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**OF APRIL 8, 2008**

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April 8, 2008

**REGULAR MEETING OF THE BOARD OF COUNTY**  
**COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, April 8, 2008. Present were Chairman Sandra L. Bowden, Vice Chairman Wesley S. Davis, Commissioners Joseph E. Flescher, Peter D. O’ Bryan, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman Bowden called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Public Works Director Jim Davis delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Joseph E. Flescher led the Pledge of Allegiance to the Flag.

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

Deletion – Item 10.B.1.

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING APRIL AS CHILD ABUSE PREVENTION MONTH**

Chairman Bowden read and presented the Proclamation to Director of Development Thomas Maher.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 13<sup>TH</sup> – 19<sup>TH</sup>, 2008, AS NATIONAL CRIME VICTIMS’ RIGHTS WEEK**

Vice Chairman Davis read and presented the Proclamation to Shirley Rosemond.

*Clerk’s Note: Chairman Bowden recognized County Administrator Joseph Baird for receiving the Outstanding Achievement Award - Recovery for 2008, at the National Hurricane Conference in Orlando, FL, last week.*

**5.C. PRESENTATION BY MELANIE JONES, KEEP INDIAN RIVER BEAUTIFUL (KIRB) EXECUTIVE DIRECTOR, ON THE COUNTY SWEEPS CHALLENGE/GREAT AMERICAN CLEAN UP AND KIRB RECYCLING AWARDS**

Melanie Jones detailed the specifics of the upcoming annual event, “County Sweeps Challenge” through a PowerPoint Presentation (copy on file).

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF MARCH 4, 2008**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of March 4, 2008. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Minutes of the Regular Meeting of March 4, 2008, as written.

**6.B. IMPACT FEE WORKSHOP, MARCH 6, 2008**

The Chairman asked if there were any corrections or additions to the Minutes of the Impact Fee Workshop of March 6, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Impact Fee Workshop Minutes of March 6, 2008, as written.

**6.C. REGULAR MEETING OF MARCH 11, 2008**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of March 11, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of March 11, 2008, as written.

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

**7.A. 2008 ELECTION OF INDIAN RIVER COUNTY PROFESSIONAL SERVICES  
ADVISORY COMMITTEE (PSAC) CHAIRMAN AND VICE CHAIRMAN**

On March 20, 2008, the Professional Services Advisory Committee elected Mr. Todd Smith as Chairman and Mr. Warren Dill as Vice Chairman of the Indian River County Professional Services Advisory Committee for the year 2008.

**7.B. RESIGNATION AND APPOINTMENT TO THE PARKS AND RECREATION  
COMMITTEE (PRC)**

On March 6, 2008, the City of Fellsmere Council appointed Mr. Bryce L. Harris, Fellsmere Youth Recreation Coordinator, to serve as their representative to Indian River County Parks and Recreation Committee, replacing Mrs. Sara Savage.

**7.C. RESIGNATION OF JUDGE APPOINTEE TO THE CHILDREN'S SERVICES  
ADVISORY COMMITTEE**

Judge Paul Kanarek, Ex-Officio voting member of the Children's Services Advisory Committee, resigned due to a change in his court schedule.

**7.D. 2008 ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE MPOCAC**

On April 1, 2008, the members of the Joint MPO Citizens Advisory Committee (CAC) and MPO Bicycle Advisory Committee (BAC), re-elected Ms. Juliana Young as Chairman, and Mr. Robert Johnson as Vice Chairman of the MPOCAC for the year 2008.

**7.E. 2008 ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE MPOBAC**

On April 1, 2008, the members of the Joint MPO Bicycle Advisory Committee (BAC) and MPO Citizens Advisory Committee (CAC), re-elected Ms. Libby Harrow as Chairman, and Mr. Terry Goff as Vice Chairman of the MPOBAC for the year 2008.

**7.F. RETIREMENT AWARD HONORING CAPTAIN GERALD RESCH ON HIS RETIREMENT FROM INDIAN RIVER COUNTY FIRE RESCUE**

The award honoring Captain Gerald Resch was noted for the record.

**8. CONSENT AGENDA**

Commissioner O'Bryan pulled items 8.J. and 8.AA. for discussion.  
Administrator Baird pulled items 8.N., 8.R., and 8.S. for discussion.  
County Attorney Collins pulled item 8.LL. for discussion.

ON MOTION by Vice Chairman Davis, SECONDED by  
Commissioner Flescher the Board unanimously approved  
the Consent Agenda, as amended.

**8.A. APPROVAL OF WARRANTS – MARCH 07, 2008 THRU MARCH 13, 2008**

ON MOTION by Vice Chairman Davis, SECONDED by  
Commissioner Flescher the Board unanimously approved  
the list of Warrants as issued by the Clerk to the Board for  
the time period of March 7, 2008 to March 13, 2008, as  
requested.

**8.B. APPROVAL OF WARRANTS – MARCH 14, 2008 THRU MARCH 20, 2008**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of March 14, 2008 to March 20, 2008, as requested.

**8.C. APPROVAL OF WARRANTS – MARCH 21, 2008 THRU MARCH 27, 2008**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for March 21, 2008 thru March 27, 2008, as requested.

**8.D. CORRECTIVE DEED OF THE MOUNT ZION BAPTIST CHURCH PROPERTY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to execute the Corrective Deed, as recommended in the memorandum of March 18, 2008.

CORRECTIVE COUNTY DEED ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.E. PERMISSION TO ADVERTISE FOR PROPOSED PROPERTY EXCHANGE  
WITH KEN MCKELLAR – 31<sup>ST</sup> AVENUE R/W**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized staff to proceed with the required advertisements for the property exchange, as requested in the memorandum of March 19, 2008.

**8.F. RESOLUTION CANCELING TAXES ON PROPERTY ACQUIRED BY THE CITY  
OF FELLSMERE FOR WELL SITE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-039**, cancelling certain taxes upon publicly owned lands, pursuant to section 196.28, Florida Statutes.  
(Sonrise Villas II, LLC to City of Fellsmere)

**8.G. APPROVAL OF REQUEST FOR PROPOSAL (RFP) 2008048**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Children's Services Advisory Committee (CSAC) the use of the RFP and documents; and directed staff to proceed with the advertising of the proposed Request for Proposal 2008048, as recommended in the memorandum of March 27, 2008.

