



Indian River County, Florida

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

Meeting Minutes - Final

Board of County Commissioners

Joseph Flescher, District 2, Chairman

Deryl Loar, District 4, Vice Chairman

Susan Adams, District 1

Joseph H. Earman, District 3

Laura Moss, District 5

John A. Titkanich, Jr., County Administrator

Jennifer W. Shuler, County Attorney

Ryan L. Butler, Clerk of the Circuit Court and Comptroller

Tuesday, December 17, 2024

9:00 AM

Commission Chambers

1. CALL TO ORDER

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

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

2.B. INVOCATION

Rev. Dr. Joseph LaGuardia

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Item 5.A. Presentation by Commissioner Moss

Moved: Item 4.A. moved to the Consent Agenda as 8.Q. SHIP 2024 Annual Report

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

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

5. PROCLAMATIONS and PRESENTATIONS

5.A. 25-0132 Commissioner Adams elected to FAC Board

Commissioner Moss congratulated Commissioner Adams on her recent election to the position of Second Vice President of the Florida Association of Counties (FAC). Commissioner Moss showed photos from the FAC event, and presented Commissioner Adams with a Certificate of Recognition. Commissioner Adams thanked fellow Board members and staff for their support.

No Action Taken or Required

6. APPROVAL OF MINUTES**6.A. [25-0109](#)** Preliminary Budget Hearing Meeting of September 11, 2024

Recommended Action: Approve.

Attachments: [09-11-2024 Preliminary Budget draft](#)

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve The Preliminary Budget Hearing of September 11, 2024 as written. The motion carried by the following vote:

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

6.B. [25-0111](#) Final Budget Hearing Meeting of September 18, 2024

Recommended Action: Approve.

Attachments: [09-18-2024 Final Budget draft](#)

A motion was made by Commissioner Adams, seconded by Commissioner Earman to approve the Final Budget Hearing of September 18, 2024 as written. The motion carried by the following vote:

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

6.C. [25-0114](#) Regular Meeting of September 24, 2024

Recommended Action: Approve

Attachments: [09242024BCC_Draft](#)

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of September 24, 2024 as written. The motion carried by the following vote:

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

6.D. [25-0116](#) Regular Meeting of October 08, 2024

Recommended Action: Approve.

Attachments: [10-08-2024 BCC Draft](#)

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of October 8, 2024 as written. The motion carried by the following vote:

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

6.E. [25-0117](#) Regular Meeting of October 22, 2024

Recommended Action: Approve.

Attachments: [10-22-2024 BCC Draft](#)

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Regular Meeting Minutes of October 22, 2024 as written. The motion carried by the following vote:

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

6.F. [25-0118](#) Special Call Meeting of October 30, 2024

Recommended Action: Approve.

Attachments: [10-30-2024 Special Call Meeting USB](#)

A motion was made by Commissioner Adams, seconded by Commissioner Earman, to approve the Special Call Meeting Minutes of October 30, 2024 as written. The motion carried by the following vote:

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

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

7.A. [25-0124](#) 2025 Committee Assignments by Commissioner

Recommended Action: For informational purposes only. No action needed.

Attachments: [Memorandum](#)

[2025 Committee Assignments by Commissioner](#)

No Action Taken or Required

8. PUBLIC COMMENT: AGENDA-RELATED MATTERS (EXCEPT FOR PUBLIC HEARINGS)**9. CONSENT AGENDA**

A motion was made by Commissioner Moss, seconded by Chairman Flescher, to approve the Consent Agenda as amended, pulling Items 9.K., and 9.M. for discussion. The motion carried by the following vote:

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

9.A. [25-0100](#) Quarterly Investment Report for Quarter Ending 09/30/24

Recommended Action: Accept the report.

Attachments: [Investment Committee 09-30-2024 Report](#)

Accepted

9.B. [25-0101](#) Quarterly OPEB Trust Report for Quarter Ending 09/30/24

Recommended Action: Accept the report.

Attachments: [Investment Committee 09-30-2024 OPEB Report](#)

Accepted

9.C. [25-0102](#) Quarterly Tourist Development Tax Report for Quarter Ending 09/30/24

Recommended Action: Accept the report.

Attachments: [Tourist Development Tax](#)

Accepted

- 9.D. [25-0103](#) Dori Slosberg Driver Education Safety Act - Driver Education Program Trust Fund Report - Cumulative Reporting Through 09/30/24

Recommended Action: Accept the report

Attachments: [Traffic Education Fund](#)

Accepted

- 9.E. [25-0107](#) FY 2023-2024 Records Management Compliance Statements

Recommended Action: It is recommended that the Chairman be authorized to sign the Records Management Compliance Statements for Fiscal Year 2023-2024.

Attachments: [Staff Report](#)

[IRC's Agency No. C0620500 Records Mgmt Stmt](#)

[IRC's Agency No. N0000527 Records Mgmt Stmt](#)

[IRC's Agency No. N0000164 Records Mgmt Stmt](#)

Approved staff's recommendation

- 9.F. [24-0994](#) Approval for Advance Purchase of Fire Rescue Apparatus

Recommended Action: Staff recommends the Board authorize the Purchasing Division to issue a Purchase Order in the amount of \$2,068,670.

