

6. **APPROVAL OF MINUTES**

9:14
a.m.

A. Regular Meeting of February 17, 2015

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the regular meeting minutes of February 17, 2015, as written.

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

9:16
a.m.

A. Proclamation and Retirement Award Honoring Rebecca Sweeney on Her Retirement from Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Twenty-One Years of Service 1-2

B. Spoonbill Marsh Wetland – Eco Walking Tour (memorandum dated March 3, 2015) 3
Vice Chairman Solari announced the Spoonbill Marsh Wetland Eco walking tour scheduled for Saturday, March 14, 2015, from 8:00 a.m. to 2:00 p.m., located at 57th Street, off of US 1.

8. **CONSENT AGENDA**

9:17
a.m.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved the Consent Agenda.

A. Approval of Warrants – February 20, 2015 to February 26, 2015 (memorandum dated February 26, 2015) 4-10
Approved the list of warrants (checks) and wires as supplied by the Comptroller’s Office.

B. *Kota of Sarasota, Inc. v. Waste Management Inc. of Florida* Class Action Lawsuit (memorandum dated February 27, 2015) 11-13
Authorized staff to participate in the class action settlement lawsuit of Kota of Sarasota, Inc. v. Waste Management Inc. of Florida, if eligible.

C. Request for Authorization to Submit an Application for 49 USC CH.53, Section 5311 Transit Operating Assistance Funds for FY 2015/16 (memorandum dated February 27, 2015) 14-24
Approved Resolution 2015-034, authorizing the submission of a FY 2015/16 Grant Application for 49 USC CH. 53, Section 5311 Public Transit Operating Assistance.

- D.** GH Vero Beach Development LLC’s Request to Re-plat a Portion of The Falls At Grand Harbor, Plat 29 to be known as Grand Harbor Plat 31
(memorandum dated February 27, 2015) 25-32
Granted final plat approval to GH Vero Beach Development, LLC, for Grand Harbor Plat 31.
- E.** Work Order No. 1 with Ardaman and Associates, Inc. for Professional Geotechnical Services for 43rd Avenue and SR 60 Intersection Improvements (18th Street to 26th Street) IRC Project No. 0853
(memorandum dated February 20, 2015) 33-45
Approved Work Order No. 1 to Ardaman and Associates, Inc. for professional services as outlined in the Proposal for Level III contamination assessment services, and authorized the Chairman to execute same, for a not-to-exceed amount of \$59,000.00.
- F.** Release of Retainage for Bridge Design Associates, Inc., Oslo Road Phase III from 58th Avenue to 43rd Avenue, IRC Project No. 0517
(memorandum dated February 27, 2015) 46-48
Approved release of retainage and payment of Bridge Design Associates, Inc. Invoice No. 11-583/R-1, dated February 3, 2015, in the amount of \$1,999.82.
- G.** Work Order No. 1, Masteller & Moler, Inc., 49th Street/US 1 Intersection Improvements, IRC Project No. 1412
(memorandum dated February 16, 2015) 49-56
Approved Work Order No. 1 to Masteller and Moler, Inc., authorizing the professional services as outlined in the Scope of Services, and authorized the Chairman to execute same, for a total lump sum amount of \$70,140.00.
- H.** Resolutions Canceling Taxes on Property Purchased for 26th Street Right-Of-Way
(memorandum dated March 3, 2015) 57-69
Approved Resolution 2015-035, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.
(Purchased from: Brenda Hamilton Sistler, Keith A. Hamilton and William A. Hamilton)
Approved Resolution 2015-036, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.
(Purchased from: Javier Franco and Baylee Franco)
- I.** Provence Bay, Request for 2-Year Extension to Final Lift of Asphalt Contract, Developer: Centex Homes
(memorandum dated March 2, 2015) 70-74

Approved the Modification to contract for Construction for Final Lift of Asphalt (Contract No. SD-04-10-46-FLA) to extend the completion date to March 12, 2017, and authorized the Chairman to execute same so long as the letter of credit is amended to extend the expiration date to June 12, 2017, which is 90 days beyond the newly extended completion date, and the developer pays the prerequisite extension fee of \$660.00 established by Resolution No. 2005-041, and pursuant to Section 913.10(1)(G) of the Indian River County Code. It is also noted that the supporting security can also be reduced to the updated amount. Additionally, if after an inspection is performed by the County and it reveals that there is any deficiency in the roadway base, the developer must repair any deficiency noted in such inspection prior to the laying of the final lift of asphalt.