**8.H. RIGHT-OF-WAY ACQUISITION UNITED CHURCH OF SEBASTIAN, 1251 SEBASTIAN BOULEVARD, SEBASTIAN, FL 32958**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative No. 1 the \$720.00 purchase, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of March 17, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.I. RESIGNATION AND APPOINTMENT TO THE HISTORIC RESOURCES ADVISORY COMMITTEE (HRAC)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the removal of Dr. Kyle Gibson from HRAC and the appointment of Mr. Ardra Rigby to fill the Citizen-at-Large position, with his term expiring in 2010, as recommended in the memorandum of March 27, 2008.

**8.J. CONSTRUCTION CONTINGENCY FOR THE MAIN RELIEF CANAL POLLUTION CONTROL SYSTEM AND CHANGE ORDER NO. 7 – PROJECT 0113**

Commissioner O'Bryan voiced concern because after the original design had been signed off, approved, and permitted, the Indian River Farms Water Control District (IRFWCD), requested a design change. For this reason, he felt that Indian River Farms should be responsible for paying the additional \$41,000.00 to implement the design change, not the County taxpayers.



Public Works Director Jim Davis informed the Board that this project had been a joint venture between the County and the Water Control District, and explained how, as the construction progressed, there were minor “tweak issues” from both sides. He clarified that anytime the County works in the IRFWCD canal system, we pay the cost, regardless of whether it is before or after the permit is issued. He emphasized that some of the contingencies were previously approved by the Board, and pointed out that most of the monies had been funded by numerous grants, not local tax revenues.

MOTION WAS MADE by Commissioner O’Bryan,  
SECONDED by Commissioner Wheeler, to approve staff’s  
recommendation.

Under discussion, Commissioner Wheeler recommended there be an open house after the project is completed so people could see how this system operates, and how much trash is removed from the canal in order to keep the river clean.

County Administrator Baird clarified that operating costs are also affiliated with the dollar figure, and mentioned that the facility would have a huge operating cost since staff would be required to maintain it.

There was a CONSENSUS to have an open house after the project is completed.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved: (1) Change Order amounts totaling \$151,393.59; of this \$110,391.00 (\$70,735 and \$39,656) will be added to the project’s construction contingency fund to replace an equal amount

already expended to comply with some of the IRFWCD requests; the remaining \$41,002.59 will be used in a change order to Lucas Marine Construction, LLC, to construct the headwall and sheet pile retaining wall system required by IRFWCD; and (2) Authorized the Chairman to sign said change order, as recommended in the memorandum of March 27, 2008.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.K. WAL-MART STORE EAST L.P.'S REQUEST FOR FINAL PLAT APPROVAL FOR A REPLAT OF AND AN ADDITION TO THE SAM'S CLUB AT VERO BEACH COMMERCIAL PLANNED DEVELOPMENT**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously granted final plat approval for the replat of and an addition to the Sam's Club at Vero Beach Commercial Planned Development, as recommended in the memorandum of March 17, 2008.

**8.L. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT WITH  
KIMLEY-HORN ASSOCIATES, INC. FOR INTERSECTION IMPROVEMENTS AT 66<sup>TH</sup>  
AVENUE AND CR510 AMENDMENT No. 4**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 4 with Kimley-Horn and Associates for lump sum fee of \$245,492.50 and hourly not to exceed amount of \$23,200.00 totaling \$268,692.50, as recommended in the memorandum of March 14, 2008.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.M. WORK ORDER No. 5 (ENGINEERING/SURVEYING) MASTELLER, MOLER,  
REED AND TAYLOR, INC. CR512 PHASE IV ROADWAY IMPROVEMENTS POND A  
(RETENTION AREA) BOUNDARY SURVEY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 5, authorizing the project as outlined in the Scope of Services, and authorized the Chairman to execute same, as recommended in the memorandum of March 28, 2008.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.N. PROVIDING GEOTECHNICAL SERVICES FOR OSLO ROAD AND OSLO ROAD BOAT RAMP IMPROVEMENTS, DUNKELBERGER ENGINEERING & TESTING, INC. WORK ORDER NO. 3, IRC PROJECT # 0381**

Public Works Director Jim Davis recapped his memorandum of March 28, 2008, and updated the Board on this matter. He acknowledged that in addition to replacing the boat ramp at the east end of Oslo Road, the project would consist of paving 2,000+ feet of Oslo Road, and adding paved parking. He told the Board that the public has objected to filling-in the ditch (because of the small fish that breed in it), that they do not want the road paved, and that they wanted the parking spaces for boat trailers scaled back to ten or twelve. He said that staff met with the Corp. of Engineers and they said that if we want a permit by September, (which is the grant deadline for when permits need to be issued) it would be an uphill battle, and that we would not get the permit by September if we leave the project as is. He asked the Board for direction.

Vice Chairman Davis said he would like public access to the river through an adequate boat ramp, and that the existing ramp is not safe. He did not feel that the road needed to be paved, and suggested removing the “NO PARKING” signs so that people could park along the road.

Commissioner O’Bryan requested Director Davis to show the aerial of the eastern part of the property so he could reflect on the high ground that consists of mainly exotics. He thought it could be cleared and expanded for up to seven boat trailer spots, which he felt would minimize the wetland impact, and hopefully allow for the permit to be issued.

Discussion ensued between Director Davis and the Board regarding permitting, the one-half acre minimum threshold, and reducing wetland impacts.

Director Davis felt that it would be favorably reviewed by the permitting agencies, and that the County get the permit by the end of August.

Vice Chairman Davis said he had noticed the mangroves needed to be cut back for easier boat launching, and recommended the regulatory agencies be contacted for permission to do so.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order No. 3, authorizing the professional services of Dunkelberger Engineering and Testing, Inc., as outlined in the Scope of Services, excluding paving the road, and authorized the Chairman to execute said Work Order, for a fee not-to-exceed \$12,489.50.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.O. CR 512, PHASE III, CR 510 – PROJECT #9611 & 0001 GEOTECHNICAL SERVICES WORK ORDER #1 – RELEASE OF RETAINAGE DUNKELBERGER ENGINEERING & TESTING, INC.**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved release of retainage to Dunkelberger Engineering & Testing Inc. in the amount of \$9,067.25 for Work Order #1, with funding as specified, and as recommended in the memorandum of April 1, 2008.

