



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Meeting Minutes - Final

Board of County Commissioners

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

Tuesday, January 17, 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

Christina Moore, Sr. Pastor, Rhema Apostolic International Deliverance Center

3. PLEDGE OF ALLEGIANCE

Commissioner Laura Moss

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Commissioner Deryl Loar made a motion to delete Item 13.B. due to the fact that the County had been operating without an agreement since 2017, and he thought the Interim County Administrator needed time to be brought up to speed on the issue and felt it was only prudent to postpone until more research could be done.

Commissioner Flescher agreed the Agenda Item should be deleted for further research. Vice Chairman Adams stated the agreement had been in the works for the past six years and it was irresponsible to be operating without an agreement and was not in favor of deleting the Item from the Agenda. Commissioner Moss was in agreement with Vice Chairman Adams to keep it on the Agenda.

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to delete Item 13.B. The motion failed by the following vote:

Aye: 2 - Commissioner Flescher, and Commissioner Loar

Nay: 3 - Chairman Earman, Vice Chairman Adams, and Commissioner Moss

ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Move: Item: 15.A.1, 15.A.2, and 15.A.3 to follow Consent Agenda

Delete: Item: 10.B.2

A motion was made by Vice Chairman Adams, seconded by Commissioner Moss, 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.** [22-1083](#) Proclamation Recognizing Rabbi Michael Birnholz In Celebration of 20 Years of Outstanding Dedication

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Rabbi Michael Birnholz was joined by his wife Jill as he accepted the Proclamation and recounted his work in the community. He thanked the Board for the recognition.

Read and presented by Commissioner Joe Flescher

- 5.B.** [23-0009](#) Presentation of Proclamation Honoring Cindy Carlsward On Her Retirement From the Indian River County Clerk of Court and Comptroller With 30 Years of Service

Recommended Action: Recommend Read and Present

Attachments: [Proclamation](#)

Ms. Cindy Carlsward was joined by family, friends, and colleagues as she accepted the Proclamation and recounted her experience during her 30-year career and stated she would miss all the people who had crossed her path. She was very honored and grateful for the recognition.

Clerk of the Circuit Court and Comptroller Jeffrey Smith commented he would not have been able to do his job without Ms. Carlsward. He wished her all the best and would be sad she would no longer be in the office.

County Attorney Dylan Reingold along with Interim County Administrator Mike Zito also stated their appreciation for Ms. Carlsward.

Read and presented by Chairman Earman.

- 5.C.** [23-0031](#) Presentation of Proclamation Honoring Dan L. Vaughn, Circuit Judge, 19th Judicial Circuit

Recommended Action: Read and Present

Attachments: [Proclamation](#)

Circuit Judge Dan Vaughn stated the Proclamation was unexpected and thanked the Board for the recognition.

Read and presented by Vice Chairman Adams

- 5.D. [22-1116](#) Presentation by AARP Florida of Certificate of Completion of the Livable Indian River Action Plan

Attachments: [Request from Livable Indian River](#)

Associate State Director for Community Engagement for AARP of Florida Ingrid Collins thanked the Board for their leadership in making the community an even better place for people of all ages. She stated Indian River County had completed it's Livable Action Plan and Indian River County was one of 45 age-friendly communities in Florida. Ms. Collins commented that it had been a pleasure to work with the Senior Collaborative of Indian River County, and thanked many other partner organizations and community members who have contributed to this action plan.

Vice Chairman Susan Adams thanked the group for their work and all of their efforts.

No Action Taken or Required

6. APPROVAL OF MINUTES

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of October 18, 2022, November 1, 2022, and November 8, 2022, as written. The motion carried by the following vote:

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

- 6.A. [23-0017](#) Regular Meeting of October 18, 2022

Recommended Action: Approve

Attachments: [10182022 BCC Final](#)

Approved

- 6.B. [23-0019](#) Regular Meeting of November 1, 2022

Recommended Action: Approve

Attachments: [11012022 BCC Draft](#)

Approved

- 6.C. [23-0028](#) Regular Meeting of November 8, 2022

Recommended Action: Approve

Attachments: [11082022 BCC Draft](#)

Approved

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

- 7.A. [23-0002](#) 2023 Treasure Coast Regional Planning Council (TCRPC) Appointments

Recommended Action: Inform

Attachments: [Information Memo](#)

[Chairman's letter](#)

No Action Taken or Required

- 7.B. [23-0005](#) City of Sebastian, Notice of Voluntary Annexation: Ordinance No. O-22-14 for property located at 11355 Old Dixie Highway. A copy of the adopted ordinance with a map and legal description are on file in the Office of the Clerk to the Board.

