



# Indian River County, Florida

## Draft Meeting Minutes

### Board of County Commissioners

Indian River County  
Administration Complex  
1801 27th Street  
Vero Beach, Florida 32960  
indianriver.gov

*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*

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Tuesday, May 6, 2025

9:00 AM

Commission Chambers

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#### 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

Reverend Jack Diel, Our Savior Lutheran Church

#### 3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

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

A motion was made by Commissioner Adams, seconded by Commissioner Moss, approved the Agenda as amended, deleting Item 12A.1. 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. Proclamation Recognizing May 11th through the 17th as National Police Week

Recommended Action: Read and Present.

Sheriff Eric Flowers expressed his gratitude to the Board for taking the time to recognize the brave men and women of his team. He announced that a ceremony honoring fallen officers would be held on the steps of the Courthouse on Monday, May 12, 2025, at 10:00 a.m..

**Read and Presented by Chairman Flescher**

**5.B.** Presentation of Proclamation Recognizing May 4th-10th As National Correctional Officers & Employees Week

Recommended Action: Recommend Read & Present

Sheriff Eric Flowers thanked the Board for recognizing the hard work of the correction staff and invited them to tour the facility. He highlighted the shift in corrections from merely housing individuals to actively changing lives, noting his team's dedication to helping those in their care become productive members of society.

Sheriff Flowers expressed pride in leading such an exceptional group.

**Read and presented by Commissioner Earman**

**5.C.** Presentation of Proclamation Designating May 4 - 10, 2025 As Public Service Recognition Week

Recommended Action: Read and Present

**Read and presented by Chairman Flescher**

**5.D.** Presentation of Proclamation Designating May 18th-24th as National Public Works Week

Recommended Action: Recommend Read & Present

Public Works Director Addie Javed expressed it was an honor to be here with such an amazing team of Public Works professionals and thanked them for their hard work.

Commissioner Adams honored Mr. Javed for being named one of the American Public Works Association's Top 10 Public Works Leaders of the Year, selected from over 30,000 professionals. In just six months with the County, Addie faced challenges like Hurricane Milton and tornadoes while effectively securing crucial resources for the department. His strong work ethic and focus on customer service had benefited the County and made a positive impact.

American Public Works Association (APWA) President Robert Garland highlighted this year's theme: "People, Purpose, and Presence." He pointed out that while first responders, such as sheriff's deputies, were often acknowledged, Public Works

officials also played a crucial role as first responders. After disasters like Hurricane Milton, Public Works teams were among the first to clear debris for emergency services and among the last to leave, restoring water systems, wastewater facilities, and roads, and helping communities bounce back. Mr. Garland thanked the Commissioners for their commitment to residents and quality service, concluding with praise for Mr. Javed as he presented him the APWA's Top 10 Award.

**Read and presented by Commissioner Adams**

#### **5.E. Upcoming Changes to the Solid Waste and Recycling in Indian River County**

**Recommended Action:** Receive presentation

Himanshu Mehta, Managing Director, Solid Waste Disposal District (SWDD), along with Recycling Education Coordinator Sue Flak, presented an update on Solid Waste and Recycling in Indian River County. Mr. Mehta announced that Waste Management (WM) would continue to serve as the environmental services provider for the Unincorporated area of Indian River County. Beginning October 1, 2025, the County would transition to a Universal Curbside Collection Service, designed to simplify and enhance the waste and recycling management process for residents. Each household would benefit from weekly collection services for carted trash, recycling, and yard waste, along with up to four bulk trash items, all scheduled for the same day each week. The implementation of the Universal Curbside Collection Service resulted in the associated costs for these services being included in the annual non-ad valorem assessment, which would be reflected on property tax bills.