**8.P. AMENDMENT NO. 8 TO THE PROFESSIONAL SERVICES AGREEMENT  
WITH CARTER ASSOCIATES, INC. 55<sup>TH</sup> 66<sup>TH</sup> AVENUE PAVING IMPROVEMENTS (4<sup>TH</sup>  
STREET TO SR 60) IRC PROJECT NO. 9810**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 8 for engineering services by Carter Associates, Inc. for the total amount of \$28,460.00, with funding as specified, and as recommended in the memorandum of March 25, 2008.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.Q. PROFESSIONAL ENGINEERING SERVICES FOR COMPLETION OF EAGLE  
TRACE SUBDIVISION – PHASE 2**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Professional Civil Engineering Services Agreement to W.F. McCain & Associates, Inc. for a contract “Not to Exceed” amount of \$13,500.00 for engineering services, and \$3,000.00 for survey services, for a total of \$16,500.00, as recommended in the memorandum of March 26, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.R. OSLO ROAD BOAT RAMP, IRC PROJECT NO. 0381, GK ENVIRONMENTAL, INC. SERVICES, ARCHAEOLOGICAL AND HISTORICAL SURVEY**

A second archeological survey was performed at the Spoonbill Marsh site, and Director Jim Davis noted that staff had not heard back from the first vendor. Staff requested this item be postponed.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously agreed to postpone this item until the April 15, 2008 BCC meeting, pending an additional price quote.

**8.S. FLORIDA INLAND NAVIGATION DISTRICT 2008-2009 WATERWAYS ASSISTANCE PROGRAM AUTHORIZING RESOLUTION FOR THE OSLO ROAD BOAT RAMP**

Director Jim Davis informed the Board that this Resolution is to be filed with the FIND grant, and that it updates an earlier Resolution.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-040**, for assistance under the Florida Inland Navigation District Waterways Assistance Program.

Vice Chairman Davis requested that Director Davis obtain the required permits for maintaining the shoulder, and cutting back the shrubs that grow into the parkway areas.

**8.T. RELEASE OF DEMOLITION LIEN**

ON MOTION by Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Release of Lien, for recording in the Public Records of Indian River County, Florida, as recommended in the memorandum of March 31, 2008. (Lyman L. Bass, Jr.)

RELEASE OF LIEN ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.U. MEDIATED SETTLEMENT, THOMAS ROYAL**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved settlement in the amount of \$95,000.00 to Mr. Thomas Royal; guideline attorney's fee and costs of approximately \$21,650.00, and purchase of an annuity for approximately \$67,400.00 to fund the \$104,250.14 Medicare Set-Aside required for his future medical care, as recommended in the memorandum of March 24, 2008. (Workers' Compensation Claim)



**8.V. PERMISSION TO ADVERTISE FOR AMENDMENT TO STATE ROAD 60  
INTEREST SHARE FEE ORDINANCE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized staff to proceed with the required advertisements for the ordinance amendment, as recommended in the memorandum of March 19, 2008.

**8.W. ALDEA OF FELLSMERE DEVELOPER'S AGREEMENT FOR DEVELOPER  
CONTRIBUTIONS TO INTERSECTION IMPROVEMENTS AT CR 512 AND ALDEA PROJECT  
ENTRANCE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative No. 1, the Aldea of Fellsmere Developer's Agreement, as recommended in the memorandum of March 13, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.X. FINAL PAYMENT – ECOLOGICAL ASSOCIATES INC. CONTRACT  
AMENDMENT NO. 4**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the final payment on Contract Amendment No. 4 to the Agreement with Ecological Associates, Inc., as recommended in the memorandum of March 31, 2008. NFWF Grant Agreement 2006-0114-005 provides 100% funding on a cost reimbursement basis.

**8.Y. GREAT LAKES DREDGE AND DOCK COMPANY FINAL PAYMENT AND  
RETAINAGE RELEASE, SECTORS 1 & 2 BEACH RESTORATION**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the final payment application to Great Lakes Dredge and Dock Company for sectors 1 and 2 beach restoration, as recommended in the memorandum of March 28, 2008. This work is subject to cost sharing with the Federal Emergency Management Agency under PW#458 at a 95% level.

**8.Z. RIGHT-OF-WAY ACQUISITION, GRACE BAPTIST CHURCH OF VERO BEACH, INC., 1285 43<sup>RD</sup> AVENUE, VERO BEACH**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative No. 1, the \$1,275.00 purchase, and authorized the Chairman to execute the Agreement with Grace Baptist Church of Vero Beach, Inc., as recommended in the memorandum of March 25, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.AA. RELEASE OF RETAINAGE (\$25,635.00) TO SUMMERLIN'S MARINE CONSTRUCTION, LLC FOR CONSTRUCTION OF THE BOARDWALKS AT THE NORTH SEBASTIAN CONSERVATION AREA, PER BID #2007035**

Commissioner O'Bryan announced that he pulled this item as an opportunity to recognize Roland DeBlois and Beth Powell for a job well done.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the full release of the retainage, in the amount of \$25,635.00, payable to Summerlin's Marine Construction, LLC, as recommended in the memorandum of March 31, 2008.

**8.BB. RELEASE OF RETAINAGE – EDLUND, DRITENBAS, BINKLEY ARCHITECTS & ASSOCIATES, P.A., DESIGN CONTRACT FOR THE PARKS MAINTENANCE COMPLEX**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the retainage release request in the amount of \$4,769.04, as recommended in the memorandum of March 26, 2008.

**8.CC. RELEASE OF FINAL PAYMENT – CROSS ENVIRONMENTAL SERVICES**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved final payment to Cross Environmental Services, in the amount of \$50,511.10, as recommended in the memorandum of March 31, 2008.

**8.DD. APPROVAL OF BID AWARD FOR IRC BID NO. 2008031, ANNUAL BID FOR TRAFFIC SIGNAL WIRE AND HARDWARE, PUBLIC WORKS DEPARTMENT / TRAFFIC ENGINEERING DIVISION**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously:

(1) Awarded bid items 1 through 13, and 29 through 30, to **Rainbow Distributors, USA, Inc.** (Lake Mary, FL), the lowest most responsive and responsible bidder on these items; (see next page for continuance of motion)

- (2) Awarded bid items 14 through 28 to **American Wire Group** (Hallandale, FL), the lowest most responsive and responsible bidder on these items;
- (3) Authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period of April 2008 through September 30, 2008 with the recommended bidders; and
- (4) Authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual bid is in the best interest of Indian River County, all as recommended in the memorandum of March 12, 2008. Staff recommended awarding this bid as a dual award since no individual bidder submitted a bid that included all items. The two lowest total bids only included a limited number of items. This method provided the additional cost savings to the County as opposed to awarding to a single vendor.

**8.EE. INDIAN RIVER COUNTY APPOINTMENTS TO THE ECONOMIC OPPORTUNITIES COUNCIL (EOC)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously appointed Mr. Jose Gerardo Martinez, to be seated as the third public sector representative to the EOC, replacing Mr. Jerry Morgan, deceased, whose term expires in 2009, as requested in the memorandum of March 26, 2008.

