

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.ircgov.com

Joseph H. Earman, District 3, Chairman

Susan Adams, District 1, Vice Chairman

Joseph Flescher, District 2

Deryl Loar, District 4

Laura Moss, District 5

Michael C. Zito, Interim County Administrator

Dylan Reingold, County Attorney

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Shauna James, Deputy Clerk

Tuesday, April 4, 2023

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Pastor Joe Moore, Rivers of Living Water RHEMA Word Ministries

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 10.B.1. to be heard in conjunction with Item 13.A.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Agenda as amended. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Proclamation Honoring Phillip J. Matson on his Retirement from the Indian River County Board of County Commissioners Department of Community Development

Each Commissioner, County Attorney Dylan Reingold, and Interim County Administrator Mike Zito shared their personal experiences with Phil Matson. They expressed their admiration for his sense of humor, energy, strength, and knowledge, and conveyed their sadness at his retirement. Each of them wished him well for the future.

The following people spoke of Mr. Matson with praise for him both professionally and personally:

Bob McPartlan - Sebastian City Council member

Karen Deigl - Senior Resource Association

Wilfred Hart - Community Activist

Joe Paladin - Black Swan Consulting

Mr. Matson, accompanied by his wife, spoke to the Board, staff, and audience to express his gratitude for the support he received in realizing his legacy. He also conveyed his heartfelt appreciation for the honors bestowed upon him.

Presented by Chairman Earman

5.B. Presentation of Proclamation - Honoring Kimberly Emmons on her Retirement from the Indian River County Sheriff's Office

The Board and staff commented they were grateful for all Ms. Emmons had done over the years and for being the voice on the other side of the radio for so long.

Ms. Emmons stated she would miss her job as a 911 Dispatcher and thanked the Board for the recognition.

Presented by Vice Chairman Adams

5.C. Presentation of Proclamation Recognizing National Public Safety Telecommunications Week

Sheriff Eric Flowers thanked the Commissioners and expressed his appreciation for the Proclamation. Sheriff Flowers vowed he would continue to fight for the Dispatchers as they were truly the first responders.

Presented by Commissioner Loar

5.D. Presentation of Proclamation for April is Water Conservation Month

Public Communications Coordinator at St. Johns River Water Management District, Laura La Beur along with Director of Utility Services Sean Lieske were present to accept the Proclamation. Both spoke about water conservation and thanked the Board for the recognition.

Presented by Commissioner Moss

6. APPROVAL OF MINUTES**6.A.** Special Call Meeting of March 3, 2023

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Special Call meeting minutes of March 3, 2023, as written. The motion carried by the following vote:

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

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**7.A.** Florida Public Service Commission Order PSC-2023-0110-PCO-EI approving Florida Power & Light petition for recovery of incremental storm restoration costs for Hurricanes Ian and Nicole and approving consolidated interim storm restoration recovery surcharge, is available for review in the Office of the Clerk to the Board.

No Action Taken or Required

7.B. District 4 Appointment to Environmental Lands Acquisition Panel (ELAP)

Commissioner Loar stated Peter O'Brien had agreed to be the District 4 representative to the Environmental Lands Acquisition Panel (ELAP).

No Action Taken or Required

7.C. Indian River County Venue Event Calendar

Chairman Earman highlighted the following on the April 2023 event calendar:

Easter Egg Hunt in the Water
Conservation Lands Earth Week Program
Vero Beach Home Show
Community Drum Circle with Treasure Coast Percussion

No Action Taken or Required

7.D. SHIP & SHARP Grants Approved on March 10, 2023

Commissioner Moss expressed her gratitude to Mr. Phil Matson for his outstanding leadership in managing the State Housing Initiative Partnership (SHIP) program, which offers loans to individuals with very low to moderate incomes to support them in securing affordable housing. Commissioner Moss provided background on some approved grants.

