



Indian River County Florida

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

Meeting Minutes

Board of County Commissioners

Bob Solari, Chairman, District 5
Susan Adams, Vice Chairman, District 1
Joseph E. Flescher, District 2
Peter D. O'Bryan, District 4
Tim Zorc, District 3

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, August 13, 2019

9:00 AM

Commission Chambers

1. CALL TO ORDER

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

2.B. INVOCATION

Rev. Timothy Womack, First Presbyterian Church of Vero Beach

3. PLEDGE OF ALLEGIANCE

Jason E. Brown

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: 13.F. Attorney's Matters-Agriculture Advisory Committee Appointment

Moved: Item 5.C. to be heard following Item 5.A.

Moved: Item 14.B.1. to be heard following Item 5.D.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

5. PROCLAMATIONS and PRESENTATIONS

5.A. Presentation of Indian River County Appropriations Check by Senator Debbie Mayfield And Representative Erin Grall

State Representative Erin Grall appeared on behalf of State Senator Debbie Mayfield to present the Board with Appropriations checks for Indian River County. The money would fund two local projects: the North Relief Canal Aquatic Plant Project

and the North Sebastian Septic to Sewer Phase II conversion.

County Administrator Jason Brown mentioned the September 5, 2019 grand opening of the Osprey Acres Stormwater Park and Nature Preserve which was funded with previously procured Appropriations money.

Presented

- 5.B.** Presentation of Proclamation Honoring Doris Roy on Her Retirement From Indian River County Board of County Commissioners Office of the County Administrator with Thirty- Five Years of Service

Commissioner Solari read and presented the Proclamation honoring Doris (Dori) Roy on her retirement from Indian River County with 35 years of service. The Commissioners and staff each in turn praised Ms. Roy on her competence, knowledge, and helpfulness.

The following speakers appeared before the Board with accolades for Ms. Roy:

Joe Baird, former County Administrator
Joseph Paladin, Black Swan Consulting
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller
Alma Lee Loy, "First Lady" of Vero Beach
Penny Chandler, former President and CEO of the Indian River County Chamber of Commerce

Ms. Roy was joined by members of her family as she thanked all the well-wishers.

Read and Presented

- 5.C.** Presentation of Proclamation Honoring Smokey Bear in Indian River County,

(Clerk's Note: This item was heard following Item 5.A., but is placed here for continuity.)

Commissioner Zorc read and presented the Proclamation to Smokey Bear in honor of his 75th Birthday. Melissa Yunas and Brian Torres, representing the Florida Forest Service, spoke of the importance of fire safety education and thanked several local partners in the community.

Read and Presented

6. APPROVAL OF MINUTES

- 6.A.** Regular Meeting of June 4, 2019

Approved

- 6.B.** Regular Meeting of June 11, 2019

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the Regular Meeting Minutes of June 4, 2019 and June 11, 2019, as written. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

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

- 7.A.** City of Fellsmere Ordinance 2019-03, Voluntary Annexation of +/- 12.655 Acres, is on file for review in the Office of the Clerk to the Board.
No Action Taken or Required
- 7.B.** Florida Public Service Commission, Order NO. PSC-2019-0288-CO-EI, petition for approval of optional supplemental power services pilot program and rider by Florida Power and Light Company, is on file in the Office of Clerk to the Board.
No Action Taken or Required
- 7.C.** Florida Public Service Commission Agenda for Tuesday, August 6, 2019, 9:30 a.m., a copy of the agenda is on file in the Office of the Clerk.
No Action Taken or Required
- 7.D.** Florida Public Service Commission Consummating Order PSC-2019-0298-CO-EQ. Petition for approval of renewable energy tariff and standard offer contract, by Florida Power and Light Company, is on file in the Office of the Clerk.
No Action Taken or Required
- 7.E.** Proof of Publication of Unclaimed Monies for Cash Bonds Deposited with the Clerk of the Circuit Court prior to January 1, 2018 is on file in the Office of the Clerk to the Board.
No Action Taken or Required
- 7.F.** Letter of Support for Bethel Creek for Lagoon Research Project
No Action Taken or Required
- 7.G.** Indian River County Venue Event Calendar Review
No Action Taken or Required
- 7.H.** Letter regarding new Florida Department of Environmental Protection rules on biosolids
No Action Taken or Required

7.I. Update On All Aboard FL Expenses

No Action Taken or Required

7.J. 3rd Quarter FY 2018/2019 Budget Report

No Action Taken or Required

7.K. Government Finance Officers Association awarding Indian River County GFOA's Distinguished Budget Presentation Award for the 2018-19 Budget

Chairman Solari thanked and congratulated Management and Budget Director Kristin Daniels and her staff for this award.