Attachments: [Staff Report](#)

[Sutphen Quote](#)

[Justification for Replacement Memo](#)

Approved staff's recommendation

- 9.G. [24-0997](#) Approval for Amendment to MBV Work Order 2

Recommended Action: Staff recommends the Board approve the Amendment to Work Order 2 and authorize the Chairman to execute it, after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)

[Amendment to Work Order 2](#)

Approved staff's recommendation

- 9.H. [25-0106](#) Request for Partial Release of a County-Dedicated Drainage Easement at 500 2nd Street SW

Recommended Action: Staff recommends that the Board, through adoption of the proposed resolution, approve the requested partial release of the County-dedicated drainage easement at 500 2nd Street SW.

Attachments: [Staff Report](#)
[Excerpt Showing Requested Easement Release](#)
[Draft Resolution](#)

Approved staff's recommendation and Resolution 2024-075, releasing an easement (or portion thereof) on Lot 11, South Dixie Commercial Park Subdivision.

- 9.I. [24-0991](#) Work Order No. 16 - Kimley-Horn and Associates, Inc., Indian River Boulevard Pedestrian and Bicycle Access Improvement Project (IRC-1817)

Recommended Action: Staff recommends approval of Work Order No. 16 to Kimley-Horn and Associates, Inc., authorizing the professional services as outlined in the Scope of Services and requests the Board authorize the Chairman to execute Work Order No. 16 on their behalf in the amount of \$225,200.00.

Attachments: [Staff Report](#)
[Kimley-Horn & Associates, Inc. Work Order No. 16](#)

Approved staff's recommendation

- 9.J. [24-0992](#) Jackie Robinson Training Complex Walking Trail (IRC-1908), Release of Retainage and Change Order No. 1

Recommended Action: Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 1908-8FINAL to Prince Land, Inc. in the amount of \$44,439.57 for release of retainage.

Attachments: [Staff Report](#)
[Change Order No. 1](#)

Approved staff's recommendation

9.K. [24-1004](#) Acceptance of Sponsorship from Cleveland Clinic for Centennial Celebration

Recommended Action: Staff respectfully recommend that the Board of County Commissioners approves the agreement with Cleveland Clinic and accepts the \$10,000 donation.

Attachments: [Staff Report](#)

[24.12.13 Draft Agreement - 4318813 - COUNTY OF INDIAN RIVER - BOARD OF COUNTY COMMISSIONERS - 1-1-2025 - - SPONSORING INDIAN RIVER COUNTY CENTENNIAL CELEBRATION -](#)

Commissioner Moss stated she did not support the sponsorship from Cleveland Clinic (Clinic) for the County's centennial celebration. She reasoned it erroneously created the appearance of the Board having influence over the Hospital District, and the Commissioner hoped the \$10,000 would be spent on improving patient care.

Chairman Flescher stated his reasons for disagreeing with Commissioner Moss' comments, and embraced the Clinic's participation in the County's centennial commemoration.

Librarian Michelle Wagner, who was coordinating the centennial's events, recounted the history of Cleveland Clinic in Indian River County which dated back to the 1940s.

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

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

Nay: 1 - Commissioner Moss

9.L. [24-1006](#) CR512 & N. Broadway Street Drainage Restoration (IRC-2006), Change Order No. 1

Recommended Action: Staff recommends the Board approve Change Order No. 1 increasing the contract time by 44 days and additional funding in the amount of \$211,108.00 for a new contract total of \$426,342.70. Staff further recommends the Board authorize the Chairman to execute said Change Order No. 1 after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)

[Change Order No. 1](#)

Approved staff's recommendation

- 9.M. [24-1010](#) Agreements for Traffic Signal Synchronization and Cohabitation with the Florida East Coast Railway L.L.C. and Brightline Trains Florida LLC for the 41st Street, 45th Street, and 49th Street Railroad / Highway Grade Crossings

Recommended Action: Staff recommends the Indian River County Board of County Commissioners approve the attached agreements between the County, Brightline, and FEC for synchronization and cohabitation, and authorize the Chairman to sign, after review and approval by the County Attorney as to form and legal sufficiency.

Attachments: [Staff Report](#)
[41st Street Synchronization Agreement](#)
[45th Cohab Agreement](#)
[49th Street Synchronization Agreement](#)

Chairman Flescher made mention that this project was part of the County's settlement agreement with Brightline Trains Florida and Florida East Coast Railway (FEC) to improve safety at railroad crossings. He noted the project was a year behind schedule. County Administrator John Titkanich stated the agencies were endeavoring to complete the project before Christmas.