Commissioner Moss stated it was crucial to ensure that the individuals receiving assistance were employed and that the aid they received was directed toward

purchasing a new home or improving their current living conditions. She felt this was a positive step towards resolving the problem of affordable housing for the workforce.

No Action Taken or Required

8. CONSENT AGENDA

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

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

8.A. The Moorings Club, Inc. for Hawks Nest Developer's Agreement

Approved staff's recommendation

8.B. Final Pay to All Webb's Enterprises, Inc.

Approved staff's recommendation

8.C. Interlocal Agreement Between Indian River County and Town of Orchid for Beach Access for Dune Restoration

Approved staff's recommendation

8.D. Release of Easement for Drainage and Satisfaction of Developer's Agreement for Grace Baptist Church of Vero Beach

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

[Clerk's note: Item 10.B.1 was heard in conjunction with Item 13.A.]

10.B.1. Request to Speak from Paul Westcott re: Disposition of Opioid Settlement Proceeds

Mr. Paul Westcott brought up the topic of opioid funds and shared some of the discussions that had been taking place within the Indian River Hospital District's (IRHD) Board of Trustees. Although no decisions had been made, the possibility of creating an in-patient medical detox facility and enhancing capabilities at the jail had been explored. Mr. Westcott emphasized the importance of collaboration and a

long-term vision in addressing the community's needs. He also wanted to ensure that all relevant entities in the County had the opportunity to participate in the settlement funds.

Mr. Westcott expressed his apologies for speaking without the explicit permission of the Board of Trustees. However, he did not want to miss the chance to participate, as the IRHD was scheduled to hold a meeting on April 7, 2023. He considered it fortunate to have the opportunity to be here and expressed his desire to contribute to the analysis.

No Action Taken or Required

10.B.2.

Request to Speak from Bill & Ardra Rigby of West Wabasso Progressive Civic League re: Shared Usage of Building

Chairman Earman firmly stated to Bill and Ardra Rigby that the Board would not entertain any further discussions on the same topic as the previous meeting. If their request to speak was regarding the building currently leased to the State of Florida's Department of Health, the Health Department was responsible for its management until the lease agreement changed. Therefore, any actions related to the building must be directed to the State of Florida Department of Health. He stated the Board was open to hearing Bill and Ardra Rigby's concerns, but it was important to note that it was the Health Department's building, and their rules must be followed. He commented the term "shared usage" may not be appropriate as it implied equal ownership, which was not the case here.

Mr. Ardra Rigby from the West Wabasso Progressive Civic League (League) raised an ongoing concern that was related to Chairman Earman's opening statement. He expressed his worry about decisions being made without the input of the League, as the League had been operating from the same building for over thirty years. He raised concern that a significant decision was made without considering its impact on League.

Mr. Bill Rigby expressed dissatisfaction with the League's property usage limitations and the new liability insurance requirement. Additionally, he perceived the Health Department's actions as unjust.

Chairman Earman stated the Health Department had planned to expand its services in that area and throughout the County for the betterment of the community. Staff decided to follow the agreement and have the Health Department take over as the leaseholder, and welcomed the League to use the facility.

Miranda Swanson, Indian River County Health Department, stated the Health Department Facility Use agreement applied whether it be to the main site or the Wabasso site. Liability insurance was standard for a non-profit, and was required to make sure that the organizations that were meeting within the site were consistent with the mission and vision of the Department of Health. The Department of Health prohibits any sort of political activities on their campuses. The Use Agreement was required for everyone, not just for the League.