Director Daniels thanked the Board for the recognition.

No Action Taken or Required

7.L. Department of Economic Opportunity (DEO) Florida Job Growth Public Infrastructure Grant 2019

No Action Taken or Required

7.M. Letter of Thanks from Laura (Riding) Jackson Foundation Board

No Action Taken or Required

7.N. Landfill Closure and Collection Service Changes for the Labor Day Holiday

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to approve the Consent Agenda as presented. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

8.A. Checks and Electronic Payments July 5, 2019 to July 11, 2019

Approved

8.B. Checks and Electronic Payments July 12, 2019 to July 18, 2019

Approved

8.C. Checks and Electronic Payments July 19, 2019 to July 25, 2019

Approved

- 8.D.** Checks and Electronic Payments July 26, 2019 to August 1, 2019
Approved
- 8.E.** Acceptance and Approval of Expenditures of Emergency Management Federally-Funded Subgrant Agreement (EMPG) Agreement Number: G0002
Approved staff's recommendation
- 8.F.** Approval of Renewal for a Class "E" Certificate of Public Convenience and Necessity for Senior Resource Association to Provide Wheelchair Services
Approved staff's recommendation
- 8.G.** Invitation from John's Island Golf Club for Staff to Participate in a "Public Safety Day" Golf Outing
Approved staff's recommendation
- 8.H.** OL73RD LLC's Request for Final Plat Approval for a Subdivision to be known as Orchid Landing [SD-04-02-08 / 2003010063-83225]
Approved staff's recommendation
- 8.I.** MG Heine Vero, LLC's Request for Final Plat Approval for Bridgehampton Residential Subdivision [SD-16-05-01 / 2002100165-83140]
Approved staff's recommendation
- 8.J.** Consideration of the Indian River County SHIP Program 2019 Annual Report
Approved staff's recommendation
- 8.K.** Vero 53 Landings, LLC's Request for Final Plat Approval to Replat Parcel "A", Lot 3, and Tract 1 of The Landings Commercial Subdivision [SD-18-02-04 / 98060121-81957]
Approved staff's recommendation
- 8.L.** Applicant's Request for Final PD Plat Approval for the Replat of Lot 2, Lot 3, and Tract A of the Hampton Woods East PD Residential Subdivision [PD-19-07-04 / 95050141-84781]
Approved staff's recommendation
- 8.M.** Resolutions Cancelling Taxes on Properties Acquired by Indian River County for Public Purposes
Approved Resolution 2019-060 (Crouch), Resolution 2019-061 (Primax Properties), and Resolution 2019-062 (Idlette), cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

- 8.N.** Jones' Pier Conservation Area Public Use Improvements - Hazard Mitigation Assistance - Donadio & Associates, Architects, P.A. - Work Order No. 1
Approved staff's recommendation
- 8.O.** Award of Bid No: 2019064 Interior Painting at the North County and Main
Approved staff's recommendation
- 8.P.** Approval of Work Order No. 1 - Edlund, Dritenbas, Binkley Architects & Associates, P.A. - Kroegel Homestead Conservation Area Restroom Design and Engineering
Approved staff's recommendation
- 8.Q.** Approval of Vending Service Agreement
Approved staff's recommendation
- 8.R.** Facility Lease Agreement with Vero Beach Foundation Gators Football & Cheer Corporation
Approved staff's recommendation
- 8.S.** 2020 Holiday Schedule
Approved staff's recommendation
- 8.T.** Health Insurance Additional Health Advocacy Benefit effective August 1, 2019
Approved staff's recommendation
- 8.U.** Miscellaneous Budget Amendment 013
Approved Resolution 2019-063, amending the Fiscal Year 2018-2019 Budget.
- 8.V.** Request to Transfer Florida Department of Health Assets to Indian River County Hospital District
Approved staff's recommendation
- 8.W.** Ranking of Firms for RFP 2019060 - FEMA Public Assistance Consulting Services
Approved staff's recommendation with the final ranking of firms being: 1) Witt O'Brien's, LLC; 2) Aptim Environmental & Infrastructure, LLC; 3) Vanir Construction Management, Inc.; and 4) Culpepper & Terpening.
- 8.X.** Approval of Annual Contracts for Motor and Pump Repair (RFP 2019056)
Approved staff's recommendation

