

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, June 19, 2018

9:00 AM

Commission Chambers

Board of County Commissioners

Peter D. O'Bryan, Chairman, District 4

Bob Solari, Vice Chairman, District 5

Susan Adams, District 1

Joseph E. Flescher, District 2

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 Peter O'Bryan
Vice Chairman Bob Solari
Commissioner Susan Adams
Commissioner Joseph Flescher
Commissioner Tim Zorc

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

Deputy Teddy Floyd, IRC Sheriff's Office

3. PLEDGE OF ALLEGIANCE

Dylan Reingold, County Attorney

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved: Item 10.A.3. First Public Hearing to Consider Applying for a Community Development Block Grant and Request for Authorization to Proceed with Consultant Selection Process (Legislative) to follow Item 10.A.4. Public Hearing: Amending Indian River Code Creating Chapter 318, Stormwater Discharge (Legislative)

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve the Agenda as amended. The motion carried by the following vote:

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

5. PROCLAMATIONS and PRESENTATIONS**6. APPROVAL OF MINUTES****7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION**

7.A. [18-1964](#) Proclamation Honoring Kenneth Campbell on His Retirement From Indian River County Board of County Commissioners Department of General Services Recreation Division

Attachments: [Proclamation](#)

Chairman O'Bryan thanked Mr. Campbell for his service to Indian River County and the community.

No Action Taken or Required

7.B. [18-1952](#) Indian River County Venue Event Calendar Review

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

Attachments: [Staff Report](#)

No Action Taken or Required

7.C. [18-1953](#) Notice of Application for Division of Historic Resources Special Category Grant for the Roseland Community Building

Recommended Action: No Board Action Required

Attachments: [Staff Report](#)

[A - Div Historical Resources Special Category Grant Application](#)

No Action Taken or Required

7.D. [18-1972](#) Resignation of Joe Idlette, Jr., from the Community Development Block Grant Citizen Advisory Task Force.

Recommended Action: For Informational Purposes.

Attachments: [Staff Report](#)

Commissioner Flescher spoke in appreciation of Mr. Idlette's work and announced the vacancy on the Task Force.

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 presented. The motion carried by the following vote:

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

8.A. [18-1951](#) Checks and Electronic Payments June 1, 2018 to June 7, 2018

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of June 1, 2018 to June 7, 2018

Attachments: [Finance Department Staff Report](#)

Approved

8.B. [18-1879](#) Approval of 2019 Holiday Schedule

Recommended Action: Staff respectfully requests the Board of County Commissioners approve the 2019 Holiday Schedule

Attachments: [Staff Report](#)

Approved staff's recommendation

8.C. [18-1882](#) Consideration of New Five-Year Agreement between Indian River County and the Senior Resource Association, Inc. for Provision of Public Transportation Services

Recommended Action: Staff recommends that the Board of County Commissioners review the proposed Agreement for Provision of Public Transportation Services between the County and the Senior Resource Association, Inc., make any necessary changes, and authorize the Chairman to execute the agreement.

Attachments: [Staff Report](#)
[Agreement for Public Transportation Service](#)

Approved staff's recommendation

8.D. [18-1913](#) Request for Authorization to Submit an Application for 49 USC CH. 53, Section 5311 Transit Operating Assistance Funds for FY 2018/19

Recommended Action: Staff recommends that the Board of County Commissioners adopt the proposed resolution authorizing the filing of the FY 2018/19 Section 5311 grant application.

Attachments: [Staff Report](#)
[Resolution](#)
[Section 5311 Grant Application](#)
[Budget Form](#)

Approved Resolution 2018-054, authorizing the submission of a FY 2018/19 grant application for 49 USC CH. 53, Section 5311 Public Transit Operating Assistance.

8.E. [18-1962](#) Third Renewal and Extension of a License Agreement for Security and Caretaker Occupancy of the Ryall Tract of the South Prong Preserve Conservation Area

Recommended Action: Staff recommends that the Board authorize the Chairman to sign the Third Renewal and Extension of License Agreement between Indian River County and the Deputy to provide for the extension of the Agreement until June 2019.