**No action taken or required**

### **6. APPROVAL OF MINUTES**

#### **6.A. Regular Meeting of February 25, 2025**

**Recommended Action:** Review and approve minutes of February 25, 2025

**A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Regular Meeting Minutes of February 25, 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. 2nd Quarter FY 2024/2025 Budget Report**

**Recommended Action:** No Action Required

**No Action Taken or Required****7.B. Administrator Approved Items**

Recommended Action: There is no action required by the Board as this item is being presented for informational purposes only. Future reporting will be prepared and provided quarterly to coincide with Budget reports.

**No Action Taken or Required****7.C. Florida Public Service Commission Consummating Order  
PSC-2025-0120-PCO-EI**

Recommended Action: Review

County Administrator John Titkanich updated the Board on Florida Power & Light's (FP&L) proposed rate increases submitted to the Public Service Commission (PSC). The plan included a 14.4% base rate increase in the first year, effective until December 31, 2025, followed by projected increases of 4.3% in 2027, 0.5% in 2028, and .85% in 2029. He noted that the current 2.5% storm recovery surcharge may be removed in 2026, depending on storm outcomes. He mentioned that the PSC often negotiates lower rates before approval. These increases stem from capital recovery costs for infrastructure and renewable energy investments, which were crucial for reliable electricity delivery.

**No Action Taken or Required****7.D. Children's Services Advisory Committee Vacancy**

Recommended Action: Announce Vacancy

**No Action Taken or Required****7.E. Event Calendar**

Recommended Action: Review

**No Action Taken or Required****7.F. District 1 Appointee for Planning & Zoning Commission - John Campbell**

Recommended Action: No Action Needed.

**No Action Taken or Required****8. PUBLIC COMMENT: AGENDA-RELATED MATTERS (EXCEPT FOR PUBLIC HEARINGS)****9. CONSENT AGENDA**

**A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Item 9.I., Item 9.J., and 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 March 22, 2025 to March 28, 2025

**Recommended Action:** Approve the list of checks and electronic payments for the time period of March 22, 2025 to March 28, 2025

**Approved**

**9.B.** Approval of Checks and Electronic Payments March 29, 2025 to April 4, 2025

**Recommended Action:** Approve the list of checks and electronic payments for the time period of March 29, 2025 to April 4, 2025

**Approved**

**9.C.** Approval of Checks and Electronic Payments April 5, 2025 to April 11, 2025

**Recommended Action:** Approve the list of checks and electronic payments for the time period of April 5, 2025 to April 11, 2025

**Approved**

**9.D.** Approval of Checks and Electronic Payments April 12, 2025 to April 18, 2025

**Recommended Action:** Approve the list of checks and electronic payments for the time period of April 12, 2025 to April 18, 2025

**Approved**

**9.E.** Request for Use of Holman Stadium for Centennial Event, Hoses vs. Handcuffs on May 31, 2025

**Recommended Action:** Staff respectfully requests that the Board of County Commission, authorize the Centennial Committee to utilize Holman Stadium for the Indian River County Fire Department vs. Indian River County Sheriff's Office softball game.

**Approved staff's recommendation**

**9.F.** Resolution Cancelling Taxes on Property Purchased for Public Purpose – Rocker Sebastian LLC – Fire Station 16

**Recommended Action:** Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the property purchased by Indian River County for a public purpose, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

**Approved staff's recommendation and Resolution 2025-017, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.**

**9.G.** Designation of Excess Equipment as Surplus and Authorization for Disposal

**Recommended Action:** Staff recommends the Board declare the items on the Excess List for 050625 as surplus, and authorize their disposition, as indicated.

**Approved staff's recommendation**

**9.H.** Award of RFP 2025035 for Independent Auditing Services

**Recommended Action:** Staff recommends the Board approve the final ranking of firms, award RFP 2025035 to James Moore & Co., approve the agreement, and authorize the Chairman to sign it after review and approval by the County Attorney as to form and legal sufficiency.