**8.FF. APPROVAL OF APPLICATION NO. 4 – FINAL FOR UTILITIES LABOR CONTRACTOR UNDERGROUND UTILITIES, INC. FOR CONSTRUCTION OF FIRE HYDRANT REPLACEMENTS AT THE VISTA VILLAS, VISTA GARDENS, GRAND ROYAL AMD AND VISTA VILLAS CONDOMINIUMS – UCP 3021**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the total project amount of \$107,764.80, and authorized the payment of Application No. 4 – Final to Underground Utilities, Inc. for \$5,388.24, as recommended in the memorandum of March 18, 2008.

**8.GG. FINAL PAYMENT TO CARTER ASSOCIATES, INC. FOR SURVEY SERVICES FOR SAN SEBASTIAN SPRINGS WATER ASSESSMENT PROJECT – UCP 3014, WIP No. 473-169000-08502**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Final Invoice dated March 7, 2008 from Carter Associates, Inc. in the amount of \$24,400.00 for the survey services, as recommended in the memorandum of March 20, 2008. The final payment of \$24,400.00 will complete the County's obligation to Carter Associates, Inc.

**8.HH. MASTER IN-LINE PUMP STATION AT 1550 9<sup>TH</sup> STREET SW, UCP No. 2628, WIP NUMBER 472-169000-06531, APPROVAL OF CHANGE ORDER No. 2, APPROVAL OF FINAL PAYMENT TO CONTRACTOR, TLC DIVERSIFIED, INC. OF PALMETTO, FL, AND RELEASE OF RETAINAGE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 2 for \$3,950.00; approved the total amount of the project as \$1,520,909.27; and approved Application for Payment No. 11 – Final as final payment to TLC Diversified, Inc. of Palmetto, FL, in the amount of \$186,921.92 as final payment, as recommended in the memorandum of March 13, 2008. The final payment will

release the retainage and complete the County's obligation to TLC Diversified, Inc. of Palmetto, FL.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.II. PARTIAL RELEASE OF RETAINAGE – WORK ORDER #4, COASTAL TECHNOLOGY CORPORATION INC., SECTOR 3 BEACH RESTORATION**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 4, the partial retainage release to Coastal Technology Corporation, Inc., in the amount of \$13,761.52, as recommended in the memorandum of March 18, 2008. The work contained in the Work Order is subject to 50% cost sharing with the Florida Department of Environmental Protection under Grant Agreement 03IR1.

**8.JJ. WORK ORDER NO. 3 (ENGINEERING/SURVEYING), KIMLEY-HORN AND ASSOCIATES, INC. FINAL PAY AND RELEASE OF RETAINAGE, KROEGEL HOMESTEAD SUBDIVISION/COUNTY PRESERVATION LAND, BOUNDARY/SPECIFIC PURPOSE SURVEY AND RIPARIAN RIGHTS STUDY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Invoice Number 3371150, dated March 7, 2008, for final payment and release of retainage to Kimley-Horn and Associates, Inc., in the amount of



\$8,719.75, for Work Order No. 3, with funding as specified, and as recommended in the memorandum of March 25, 2008.

**8.KK. GIFFORD HEALTH CENTER – GRADING, PAVING, DRAINAGE & BUS SHELTER IMPROVEMENTS – IRC BID NUMBER 2007027, FINAL PAY & RELEASE OF RETAINAGE FOR L.H. TANNER CONSTRUCTION CORP.**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the final payment and release of retainage per L.H. Tanner Construction Corporation's Application for Payment No. 4, dated February 6, 2008, in the amount of \$20,767.52, as recommended in the memorandum of March 25, 2008.

**8.LL. ACQUISITION OF RIGHT-OF-WAY ALONG 66<sup>TH</sup> AVENUE**

Deputy County Attorney William DeBaal asked for this item to be pulled from the Consent Agenda, to request payment of an additional engineering bill that had been received in the amount of \$2,047.50, to Morris Engineering.

Concerns were expressed by the Board regarding impact fees, and whether it would be beneficial to work with an attorney. Although this would mean additional costs, Attorney DeBaal believed it was a compromise that could shorten the process.

Chairman Bowden wanted clarification of the paid attorney fees, and mentioned that it might be time to review it again.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Contract for purchase of the Banack parcel, as recommended in the memorandum of April 2, 2008.

*Clerk's Note: There was no Board action regarding the expenditure of \$2,047.50 to Morris Engineering, as requested by Attorney DeBraul.*

**8.MM. GH VERO BEACH DEVELOPMENT INC'S REQUEST FOR A REPLAT OF A PORTION OF THE FALLS AT GRAND HARBOR TO BE KNOWN AS GRAND HARBOR PLAT #30**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously granted final plat approval for Grand Harbor Plat #30, as recommended in the memorandum of March 24, 2008.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**9.A. ROY RAYMOND, INDIAN RIVER COUNTY SHERIFF**

**9.A.1. BUDGET AMENDMENT**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the Sheriff's request to use proceeds from the public auction of surplus property and vehicles to acquire new like-kind property, as requested in the letter dated March 24, 2008.

**9.A.2. DEPARTMENT OF TRANSPORTATION GRANT ASSISTANCE - AGGRESSIVE DRIVER PROGRAM**

Commissioner O'Bryan objected to a portion of the letter from Sheriff Raymond, dated March 24, 2008, where it stated that, "Due to the fact that there are no Board of County Commissioners meetings before this application's due date, the application will be forwarded to the Florida Department of Transportation." He emphasized that the date on the application was February 20<sup>th</sup>, and that there were three meetings in March where the Sheriff could have brought this to the Board.

**Kim Poole**, Planner for the Indian River County Sheriff's office, said that the date on the application was incorrect. She explained that the application was not completed until March 20<sup>th</sup>, and since there were no meetings after that, it was forwarded to the Florida Department of Transportation. She took full responsibility and acknowledged that the corrected application now reflects the proper date.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Sheriff's Office to request grant dollars from the Florida Department of Transportation to assist their Aggressive Driver Program, as requested in the letter dated March 24, 2008.

**9.A.3. U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE**  
**BULLETPROOF VEST PARTNERSHIP PROGRAM**

The Board voiced concerns over matching funds from the Sheriff's budget, and why the bulletproof vests had not been budgeted.

**Harry Hall**, Comptroller of the Sheriff's Department, explained that the vests were not considered capital items, and that they were accounted for in the expense budget, along with the uniforms. He said he would provide the Board with additional information.