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

Approved staff's recommendation

- 8.F.** [18-1949](#) Work Order No. 7 - Morgan & Eklund, Inc., 2018 Beach Profile Monitoring Surveys (SUMMER)

Recommended Action: The recommendation of staff is for the Board to approve Work Order No. 7 to the Professional Land Surveying and Mapping Services contract with Morgan and Eklund, Inc. and authorize the Chairman to sign on behalf of the County.

Attachments: [Staff Report](#)
[Morgan and Eklund, Inc. Work Order No. 7](#)

Approved staff's recommendation

- 8.G.** [18-1950](#) Amendment No. 1 - FDEP Grant Agreement No. 17IR2, Wabasso Beach Restoration Project (Sector 3)

Recommended Action: Staff recommends the Board approve Amendment No. 1 to FDEP Grant Agreement No. 17IR2 and authorize the Chairman to sign on behalf of the County. Following Board approval, the County will transmit the partially executed Amendment No. 1 to the State for final signatures. Upon receipt of the fully executed original from the State, staff will transmit to the Clerk to the Board of County Commission for recording.

Attachments: [Staff Report](#)
[Amendment No. 1 to FDEP Grant Agreement 17IR2](#)
[Change Order No. 1 to Indian River County Grant Form No. 17IR2](#)

Approved staff's recommendation

- 8.H.** [18-1955](#) Recommendation of Award for Bid No. 2018056: Archie Smith Fish House Dock Restoration

Recommended Action: Staff recommends that the Board of County Commissioners authorize award of the bid to Indian River Docks, LLC in the amount of \$186,925.00, and authorize the Chairman to execute the sample agreement after review and approval by the County Attorney as to form and legal sufficiency, after receipt and approval of the required insurance by the Risk Manager, and after receipt and approval of the required Public Construction Bond.

Attachments: [Staff Report](#)
[Minutes from 9/19/17 BCC Meeting](#)
[Indian River Docks, LLC Bid Sheet](#)
[CIE 5-Year Budget Schedule Excerpt](#)
[Sample Agreement](#)

Approved staff's recommendation

- 8.I. [18-1956](#) Land Purchase - Future Expansion Owner: Norman R. Lamothe & Roberta F. Lamothe 405 35th Avenue, Vero Beach, FL 32968

Recommended Action: Staff recommends the Board approve the Purchase Agreement for 0.2 acres of property located at 405 35th Avenue, Vero Beach, FL 32968, and authorize the Chairman to execute the purchase agreement on behalf of the Board.

Attachments: [Staff Report](#)
[Purchase Agreement](#)
[Location Map](#)

Approved staff's recommendation

- 8.J. [18-1961](#) Children's Services Advisory Committee's Funding Allocations for FY 2018-2019

Recommended Action: Staff recommends approval of the CSAC's funding recommendations for FY 2018-2019.

Attachments: [Staff Report](#)
[2018-19 CSAC Recommended Funding](#)

Approved staff's recommendation

- 8.K. [18-1966](#) Approval of Blue Goose Construction Work Authorization 2018-003: "61st Drive Water Main Replacement"

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Authorization No. 2018-003 to retain Blue Goose Construction to construct the water main replacement, and to authorize staff to direct purchase related materials.

Attachments: [Staff Report](#)
[Cost Estimate - Labor & Material](#)
[Work Authorization No. 2018-003](#)

Approved staff's recommendation

- 8.L. [18-1967](#) Approval of Blue Goose Construction Work Authorization 2018-004: "12th Avenue SW Water Service Replacement"

Recommended Action: Staff recommends that the Board of County Commissioners approve Work Authorization No. 2018-004 and authorize the Purchasing Division to issue a purchase order to retain Blue Goose Construction to construct the water service replacement, and to authorize staff to direct purchase related materials.

Attachments: [Staff Report](#)
[Work Authorization No 2018-004](#)
[Cost Estimate - Labor & Material](#)

Approved staff's recommendation

- 8.M. [18-1963](#) IRC Courthouse - Proposed new Comcast ISP Service for WIFI and Cellular Signal Extender

Recommended Action: Staff recommends approval of the proposed conversion of the existing Florida BAR Association 75 Meg IPS / public WIFI service at IRC Courthouse, to the new IRC 250 Meg ISP / public WIFI service, at the greatly discounted rate. Staff recommends the approval of the Florida BAR Associations offered to contribute \$125.00 per month toward the recurring monthly cost for this service for the Courthouse. Staff recommends approval for the Public Works Director to sign the agreement on behalf of the County.