Recommended Action: Information Only

No Action Taken or Required

- 7.C. [23-0006](#) Florida Public Service Commission Order PSC-2022-0433-TRF-EI; In re: Petition for limited proceeding to approve refund and rate reduction resulting from implementation of Inflation Reduction Act, by Florida Power & Light Company; if a protest is filed within 21 days of issuance of order, tariff shall remain in effect with charges held subject to adjustment, pending resolution of the protest; if no timely protest, docket to be closed on issuance of a CO; protest due 1/11/2023, a copy is on file in the Office of the Clerk to Board.

Recommended Action: Information Only

No Action Taken or Required

- 7.D. [23-0007](#) Appointment of Robert J. Votaw to the Planning and Zoning Commission
Representing District 2

Recommended Action: Inform

Attachments: [Commissioner's Memorandum](#)
[Application & Resume](#)

Commissioner Joe Flescher welcomed Mr. Robert Votaw to the Planning and Zoning Commission (PZC). Mr. Votaw thanked Commissioner Flescher for the appointment to the PZC.

No Action Taken or Required

- 7.E. [23-0015](#) Indian River County Venue Event Calendar Review

Recommended Action: Informational item only; no Board action required

Attachments: [Venue Event Calendar](#)

Chairman Earman highlighted the following events: Under the Lights Clay Shooting at the IRC Shooting Range, Go Explore IRC Hiking Challenge, CPR Training at the Gifford Aquatic Center, and the Daddy-Daughter Dance, a Red-Carpet Affair at the iG Center.

Vice Chairman Adams invited everyone out for a “frogstastic” good time at the 32nd Annual Fellsmere Frog Leg Festival. There would be over 3,000 pounds of frog legs, 2,000 pounds of gator tail, entertainment, and carnival rides.

No Action Taken or Required

- 7.F. [23-0027](#) Letter of Agreement Crime Stoppers Trust Fund Grant

Recommended Action: Informational Only - No Action Required

Attachments: [Staff Report](#)
[Crime Stoppers Agreement](#)

No Action Taken or Required

- 7.G. [23-0037](#) Children's Services Advisory Committee - Re-Appointment of District 4 Representative

Recommended Action: Informational Item

Attachments: [Commissioners Memorandum](#)

No Action Taken or Required

- 7.H. [23-0038](#) Children's Services Advisory Committee - Resignation of District 3 Appointee Heather Grall Barwick

Recommended Action: Informational Item

Attachments: [Commissioner's Memorandum](#)

Chairman Joe Earman announced Heather Grall Barwick had resigned as his appointee to the Childrens Services Advisory Committee and thanked her for her service.

No Action Taken or Required

8. CONSENT AGENDA

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

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

- 8.A. [22-1111](#) Checks and Electronic Payments December 2, 2022 to December 8, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 2, 2022 to December 8, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.B. [22-1112](#) Checks and Electronic Payments December 9, 2022 to December 15, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 9, 2022 to December 15, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.C. [22-1118](#) Checks and Electronic Payments December 16, 2022 to December 22, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 16, 2022 to December 22, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.D. [23-0004](#) Checks and Electronic Payments December 23, 2022 to December 29, 2022

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 23, 2022 to December 29, 2022

Attachments: [Finance Department Staff Report](#)

Approved

- 8.E. [23-0030](#) Checks and Electronic Payments December 30, 2022 to January 5, 2023

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of December 30, 2022 to January 5, 2023

Attachments: [Finance Department Staff Report](#)

Approved

- 8.F. [22-1048](#) Miscellaneous Budget Amendment 01

Recommended Action: Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2022-23 budget.