- J.** Work Order No. 1 with Kimley Horn and Associates for Water Distribution System Water Quality and Corrosion Coupon Investigation
(memorandum dated February 24, 2015)

75-81

Approved Work Order No. 1 with Kimley Horn and Associates, Inc., for professional services, and authorized the Chairman to execute same, for a lump sum amount of \$32,900.00.

- K.** Agreement for Food Concession Services and Lease Between Indian River County and DiMichelli's Catering, Inc.
(memorandum dated March 3, 2015)

82-99

Authorized the Chairman to execute the Agreement with DiMichelli's Catering, Inc. for food concession services at the Sandridge Golf Club.

- L.** Authorize County Administrator to Execute the Business Associate Agreement and Confidentiality Agreement Pertaining to the Health Insurance Portability and Accountability Act of 1996 (HIPAA)
(memorandum dated March 9, 2015)

100-108

Authorized the County Administrator to execute the Business Associate Agreement with The Gehring Group, Inc., in order to comply with requirements under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

- M.** Indian River County Airboat Association, Inc. Sand Lakes Conservation Tract Lease
(memorandum dated March 5, 2015)

109-117

Approved the Sand Lakes Conservation Tract Lease Agreement with Indian River County Airboat Association, Inc. and St. Johns River Water Management District.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9:18
a.m. A. **Indian River County Sheriff Deryl Loar**
Florida Traffic Safety Grant Funded by the Florida Department of
Transportation
(letter dated February 27, 2015) 118-133

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner Zorc, the Board unanimously authorized the Sheriff to apply for the Florida Traffic Safety Grant, funded by the Florida Department of Transportation. The grant funds will be used to purchase three radar display trailers and an automated license plate reader system.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

- 9:40
a.m. 1. Watermain Assessment Project within North Indian River Drive
Public Hearing and the Adoption of Resolution No. III
(memorandum dated February 20, 2015) 134-158

Legislative

Capital Projects Manager Arjuna Weragoda provided a presentation regarding the Watermain Assessment Project on North Indian River Drive, which included timelines, and two scenarios for the Board to consider in order to move forward with the project. The first scenario entailed 17 parcels within the assessment area, and the second scenario included 10 parcels in the assessment area and nine in a voluntary connection/capital recovery arrangement.

The Chairman opened the public hearing.

Janey Franklin, 13680 North Indian River Drive, supported the project.

Ruth Ann Jolly, 13590 North Indian River Drive, supported the project.

Mark Alicandro, 13650 and 13655 North Indian River Drive, opposed the project.

There being no other speakers, the Chairman closed the public hearing.

ON MOTION by Commissioner Flescher, **SECONDED** by Commissioner Zorc, the Board approved **Resolution 2015-037**, confirming the special assessments in connection with water main extension from 13580 to and including 13635 North Indian River

Drive (also known as Riverside Drive) in Indian River County, Florida; and providing for special assessment liens to be made of record.

B. PUBLIC DISCUSSION ITEMS

**9:41
a.m.**

1. Request to Speak from Mike DeGeorge, President, and Sherri Davis, Vice President, Trillium Homeowner’s Association Regarding 66th Avenue Road Construction – Bids obtained for landscaping

159-168

Trillium Homeowner’s Association (HOA) President Mike DeGeorge and Vice President Sherri Davis, recalled the Board’s decision from the January 20, 2015 Board of County Commission meeting to Table their request to replace damaged plants from the 66th Avenue construction, and to return with bid estimates. They returned with three estimates, and requested the Board to approve replacement of the damaged landscaping.