Interim County Administrator Mike Zito explained to the Rigbys that Liability Insurance was an easy process and all that was needed was a Certificate of Liability to have their meetings held in the Health Department's building.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. Consideration of Marotech USA's Request for a Local Jobs Grant

In a presentation given by Andy Sobczak, Interim Community Development Director, he provided an overview of the Local Jobs Grant Program, explaining the program offered financial incentives to certain industries that establish or expand in Indian River County, provided they offer a minimum of five job openings. Mr. Sobczak explained that the program came in three funding tiers: \$3,000, \$5,000, and \$7,000 grants, based on the wages of new hires. He also emphasized that the County conducts thorough due diligence on all grant applicants to ensure there were no financial or legal concerns, and in the case of Marotech USA, Inc., no issues were found. He added the company had proposed to add ten (10) new jobs, with nine (9) at 75% of the county's average wage, qualifying them for a \$3,000 grant, and one at 100% of the wage, qualifying them for a \$5,000 grant. Furthermore, the proposed location for the business was in the Indian River County Vero Beach Enterprise Zone in Gifford, making them eligible for further benefits, making the total proposed Grant \$35,000.

At the Economic Development Council (EDC) meeting, Vice Chairman Susan Adams reported that everyone was in favor of welcoming the applicant and his company to the area, with hopes of creating new job opportunities.

Helene Caseltine, Director of Economic Development for the Indian River Chamber of Commerce, expressed appreciation to the Board for their attention and evaluation of the application. She mentioned that this project may be smaller in scale, with only 10 new job opportunities, but it would still make a considerable impact on the economy. The project was estimated to generate around \$425,000 annually in new salaries, which would circulate throughout the economy.

Ms. Caseltine introduced Martin Robitaille, President and General Manager of Marotech USA, Inc. Mr. Robitaille expressed his gratitude for the program and extended his thanks to the Board for their time and consideration.

Chairman Earman extended his gratitude to Mr. Robitaille for selecting Indian River County and expressed eagerness for a mutually beneficial and lasting partnership.

Commissioner Moss stated the County aims to promote the manufacturing industry and was delighted to welcome this company to the area.

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

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

The Chairman called for a recess at 10:33 a.m., and reconvened the meeting at 10:44 a.m. with all members present.

B. Emergency Services

C. General Services

D. Human Resources

E. Information Technology

F. Office of Management and Budget

G. Public Works

12.G.1.

Revised Outline for Indian River County's Lagoon Management Plan

Lagoon Plan Environmental Specialist Melissa Meisenburg provided an overview of the Indian River County Lagoon Management (IRL) plan using a PowerPoint presentation. The IRL plan was approved by Commissioners on June 19, 2018,

and involved coordinating the efforts of various County departments, including Public Works (Coastal and Stormwater), Utilities, Conservation Lands, and Community Development. On September 7, 2018 staff entered into a work order with Tetra Tech to develop the revised outline for the IRL plan. The Board was presented with an initial outline on May 7, 2019, and a revised outline on July 16, 2019, which highlighted key stressors affecting the Lagoon.

On September 21, 2021, the Board approved seventeen (17) key factors impacting the Lagoon with quarterly updates being provided to the Board. Ms. Meisenburg stated staff, along with the Tetra Tech Consultants, had prepared five focal areas: water quality, conservation lands, utilities, sustainability, and resiliency. A timeline was presented showing that the research and review phase had been completed, in progress was the plan development, estimated to take nine (9) to twelve (12) months for a draft review, with the implementation phase following.

Chairman Earman, conveyed his frustration with the process and emphasized the urgency of the matter. He stressed that it must be the top priority on the list of things to do.

Vice Chairman Adams also expressed frustration due to the considerable amount of time and money that had already been invested. She mentioned that a consultant was brought on board to provide additional support and facilitate progress in obtaining the necessary information. The significance of completing this task in a timely manner was to avail state and federal funding for future projects that would be identified in the plan. Brevard County and other counties have already implemented similar management plans, and it was essential for Indian River County to catch up after 5 years of planning. She emphasized that other counties would take advantage of the available funds if Indian River County failed to develop a plan.

Director of Public Works Rich Szyrka assured the Board that his department had been actively working to address the delay in the IRL plan. He explained that several factors, such as staff shortages, Covid-related delays, hurricanes, beach re-nourishment, and turtle season, had contributed to the delay. However, he emphasized that the department was committed to making this plan a top priority.