Attachments: [Staff Report](#)
[2022 2023 Resolution](#)
[Exhibit "A"](#)

Approved Resolution 2023-001, amending the Fiscal Year 2022-2023 budget.

- 8.G. [23-0012](#) Declaration of Excess Equipment as Surplus

Recommended Action: Staff recommends the Board declare the items on the Excess List for 011723 Agenda as surplus, and authorize their disposal

Attachments: [Staff Report](#)
[Excess List for 011723](#)

Approved staff's recommendation

- 8.H. [22-1062](#) Renewal of Annual Bid 2022027 for Natural Areas and Exotic Vegetation Management/Mowing

Recommended Action: Staff requests that the Board of County Commissioners approve the First Extension and authorize the Chairman to execute it after the County Attorney has approved it as to form and legal sufficiency, and upon receipt and approval of the required insurance by Risk Management..

Attachments: [Staff Report](#)
[First Extension](#)

Approved staff's recommendation

- 8.I. [22-1064](#) Master Plan Study Phase Agreement for Emergency Operations Center Expansion Design (RFQ 2022062)

Recommended Action: Staff recommends the Board approve the Master Plan Study Phase Agreement with Spiegle and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[Master Plan Study Phase Agreement](#)

Approved staff's recommendation

- 8.J. [22-1110](#) Interest Rate Change on All County Financing (Petition Paving, Utility Assessment Projects, Utility Impact Fees, etc.)

Recommended Action: Staff recommends that the Board of County Commissioners approve the fixed interest rate of 7.5%. Staff further recommends that this rate remain in effect for calendar year 2023 for all County financing with the exception of projects directly affiliated with a bond issue for which the bond covenants dictate a different interest rate.

Attachments: [Staff Report](#)
[County Financing Interest Rate History](#)

Approved staff's recommendation

- 8.K.** [22-1114](#) First Extension to Agreement for Custodial Services for the County Administration Complex

Recommended Action: Staff recommends that the Board approve the First Extension and authorize the Chairman to sign it after the County Attorney has approved it as to form and legal sufficiency.

Attachments: [Staff Report](#)
 [First Extension](#)

Approved staff's recommendation

- 8.L.** [22-1113](#) Permission to Advertise for Public Hearing for Amendment to Section 100.03(4) of the Indian River County Code, Codifying and Publishing the Ordinances to Readopt the Code as Published by the Municipal Code Corporation

Recommended Action: Authorize staff to advertise for a public hearing on February 7, 2023 to amend Section 100.03(4) of the Indian River County Code.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.M.** [22-1115](#) Resolution for Designation of Authority to Utilities Director or Designee to Execute Lien Releases/Satisfactions for Road Paving Assessments

Recommended Action: County staff recommends that the Board approve the draft Resolution authorizing the Utilities Director or their designee to sign the release of lien for paving assessments so long as it is signed by the County attorney or their designee for legal sufficiency.

Attachments: [Staff Report](#)
 [Draft Resolution](#)

Approved Resolution 2023-002, authorizing the County Utilities Director or his designee, on behalf of the Board of County Commissioners, to execute certain lien documents relating to paving assessments, including satisfactions and releases under Chapter 206 of the Code of Indian River County.

8.N. [23-0032](#) Amendment to Mediated Settlement Agreement Shelly and Stephen Ryan

Recommended Action: The County Attorney's Office recommends that the Board approve the Amendment to the Mediated Settlement Agreement and authorize the Chairman to execute the Amendment on behalf of the Board.

Attachments: [Staff Report](#)
 [Aerial Photo of the Ryan property](#)
 [Amendment to Mediated Settlement Agreement](#)

Approved staff's recommendation

8.O. [23-0016](#) Amendment One to SJRWMD's cost-sharing agreement with Indian River County for plugging abandoned artesian wells

Recommended Action: Staff recommendations that the Board of County Commissioners approve Amendment One to SJRWMD's cost-sharing agreement with Indian River County, and authorize the Chairman to sign the amendment.

