



# Indian River County Florida

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

## Meeting Minutes 3 - Final

### 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

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Tuesday, April 23, 2019

9:00 AM

Commission Chambers

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1. **CALL TO ORDER**

2. **ROLLCALL**

**Present:** 5 - Chairman Bob Solari  
Vice Chairman Susan Adams  
Commissioner Joseph Flescher  
Commissioner Peter O'Bryan  
Commissioner Tim Zorc

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

2.B. **INVOCATION**

**Stan Boling, Community Development Director**

3. **PLEDGE OF ALLEGIANCE**

**Commissioner Peter D. O'Bryan**

4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**

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

**Aye:** 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher,  
Commissioner O'Bryan, and Commissioner Zorc

5. **PROCLAMATIONS and PRESENTATIONS**

- 5.A.**    [19-0325](#)    Presentation of Proclamation Honoring Sharon Schalm on Her Retirement From Indian River County Board of County Commissioners Department of Community Development / Metropolitan Planning Organization with Thirteen Years of Service

**Attachments:**    [Proclamation](#)

Chairman Solari read and presented the Proclamation to Sharon Schalm, who was present with members of the Community Development/Metropolitan Planning Organization (MPO) staff. The Chairman thanked Ms. Schalm for her thirteen years of service to Indian River County.

**Read and Presented**

- 5.B.**    [19-0352](#)    Presentation of Proclamation Honoring Jeffrey Deforest Raynor on His Retirement From Indian River County Board of County Commissioners Department of Emergency Services/Fire Rescue with Thirty Years of Service

**Attachments:**    [Proclamation](#)

Chairman Solari read and presented the Proclamation to Jeffrey Deforest Raynor and thanked him for his thirty years of service to the citizens of Indian River County. Mr. Raynor was joined by members of the Emergency Services/Fire Rescue staff.

**Read and Presented**

- 5.C.**    [19-0351](#)    Quarterly Recycling Update - April 2019

**Attachments:**    [Staff Report](#)

Recycling Education and Marketing Coordinator Susan Flak utilized a PowerPoint Presentation to provide the Quarterly Recycling Update. She spoke on the Wrap Recycling Action Program (W.R.A.P.) and thanked supporters such as America's Plastic Makers for their generous donation, The Rotary Club of Vero Beach for purchasing the receptacles being used to collect the loose plastic film, and Marsh Landing Restaurant, Walking Tree Brewery, Coastal Van Lines, Inc. and Orchid Island Brewery, who have agreed to recycle their loose plastic film.

**Presented**

**6.        APPROVAL OF MINUTES**

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

- 7.A. [19-0349](#) Floodplain Management Annual Progress Report (NFIP CRS Activity 510)

**Attachments:** [Staff Report](#)  
[Floodplain Management Progress Report](#)

**No Action Taken or Required**

8. **CONSENT AGENDA**

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Consent Agenda as written. The motion carried by the following vote:

**Aye:** 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

- 8.A. [19-0348](#) Checks and Electronic Payments April 5, 2019 to April 11, 2019

**Attachments:** [Finance Department Staff Report](#)

**Approved**

- 8.B. [19-0338](#) Sealed Bid Sale of 1215 82nd Avenue (Former Fire Station 7)

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

**Approved staff's recommendation**

- 8.C. [19-0341](#) Work Order No. 10, Kimley-Horn and Associates, Inc., Indian River Boulevard and 8th Street (IRC-1909)

**Attachments:** [Staff Report](#)  
[Kimley-Horn and Associates, Inc. Work Order No. 10](#)

**Approved staff's recommendation**

- 8.D. [19-0342](#) Award of Bid No: 2019039, Indian River County Courthouse Renovations Project, IRC-1728

**Attachments:** [Staff Report](#)  
[Sample Agreement](#)

**Approved staff's recommendation**

- 8.E. [19-0344](#) Work Order No. 11, Kimley-Horn and Associates, Inc., Indian River Boulevard and 37th Street (IRC-1910)

**Attachments:** [Staff Report](#)  
[Kimley-Horn and Associates, Inc. Work Order No. 11](#)  
[Intersection Realignment Preliminary Design Exhibit](#)