- 8.Y.** Authorization to Resolicit Concession Services at County Recreation Facilities
Approved staff's recommendation
- 8.Z.** Work Order No. 8, REI Engineers, Inc. - IRC Courthouse Parking Garage and Seal Replacement (IRC-1801)
Approved staff's recommendation
- 8.AA.** Work Order No. 4, Environmental Science Associates, Jungle Trail Shoreline Stabilization Project (IRC-1823)
Approved staff's recommendation
- 8.BB.** US Highway 1 Landscaping - South County Line to Oslo Road (IRC-1631) Release of Retainage and Change Order No. 1
Approved staff's recommendation
- 8.CC.** Amendment No. 1 to Work Order No. 7, MBV Engineering, Inc., North County Offices at Sebastian Corners
Approved staff's recommendation
- 8.DD.** Right-of-Way Acquisition - 66th Avenue Widening Project Owner: Eugene M. Eichelberger 6700 65th Street, Vero Beach, FL 32967
Approved staff's recommendation
- 8.EE.** Facilities Use Agreement - St. Lucie County's Harbour Pointe Artificial Reef Deployments 2019
Approved staff's recommendation
- 8.FF.** Notice of Grant Application for Funding Assistance from State of Florida Beach Erosion Control Program - FY 2020/21
Approved Resolution 2019-064, requesting assistance from the State of Florida Beach Erosion Control Program - FY 2020/21.
- 8.GG.** Agreement for Access and Sand Renourishment to Sexton, Inc. Beach Area
Approved staff's recommendation
- 8.HH.** Work Order No. 2018007-3, Coastal Technology Corporation, Sector 7 Beach and Dune Re-nourishment - Reconnaissance Survey
Approved staff's recommendation
- 8.II.** Work Order No. 2018006-6, APTIM, Sector 3 Beach and Dune Re-nourishment - Reconnaissance Survey

Approved staff's recommendation

- 8.JJ.** Work Order No. 19 with Kimley-Horn and Associates - Roseland Elevated Tank Conversion

Approved staff's recommendation

- 8.KK.** Request to Waive the Bid Process for the Replacement of Blowers for the Sludge Holding Tank at West Regional Wastewater Treatment Facility

Approved staff's recommendation

- 8.LL.** Fourth Amendment to Collateral Development Agreement Related to Jackie Robinson Training Complex

Approved staff's recommendation

- 8.MM.** Out of County Travel to attend the Florida Shore & Beach Preservation Association 62nd Annual Conference

Approved staff's recommendation**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9.A.** Indian River County Sheriff Deryl Loar: Requesting to use proceeds resulting from sale of surplus property and vehicles to acquire new like-kind property within the current fiscal year pursuant to Chapter 274, Florida Statutes.

Indian River County Sheriff Deryl Loar thanked the Board for their support of the move to online auctions.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the request from Indian River County Sheriff Deryl Loar to use net auction proceeds in the amount of \$96,627.00 for the acquisition of new, like-kind property within the current fiscal year. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

10. PUBLIC ITEMS**A. PUBLIC HEARINGS**

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

- 10.A.1.** Stoneridge, LLC Request to Rezone ± 19.24 Acres from RS-3 to RS-6. Located south of 65th Street, west of Lateral "G" Canal, and east of 48th

Avenue. (RZON 2004110052-83770) [Quasi-Judicial]

Chairman Solari introduced the parties for the proceeding as Indian River County and Stoneridge, LLC.

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 Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Bill Schutt, Chief of Long Range Planning, and Roland DeBlois, Community Development Director, appeared before the Board with Stoneridge, LLC's rezoning request. Chief Schutt's PowerPoint presentation included a review of existing land use, zoning requirements, concurrency and consistency regulations, and concluded with staff's recommendation to adopt the Ordinance approving the rezoning request.

The Chairman opened the Public Hearing.

Joseph Paladin, Black Swan Consulting, appeared before the Board as the representative for Stoneridge, LLC. Mr. Paladin explained the reasons for the rezoning request and provided details of the proposed housing development. He requested the Board's approval and made himself available for questions.

Commissioner O'Bryan asked and received answers regarding the final density of the development.

