



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
Randi Wardlow, Deputy Clerk

Tuesday, January 23, 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

Pastor Chris Drinnon, Grace Baptist Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Items 14.A.1 and 15.B.1. to be heard following the Consent Agenda, as Commissioner Earman had a time certain appointment at 11:00 a.m.

A motion was made by Commissioner Moss, seconded by Vice Chairman Flescher, to approve the Agenda as amended. 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. Presentation of Proclamation Recognizing African American Pioneer Ernie James Grier
Postponed until the February 6, 2024 regular meeting.

6. APPROVAL OF MINUTES

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

- 7.A. Proclamation Designating January 21-27, 2024 As Certified Registered Nurse Week
No Action Taken or Required
- 7.B. Notice of Proposed Parks, Recreation & Conservation Department Fee Schedule and Standard Operating Procedures Update
No Action Taken or Required

8. CONSENT AGENDA

Items 8.S. and 8.AB. were pulled for discussion.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve the Consent Agenda as amended. 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 December 8, 2023 to December 14, 2023
Approved staff's recommendation
- 8.B. Checks and Electronic Payments December 15, 2023 to December 21, 2023
Approved staff's recommendation
- 8.C. Checks and Electronic Payments December 22, 2023 to December 28, 2023
Approved staff's recommendation
- 8.D. Checks and Electronic Payments December 29, 2023 to January 4, 2024
Approved staff's recommendation
- 8.E. Checks and Electronic Payments January 5, 2024 to January 11, 2024
Approved staff's recommendation
- 8.F. Internal Audit Division Annual Report
Approved staff's recommendation

- 8.G.** Award of Bid 2024024 for Upper Floridian Aquifer South Well No. 1 Replacement
Approved staff's recommendation
- 8.H.** Second Extension to Agreement for Custodial Services for County Administration Complex (Bid 2022022)
Approved staff's recommendation
- 8.I.** Award of RFP 2024014 for Jones' Pier Conservation Area Design & Fabrication of Interpretive Center Exhibits and Authorization to Negotiate
Approved staff's recommendation
- 8.J.** First Extension to Agreement for North County and West Wabasso Water and Sewer Customer Side Connections (RFP 2023007)
Approved staff's recommendation
- 8.K.** 2024/2025 Budget Workshop/Hearing Schedule
Approved staff's recommendation
- 8.L.** Award of RFP 2024025 for an Urban Service Boundary Study
Approved staff's recommendation
- 8.M.** Award of Bid 2024026 for Tracking Station Beach Park Dune Crossover
Approved staff's recommendation
- 8.N.** Award of RFP 2024021 for an Impact Fee Study Update (Non-Utility)
Approved staff's recommendation
- 8.O.** Designation of Excess Equipment as Surplus and Authorization for Disposal
Approved staff's recommendation
- 8.P.** Approval of Agreements for Software Purchase and Maintenance (agreements not attached due to confidentiality)
Approved staff's recommendation
- 8.Q.** Approval of Continuing Architectural Consulting Services Rates
Approved staff's recommendation
- 8.R.** Children's Services Advisory Committee's Annual Report, FY 2022-2023
Approved staff's recommendation

- 8.S.** Updated Guidebook for The Children's Services Advisory Committee
- Commissioner Moss thanked staff for their work in updating the Children's Services Advisory Committee (CSAC) Guidebook, and noted the addition of professional development classes available to anyone in the non-profit sector.
- A motion was made by Commissioner Moss, seconded by Vice Chairman Flescher, to approve staff's recommendation, and Resolution 2024-004, adopting the Guidebook for the Children's Services Advisory Committee. The motion carried by the following vote:**
- Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar
- 8.T.** Appointment of Chairman to Children's Services Advisory Committee
- Approved staff's recommendation**
- 8.U.** 2024-2027 Children's Services Advisory Committee's Needs Assessment
- Approved staff's recommendation**
- 8.V.** Children's Services Advisory Committee's Recommendation of Request for Proposal, Grant Application and Agency Grant Contract for FY 2024-2025
- Approved staff's recommendation**
- 8.W.** Amendment No. 1 - FDEP Grant Agreement No. 21IR1 (Vero Beach Restoration - Beach Management Sector 5)
- Approved staff's recommendation**
- 8.X.** Amendment No. 4 - FDEP Grant Agreement No. 17IR2 (Wabasso (Indian River Sector 3) Beach Restoration)
- Approved staff's recommendation**
- 8.Y.** United Way Pickleball Tournament License Agreement
- Approved staff's recommendation**
- 8.Z.** Modification of Contract #H0259 between Indian River County and the Florida Division of Emergency Management
- Approved staff's recommendation**
- 8.AA.** State of Florida, Florida Fish and Wildlife Conservation Commission - FWC Agreement - Triple N Ranch and Indian River County Expansion Project Grant Agreement
- Approved staff's recommendation**

8.AB. Consideration of Revised Indian River County Local Housing Assistance Plan for Fiscal Years 2024-2025, 2025-2026, and 2026-2027

Commissioner Loar opened discussion with a request for consideration to allow mobile homes to qualify for SHIP (State Housing Initiatives Partnership) funds to make emergency repairs.