Public Works Director Chris Mora expressed that staff’s position remained unchanged from when it was brought to the Board earlier. He said it has been the County’s policy that landscaping and irrigation placed on the County’s right-of-way was the responsibility of the subdivision or owner who places it there, not the County’s. He informed the Board that Coast to Coast Landscaping had the lowest bid for restoring the frontage.

Staff re-emphasized the subdivision’s responsibility for landscaping in the right-of-way, and agreed with Director Mora’s comments.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman Davis, to accept the bid from Coast to Coast Landscaping, for restoring the frontage at Trillium, located at 66th Avenue and 26th Street.

Discussion ensued regarding landscaping on the rights-of-way; The County setting a precedent by replacing Trillium’s damaged landscaping; and County staff telling Trillium personnel that any damage from the project would be “made whole.”

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Vice Chairman Solari and Commissioner O’Bryan opposed), the Motion carried.

**10:02
a.m.**

2. Request to Speak from Dan Lamson, Indian River Neighborhood Association Regarding the Indian River Lagoon Council

169

Dan Lamson, Executive Director of the Indian River Neighborhood Association (IRNA), requested the Board’s

consideration to join the Indian River Lagoon (IRL) Council.
Some Commissioners explained why the Board did not wish to
join the IRL Council.

Vice Chairman Solari volunteered to meet with his group and
provide a full explanation of the process.

C. **PUBLIC NOTICE ITEMS**

10:11
a.m.

County Attorney Dylan Reingold announced that the Solid
Waste Disposal District would be holding a Special Call
meeting to award the Solid Waste and Recyclables Collection
Services contract on Wednesday, March 18, 2015, at 9:00 a.m.
in the Commission Chambers.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

10:12
a.m.

1. Board Consideration to Terminate Contract with TSI Disaster
Recovery, LLC, with Payment for Work Performed, and
Alternatives for Channel Restoration at Head Island (a.k.a. Green
Salt Marsh Conservation Area)
(memorandum dated March 3, 2015)

170-198

Environmental Planning and Code Enforcement Chief Roland
DeBlois presented the Head Island Channel Restoration
project. He explained why staff was recommending
terminating the contract with TSI Disaster Recovery, LLC,
with payment for work performed, due to unforeseen
circumstances with respect to the need for off-site disposal of
dredged material.

Director Boling discussed issuing a Request for Proposal (RFP),
and setting a cap at 50% of overall project costs, provided the
St. Christopher Harbor Homeowners Association (HOA)
commits to further contributions to project costs.

MOTION WAS MADE by Vice Chairman Solari, **SECONDED**
by Commissioner O'Bryan, to authorize the Chairman to
execute the Agreement for Cancellation of Contract with TSI
Disaster Recovery, LLC, with payment of \$31,499 for work
performed; discontinue any additional work, ending the
project; and direct staff to return to the Board with a future
proposal for maintaining the value of the work that has already

been done regarding invasive species on the property.

Discussion regarding the project ensued.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

The Chairman called for a break at 10:32 a.m., and reconvened the meeting at 10:42 a.m., with all members present.

B. Emergency Services

None

C. General Services

None

1. Human Services

None

2. Sandridge Golf Club

None

3. Recreation

None

D. Human Resources

None

E. Office of Management and Budget

None

F. Public Works

None

G. Utilities Services

None

13. **COUNTY ATTORNEY MATTERS**

- 10:42 a.m. A. Quit Claim Deed for Blue Cypress Lake Stilt Houses
(memorandum dated February 25, 2015)

199-203

Deputy County Attorney William DeBraal provided a brief history on the ownership of the three stilt houses constructed offshore of Blue Cypress Lake; explained that the sovereign submerged land under the structures was owned by the County; revealed there was no County interest in the property; indicated staff's wishes to avoid litigation canceling any interest in the submerged land; and relayed that the Division of State Lands had asked to be supplied with a Quit Claim Deed. The current owners of the houses are Kim Blair; Jay and Carol Scott; and Charlie Cayson and Robert Tucker.