There being no further speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to adopt Ordinance 2019-017, amending the Zoning Ordinance and the accompanying Zoning Map for approximately ±19.24 acres located south of 65th Street, west of Lateral "G" canal, and east of 48th Avenue from RS-3, Single-family Residential District (Up to 3 units/acre), to RS-6, Single-family Residential District (Up to 6 units/acre), and providing codification, severability, and effective date. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

10.A.2.

Florida Power & Light Company's Request for Major Site Plan and Special Exception Use Approval for a Private Heavy Utility (Orange Blossom Solar Energy Center) [SP-SE-19-06-17 / 2019020003-84142] (Quasi-Judicial)

Chairman Solari introduced the parties for the proceeding as Indian River County and Florida Power and Light (FPL).

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 Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

The Chairman opened the Public Hearing.

Ryan Sweeney, Senior Planner, appeared before the Board with a PowerPoint presentation describing the major site plan and special exception process needed for the proposed Orange Blossom Solar Energy Center. He continued with the site plan map, Planning and Zoning recommendations, and staff's approval with landscape and project route conditions.

Commissioner O'Bryan received confirmation that the energy center's capacity would be low enough to exempt it from the requirements of the Electrical Power Plant Siting Act.

Bart Gaetjens, FPL External Affairs Manager, requested the Board's approval and thanked staff for their assistance.

Melanie Roger, FPL Project Manager, appeared before the Board with a presentation on FPL's solar energy program. She noted this would be the second solar energy center in Indian River County, and spoke of the benefits of solar energy.

The Board asked and received answers from Ms. Roger regarding battery storage and the performance of existing solar centers in Indian River County.

James Kelley, Indian River County resident, received information regarding the benefits of solar power to consumers.

There being no further speakers, the Chairman closed the Public Hearing.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

B. PUBLIC DISCUSSION ITEMS

10.B.1. Request to Speak from Nicole Knowles Regarding Reduction or Removal of

Demolition Lien on Property Located at 4855 34th Avenue

Nicole Knowles, 2016 2nd Street, appeared before the Board to request a reduction of the \$3,584 demolition lien on her property located at 4855 34th Avenue.

Roland DeBlois, Chief of Code Enforcement, recounted that the Code Enforcement Board had previously approved reducing a different code violation fine on this property; however, the demolition lien was still outstanding at a cost of \$3,003.68, plus accumulated interest. Chief DeBlois reported that staff would support waiving the interest, but could not reduce the lien.

Chairman Solari issued a reminder that the Board could not vote on public discussion items.

Commissioner O'Bryan explained that there were tax dollars expended on the demolition which needed to be recouped, and this was the reason the lien could not be waived or reduced. He was in support of eliminating the interest, as had been done in past cases.

Vice Chairman Adams supported bringing the issue back under Commissioner O'Bryan's items so that the Board could vote to waive the interest.

Commissioner Zorc sought confirmation that there were no outstanding ERUs on the property. County Administrator Jason Brown stated he would have staff research that issue bring it back to the Board.

No Action Taken or Required

10.B.2.

Public Discussion Request from Gina Kempf re: Tunnel to Towers 5K Invitation to the Community and Board Members

Gina Kempf, 835 29th Court, local director of the Tunnel to Towers (T2T) 5K Race appeared before the Board to provide information about the event scheduled for September 14, 2019. Ms. Kempf went on to detail T2T's mission and support programs for military and first responders.

In response to a question by Commissioner O'Bryan, Ms. Kempf provided the website address, T2Trun.org, for more information and race registration.

No Action Taken or Required

10.B.3.

Public Discussion Request from Nancy Kelly re: Rename the Main Library "The Mary Denham Snyder Library"

Nancy Kelly, 1015 40th Avenue, appeared before the Board with a request to rename the main library "The Mary Denham Snyder Library". Her

included the accomplishments of Ms. Snyder who worked to expand and improve the Indian River County Library system. A 250-signature petition in favor of the renaming was also provided to the Board.

Ann Marie Rossmell, 344 13th Place SW, spoke of Ms. Snyder's dedication to the County's library and advocated for the name change.

Chairman Solari issued a reminder that the Board does not vote on public discussion items. Commissioner O'Bryan supported renaming a meeting room within the main library in honor of Ms. Snyder.

No Action Taken or Required

The Chairman called a recess at 10:37 a.m. and reconvened the meeting at 10:47 a.m. with Commissioner Flescher absent.

