



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

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
Shauna James, Deputy Clerk

Tuesday, May 7, 2024

9:00 AM

Commission Chambers

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

Deacon Freddie Woolfork, Progressive Civic League of Gifford

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

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 written. 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 National Correctional Officers and Employees

Indian River County Sheriff Eric Flowers and County correction officers gathered to celebrate Deputy Brittany Rudolf's achievement of winning the Corrections Deputy of the Year title for all Treasure Coast and Palm Beach Counties. Sheriff Flowers

thanked the Board for recognizing the hard work of first responders and congratulated Deputy Rudolf on her well-deserved award, and emphasized the dedication of all corrections officers serving their community

Read and presented by Commissioner Loar

5.B.

Proclamation Designating May 2024 as Mental Health Awareness Month

Tracy Hernandez, Director of Development at Suncoast Mental Health Center (SMHC), expressed her gratitude for the Proclamation. She stressed that there was a growing mental health crisis in the country and communities, which was significantly impacting the youth. Ms. Hernandez stated that SMHC provided therapeutic counseling, targeted case management, and psychiatric treatment to hundreds of students in over 80 schools in the four-county area. She further highlighted that SMHC had been promoting mental health and serving the community for over 25 years.

Dr. Phil Cromer, CEO of the Mental Health Association (MHA), noted the increasing demand for mental health services, particularly for children. Dr. Cromer stated that MHA had opened the Parent and Child Center, providing individual therapeutic services for the entire family, including infants and toddlers. He added that SMHC had partnered with MHA to enhance the center's effectiveness and offer wraparound case management services. Dr. Cromer thanked the Board for the Proclamation.

Read and presented by Chairman Adams

5.C.

Proclamation Recognizing the 20 Year Anniversary of Hibiscus Children's Village

Tracy Savoia, Vice President of Marketing for Hibiscus Children's Center (HCC), introduced CEO Matt Markley. Mr. Markley shared that HCC has provided a facility for young children in Vero Beach and Jensen Beach for the past 20 years. HCC serves children removed from their homes due to abuse or neglect when the State of Florida cannot find alternative placement. He expressed his gratitude to the community for supporting HCC's mission.

Read and presented by Commissioner Moss

5.D.

Addition - Proclamation Recognizing May 12 Through 18, 2024 as National Police Week

Before reading the Proclamation, Vice Chairman Flescher thanked the Deputies and emphasized the importance of remembering those who have lost their lives in the law enforcement community. He extended an open invitation to the community to attend the ceremony as an opportunity to pay respects and honor those who had sacrificed their lives in the line of duty.

Sheriff Eric Flowers was joined by Indian River County Deputies to accept the Proclamation. He stated that on Monday, May 13, 2024, at 10:00 a.m., the Annual Wreath Placement Ceremony would be held on the steps of the courthouse. Sheriff Flowers stated he recently had the honor of unveiling the 1986 Ford LTD in memory of Deputy Richard "Raz" Raczkoski, who was murdered on September 23, 1986.

Read and presented by Vice Chairman Flescher

6. APPROVAL OF MINUTES

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve the Regular Meeting Minutes of March 05, 2024, and March 19, 2024, as written. The motion carried by the following vote:

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

6.A. Regular Meeting of March 05, 2024

Approved as written

6.B. Regular Meeting of March 19, 2024

Approved as written

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

7.A. Event Calendar

No Action Taken or Required

7.B. Notice of Extension to Contract for Construction of Required Roadway Improvements to 90th Avenue for RaceTrac #1422 Vero Beach (Re: Right-Of-Way Permit No. 2022020789)

No Action Taken or Required

7.C. AJGA at Sandridge Golf June 3-7, 2024

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 presented. The motion carried by the following vote:

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

8.A. Checks and Electronic Payments March 29, 2024 to April 4, 2024

Approved

8.B. Checks and Electronic Payments April 5, 2024 to April 11, 2024

Approved

8.C. Checks and Electronic Payments April 12, 2024 to April 18, 2024

Approved

8.D. Checks and Electronic Payments April 19, 2024 to April 25, 2024

Approved

8.E. Children's Services Contingency Funding for Fiscal Year 2023-2024

Approved staff's recommendation

8.F. Assumption to Indian River County Grant Contract for the STEP into Kindergarten Children's Program

Approved staff's recommendation

8.G. Request for Work Order # 11 for Sandridge Restroom Utility Improvements

Approved staff's recommendation

8.H. Approval of Renewal for a Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Public Safety Department to Provide BLS/ALS Emergency Medical Services

