

Indian River County Florida

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



Meeting Minutes - Final

Tuesday, February 5, 2019

9:00 AM

Commission Chambers

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

1. CALL TO ORDER

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

Chairman Solari added a moment of silence in memory of Bob Johnson, citizen of Indian River County and longtime regular attendee at Commission Meetings.

2.B. INVOCATION

Deacon Wilfred Hart, Friendship Missionary Baptist Church

3. PLEDGE OF ALLEGIANCE

Jason E. Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Added: Notice of a memorial service for Bob Johnson on February 14, 2019

Added: Item 14.B.1. Commissioner Susan Adams, Vice Chairman - Communication

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, to approve the Agenda as amended. 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. [19-0085](#) Presentation of Proclamation Honoring Lee Reid on His Retirement From Indian River County Board of County Commissioners Department of Public Works Facilities Management Division with Seventeen Years of Service

Attachments: [Proclamation](#)

Chairman Solari presented the Proclamation to Lee Reid, who was joined by members of the Facilities Management team. Commissioners and staff expressed their sincere thanks for Mr. Reid's years of dedicated work on behalf of the County.

Read and Presented

6. APPROVAL OF MINUTES

6.A. [19-0082](#) Regular Meeting of November 20, 2018

Recommended Action: Approval

Attachments: [11202018BCCdraft](#)

Approved

6.B. [19-0006](#) Special Call Meeting of November 20, 2018

Recommended Action: Approve

Attachments: [11202018SpecialCall_Draft](#)

Approved

6.C. [19-0072](#) Regular Meeting of December 4, 2018

Recommended Action: Approve

Attachments: [12042018BCC](#)

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve the Regular Meeting Minutes of November 20, 2018, the Special Call Meeting of November 20, 2018, and the Regular Meeting Minutes of December 4, 2018. The motion carried by the following vote:

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

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

7.A. [19-0097](#) 2019 Election of Planning and Zoning Commission (P&Z) Chairman and Vice Chairman

Recommended Action: For Information Only.

Attachments: [Staff Report](#)

Todd Brognano was elected Chairman, and Dr. Jonathan Day was elected Vice Chairman for 2019.

No Action Taken or Required

7.B. [19-0107](#) 2019 Election of Code Enforcement Board (CEB) Chairman and Vice Chairman

Recommended Action: Informational.

Attachments: [Staff Report](#)

Bruce Redus was elected Chairman, and Joseph Petrulak was elected Vice Chairman for 2019.

No Action Taken or Required

7.C. [19-0104](#) All Aboard Florida Expenses

Recommended Action: No Action Required

Attachments: [Staff Report](#)

[All Aboard FL Expenses](#)

No Action Taken or Required

7.D. [19-0106](#) Indian River County Venue Event Calendar Review

Recommended Action: This is an informational item only; no Board action is required

Attachments: [Staff Report](#)

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Vice Chairman Adams, to approve the Consent Agenda as amended, pulling items 8.E., 8.K., and 8.L. for discussion. The motion carried by the following vote:

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

8.A. [19-0066](#) Checks and Electronic Payments January 11, 2019 to January 17, 2019

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 11, 2019 to January 17, 2019

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [19-0089](#) Checks and Electronic Payments January 18, 2019 to January 24, 2019

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of January 18, 2019 to January 24, 2019

Attachments: [Finance Department Staff Report](#)

Approved

8.C. [19-0073](#) Resolution Cancelling Taxes on Oslo Cemetery Property

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the Oslo Cemetery property, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

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

Approved Resolution 2019-008, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.D. [19-0096](#) Assignment and License Agreement for Operation of Middleton's Fish Camp

Recommended Action: Staff respectfully recommends that the Board approve the Assignment and License Agreement and authorize the Chairman to sign.