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

11.A. 2020 Preliminary State Legislative List of Concerns

County Administrator Jason Brown introduced the 2020 Preliminary State Legislative List of Concerns. He noted the importance of the list in providing the Board with a unified voice ahead of the upcoming Florida Association of Counties (FAC) Policy Conference.

Administrator Brown went on to introduce an additional legislative item regarding a property along A1A which straddled Indian River County and St. Lucie County. Because the property was split by the county line, there were concerns raised regarding access to emergency services. He described the remedy which would impact the boundary between the counties, and the complexity involved in making the change.

Chairman Solari requested the addition of an item which would address Chapter 180 of the Florida Statutes. He explained that the Statute allowed municipalities like the City of Vero Beach to provide utility services to nearby unincorporated areas. The Chairman then read from a letter written by former County Attorney Alan Polackwich which detailed the potential problems of the statute, and the impact to areas of the barrier island.

Discussion of Chapter 180 of the Florida Statutes ensued among the Board and County Attorney Dylan Reingold, with Commissioner O'Bryan noting possible opposition from the FAC. Chairman Solari referenced the Polackwich letter as he

directed Attorney Reingold to research the County's legal position on the statute.

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, to have the Chairman and the County Attorney work in collaboration to add modification of Chapter 180 of the Florida Statutes to the County's 2020 State Legislative List of Concerns. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to adopt the 2020 Preliminary State Legislative List of Concerns, with the addition of an item addressing the redraw of Indian River County's boundary with St. Lucie County. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

11.B.

City of Sebastian Annexation

County Administrator Jason Brown brought forth for discussion the City of Sebastian's (the City) Petition for Voluntary Annexation of a portion of land owned by the Graves Brothers Company. He stressed that timing was of the essence since the annexation issue was scheduled for a final public hearing before the City Council on August 28, 2019.

Administrator Brown referenced County staff's memo written to the City detailing concerns regarding responsibility and capacity for water/wastewater, inconsistencies with the County's 2030 Comprehensive Plan, and the impact to the County's public works infrastructure. He then requested the Board's input on the issues as well as any recommended actions for staff.

Discussion ensued among the Board members with each Commissioner stating their thoughts and positions on the various issues. There was agreement on the need for additional discussion, as well as an annexation agreement between the City and the Graves Brothers Company.

The Chairman opened the discussion for public comment.

Joseph Paladin, representing the Indian River Neighborhood Association (IRNA), clarified that the organization would not support the annexation without an agreement with the land owner.

Brian Corrigan, 1051 Mountain Trail, cautioned against moving forward with the precedent-setting annexation absent a clear agreement regarding green space, drainage, and water usage.

County Administrator Brown recapped the Board's direction to request having the City table the annexation pending additional communication, as well as an agreement with the Graves Brothers. Commissioner O'Bryan suggested having the Chairman draft a letter to the City stating these requests.

County Attorney Dylan Reingold stated that he would act as necessary to preserve the County's legal rights in light of the possible impacts on roadways and utility services.

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, to approve the following actions: 1) Authorize Chairman Solari to draft a letter requesting that the City of Sebastian table the Annexation vote while staff resolves concerns over County services; 2) Grant the County Attorney authority to preserve the rights of the County going forward; and 3) Authorize County staff to attend any meetings related to the Annexation. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services

2. Sandridge Golf Club

3. Recreation

D. Human Resources

E. Office of Management and Budget

F. Public Works

12.F.1.

Award of Bid No. 2019012, Vero Lake Estates 85th Street Petition Paving from 101st Avenue to 96th Avenue Project, IRC-1628

Public Works Director Rich Szpyrka recounted for the Board that in April 2013, the Vero Lake Estates Municipal Service Taxing Unit (MSTU) Committee provided a prioritized list of roadways that needed to be milled or paved, including the stretch of 85th Street from 96th Avenue to 101st Avenue.

Director Szyrka explained that millings roads, while less expensive than paved roads, degraded faster than had been projected and resulted in time-consuming, short-term fixes. Additionally, the Florida Department of Transportation (FDOT) did not recognize asphalt millings as a permanent driving surface which left the County without standards to evaluate their construction quality.

The project was bid with a base cost for millings and an alternate cost to add paving. Given the concerns with the longevity and quality of millings roadways, staff recommended the alternate bid for paving.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

G. Utilities Services

12.G.1.