Attachments: [Staff Report](#)
 [Amendment One](#)

Approved staff's recommendation

8.P. [23-0021](#) Approval of Advance Purchase of Golf Cart Fleet

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Request for Proposals for 160 gasoline golf carts, utility cart, range cart and beverage cart.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 8.Q. [23-0023](#) Work Order Number 7, Continuing Architectural Services Contract RFQ 2018063
Fran B Adams (North County) Regional Park - New Restroom / Stand Alone
Structure Architectural Services

Recommended Action: Staff respectfully recommends approval of Work Order Number 7 for the Fran B Adams (North County) Regional Park New Restroom / Stand Alone Structure construction documents, bidding, and permitting assistance, and construction administration in Continuing Consulting Architectural Services Agreements for RFQ 2018063, with Edlund, Dritenbas, Binkley Architects and Associates, P.A. authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Work Order Number 7.

Attachments: [Staff Report](#)
[Work Order #7](#)
[Proposal](#)

Approved staff's recommendation

- 8.R. [23-0024](#) Work Order Number 8, Continuing Architectural Services Contract RFQ 2018063
Hosie Shumann Park Improvements Architectural Services

Recommended Action: Staff respectfully recommends approval of Work Order Number 8 for the Hosie Shumann Park Improvements construction documents, bidding, and permitting assistance, and construction administration in Continuing Consulting Architectural Services Agreements for RFQ 2018063, with Edlund, Dritenbas, Binkley Architects and Associates, P.A. authorizing the professional services as outlined in Exhibit A, and request the Board authorize the Chairman to execute Work Order Number 8.

Attachments: [Staff Report](#)
[WO8 Hosie Shumann](#)
[#8 Proposal Hosie Schuman](#)

Approved staff's recommendation

- 8.S. [23-0034](#) Approval of Public Official Bond for Anna J. Kirkland, Indian River County
Mosquito Control District

Recommended Action: Approve

Attachments: [Memorandum - Approval of Public Official Bond](#)
[Public Official Bond - Anna J. Kirkland](#)

Approved

- 8.T. [23-0035](#) Sebastian River Improvement District - Indian River County Fire Station #7, Interlocal Agreement (IRC-1911)

Recommended Action: Public Works recommends the Board of County Commissioners approve the “Sebastian River Improvement District - Indian River County Fire Station #7 Interlocal Agreement” and authorize the Chairman to execute the same.

Attachments: [Staff Report](#)
[Interlocal Agreement](#)

Approved staff's recommendation

- 8.U. [23-0039](#) Amendment No. 2 to St. Johns River Water Management District Grant Agreement 36528 for the Moorhen Marsh Low Energy Aquatic Plants System (LEAPSTM) Stormwater Treatment Facility

Recommended Action: Staff recommends that the Board of County Commissioners approve Amendment No. 2 to Grant Agreement 36528 extending the terms of the grant from January 31, 2023 to March 29, 2023 in order to allow for completion of construction for the Moorhen Marsh LEAPSTM, and authorize the Chairman to execute Amendment No. 2

Attachments: [Staff Report](#)
[Amendment No. 2](#)

Approved staff's recommendation

- 8.V. [23-0044](#) Update - 2023 State Legislative Program

Recommended Action: It is staff's recommendation that the Indian River County Board of County Commissioners accept the IRC 2023 State Legislative Program for use during the 2023 Legislative Session.

Attachments: [Staff Report](#)
[2023 State Legislative Program](#)

Legislative Affairs and Communications Manager Kathy Copeland, using a PowerPoint presentation, provided an update on the 2023 Florida Association of Counties Legislative Conference.

A motion was made by Commissioner Loar, 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

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**10. PUBLIC ITEMS****A. PUBLIC HEARINGS**

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

- 10.A.1** [23-0013](#) Consideration of Land Development Regulation (LDR) Amendments to Section 930.07(2)(i) to Allow for Exceptions to the Cut and Fill Balance Requirements for Commercial / Industrial Developments in Flood Hazard Areas (LEGISLATIVE)

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed cut and fill balance ordinance

Attachments: [Staff Report](#)
[Proposed LDR Subsection 931.07\(2\)\(i\)](#)
[Draft 12-8-22 PZC Minutes](#)
[Draft Ordinance](#)

Chief of Environmental Planning and Code Enforcement Rebeca Guerra utilized a PowerPoint presentation to outline the Land Development Regulation (LDR) amendment to allow for exceptions to the cut-and-fill balance requirements for commercial/industrial developments in flood hazard areas. Ms. Guerra stated that at its regular December 8, 2022 meeting, the Planning and Zoning Commission (PZC) conducted a public hearing and voted (7-0) to recommend that the Board of County Commissioners adopt the proposed Ordinance.