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

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

- 9.N. [24-1014](#) Request for Funding and Authorization to Purchase 2 Motor Graders and 1 Vacuum Truck

Recommended Action: Staff recommends that the Board authorize funding in the amount of \$1,339,244.50 from the Transportation Fund balance for the purchase of two new Caterpillar 120 motor graders and one new Peterbilt 537 vac-truck.

Attachments: [Staff Report](#)

Approved staff's recommendation

- 9.O.** [24-1007](#) Approval of Aqua-Aerobic Systems, Inc. Proposal No. 173978 for South Regional Wastewater Treatment Facility Filter Electrical Panel Capital Maintenance, IRCDUS Project ID 22.24.517

Recommended Action: Staff recommends that the Indian River County Board of County Commissioners approve Aqua-Aerobic Systems, Inc. Proposal No. 173978 in the amount of \$417,530.00 to provide turnkey services related to the South Regional Wastewater Treatment Facility Automatic Backwash Filter Electrical Capital Maintenance project and authorize up to an additional 15%, or \$62,630.00, contingency reserve for unforeseen work/expenses for a total budget of \$480,160.00. Staff also requests approval of Aqua-Aerobic Systems, Inc. as the sole source vendor for the AquaABF® Filters and services in Proposal No. 173978, and waive the requirement for bids for this and any other Aqua-Aerobic Systems, Inc. parts, equipment and services up to the approved budget amount.

Attachments: [Staff Report](#)
 [Aqua-Aerobic Systems Inc Proposal No 173978](#)
 [Aqua-Aerobic Systems Inc Sole Source Letter](#)

Approved staff's recommendation

- 9.P.** [25-0125](#) Approval of Final Rankings and Authorization to Negotiate for RFP 2025009 for Fairgrounds Marquee Sign Replacement

Recommended Action: Staff recommends the Board approve the final ranking of firms and authorize negotiations with the top ranked firm, and the subsequently ranked firms, should negotiations with the top ranked firm fail.

Attachments: [Staff Report - Ranking & Negotiation](#)

Approved staff's recommendation

9.Q. [25-0127](#) Indian River County SHIP 2024 Annual Report

Recommended Action: Staff recommends that the Board of County Commissioners approve the attached SHIP 2024 annual report and authorize its formal submission to the Florida Housing Finance Corporation after any necessary changes are made; and authorize the Chairman to sign the attached Certification form; and authorize staff to make any minor reporting changes to the annual report and Certification form that may be requested by the Florida Housing Finance Corporation.

Attachments: [Staff Report](#)
 [Ship Summary FY 21-22](#)
 [Draft Ship Annual Report](#)
 [2024 Annual Report Certification Form](#)

Approved staff's recommendation

10. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**10.A. [25-0122](#) Indian River County Sheriff's Office Forfeiture Trust Fund**

Recommended Action: [Enter Recommended Action Here]

Attachments: [IRC Sheriff's Office Forfeiture Trust Fund](#)
 [LETf Exhibit A](#)

Indian River County Sheriff Eric Flowers requested \$131,072 from the Law Enforcement Trust Fund to purchase additional equipment for Law Enforcement and Corrections Officers, and an additional \$11,000 for charitable contributions. Chairman Flescher referred to the Sheriff's memo dated December 6, 2024, for details regarding the request.

A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to approve Sheriff Flowers' request to use funds from the Law Enforcement Trust Fund to purchase equipment and support community programs. The motion carried by the following vote:

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

11. PUBLIC ITEMS**A. PUBLIC HEARINGS**

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

11.A.1. [24-0943](#) Biosolids Moratorium Extension Ordinance - LEGISLATIVE

Recommended Action: The County Attorney's Office recommends that after the public hearing the Board vote to approve the Ordinance.

Attachments: [Staff Report](#)
[Biosolids Moratorium Ordinance](#)
[Business Impact Statement](#)

Assistant County Attorney Chris Hicks presented the Biosolids Moratorium Extension Ordinance for the Board's approval. Attorney Hicks explained the ordinance needed to be renewed annually to extend the temporary moratorium on the spread of Class B biosolids on County land.

The Chairman opened the public hearing. There being no comments, the Chairman closed the public hearing.

A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to adopt Ordinance 2024-012, 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: 5 - Chairman Flescher, Vice Chairman Loar, Commissioner Adams, Commissioner Earman, and Commissioner Moss

11.A.2. [24-0990](#)

Public Hearing Scheduled for December 17, 2024, to Consider Notice Of Intent To Use Uniform Method Of Collecting Non-Ad Valorem Assessments

Recommended Action: The County Attorney recommends that the Board conduct a public hearing on the proposed resolutions, take comment from interested persons, and approve the two attached resolutions regarding the intent to use the uniform method for the levy and collection of special assessments.

Attachments: [Staff Report](#)
[Resolution - Non-Ad Valorem Assessments](#)
[SWDD Resolution 2024](#)

County Attorney Jennifer Shuler explained the process to collect non-ad valorem assessments for the Solid Waste Disposal District (SWDD). She noted there were two (2) resolutions for the Board's consideration.