Attorney DeBraal addressed questions from the Board.

Attorney Charles Sullivan, representing the defendants, provided background; reiterated that the County, not the State, owns the submerged land under the stilt houses; and felt the County should keep the property and not approve the Quit Claim Deed, which would transfer all of the County's right, title and interest, to the Trustees.

Attorney Mark Vocelle, also representing the defendants, reported that the State had filed action to make the people demolish the structures down at their own expense. He warned that if the Quit Claim Deed is signed as proposed, it would grant the State title to all submerged lands westward of the highwater mark, which would include the waters in the canals and Middleton's fish camp.

Discussion ensued regarding submerged lands.

Commissioner O'Bryan preferred to take a neutral position, let the attorneys represent the owners, and after the Court rules, then the Board can decide how to move forward.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Flescher, the Board unanimously denied staff's recommendation to approve the Quit Claim Deed, and directed staff to take no action at this time.

- 11:10 a.m. B. City of Vero Beach – Indian River Shores – Indian River County
Mediation Update
(memorandum dated February 27, 2015)

204-316

County Attorney Dylan Reingold provided an update regarding the City of Vero Beach, Indian River Shores, and Indian River County Mediation. He requested the Commissioners to decide whether to

continue participation in the Florida Governmental Conflict Resolution process under the Interim Mediation Agreement, and recommended the Board continue with the process.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Zorc, the Board unanimously agreed to continue to participate in the Florida Governmental Conflict Resolution process under the terms of the Interim Mediation Agreement, and authorized the Chair to execute any documents necessary to effectuate this continued participation.

14. COMMISSIONERS MATTERS

A. Commissioner Wesley S. Davis, Chairman

None

B. Commissioner Bob Solari, Vice Chairman

None

C. Commissioner Joseph E. Flescher

None

D. Commissioner Peter D. O'Bryan

11:13
a.m.

1. Update on Enterprise Zone Reauthorization
(memorandum dated March 4, 2015)

317

2. **Addition: Emergency Item 14.D.2. Florida Association of Counties (FAC) Legislative Updates**

317.B.1

Commissioner O'Bryan combined Items 1 and 2, as he provided legislative updates on the Enterprise Zone Reauthorization, and the Florida Association of Counties (FAC) Legislature. He announced that Assistant County Attorney Kate Pingolt Cotner would be going to Tallahassee towards the end of the week for the legislative session, and would provide an update when she returns.

Commissioner Zorc informed the Board that he had spoken with Florida State Representative Debbie Mayfield, and she suggested that when they are in Tallahassee, they should voice support for the Navy Seal Museum expansion funding that is moving through the Transportation Committee, in hopes that it would keep the museum on the Treasure Coast, and not move it to California.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously directed staff to draft a Resolution urging the Legislature and the Governor to support keeping the National Navy UDT-SEAL Museum in Ft. Pierce.

E. Commissioner Tim Zorc

**11:23
a.m.**

- 1. IRLNEP Agenda Item
(memorandum dated March 4, 2015) 318**

Commissioner Zorc provided an update on the Indian River Lagoon National Estuary Program (IRLNEP); sought direction on whether the Board wanted to participate with IRLNEP representatives; and if the Board wanted the organization to visit Indian River County for a public forum.

Each Commissioner voiced their concerns with the IRLNEP.

Vice Chairman Solari said he would welcome the representatives to come here since he had numerous questions to ask them. He said he would not support the motion because he does not want to be associated with the Council in its present form.

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Davis, the Board by a 4-1 vote (Vice Chairman Solari opposed), authorized Commissioners and staff to attend Indian River Lagoon National Estuary Program (IRLNEP) meetings.

**11:38
a.m.**

- 2. Oslo Boat Ramp Agenda Item
(memorandum dated March 4, 2015) 319**

Commissioner Zorc felt the word “Tabled,” from the October 21, 2014 motion for the Oslo Boat Ramp Project was misunderstood.