The Chairman opened the public hearing.

Vice President of Black Swan Consulting Joseph Paladin stated Ms. Guerra had done a tremendous job and added his support for the Ordinance.

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

A motion was made by Commissioner Loar, seconded by Commissioner Flescher, to adopt Ordinance 2023-001, concerning an amendment to its Land Development Regulations (LDR); providing for an amendment to Chapter 930, Stormwater Management and Flood Protection; by amending Section 930.07(2)(i), flood protection requirements, additional requirements; and by providing for repeal of conflicting provisions; codification; severability; and effective date. The motion carried by the following vote:

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

10.A.2 [23-0014](#)

Request for the Board of County Commissioners to Consider an Ordinance Modifying Title X Impact Fee Ordinance Regulations and Appendix X (LEGISLATIVE)

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed modifications to Title X, Impact Fees, eliminating impact fees for single-family homes and multi-family units of less than 1,500 square feet for households with incomes below 80% of area median income as contained in the ordinance.

Attachments: [Staff Report](#)
[Draft Ordinance](#)
[Appendix A](#)
[VIP Matrix](#)
[Waiver / Reduction Application](#)

Chief of Long-Range Planning John Stoll utilized a PowerPoint presentation to give a brief definition and timeline of impact fees and the proposed Ordinance amendment on the affordable housing impact fee waiver process.

Under discussion, Commissioner Loar received information that the income for affordable home buyers was not monitored, however, the homeowner enters into a formal impact fee waiver agreement that is registered with the County. If the homeowner was found to be in violation of the said agreement, there would be a 3% penalty.

The Chairman opened the public hearing.

Joe Paladin of Black Swan Consulting added that impact fees were one of the few means to have new development pay for itself, but was in support of reducing or eliminating the impact fees for affordable housing.

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

Vice Chairman Adams thanked staff and the Affordable Housing Advisory Committee (AHAC) for continuing to work on ways the County can break down barriers to affordable housing.

Chairman Earman thanked Vice Chairman Adams and staff for the work put forth on the affordable housing issue.

A motion was made by Vice Chairman Adams, seconded by Commissioner Moss, to adopt Ordinance 2023-002, amending Title X, Impact Fees, of the Code of Indian River County, to amend Appendix A, Impact Fee Schedules to approve new Impact Fee Schedules for Unincorporated Indian River County and Municipalities for qualifying affordable housing; providing for effective

date for new Impact Fee Schedules; and providing for codification; severability; and effective date. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

10.B.1 [23-0026](#) Request to Speak re: Vero Beach Sock Drive

Attachments: [Request to Speak Vero Beach Sock Drive](#)

Mr. Barry Shapiro and Ms. Stacey Santos were present to announce the 5th Annual Vero Beach Sock Drive would run from January 2023 to the end of February 2023. He stated that when he first started the drive he had hoped to get 300-400 pairs of socks, but received 1,000 pairs, and split those among three charities. Last year, they collected over 11,000 pairs of new socks and distributed them to 12 charities, and stated the sock drive had grown exponentially over time. The grand total of new, in-the-package socks that have been collected and distributed over the last four years was in excess of 23,000 pairs. He stated the sock drive began with a small group of caring friends and neighbors who wanted to do something kind to help the community. Everyone volunteers their time and efforts to help, and the sock collection boxes were now in over 30 locations throughout the Treasure Coast. Mr. Shapiro stated that their website had been set up again at www.verobeachsockdrive.com for additional information and events.

No Action Taken or Required

10.B.2 [23-0046](#) Request to Speak from George Colon, Advocate re: Fentanyl Awareness

Recommended Action: No Action Required

Attachments: [Public Discussion Request G. Colon](#)

Deleted

C. PUBLIC NOTICE ITEMS

10.C.1 [23-0008](#) Notice of Scheduled Public Hearing for January 31, 2023

Recommended Action: No action is needed

Attachments: [Staff Report](#)

County Attorney Dylan Reingold read the notice for the public hearing to be held on January 31, 2023.