The Chairman opened the public hearing for comments on either resolution. There being no comments, the Chairman closed the public hearing.

A motion was made by Vice Chairman Loar, seconded by Commissioner Earman, to approve staff's recommendation and Resolution 2024-076, electing to use the uniform method of collecting non-ad valorem special assessments levied within the unincorporated areas of Indian River County; stating a need for such levy; providing for the mailing of this Resolution; and providing an effective date. The motion carried by the following vote:

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

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District.

A motion was made by Commissioner Moss, seconded by Chairman Flescher, sitting as the Solid Waste Disposal District of Indian River County, Florida, to approve SWDD Resolution 2024-001, electing to use the uniform method of collecting a non-ad valorem special collection assessment to be levied within the unincorporated area of Indian River County; stating a need for such levy; providing for administrative actions; providing for conflicts; providing for scrivener's errors; and providing for an effective date. The motion carried by the following vote:

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

The Board of Commissioners of the Solid Waste Disposal District reconvened as the Board of County Commissioners with all members present.

11.A.3. [24-1005](#) Orlando Health Hospital Revenue Bonds Hearing

Recommended Action: The County Attorney recommends that the Board conduct a public hearing, take comments from interested persons, and approve the resolution approving Orlando Health's issuance of Hospital Revenue Bonds in an amount not to exceed \$200,000,000.

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

County Attorney Jennifer Shuler informed that Orlando Health Facilities Authority (Orlando Health), a not-for-profit corporation, had purchased the Sebastian River Hospital. Orlando Health requested this public hearing to gain approval of its plan to issue Hospital Revenue Bonds in an amount not to exceed \$200,000,000. Attorney Shuler added that the County was not liable for repaying the bonds.

The Chairman opened the public hearing.

Cortez Whatley, Local Government Affairs and Public Policy Manager, Orlando Health, noted that the bonds would not financially impact the County or affect the County's credit.

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

A motion was made by Vice Chairman Loar, seconded by Commissioner Adams, to approve staff's recommendation and Resolution 2024-077, approving the issuance by the Orange County Health Facilities Authority of its Hospital Revenue Bonds (Orlando Health Obligated Group) in an aggregate principal amount not to exceed \$200,000,000, with respect to the facilities in Indian River County, Florida, in one or more series over the longest period permitted by law, for the benefit of Orlando Health, Inc., a Florida not-for-profit corporation. The motion carried by the following vote:

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

The Chairman called for a recess at 9:34 a.m., and reconvened the meeting at 9:40 a.m. with all members present.

11.A.4. [24-1011](#)

Randolph Construction Group, Inc.'s Request for Conceptual Planned Development (PD) Plan and PD Rezoning Approval for a Residential Development to be Known as Hunters Grove PD [PD-23-07-03 / 2004050087-94636]

Recommended Action: Staff recommends that the Board of County Commissioners grant approval of the PD rezoning request and the conceptual PD plan for Hunters Grove PD, with the following conditions: 1. Prior to issuance of a land development permit, the applicant shall: a. Dedicate 20' of right-of-way along the north side of 41st Street and 15' of right-of-way along the 43rd Avenue in accordance with what is shown on the conceptual PD plan. b. Obtain MPO approval for the final location of the proposed bus stop with shelter. c. Obtain Planning staff approval of the final landscape and streetlighting plan. d. Obtain Environmental Planning staff approval of the final tree protection and mitigation plan. e. Obtain staff approval of the final design of the 41st Street sidewalk extension. f. Obtain staff approval of the final design of fence around the interior stormwater pond. 2. Prior to issuance of a certificate of completion, the applicant shall: a. Construct the 41st Street sidewalk extension. b. Install all internal sidewalks and site improvements. c. Install all required buffers and landscape improvements. d. Install the required streetlighting improvements. e. Install a fence around the interior stormwater pond.

Attachments: [Staff Report](#)
[Location Map](#)
[Aerial](#)
[PD Plan](#)
[Landscape Plan](#)
[Draft PD Rezoning Ordinance](#)

Chairman Flescher noted this was a quasi-judicial hearing, and introduced the parties for the proceeding as being the Randolph Construction Group (Applicant) 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.

Chief of Current Development Brandon Creagan utilized a PowerPoint presentation to explain the Planned Development (PD) rezoning process for Hunter's Grove. The presentation provided details of the location, and plans for traffic, stormwater, landscaping, required improvements, and public benefits. The Planning and Zoning Commission (PZC) recommended approval of the PD Rezoning and Conceptual PD Plan/Plat use with staff's conditions, and the addition of a fence around the interior

stormwater pond. The PZC also concurrently approved the preliminary PD Plan/Plat subject to approval of the rezoning.

Commissioner Moss received information regarding the difference between full access and emergency access driveways. The Commissioner then referred to the traffic analysis, and questioned having only one entrance/exit. Mr. Creagan explained that Public Works limited the number of driveways onto roads for safety, and only one access was required for this development's size. Commissioner Adams questioned the addition of stormwater pond fencing, which was not required by code and could be an eyesore. Ryan Sweeny, Assistant Planning and Services Director, noted there would be access gates to maintain the area, and that the fence was approved at the PZC meeting in response to an accident in a nearby neighborhood.

