

**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**



**REGULAR MEETING MINUTES  
TUESDAY, APRIL 19, 2016**

Commission Chambers  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
www.ircgov.com

---

**COUNTY COMMISSIONERS      DISTRICT**

Bob Solari, Chairman	District 5	Present	Joseph A. Baird, County Administrator	Present
Joseph E. Flescher, Vice Chairman	District 2	Present	Dylan Reingold, County Attorney	Present
Wesley S. Davis	District 1	Present	Jeffrey R. Smith, Clerk of the Circuit	Present
Peter D. O'Bryan	District 4	Present	Court and Comptroller	
Tim Zorc	District 3	Present	Maureen Gelfo, Deputy Clerk	Present

**DVD  
TIMES**

**PACKET  
PAGES**

1.      **CALL TO ORDER**                              **9:00 A.M.**
  
  2.      **INVOCATION**                                      Pastor Chris Drinnon, Grace Baptist Church of Vero Beach
  
  3.      **PLEDGE OF ALLEGIANCE**                      Commissioner Joseph E. Flescher, Vice Chairman
  
  4.      **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:01 a.m.      **Addition: Item 13.A. All Aboard Florida – Army Corps of Engineers Permit No. SAJ-2012-01564 (SP-AWP)**

**Addition: Item 14.D.1. Economic Development Opportunity**

Commissioner O'Bryan explained that he wanted to discuss a time-sensitive matter with regards to an Economic Development opportunity, which could bring the headquarters of AAG (an international company), to Vero Beach. Vice Chairman Flescher said that he wanted more time to vet this matter; but after further discussion, agreed to add Item 14.D.1. to the agenda.

**ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the agenda as amended.**

**5. PROCLAMATIONS and PRESENTATIONS**

- 9:15 a.m.** A. Presentation of Proclamation Designating the Month of May 2016, as Mental Health Month

1

-----  
**Commissioner Zorc read and presented the Proclamation to the Mental Health Association's Executive Director Dr. Robert Brugnoli; Clinical Director Jeanne Shepherd; and Fund Development Manager Patty Vasquez. They were accompanied by additional mental health professionals.**

- 9:20 a.m.** B. Presentation of Proclamation Designating April 23, 2016 as Eighth Annual Indian River County Day of Service

2

-----  
**Vice Chairman Flescher read and presented the Proclamation to Bishop Charles Hauber, Church of Jesus Christ of Latter Day Saints, and Chuck Fannin, 2820 Grand Isle Way, Chairperson of the Indian River County Day of Service.**

- 9:29 a.m.** C. Presentation of Proclamation Designating the Month of May 2016, as Historic Preservation Month

3

-----  
**Commissioner Davis read and presented the Proclamation to County Historian Ruth Stanbridge and President of the Indian River County Historical Society, Carolyn Bayless.**

- 9:34 a.m.** D. Presentation of Proclamation Designating May 1, 2016, As Law Day and May 1-7, 2016 as Law Week

4

-----  
**Commissioner O'Bryan read and presented the Proclamation to the Indian River County Bar Association President Erin Grall, and President Elect Attorney Bill DeBaal.**

**6. APPROVAL OF MINUTES**

- 9:41 a.m.** A. Regular Meeting of March 22, 2016

**ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Regular Meeting Minutes of March 22, 2016, as written.**

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

9:42  
a.m.

- A. Veterans Council of Indian River County Veterans Outreach Golf Tournament Saturday, June 18<sup>th</sup>, 2016

5-7

-----  
**Chairman Solari announced that the Veterans Outreach Golf Tournament would be held at the Sandridge Golf Club on Saturday, June 18, 2016.**

8. **CONSENT AGENDA**

9:42  
a.m.

**ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Consent Agenda, pulling Items 8.E. and 8.K. for discussion.**

- A. Approval of Checks and Electronic Payments April 1, 2016 to April 7, 2016 (memorandum dated April 7, 2016)

8-17

-----  
**Approved the list of checks and electronic payments as supplied by the Comptroller’s office.**

- B. Dori Slosberg Driver Education Safety Act Indian River County Traffic Education Program Trust Fund Report Cumulative Reporting Through 03/31/16 (memorandum dated April 11, 2016)

18-19

-----  
**Accepted the Dori Slosberg Driver Education Safety Act Indian River County Traffic Education Trust Activity Quarterly Report through March 31, 2016.**