Attachments: [Staff Report](#)
[Proposal-Agreement](#)

Approved staff's recommendation

- 8.N. [18-1965](#) City Of Vero Beach Appointment to TCRPC

Recommended Action: Approve the request from Mayor Howle to approve the appointment of Councilwoman Moss to represent the City of Vero Beach on the Treasure Coast Regional Planning Council.

Attachments: [Commissioner's Memorandum](#)
[TCRPC Appointment Approval Request](#)

Approved staff's recommendation

- 8.O. [18-1974](#) Request for Amended Access Easement to Datapath Tower LLC for former Emergency Services Tower

Recommended Action: Staff recommends that the Board approve the easements to Datapath Towers, LLC and authorize the Chairman to execute the easements on behalf of the Board.

Attachments: [Staff Report](#)
[Exhibit A Utility Equipment Easement](#)
[Exhibit B Special Warranty Deed for guy wires](#)
[Exhibit C New Access and Parking-Turnaround Easement](#)
[Exhibit D Utility Easement](#)

Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

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

- 10.A.1. [18-1867](#) Request by David J. Haeseler, Eve D. Haeseler, Nancy Ellen Casey, Trustee, Florida Academy of Impairment Ratings, Inc., and Kashi Church Foundation, Inc. for the Abandonment of Two Twenty Foot Wide Roadway Easements Over Lots 1, 2, 3, and 4, POD G Village of Kashi PD [ROW-18-02-02 / 2008110007-80637] (Legislative)

Recommended Action: Based on the analysis, staff recommends that the Board of County Commissioners abandon its rights as described in the resolution and authorize the Chairman to execute the abandonment resolution.

Attachments: [Staff Report](#)
[Application with Cover Letter](#)
[Location Map](#)
[Page 3 & 6 of the Village of Kashi Phase 1A Plat](#)
[Abandonment Resolution](#)

Chief of Current Development, John McCoy, detailed the history of the roadway easement for Lots 1-4 of the Village of Kashi, POD "G", through his PowerPoint Presentation. He explained that the owners of the four (4) affected lots were requesting that the County abandon right-of-way easements in order to clear title.

The Chairman opened the Public Hearing.

Charles McKinnon, Attorney with McKinnon and Hamilton, PLLC., appeared on behalf of the petitioners and made himself available for questions.

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

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to approve: 1) staff's recommendation; and 2) Resolution 2018-055, providing for the closing, abandonment, vacation and discontinuance of a 40' roadway easement lying 20 feet on either side of the common line between Lots 57 and 78 and the common line between Lots 56 and 79, section 28, Fleming Grant according to the plat thereof, recorded in Plat Book 1, page 175, Public Records of Brevard (now Indian River) County Florida, lying within Lots 1 through 4, POD "G", Village of Kashi, PD, Phase 1A according to the plat thereof, as recorded in Plat Book 23, pages 100 through 106, of the Public Records of Indian River County, as described herein; said abandonment subject to retaining a drainage easement. The motion carried by the following vote:

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

10.A.2. [18-1954](#)

Henry Collier and William Anderson's Request for Abandonment of a Portion of 4th Street SW within the Waldo's Way Subdivision [ROWA-18-01-01 / 93090035-80435] (Legislative)

Recommended Action: Based on the analysis provided in staff's report, staff recommends that the Board abandon its rights to the subject right-of-way and authorize the chairman to execute the proposed abandonment resolution, with the following conditions, as addressed in the proposed abandonment resolution: 1. A 25 foot wide drainage and utility easement shall be retained along the west end of the subject right-of-way. 2. A 25 foot wide drainage and utility easement shall be retained along the north end of the subject right-of-way. 3. A 10 foot wide drainage and utility easement shall be retained along the east end of the subject right-of-way.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Aerial](#)
[Abandonment Resolution](#)

John McCoy, Chief of Current Development, used a PowerPoint Presentation to illustrate the location of the right-of-way which had been paved in anticipation of

future development, but was no longer needed. He added that the land would revert back to the property owners while the County would retain drainage and utility easements.