Aaron Stanton, MBV Engineering, appeared before the Board on behalf of the Applicant to address the stormwater pond fencing. He informed the developer was not in favor of the fence because of aesthetics, and it was not required by County code. The developer requested removing the fencing requirement from final approval. Chairman Flescher discussed the emergency access driveway, and requested use of the YELP system instead of a Knox Box for comprehensive emergency services access; the developer agreed to this change.

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

Commissioner Adams began discussion with the fencing requirement, noting the County had gotten away from this design for maintenance and aesthetic reasons. Commissioner Moss spoke in support of the fence in deference to the community's loss. Commissioner Adams was respectful but skeptical because the community did not request the fence, and was not required in the County's code.

Commissioner Adams made a motion to accept staff's recommendation, minus the fencing condition. Vice Chairman Loar seconded the motion under discussion. County Administrator John Titkanich suggested adding use of the YELP system to the motion. Following discussion, Commissioner Adams amended her motion.

An amended motion was made by Commissioner Adams, seconded by Vice Chairman Loar, to approve staff's recommendation with modifications to strike the requirement for a fence surrounding the stormwater retention pond, and to use the YELP emergency response system. The Board adopted Ordinance 2024-013, amending the Zoning Ordinance and the accompanying Zoning Map from RS-6, Residential Single-family (up to 6 units/acre), to PD, Planned Development, for approximately 17.80 acres of land located at the northeast corner of 41st Street and 43rd Avenue and described herein and providing for an effective date. The motion carried by the following vote:

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

Nay: 1 - Commissioner Moss

11.A.5. [24-1012](#)

Consideration of an Ordinance of Indian River County Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ±22.28 Acres from CG, General Commercial District to OCR, Office, Commercial, Residential District (2023060145-97024) [**Quasi-Judicial**]

Recommended Action: Based on the analysis, staff cannot recommend that the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject properties from CG to OCR. Staff's recommendation is for the PZC to recommend denial of this request.

Attachments: [Staff Report](#)
[Existing Zoning Map](#)
[Existing Future Land Use Map](#)
[Rezone Application](#)
[Draft Ordinance](#)

Chairman Flescher introduced the parties for the proceeding as being CJB Holdings, LLC, and Donald Proctor, Sr. (Applicant). 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, and the Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Senior Planner Cindy Thurman, Long Range Planning, presented the Board with staff's analysis of the Applicant's rezoning request from CG, General Commercial District, to OCR, Office, Commercial, Residential District. The presentation provided context for the property and the intended rezoning area. Ms. Thurman then detailed staff's analysis based on consistency with the criteria laid out in Section 902.13(3) of the County's Code, finding that the rezoning proposal did not meet the criteria under Items B, F, I, and J. Staff concluded that the OCR district was incompatible with the surrounding development patterns, inconsistent with Policy 1.43 of the County's Comprehensive Plan, not situated for transitional zoning, and did not meet all of the adopted policies of the Comprehensive Plan; staff did not recommend approval of the request. The presentation noted that the Planning and Zoning Commission had recommended approval of the request at its November 14, 2024 meeting.

The Board entered into discussion with Ms. Thurman and Chris Balter, Planning and Development Services Director, regarding discussions at PZC meeting, staff's future-focused presentation, long-term development patterns, and the possibilities for development under the existing commercial zoning.

Pete Sweeney, attorney with Block and Scarpa, appeared on behalf of the Applicant with questions for staff. The questions concerned the Applicant's requested use, Land Development Regulations' criteria, staff's presentation, and confirmation of the quasi-judicial nature of the PZC meeting. Attorney Sweeney went on to give a presentation which elaborated the reasons why the Applicant believed the Board should side with the PZC recommendation. Attorney Sweeney submitted a letter from the School Board (also entered into evidence at the PZC meeting) which owned property nearby.

The Board entered into discussion with Attorney Sweeney, noting the Board had the authority to find counter to the PZC; Mr. Sweeney suggested a possible procedural problem. Commissioner Adams questioned the implication of support with the School Board's letter, before noting that the developer could build their proposed housing under the Florida Live Local Act without the rezoning. The Commissioner also received information from staff on the differences between CG and OCR zoning with regard to residential uses.

County Administrator John Titkanich offered rebuttal to Attorney Sweeney's characterization of staff's role in the decision-making process, and refuted the idea of a procedural problem as the proposed residential development was included in the Applicant's request for rezoning. Chairman Flescher noted the Board considered all entities' recommendations, and spoke of balancing everyone's needs.

Chris Marine, attorney with Gould, Cooksey, Fennell, appeared before the Board on behalf of the owners of the property who had tried to develop the vacant parcel for many years. He advocated for adopting the PZC recommendation, as the owners felt the constraints of the current zoning prevented development.