**Approved staff's recommendation**

**9.I.** Award of RFP 2025010 for Medical Director Services

**Recommended Action:** Staff recommends the Board award RFP 2025010 to Elite Medical Specialists, LLC, 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 receipt and approval of the required insurance by the Risk Manager. Staff also requests authorization to provide written notice to Dr. Nicosia of the non-renewal of the current agreement.

Vice Chairman Loar inquired about the Medical Director's roles and responsibilities as this was his first contract review, and sought insight into the vendor selection process.

Emergency Services Director Chief David Johnson explained that the process adhered to the County's Request for Proposal (RFP) procedures, resulting in three bids. A five-member committee evaluated the proposals and unanimously selected Elite Medical Specialists, LLC. Chief Johnson highlighted that this new provider would enhance Emergency Services by offering crucial services that were previously lacking, including 24-hour access to a physician, allowing field crews to contact a doctor directly via a dedicated 800 number.

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

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

#### **9.J. Award of Annual Bid 2025038 for Right-of-Way Mowing**

**Recommended Action:** Staff recommends the Board award bid 2025038 for Annual Right of Way Mowing by section to the contractors designated, and authorize the Procurement Manager to renew the award for two additional one-year periods, subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Vice Chairman Loar inquired about the County's strategy for handling the mowing contract for the Oslo median once it transitioned to a state road.

Public Works Director Addie Javed responded that the Public Works Department was currently collaborating with the Florida Department of Transportation (FDOT) on these contracts as responsibilities were transferred.

Deputy County Attorney Susan Prado pointed out that she had reviewed the contracts related to the FDOT transfer. She explained that under these contracts, the County was required to continue the mowing and maintenance services. FDOT would only take over the paving responsibilities.

Ms. Prado confirmed to Vice Chairman Loar that although designated as a state road, the County would be responsible for the continual maintenance. Any alteration not related to mowing and maintenance, including changes to traffic lighting or other infrastructure, would fall under the FDOT's responsibility.

Vice Chairman Loar emphasized the importance of the County continuing to monitor the I-95 and Oslo Road project as it progressed. He mentioned that he had reviewed renderings of the proposed center median but expressed concerns about whether the County would be able to maintain it once it becomes a state road.

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

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

**9.K.** Authorization to Increase Blanket Purchase Orders for Ring Power Corp and Auto Partners LLC.

**Recommended Action:** Staff recommends the Board of County Commissioners waive the requirement for bids and authorize increases to the listed Purchase Orders, as available funds are approved by Budget.

**Approved staff's recommendation**

**9.L.** Amendment to Award for Annual Bid 2025002 for Sulfuric Acid

**Recommended Action:** Staff recommends the Board approve the amendment to the award, and authorize quarterly price modifications, as verified and approved by the Assistant Director of Utilities and Procurement Manager.

**Approved staff's recommendation**

**9.M.** Work Order No. 2 for Arcadis, U.S., Inc. for Consulting and Support Services for the Department of Utility Services Computerized Maintenance Management System, IRCDUS Project ID: 00.23.541

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners approve Work Order No. 2 to Arcadis, U.S., Inc. for Consulting and Support Services for the Department of Utility Services Computerized Maintenance Management System for a not-to-exceed total budget of \$275,559.87 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 Arcadis, U.S., Inc.

**Approved staff's recommendation**

**9.N.** Work Order No. 9 for Atkins North America, Inc. for Central Wastewater Treatment Facility Odor Control Project, IRCDUS Project ID: 22.22.513

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners approve Work Order No. 9 for Atkins North America, Inc. (Atkins) for the Central Wastewater Treatment Facility Odor Control project for the amount of \$279,650.00, 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 Atkins.

**Approved staff's recommendation****9.O. Release of Retainage to Ceres Environmental Services, Inc. for Hurricane Milton Debris Removal**

**Recommended Action:** Staff Recommends the Board of County Commissioners approve the release of all withheld retainage to Ceres Environmental Services, Inc. and authorize payment of invoice C4156\_RET in the amount of \$92,263.02.