Ms. Meisenburg stated several projects had already obtained permits and staff was prepared to proceed. Those initiatives encompassed seagrass restoration, oyster restoration, and muck mapping for the Lagoon.

Chairman Earman mentioned that he planned to speak with the new County

Administrator John Titkanich to secure additional assistance. He expressed concern that progress was not being made quickly enough and was determined to take action.

The Board and staff discussed the timeline for finalizing the plan, with the goal of having it ready by July 1, 2023, to ensure that the funding opportunity was not missed.

Indian River County Clean Water Coalition President Judy Orcutt emphasized the County needs to stay focused and prioritize projects during the unprecedented time of available funding.

Heather Stapleton of the Indian River Lagoon National Estuary Program (IRLNEP) stated citizens were understandably concerned about the Lagoon, such as the recurring issue with reliance on septic systems.

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

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

H. Utilities Services

12.H.1.

Work Order No. 9 to Atkins - North County Inline Pump Station Evaluation

Director of Utility Services Sean Lieske utilized a PowerPoint presentation to provide a history of a decommissioned wastewater treatment plant now being used as a pump station. Director Lieske showed photos of the burst pipeline due to corrosion. He stated the pump station was open-air and exposed to the environment. Further using a wastewater treatment plant as a pump station was not an ideal situation as it could not handle the massive inflow. His recommendation was to replace this system with a similar one as Pump Station 89 at the Oslo Water Treatment facility. Director Lieske outlined the steps to be taken going forward: 1) equipment selection and project management; 2) the design work; and 3) construction.

A brief discussion was had between Vice Chairman Adams and Director Lieske regarding the master plan and moving forward.

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

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

13. COUNTY ATTORNEY MATTERS**13.A. Opioid Settlement Proceeds**

County Attorney Dylan Reingold referred to his March 29, 2023 memorandum regarding the Opioid Settlement Proceeds. He shared that in the summer of 2021, the County had entered into a Memorandum of Understanding (MOU) with the State of Florida, and as part of the MOU the County received \$139,604 for its portion of the city/county fund. Attorney Reingold anticipated Indian River County would receive approximately \$158,000 one-time payment as part of the Walmart settlement in 30 to 90 days. Also, the County would receive year-two funding of approximately \$140,000 in August or September 2023.

Attorney Reingold stated the Sheriff's office was interested in using the funds to address opioid use disorders in the jail. He added the Emergency Services Director recommended using the funds for the Substance Abuse Center and the Mental Health Association to assist the district with the increased cost of drugs used to resuscitate opioid overdose victims and enhanced training for the district crews. Additional ideas were for Narcan as an injectable versus the inhaler, and scanners to identify the drug substance. He specified it was important to note in his conversation with the Attorney General's office, it was revealed that Fellsmere, the Town of Orchid, and Indian River Shores had not signed the agreement. The Attorney General's office was very concerned, if a city had a population of 10,000 or less and they did not sign the agreement, their funds would flow directly to the County. Since speaking with the Attorney General's office, the City of Sebastian had verbally committed County staff to sign the agreement.

Attorney Reingold sought direction from the Board on how they would like to see these funds used with the reporting deadline being in July 2023.

The Board and Attorney Reingold engaged in a discussion regarding which organizations should receive the funds.

Attorney Reingold expressed the need for guidance from the Board to determine the next steps. He hoped to deliver a satisfactory proposal by June 2023.

Commissioner Loar stepped up to take the lead to create a spending plan after Chairman Earman commented Attorney Reingold's recommendation for an approved spending plan for the settlement funds was considered to be good.

The Board returned to the discussion at hand following Mr. Westcotts' comments. (Item 10.B.1.)

Commissioner Flescher stated the use for an atomized or injected Narcan saved lives and is done daily in many jurisdictions, but it does not address the problem. He felt the funding needed to be used for education and support in order to fix the problem.