Attachments: [Staff Report](#)
[Assignment and License Agmt - Roy Bass](#)
[Agreement executed August 22, 1995](#)
[Summary of Middleton's Agreements and Amendments](#)

Approved staff's recommendation

8.E. [19-0074](#) Release of Retainage for Work Order No. 12 CB&I Coastal Planning and Engineering, Inc. Sector 5 Beach Restoration Project - Design and Permitting Services

Recommended Action: Staff recommends the Board approve the release of all withheld retainage under Work Order No. 12 in the amount of \$14,276.31

Attachments: [Staff Report](#)
[CBI-Aptim Invoice No. 432936-RI-00636](#)

Director of Public Works Richard Szyrka appeared before the Board to recap the details of the Sector 5 Beach Restoration Project which was completed by Aptim

Coastal Planning and Engineering, Inc. (formerly CB&I Coastal Planning and Engineering, Inc.) Using an illustrated map, Director Szpyrka displayed the boundaries of Sector 5 which lie mostly within the City of Vero Beach (the City).

The Board confirmed that the funding for this project came in part from the Local Tourist Tax Revenue and the One Cent Sales Tax. The Board and staff went on to discuss the total cost of the project, the value of staff's efforts in securing Legislative funding, and the benefit of the Tourist Development Council's investment into the City.

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

8.F. [19-0076](#) Award of Bid 2019023 - Annual Bid for Sod

Recommended Action: Staff recommends the Board award bid 2019023 to Gomez Brothers Irrigation, LLC and authorize the Purchasing Division to issue blanket purchase orders for the period of February 5, 2019 through February 4, 2020 to the recommended bidder. Staff also recommends the Board authorize the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.G. [19-0077](#) Insurance Broker Contract Extension

Recommended Action: Staff recommends that the Board approve the Amendment to Agreement for Property and Casualty Insurance Broker Services and authorize the chair to sign the Amendment. Payment in the amount of \$175,000.00 for the additional year is budgeted and available from the Self-Insurance Fund, account number 50224613-034590, Self Insurance/Risk/Other Insurance.

Attachments: [Staff Report](#)
[Amendment to Agreement](#)

Approved staff's recommendation

8.H. [19-0079](#) Indian River County Ballfields Bulk Rental Agreement Template

Recommended Action: Staff respectfully requests the Board approve the attached Indian River County

Ballfields Bulk Rental Agreement as a template and authorize Staff to sign future template agreements on behalf of the County.

Attachments: [Staff Report](#)
[Sample - Bulk Rental Agreement](#)

Approved staff's recommendation

- 8.I. [19-0084](#) Work Order No. 7, MBV Engineering, Inc., Indian River County Welcome Sign Project, IRC-1816

Recommended Action: Staff recommends that the BCC approve Work Order No. 7 for MBV Engineering, Inc. to develop a site plan for the four County Welcome Signs and for project permitting, and authorize the Chairman to execute Work Order No. 7 in the lump sum amount of \$24,800.00.

Attachments: [Staff Report](#)
[MBV Engineering, Inc. Work Order No. 7](#)

Approved staff's recommendation

- 8.J. [19-0086](#) Work Order No. 4 Ecological Associates, Inc. HCP Sea Turtle Monitoring North and South County

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 4 to the contract with Ecological Associates, Inc. and authorize the Chairman to sign on behalf of the County

Attachments: [Staff Report](#)
[EAI Work Order No. 4](#)

Approved staff's recommendation

- 8.K. [19-0087](#) Authorizing Resolution for County Support of FDOT 82nd Avenue Improvements from 69th Street to CR-510 Project Financial Project No. 230879-2-52-10

Recommended Action: Staff recommends that the Board of County Commissioners authorize the Chairman to execute the Resolution to enter into a Maintenance Memorandum of Agreement with the Florida Department of Transportation for 82nd Avenue from 69th Street to CR 510

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[FDOT Hwy MMOA 82nd Ave 69th St to CR-510](#)

[Clerk's Note: Items 8.K. and 8.L. were discussed together under this item.]