Chris Balter, Chief of Long Range Planning, spoke on the County's proposed new Local Housing Assistance Plan (LHAP), which included the SHIP programs, and was required to be filed with the State every three years. Discussion ensued between the Board and staff regarding the process to include mobile homes in SHIP funding, and the types of structural repairs which would be covered.

Chairman Adams clarified Commissioner Loar's request to add mobile homes to the emergency repair program only. Chief Balter confirmed there was time to make changes, as the LHAP filing deadline was in May. Chairman Adams suggested staff bring the matter before the Affordable Housing Advisory Committee before returning before the Board at the February 20, 2024 regular meeting.

A motion was made by Commissioner Loar, seconded by Commissioner Moss, to table the Item until the February 20, 2024 regular meeting. The motion carried by the following vote:

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

8.AC. Approval of a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for a Public Transportation Block Grant

Approved staff's recommendation and Resolution 2024-005, authorizing the execution of [a] Public Transportation Agreement with the Florida Department of Transportation.

8.AD. Amendment No. 2 to the Agreement for Professional Services for Emergency Operations Center Expansion, RFQ No. 2022062 (IRC-2302)

Approved staff's recommendation

8.AE. Change Order No. 1, 11th Drive & 37th Street Roadway and Intersection Improvements, IRC-2001

Approved staff's recommendation

8.AF. Final Pay to Atlantic Roofing II of Vero Beach, Inc., for the Central Wastewater Treatment Facility Roof Replacement Project

Approved staff's recommendation

8.AG. Amendment No.1 to Work Order No.8 to Bowman Consulting Group, LTD for Revisions to the Department of Utility Services Water, Wastewater & Reuse Utility Construction Standards

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

The Chairman called a recess at 11:15 a.m., and reconvened the meeting with all members present, except Commissioner Earman.

A. PUBLIC HEARINGS

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

10.A.1. County Initiated Request to Amend the 5-Year Capital Improvements Program and the Capital Improvements Element of the Comprehensive Plan for the Period of FY 2023/24-2027/28 - [LEGISLATIVE]

Chris Balter, Chief of Long Range Planning, cited extenuating circumstances as he requested the public hearing be continued until the next regular Board meeting on February 6, 2024.

Chairman Adams opened the public hearing for comments. There were none.

A motion was made to continue the public hearing per staff's request.

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to continue the public hearing until the February 6, 2024 Regular meeting. The motion carried by the following vote:

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

Absent: 1 - Commissioner Earman

10.A.2.

Biosolids Moratorium Extension Ordinance - LEGISLATIVE

County Attorney Bill DeBaal provided background information on Class B biosolids application in Indian River County. A moratorium prohibiting the land application and transportation of Class B biosolids in the County was passed on July 18, 2018. The moratoriums had been renewed continually, with the latest Ordinance expiring January 1, 2024. Attorney DeBaal requested the Board's approval on the Ordinance which would extend the moratorium to January 1, 2025.

The Chairman opened the public hearing for comments. There being none, the Chairman closed the public hearing.

Commissioner Moss questioned why the moratorium could not be extended for longer than one year at a time. Chairman Adams informed that moratoriums typically lasted one year, and any longer than that would qualify as a prohibition which was not allowed under State legislation.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve staff's recommendation and adopt Ordinance 2024-001, authorizing an extension of the temporary moratorium for an additional 1 year, or until a comprehensive review of the impact on the County's ecosystem is completed, within the unincorporated areas of Indian River County prohibiting land application activities of Class B biosolids; providing for additional study and possible regulation of Class B biosolids application activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, and an effective date. The motion carried by the following vote:

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

Absent: 1 - Commissioner Earman

10.A.3.

Ordinance of Indian River County, Florida, Amending the Zoning Ordinance and the Accompanying Zoning Map for ±2.0 Acres from RS-6, Single-Family Residential District to RMH-8, Residential Mobile Home District (RZON96050010-95727) [Quasi-Judicial]

Chairman Adams introduced the parties for the proceeding as being School Street Apartments LLC, and Indian River County.

Each Commissioner, as requested by the Chairman, disclosed ex parte communications, site visits, or independent investigations. The Commissioners also affirmed that they have an open mind and can base their decisions on the evidence presented and the applicable law. The Chairman opened the public hearing. The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Cindy Thurman, Senior Planner, Long Range Planning, presented staff's analysis of the request to rezone approximately two (2) acres located between 54th Terrace and 54th Drive along 45th Street from RS-6 (Single-Family Residential) to RMH-8, Residential Mobile Home District.

Geoff Barkett, Schulke, Bittle, and Stoddard, appeared before the Board on behalf of the applicant.