- C. Acceptance of Utility Easements – SandCrest PUD – Phase 1A (Located Within the Municipal Boundaries of the City of Sebastian) (memorandum dated April 12, 2016)

20-25

-----  
**Accepted the dedication of utility easements depicted on the proposed plat of SandCrest Planned Unit Development – Phase 1A, and authorized the Chairman to execute the County’s acceptance of the utility easements on Sheet 1 of the plat of SandCrest Planned Unit Development – Phase 1A, at such time as the mylar becomes available for signature.**

- D. Utility Easement for 2606 52<sup>nd</sup> Avenue – 26<sup>th</sup> Street ROW Parcel (memorandum dated April 13, 2016)

26-30

-----  
**Approved and authorized the Chairman to execute on behalf of the Board, the Utility Easement in favor of Bluestar Financial Services, LLC.**

10:29  
a.m.

- E. Extension for Closing on Agreement for Purchase of 2625 54<sup>th</sup> Street Avenue  
(memorandum dated April 11, 2016) 31-33  
**County Administrator Joseph Baird announced that the address in the agenda title should be corrected from 2625 54<sup>th</sup> Street to 2625 54<sup>th</sup> Avenue.**
- ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved, as corrected, the 90-day extension of the closing date and authorized the Chairman to execute, on behalf of the Board, the Amendment to Agreement to Purchase and Sell Real Estate with Michael J. Giessert and Lisa B. Giessert, for the property located on 2625 54<sup>th</sup> Avenue.**
- F. Declaration of Excess Equipment as Surplus for Sale or Disposal  
(memorandum dated April 12, 2016) 34-36  
**Declared the items on the Excess Equipment List as surplus and authorized their sale and/or disposal.**
- G. Approval of Award for Bid 2016025 – North R/O Membrane Replacement  
(memorandum dated April 11, 2016) 37-52  
**(1) Approved Bid Award 2016025, including the alternate to Harn R/O Systems, Inc.; and (2) approved the Agreement for North Hobart Water Treatment Plant Membrane Replacement, and (3) authorized the Chairman to execute same upon review and approval by the County Attorney as to form and legal sufficiency, the approval of the required Public Construction Bond by the County Attorney, and the review and approval of the required insurance by Risk Management.**
- H. Work Order No. 3, Atkins North America, Inc. CR-512 Resurfacing and Shoulder Widening Project  
(memorandum dated April 5, 2016) 53-67  
**Approved and authorized the Chairman to execute, on behalf of the Board, Work Order No. 3 to Atkins North America, Inc., authorizing the professional services as outlined in the Scope of Services, for a total lump sum amount of \$159,221.00.**
- I. Harmony Reserve, LLC’s Request for Final Plat Approval for Harmony Reserve PD Phase 1A  
(memorandum dated April 11, 2016) 68-86  
**Granted final plat approval for Harmony Reserve Planned Development Phase 1A.**

- J. Mediated Settlement; Otto Lenke  
(memorandum dated April 13, 2016) 87-88

**Approved the mediated settlement with Otto Lenke (former County firefighter) in the amount of \$178,098.02**

9:43  
a.m.

- K. Recommendation of Consultant to Perform a Pilot Plant Study for a Full-Scale Managed Aquatic Plant Pollutant Removal System that Incorporates the Beneficial Use of Harvested Biomass (RFQ #2016034)  
(memorandum dated April 12, 2016) 89-91

*(Clerk's Note: This item was discussed in conjunction with Item 14.E.1, and is placed here for continuity).*

**ON MOTION by Commissioner Zorc, SECONDED by Chairman Solari, the Board unanimously approved Van Ert, Nemoto and Associates, LLC to perform the work described in the Request for Quote (RFQ) #2016034, and authorized staff to negotiate a scope of services and a contract with the firm.**

- L. Request for the Board to Authorize the Community Development Director to Apply for State Residential Construction Mitigation Program (RCMP) Funds and Negotiate with Guardian Community Resources, Inc. for Grant Administration Services  
(memorandum dated April 13, 2016) 92-171

**Approved (1) Resolution 2016-035, authorizing the Community Development Director to make application to the Florida Division of Emergency Management for a Residential Construction Mitigation Program Grant for State Fiscal Year 2016/17; (2) approved the draft application and authorized the Community Development Director to make appropriate minor changes to the application as needed prior to submitting the application to the Florida Division of Emergency Management; and (3) authorized the Community Development Director to begin contract negotiations with Guardian Community Resources, Inc., for grant administration services if the grant is awarded.**

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

10:30  
a.m.