**Approved staff's recommendation****9.P. Work Order No. 01 Schulke, Bittle & Stoddard, LLC Old Dixie Highway Drainage (Westport Drive to 131st Street) IRC-2507**

**Recommended Action:** Staff recommends approval of Work Order No. 01 to Schulke, Bittle & Stoddard, LLC authorizing the professional services as outlined in the Scope of Services and requests the Board authorize the Chairman to execute Work Order No. 01 on their behalf in a not-to-exceed amount of \$111,600.

**Approved staff's recommendation**

*[Clerk's note: Item 9.Q. was heard in conjunction with Item 9.J.]*

**9.Q. Approval of Subordination of County Utility Interests Agreement between the Florida Department of Transportation and Indian River County**

**Recommended Action:** Staff recommends that the Indian River County Board of County Commissioners approve the Subordination of County Utility Interests Agreement between the State of Florida Department of Transportation and Indian River County, and authorize the Chair to execute the same.

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

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

**9.R. Authorization Request for the Use of Unused Salary to Fund Temporary Infrastructure Project Manager**

**Recommended Action:** Staff recommends that the Chairman authorize use of \$78,800.00 in Engineering unused salaries, Transportation Fund/County Engineering/Regular Salaries GL#11124441-011120 to fund the temporary employee for five months.

**Approved staff's recommendation**

The Chairman called a recess at 10:13 a.m., and reconvened the meeting at 10:23 a.m., with all members present.

**10. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES****11. PUBLIC ITEMS****A. PUBLIC HEARINGS****B. PUBLIC NOTICE ITEMS****12. COUNTY ADMINISTRATOR MATTERS****12.A.1**      City of Vero Beach Request for County to Assume Responsibility for Ocean Rescue Operations at City Beach Parks.

**Recommended Action:** Staff requests the Board review and consider the information in this agenda report and provide staff direction to the City of Vero Beach's request concerning the County assuming ocean rescue operations at City Beach Parks.

**Deleted****12.B.1**      Revised Requested Salary Increase - Chief Medical Examiner, District 19

**Recommended Action:** Review and consider the information contained in this agenda item, staff recommends supporting the requested increase to \$460,000 annually.

County Administrator John Titkanich reported during the Board of County Commissioners (BCC) meeting on April 8, 2025, that the Board declined a request for a \$495,000 salary for the Medical Examiner. He stated that representatives from St. Lucie, Martin, Okeechobee, and Indian River Counties expressed concerns about the potential loss of Dr. Aronica and the challenges of finding a qualified replacement. He noted that Indian River County's share of the increase was \$22,100, and other counties were willing to bridge the gap to cover it if agreed upon by Indian River. He concluded that at the Four County meeting, the Board had three options: fully funding the salary increase, agreeing to a modified proposal, or declining the request. Titkanich argued that increasing the salary was critical to avoid service disruptions and recruitment challenges.

A lengthy discussion ensued between the Board and Administrator Titkanich

regarding Dr. Aronica's proposed salary increase from \$367,000 to \$460,000, representing a 23% rise. Concerns arose over salary comparisons and the philosophical implications of such an increase. The Board emphasized its responsibility to taxpayers, noting that Dr. Aronica's request was significantly higher than her previous salary. It was said that St. Lucie claimed they would help cover the financial difference, raising questions about the process and approval for these discussions. Concerns about managing the medical examiner's role across four counties and funding for necessary equipment and facilities were also discussed. Additionally, a discrepancy was noted in the reported number of autopsies performed, raising further issues regarding the figures' transparency. Overall, there were significant worries about justifying the proposed salary increase.

Chairman Flescher discussed the meeting with the four counties, which focused on salary comparisons and the proposed salary increase for Dr. Aronica amidst budgetary concerns. He noted Dr. Aronica's triple certification and salary history, highlighting her current salary of \$367,000, which had increased since her hiring at \$320,000 in 2018. He emphasized the Board's responsibility to taxpayers. He mentioned the irony that the County with the smallest budget share would cover salary differences, a point that no Commission had officially approved.