Approved staff's recommendation

8.I. Work Order No. 1 Jones Edmunds & Associates, Inc. 2024 Beach Preservation Plan Update

Approved staff's recommendation

8.J. Waiver of Bid Requirement for Archiving Software

Approved staff's recommendation

8.K. Authorization for Increase to Blanket Purchase Orders

Approved staff's recommendation

8.L. Utility Work by Highway Contractor Agreement with Florida Department of Transportation for SR5/US-1 from 45th Street to South of 53rd Street. (PID # 41.23.551.03)

Approved staff's recommendation

- 8.M.** Change Order No. 1 - Hosie Schumann Renovations, Restroom Connections and Utility Service Plans

Approved staff's recommendation

- 8.N.** Approval of State Sovereignty Submerged Lands Lease Renewal for the Jones' Pier Conservation Area Dock Facility (BOT No. 310025634)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

- 10.A.1.** The Hope for Families Center, Inc.'s Request for Special Exception Use and Major Site Plan Approval for Expansion of an Existing Residential Treatment Center [SP-SE-24-01-01 / 2001110024-95660]

Planning and Development Services Senior Planner, Patrick Murphy, showcased the location and site plan for the Hope for Families Special Exception Use in his PowerPoint presentation. The presentation also covered the traffic circulation, stormwater, and landscape plans. He specified that at the Planning and Zoning Commission (PZC) meeting on March 28, 2024, the PZC voted 6-0 to recommend the Board grant the major site plan and special exception use approval. Mr. Murphy emphasized that this approval, with the conditions recommended by staff, was a major step forward for the project. The presentation showed that the property was situated at 720 4th Street and was bound by the specific land use criteria in Section 971.28(6) of the County's Land Development Regulations (LDRs). He stated that through the site plan review, it had been ensured that all criteria had been met or exceeded in the design.

Ms. Marty Mercado, Executive Director of Hope for Families, expressed her joy and satisfaction as she spoke about how she had been fortunate enough to be a part of the labor of love that took years to bring to fruition. She mentioned attending a homeless conference in San Francisco and was surprised to witness the separation of families in different shelters. Hope for Families in Indian River County aimed to keep families together as they combat homelessness. Ms. Mercado expressed gratitude to the community and donors for their support and discussed the expansion of rooms and

transitional apartments to accommodate more families in need. Ms. Mercado responded to Chairman Adams' inquiry and stated that there were currently twenty-one (21) rooms, but would expand to forty-one (41) rooms with this project. Additionally, there were nine (9) transitional apartments that were essential for families who qualify for Habitat for Humanity (Habitat), but have nowhere to go while they wait.

Chairman Adams opened the public hearing. There being no speakers, the Chairman closed the hearing.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, 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

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Curtis Paulisin re: Mary Snyder Golf Tournament

Vietnam Veterans of Indian River County, represented by Curtis Paulisin, Donna Katen-Bahensky, and Craig Waskow, shared details of their upcoming annual fundraiser, the Mary Snyder Golf Tournament. The event aimed to support housing programs for veterans in the County and was scheduled for Saturday, June 15, 2024, with a shotgun start at 7:00 a.m. at Sandridge Golf Club.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

10.C.1. Addition - Public Notice of Award for the Solid Waste and Recyclables Collection Services (RFP #2024020)

Read into the record by County Attorney Bill DeBraul

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Services

B. Emergency Services

C. Human Resources

D. Information Technology**E. Natural Resources****12.E.1. Anchoring Limitation Area Update**

Melissa Meisenburg, Senior Lagoon Environmental Specialist, used a PowerPoint presentation to outline the Anchoring Limitation Area (ALA) details. Per Florida Statute 327.4108, the County was responsible for establishing the ALA. ALAs are designated areas where a vessel could be anchored for a maximum of 45 consecutive days in a six-month period. If a violation occurred, citations may be issued. Failure to comply may lead to impoundment for 48 hours. If a vessel received more than three violations in a 12-month period, it could be declared derelict or a public nuisance. She displayed the proposed ALA maps and stated that the City of Sebastian, the Town of Indian River Shores, and the City of Vero Beach had passed Resolutions requesting the County establish an ALA within their jurisdiction. The two options for establishing the ALA were presented.