Commissioner Zorc requested that the Metropolitan Planning Organization (MPO) further consider the 82nd Avenue project with regards to the project's ranking on the MPO's list of priorities. The Commissioner explained that he has received concerns from the community regarding the necessity of an additional north-south corridor, and the cost of right-of-way (ROW) acquisitions.

Phil Matson, MPO Staff Director, appeared before the Board to shed light on the priorities list for the County's arterial roads. He agreed to discuss the ranking of this project at the MPO's next meeting and advised that the priorities list would be formally readopted in June 2019.

Each Commissioner stated their opinions on improving 82nd Avenue and how this road fits into the County's grid plan. The Board's consensus was to further discuss the project at the MPO's June meeting with particular attention to ROW acquisitions and concerns from the Sebastian River Improvement District.

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, to approve Resolution 2019-012, approving a Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for the County Road 609/82nd Avenue Improvement Project from 69th Street to County Road 510/Wabasso Road and authorizing the Chairman to execute the agreement. The motion carried by the following vote:

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

8.L. [19-0088](#) Authorizing Resolution for County Support of FDOT 82nd Avenue Improvements from 26th Street to 69th Street Project Financial Project No. 230879-3-52-10

Recommended Action: Staff recommends that the Board of County Commissioners authorize the Chairman to execute the Resolution to enter into a Maintenance Memorandum of Agreement with the Florida Department of Transportation for 82nd Avenue from 26th Street to 69th Street.

Attachments: [Staff Report](#)
[Authorizing Resolution](#)
[FDOT Hwy MMOA 82nd Ave 26th St to 69th St.](#)

A motion was made by Commissioner Zorc, seconded by Commissioner O'Bryan, to approve Resolution 2019-013, approving a Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for

the County Road 609/82nd Avenue Improvement Project from 26th street to 69th street and authorizing the Chairman to execute the agreement. The motion carried by the following vote:

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

8.M. [19-0091](#) Award of Bid 2019027 - Sandridge Golf Club Maintenance Building Roof Replacement

Recommended Action: Staff recommends the Board award bid 2019027 to Vero Beach Roofing, Inc. Staff also recommends the Board approve the sample agreement and authorize the Chairman to execute it after review and approval by the County Attorney as to form and legal sufficiency, and after approval of the required insurance by the Risk Manager.

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

Approved staff's recommendation

8.N. [19-0092](#) Award of Bid 2019029 - Demolition of Former Fire Station 7

Recommended Action: Staff recommends the Board award bid 2019029 to Barth Construction, Inc. and authorize the Purchasing Division to issue a Purchase Order for the work.

Attachments: [Staff Report](#)

Approved staff's recommendation

8.O. [19-0093](#) Designation of Excess Equipment as Surplus

Recommended Action: Staff recommends the Board declare the items on the Excess Equipment List for 020519 Agenda as surplus, and authorize their sale and/or disposal, as indicated.

Attachments: [Staff Report](#)
[Excess Equipment List for 020519 Agenda](#)

Approved staff's recommendation

8.P. [19-0094](#) Approval of Agreement for Transit Advertising Services between Indian River County and Sunup Advantage, LLC

Recommended Action: Staff recommends that the Board of County Commissioners review the attached Agreement for Transit Advertising Services between the County and SunUp Advantage, LLC, make any necessary changes, and authorize the Chairman to

execute the agreement.

Attachments: [Staff Report](#)
[Agreement for Advertising Services](#)

Approved staff's recommendation

- 8.Q.** [19-0095](#) Work Order No. 2018029-2 APTIM Environmental and Infrastructure, Inc. Sector 5 Beach Restoration Project 2019 Pre-Construction Sea Turtle Monitoring Services

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 2018029-2 to the contract with APTIM Environmental and Infrastructure, Inc. and authorize the Chairman to sign on behalf of the County

Attachments: [Staff Report](#)
[APTIM WO No. 2018029-2](#)

Approved staff's recommendation

- 8.R.** [19-0098](#) Assignment of License Agreement for Ryall Tract

Recommended Action: Staff respectfully recommends that the Board accept the Assignment of License Agreement and authorize the Chairman to sign the Consent to Assignment of License Agreement.