Carrie Lester, Executive Director of the Indian River County Substance Awareness Center, expressed her gratitude to Attorney Reingold for presenting the matter to the Board. She emphasized that the issue at hand involved human lives and that the situation in the community was extremely concerning. Ms. Lester believed that this presents an opportunity for the Board to carefully consider and plan an intentional and strategic approach for utilizing these funds.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to appoint Commissioner Loar as the liaison and to direct staff and the County Attorney's office to move forward with option five (5) and develop a spending plan with a focus on drug and mental health court and hospital district, and bring back the plan to the Board at a future meeting. The motion carried by the following vote:

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

13.B.

Donation of County Property to the Florida Department of Transportation to be Used as Right-of-Way for the County Road 510 Improvement Project

Deputy County Attorney Bill DeBraal stated the Florida Department of Transportation (FDOT) planned on widening and improving County Road 510 from the Wabasso Causeway all the way to County Road 512. The FDOT had asked the County to dedicate Parcel 100 for the first phase of improvement. Construction was scheduled to begin in the summer of 2024. All told it was 3.587 acres of property on either side of County Road 510 with FDOT paying all of the costs for the improvement. An aerial photo depicting Parcel 100 was displayed.

No further discussion was had.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to approve staff's recommendation and Resolution 2023-012, conveying County owned Parcel 100 to Florida Department of Transportation (FDOT). The motion carried by the following vote:

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

14. COMMISSIONERS MATTERS

A. Commissioner Joseph H. Earman, Chairman

B. Commissioner Susan Adams, Vice Chairman

C. Commissioner Joseph E. Flescher

D. Commissioner Deryl Loar

E. Commissioner Laura Moss

15. SPECIAL DISTRICTS AND BOARDS

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.

A. Emergency Services District

B. Solid Waste Disposal District

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District meeting minutes of January 31, 2023, and February 7, 2023, as written. The motion carried by the following vote:

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

15.B.1. Solid Waste Disposal District Meeting Minutes of January 31, 2023

Approved

15.B.2. Solid Waste Disposal District Meeting Minutes of February 7, 2023

Approved

15.B.3. Solid Waste Assessment and Tipping Fee Rate Study

Himanshu Mehta, Managing Director of the Solid Waste Disposal District (SWDD), explained that the SWDD receives revenue from tipping fees and special assessment fees and that the rate structure for those fees had not been updated since being established in the year 1995. A thorough study was conducted by installing scales on two Waste Management trucks to gather data from different sectors in the community. The purpose was to accurately determine the amount of waste generated. This waste generation data was utilized by Kessler Consulting, Inc. (KCI) to develop scenarios going forward for the next five (5) to ten (10) years on how to we make some adjustments to the current fees.

Chas Jordan, Senior Consultant, KCI, presented background on the SWDD assessments, scope of project, methodology, data on waste generation, and recommendations. KCI's report recommended both increases and decreases which were more closely aligned with the amount of material applied from those properties being managed by the landfill. The study also considered the tipping

fees for the materials coming to the landfill that was not being paid for by assessments. Mr. Jordan discussed several rates scenarios based on the study data. After analysis, staff recommended Option 5; implementation of recommended WGU rates to be applied over a three-year period. This would include a revision to the WGU's of 50 percent of the proposed change in FY 2024 and the remaining 50% of the change in FY 2027. This scenario also implemented the new proposed tipping fees as presented in Scenarios 2 and 3 with a 3% increase per year in tipping fee rates through the ten-year period. In this scenario the impacts of increasing the tipping fees positively impacts the reductions in revenue due to the WGU rate change and the fund would not go below the minimum fund balance threshold of 35% in the ten-year period.

A brief discussion ensued between the Board and Mr. Jordan regarding some of the increased fees on certain items such as tires, illegal dumping, and uncovered loads.

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

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

15.B.4.

Approval of Engineering Consulting Services Agreement for IRC Landfill and Work Order No. 1 to Geosyntec for Segment 3, Cell 3 Engineering Services

There was no discussion on this Item.

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

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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:33 pm