Disciplinary Process

Before starting his presentation, County Administrator John Titkanich took a moment to introduce the newly hired County Administration Ombudsman, Amber Riviere.

Utilizing a PowerPoint presentation, Administrator Titkanich detailed the County's new at-will employment policy (policy). The policy affected approximately 90 managerial and Board support staff members whose reclassification was defined under County policy AM-202.4. The presentation included details of the revised termination process, other policy modifications, and common myths regarding at-will employment. The Administrator noted the motivation for change was consistency with other government agencies and with the County's strategic planning goals which emphasized service and accountability.

The Board weighed in with their questions and comments. Commissioner Loar entered into lengthy discussion with Administrator Titkanich on the topics of process, reassuring staff, benefits such as severance pay to the employees effected, and successful transitioning. The other Board members agreed and added their support for providing a tool to help ensure consistency, cohesion, and quality customer service.

County Attorney Bill DeBaal informed of possible exposure to the County as employees would lose rights covered under progressive discipline. It was noted that the policy was approved by the County's labor attorney and was consistent with similar government agencies.

The Chairman opened the Item for public discussion. Deputy County Attorney Susan Prado stated her concerns and received assurance regarding protections against illegal or unethical supervisor requests, and state law regarding proper limitations for firearm possession at Board meetings.

Vice Chairman Flescher requested adding to the record the County's labor attorney's memorandum stating the policy was legally sufficient and complied with state and federal employment laws.

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

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

The Chairman called for a recess at 10:15 a.m., and reconvened at 10:25 a.m. with all members present.

## **12. DEPARTMENTAL MATTERS**

### **A. Community Services**

### **B. Emergency Services**

### **C. Human Resources**

#### **12.C.1. Group Insurance Recommendations for Plan Year 2024/2025**

Human Resources Director Suzanne Boyll appeared before the Board with an update to the County's group insurance plan and recommendations for the coming 2024/2025 plan year. Ms. Boyll's presentation began with a recap of the County's paid benefits available to employees. She continued her presentation with projections for no additional funding requirements for the medical and pharmacy plans, a rate hold on service fees, and no premium increases for the self-funded dental plan. There were additional rate holds on virtually all other health benefits, with the exception of a \$.12 per-employee per-month increase for Health Advocate services.

The Board added their commendations for the vigilance and hard work Human Resources put into ensuring the best, lowest cost benefits for employees.

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

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

### **D. Information Technology**

### **E. Natural Resources**

### **F. Office of Management and Budget**

### **G. Parks, Recreation, and Conservation**

### **H. Planning and Development Services**

### **I. Public Works**



**J. Utilities Services****12.J.1.****Sea Oaks Property**

Sean Lieske, Utility Services Director, appeared before the Board seeking direction on the County-owned Sea Oaks property which housed a non-operational wastewater treatment facility (WWTF). In April, the Utility Department received notice the Florida Department of Environmental Protection had deactivated the permit for the WWTF. The County had also scrapped plans for a reuse water facility on the site, and staff recommended the property be declared surplus. Mr. Lieske added there was a cellphone tower on site that provided royalties to the County.

The Commissioners received confirmation the deactivated WWTF permit was not transferable, and an in-depth environmental assessment would need to be done on the 2.4 acre parcel. Commissioner Moss expressed concern there was not an appraisal or estimated value for the property at this time.

County Attorney Bill DeBaal informed that the Board had the choice to keep the property or declare it surplus. If declared surplus, there were two (2) paths to move forward: 1) solicit bids for the property and sell to the highest bidder, or 2) negotiate with an adjacent property owner for sale of the property, subject to the process detailed. Attorney DeBaal informed that the County had been approached by attorney Bruce Barkett, counsel for Sea Oaks, requesting the latter approach.

Commissioner Moss was advised a valuation would be done after the property had been declared surplus. County Administrator John Titkanich informed the Board he received a last-minute proposal for the property that needed to be reviewed.

The Board was in favor of declaring the property surplus, and discussion continued on which path to follow.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, approve declaring the Sea Oaks property as surplus. The motion carried by the following vote:**

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

The question of which path to take continued as Mr. Barkett addressed the Board on behalf of his client who was very interested in purchasing the parcel. Mr. Barkett outlined the reasons to first negotiate with Sea Oaks which included the community's ownership of all the available adjacent property, allowing the cell tower to remain with County via a maintenance easement, their knowledge of the environmental clean-up needed, and the difficulty and intrusiveness for a new owner to develop the property. He also pointed out the property had been given to the County by Sea Oaks for the purpose of a WWTF, which was now decommissioned. Mr. Barkett noted that if negotiations with Sea Oaks fell through, the County could still sell the parcel to the highest bidder.