Attachments: [Staff Report](#)
[Assignment of License Agreement](#)
[Exhibit A to License Agreement](#)

Approved staff's recommendation

- 8.S.** [19-0099](#) Notice of Grant Award from FDEP Land and Water Conservation Fund Grant for Public Access Improvements to the Hallstrom Farmstead Conservation Area - Agreement Number LW695

Recommended Action: Staff respectfully recommends that the Board accept the State of Florida, Department of Environmental Protection Standard Grant Agreement No. LW695 for the Hallstrom Farmstead Conservation Area and authorize the Chairman to execute the Grant Agreement between Florida Department of Environmental Protection Agency and Indian River County. Staff further requests authorization to execute any and all additional grant related

documents pertinent to this award.

Attachments: [Staff Report](#)

[LWCF Award Agreement Implementation LTR 01.22.19-TB](#)
[2017-2018 LWCF Signed Priority List 7.11.18](#)
[LW695 Hallstrom Farmstead Grant Agreement scanned.pdf](#)
[Federal Funding Accountability and Transparency Act Form DEP 55-230 scanned.pdf](#)
[IRC Grant Form](#)

Approved staff's recommendation

- 8.T. [19-0105](#) Osprey Acres Floway and Nature Preserve - Replacement Easement to Florida Power & Light Company

Recommended Action: Approve the standard form of business easement in favor of Florida Power & Light Company and authorize the Chairman to execute same for recordation in the Public Records of Indian River County, Florida.

Attachments: [Staff Report](#)

[Easement](#)

Approved staff's recommendation

- 8.U. [19-0108](#) Resolution Cancelling Taxes on Lands Deeded to Indian River County by Redevgroup, Inc. for Conservation

Recommended Action: Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the lands deeded to Indian River County for conservation by Redevgroup, Inc., and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

Attachments: [Staff Report](#)

[Resolution](#)

Approved Resolution 2019-009, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [19-0113](#)** Request to Speak from Sandra and Chuck Pearson Regarding Neighbors Outdoor Fireplace/Chimney. Ashes and smoke is a health problem, nuisance, and damage to our property.

Recommended Action: Public Discussion Item - No Action Required

Attachments: [Request to Speak Form](#)

Sandra and Chuck Pearson, 3805 7th Place, appeared before the Board requesting assistance with problems of ash and smoke emanating from a neighbor's recently-built chimney. Using a PowerPoint presentation, the Pearsons showed the extent of the smoke and cinders falling on their property. Their neighbor was uncooperative in finding a solution, and Code Enforcement could not assist since the chimney had passed inspection.

The Board and staff entered into a discussion with the Pearsons as they ascertained the details and tried to brainstorm avenues of assistance. Chief Tad Stone, Director of Emergency Services, confirmed that the problem was beyond the scope of the fire code. The Board agreed that while they were sympathetic to the situation, there was no remedy in the County's code that could be enforced. A suggestion was made to contact the Health Department or pursue the matter in a civil suit.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS**11. COUNTY ADMINISTRATOR MATTERS****12. DEPARTMENTAL MATTERS****A. Community Development****B. Emergency Services**

- 12.B.1. [19-0090](#)** Signing of Work Order No. 4 for Radio System P25 Migration Project

Recommended Action: Staff recommends the Board approve Work Order No. 4 with Communications International, Inc. and authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[Work Order No. 4](#)
[Work Order No. 4 Quote](#)
[Work Order No. 4 Attachment A](#)

Chief Tad Stone, Director of Emergency Services, appeared before the Board to request approval for Stage 4 of the Countywide P25 Radio System Migration Project which is being handled by Communications International, Inc.