North Sebastian Septic to Sewer Phase 2 Status and Direction

Director of Utility Services Vincent Burke appeared before the Board with an update on the North Sebastian Septic to Sewer (S2S) Phase 2 project. He informed the Board that the County had received \$500,000 which represented only one-third of the requested funding from a Legislative Appropriations grant.

Using a PowerPoint presentation, Director Burke reviewed the timeline of the project to date and the area of Sebastian planned for S2S conversion and water installation. He noted that since the legislative grant was less than needed, staff sought and received approval from the Florida Department of Environmental Protection (FDEP) to reduce the scope of the project from 201 parcels to 75 parcels.

The presentation continued with three (3) suggestions to obtain the funding needed to cover the grant shortfall. Each scenario detailed the cost of providing sewer, water, or both services with variations on the amount of money provided by the optional sales tax fund and the County.

Director Burke requested the Board's direction on whether or not to pursue the S2S conversion in reduced form, and he explained the next steps in the process should it be approved.

Discussion ensued among the Commissioners on the merits of providing sewer and water to these parcels, and the responsibility of the County to fund the project. Chairman Solari stated his objections to S2S conversions, noting they were not a cost-effective way to reduce nitrogen in the Lagoon.

The following speakers appeared before the Board:

Glenn Powell, 12845 Bay Street, spoke in favor of having the County invest in providing sewer and water services to North Sebastian.

Fern Grounds, 2375 11th Court SW, received clarification on the County's Optional Sales Tax fund.

The Board returned to discussion of the issue, and agreed to direct staff to move forward with the project. Additionally, the Commissioners approved supporting funding scenario three (3) which used money from the Optional Sales Tax fund, while staff also pursued an additional grant from the St. John's River Water Management District to offset the use of tax dollars.

A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to approve staff's recommendation with Funding Scenario Option 3, which used funds from the Optional Sales Tax Fund while also continuing to pursue additional grant money. The motion carried by the following vote:

Aye: 3 - Adams, O'Bryan, and Zorc

Nay: 1 - Solari

Absent: 1 - Flescher

13. COUNTY ATTORNEY MATTERS

13.A.

Indian River County, St. Lucie County and Martin County Joint Board Meeting

County Attorney Dylan Reingold recalled that Commissioners from Indian River, Martin, and St. Lucie Counties had attended a Joint Board meeting in 2018 during which all three Boards discussed legislative priorities for the upcoming year. Martin and St. Lucie Counties have reached out to the Board to see if there was interest in another joint meeting to discuss the shared 2020 Legislative concerns.

Attorney Reingold announced the tentative date for the meeting was October 3, 2019, and noted that Florida statutes required a resolution authorizing participation.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve Resolution 2019-065, authorizing the Board of County Commissioners for Indian River County to participate in a joint meeting with the St. Lucie County Commission and Martin County Commission to discuss and plan matters of mutual interest; and providing for an effective date. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

The Chairman called a recess at 12:03 p.m. and reconvened the meeting at 12:18 p.m. with Commissioner Flescher absent.

13.B. Interlocal Agreement with the City of Sebastian Regarding Fire Marshal Services

County Attorney Dylan Reingold highlighted details from the negotiated interlocal agreement (ILA) with the City of Sebastian (the City) for Fire Marshall services. Referring to staff's memorandum of July 31, 2019, Attorney Reingold reviewed the services that would be under the City's control, insurance and indemnity provisions, and the experience requirements for newly-hired individuals. He noted that the ILA would be in effect for ten (10) years.

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

Aye: 3 - Adams, O'Bryan, and Zorc

Nay: 1 - Solari

Absent: 1 - Flescher

13.C. Acquisition of Right-Of-Way Parcel 102 for Phase II of 66th Avenue Improvements from Harris Groves, 61st Street and 66th Avenue

Deputy County Attorney William DeBraul appeared before the Board to request approval for acquisition of a portion of the Harris Groves property to be used as right-of-way in the 66th Avenue improvements. The former citrus grove is zoned A-1 Agricultural, and is currently being used as pasture land for the family's cattle business.

Attorney DeBraul recounted that in 2008, the Board had offered Harris Groves \$148,350 for a 3.75 acre parcel of the property, including damages and costs. When negotiations resumed in July 2017, the property owners presented their own appraisal of \$646,000 for the needed portion. After further discussion, an agreement was reached for a sum of \$218,500 which included the 3.75 acres, severance damages, replacement of fencing, and relocation of a dirt road. An additional \$68,252 would be included for attorney's fees and costs incurred by Harris Groves.