The Board sought and received information regarding the pavement and easements on the right-of-way.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve: 1) staff's recommendation; and 2) Resolution 2018-056 providing for the closing, abandonment, vacation and discontinuance of the portion of 4th Street SW right-of-way lying west of 39th Court SW, south of Lot 15, Block A, and North of Lot 1, Block B of the Waldo's Way Subdivision as shown in Plat Book 13, Page 11 of the Public Records of Indian River County, as described herein; said abandonment subject to retaining several drainage and utility easements. The motion carried by the following vote:

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

10.A.3. [18-1959](#)

First Public Hearing to Consider Applying for a Community Development Block Grant and Request for Authorization to Proceed with Consultant Selection Process (Legislative)

Recommended Action: Staff recommends that the Board of County Commissioners: 1. Open the first public hearing and obtain public input regarding the county's economic and community development needs; 2. Provide direction to staff regarding pursuing new CDBG funding; and 3. Authorize the Community Development Director to issue an RFP to hire a consultant to administer the grant if the grant is awarded.

Attachments: [Staff Report](#)
[IRC CDBG Applications 1995-2017](#)
[Potential options by CDBG category](#)
[FFY 2014 CDBG Awards - Florida DEO](#)

(Clerk's Note: This item was heard following Item 10.A.4. Public Hearing: Amending Indian River Code Creating Chapter 318, Stormwater Discharge (Legislative), and is placed here for continuity.)

Bill Schutt, Senior Economic Development Planner, used a PowerPoint Presentation to summarize his June 12, 2018 Memorandum and provide an overview of the Community Development Block Grant (CDBG) including past projects, the application process, qualifications, and administration procedures. An analysis of the three grant categories (Commercial Revitalization, Housing Rehabilitation, and Neighborhood Revitalization) was presented along with information on a stand-alone category, Economic Development.

Chairman O'Bryan commented on the CDBG record-keeping requirements which can raise costs and deter bids. Sasan Rohani, Chief of Long Range Planning, confirmed that the grants were paperwork intensive but worth pursuing if there was a specific need.

The Chairman opened the Public Hearing.

Judy Orcutt, 4665 Pebble Bay South, questioned whether the CDBG could be used for a neighborhood that needs septic to sewer conversions and was advised that the administration costs would be prohibitive.

Julianne Price, Health Department and Chair of the Affordable Housing Advisory Committee, spoke in support of applying for funds under the Housing Rehabilitation category.

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

Mr. Rohani and Mr. Schutt continued the presentation with the recommendation from the Citizen Advisory Task Force Committee which had voted unanimously to recommend pursuing a CDBG in the Housing Rehabilitation category. Staff was instructed to choose a specific project for funding and to present it at the next Public Hearing on July 10, 2018.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to approve staff's recommendations with the direction to pursue a Community Development Block Grant in the Housing Rehabilitation category. The motion carried by the following vote:

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

Mr. Schutt then revisited the requirements for the fourth CDBG category, Economic Development, which could be applied for simultaneously with the Housing Rehabilitation Grant.

Chairman O'Bryan, along with staff, clarified that the CDBG funds could be awarded as a loan or a grant depending on the project. The Chairman made mention of the number of abandoned packing houses in the County which may be candidates for an Economic Development loan.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to authorize staff to solicit a potential applicant for the Economic Development category of the Community Development Block Grant program. The motion carried by the following vote:

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

10.A.4. [18-1968](#) Public Hearing: Amending Indian River Code Creating Chapter 318, Stormwater Discharge (Legislative)

Recommended Action: Staff recommends the Board discuss the proposed ordinance, conduct a public hearing on the amendment to the IRC Code to prohibit illicit discharges into storm sewers and adopt the ordinance amendment with any changes deemed necessary. Staff also recommends the Board approve the resolution amending the schedule of penalties and authorize the chairman to execute the resolution on behalf of the Board.

Attachments: [Staff Report](#)
[Ordinance Amendment to Chapter 318](#)
[Resolution Amending Schedule of Penalties](#)

Deputy County Attorney Bill DeBraul recapped the direction given by the Florida Department of Environmental Protection (DEP) to amend the County code to prohibit illegal discharges into storm sewers. Using a PowerPoint Presentation, Attorney DeBraul defined illegal discharges, illicit connections, and the schedule of fines contained in the proposed Ordinance.