Discussion ensued regarding responsibility issues, the number of vests to be purchased, and the five year replacement program.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Sheriff's office request to grant dollars for the purchase of 20 replacement bulletproof vests through the U.S. Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program, as requested in the letter dated March 26, 2008.

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING**

**10.A.1. KGP, LLC'S REQUEST TO REZONE ±1.57 ACRES FROM IG TO CG**  
**(QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Community Development Director Robert Keating used a PowerPoint presentation (copy on file) to recap his memorandum, dated March 17, 2008. He explained that the purpose of the rezoning was to develop the subject property with retail and office uses.

The Chairman opened the public hearing; there were no speakers and the Chairman closed the public hearing.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance 2008-007**, amending the Zoning Ordinance and the accompanying zoning map for ±1.57 acres located approximately 580 feet west of U.S. 1 and approximately 130 feet south of 13<sup>th</sup> Lane, from IG, General Industrial District, to CG, General Commercial District; and providing codification, severability, and effective date.

**10.A.2. ETAYEM, LLC'S REQUEST TO REZONE ± 1.23 ACRES FROM CN TO CL**  
**(QUASI-JUDICIAL)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Community Development Director Robert Keating used a PowerPoint presentation (copy on file) to review his memorandum, dated March 17, 2008. He explained that the purpose of this request is to secure the necessary zoning to develop the subject property with uses permitted in the Limited Commercial District (CL).

The Chairman opened the public hearing; there were no speakers and the Chairman closed the public hearing.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance 2008-008**, amending the Zoning Ordinance and the accompanying Zoning Map for ± 1.23 acres located at the northwest corner of 25<sup>th</sup> Street, Southwest and 27<sup>th</sup> Avenue S.W., from CN, Neighborhood Commercial District, to CL, Limited Commercial District; and providing codification, severability, and effective date.

**10.A.3. CONSIDERATION OF THE ASSIGNMENT, SETTLEMENT AND COVENANT AGREEMENT BETWEEN THE COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; APPROVAL OF USING ENVIRONMENTAL BOND FUNDS TO PURCHASE REAL PROPERTY INTEREST IN THE CORRIGAN 458.71 ACRES AND THE SAND LAKES TRACT**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

Through a PowerPoint presentation, Assistant County Attorney George Glenn recapped the information contained in his memorandum, dated April 2, 2008. He displayed aerials of the two properties, and reported that for \$3,204,670.00 the County would be able to obtain the following:

- (1) The conservation easement in 457.81 acres of valuable conservation land;
- (2) An undivided 18.23% fee ownership in 1,256 acres of valuable conservation land;
- (3) A commitment from St. Johns River Water Management District to provide access and passive recreation to the public; and
- (4) A settlement of ongoing litigation between the County and St. Johns River Water Management District.

In response to Commissioner Wheeler's queries, Attorney Glenn explained the advantages of taking the 460 acre parcel for a conservation easement, and acknowledged that he did not foresee any management or liability responsibilities. Even though Commissioner Wheeler did not agree with the advantages, he supported a third party conservation easement on the 460 (acres) tract.

Commissioners Davis, Flescher, and O'Bryan, voiced their concerns and reservations over the conservation easement, and appraisals.

Attorney Glenn explained the logic between the parent tract value and the stand alone value.

County Attorney Collins provided the appraisal details giving the reasons for the County challenging the sale of the property, and explained the County's main objective. He felt that in order to resolve the District's dispute with the Corrigan's, that both the 1,256± acres of District owned land, known as the Sand Lakes Track, and the 457± acres of land, owned by the Corrigan's, would need to be kept in conservation. He told the Board that both parties would have an ownership interest, and that neither would be able to sell without the other consenting.

Commissioner O'Bryan endorsed the investment and stressed that it would allow for future partnerships with St. Johns River Water Management District.

The Chairman opened the public hearing.

**Fred Mensing**, 7580 129<sup>th</sup> Street, Sebastian, wanted to know if there would be public access to the property, and Attorney Glenn told him that the District would be legally obligated to ensure public access.

**David Cox**, Periwinkle Lane, asked the Board to consider returning the proposal to the Land Acquisition Advisory Committee (LAAC) so they could review it again with more current information. He considered the most appropriate form of appraisal to be the stand alone, and because of the current economic climate, he wanted the Board to "think long and hard" before moving forward.



A lengthy discussion ensued regarding the general flow of water, the back-up of water on the Corrigan's property, LAAC procedures, and the new appraisals.

**Renee Renzi**, Waverly Place, felt this situation was convoluted. She recommended sending the proposal back to the LAAC for further review.

**Robert Christianson**, St. Johns Water Management District, divulged that the District has a contractual obligation to close the transaction with the Corrigans in April. He indicated that the District had come to an agreement with the County in late February and that they had been working to blend their processes, procedures, and timelines with the County. He pointed out that it was their timeline that rushed the process, and requested the Board to not delay the process by sending it back to the LAAC because it would put the District at a disadvantage in honoring their timeline.

**Richard Baker**, Pelican Island Audubon Society and Chairman of the LAAC, expressed the significance of the lands and the importance of maintaining them. He believed the overall deal sounded good and suggested the County buy the 460 acres at the appraised value, and use the remaining money for the Sand Lakes Tract. Doctor Baker did not see the necessity of sending it back to LAAC.

**Robert Christianson** offered a proposal to the Board, which brought the undivided percentage interest to 23.26.

Attorney Collins indicated that the County would get a higher percentage of ownership by increasing the undivided interest from 18 to 23 percent.

**Joseph Paladin** supported the deal and wanted to see a compromise between the County, St. Johns, and staff. He suggested the County keep some of the money and just pay a

percentage of the appraised value. He encouraged the Board to hold some of the money for future land purchases.

Commissioner Wheeler supported Mr. Christianson's proposal; however, he voiced concern over it setting a precedent.

**David Cox** clarified that securing the Sand Lakes Tract in conservation was the main goal, and urged the County to purchase the 460 tract for the appraised value.

**Jens Tripson**, 2525 14<sup>th</sup> Street, urged the Board to purchase the tract of land.

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

ON MOTION by Commissioner Wheeler, SECONDED by Chairman Bowden, the Board unanimously approved the Assignment, Settlement and Covenant Agreement; approved the purchase of the 457.81 acre tract (for appraised value), the Sand Lake Tract for \$2,800,000.00; retained approved retaining a conservation easement on the tract and deed the tract to the District for an 23.29% undivided interest in the Sand Lake Tract; and authorized the Chairman to execute all necessary documents.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

*The Chairman called a recess at 11:26 a.m. and reconvened the meeting at 11:42 a.m. with all members present.*

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM JOSEPH PALADIN, PRESIDENT, BLACK SWAN CONSULTING, REGARDING IMPACT FEES – SHOULD THEY BE RAISED, LOWERED, OR STAY THE SAME**

The Chairman informed the Board that this item was deleted.