**Approved staff's recommendation**

- 8.F. [19-0358](#) Miscellaneous Budget Amendment 010

**Attachments:** [Staff Report](#)  
[2018 2019 Resolution](#)  
[Exhibit "A"](#)

**Approved Resolution 2019-031, amending the Fiscal Year 2018-2019 Budget.**

- 8.G. [19-0346](#) Ronald and Susan Brooks' Request for Release of a Portion of an Easement at 437 N. Tangerine Square SW (Citrus Springs Village A)

**Attachments:** [Staff Report](#)  
[Maps of Easement](#)  
[Proposed Resolution Releasing Easement](#)

**Approved Resolution 2019-032, releasing a portion of an easement on Lot 38, Citrus Springs Village "A" PD Phase II.**

- 8.H. [19-0350](#) FDOT Small County Outreach Program (SCOP) Agreement and Resolution Authorizing the Chairman's Signature for 49th Street/Lindsay Road From 58th Avenue to 31st Avenue and Construction Engineering Inspection (CEI) Services Project No. IRC-1414, FM No. 436850-1-54-01

**Attachments:** [Staff Report](#)  
[Indian River County Grant Form](#)  
[Authorizing Resolution](#)  
[FDOT Small County Outreach Program \(SCOP\) Agreement FM No. 436850-1-54-01](#)

**Approved staff's recommendation and Resolution 2019-033, authorizing the Chairman's execution of a Small County Outreach Program (SCOP) Agreement with the Florida Department of Transportation (FDOT) for 49th Street/Lindsay Road from 58th Avenue/CR-613 to 31st Avenue Resurfacing and Construction Engineering Inspection (CEI) Services.**

- 8.I. [19-0354](#) Due Diligence and Project Review - West Regional WWTF Reclaimed Water Storage, Tetra Tech Amendment No. 1 to Work Order No. 2

**Attachments:** [Staff Report](#)  
[Tetra Tech Limited Phase II ESA](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

- A. PUBLIC HEARINGS
- B. PUBLIC DISCUSSION ITEMS
- C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

- 12.A.1 [19-0357](#) Applications for BCC Appointees to the Metropolitan Planning Organization Citizens Advisory Committee

**Attachments:** [Staff Report](#)  
[Application of Mike Grim](#)  
[Application of Erica Ogilvie](#)  
[Application of Chris Murphy](#)

Community Development Director Stan Boling provided the names of the three (3) applicants who applied to serve on the 14-member Metropolitan Planning Organization Citizens Advisory Committee. He clarified that there were two (2) vacant Board of County Commissioner Appointee positions to be filled.

Vice Chairman Adams pointed out that this would be an opportunity to involve two individuals who were not currently serving on a committee.

**A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to appoint Erica Ogilvie and Mike Grim to the BCC Appointee positions on the Metropolitan Planning Organization Citizens Advisory Committee. The motion carried by the following vote:**

**Aye:** 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

**B. Emergency Services****C. General Services****1. Human Services****2. Sandridge Golf Club****3. Recreation****D. Human Resources****E. Office of Management and Budget****12.E.1 [19-0339](#) Property/Casualty Insurance 2019-20**

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**Attachments:** [Staff Report](#)[Executive Summary](#)

Management and Budget Director Kristin Daniels confirmed that the 2019-2020 property/casualty insurance premiums would be increasing 6.4%, effective May 1, 2019, and noted that there were no changes to the deductibles or the coverage limits.

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

**Aye:** 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

**F. Public Works**

**12.F.1** [19-0345](#) Request for Waiver Bid Requirements for Paving Services from All Paving

**Attachments:** [Staff Report](#)  
[Quote from All Paving](#)

Public Works Director Rich Szyrka provided the background regarding the County's relationship with Community Asphalt, explaining that All Paving, a subcontractor to Community Asphalt, had been performing well and was recently working on a paving project in the Florida Ridge area. Director Szyrka clarified that the County's contract with Community Asphalt expired on March 31, 2019 and was not extended due to notification that All Paving had not been paid by Community Asphalt for numerous County projects. He made note that Community Asphalt did not respond to any communication attempts made by the County.