No Action Taken or Required

11. COUNTY ADMINISTRATOR MATTERS**12. DEPARTMENTAL MATTERS****A. Community Development****B. Emergency Services**

The Chairman called a recess at 10:30 a.m., and reconvened the meeting at 10:40 a.m., with all members present.

C. General Services

12.C.1 [23-0036](#) 2023 STEAM Fest License Agreement

Recommended Action: Staff respectfully recommends the Indian River County Board of County Commissioners approve the attached License Agreement with the First Church of the Nazarene for the 2023 STEAM Fest and authorize the Chairman to execute the agreement after review by the County Attorney for legal sufficiency.

Attachments: [Staff Report](#)
[2023 STEAM Fest License Agmt](#)

Interim General Services Director Beth Powell presented to the Board the 2023 STEAM Fest License Agreement. Ms. Powell stated the organizers were looking to do something a little different this year to help promote the County with the County staff representing various departments to provide a unique "government in action" perspective in science, technology, engineering, art, and math (STEAM), she stated the annual event had been held at the Indian River County Intergenerational Center (iG Center) since 2018, has been very successful and thanked the organizers.

Ms. Powell invited organizer Ms. Stephanie Watson to say a few words and answer any questions the Board had. Ms. Watson thanked the Board and the iG Center for their support in promoting STEAM Fest for students and families. Ms. Watson looked forward to continuing to build the event to reach even more people in the future. A video of the previous STEAM Fest event was played.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, 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

D. Human Resources**E. Information Technology****F. Office of Management and Budget****G. Public Works****H. Utilities Services**

12.H.1 [23-0043](#)

Septic to Sewer Funding Status and Direction - West Wabasso Phase 3A and 3B

Recommended Action: Indian River County Department of Utility Services is recommending the Board of County Commissioners provide direction to staff to utilize \$210,569.89 in American Rescue Plan funding to cover the cost of the private-side connections within the Wabasso Phase 3A and 3B Septic-to-Sewer project

Attachments: [Staff Report](#)

Director of Utility Services Sean Lieske utilized a PowerPoint presentation to show on a map the West Wabasso Phase 3A and 3B Septic to Sewer (S2S) locations and illustrated the homeowner sewer responsibility. He stated there had been a delay due to some permitting and access issues on the originally planned site. Two properties were purchased from Habitat for Humanity that would allow the County to install the lift-station and construction was currently underway. Director Lieske detailed the County's construction costs/funding and the customer-side infrastructure costs/funding.

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, 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. [23-0001](#) Permission to Advertise Public Hearing - County Administrator Residency Requirement

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners authorize staff to advertise for a public hearing on February 7, 2023 to amend Section 101.05 of the Indian River County Code.

Attachments: [Staff Report](#)
 [County Administrator Residency Ordinance](#)

County Attorney Dylan Reingold brought before the Board a request to schedule a public hearing on a proposed Ordinance that would require the County Administrator to reside in Indian River County during his or her term of office. A discussion was had amongst the Board as to the timeframe the new Administrator would be given to become a resident if he or she lived outside of the County. Due to the difficulty in the current housing market, a proposal of three (3) to six (6) months was suggested. Commissioner Flescher was not in favor of negotiating the time frame after the candidate had been hired and wanted it stated in the Ordinance, he favored a 3-month time limit.

Vice President of Black Swan Consulting Joseph Paladin added his support for the recommendation from staff.

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

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

Nay: 2 - Commissioner Flescher, and Commissioner Loar

13.B. [23-0025](#) City of Vero Beach Water, Wastewater and Reclaimed Water Franchise Agreement

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the proposed franchise agreement and authorize the chair to execute the franchise agreement and any other documents necessary to effectuate the franchise agreement.