- A. **Indian River County Supervisor of Elections Leslie Rossway Swan**  
Request for Revenues Collected for conducting an election for the Town of Indian River Shores be rolled into the Supervisor of Elections 2015-2016 Fiscal Year Budget  
(letter dated April 5, 2016) 172-173

**ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously authorized the Supervisor of Elections to roll into its 2015-2016 fiscal year budget, \$1,836.00 of revenues received from Indian River Shores in conjunction with its March 15, 2016 city election, conducted by the Supervisor of**

Elections office.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

10:30  
a.m.

1. Request for Authorization to Submit an FY 2016 Grant Application for 49 USC Ch. 53, Section 5307 Mass Transit Capital and Operating Assistance  
(memorandum dated April 8, 2016)

174-185

-----  
Administrative

**Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board**

**Metropolitan Planning Organization (MPO) Staff Director Phil Matson provided background and analysis on the Federal Section 5307 grant, which provides capital and operating assistance for the public transportation in the County. He disclosed that staff is applying for the grant on behalf of the Senior Resource Association, which operates the GoLine and Community Coach transit services.**

**The Chairman opened the public hearing.**

**There were no speakers, and the Chairman closed the public hearing.**

**MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, to approve Resolution 2016-036, authorizing the filing of a FY 2016 Grant Application for 49 USC CH. 53, Section 5307 Mass Transit Capital and Operating Assistance.**

**A brief discussion ensued as Director Matson responded to the Board's questions about ridership on the GoLine Bus System.**

**The Chairman CALLED THE QUESTION and the Motion carried unanimously.**

B. **PUBLIC DISCUSSION ITEMS**

None

C. **PUBLIC NOTICE ITEMS**

None

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

10:34  
a.m.

1. Condemnation, Demolition and Removal of Unsafe Structures Located at 4635 39<sup>th</sup> Avenue, 2726 47<sup>th</sup> Place, 2085 54<sup>th</sup> Avenue and 2025 45<sup>th</sup> Avenue  
(memorandum dated April 5, 2016)

186-212

.....  
**Building Official Scott McAdams, through a PowerPoint Presentation, presented details supporting the demolition and removal of each of the following four structures proposed for condemnation:**

1. Estate of Terry Reese Williams, 4635 39<sup>th</sup> Avenue
2. Charlie and Lillie Mae Weems, 2726 47<sup>th</sup> Place
3. John H. Kuehne and Karen L. Kuehne, 2085 54<sup>th</sup> Avenue
4. Hecto Bello, 2025 45<sup>th</sup> Avenue

**Building Official McAdams responded to the Board's questions and comments on the liens against the various properties. He also discussed tax deeds.**

**ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously: (1) declared the referenced structures unsafe and a nuisance and ordered the buildings demolished, with related debris removed from the property by a private vendor approved through standard bid procedures; and (2) approved Resolution 2016-037, providing for the demolition of unsafe structures and the recovery of costs.**

**The Chairman called a recess at 10:49 a.m. and reconvened the meeting at 10:59 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**

10:59  
a.m.

1. St. Johns River Water Management District (SJRWMD) Cost-Share Application for FY 2016-2017 (memorandum dated April 13, 2016)

213

Director of Utility Services Vincent Burke reported that there are two utility projects that are eligible for the St. Johns River Water Management District's (SJRWMD) Cost-Sharing Grant. He stated that staff would be asking for \$1.2 million for the Osprey Acres project (the Stormwater Park at 925 5<sup>th</sup> Street SW, east of Osprey Marsh); and \$650,000 for the Septic to Sewer Conversion Project within the Commercial Area of North Sebastian. He disclosed that the grant applications are due by Friday, April 22, 2016, and that the SJRWMD has asked the County to prioritize the two projects, in case only one is selected for funding.

Commissioner Zorc advocated ranking the Septic to Sewer Project as the priority project, as the County is farther ahead in the permitting process, and the work could start sooner.

Commissioner Davis agreed that the Septic to Sewer Project should be made the top priority project. He noted that this project is one that the City of Sebastian cannot undertake for itself.



In response to questioning, Assistant County Attorney Kate Pingolt Cotner disclosed that the SJRWMD endorsed both of the proposed projects.

Director Burke, in response to questioning, disclosed that he would recommend making the Septic to Sewer Project the first priority.

Discussion ensued regarding the limited number of septic systems that would be converted to sewer in this phase of the Septic to Sewer project.