Commissioner Zorc received confirmation from Chief Stone that none of the County's emergency systems were utilizing the radio towers atop the Vero Beach Power Plant.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, 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

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. [19-0078](#) IRC Landscape BMP Educational Packet Presentation

Recommended Action: Stormwater staff recommends the publication of the BMP packet onto the County Stormwater website for public access

Attachments: [Staff Report](#)
[IRC Landscape BMP's Educational Packet](#)

Public Works Director Richard Szpyrka introduced Alexis Peralta, IRC Stormwater Educator, who used a PowerPoint presentation to summarize the educational packet assembled to teach the Best Management Practices (BMPs) for Florida-friendly landscaping that also minimizes harmful runoff.

Chairman Solari noted that the packet had been given to the John's Island Property Owner's Association for distribution to their members. Vice Chairman Adams suggested coordinating with the local Institute of Food and Agricultural Sciences (IFAS) Master Gardener program to increase circulation of the packet.

A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, 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. [19-0054](#) Request for Sole Source for Hach Equipment and Supplies

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners declare the Hach Company as the sole source provider for water quality sampling equipment and related supplies, and authorize the Purchasing Division to issue purchase orders as necessary

Attachments: [Staff Report](#)
[Sole Source Letter](#)

Vincent Burke, Director of Utility Services, appeared before the Board and explained that Hach meters are used throughout the County to analyze water quality. Director Burke requested the Board's permission to declare Hach Company a sole source provider in an effort to streamline equipment and supplies.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, 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

The Chairman called for a recess at 10:06 a.m., and reconvened the meeting at 10:16 a.m. with all members present.

13. COUNTY ATTORNEY MATTERS

13.A. [18-2279](#) City of Sebastian Fire Marshal Ordinance

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve the draft resolution initiating the conflict resolution procedure under the Florida Governmental Conflict Resolution Act.

Attachments: [Staff Report](#)
[Chapter 164 Fire Marshal Resolution](#)

County Attorney Dylan Reingold recounted that on March 14, 2018, the City of Sebastian (City) voted to establish an independent City Fire Marshal's Office over the County's opposition. The Indian River County Emergency Services District maintained that the creation of this independent office was in violation of State statutes and County code.

On June 12, 2018, the Board authorized the County Attorney's Office to draft a resolution which would initiate the Florida Governmental Conflict Resolution Act (Act) in an attempt to resolve the differences between the City and the County. Since that time, attempts at compromise have failed, and the County Attorney's Office moved forward with drafting the resolution. Attorney Reingold then elaborated on the procedures prescribed by the Act.

A motion was made by Commissioner Flescher, seconded by Commissioner O'Bryan, to approve Resolution 2019-010, declaring the intent of the Board to initiate the conflict resolution procedures set forth in Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act; finding that a conflict exists with the City of Sebastian with respect to the City Fire Marshal's Office; directing the County Administrator to mail a certified copy of this Resolution to the City of Sebastian as well as the City of Fellsmere. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

Nay: 1 - Vice Chairman Adams

13.B. [19-0069](#) Economic Development Council Membership

Recommended Action: The County Attorney's Office recommends that the Board approve the resolution as presented.

Attachments: [Staff Report](#)
[Draft Resolution - EDC \(Healthcare Industry\)](#)

County Attorney Dylan Reingold presented the resolution establishing a healthcare industry representative to the Economic Development Council, per the Board's direction on January 15, 2019.

A motion was made by Commissioner O'Bryan, seconded by Commissioner Flescher, to approve Resolution 2019-011, adding the position of representative from the Healthcare Industry on the Economic Development Council. The motion carried by the following vote:

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

13.C. [19-0070](#) Indian River County et al., v. United States Department of Transportation, et

al.

Recommended Action: The County Attorney's Office recommends that Indian River County Board of County Commissioners authorize the County Attorney's Office and outside counsel to proceed with the appeal with a cap on total costs at \$400,000.

Attachments: [Staff Report](#)

County Attorney Dylan Reingold recounted that on December 24, 2018, a federal court opinion was issued against Indian River County in its lawsuit challenging the approval of funding for the All Aboard Florida (Brightline/Virgin Trains) project. Attorney Reingold sought guidance from the Board on whether the County should pursue an appeal to the case. He detailed the expected time and cost commitment of an appeal, noting that the County's outside council agreed to cap expenses at \$400,000 for this effort.