**10.B.2. REQUEST TO SPEAK FROM JOE T. WIGGINS REGARDING RIGHT-OF-WAY AND TRAILER**

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

**Joe Wiggins**, 895 11<sup>th</sup> Street SW, wanted to bring two issues before the Board. He said the first item was brought before the Board on July 10, 2007, when Code Enforcement asked him to remove the trailer from the property where his sick mother was living. He emphasized that the other trailers that were supposed to be removed from the property are still there. Mrs. Wiggins reminded the Board that staff was instructed to ensure that everyone would be treated equally, but she did not feel they were. Mr. Wiggins' second issue was in reference to the right-of-way to his property. He stressed concerns that since the current owner had purchased the property he could not get to his, as he did before. He wanted the Board to eradicate this problem.

Attorney DeBraal indicated that he had met with Mr. And Mrs. Wiggins and that they provided a Deed from 1986 showing where the County purchased a 10 to 15 foot strip of property from the prior land owner, Homer Cummings. He specified that it would be time and work intensive to locate this property because the deed recites access to eleven different parcels, but he felt sure the access issue could be resolved. With the Board's permission, he wanted the

County Surveyor to provide the location of this property that is listed in the Deed, since it is owned by the County.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the request to seek assistance from the County Surveyor in locating said property.

Environmental Planning Chief Roland DeBlois provided the Board with a summary of how staff had gone through the code enforcement process of evidentiary hearings, and due notice and evidence, regarding the subject right-of-way..

**10.B.3. REQUEST TO SPEAK FROM FRED MENSING REGARDING PRACTICAL BUDGET**

**CUTS**

*Clerk's Note: This item was heard prior to Item 10.B.2. and is placed here for continuity.*

**Fred Mensing** announced that he would be a candidate for the position of County Commissioner - District 1, and recapped his proposal for cutting costs (copy on file).

NO ACTION REQUIRED OR TAKEN

**10.B.4. REQUEST TO SPEAK FROM FRANK ZORC REGARDING MATCHING FUNDS FOR BOARDWALK AT ST. FRANCIS MANOR**

*Clerk's Note: This item was heard following Item 10.B.5. and is placed here for continuity.*

**Frank Zorc** summarized the outcome from the December 18, 2007 Board meeting, reminding the Commissioners that this issue, building a boardwalk at St. Francis Manor, had been brought forward, and they had voted unanimously to contribute matching funds with the City, not to exceed \$20,000.00, towards the total project cost of \$40,000.00. He informed the Board that Mr. Click would donate \$10,000.00 toward the construction costs, the City would raise \$15,000.00 through fund raisers, and he wanted the County to donate \$15,000.00 (instead of the original motion of \$20,000.00), towards the total cost of \$40,000.00.

Discussion ensued among the Board regarding concerns over cutting the budget, cutting services, the probability of laying people off, and how the boardwalk did not seem as important today as it did three months ago, before the January vote to cut the budget. The Commissioners encouraged fund raisers, and even volunteered their time, but said they could not justify allocating the funds at the present time due to budgetary constraints.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously rescinded the December 18, 2007 motion to contribute funds not to exceed \$20,000.00 towards completion of the boardwalk, contingent upon the City matching said funds.

**10.B.5. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN, GROWTH AWARENESS COMMITTEE, REGARDING MAINTENANCE BONDS**

*Clerk's Note: This item was heard following 10.B.2. and is placed here for continuity.*

**Joseph Paladin** brought this item forward from a prior meeting (April 22, 2008). He wanted to keep the Maintenance Bond as is, but suggested cleaning up the wording to reflect, “any A rated bond.”

Attorney Collins did not think this would be the best direction to pursue and explained the reasons why.

Administrator Baird told how the ratings had dropped, due to the current financial market.

Management and Budget Director Jason Brown discussed the ratings, and suggested adding a number to the letter code. He felt that due to the financial market, the higher ratings would be harder to obtain so he had no objections to relaxing the credit quality down to an A or A-.

Due to the conditions in the financial market, Commissioner Wheeler wanted to see Letters of Credit in lieu of Bonds. He felt this would keep the County informed as to whether the developer is or is not under-capitalized when they start to develop. He felt that during hard times is when things should be tightened up, not relaxed.

**Joseph Paladin** rebutted Commissioner Wheeler’s comments regarding Bonds.

Director Brown suggested using a minimum Bond rating of A-VI.

MOTION WAS MADE by Vice Chairman Davis,  
SECONDED by Commissioner O’Bryan, for discussion, to  
approve the bond rating to A-VI.

Under discussion, Commissioner Wheeler pointed out that the Board had decided in the past to not make decisions “on the fly.” He suggested, since this was under Public Discussion Items, that this be returned to staff, receive backup material, debate it, and vote on it then.

The Chairman CALLED THE QUESTION and the Motion carried 4-1 (Commissioner Wheeler opposed) to approve the bond rating of A-VI.

After a brief debate, it was decided that Attorney Collins would bring an Ordinance Amendment, changing the requirement in the Ordinance from A-VII to A-VI, back to the Board for final action during the first meeting in May.

Chairman Bowden proposed that Commissioner Wheeler bring the subject of not voting on anything that did not have backup material, nor anything that did not include staff’s recommendation, under “his” matters so they could motion, and possibly make it a policy.

**10.C. PUBLIC NOTICE ITEMS - NONE**

**11. COUNTY ADMINISTRATOR’S MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT - NONE**

**12.B. EMERGENCY SERVICES - NONE**

**12.C. GENERAL SERVICES - NONE**

**12.D. HUMAN RESOURCES**

**12.D.1. COLLECTIVE BARGAINING AGREEMENT BETWEEN INDIAN RIVER COUNTY AND IAFF**

Human Resources Director Jim Sexton reported that the collective bargaining agreement between the County and the International Association of Fire Fighters (IAFF), Local 2201, was ratified by their membership on March 21, 2008. He acknowledged that it contained the same information that was discussed at the executive session.

ON MOTION by Commissioner Wheeler, SECONDED by Chairman Bowden, the Board unanimously approved the one year Collective Bargaining Agreement between Indian River County and IAFF, Local 2201, effective October 1, 2007, through September 30, 2008, as recommended in the memorandum of March 27, 2008.