Commissioners O'Bryan, Flescher, and Solari all agreed that the Osprey Acres Project would have the greatest impact on nutrient removal.

**MOTION WAS MADE** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, to authorize staff to submit to the St. Johns River Water Management District an application for the Stormwater Park (known as Osprey Acres) on the newly purchased County property at 925 5<sup>th</sup> Street SW, east of Osprey March, to receive Cost-Share Funding for Fiscal Year 2016-2017, as the County's first priority project.

Commissioner Zorc remarked that there was time to get the grant for the Osprey Acres Project next year, since it is not yet construction-ready.

Carter Taylor, 2235 Silver Sands Court, Chairman of the Land Use Committee for the Indian River Neighborhood Association, and the Indian River Lagoon Committee, advocated making the Septic to Sewer Project the first priority.

The Chairman **CALLED THE QUESTION**, and by a 3-2 vote (Commissioners Davis and Zorc opposed), the Board authorized staff to submit to the St. Johns River Water Management District an application for the Stormwater Park (known as Osprey Acres), on the newly purchased County property at 925 5<sup>th</sup> Street SW, east of Osprey Marsh, to receive Cost-Share Funding for Fiscal Year 2016-2017, as the County's first priority project.

Discussion ensued, with input from Attorney Pingolt-Cotner, about the possibility of having the City of Sebastian (the City) become the entity requesting the grant for the Septic to Sewer Conversion Project. It was noted that the County would

remain the lead applicant because it is providing the matching funds. Attorney Pingolt Cotner noted that the County can apply for multiple grants.

**ON MOTION** by Commissioner Davis, **SECONDED** by Vice Chairman Flescher, the Board unanimously: (1) directed staff to ask for formal codification from the City of Sebastian that their community would like to move forward with Phase I of the Sebastian Septic to Sewer Conversion Project within the Commercial Area of North Sebastian, to give the project more standing and alleviate concerns about having it in second place by the County; (2) directed staff to work with both the St. Johns River Water Management District and the City of Sebastian, to package the Septic to Sewer Conversion Project in a manner that would increase the probability of the project receiving the Cost-Share funding; and (3) authorized staff to submit to the St. Johns River Water Management District, an application for Phase I of the Sebastian Septic to Sewer Conversion Project (the Commercial District), to receive Cost-Share Funding for Fiscal Year 2016-2017.

County Attorney Dylan Reingold reiterated that the deadline for the grant applications is Friday, April 22, 2016.

County Administrator Joseph Baird observed that the County should be able to obtain a letter from the City of Sebastian Council endorsing the Septic to Sewer Conservation Project.

**13. COUNTY ATTORNEY MATTERS**

- 11:29 a.m. A. **Addition – Emergency Item 13.A. All Aboard Florida – Army Corps of Engineers Permit No. SAJ-2012-01564 (SP-AWP)**

Assistant County Attorney Kate Pingolt Cotner reported that the U.S. Army Corps of Engineers (the Corps) has set a deadline of May 2, 2016 for interested parties to submit their comments on All Aboard Florida's (AAF's) permit application to the Corps. She disclosed that the County has been advised that AAF's 90% design plans for the segment of rail between Orlando and West Palm Beach will be forthcoming, and that the County Attorney's office intends to request a 30-day extension to the Corps' comment period, as well as a public hearing, on AAF's application.

*(Clerk's Note: All Aboard Florida is also known as the Brightline).*

**ON MOTION** by Commissioner Davis, **SECONDED** by Commissioner Zorc, the Board unanimously authorized staff to: (1) submit a written request to the U.S. Army Corps of Engineers for a 30-day extension to their May 2, 2016 deadline on the comment period regarding All Aboard Florida's (AAF's) permit application to the Corps, and a public hearing on AAF's permit application; and (2) to seek the support of Representative Debbie Mayfield, Federal representatives, and other municipalities, to join the County in requesting the 30-day extension and public hearing on AAF's permit application.