A discussion ensued among the Board and staff regarding fines for unintended discharges into the system. Public Works Director Rich Szpyrka advised that fines were the last resort, but were necessary and required by the DEP.

The Chairman opened the Public Hearing.

Todd Tardif, Senior Stormwater Inspector, addressed the Board in favor of the Ordinance. Mr. Tardif explained that the fines would provide an additional method to gain compliance from code violators, as well as deterring pollution of the County's waterways.

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

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve: 1) staff's recommendations; 2) adopt Ordinance 2018-015 establishing Indian River County Code Chapter 318, adopting regulations for stormwater discharge into public storm drainage systems, providing for codification; providing for severability; and providing for an effective date; and 3) approve Resolution 2018-057 amending the schedule of penalties and notification time frames for code violations set forth in Resolution No. 92-59, as amended by Resolution Nos. 95-62, 2013-089 and 2016-056, to include enforcement of illicit stormwater discharge regulations. The motion carried by the following vote:

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

B. PUBLIC DISCUSSION ITEMS

- 10.B.1. [18-1958](#) Request to Speak from Deirdre King Regarding Failure to Enforce IRC Code

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Speaker was not present

No Action Taken or Required

- 10.B.2. [18-1957](#) Request to Speak from Ken Roberts, Pickleball University, Regarding Dedicated Pickleball Facilities in Indian River County

Recommended Action: No Action Required

Attachments: [Request to Speak Form](#)

Ken Roberts, USA Pickleball Association Ambassador, presented information about the popularity of pickleball in Indian River County. He was seeking the Board's assistance in securing a location in the County for additional Pickleball courts.

The Board received information about the requirements and costs to create additional courts. Chairman O'Bryan advised Mr. Roberts that the Board does not take action on public discussion items, but invited him to meet and discuss the matter further.

Commissioner Flescher suggested using the indoor courts at the Intergenerational Recreation Center, and asked Mr. Roberts for additional information on the cost to convert existing tennis courts to pickleball courts at South County Park.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

- 11.A. [18-1970](#) Resolution Granting Area of Operation Authority for the Escambia County Housing Finance Authority to Issue Multifamily Housing Revenue Bonds to Finance a Project in Indian River County

Recommended Action: Staff recommends that the Board of County Commission adopt the resolution granting area of operation permission to the Escambia County Housing Finance Authority to undertake the financing through multi-family housing revenue bonds for improvements in connection with the Taylor Pointe Apartments Project.

Attachments: [Staff Report](#)
[Proposed Area of Operation Resolution](#)
[Taylor Pointe Application for Tax Exempt Financing](#)

County Administrator Jason Brown provided background on the mortgage programs handled by the Escambia County Housing Finance Authority (the Escambia Authority) within Indian River County. The Escambia Authority received an application requesting the issuance of revenue bonds to finance the acquisition and rehabilitation of the Taylor Pointe Apartments (formerly known as the Lindsey Apartments Phases I & II) in Indian River County. The Escambia Authority is seeking Area of Operation permission from the Board as the first step in their financing of the Taylor Pointe Apartments Improvement Project.

Randy Wilkerson from the Escambia Authority was present to answer any questions from the Board.

Chairman O'Bryan sought and received confirmation from staff that this project would not require any financial commitment, debt, or obligation from Indian River County.

A motion was made by Vice Chairman Solari, seconded by Commissioner Adams, to approve: 1) staff's recommendation; and 2) Resolution 2018-058 approving Indian River County as an Area of Operation for the Escambia County Housing Finance Authority with respect to the financing or refinancing by the Authority of the acquisition, upgrading, reconditioning, rehabilitating, improving and beautifying of a multi-family housing facility located in Indian River County; providing for repeal of conflicting provisions; and providing an effective date. The motion carried by the following vote:

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

12. DEPARTMENTAL MATTERS

Prior to addressing Departmental Matters, Chairman O'Bryan suggested combining all Agenda items regarding Biosolids into one combined discussion.