Vice Chairman Loar pointed out discrepancies in reported autopsy figures from Dr. Aronica's office, noting that the actual numbers were just over 600 instead of 900. He addressed Dr. Aronica's proposed salary increase of \$460,000 and expressed concerns about the proposal's persuasive language, significant financial commitments for a new facility, and pension costs. Vice Chairman Loar remained firm against the initial proposal.

Commissioner Earman emphasized the strong partnership between counties and advocated for Dr. Aronica's continued role. While initially viewing her \$495,000 salary request as excessive, he acknowledged that surrounding counties agreed on \$460,000. He noted the medical community's support for her and stressed the importance of having a qualified Medical Examiner for taxpayer savings and case efficiency. Commissioner Earman reiterated his commitment to the Interlocal Agreement (ILA) and the necessity of financial independence from other counties.

Commissioner Adams expressed concern about how this issue was handled. She appreciated the four counties uniting to discuss their concerns and gain a better understanding of the situation. She emphasized the importance of standing together as the Treasure Coast and actively participating in an ILA regarding the medical examiner's salary. Commissioner Adams believed there was no need to break this matter into smaller issues, as the Board had previously agreed to a 23.8% share. She

stated that she was comfortable with the direction of the four counties and moved to approve Option One, agreeing to fully fund the County's share of the annual salary.

Commissioner Moss noted it was essential to ensure staff were adequately supported. Despite her reservations about the cost of the facility and the proposed salary increase, she stated that there had been no complaints about Dr. Aronica's service. Commissioner Moss conveyed her support for the salary increase.

Chairman Flescher expressed disappointment in how the Board approached the recurring expense related to Dr. Aronica, emphasizing it was substantial amid the County's challenges. While recognizing Dr. Aronica's skills, he noted there were alternatives and interest from others for the position, especially with the new facility being developed.

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

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

**Nay:** 2 - Chairman Flescher, and Vice Chairman Loar

### **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.**

Department of Utility Services Integrated Water Master Plan 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.

The Department of Utility Service Director Sean Lieske was joined by Carlee Fullenkamp and Chance Lauderdale, Consultants from HDR Engineering, who were developing an Integrated Water Master Plan (IWMD) for the County. This initiative addressed challenges posed by significant population growth, aging infrastructure, and evolving regulations. The plan aimed to create a dynamic, adaptable 20-year strategy that could respond to changing conditions and resource uncertainties, while ensuring long-term viability in light of potential funding declines.

Ms. Fullenkamp, utilizing a PowerPoint, presented the IWMD, which was in the evaluation phase, which focused on critical areas such as drinking water, wastewater, and reuse systems. This initiative underscored the importance of community engagement and stakeholder collaboration, particularly in relation to the financial impact on ratepayers. To navigate future service demands, eight key goals were established, supported by a comprehensive asset management program and performance metrics. The initial tasks involved conducting condition assessments at various facilities, updating hydraulic models, projecting demand, analyzing spatial growth areas, and performing asset risk assessments. To keep the public informed and gather feedback, a dedicated website was launched. She reviewed the project timeline, and estimated the completion of the IWMP by Spring 2026.

**No Action Taken or Required**

**14. COUNTY ATTORNEY MATTERS****14.A.1**

St. Lucie County Housing Finance Authority - Area of Operation Authority Resolution

**Recommended Action:** The Board of County Commissioners approve the Area of Operation Resolution to allow Vero Beach Leased Housing Associates IV, LLLP, a Minnesota limited liability limited partnership, to seek bond financing through the Housing Finance Authority of St. Lucie County for renovations, upgrading, improving, or any other lawful purpose to benefit the Orchard Grove complex.