Attachments: [Staff Report](#)
 [COVB Draft Agreement](#)

County Attorney Dylan Reingold presented the proposed Franchise Agreement (Agreement) between Indian River County and the City of Vero Beach. He stated Indian River County staff and the City of Vero Beach staff had worked together to negotiate a new water, wastewater, and reclaimed water franchise agreement to cover those unincorporated areas currently served by the City of Vero Beach (City). The proposed franchise agreement would be for thirty (30) years and may be renewed for an additional 15-year period. Under the proposed franchise agreement, the rates for water, wastewater, and reclaimed water utility services charged by the City to the customers in the unincorporated areas of Indian River County shall not exceed the rates charged to customers within the same rate classes within the incorporated area of Vero Beach. Also, under the proposed franchise agreement, the City would provide a level of service in the unincorporated areas that were not inferior to the level of service provided to those customers within the City. Attorney Reingold stated he was aware the Town of Indian River Shores (Town) and residents in the South Barrier Island had significant concerns with the agreement.

Attorney Reingold responded to Chairman Joe Earman's question if the franchise agreement interfered with any of the continuing legal issues that the Town and the City currently faced. He stated the Town and the City had entered into a stipulation that had been filed with the court which specified the City would not interfere with the Town talking to the County and the ability of the County to serve the Town.

The following citizens spoke in opposition to the Franchise Agreement and urged the Board to vote against it:

Doug DeMuth - Vice President of the Taxpayers Association
Laurie Barkhorn - Resident
Bob Auwaeter - Councilman, Town of Indian River Shores
Brian Foley - Mayor, Town of Indian River Shores
James Harpring - Town Manager, Town of Indian River Shores

There was an alliance amongst the speakers that the 30-year term was too long and

requested more time to investigate the Agreement and study other options.

Rob Bolton, Director of Water and Sewer for the City of Vero Beach spoke in favor of the agreement.

Director of Utility Services Sean Lieske conveyed the cost associated with service rates in the future with new development and infrastructure needs. He felt the Board needed to look at this from a financial standpoint. He commented it was not unreasonable to have a 30-year franchise agreement, as the County had one with the City of Sebastian. He stated this objection to the 30-year term was much ado about nothing, but understood the concerns.

Discussion ensued between the Board and staff on the agreement and costs, each adding their comments. Commissioner Flescher and Commissioner Loar sought to table the item to allow additional time to review the feasibility study.

Commissioner Moss debated with Commissioner Flescher to have the initial study that was released in January 2023 discussed at this meeting.

Commissioner Adams expressed her frustration as the County had been trying to come to terms on this franchise agreement for at least five (5) years and felt there had been plenty of opportunity for everyone to be involved.

A motion was made by Commissioner Moss, seconded by Vice Chairman Adams, to approve the proposed franchise agreement for water, wastewater and reclaimed water between Indian River County and the City of Vero Beach. The motion carried by the following vote:

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

Nay: 2 - Commissioner Flescher, and Commissioner Loar

13.C. [23-0033](#) 2023 Committees Vacancies and Appointments

Recommended Action: The County Attorney recommends that the Board review the applicants' résumés and applications, and determine whether which applicants to appoint for the various committees.

Attachments: [Staff Report](#)
[01.09.23 CAO Vacancy List \(Website Use\)](#)

County Attorney Dylan Reingold stated per Resolution 2011.072 that it was the responsibility of the County Attorney's office to bring before the Board the individuals who would like to be appointed to current committee vacancies.

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to approve the list of re-appointments for committee members with exception, delaying Beach and Shores Committee and Public Safety Coordinating Council appointments. The motion carried by the following vote:

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

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to appoint Pam Hund to the Agriculture Advisory Committee. The motion carried by the following vote:

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

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to appoint Charlotte Tripson to the Agriculture Advisory Committee. The motion carried by the following vote:

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

A motion was made by Vice Chairman Adams, seconded by Chairman Earman, to delay the appointment to the Beach and Shores Preservation Advisory Committee until the January 31, 2023 meeting. The motion carried by the following vote:

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

A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to appoint Douglas Demuth to the Children's Services Advisory Committee. The motion carried by the following vote:

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

A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to appoint Jordan Lulich to the Economic Development Council. The motion carried by the following vote:

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

A motion was made by Commissioner Moss, seconded by Commissioner Flescher, to appoint Richard Baker to the Environmental Control Hearing Board. 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

A. Emergency Services District

The Board of County Commissioners reconvened as the Board of Commissioners of the Emergency Service District. The minutes will be approved at an upcoming Emergency Services District meeting.