Commissioner O'Bryan expressed dismay at the steady increase of land prices along 66th Avenue, and requested a copy of the Harris Groves appraisal which was almost five-times the cost-per-acre of similar properties.

Commissioner O'Bryan made a Motion to reject the settlement agreement and instead offer Harris Groves the original \$148,350 from 2008 with a seven-day window for acceptance. The Motion failed for lack of a second.

Chairman Solari and Commissioner O'Bryan agreed that an analysis of right-of-way costs would be warranted; Vice Chairman Adams also supported returning with an Agenda item to further discuss the issue.

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

Aye: 3 - Solari, Adams, and Zorc

Nay: 1 - O'Bryan

Absent: 1 - Flescher

13.D. Vaping Update

County Attorney Dylan Reingold provided the Board with a follow-up to their June 18, 2019 directive to research ways to regulate vaping. Attorney Reingold compared and contrasted Florida law related to tobacco and nicotine devices, local and state ordinances, and measures implemented by Alachua County. He sought guidance from the Board on how they wished to move forward on vaping regulations.

Commissioner Zorc and Attorney Reingold discussed enforcement of local ordinances, and the available options to the County regarding local licensing of retailers.

Chairman Solari surmised that the real issue lay in the regulation of nicotine rather than delivery vehicles like cigarettes and vaping devices. He suggested that the State change their regulations from cigarettes and vaping devices to focus on nicotine regulation.

Commissioner Zorc made a Motion to ask the State to consider nicotine regulation by adding the issue to the County's list of State Legislative priorities. UNDER DISCUSSION, chairman Solari opted to hear from the public before calling for a vote on the Motion.

The following speakers addressed the Board:

Kylie Savoy, 1040 10th Avenue, presented statistics on smoking and advocated for a local tobacco retail license.

Pedro Bernabe, Phoenix Wellness Center, urged the Board to take the lead in local tobacco regulation.

Marie Wygonic Blanchard, 1425 22nd Avenue, spoke on nicotine's impact on teenagers, and supported using the Alachua County regulations as a template for

Indian River County.

Following public input, Chairman Solari restated the Motion before the Board and called for the vote.

A motion was made by Commissioner Zorc, seconded by Chairman Solari, to include adding State control of nicotine regulation to the 2020 State Legislative List of Concerns. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

13.E.

Opioid Litigation Update

County Attorney Dylan Reingold presented an update on the Opioid litigation as he had been directed by the Board on March 6, 2018. His report recapped the following items: consolidation of federal cases into the Multi District Litigation in the Northern District of Ohio; a plan to create a negotiating class which would obtain global settlements of the federal lawsuits; and the State of Oklahoma's civil lawsuit which was headed toward settlement.

The following speakers made presentations before the Board:

Attorney Cynthia Angelos, Port St. Lucie, presented statistics on the local impact of opioid use and requested that Indian River County join the negotiating class in the federal lawsuit.

Attorney Michael Kahn, Melbourne, appeared on behalf of his lawgroup which represents several Florida counties and cities in the negotiating class lawsuit. He provided additional information about the lawsuit and requested Indian River County's participation as well.

The Board discussed the presentations, with Chairman Solari noting that the County would need to receive a request for proposal from the law group to consider participation. Commissioner O'Bryan confirmed with Attorney Reingold that local governments would be included unless they specifically opted out. Attorney Reingold stated he did not see any urgency in the matter, but would keep the Board informed.

The Board's consensus was to have the County Attorney keep the Board informed of any changes in the case.

No Action Taken or Required

13.F.

Agriculture Advisory Committee Appointment

There was no discussion regarding this item.

A motion was made by Vice Chairman Adams, seconded by Commissioner Zorc, to appoint Anna Kirkland to fill the unexpired term for the "Associated Industry" representative to the Agriculture Advisory Committee. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

14. COMMISSIONERS MATTERS

A. Commissioner Bob Solari, Chairman

B. Commissioner Susan Adams, Vice Chairman

14.B.1. IRLNEP CCMP Resolution of Support

(Clerk's Note: This item was heard following Item 5.D. and is placed here for continuity.)