The following speakers addressed the Board in favor of filing the appeal:
Nick Schaus, 307 Sable Oak Drive
Paul Westcott, Vero Beach
Jack Preschlack, 101 Oyster Cut

In a follow-up to Mr. Schaus' comments, Chairman Solari requested and received information on a new grass-roots opposition group. The Florida Alliance for Safe Trains (FAST) is working in the tri-county area and replaces Citizens Against Rail Expansion (CARE).

Vice Chairman Adams sought clarification from Attorney Reingold on the nature of this appeal, as well as the State and legislative efforts against All Aboard Florida; she went on to prioritize the efforts she supported. The members of the Board followed by weighing-in with their thoughts on fighting All Aboard Florida.

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

Aye: 4 - Chairman Solari, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

Nay: 1 - Vice Chairman Adams

13.D. [19-0114](#) Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program

Recommended Action: The County Attorney's Office recommends that the Indian River County Board of County Commissioners authorize Southeast Florida Behavioral Health Network to file an application for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant and authorize the chair to execute the letter of support of the application.

Attachments: [Staff Report](#)
[Letter of Support and Commitment Reinvestment Grant 2019](#)
[CJMHSR Reinvestment Grant Application](#)

County Attorney Dylan Reingold provided a status update on the Southeast Florida Behavioral Health Network's (SFBHN) request to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant, which had been approved at the January 8, 2019 Board meeting. SFBHN has now completed the grant application. They are seeking the Board's approval to file the application, as well as execution of a letter of support from the Board.

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

14. COMMISSIONERS MATTERS

A. Commissioner Bob Solari, Chairman

14.A.1. [19-0110](#) Seagrass Replacement Project

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)
[Seagrass Restoration Project Overview](#)
[Local Funding Initiative](#)

Chairman Solari sought feedback from the Board on whether to pursue a State-funded grant initiative to replace seagrass in the Indian River Lagoon. He provided that the project is proposed for the Wabasso area, and is independent of existing water quality initiatives.

The Board and staff discussed concerns regarding the need to first investigate the cause of seagrass disappearance, the timing for a seagrass replacement project, and the 10% matching funds the County would commit to. Chairman Solari agreed that more information was needed, but noted that today was the deadline to apply for the grant.

The following speaker appeared before the Board:

Paul Fafeida, Coastal Conservation Association, addressed the Board with questions and concerns about the project location, and Total Maximum Daily

Load (TMDL) remediation.

The Commissioners then stated their views on the matter. There was majority support for moving forward with the grant process, with Vice Chairman Adams voicing reasons for opposing a seagrass restoration project at this time.

A motion was made by Commissioner Flescher, seconded by Chairman Solari, to approve moving forward with the grant application process for the Indian River County Florida Seagrass Project. The motion carried by the following vote:

Aye: 4 - Chairman Solari, Commissioner Flescher, Commissioner O'Bryan, and Commissioner Zorc

Nay: 1 - Vice Chairman Adams

B. Commissioner Susan Adams, Vice Chairman

14.B.1. 19-0162 Communication

Recommended Action:

Vice Chairman Adams requested the creation of an agenda item which would allow Commissioners to share information and update each other on events going on around the county. The Commissioners took the opportunity to share events they had recently attended.

A motion was made by Vice Chairman Adams, seconded by Chairman Solari, to approve adding a place on the agenda for an open dialogue between Commissioners once a month. The motion carried by the following vote:

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

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

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

15.B.1. [19-0083](#) Approval of Minutes Meeting of November 20, 2018

Recommended Action: Approve

Attachments: [11202018SWDDdraft](#)

A motion was made by Commissioner O'Bryan, seconded by Vice Chairman Adams, to approve the Solid Waste Disposal District Meeting Minutes of November 20, 2018. The motion carried by the following vote:

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

15.B.2. [19-0100](#) Unsolicited Public Private Partnership for Landfill

Recommended Action: The selection committee recommends the SWDD Board reject the public private partnership proposals received in relation to the landfill and authorize staff to resolicit the three noted portions as funding is approved.