[Clerks note: All Emergency Services District Items were heard after the Consent Agenda]

15.A.1 [22-1106](#) Approval of the Emergency Services District Meeting Minutes of August 16, 2022

Recommended Action: Approve

Attachments: [08162022 ESD Granicus](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Emergency Services District (ESD) meeting minutes of August 16, 2022 as written. The motion carried by the following vote:

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

15.A.2 [22-1103](#) Approval of Emergency Services District Meeting Minutes of October 4, 2022

Recommended Action: Approve

Attachments: [10042022 ESD Draft](#)

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Emergency Services District (ESD) meeting minutes of October 4, 2022 as written. The motion carried by the following vote:

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

15.A.3 [23-0011](#) Approval of Advance Purchase for Fire Rescue Apparatuses

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Purchase Order to ETR, LLC in the amount of \$1,012,098.

Attachments: [Staff Report](#)
[Proposal from ETR, LLC.](#)

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

The Board of Commissioners for the Emergency Services District reconvened as the Board of County Commissioners and started with Item: 10.A.1

Vice Chairman Susan Adams excused herself at 12:55 pm and returned at 12:57 pm

B. Solid Waste Disposal District

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

- 15.B.1** [23-0018](#) Approval of the Solid Waste Disposal District Meeting Minutes of October 18, 2022

Recommended Action: Approve

Attachments: [10182022 SWDD Final](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Solid Waste Disposal District meeting minutes of October 18, 2022 as written. The motion carried by the following vote:

Aye: 4 - Chairman Earman, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

Excused: 1 - Vice Chairman Adams

- 15.B.2** [23-0020](#) Approval of the Solid Waste Disposal District Meeting Minutes of November 1, 2022

Recommended Action: Approve

Attachments: [11012022 SWDD Draft](#)

A motion was made by Commissioner Flescher, seconded by Commissioner Loar, to approve the Solid Waste Disposal District meeting minutes of November 1, 2022 as written. The motion carried by the following vote:

Aye: 4 - Chairman Earman, Commissioner Flescher, Commissioner Loar, and Commissioner Moss

Excused: 1 - Vice Chairman Adams

- 15.B.3** [23-0040](#) Approval for Additional Frac Tank and Equipment for Leachate Disposal

Recommended Action: Staff recommends approval from the Solid Waste Disposal District Board to approve the change order and to coordinate with the Purchasing Department to amend and increase the existing Purchase Order #95005 by \$22,000

Attachments: [Staff Report](#)

There was no discussion on this Item

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

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

15.B.4 [23-0041](#)

Work Order No. 19 to Geosyntec for Annual Permit, Compliance Monitoring, and Reporting for 2023

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends that its Board approve Work Order No. 19 with Geosyntec Consultants for \$270,152.97 to provide engineering services related to the SWDD Annual Permit, Compliance Monitoring, and Reporting; and authorize the Chairman to execute the same, as presented

Attachments: [Staff Report](#)

[Work Order No. 19 - Geosyntec](#)

There was no discussion on this Item

A motion was made by Commissioner Flescher, seconded by Chairman Earman, 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.5 [23-0042](#)

Amendment No. 3 to Work Order No. 44 to Kimley-Horn for Landfill Gas Flare Skid Improvements and Pipeline Extension Project

Recommended Action: Solid Waste Disposal District staff recommends that its Board approve Amendment No. 3 to Work Order No. 44 with Kimley-Horn and Associates, Inc. for \$46,384.00, with an amended total of \$326,940.00, to provide engineering services related to the Landfill Gas Pipeline Extension and Skid Improvements; and authorize the Chairman to execute the same, as presented

Attachments: [Staff Report](#)

[Amendment No 3 to Work Order 44](#)

There was no discussion on this Item

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve staff's recommendations. 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 at 12:58 p.m.**

There being no further business, the Chairman adjourned the meeting at 12:58 pm