Assistant County Attorney Chris Hicks sought the Board's approval for a Resolution allowing the St. Lucie County Housing Finance Authority to issue a bond for the

Orchard Grove Apartment Complex, aimed at providing affordable housing. This bond would not impose any financial burden on the County; repayment would come from the complex's revenue. Once approved, the Resolution would go to the Housing Authority for further consideration, with another hearing planned to finalize details. Commissioner Adams expressed her enthusiasm for the project, while Chairman Flescher noted the last discussion in 2021 with the Escambia County Housing Authority and highlighted changes in the Statute requiring participants to be from Indian River County.

Commissioner Earman sought information about Indian River County's Housing Authority. County Administrator John Titkanich responded that the County had its own Housing Authority, which operated independently from the Board. It currently managed two projects under the Housing Choice Voucher Program. The Housing Authority had its own Board and Executive Director and oversaw its own bonds and meetings.

**A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve staffs recommendation and Resolution 2025-018, Approving Indian River County as an area of operation for the St. Lucie County Housing Finance Authority with respect to the financing or refinancing by the authority of the acquisition, upgrading, reconditioning, rehabilitating, improving and beautifying of a multi-family housing facility located in Indian River County; providing for repeal of conflicting provisions; and providing an effective date. The motion carried by the following vote:**

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

## 15. COMMISSIONERS MATTERS

### A. Commissioner Joseph E. Flescher, Chairman

#### 15.A.1 Food Truck Ordinance

**Recommended Action:** Discussion

Chairman Flescher initiated the discussion about food trucks in the County, highlighting a specific incident involving a food truck that had been operating in the OTG Liquidation Center (OTG) parking lot for over six months before receiving a notice to cease operations. The notice cited violations, including the unauthorized display of flags and the operation of a food truck in an area not zoned for that purpose, as outlined in the County Code.

Sebastian Councilmember Christopher Nunn came before the Board to represent Dan Jones of Griddle and Grind, the food truck owner, not the City of Sebastian. He expressed concern that Mr. Jones might have been singled out, noting that

food trucks operated in various locations beyond just Home Depot and Walmart. Mr. Nunn referenced the County Administrator's letter that was posted online, as it seemed inconsistent with State Law and contradicted a lawsuit in Fort Pierce regarding distances from established restaurants. Mr. Nunn urged the Board to develop a new Ordinance that would be user-friendly and compliant with State Statutes.

A discussion took place among the Board, who expressed their support for revising the Ordinance to better reflect the growing acceptance of food trucks in the community. They noted that many residents appreciated the convenience and variety that food trucks provided. They addressed the need to model a policy that would clearly outline the rules and regulations for food truck operators, making it easier for them to navigate the permitting process. The discussion also highlighted the necessity for clarity regarding the mobility requirements for food trucks. They pointed out that existing rules could be confusing, particularly concerning the duration a food truck could remain in one location. This had led to inconsistent enforcement and frustration among food truck operators.

Chairman Flescher referred to Planning and Development Services Director Chris Balter on whether a food truck could operate in a parking lot, provided it was properly parked, did not obstruct traffic, and had the property owner's permission. Mr. Balter responded that food trucks were permitted to sell to the employees of a business during mealtimes. However, selling to the general public was not allowed. He clarified that food trucks were only permitted in specific planned developments with zoning districts that supported such operations. Additionally, they were allowed to operate at special events in County parks and at the Gifford Farmers' Market. To operate outside the zoning district areas, food trucks had to submit a permit application. He noted that Code Enforcement was currently enforcing the regulations as they were written. If the Board wished to revisit the policy, further discussions and direction would be necessary.

Dan Jones, the owner of Griddle & Grind, explained that he decided to leave to avoid daily fines and operate in the City of Sebastian on the days he would have been at OTG. He mentioned that his revenue loss had been \$1,850 per week due to the move. He stated that he was the only food truck owner to receive a citation from the County in the past five years. Administrator Titkanich confirmed this.