Vice Chairman Adams requested the Board's approval of a resolution of support for the Indian River Lagoon Council's (the Council) adoption of the Indian River Lagoon National Estuary Program (IRLNEP) Comprehensive Conservation and Management Plan (CCMP). The Vice Chairman explained that all member counties of the Council were asked to pass similar resolutions as a unified show of support.

Dr. Duane DeFreese, Executive Director of the Council, appeared before the Board to expound on the significance of the CCMP which provides information and a list of action items to improve the Lagoon's health. Dr. DeFreese advised that this document should be used as a master plan for staff and other organizations who are working on Lagoon-related projects. He closed by thanking the Board, County staff, and citizens for their support of the IRLNEP.

A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to approve Resolution 2019-066, in support for IRL Council adoption of the Indian River Lagoon National Estuary Program Comprehensive Conservation and Management Plan: "Looking Ahead to 2030". The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

C. Commissioner Joseph E. Flescher

D. Commissioner Peter D. O'Bryan

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS**A. Emergency Services District**

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

15.A.1. Approval of Minutes Meeting May 7, 2019

Approved

15.A.2. Approval of Minutes Meeting of May 21, 2019

Approved

15.A.3. Approval of Minutes Meeting June 11, 2019

A motion was made by Vice Chairman Adams, seconded by Commissioner Zorc, to approve the Emergency Services District Meeting Minutes of May 7, 2019, May 21, 2019, and June 11, 2019 as written. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

15.A.4. Approval of Affiliation Agreement Renewal between Health Career Institute, LLC and Indian River County Emergency Services District

(Clerk's Note: This item was heard following Item 10.B.3. and is placed here for continuity.)

Chief Stone was present, however there was no discussion regarding this item.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

B. Solid Waste Disposal District

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

15.B.1. Final Pay to Geosyntec for Work Authorization No CCNA-2018 WO No 4 - Evaluation of Landfill Liquids Management Options

There was no discussion regarding this item.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

15.B.2.

Final Pay to CDM Smith for CCNA 2018 Work Order No. 2 - Contamination Evaluation Plan Implementation

There was no discussion regarding this item.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

15.B.3.

Update on Potential Transition to Mandatory Garbage Collection

Vincent Burke, Director of Utility Services, and Himanshu Mehta, Managing Director of the Solid Waste Disposal District (SWDD), appeared before the Board with an update to the progress made regarding the implementation of mandatory garbage service in the County. In an effort to stop the use of recycling carts for garbage, the Board voted on July 19, 2019 and July 23, 2019 to execute a provision in their contract with Waste Management to move from subscription service to mandatory/universal collection service for all County residents.

Director Mehta used a PowerPoint presentation to further detail the contamination issue, the action plan implemented by SWDD, and the ramifications of having contaminated recycling loads. His presentation also recounted recent discussions with Waste Management regarding the implementation of universal collection, and concluded with staff's recommendation.

The Board first discussed and clarified Waste Management's July correspondence which confirmed the contracted rate for residents inside the Urban Service Area (USA), but raised the current subscription rate for residents outside the USA. Additionally, Waste Management requested to waive or redefine negotiated items in their contract which did not expire until September 30, 2022.

Discussion continued with Commissioners and staff expressing their dismay at

Waste Management's rate increase for service outside the USA, as well as their requests to modify their contract at this juncture. The Board also expressed concern for the need to meet state-mandated recycling levels, the legality of Waste Management's requests, and responsibility for contamination oversight.

The Chairman opened the discussion to public comment.

Fern Grounds, 2375 11th Court SW, spoke in favor of mandatory garbage service in the County.

Lisa McKnight, Waste Management Area Public Sector Director, addressed the Board with a prepared statement which outlined the company's issues with their existing contract and the challenges of providing universal service to the County.

Members of the Board reacted to Ms. McKnight's statements and concluded the discussion when it was apparent the County and Waste Management were at an impasse. Chairman Solari called for a vote on staff's recommendation to keep the existing system and not implement mandatory pick up at this time.

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve staff's recommendation to refrain from implementing mandatory collection until October 1, 2022. The motion carried by the following vote:

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

15.B.4. Change Order No. 5 to Thalle (Bid #2018025)

Director of Utility Services Vincent Burke appeared before the Board seeking approval of Change Order Number 5 from Thalle Construction for work associated with the County landfill expansion. He noted that the additional costs would be covered by the contingency fund.

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

Aye: 4 - Solari, Adams, O'Bryan, and Zorc

Absent: 1 - Flescher

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:59 p.m.