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

Under discussion, the Board received additional information regarding the impact of the parcel's location in regard to the zoning requirements. Commissioner Earman spoke in support of the PZC decision, noting it could spur development in the area, and advocated for rethinking the zoning. Commissioner Moss spoke in support of staff's recommendation and affordable housing under the Live Local Act. Vice Chairman Loar and Chairman Flescher stated their reasons for disagreeing with the PZC recommendation.

A motion was made by Commissioner Earman to approve the Planning and Zoning Commission's November 14, 2024, decision to approve the rezoning request. The motion failed for lack of a second.

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

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

Nay: 1 - Commissioner Earman

The Chairman called for a recess at 11:00 a.m., and reconvened the meeting at 11:12 a.m. with all members present.

11.A.6. [25-0104](#)

Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ±5.55 Acres from CG, General Commercial District to CH, Heavy Commercial District (2004050052-97160) **[Quasi-Judicial]**

Recommended Action: Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from CG to CH.

Attachments: [Staff Report](#)
[Existing Zoning Map](#)
[Existing Future Land Use Map](#)
[Rezoning Application](#)
[Ordinance](#)

Chairman Flescher introduced the parties for the proceeding as being HF Properties, LLC (applicant) 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, and the Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Senior Planner, Cindy Thurman, Long Range Planning, presented staff's analysis and recommendation for the request to rezone from CH, General Commercial District, to CH, Heavy Commercial District. The presentation displayed zoning maps and analyzed the request to ensure it was consistent with Future Land Use Designation and met criteria under Section 902.12(3). Staff concluded that the request was consistent with the Comprehensive Plan and Land Development Regulations, and compatible with the surrounding area. Staff recommended approval of the request, and noted that the Planning and Zoning Commission (PZC) approved the request at their November 13, 2024 meeting.

Wesley Mills, Mills, Short and Associates, appeared before the Board on behalf of the Applicant to answer any questions.

Chris Balter, Planning and Development Services Director, referred to the zoning map to discuss the compatibility of the parcel with surrounding properties.

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

Commissioner Moss made mention of the traffic report which showed no impact by

the rezoning.

A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to approve staff's recommendation and adopt Ordinance 2024-014, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±5.55 acres located north of 71st Street, east of and adjacent to Old Dixie Highway, and west of and adjacent to U.S. Highway 1, from CG, General Commercial District, to CH, Heavy Commercial District; and providing codification, severability, and effective date. The motion carried by the following vote:

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

11.A.7. [25-0105](#)

Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for Approximately ±2.90 Acres from CL, Limited Commercial District to CG, General Commercial District (2005120295-96912) **[Quasi-Judicial]**

Recommended Action: Based on the analysis, Staff and Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from CL to CG.

Attachments: [Staff Report](#)
[Existing Zoning Map](#)
[Existing Future Land Use Map](#)
[Rezoning Application](#)
[Draft Ordinance](#)

Chairman Flescher introduced the parties for the proceeding as being Kennedy Oslo 27, LLC (Applicant) 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, and the Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Senior Planner, Cindy Thurman, Long Range Planning, presented staff's analysis and recommendation for the request to rezone from CL, Limited Commercial District, to CG, General Commercial District. The presentation displayed zoning maps and analyzed the request to ensure it was consistent with Future Land Use Designation and met criteria under Section 902.12(3). Staff concluded that the request was consistent with the Comprehensive Plan and Land Development Regulations, and compatible with the surrounding area. Staff recommended approval of the request, and noted that the Planning and Zoning Commission (PZC) approved the request at their November 14, 2024 meeting.

Geoffrey Barkett, Schulke, Bittle, and Stoddard, appeared before the Board on behalf of the Applicant to answer any questions.

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

A motion was made by Vice Chairman Loar, seconded by Chairman Flescher, to approve staff's recommendation and adopt Ordinance 2024-015, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±2.90 acres located southwest corner of 9th Street SW (Oslo Road) and 27th Avenue SW, approximately 2 miles west of Highway US 1, from CL, Limited Commercial District, to CG, General Commercial District; and providing codification,

severability, and effective date. The motion carried by the following vote:

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

B. PUBLIC NOTICE ITEMS

12. COUNTY ADMINISTRATOR MATTERS

12.A.1. [24-0980](#) American Rescue Plan Act of 2021 - Proposed Spending Plan Revisions

Recommended Action: Staff recommends that the Board consider the proposed spending plan (see attachment) as further detailed above totaling \$31,063,168, consider any changes, and approve the attached plan with any amendments as needed. Staff further proposes that any unencumbered funds in the proposed categories remaining as of December 23, 2024 be reallocated to Reduction in Revenues/Road Resurfacing and Restriping category in order to ensure all funds are encumbered by the December 31, 2024 deadline.