Director Szyrka requested the Board's approval to waive the requirement for bids and to authorize the Purchasing Division to issue a purchase order to All Paving for completion of the unfinished paving project in Florida Ridge.

Prior to a motion being made, Commissioner Zorc sought and received information from Director Szyrka about the payment process on asphalt paving projects, and Commissioner Flescher received clarification from County Attorney Dylan Reingold regarding his thoughts on changing contractors.

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

**Aye:** 5 - Chairman Solari, Vice Chairman Adams, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

**G. Utilities Services**

**12.G.1** [19-0355](#) John's Island Water Management Reclaimed Water Project - Permitting Status**Attachments:** [Staff Report](#)

Director of Utility Services Vincent Burke used a PowerPoint Presentation to clarify the history of John's Island Water Management (JIWM) Inc., going back to 2016 when JIWM requested reclaimed water to be supplied by the Indian River County Department of Utility Services (IRCDUS). He provided that in January 2018, Knight McGuire Associates, the engineer of record for JIWM, submitted an application for a Utility Construction Permit (UCP) to IRCDUS. The IRC UCP was pending until staff could review additional information from Knight McGuire Associates, requested in February 2019, and received late the previous day.

Director Burke provided the proposed route for the reclaimed water line, the permits that have been issued and the permits currently pending, along with details of the stipulations.

Director Burke announced there were "Stakeholders" of the proposed project in attendance who would be available if questions arose. He detailed the "Issues", the "Horizontal Directional Drill (HDD) Fact Sheet", and the aerial view of all existing Indian River Lagoon crossings, provided by the IRCDUS Subject Matter Expert, Consultant Jim Williams of Brierley Associates.

Director Burke continued his PowerPoint Presentation with the reuse water "Treatment Process", which included a video highlighting the operations at the West Regional Wastewater Treatment Facility Wetlands; the "Benefits of Reuse"; "Growth" of the State's population; the "UCP #4143 Remaining Items" as they were addressed in the February 2019 comment letter to Knight McGuire Associates; and concluded with a "Timeline/Summary." He made note that all stipulations would need to be met prior to the issuance of the IRC UCP.

**No Action Taken or Required**



**12.G.2 [19-0353](#)** Barrier Island Reclaimed Water Main System Analysis - Results

**Attachments:** [Staff Report](#)  
[Preliminary Engineering Report](#)  
[Plans for North County Reuse Water Main Study](#)

Utility Services Director Vincent Burke, through the use of a PowerPoint Presentation, provided the history leading up to the engineering feasibility study and results provided by Schulke, Bittle & Stoddard, LLC (SBS). Hired in December 2018, SBS performed a feasibility analysis to run a 16" reuse transmission main along the A1A corridor to a proposed storage and repump station at the inactive Sea Oaks Wastewater Treatment Plant (SOWWTP).

Director Burke detailed the tasks that SBS focused on: 1) Existing Utility Locates; 2) Hydraulic Modeling; and 3) Preliminary Opinion of Probable Cost, and delivered SBS's determination that an adequate area is available to install reuse mains along the east side of SR A1A. He went on to provide details of the proposed route and installation.

Director Burke then compared the procedures that would be needed if the Board elected to go with the SBS-recommended A1A route versus the John's Island recommendation of a subaqueous route.

County Administrator Jason Brown highlighted the County's commitments regarding the health of the Lagoon. He added that, due to the complexity of the JIWM project, the County hired Brierley Associates, engineering consultants who are experts in the field of Horizontal Directional Drilling (HDD).

Administrator Brown then spoke of SBS's recommended A1A route, and the Board's need to compare this option with the JIWM subaqueous route. He noted that the decision today, to be made by the Board following the discussion in Item 13.A., would indicate whether the County grants a Temporary Construction Easement over Hole in the Wall Island and Pine Island for construction of a reuse line, pending JIWM's ability to present satisfactory title work.

**No Action Taken or Required**

The Chairman called for a recess at 10:28 a.m., and reconvened the meeting at 10:39 a.m., with all members present.