**Joe Earman**, Vice President IAFF Local 2201, voiced his appreciation of this agreement, especially during the time of budget and tax cuts. He told how the aspect of public safety had changed over the years, and requested the Board continue to give public safety a priority.

**Charlie Wilson**, 1936 19<sup>th</sup> Avenue, wanted to know what changes were made to the agreement. Administrator Baird informed him that the changes dealt with the cost of living adjustments (COLA), and Director Sexton gave the details.

Director Jason Brown provided the Board with the total percentages of increase over last year's budget.



**12.D.2. BLUEMEDICARE ADVANTAGE PLAN FOR RETIREES**

**Gregg Kunemund**, Group Retiree Product Manager from Blue Cross Shield, briefed the Board using a PowerPoint presentation (on file) to detail the BlueMedicare Group Retiree plans and products. He spoke about benefit comparisons, Medicare assignments, out-of-network benefits, and reiterated that the plan would be optional for retirees, not mandated.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Chairman Bowden, the Board unanimously approved the offering of the Blue Cross Blue Shield BlueMedicare Advantage Plan to eligible retirees on a voluntary basis, effective June 1, 2008, as recommended in the memorandum of April 2, 2008.

Discussion ensued regarding extra benefits and options to the retirees, eligibility, and the cost savings to the County and employees.

**Loraine Post**, 8308 Deland Avenue, St. Lucie County, voiced concern over her premiums, ambulance transporting, and asked questions relating to Medicare.

Human Resources Director Jim Sexton announced that any questions or concerns should be directed to Ann Rankin in the Human Resources Office. He said that meetings would be offered to the retirees once the directive has been given. He divulged that there will be an open enrollment every year where dependents could be added or removed, or the plan dropped, but emphasized that once the retiree elects the BlueMedicare Advantage Plan, they cannot go back to their existing plan.

The Chairman CALLED THE QUESTION. The Board unanimously approved the offering of the Blue Cross Blue Shield BlueMedicare Advantage Plan to eligible retirees on a voluntary basis, effective June 1, 2008, as recommended in the memorandum of April 2, 2008.

**12.D.3. HEALTH INSURANCE SUBSIDY POLICY FOR RETIREES**

Human Resources Director Jim Sexton recapped his memorandum, dated April 2, 2008, declaring the significant cost savings to the County, should eligible retirees elect to switch to the BlueMedicare Advantage Plan. He explained that due to the exorbitant cost of funding future retiree benefits under the new legislation, employees who retire prior to June 1, 2008 would be “grandfathered” under the current policy, and those employees serving more than 15 years (not eligible for Medicare), would earn a 2% subsidy per year of service, up to 40%, to be used toward the County’s self-insured plan’s premiums. Once the retiree becomes Medicare eligible, the subsidy would cease, and those hired on or after February 1, 2006, would not be eligible for a subsidy. On or after June 1, 2008, employees serving less than 15 years would not be eligible for any subsidy.

Administrator Baird clarified that this was a pilot program

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Bowden, the Board unanimously approved the revised Retiree Health Insurance Subsidy Policy, effective June 1, 2008, as recommended in the memorandum of April 2, 2008.

In response to Vice Chairman Davis's query, Director Sexton affirmed that this would be a policy change by the Board, and that he would meet with the Union Representatives to bargain the impacts at a later date.

*The Chairman called a recess at 1:10 p.m. and reconvened the meeting at 1:24 p.m. with all members present.*

**12.E. HUMAN SERVICES - NONE**

**12.F. LEISURE SERVICES - NONE**

**12.G. OFFICE OF MANAGEMENT AND BUDGET**

**12.G.1. VETERANS COUNCIL OF INDIAN RIVER COUNTY, INC. ANNUAL FINANCIAL AUDIT**

Director of Management and Budget Jason Brown informed the Board that this item was being brought back from last month. He reviewed his memorandum dated April 2, 2008, and asked the Board for direction.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Bowden, the Board unanimously approved Alternative No. 2 to continue funding the Veterans Council as staff felt that funds had been appropriated properly, as recommended in the memorandum of April 2, 2008.

**12.G.2. PROPERTY/CASUALTY INSURANCE RENEWAL 2008-09**

Director Brown summarized his memorandum of April 1, 2008, and requested the Board accept staff's recommendation for increasing loss limits from \$50,000,000 to \$75,000,000.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the renewal of the property/casualty insurance program as proposed by Gallagher, and recommended by staff in the memorandum of April 1, 2008.

There was a brief discussion pertaining to the definitions of hurricanes and tropical storms, and My Safe Florida inspections.

**12.H. RECREATION - NONE**

**12.I. PUBLIC WORKS**

**12.I.1. 16<sup>TH</sup> STREET PAVING BETWEEN 74<sup>TH</sup> AVENUE AND 66<sup>TH</sup> AVENUE – FLEMING RIGHT-OF-WAY**

Through a PowerPoint presentation, Assistant Public Works Director Chris Mora provided background information on the unpaved road project from 16<sup>th</sup> Street between 74<sup>th</sup> Avenue and 66<sup>th</sup> Avenue, furnished roadway design options, and cost comparisons. He also briefed the Board on issues that had been raised by Mrs. Fleming, the property owner to the north of the Indian River Farms Water Control District canal. He recapped the four options in his memorandum and requested the Board provide direction.

**Mrs. Fleming** expressed how her yard is very small, and felt that to give up any of it would be an obstacle. She voiced concern over the appraisals, and she did not think the County should take advantage of a depressed market. She believed the best option for the long term would be Option No. 2, to pipe the canal.

Discussion ensued regarding the huge cost to the County, should piping the canal be an option, the issue of safety, and installing a guardrail.

MOTION WAS MADE by Commissioner Wheeler, to approve Option No. 2 – Pipe Canal: Pipe the 30 foot wide Indian River Farms Water Control District (IRFWCD) canal and relocate the proposed road south of the present design alignment. There was no SECOND. MOTION DIED.

After discussing where the funds would come from, Public Works Director Jim Davis acknowledged that there was a Developer's Agreement with Pointe West, and they would be cost sharing a portion of paving a one mile stretch of the road.

**Ted Robinson**, Indian River Shores, wanted the Board to consider: (1) if this is a reasonable necessity; (2) if this is a legitimate public purpose; (3) if this is the highest and best use of taxpayers' money at this time; (4) if this would benefit all individual and business taxpayers equally, or just a select few; and (5) if the social and economic benefits of taxpayers would be greater than the cost of the project.

**Chuck Mechling** addressed Mr. Robinson's concerns and initiated a discussion regarding the location of the completed road, piping the canal, and guard rail compliance.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Flescher, to approve Option 4 – Guardrail Canal.