The Commissioners agreed with Mr. Barkett's request to negotiate with Sea Oaks, positing the community should have the first opportunity to negotiate for the previously donated property. Additionally, the County had no planned use for the parcel and the location made it prohibitive for other development. Commissioner Moss again expressed concern for moving forward down either path before knowing the value of the property. Administrator Titkanich confirmed an appraisal would be part of the negotiations, as well as an in-depth environmental study.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve directing staff to negotiate with Sea Oaks for purchase of surplus property. The motion carried by the following vote:**

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

**Nay:** 1 - Commissioner Moss

### **13. COUNTY ATTORNEY MATTERS**

### **14. COMMISSIONERS MATTERS**

**A. Commissioner Susan Adams, Chairman**

**B. Commissioner Joseph E. Flescher, Vice Chairman**

**C. Commissioner Joseph H. Earman**

**D. Commissioner Deryl Loar**

**E. Commissioner Laura Moss**

### **15. SPECIAL DISTRICTS AND BOARDS**

**A. Emergency Services District**

**B. Solid Waste Disposal District**

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

**15.B.1.**

Approval of SWDD Meeting Minutes of April 09, 2024

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Solid Waste Disposal District minutes of April 9, 2024 as written. The motion carried by the following vote:**

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

**15.B.2.**

Amended Renewal No. 4 with Tiger Inc for Sale and Purchase of Natural Gas

**A motion was made by Commissioner Earman, seconded by Vice Chairman Flescher, to approve Option #1 of staff's recommendation. The motion carried by the following vote:**

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

**15.B.3****Appeal of Denial of Protests Relating to RFP 2024020**

Purchasing Manager Jennifer Hyde began her slide presentation to the Board with a recap of the timeline which led to the Solid Waste Disposal District's (SWDD) decision to award the solid waste collection services contract to Waste Management (WM) on May 21, 2024. Following the decision, protests were filed by two of the bidders, FCC Environmental (FCC) and Coastal Waste & Recycling of Florida (Coastal), regarding the procedure followed during the RFP (Request for Proposal) and BAFO (Best and Final Offer) negotiations. Ms. Hyde's presentation continued by enumerating the vendors' assertions and countering with staff's response in denial of the protest. Ms. Hyde requested the Board hear the appeals to the protests and either uphold or deny the decision.

Vice President of Business Development for FCC Charles Merkley appeared before the Board to highlight information he described as unfair and flawed. His protest challenged the basis the review panel used to re-rank the firms, the lack of negotiation during the BAFO period, omission of capabilities consideration, and the methodology WM used to drop their costs by 25 to 50 percent off of their supposedly best offer. He suggested either starting the RFP process over, or re-entering negotiations with the top two vendors as the manner in which the BAFO had been executed unfairly and changed the RFP into a request to bid.

Attorney for Coastal, Joe Goldstein, Shutts and Bowen, requested the Board re-look at the procedure followed, specifically regarding the basis for rankings made at the second meeting, and the exclusion of Coastal from the BAFO even though they were tied for second place. He also questioned how WM was able to drastically lower their price, and cautioned accepting their offer would set a bad precedent as future vendors would not submit their best prices to future RFPs. Attorney Goldstein requested the issuance of a new RFP based on the final options chosen by the Board.

The Board entered into discussion regarding the RFP and BAFO, recapping the Board and public meetings which explained the process and goal of achieving the best possible price. SWDD Managing Director Himanshu Mehta confirmed the proposals were all sufficient in terms of quality, and the only thing left to negotiate was price, hence the BAFO request. The Board agreed they were surprised regarding WM's pricing, however they declined to second guess the vendor's strategy. The Commissioners stood by the process and expressed trust in staff's handling of the selection process. Director Mehta confirmed there were provisions to monitor and address WM's service under the new contract.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to deny the appeals to the protests from FCC Environmental and Coastal Waste and Recycling. The motion carried by the following vote:**

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

**C. Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 11:31 a.m.