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

A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve staff's recommendation and adopt Ordinance 2024-002, amending the Zoning Ordinance and the accompanying Zoning Map for ±2.0 acres located at the terminus of 54th Drive, approximately 760 feet north of 45th Street and approximately one quarter of a mile east of 58th Avenue; from RS-6, Residential Single Family to RMH-8, Residential Mobile Home; and providing codification; severability; and effective date. The motion carried by the following vote:

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

Absent: 1 - Commissioner Earman

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak by D. Gilliams re: Funding for Septic to Sewer Utilities at 490 US Hwy 1, Sebastian 32958

Damian Gilliams appeared before the Board on behalf of his business located at 490 US Highway 1, Sebastian. Mr. Gilliams recounted the steps he took to try and connect to the County's sewer system, which was never achieved. He appealed to the Board for financial assistance with recent septic system issues. Chairman Adams confirmed the Board had received the documents submitted, and explained it was at a Commissioner's discretion to bring a discussion item back before the Board as an actionable Agenda item.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. Joint Meeting - City of Fellsmere and Indian River County

County Administrator John Titkanich informed County staff had met with the City of Fellsmere (City), and agreed upon the following agenda items for the upcoming joint County-City meeting: transportation, utilities, and stormwater.

Chairman Adams and Administrator Titkanich entered into discussion and agreed to prioritize utilities and stormwater. The Administrator also discussed the presentation regarding plans for the County Road 512, and was made in conjunction with the County's MPO and FDOT (Florida Department of Transportation). Further discussion was had regarding details of the meeting, and the focus on defining broad issues of concern.

The meeting would be held on Wednesday, January 30, 2024, in the Fellsmere Public School building.

No Action Taken or Required

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

I. Public Works

J. Utilities Services

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Susan Adams, Chairman

14.A.1. County Attorney Recruitment Process

[Clerk Note: This Item was heard following the Consent Agenda]

Chairman Adams requested the Board consider beginning the search for the next County Attorney in light of the fact that current Attorney Bill DeBral would be retiring in August of this year. County Administrator John Titkanich shared his experience with the executive recruitment firm his department was using. Commissioner Loar suggested advertising with professional legal groups for candidates before hiring a recruiter. Commissioner Moss expressed concern for handling the review process in house.

Discussion ensued among the Commissioners regarding timing, and the need to define the (qualities/qualifications?) preferred for the next County Attorney. Chairman Adams suggested having the Board work with Human Resources to refine the search criteria for distribution to professional agencies while simultaneously soliciting a proposal from a recruitment firm. She requested having the final recruitment ad brought back before the Board at the next regular meeting on February 6, 2024.

Consensus was reached to have staff gather the County Attorney's job description and incorporate the Board's suggestions for use in advertising to professional legal agencies. Staff was also directed to simultaneously request a proposal from a professional recruiter. The final job search advertisement would be brought before the Board for their approval at the next regular meeting on February 6, 2024.

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

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. Following Item 15.B.1., the Board of Commissioners adjourned the Solid Waste Disposal District meeting and reconvened as the Board of County Commissioners of the regular meeting, continuing with Item 10.A.1.

A. Emergency Services District

B. Solid Waste Disposal District

15.B.1.

Amendment No. 4 to Landfill Gas Agreement with Nopetro Eco District, LLC

Utility Services Director Sean Lieske presented the changes included in Amendment 4 to the Nopetro Eco District LLC (NED) Landfill Gas Agreement. Per the changes requested by the Board at the January 9, 2024 regular meeting, staff and the NED met and agreed to the following: a clarified definition of gross receipts/net proceeds, assignment of responsibility for certain expenses, reduction in the psi, and an extension of the landfill gas (LFG) Termination Date to May 31, 2025; an agreement to finalize standard operating procedures would be forthcoming.

County Administrator John Titkanich, and County Attorney Bill DeBraul detailed the financial scenarios in the Agreement, addressed the Board's questions, and discussed the risks versus the estimated returns.

Under discussion, Vice Chairman Flescher stated he was not in favor of the final Agreement as it had changed into a different type of project over the last three revisions, and he would rather let the contract go than proceed. Chairman Adams and staff discussed the offset costs, as well as the financial and environmental gains for the County.

Representatives from the NED appeared before the Board to expound on the evolution of the project and answer questions regarding the financing of the Renewable Natural Gas (RNG) production plant. During this discussion, it was revealed the contract between NED and Symbiont (the plant's engineering firm) was fully bonded; Attorney DeBraul confirmed this meant the facility which would convert LFG to RNG was insured to be completed. Further discussion ensued regarding the wording of the contract in regard to net proceeds. NED's attorney displayed all four (4) iterations of the Agreement to demonstrate the financial projections and returns to the County were unchanged; only the definitions of "gross", "expenses" and "net" were clarified per the Board's request at the last regular meeting.

Commissioner Earman spoke in favor of this public-private partnership, noting the minimal risk to the County coupled with the environmental and economic gains. Commissioner Loar maintained concerns regarding the financing and the exhibits in the contract, but noted the bond was a welcome revelation.

Tom Sullivan, County resident, received confirmation from the Board that the County's risk was limited to the amount of profits realized, and spoke in support of the project.

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

following vote:

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

Nay: 2 - Vice Chairman Flescher, and Commissioner Loar

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:52 a.m.