Attachments: [Staff Report](#)
[ARP Proposed Spending Plan](#)

County Administrator John Titkanich presented the Spending Plan revisions for the American Rescue Plan (ARP) Act of 2021. He explained the County had until December 31, 2024 to encumber funds, and until December 31, 2026 to fully exhaust all funding. The County had previously earmarked \$500,000 in ARP funds for construction assistance for the Gifford Gardens affordable housing project with Habitat for Humanity; that project was now ready for construction. Staff recommended reducing spending in Reduction in Revenues (Road Resurfacing and Restriping) to fund the previously made obligation to Gifford Gardens.

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

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

12.A.2. [24-0999](#)

Attachments: [Staff Report](#)

Kathy Copeland, Legislative Affairs and Communications Manager, presented an overview of the 2025 Legislative Priorities report to the Board. Ms. Copeland reviewed the Legislative calendar, introduced new Senate and House leadership, and reviewed the County's Guiding Principles. The State Priorities were septic to sewer conversion, inmate medical, property insurance, Advantage Ride program, and the push to fully fund projects through state grant programs. County Administrator John Titkanich provided information regarding inmate medical issues. The presentation also touched upon the Federal issues staff was monitoring.

The Board reached consensus on the guiding principles presented.

12.A.3. [25-0121](#)

City of Vero Beach - Revised and Updated Request for County Funding for the Humiston Project

Attachments: [CAI COVB Request for Funding Humiston Project \(20241210\)](#)
[COVB Email Request for Funding Humiston Project \(20241204\)](#)
[Alternative 3 Cost Breakdown Revised](#)

County Administrator John Titkanich followed-up on the Board's request for the Administrator to meet with Vero Beach City Manager Monte Falls and discuss the County's support for the Humiston Beach project. Agreement was reached to update estimated pricing based upon construction of a concrete sidewalk, two shade pavilions, and an ADA ramp; the lifeguard tower was not included in this project. The project was estimated to cost \$813,345. Administrator Titkanich recommended the Board move forward by defining their maximum participation amount, less any grant reimbursement; money would come from the County's General Fund.

Chairman Flescher entered into discussion with Mr. Falls to confirm that the project consisted of a concrete sidewalk, and that the County's contribution would be reduced if the City received grant funds.

Commissioner Adams restated support of her original suggested contribution of \$150,000 to \$200,000 to the project.

Tom Sullivan, County resident, received information regarding the scope of the project.

A motion was made by Commissioner Earman, seconded by Commissioner Moss, to approve staff's recommendation for a contribution of up to \$400,000, or 50 percent of the Humiston Project (Alternative 3 concrete sidewalk), less any federal, state, or private grant, reimbursement, or appropriation, whichever is less. Additionally, the County Attorney was directed to draft a participation of agreement outlining the Board's commitment and participation. The motion carried by the following vote:

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

Nay: 1 - Commissioner Adams

The Chairman called for a recess at 12:11 p.m., and reconvened the meeting at 12:17 p.m. with all members present.

13. DEPARTMENTAL MATTERS

- A. Building and Facilities Services**
- B. Community Services**
- C. Emergency Services**
- D. Human Resources**
- E. Information Technology**
- F. Natural Resources**
- G. Office of Management and Budget**
- H. Parks, Recreation, and Conservation**

- 13.H.1.** [24-0784](#) 2023-2024 Parks, Recreation & Conservation Department Project Update:
Parks Division

Recommended Action: Informational Item, No Action Required

Attachments: [Staff Report](#)

Parks, Recreation, and Conservation Director Beth Powell presented the Board with the 2023-2024 Department update for the Parks Division. Ms. Powell reported a Parks and Recreation ten-year Master Plan would be presented to the Board in February 2025. The presentation focused on the division's latest work and went on to detail installation of new playgrounds, upgrades to the Fairgrounds' facilities, infrastructure improvements, new boardwalks and docks, and several new restrooms. The presentation wrapped up with a list of upcoming plans and projects.

No Action Taken or Required

- I. Planning and Development Services**
- J. Public Works**
- K. Sandridge Golf Club**
- L. Utilities Services**

14. COUNTY ATTORNEY MATTERS

14.A.1. [24-1009](#)

Counteroffer for a Parcel of Right-Of-Way Located at 7950 66th Avenue, Vero Beach, FL 32967 Parcel 128 Owned by Orville L. Ganbin, III, and Kelly L. Jackson

Recommended Action: Staff recommends the Board approve the settlement of the eminent domain case for the necessary right-of-way from Ganbin/Jackson in the amount of \$73,227.50, inclusive of attorney's fees and costs, in addition to the non-monetary benefits listed out above. As well as authorize the County Attorney's Office or outside counsel to execute any documents needed to settle the lawsuit.

Attachments: [Staff Report](#)
[Ganbin Jackson P-128 Exhibits](#)

Deputy County Attorney Susan Prado presented the final counteroffer for a portion of the Ganbin/Jackson property needed to complete the land acquisition for the widening of 66th Avenue. Attorney Prado recounted the negotiations which stretched back to 2021. The final negotiated offer included \$50,000 for the needed portion of land, payment of witness and attorney fees, plus non-financial items: three (3) driveway aprons, delivery of fill material, and an easement to allow for a drainage pipe. Attorney Prado noted staff recommended approval of the offer, as the impending imminent domain trial would incur costs in excess of the settlement.