The Chairman called for a recess at 10:13 a.m., and reconvened the meeting at 10:26 a.m., with all members present.

Vice Chairman Solari opened the Biosolids discussion by providing findings from the Regional Biosolids Symposium. His discussion included a definition of Biosolids, the lack of regulation for Class B Biosolids and reports of increased contamination in Blue Cypress Lake. Currently, Indian River County allows Class B Biosolids from other counties to be spread on farmland that is adjacent to the Blue Cypress Lake. While there is not a proven link to the lake pollution and Biosolids, the Vice Chairman sought to introduce actions that would eliminate Class B Biosolids in Indian River

County. [Clerk's note: The motions regarding Biosolids follow under Item 14.A.1. Study of Biosolids Runoff in Blue Cypress Lake and Item 14.B.1. Blue Cypress Lake and Biosolids.]

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

G. Utilities Services

12.G.1. [18-1971](#) Biosolids Technical Advisory Committee

Recommended Action: Staff is looking for direction from the Board of County Commissioners and recommends nomination of a candidate with extensive knowledge in the subject matter to represent Indian River County.

Attachments: [Staff Report](#)
[Email dated June 12, 2018, from Michael Busha](#)

Director of Utility Services Vincent Burke sought direction in reference to a statewide request from the Florida Department of Environmental Protection (DEP) for nominees to become members of their newly created Biosolids Technical Advisory Committee (TAC).

Vice Chairman Solari expressed interest in being nominated to serve on the TAC, citing his ongoing interest on this issue, and requested that the Board authorize a letter of support from the Chairman on his behalf. Commissioner Adams received clarification that both the nominations and the Board's support are open to a cross-section of experts from our community, as well as other Commissioners; the members of the TAC would be chosen by the DEP.

John Welch, Blue Cypress Lake, addressed the Board and received confirmation

that members of the public could be nominated and could receive a letter of support from the Board.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to: 1) direct the County Administrator to nominate a staff member to be considered for the Biosolids Technical Advisory Committee; and 2) direct the Chairman to issue a letter of support for Vice Chairman Solari and others from the community who wish to submit their name for nomination. The motion carried by the following vote:

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

13. COUNTY ATTORNEY MATTERS

14. COMMISSIONERS MATTERS

A. Commissioner Peter D. O'Bryan, Chairman

14.A.1. [18-1969](#) Study of Biosolid Runoff in Blue Cypress Lake

Recommended Action: Request the Board consider funding a study to sample biosolid runoff in Blue Cypress Lake.

Attachments: [Commissioner's Memorandum](#)

Vice Chairman Solari led by stating the need to coordinate testing efforts from the various agencies concerned with the health of Blue Cypress Lake (the Lake). Chairman O'Bryan reported on his conversation with the Florida Department of Environmental Protection (DEP) and their position that there is not enough data to connect the Lake's increased nutrient levels to the land application of Biosolids. The Chairman would like to introduce testing of specific markers that would shed light on a human connection to the contamination. Because the DEP could not provide a list of markers they would accept as proof of a Biosolids connection, the Chairman suggested tabling the issue until the DEP provides more information.

Vice Chairman Solari suggested directing staff to meet with the DEP and the St. Johns River Water Management District together to clarify what was currently being tested and to use that information to create suggestions for new tests that would conclusively determine a Biosolids link.

Richard Baker, President of the Pelican Island Audubon Society, reported on newly observed algae blooms at the Lake.

Bill Menses, 1943 Tamara Trail, requested disallowing the distribution of Biosolids in our community.

A motion was made by Vice Chairman Solari, seconded by Commissioner Zorc, to direct staff to work with the Florida Department of Environmental

Protection and St. Johns River Water Management District staff on the current testing, and to identify what additional testing is needed to determine the source of pollution in Blue Cypress Lake. The motion carried by the following vote:

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

B. Commissioner Bob Solari, Vice Chairman

14.B.1. [18-1960](#) Blue Cypress Lake and Biosolids

Recommended Action: Discussion

Attachments: [Commissioner's Memorandum](#)

Vice Chairman Solari pointed to the precedent of other Florida communities that have obtained legislative bans on applying Class B Biosolids to land surrounding their water basins. He would like to take steps to eliminate the dumping or applying of Class B Biosolids in Indian River County, and proposed several actions to address the issue.