County Attorney Dylan Reingold read portions of correspondence between the County, AAF, the Federal Railroad Administration (FRA), and Congressman Bill Posey, regarding the safety of the proposed high speed railway. He stated that he received a letter (copy on file) from Attorney Eugene E. Stearns alleging that he (Attorney Reingold) had made false statements about AAF's safety record/integrity at an August 2015 County Commission meeting. After he responded to the letter, Attorney Stearns sent him a threatening email (copy on file). Attorney Reingold also stated that the FRA had sent letters (copies on file) to Congressman Posey and Adrian B. Share, Vice President, Rail Infrastructure for AAF, stating that AAF's rail crossing plans did not conform to the standards in the Final Environmental Impact Statement (FEIS), or with FRA's Sealed Corridor guidelines (including its requirements for a Highway Traffic Signals System; Vehicle Presence Detection (VPD); and pedestrian gates). Attorney Reingold noted that since the correspondence, the FRA has received, and is reviewing, AAF's resubmitted grade crossing designs for Indian River and Brevard counties.

Commissioner Solari pointed out that AAF's 90% plans will be much safer, due to the efforts of the County Attorney's office; grass roots groups; and the County Commissioners.

**14. COMMISSIONERS MATTERS**

**A. Commissioner Bob Solari, Chairman**

None

**B. Commissioner Joseph E. Flescher, Vice Chairman**

None

**C. Commissioner Wesley S. Davis**

None

**D. Commissioner Peter D. O’Bryan**

11:49  
a.m.

1. Addition – Emergency Item 14.D. Economic Development Opportunity  
**Commissioner O’Bryan announced that the CEO of AAG, Jason Atwell, after hearing the remarks made during the Board discussion under Item 4, has emailed a request (copy on file) to remove AAG’s proposal from today’s Board Agenda.**

**E. Commissioner Tim Zorc**

9:43  
a.m.

1. Consideration of Issuance of RFP for Nutrient Removal System (memorandum dated April 13, 2016)

214-220

*(Clerk’s Note: This item was heard in conjunction with Item 8.K. Recommendation of Consultant to Perform a Pilot Plant Study for a Full-Scale Managed Aquatic Plant Pollutant Removal System that Incorporates the Beneficial Use of Harvested Biomass, and is placed here for continuity).*

**Commissioner Zorc stated that his item, along with Item 8.K., also pertains to the exploration of pollutant removal systems. However, he was interested in learning more about the new technologies, which offer multiple benefits, in addition to nitrogen and phosphorous removal.**

**Public Works Director Chris Mora advocated for Item 8.K., which he explained was a pilot plant study for a pollutant removal system to clean the water from the Indian River Farms Water Control District’s North Relief Canal.**

**Discussion ensued regarding the water quality credits that are available through the Central Indian River Lagoon Basin Management Action Plan (BMAP).**

**Stormwater Engineer Keith McCully provided additional details on the proposed treatment system for the North Relief Canal.**

**Commissioner Zorc remarked that he would be fine with moving Item 8.K. forward, but stressed that there are other measures of pollution control worth exploring. He proposed reaching out to Sherry Brandt-Williams from the St. Johns River Water Management District (SJRWMD), who has been researching newer technologies.**

*(Clerk's Note: At this time, Commissioner Zorc initiated the Motion to approve Item 8.K. Please see Item 8.K. for Motion).*

A wide-ranging discussion followed, as staff responded to diverse questions and comments from the Board and public speaker Bob Johnson. Topics included, but were not limited to, the proposed Aquatic Plant System; cost-benefit ratios of nutrient removal; the West Regional Wastewater Treatment Plant; Total Maximum Daily Load (TMDL) quotas; funding for the Stormwater Parks; and "passive" versus "managed" pollution control systems.

Commissioner Zorc advised that he would continue to explore nutrient removal technologies, and bring this matter back for further Board consideration.

- 11:49 a.m. 2. Discussion of Private-Public Partnership for Specific Site (memorandum dated April 13, 2016)

221-225

Commissioner Zorc recalled that there had been a potential opportunity for the County to engage in a private-public partnership with regards to the Stormwater Park (n/k/a Osprey Acres) being developed on the County's new property (purchased by the County in February 2016). After reporting that this partnership was not going to happen, he sought and received input from the Board on what their conception of a private-public partnership was.

Commissioner Zorc observed that there may be opportunities when the County acquires property in the future, to purchase excess land for sale to a private entity. He also noted he will keep private-public partnerships in mind as he investigates pollutant control systems for the County.

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

11:56 a.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 March 1, 2016

2. Approval of Minutes Meeting of March 8, 2016

3. Quarterly Recycling Update  
(memorandum dated April 8, 2016)

226-227

C. **Environmental Control Board**

None

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **12:13 p.m.**

ATTEST:

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

\_\_\_\_\_  
Bob Solari, Chairman

By: \_\_\_\_\_

Approved: May 24, 2016

BCC/MG/2016Minutes