Chairman Flescher received confirmation of the settlement details and spoke in favor of accepting the offer.

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

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

15. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

B. Commissioner Deryl Loar, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Joseph H. Earman

15.D.1. [25-0123](#) Commissioner's Memorandum regarding Children's Services Advisory Committee

Recommended Action: Discuss and approve.

Attachments: [Commissioner's Memorandum](#)

Commissioner Earman brought two items related to the Children's Services Advisory Committee (CSAC) for the Board's consideration. The first was a request to allocate additional funds to two programs which had their funding reduced. Thrive (formerly known as the Substance Awareness Center) sought \$24,590 for their prevention programs, and the Healthy Start Coalition requested \$7,280 for its Fatherhood program. The Commissioner explained there were unallocated funds from the fiscal year 24/25 budget for this purpose, but those funds had been returned to the General Fund; he requested using money from the General Fund for these programs. This request was approved by CSAC at their regular meeting.

Under discussion, Vice Chairman Loar received information regarding the funding reductions. Director of Community Services Cindy Emerson confirmed the programs had abruptly had their funding cut by the Department of Children and Families.

A motion was made by Commissioner Earman, seconded by Commissioner Moss, to approve the supplemental funding requests for the Children's Services Advisory Committee. The motion carried by the following vote:

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

The second issue regarding the Children's Services Advisory Committee (CSAC) regarded the appointment of a CSAC Chairman, which currently relied on a volunteer stepping forward to accept the role. Commissioner Earman suggested having the Board's CSAC liaison serve as Chairman in a non-voting capacity, and adding another at-large member to replace the lost vote. Any change required the Attorney's Office to draft a revised Ordinance.

Commissioner Adams recalled there was precedence for having Commissioners serve as committee chairs.

A motion was made by Commissioner Earman, seconded by Chairman Flescher, to direct the County Attorney to modify the Children's Services Advisory Committee's (CSAC) Ordinance by appointing the Board's liaison as Chairman of the CSAC in a non-voting capacity, adding one additional at-large member, and bringing the revised Ordinance back before the Board for approval. The motion carried by the following vote:

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

E. Commissioner Laura Moss**16. SPECIAL DISTRICTS AND BOARDS****A. Emergency Services District****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.

16.B.1. [24-1003](#)

Amendment No. 1 to Solid Waste and Recyclables Collection Franchise Agreement between SWDD and WM

Recommended Action: Solid Waste Disposal District (SWDD) staff recommends the Board approve Amendment No. 1 to the Solid Waste and Recycling Collection Franchise Agreement between SWDD and WM; and authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[Amendment No 1 to Franchise Agreement](#)

Managing Director of the Solid Waste Disposal District Himanshu Mehta proposed amendments to the Solid Waste and Recyclables Collection Franchise Agreement for the Board's consideration. The amendments included revised definitions of bulk trash and roll carts; clarification that self-hauling did not eliminate universal fees; larger carts for multi-family customers; removing the requirement for commercial locks and instead implementing the CLEAN (Community, Litter, Environmental Protection, Awareness, and Notice) program to combat overflowing dumpsters and to lower supplemental charges; exceptions for Indian River Shores and Blue Cypress yard waste carts; introduction of a new, brown yard-waste cart; and limits on roll carts for solid waste and yard waste (recycling carts were not limited). New carts for solid waste, yard waste, and recycling would be delivered to customers in the unincorporated areas in October 2025 with the start of the new contract. Mr. Mehta also included charts showing revised supplemental charges for commercial and multi-family customers.

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

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

- 16.B.2. [25-0110](#)** Solid Waste Disposal District Preliminary Budget Hearing Meeting Minutes of September 11, 2024

Recommended Action: Approved

Attachments: [09112024SWDDPrelimBdgt_draft](#)

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Solid Waste Disposal District Preliminary Budget Hearing Meeting Minutes of September 11, 2024 as written. The motion carried by the following vote:

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

- 16.B.3. [25-0112](#)** Solid Waste Disposal District Final Budget Hearing Meeting Minutes of September 18, 2024

Recommended Action: Approve

Attachments: [09182024SWDDFinalBdgt_draft](#)

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Solid Waste Disposal District Final Budget Hearing Meeting Minutes of September 18, 2024 as written. The motion carried by the following vote:

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

- 16.B.4. [25-0115](#)** Approval of SWDD Meeting Minutes of September 24, 2024

Recommended Action: Approve

Attachments: [09242024SWDD_Draft](#)

A motion was made by Commissioner Adams, seconded by Chairman Flescher, to approve the Solid Waste Disposal District Meeting Minutes of September 24, 2024 as written. The motion carried by the following vote:

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

C. Environmental Control Board

17. PUBLIC COMMENT: NON-AGENDA-RELATED MATTERS

18. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:19 p.m.