Option I:

The County would serve as the permittee with the Florida Fish and Wildlife Conservation Commission (FWC) for sign and buoy requirements per Florida Statute 327.4108. The municipalities would be responsible for acquiring permits from the United States Army Core of Engineers (USACE), the United States Coast Guard (USCG), and the Florida Department of Environmental Protection (FDEP) for sign and buoy deployment, installation of pilings, signs, and buoys, and monitoring and maintaining them within the respective ALA.

The municipalities would serve as the primary enforcement agency within their jurisdictional limits and bear responsibility for all maintenance of the signs, buoys, and associated costs. The County would be the permit holder and reimburse the municipalities 50% of the costs associated with the installation. If a city failed to monitor, maintain, or enforce the ALA, the County reserved the right to amend the ALA Ordinance and exclude the area from the ALA map. Funding was estimated at \$106,500.00 to \$127,000.00.

Option II:

The County would serve as the permittee with the FWC for sign and buoy requirements per Florida Statute 327.4108. The County would be responsible for acquiring permits from USACE, USCG, and FDEP for sign and buoy deployment. The County would also be responsible for installing and monitoring the pilings, signs, and buoys within the ALA and invoice the municipalities for 100% of all costs associated with this effort.

Each municipality would serve as the primary enforcement agency within its jurisdictional limits. If a city failed to reimburse the County for installation, monitoring, maintenance, or enforcement of the ALA, the County reserved the right to amend the ALA Ordinance and exclude the area from the ALA map.

Surveys would need to be conducted, and easements would need to be granted to the County to acquire the necessary permits. Funding would be required for an additional \$42,000 to \$75,000 for design, permitting, bid paperwork, mobilization, and construction oversight. This would not include any required surveys. The County would be responsible for installation and maintenance, assuming all liability associated with the infrastructure, including accidents caused by missing or damaged signs and buoys. Funding was estimated at \$255,500.00 to \$296,000.00.

In support of Option II, Commissioner Earman emphasized the importance of the survey in establishing anchoring points. Despite the increased cost, he deemed it necessary and said it was the municipality's preferred choice. Commissioner Moss, underscoring the significance of safeguarding the lagoon, expressed a strong desire to ensure its preservation. She believed that prioritizing this protection would benefit the lagoon and foster partnerships with municipalities to work toward its preservation. Despite the higher cost, Commissioner Moss stated her preference for Option II.

Former Indian River County Commissioner Peter O'Bryan addressed the Board regarding the urgent need to close loopholes in the current Statute and proposed some amendments to the legislative priorities. He emphasized that boaters would find ways to exploit any loopholes and stated that currently a boater could anchor in an ALA for 44 days, then move a mile away, drop anchor for the night, and return the next day to reset the 45-day clock. Mr. O'Bryan suggested changing the 45 consecutive days to 45 cumulative days in a six-month period, so boaters would have to move on once their 45 days were up and could not reset the clock by returning the following day. He recommended lobbying to change "consecutive" to "cumulative" to address this issue. He also proposed that the six-month window start on the first day the boat was identified within the ALA. Additionally, the 45-day limit should apply to all ALAs within the County to prevent boaters from moving around and discharging waste daily without ever leaving the area. He thanked the Commissioners and urged them to proceed with this process.

Clean Water Coalition Vice President Keith Drewett expressed his gratitude to

staff for pushing the process forward. He emphasized the severity of the situation in the County, particularly with three sunken vessels located close to the Vero Beach city marina. He stated that if the vessels sink, they would likely spill harmful chemicals into the water. Mr. Drewett emphasized the importance of the Board's role in moving the plan forward.

Town of Indian River Shores (Town) Town Manager James Harpring stated that Option II was preferred for the project. He believed that a single point of contact would be more efficient. He also assured the Board that reimbursement would not be an issue and that the Town could enforce the required measures.

Danessa Chambers, Assistant City Engineer, Vero Beach Public Works, thanked the Board and staff for their hard work on this critical project. She stated that the City preferred Option II, where the County handled permitting, installing, and maintaining the anchoring limitation area signs and markings, and billed municipalities for 100% of the cost. She stated this would result in a more consistent signage that would be easier for boaters to understand.

Chairman Adams and Ms. Meisenburg discussed the County's staffing situation. Ms. Meisenburg mentioned that an Environmental Specialist position was open. Chairman Adams suggested that the County might need to hire a Consulting Engineer and a Project Manager due to the current workload within the department. Interim Natural Resources Director Eric Charest mentioned that a new hire would require initial monitoring and oversight to get up to speed, and it would take time for them to assume the responsibilities for this project.