Attachments: [Staff Report](#)

Utility Services Director Vincent Burke introduced Himanshu Mehta, Managing Director of the Solid Waste Disposal District, and Jennifer Hyde, Purchasing Manager, who presented an overview of the Unsolicited Public-Private Partnership (P3) process including qualifications, evaluation criteria, and analysis of the public's interest.

Ms. Hyde explained that the P3 process was initiated by the Indian River Eco-District (IREDD) which submitted a proposal to provide three improvements to the County's landfill operations: 1. Purchase landfill-generated gas; 2. Improve and operate the yard waste area (currently contracted by Mr. Mulch); 3. Process concrete waste currently stored on site. Additional bids were solicited for the proposed improvements, and the responding firms were ranked by an evaluation committee as follows: IREDD, Synagro-WWT, and Gen2, LLC.

The following individuals made presentations before the Board:

Kim Johnson, Managing Partner, Gen2, LLC, presented information about her company and its capabilities.

Alain Castro, Managing Partner, IREDD, detailed his company's proposal and plans to redevelop the former INEOS site adjacent to the landfill.

The Board and staff entered into a discussion regarding the evaluation committee's recommendation to reject the P3 proposals. Purchasing Manager Hyde expounded on the reasons for the recommendation to re-solicit each item

separately. There was concern expressed among the Board regarding the delay that re-bidding would entail.

A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to move forward by negotiating with the top-ranked firm, IRED, to provide the three landfill site improvements. UNDER DISCUSSION, Chairman Solari opted to take a break and then hear from the public before voting on the motion.

The Chairman called for a recess at 11:59 a.m., and reconvened the meeting at 12:06 p.m. with all members present.

The following individuals addressed the Board:

Daniel Kreiser, Owner, East Coast Recycling, supported issuing requests for proposals (RFPs) and using local vendors.

Russell Payne, Owner, Mr. Mulch, requested the opportunity to bid on the proposed items individually.

Aaron Sunderlin, Landscaper, spoke of the need to improve the yard waste area.

Fernando Sarcor, IRC Recyclers, was in favor of public bidding.

Following public input, the Board deliberated the merits of accepting the P3 proposal from IRED versus pursuing the improvements individually via a rebidding process.

Vice Chairman Adams restated her motion, which had been seconded by Commissioner O'Bryan, to enter into a Public-Private Partnership agreement with Indian River Eco-District. The Chairman called the question, and the motion failed by the following vote:

Aye: 2 - Vice Chairman Adams, and Commissioner O'Bryan

Nay: 3 - Chairman Solari, Commissioner Flescher, and Commissioner Zorc

The Board and staff continued to discuss avenues for achieving the improvement items individually, and the timeline for this approach. The Commissioners agreed that the landfill-generated gas, which is currently being flared off, posed a health and safety risk that could be resolved immediately by approving Item 1 and allowing IRED to purchase the gas. Staff was directed to return to the Board at the February 19, 2019 meeting with a path forward to accomplish the other two items - yard waste management and improvement, and processing stored

concrete waste.

A motion was made by Vice Chairman Adams, seconded by Commissioner O'Bryan, to enter negotiations with Indian River Eco-District for their purchase of landfill gas created at the County's landfill. The motion carried by the following vote:

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

15.B.3. [19-0101](#) Final Pay to CDM Smith for CCNA 2014 Work Order No. 13 - Annual Permit Compliance Monitoring and Reporting

Recommended Action: The Solid Waste Disposal District staff recommends that its Board approve CDM Smith's final invoice amount of \$8,241.30

Attachments: [Staff Report](#)
[CDM Smith Project Completion Report and Final Invoice](#)

A motion was made by Vice Chairman Adams, seconded by Commissioner Flescher, 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

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:03 p.m.