There was a brief discussion regarding the guardrail option and where it would be situated, the speed limit being lowered, piping the canal, the Flemings selling the property, the level of necessity, and eminent domain.

The Chairman CALLED THE QUESTION. The Board unanimously: (1) Authorized the design and construction of 16<sup>th</sup> Street to continue in the vicinity of the Fleming property along the alignment of Option 4 – Guardrail Canal: To obtain 14½ feet of right-of-way from the Flemings and relocate the proposed road south of the present design alignment, and install guardrail between the road and the canal; (2) Authorized an updated appraisal for the right-of-way needed from the Flemings for the construction of 16<sup>th</sup> Street in accordance with the chosen design; (3) Approved that a final offer be made to the Flemings for the appraised value of the right-of-way; and (4) Authorized staff to draft a Resolution of Necessity for the Fleming property, as recommended in the memorandum of April 1, 2008.

**Ted Robinson** reemphasized that the Flemings did not wish to sell their property, and asked for legal guidance. Attorney Collins explained Mrs. Fleming’s rights and the law as it applies to Statutory requirements, and Assistant County Administrator Mike Zito detailed the process.

**12.J. UTILITIES SERVICES**

**12.J.1. CONSULTING SERVICES WORK ORDER NO. 12 WITH MASTELLER AND MOLER FOR THE DEVELOPMENT OF A NORTH COUNTY RECLAIMED WATER SYSTEM IMPLEMENTATION PLAN – UCP 2747**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order No. 12 with Masteller and Moler (M&M) in the total amount of \$321,847.00; to provide survey, design, permitting, bidding assistance, construction services; and authorized the Chairman to execute the same, as recommended in the memorandum of March 20, 2008.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**12.J.2. APPROVAL OF BID AWARD FOR IRC BID NO. 2008033, CONSTRUCTION OF SPOONBILL MARSH WETLAND FACILITY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Bid award to Timothy Rose Contracting, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the Agreement; and authorized the Chairman to execute same when required performance and payment bonds have been submitted along with appropriate certificate of

insurance and the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of March 24, 2008.

Commissioner O'Bryan asked if the awarded vendor, Timothy Rose Contracting, was experienced with working in wetland areas.

Utilities Director Erik Olson acknowledged that staff considered the same concern, but after numerous conversations with the vendor regarding the criteria, the vendor said that the project would be handled with "kid gloves." He said that staff would walk it through, and be attentive to it. He also noted that the re-plantings would be accomplished with the assistance of the Marine Resource Council.

### **13. COUNTY ATTORNEY MATTERS**

#### **13.A. ACQUISITION OF WINGS OF JOY PROPERTY FOR 58<sup>TH</sup> AVENUE/STATE ROAD 60 INTERSECTION IMPROVEMENTS**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the purchase of the entire Wings of Joy property, and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate, as recommended in the memorandum of April 2, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD



## **14. COMMISSIONER ITEMS**

**14.A. COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN - NONE**

**14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIR - NONE**

**14.C. COMMISSIONER JOSEPH E. FLESCHER - NONE**

**14.D. COMMISSIONER PETER D. O'BRYAN**

### **14.D.1. CODE ENFORCEMENT ISSUES IN VERO HIGHLANDS**

Commissioner O'Bryan briefly spoke about an on-going problem that relates to recent changes made to Chapter 973. He described how an abandoned house in Vero Beach Highlands had been vacant for over two years, and in October or November of 2007, the Code Enforcement Board levied a \$100.00 per day lien, but the homeowner had not responded. Two months ago a massive fly infestation occurred in the vicinity of this house. Staff, an Entomologist, and the Environmental Health Department went to the house to try to ascertain the source of the fly. Since this house was already under a lien, further notice was not required before the County took action. Commissioner O'Bryan said the Attorney for the Code Enforcement Board differed; her opinion was that additional information was required, and she recommended the case not be heard at the March Code Enforcement Board meeting. Chief DeBlois corrected the problem and said that proper notice would be taken, and the owner would be notified for the upcoming April Code Enforcement Board.

**Florence Howe** told the Board how the Phorid flies invaded her and her neighbors' homes (copy of her letter on file). She pleaded for the Board's immediate action due to public health and safety issues.

Chief DeBlois recalled how the Board had recently gone through the process to update the Public Nuisance Notice Ordinance to allow the County to enter private property and clean it up. He said that the Public Nuisance Notice is now incorporated in all notices. He pointed out that the Code Board needs to make a finding of serious health and safety issues, and that aside from the fly issues, overgrown weeds do not present a serious health/safety issue, but an open, unsecured house does. He stressed that there was no guarantee that cleaning up the house would correct the fly issue.

Vice Chairman Davis expressed that this was why the Ordinance was amended, because Vero Lake Estates had this same problem. He said the residents were being fined, but the Ordinance would not allow the County to go in for abatement, since it is private property.

Discussion ensued regarding extermination processes, the urgency of correcting the situation before future neighborhoods encounter the same problems, legal issues, and fast-tracking this situation to Code Enforcement to start the process.

Vice Chairman Davis concluded the discussions by informing Mrs. Howe that she had the Board's attention, and that they would give staff direction as soon as they feel they have the legal backing to remedy the situation.

**14.E. COMMISSIONER GARY C. WHEELER - NONE**

## **15. SPECIAL DISTRICTS AND BOARDS**

### **15.A. EMERGENCY SERVICES DISTRICT**

The Chairman announced that immediately upon adjournment, the Board would reconvene as the Board of Commissioners of the Emergency Services District. Those Minutes are being prepared separately and appended to this document.

#### **15.A.1 APPROVAL OF MINUTES, MEETING OF FEBRUARY 19, 2008**

#### **15.A.2. TRAINING PARTNERSHIP AGREEMENT BETWEEN INDIAN RIVER COMMUNITY COLLEGE AND INDIAN RIVER COUNTY EMERGENCY SERVICES DISTRICT**

### **15.B. SOLID WASTE DISPOSAL DISTRICT**

The Chairman announced that immediately upon adjournment of the Emergency Services District Meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately and appended to this document.

#### **15.B.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2008040, FURNISH AND INSTALL FENCING AT LANDFILL, SOLID WASTE DISPOSAL DISTRICT**

### **15.C. ENVIRONMENTAL CONTROL BOARD - NONE**

**16. ADJOURNMENT**

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 2:56 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Sandra L. Bowden, Chairman

Minutes Approved: \_\_\_\_\_

BCC/LAA/2008Minutes