Chairman Adams received information on liability issues from County Attorney Bill DeBraul. He explained that any liability would be covered under the sovereign immunity if buoys and signage were correctly installed, and he did not believe there was any significant risk to the County.

County Administrator John Titkanich stated that the Board was providing direction for the drafting of the Ordinance, including the ALA provisions. The item would come back to the Board for further discussion. Administrator Titkanich mentioned that the ALA draft was not expected to take long, as he had already sent the core provisions to the respective municipalities.

Vice Chairman Flescher expressed his desire to push this initiative forward. He believed that by committing to 50% of the cost, the County could expedite the process and relieve the municipalities of a significant portion of the expense. He stated he valued all the input and noted the overall preference for Option II. He

acknowledged that many tasks had to be completed before the project could begin and made a motion for Option I. Commissioner Loar seconded the motion, stating that his reasoning was not only about the cost but also that he believed having the County oversee and correlate with the Lagoon Plan was the better option.

Sebastian City Council member Fred Jones understood the Board's position and stated that the City of Sebastian, along with Vero Beach and Indian River Shores, supported Option II. He believed it would be the best overall for the County, offering uniformity and reducing repeated efforts by all municipalities.

Commissioner Moss and Commissioner Earman reaffirmed their support for Option II.

Further discussion ensued between Chairman Adams and staff as to whether it would be beneficial for the Board to adopt a hybrid approach, engaging with the consultant and directing them to collaborate with each municipality. This strategy would combine the advantages of Option I and Option II, reducing staff's workload while promoting a more unified and coordinated effort. Chairman Adams felt it would be a win-win situation and would prevent each city from having to manage its own contract. She suggested putting together a coordinated, collaborative project that would take the onus off of County staff. This would give the autonomy to the municipalities, but the County would be the direct driver for the project.

Chairman Adams suggested amending the motion to move forward with the ALA project and bring it back with the amended language for the Interlocal Agreement as a proposed third option. Vice Chairman Flescher amended his motion, and Commissioner Loar amended his second.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to move forward with the ALA project and bring it back with the amended language for the Interlocal Agreement as the proposed third option. The motion carried by the following vote:

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

Nay: 1 - Commissioner Earman

F. Office of Management and Budget

G. Parks, Recreation, and Conservation

H. Planning and Development Services

12.H.1. Renewal of the effective date for the one-time free property split

Andy Sobczak, Planning and Development Services Director, informed the Board about the County's Subdivision Ordinance. This Ordinance, which became effective on July 23, 1983, required that any land subdivision must comply with the County's regulations. However, there was an exception to this rule called the "one-time free split." This exception allowed individual residential and agricultural parcels of land that had not been subdivided since July 23, 1983, to be divided into no more than two parcels, provided that the new parcels met the minimum requirements of the zoning district.

Mr. Sobczak recommended updating the effective date of the one-time free split from July 23, 1983, to May 7, 2024. Additionally, a grace period of 90 days (ending on July 5, 2024) was proposed for any outstanding eligible properties that have not used their initial one-time free split, allowing them to submit a request. Mr. Sobczak also mentioned that staff would create a Geographic Information System (GIS) layer for properties split under the new effective date and post the information on the County's website.

A motion was made by Vice Chairman Flescher, 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

I. Public Works**J. Utilities Services****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**

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.

B. Solid Waste Disposal District

A motion was made by Commissioner Loar, seconded by Chairman Adams, to approve the Solid Waste Disposal District minutes of February 20, 2024, March 05, 2024, March 19, 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.1. Approval of SWDD Meeting Minutes of February 20, 2024

Approved as written

15.B.2. Approval of SWDD Meeting Minutes of March 05, 2024

Approved as written

15.B.3. Approval of SWDD Meeting Minutes of March 19, 2024

Approved as written

15.B.4. Final Pay to Ryan Southern, Inc for Phase 1 Construction of Segment 3 Cell 3 Project

There was no discussion on the Item.

A motion was made by Commissioner Earman, seconded by Chairman Adams, 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

15.B.5. Final Pay to Geosyntec for Work Order WO No. 1 Phase 2 Segment 3, Cell 3 Construction Contract Procurement

There was no discussion on this Item.

A motion was made by Commissioner Earman, seconded by Chairman Adams, 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

15.B.6. Final Pay to Geosyntec for Work Order WO No. 18 - Site Preparation Segment 3, Cell

There was no discussion on this Item.

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:02 a.m.