Attorney Reingold read the motion from the October 21, 2014 Board of County Commission meeting, where the Board by a 3-2 vote Tabled the Oslo Boat Ramp Project for three to five years.

Administrator Baird emphasized that he had given staff the direction to continue to move forward with the permits from St. John’s River Water Management District since they would be good for five years, and \$5,000 had already been paid for the permits.

Staff addressed questions from the Board.

Dr. David Cox, 9495 Periwinkle Drive, Vero Beach, wanted the Board to direct staff to withdraw the permit now, and reapply closer to the time of potential construction.

Susan Boyd, 8025 25th Street, Vero Beach, questioned the definition of “Tabled” and wanted the project stopped.

Commissioner O’Bryan attempted to clarify that the word “Tabled” implies that an item would be coming back to the Board in the future, it is a postponed action, not a killed action.

Yvonne Tso, 4164 Abington Woods Circle, Vero Beach, thought the project had been “killed.” She wanted the permit to be withdrawn.

Tom Ellsworth, 1414 21st Street, Apartment 5, Vero Beach, wanted the action that was taken at the October 21, 2014 Board of County Commission meeting to be defined, so there would be no misunderstanding.

Vice Chairman Solari felt his motion had been clear. He said he wanted the project to be “Tabled” until the Lagoon was in better health.

Corry Westbrook, 1955 3rd Street, Vero Beach, commented on a letter from Michael Nixon to Irene Sadowski, Chief of Permits for the U. S. Army Corp of Engineers, and felt the Board/staff had not planned to withdraw from the project. She felt the circumstances in three to five years might be different and a new permit would be needed anyway.

Director Mora informed Ms. Westbrook that Mr. Nixon’s letter was in response to Ms. Sadowski’s letter, which gave two options - to withdraw the permit application, or respond with more information, which is why his response was as it was.

Dr. Richard Baker, Sebastian, believed the boat ramp issue was going to be dead for three to five years. He believed that “Table” meant to stop the project, and did not think staff should move forward with the permits.

Graham Cox, 1213 George Street, Sebastian, wanted the project stopped so staff could move forward with protecting the Lagoon.

Claudette Pelletier, 1655 Shuckers Point, Vero Beach, believed that actively pursuing a permit during the “Tabling” period was not in good faith, and wanted the Board to Table the permit process.

Commissioner Zorc did not feel comfortable with the community’s perception, and wanted to provide more certainty.

MOTION WAS MADE by Commissioner Zorc, **SECONDED** by Commissioner Flescher, to cease additional efforts to secure any permits for the Oslo Boat Ramp.

Attorney DeBraal revealed that the sum total of staff’s activity since September 21, 2014, had only been one letter in response to the U.S. Army Corp of Engineer’s inquiry.

Dr. Grant Gilmore responded to the Board’s questions regarding muck in the channel; activity at the Oslo Boat Ramp; spawning sites; and sea grasses.

Tom Ellsworth did not support the Oslo Boat Ramp.

Brendan Burke, 516 Conn Way, Vero Beach, questioned who Commissioner O’Bryan’s support team was for the Oslo Boat Ramp.

Dan Farley, 437 Melrose Lane, Sebastian, suggested Commissioner O’Bryan submit a new petition for a new permit, since he had a lot of support.

The Chairman **CALLED THE QUESTION**, by a vote of 2-3 (Commissioners Davis, Solari, and O’Bryan opposed), the Motion **FAILED**.

Upon Susan Boyd’s request, it was clarified that staff would not be taking any further action with respect to the Oslo Boat Ramp permits, and no further action of this project would be taken for the next three to five years.

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

12:34
p.m.

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

1. Approval of Minutes Meeting of February 17, 2015

12:35
p.m.

2. Notice of Special Call Meeting for the Award of the Solid Waste and Recyclables Collection Services (RFP#2015023) (memorandum dated March 4, 2015)

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15. **SPECIAL DISTRICTS AND BOARDS**

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 12:40 p.m.

ATTEST:

Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: 04/07/2015

BCC/LA/2015Minutes