The Board and staff continued the discussion on the County's need to ensure that food trucks were permitted to operate in certain areas, as permitted by the current Statute. Additionally, there could not be a permit or license fee. The

temporary use permit must be included in the review to ensure staff were on the same page regarding what needed to be examined and to ensure the Ordinance complied with the State Statute.

Mr. Balter mentioned that he would return to the Board in about a month with his research and options for consideration. Any proposed changes would need to be submitted to the Planning and Zoning Commission, adding an additional two months to the process before returning to the Board. Overall, the timeline was estimated at three months, including public notice requirements and two public hearings.

County Attorney Jennifer Shuler remarked that food trucks could not be zoned out of existence and that local governments must allow them to operate. She highlighted the importance of adhering to State Statutes, specifically mentioning that State preemption prevents local entities from imposing licenses, registrations, permits, or fees for food truck operations. Additionally, local governments could not prohibit food trucks from operating within their jurisdiction. According to the 2024 Florida Statutes, the regulation of mobile food dispensing vehicles and temporary commercial kitchens was a State responsibility, and local regulations must align accordingly.

Stephanie Smith, owner of OTG, stated that she had faced challenges primarily related to communication with Code Enforcement. For two years, food trucks in her parking lot had enhanced the customer experience without any complaints. However, the recent closure of the trucks resulted in a \$5,000 revenue loss. She noted that after being misled by Code Enforcement about a permit for flags, she removed them, only to be told that the food trucks could not operate due to Code Enforcement's decision.

Mr. Jones stated he would not be able to wait 3 months and felt the situation was discriminatory. He mentioned it had been about two and a half weeks, and the recent location change had resulted in a significant loss in revenue, and the money spent on advertising to inform customers about the change.

Following additional discussions, the Board agreed to reassess the County's regulations regarding food trucks. The objective was to find a balance that supported local entrepreneurs while also ensuring adherence to health and safety regulations. The Board decided to direct staff to research and develop a model Ordinance consistent with State Statute for food truck operations.

**A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to direct staff to research and develop a model Ordinance consistent with State Statute for food truck operations. The motion carried by the following**

**vote:**

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

**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**

1) Resident Deana Accardi expressed concerns about the use of hydrofluoric acid and hydrofluorosilicic acid in the County's water supply. Although these concerns had not been included on an agenda, she emphasized the importance of addressing this issue, especially in light of Florida's ban on these substances.

2) Resident Anthony Germano, who has lived in Rockridge for 12 years, expressed concerns about the community's drainage issues, highlighting flooding risks during hurricane season due to neglected canals. He and three others had gathered materials to support their case, including a 2006 Resolution that held the County responsible for canal maintenance, which had been ignored for 20 years. Mr. Germano pointed out ongoing damage and mentioned a partially unused \$5 million FEMA grant. He requested that their documentation be entered into the Public Record and called for the County to honor the 2006 commitments by maintaining the canal systems before the upcoming hurricane season.

County Administrator John Titkanich stated that Utilities Director Sean Lieske inspected the area during his time as the Interim Public Works Director and was aware of the existing problems. However, he was informed that at that time, the responsibility primarily lay with the City of Vero Beach.

Commissioner Moss expressed her willingness to work with Rockridge residents, emphasizing that any information provided to the Clerk would be entered into the Public Record.

Former Rockridge resident Colleen Jennings described the Rockridge community as warm and welcoming, where residents share a strong sense of belonging. However, the community faced ongoing challenges due to severe flooding from hurricanes, especially following Hurricane Milton in 2024, which left many homes uninhabitable. The residents, primarily working-class families, struggle to recover from repeated disasters. She appealed to the Board for its support in finding a robust solution to the flooding issues, emphasizing the need for safety, security, and dignity for the families of Rockridge. She urged action to protect the community before the next storm hits.

*[Clerks note: the Rockridge Subdivision Stormwater Drainage & Discharge Focused Report is on file in the office of Clerk to the Board]*

## **18. ADJOURNMENT**

There being no further business the Chairman adjourned the meeting at 12:34 p.m.