**13. COUNTY ATTORNEY MATTERS**

13.A. [19-0201](#) Temporary Construction Easement For Hole-in-the-Wall Island and Pine Island for Reuse Line

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

[Temporary Construction Easement](#)

[Letter from Indian River County Mosquito Control District, dated February 18, 2019](#)

[Letter from Brian Seymour, dated December 3, 2018, with attachments](#)

[Letter from Paul Bangel, dated October 10, 2001, with attachment](#)

[Letter from William Hyde, dated May 4, 1999, with attachment](#)

[Letter from Ernest Cox, dated November 9, 2001](#)

[Atlantic Coastal Title Corporation Chain of Title Report dated April 7, 1999](#)

[Letter from Louis "Buck" Vocelle, Jr., dated April 16, 2019](#)

[Memo from William G. Collins II, dated May 7, 2001](#)

County Attorney Dylan Reingold provided background and analysis on the ownership of the rights-of-way over Hole in the Wall Island and Pine Island. He explained that in 2009, the Indian River Mosquito Control District (the District) received a quit-claim deed for Hole in the Wall Island from Horses Head, LTD; however, the District's attorney at the time discovered that there was a recorded deed dated back to November 1959 that granted the County "fee simple forever" ownership of the right-of-way. Attorney Reingold stated that he had received correspondence communicating that the District did not feel the County had ownership over Hole in the Wall Island, but he had not received documentation supporting the District's claim. With regard to Pine Island, Attorney Reingold included that the parcel owner, Lost Tree, would be cooperative, if necessary, regarding their involvement.

Chairman Solari offered a summary of Attorney Reingold's presentation, including the indication that the County does have ownership of rights-of-way over Hole in the Wall Island and Pine Island.

Commissioner Flescher requested and received clarification for the level of certainty Attorney Reingold felt regarding the County's ownership of the right-of-way over Hole in the Wall Island.

Michael Korpar, 340 38th Sq. SW, GM of John's Island Property Owners Association and JIWM, presented the Deputy Clerk with over 900 signatures from property owners of John's Island and the Town of Indian River Shores who were in support of the Board's approval of the easement request, and made mention that the proposed reuse line could be utilized by other Barrier Island residents in the future.

Attorney Brian Seymour, 777 S. Flagler Dr., Suite 500 East, West Palm Beach, representing JIWM, spoke on the efforts of completing this project in the most effective and environmentally sensitive manner. He also felt that he could provide the title assurance required to move forward with the subaqueous route, and noted that the residents of John's Island were opposed to the A1A route recommended by Schulke, Bittle & Stoddard, LLC (SBS) in Item 12.G.2.

Commissioner O'Bryan asked for the title documentation, and Attorney Seymour confirmed that he had not yet started the title assurance process.

The following individuals were opposed to the County approving the temporary construction easement for several reasons that were addressed, and offered their concerns and recommended alternatives to the Board.

Thomas Lowther, Commissioner, Indian River Mosquito Control District  
R. Grant Gilmore, Jr., Ph.D., 5920 1st Street SW, who spoke in reference to a letter he had distributed to the Board  
Dr. Leesa Souto, Executive Director, Marine Resources Council (MRC), Palm Bay, who provided an Indian River Lagoon Health Update brochure to the Board  
Marty Baum, representing Indian Riverkeeper, and a resident of Martin County  
Jean Catchpole, 526 Fiddlewood Road, a representative of the Indian River Neighborhood Association  
Russell Herrmann, 586 Redwood Ct, Sebastian, who read a letter written by his grandson, Jacob Herrmann  
Doug Carlson, Director, Indian River Mosquito Control District

John November, Chairman and Legal Council, Coastal Ocean Association of Science and Technology (COAST), and a resident of Jacksonville Beach, spoke on the positive impact related to reuse water.

*Chairman Solari called for a recess at 11:59 a.m., and reconvened the meeting at 1:00 p.m., with all members present.*

The meeting continued with the following residents speaking in opposition to the approval of the temporary construction easement.