Chairman O'Bryan addressed each of Vice Chairman Solari's proposed actions individually, starting with the suggestion of declaring a State of Emergency and moratorium on Class B solids.

Fire Chief Tad Stone, Emergency Services Director, provided confirmation that a ban on Class B Biosolids could be achieved legislatively and without a declaration of a State of Emergency.

Miranda Hawker, County Health Department Administrator, spoke regarding the health risks of exposure to blue-green algae, and recommended avoiding contact with it.

A discussion with staff ensued regarding whether a local government could ban Class B Biosolids considering they are not regulated or protected as are Class AA and Class A. Concerns were raised about exposure to lawsuits under the Right-to-Farm Act, and staff was urged to keep working with the Department of Environmental Protection (DEP) while pursuing legislation.

The following members of the community addressed the Board regarding a moratorium on Biosolids:

Bob Bruce, 12396 Highway A1A

Donna Halloran, 925 Greenbriar Avenue

Billy Corrigan, Corrigan Ranch

Judy Orcutt, 4665 Pebble Bay South

Richard Baker, President of the Pelican Island Audubon Society, shared a video of pollution at the Lake

Charles Blank, 21746 73rd Manor, Blue Cypress Lake

John Welch, Blue Cypress Lake, submitted water quality data from LAKEWATCH

Barbara and Don Burr, 21777 73rd Lane, Blue Cypress Lake

Jeannie Middleton, 21704 73rd Manor, Blue Cypress Lake

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to direct staff to draft an Ordinance and to schedule a Public Hearing to consider a moratorium or prohibition on dumping Class B Biosolids in Indian River County. The motion carried by the following vote:

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

Chairman O'Bryan continued the discussion with Vice Chairman Solari's request that the Board authorize staff to prioritize work on Biosolids related issues for the next legislative session, and asked for the Board to authorize any related out-of-county travel for Commissioners and staff.

A motion was made by Vice Chairman Solari, seconded by Chairman O'Bryan, to make Biosolids a legislative priority and to authorize travel for Commissioners and staff to attend any appropriate meetings as necessary. The motion carried by the following vote:

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

Lastly, Vice Chairman Solari spoke about his desire to reach out to all landowners who are utilizing Class B Biosolids, to begin a dialogue on the effects of the practice. He also requested the County Health Department's continuing assistance and recommendations as related to the health impacts of Biosolids.

A motion was made by Vice Chairman Solari, seconded by Commissioner Flescher, to direct staff to: 1) meet with landowners and stakeholders; and 2) work with the Department of Health as related to the Biosolids issue. The motion carried by the following vote:

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

C. Commissioner Susan Adams

14.C.1. [18-1946](#) Indian River Lagoon Master Plan

Recommended Action: For discussion.

Attachments: [Commissioner's Memorandum](#)
[Save Our Indian River Lagoon - 2018 Project Plan Update](#)
[IRC Lagoon Projects](#)

Referencing her June 13, 2018 Memorandum, Commissioner Adams introduced the idea of creating an Indian River Lagoon Master Plan to provide a comprehensive overview of Lagoon-related improvement projects across all agencies and organizations. Commissioner Adams requested \$25,000 set aside from the upcoming budget to create this resource.

Vice Chairman Solari suggested adding a new staff member who would be dedicated to tying together information for the Lagoon Master Plan, as well as tracking water improvement projects in the County. Commissioner Adams and the Vice Chairman suggested follow up discussions to refine the details of the new position.

A motion was made by Commissioner Adams, seconded by Vice Chairman Solari, to add a County staff member whose priority would be the creation of an Indian River Lagoon Master Plan. The motion carried by the following vote:

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

D. Commissioner Joseph E. Flescher

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

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

A. Emergency Services District

15.A.1. [18-1947](#) Approval of Property Lease Extension for Temporary Location of Fire Rescue Station No. 7 (1893 90th Avenue)

Recommended Action: Staff Recommends approval of the second one (1) year lease extension.

Attachments: [Staff Report](#)
[Fire Rescue Station 7 Lease Extension Agreement](#)

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

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

B. Solid Waste Disposal District

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 12:07 p.m.