Paul Fafeita, 955 82nd Avenue, President, Clean Water Coalition  
Ardr Rigby, 8465 59th Avenue, President, West Wabasso Progressive Civic Club  
Stephen Palmquist, 1455 Treasure Cove Lane  
Debbie MacKay, 4705 Pebble Bay Circle  
Adriana de Kanter, 2745 Tropical Avenue, Acting Chair, Democrats of Indian River

Leslie Maloney, 731 Nelda Avenue NE, Palm Bay, Turtle Coast Sierra Club  
Ruth Stanbridge, 4835 66th Avenue, President, Indian River County Historical Society, who detailed a packet that she had previously delivered to the Board  
Judy Orcutt, 4665 Pebble Bay Circle  
James Moir, 5215 SE Williams Way, Stuart  
Richard Baker, President, Pelican Island Audubon, and Board Member, Clean Water Coalition  
Thomas Ether, 6001 Highway A1A, who included two (2) PowerPoint Presentations in his comments and recommendation  
Jacqueline Cannon, 1901 Bay Road, Unit 101  
Larry Wapnick, 101 Island Sanctuary

Tony Young, Vero Beach City Council, delivered his perspective to the Board.

Attorney Seymour reappeared to offer clarification to some of the comments brought forth by County residents.

The following residents spoke in favor of the Board granting the temporary construction easement across Hole in the Wall Island and Pine Island.

Tom Cook, 141 Coquille Way, President, JIWM  
James Poole, 750 Beach Road, Director, JIWM  
Louis Hoynes, 220 Sundial Court, President, John's Island Property Owners Association (JIPOA)  
Peter Robinson, 315 Greytwig Road

Jim Moller, former General Manager of JIPOA and JIWM, responded to Commissioner O'Bryan with clarification regarding ownership of the pipeline that runs from the Wabasso Wellfield to John's Island. Consumptive Water Use Permits were also discussed.

Commissioner Flescher clarified his reasoning for not being in favor of granting the temporary construction easement, making note that: 1) the title assurance had not been provided by JIWM; and 2) there was an alternative route that would not require drilling under the Lagoon.

Commissioner O'Bryan confirmed details of the proposed project with Joseph Schulke, representing Schulke, Bittle & Stoddard, L.L.C., and Jim Williams of Brierley Associates. Although Commissioner O'Bryan agreed with the County Attorney that the County owns the rights-of-way over Hole in the Wall Island and Pine Island, he was in favor of using the pipeline that is already available.

Vice Chairman Adams questioned and received clarification from County

Administrator Jason Brown regarding several of her concerns, including infrastructure being built and dedicated to the County.

Commissioner Zorc agreed with Attorney Reingold's position regarding the right-of-way ownership, and spoke on the increasing amount of reuse water that the County is responsible for housing. He was in favor of granting the temporary construction easement.

Chairman Solari was in favor of granting the temporary construction easement, noting that the U.S. Army Corps of Engineers, the St. Johns River Water Management District, and Florida Department of Environmental Protection would be looking at the environmental risks. He made mention that JIWM implied that they would not be using the money raised to finance an alternative route; therefore the taxpayers would be responsible. The Chairman felt that the risk was worth the reward.

Vice Chairman Adams received confirmation from Attorney Seymour that the money raised by JIPOA was for the subaqueous project only. Additionally, she inquired and received clarification regarding the County's ability to provide reuse water to the barrier island, and the process that would be involved if the District challenges the County regarding the ownership of the rights-of-way and whether the temporary construction easement was the County's to grant.

**A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to deny granting the temporary construction easement for Hole in the Wall Island and Pine Island. The motion carried by the following vote:**

**Aye:** 3 - Vice Chairman Adams, Commissioner Flescher, and Commissioner O'Bryan

**Nay:** 2 - Chairman Solari, and Commissioner Zorc

#### 14. COMMISSIONERS MATTERS

- A. Commissioner Bob Solari, Chairman
- B. Commissioner Susan Adams, Vice Chairman
- C. Commissioner Joseph E. Flescher
- D. Commissioner Peter D. O'Bryan
- E. Commissioner Tim Zorc

#### 15. SPECIAL DISTRICTS AND BOARDS

- A. **Emergency Services District**
- B. **Solid Waste Disposal District**
- C. **Environmental Control Board**

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 3:16 p.m.